HOUSE OF REPRESENTATIVES—*Tuesday, September 14, 1971*

The House met at 12 o'clock noon.

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

Bear ye one another's burdens and so fulfill the law of Christ.—Galatians 6: 2.

O Thou whose love seeks us all our days and whose light follows us all our ways, may we feel Thy presence near as we set out upon the duties of this day. Our strength is unequal to the tasks and the tests of this troubled time. So we bow our heads and our hearts before the altar of prayer, praying that Thy wisdom may make us wise, Thy strength may make us strong, and Thy love may make us loving.

Reveal to us the path of Thy will and give us the insight and the inspiration to walk in it. Then with clear eyes, courageous hearts, and clean hands may we make our decisions and enact our laws always endeavoring to meet the needs of our people.

Bless our beloved Nation and make her a blessing to all mankind, through 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.

THE LATE HONORABLE GEORGE HUDDLESTON, JR.

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

Mr. ANDREWS of Alabama. Mr. Speaker, it is with great sadness that I inform the Members of this body of the death this morning of my good friend and former colleague, the Honorable George Huddleston, Jr.

George Huddleston was an outstanding Member of this body for 10 years, beginning his service with the 84th Congress. He served with singular distinction, and the people of Birmingham and the old Ninth Congressional District of Alabama realized his special abilities and his tireless efforts on their behalf. He served his city, his State, and his Nation well in the U.S. House of Representatives, as did his father, the Honorable George Huddleston, Sr.

It was a pleasure to have served with George Huddleston, Jr. He was a warm and affable person, and his sudden passing early this morning comes as a terrible shock and profound personal loss.

I know that those in this body who knew George Huddleston share this personal grief.

Alabama and the Nation have lost one of their truly outstanding statesmen.

My wife and I extend our deepest sympathy to his dear wife, Alice Jeanne, and his fine family.

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

Mr. ANDREWS of Alabama. I yield to the distinguished majority leader, the gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Speaker, I was deeply shocked when the distinguished gentleman from Alabama (Mr. ANDREWS) informed me just a few moments ago about the sudden and untimely passing of George Huddleston, Jr. I know that all of us who served here with George join with the distinguished gentleman from Alabama in the beautiful expressions that he has made here with respect to the work of George Huddleston here in the House of Representatives, and his life, his character, the friends he made, his dedication to his State and his country.

One is always at a loss for words to speak adequately in expressing grief at the passing of a friend and former colleague, and that is increasingly true when it happens so suddenly.

Mrs. Boggs joins with me in expressing to Mrs. Huddleston and her family our deepest sympathy.

Mr. ANDREWS of Alabama. Mr. Speaker, I thank our distinguished majority leader.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I am happy to yield to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I thank the distinguished gentleman from Alabama for yielding to me.

Mr. Speaker, I believe that I speak for all of the Members on our side of the aisle in saying that we share the sentiments expressed by the gentleman from Alabama (Mr. ANDREWS) and the gentleman from Louisiana (Mr. BOGGS) concerning George Huddleston, Jr. He was a friend of all of us. He did an outstanding job as a legislator, and it certainly was a shock to me to learn of his passing.

I extend to his family our deepest condolences, and I can say without reservation that George Huddleston, Jr., has left a fine record, together with many friends in the House of Representatives.

Mr. ANDREWS of Alabama. I thank the distinguished minority leader.

Mr. Speaker, I would like to express the profound shock and sympathy of our former colleague, Laurie Battle, in the loss of George Huddleston.

Mrs. GRIFFITHS. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentlewoman.

Mrs. GRIFFITHS. Mr. Speaker, George Huddleston came to the Congress when I did and along with other members of the 84 Club knew and respected George Huddleston. On behalf of all of them, I would like to extend my sympathy and the sympathy of the rest to the family of George Huddleston.

Mr. ANDREWS of Alabama. I thank the gentlewoman.

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

Mr. ANDREWS of Alabama. I yield to the gentleman.

Mr. BUCHANAN. Mr. Speaker, I thank the dean of the Alabama delegation for yielding. He has spoken for the members of the Alabama delegation and for the people of the city of Birmingham which it is now my privilege to represent.

The shock and sadness on the passing of this distinguished son of our city will be felt by many of its citizens, and I thank the dean of our delegation for his remarks.

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

Mr. ANDREWS of Alabama. I yield to the gentleman.

Mr. WHITTEN. Mr. Speaker, I want to associate myself with the statements that have been made. I knew George Huddleston well.

He was one of the ablest Members that I have ever served with in the Congress. It was a privilege to serve with him here.

He was an outstanding American and a really great figure both here and back home.

His loss is going to be felt not only by his friends here, but by all of the people of Alabama and in the country. To his family I extend my deepest sympathy.

Mr. ANDREWS of Alabama. I thank the distinguished gentleman.

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

Mr. ANDREWS of Alabama. I yield to the gentleman.

Mr. PEPPER. Mr. Speaker, I thank my able friend in the well for yielding to me.

I am very strongly in sympathy with and share the sentiments that have been so eloquently expressed about our late lamented colleague, George Huddleston. I knew him for many years. He was deeply dedicated to the performance of his important public duties. He was a man with a high sense of patriotism and concern for his country and was always diligent in the service of his constituents.

He was a friend whose friendship every one of his many friends cherished.

Mr. Speaker, I join in honoring the memory of our late colleague and in extending deepest sympathy to his bereaved family.

Mr. ANDREWS of Alabama. I thank the distinguished gentleman.

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

Mr. ANDREWS of Alabama. I yield to the gentleman.

Mr. COLMER. Mr. Speaker, I should like to associate myself with the tributes paid here to the memory of our former colleague, George Huddleston, Jr. I had the privilege of serving with his distinguished father in the House of Representatives, who was also a most able legislator and chairman of the House In-

terstate and Foreign Commerce Committee. Of course, I had occasion to associate myself more with George Huddleston, Jr., as he served longer here during my tenure of office.

George was really a very capable young man and his untimely death is a shock to all of us who served with him. He was far above the average in intelligence and he made his mark and his presence felt here during his all-too-brief service in this body.

Mr. Speaker, I would like to express my sympathy to his widow and to the other members of his family. They can always be proud of George's outstanding record in the U.S. House of Representatives and to his country.

Mr. ANDREWS of Alabama. I thank the gentleman from Mississippi.

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

Mr. ANDREWS of Alabama. I yield to the gentleman.

Mr. PASSMAN. Mr. Speaker, I thank the distinguished gentleman from Alabama for yielding.

Mr. Speaker, I would like to join with my colleagues in paying tribute to our former late colleague, George Huddleston of Alabama. I knew George intimately. He was a personal friend of mine. I was shocked to learn of his passing and I want to extend my heartfelt sympathy to the members of his family and his friends. We know this world is a better place in which to live for George having lived in it.

Mr. ANDREWS of Alabama. I thank the gentleman.

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

Mr. ANDREWS of Alabama. I yield to my colleague from Alabama.

Mr. BEVILL. I thank the dean of the Alabama delegation for yielding. I would like also to associate myself with the remarks of my colleague, Congressman GEORGE ANDREWS, regarding the passing of Congressman George Huddleston and to express my sympathy to his lovely wife, Alice Jeanne, and family. George was one of my very close friends.

I want to take this opportunity to express my sympathy to his loved ones.

Mr. ANDREWS of Alabama. I thank the gentleman.

Mr. RHODES. Mr. Speaker, I was saddened today to learn of the death of my former colleague, George Huddleston. During the 10 years we served together in the House I came to know him well, and to like and admire him and all he stood for. He was an able man of honesty and integrity who served his country with devotion and loyalty. I have valued our friendship and I will miss him, as will all who had the privilege of knowing him.

Mrs. Rhodes and I extend our heartfelt sympathy to his beloved wife, Alice Jeanne, and their family in their bereavement.

Mr. EDWARDS of Alabama. Mr. Speaker, the untimely death today of former Alabama Congressman George Huddleston, Jr., has created a pall of sorrow which will not easily be forgotten among those who knew and respected him so highly during his tenure in the House of Representatives.

During his time in office, the "fiery redhead from Birmingham," as he came to be known, gained the trust and confidence of all loyal Americans who grew to admire his consistent and zealous support of this Nation's national defense posture. He loved America and as a member of the House Armed Services Committee for 10 years, he fought vigorously to maintain the country's international respect as a strong, tenable bastion of freedom. His work with veterans organizations nationwide, and especially those in his beloved Birmingham, will long be remembered. It was primarily as a result of his efforts in working with Birmingham veterans organizations that the annual Veterans Day observances in Birmingham were established as one of the Nation's most outstanding displays of patriotic commemoration.

Upon his departure from Congress in 1964, Mr. Huddleston moved his family from Potomac, Md., to a peaceful setting of a farm in Middleburg, Va., where, until the time of his passing early today, he commuted to Washington, working as a legal adviser to North American Rockwell Corp.

George Huddleston's tenacity and integrity as a hard-working member of Congress will long be remembered. He was a great American living in a great time.

Mrs. Edwards joins me in extending our deepest sympathy to his lovely wife and family.

Mr. JONES of Alabama. Mr. Speaker, I rise in great sorrow to pay tribute to the memory of our former colleague, George Huddleston, Jr., who passed away earlier today.

Mr. Huddleston was a well-liked member of the Alabama delegation for 10 years. He had the distinction of serving from the same district which had sent his father to Congress years earlier.

However, he did not rely on his father's reputation but established an enviable record on his own as an untiring worker and a friend to all in this Chamber.

He had served with distinction in the Navy during World War II and with that experience was a valuable member of the Armed Services Committee. He was steadfastly loyal to our country and was proud to be a zealous patriot.

George had an open and winning personality which served him well in his public and private life. His genteel deportment and thoughtfulness for others were hallmarks of his character during and after his service in the House. His host of friends in this Chamber and throughout the country will miss him.

To his beloved wife, Alice Jeanne, and his lovely children, I join with his host of friends and companions in extending my deepest sympathy in this their great loss.

Mr. FLOWERS. Mr. Speaker, along with other members of the Alabama delegation and everyone else who knew him, I was greatly saddened to learn this morning of the sudden death of this distinguished Member from our State. Congressman Huddleston served his country with gallantry and devotion during his naval career in World War II. As a member of the Alabama bar before his election to Congress, he was active in professional legal circles. He was elected to the 84th Congress and served here with distinction for many years. His political career carried on a family tradition in that his father, George Huddleston, Sr., also represented Jefferson County in Congress for many years.

I want to express my deepest sympathy to the Congressman's wife, Alice Jeanne, and to their children. In the difficult days ahead, I hope that the high esteem in which George Huddleston was held by so many Members of the House and other friends might serve as a source of comfort.

GENERAL LEAVE TO EXTEND

Mr. ANDREWS of Alabama. 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 passing of George Huddleston, Jr.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

TRANSFER OF MOTIONS TO SUSPEND THE RULES UNDER RULE XXVII IN ORDER ON MONDAY, SEPTEMBER 20 TO MONDAY, SEPTEMBER 27

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that motions to suspend the rules under rule XXVII, in order on Monday, September 20, be transferred to Monday, September 27.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, what was the gentleman's request? I apologize for not hearing it fully.

Mr. BOGGS. I will be happy to restate it. The request, simply stated, is to transfer suspension day from next Monday to the following Monday. The upcoming Monday is a traditional Jewish holiday, and it has been our practice not to conduct such business on that day.

Mr. GROSS. I suppose with the postponement of a week we can look forward to about 35 bills under suspension?

Mr. BOGGS. I would not suspect that there would be that many.

Mr. GROSS. I thank the gentleman for his explanation. I withdraw my reservation.

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

There was no objection.

PERMISSION FOR THE COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. O'NEILL. 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 Massachusetts?

There was no objection.

LAUREL LEA SCHAEFER—MISS AMERICA

Mr. DEVINE. Mr. Speaker, it is a great pleasure to formally acknowledge that one of my constituents in the 12th District of Ohio won the title of Miss America in the recent pageant in Atlantic City, N.J., Saturday, September 11.

Miss Laurel Lea Schaefer, 22, daughter of Mrs. Eleanor Schaefer of 2453 Plymouth Avenue, Bexley, Ohio, certainly is endowed with beauty, talent, and poise, and I may add considers herself as a conservative Republican. Ohio and the Nation can be most proud of her selection.

I wish to take this opportunity to congratulate her on this distinct honor, and wish her much success and happiness in reigning as the 1972 Miss America. I am confident she will represent the United States with much dignity, charm, beauty, warmth, and intelligence.

BUSING TO ACHIEVE RACIAL BALANCE

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

Mr. THOMPSON of Georgia. Mr. Speaker, this past Sunday in Savannah, Ga., more than 10,000 concerned parents assembled and protested the forced busing of their children out of their neighborhoods into other areas.

In Augusta, Ga., I was privileged to attend a meeting where there were more than 8,500 parents protesting the cross-town busing for the sole purpose of achieving racial balance.

Mr. Speaker, we have gone beyond the question of desegregation and now we are entering the era of trying to force children out of their neighborhoods in order to achieve what someone else considers to be social well-being.

I noticed that in Pontiac, Mich., the people there have protested by shutting down the General Motors plant.

I will call for several quorum calls today, Mr. Speaker, to give the Members of the House an opportunity to sign the discharge petition, in order that we may vote on this matter. The people of America have a right to have their Representatives in Congress vote on a resolution to prohibit forced busing of students.

BIRTHDAY GREETINGS TO THE HONORABLE DURWARD G. HALL, OF MISSOURI

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

Mr. GROSS. Mr. Speaker, I rise at this time to call the attention of the House to the fact that this is the birthday of the genial gentleman and my friend from the Ozarks, Dr. HALL. He says he is 92 reaching for 93. I do not believe it.

Last June he had a few questionable remarks to make about my birthday. I am going to return good for evil and just wish him many, many more happy birthdays.

BIRTHDAY GREETINGS TO THE HONORABLE DURWARD G. HALL, OF MISSOURI

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

Mr. THOMPSON of New Jersey. Mr. Speaker, I should like to join my friend from Iowa in wishing the gentleman from Missouri, Dr. HALL, a happy birthday. I believe all of us do. And I hope that he has many, many more happy ones.

I was really amazed, however, by the ingratitude of the gentleman from Iowa, because I felt that the tribute paid by his personal physician to him on the occasion of his birthday was an extremely gracious and kind one. I hope the gentleman from Iowa has consent to revise and extend his remarks so that he can be a little bit more kind to his elderly friend.

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

Mr. THOMPSON of New Jersey. I yield to the gentleman from Iowa.

Mr. GROSS. The only trouble was that he did not bring his bugle with him last June and give a recital for the benefit of the Members.

Mr. THOMPSON of New Jersey. Now I understand.

HEARINGS BEFORE SUBCOMMITTEE ON JUDICIARY OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA IN RESPECT TO FINANCIAL ARRANGEMENTS FOR THE ROBERT F. KENNEDY STADIUM

Mr. HUNGATE. Mr. Speaker, the District government and the Federal Office of Management and Budget have submitted a draft bill which develops a financial arrangement for the Robert F. Kennedy Stadium. The District of Columbia Subcommittee on Judiciary will hold public hearings on this bill Monday, September 20 at 10 a.m., room 1310, Longworth House Office Building. To avoid holding hearings on a bill that has not yet been introduced, I am introducing this bill today, for that purpose only, and invite study or testimony by any interested Members.

PERSONAL ANNOUNCEMENT

Mr. DRINAN. Mr. Speaker, because I was detained by official business on Thursday, September 9, 1971, I was unable to cast my vote with regard to H.R. 9727, the Marine Protection, Research, and Sanctuaries Act of 1971. Had I been present, I would have voted in favor of this bill, the objectives of which I fully support. I am gratified that the measure passed by a record vote of 304 in favor, 3 opposed.

CALL OF THE HOUSE

Mr. THOMPSON of Georgia. 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. 254]

Abourezk	Dulski	McEwen
Addabbo	Edwards, La.	McKay
Ashley	Eshleman	Madden
Badillo	Gallagher	Pelly
Belcher	Garmatz	Pike
Blanton	Goldwater	Rosenthal
Bray	Haley	Ruppe
Burke, Fla.	Halpern	Scheuer
Celler	Hanna	Sisk
Clark	Hathaway	Sullivan
Clay	Hébert	Symington
Corman	Hogan	Talcott
Delaney	Jarman	Teague, Calif.
Dellums	Kee	Terry
Dent	Long, La.	Vander Jagt
Diggs	McCulloch	Widnall

The SPEAKER. On this rollcall 385 Members have answered to their names, a quorum.

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

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 10090, PUBLIC WORKS AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1972

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that the Managers may have until midnight tonight to file a conference report on the bill (H.R. 10090), making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes.

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

There was no objection.

PROHIBITING DETENTION CAMPS

Mr. KASTENMEIER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 234) to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18.

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 further consideration of the bill H.R. 234, with Mrs. GRIFFITHS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Before the Committee rose on yesterday, it had agreed that the bill would be considered as read and open to amendment at any point.

The Chair recognizes the gentleman from Missouri (Mr. ICHORD).

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ICHORD

Mr. ICHORD. Madam Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. ICHORD: Strike out all after the enacting clause and insert in lieu thereof the text of the bill H.R. 820, as follows:

That section 102(a)(3) of the Emergency Detention Act of 1950 (50 U.S.C. 812(a)(3)) is amended to read as follows:

"(3) Concurrent resolution of the Congress declaring the existence of an insurrection within the United States in aid of a foreign enemy,".

SEC. 2. Section 103 of such Act (50 U.S.C. 813) is amended by adding at the end thereof a new subsection as follows:

"(c) No citizen of the United States shall be apprehended or detained pursuant to the provisions of this title on account of race, color, or ancestry."

SEC. 3. Clause (2) of the second sentence of section 104(d) of such Act (50 U.S.C. 814(d)) is amended to read as follows: "(2) of his right to be represented by counsel, or to have counsel appointed to represent him if he is financially unable to obtain counsel as provided in section 109(f) of this title,".

SEC. 4. (a) Subsection (f) of section 109 of such Act (50 U.S.C. 819(f)) is amended to read as follows:

"(f) Every detainee shall be afforded full opportunity to be represented by counsel at the preliminary hearing prescribed by this title and in all stages of the detention review proceedings, including the hearing before the Board and any judicial review, and he shall have the right at hearings of the Board to testify, to have compulsory process for obtaining witnesses in his favor, and to cross-examine adverse witnesses. The Board shall establish a plan for furnishing representation for detainees who are financially unable to obtain adequate representation in proceedings under this title. Unless the detainee waives the appointment of counsel, the Board or its designee, if satisfied after appropriate inquiry that the detainee is financially unable to obtain counsel, shall appoint counsel to represent him. If at any time after the appointment of counsel the Board finds that the detainee is financially able to obtain counsel or to make partial payment for the representation, the Board may terminate the appointment of counsel or authorize payment in whole or in part as provided in this subsection and as may appear in the interests of justice. Counsel for a detainee who is financially unable to obtain investigative, expert, or other services necessary to adequate representation of the detainee may request them in an ex parte application to the Board. Upon finding, after appropriate inquiry, that the services are necessary and that the detainee is financially unable to obtain them, the Board shall authorize counsel to obtain such services on behalf of the detainee. The Board may, in the interests of justice, and upon a finding that timely procurement of necessary services could not await prior authorization, ratify such services after they have been obtained. Counsel appointed pursuant to this subsection, or a bar association or legal aid agency which made counsel available for appointment, shall, at the conclusion of the representation or any segment thereof, be compensated by the Board and reimbursed for expenses reasonably incurred, including the investigative, expert, or other services authorized, to the extent and in accordance with the schedule of payments at the highest rate thereof as provided in subsections (d) and (e) of section 3006A, title 18, United States Code, and the expenditure therefor shall be included as an expense of the Board authorized under section 106(b) of this title."

(b) Subsection (h)(1) of section 109 of such Act (50 U.S.C. 819(h)) is amended to read as follows:

"(1) Whether such person has received or given assignment, or training or instruction in procedures and techniques, for the commission of espionage or sabotage, under the supervision and in service or preparation for service with or on behalf of any foreign government, foreign political party, organization, or movement which is Communist or which has as a purpose the overthrow or destruction by force or violence of the Government of the United States or any of its political subdivisions;".

Mr. POFF (during the reading). Madam Chairman, I ask unanimous consent that further reading of the amendment in the nature of a substitute be dispensed with and that it be printed in the RECORD.

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

There was no objection.

The CHAIRMAN. The gentleman from Missouri is recognized for 5 minutes in support of his amendment.

Mr. ICHORD. Madam Chairman, I ask unanimous consent that I may be permitted to proceed for an additional 5 minutes.

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

Mrs. ABZUG. I object. I would like to point out——

Mr. ICHORD. Regular order, Madam Chairman.

The CHAIRMAN. The gentleman from Missouri has the floor.

Mr. ICHORD. The lady has objected. I see that she wants to proceed upon emotion and rhetoric alone and not upon facts and logic. This is a point, Madam Chairman, that I have made throughout the general debate. I made the charge—and it is a very serious charge—that the subcommittee of the House Committee on the Judiciary has not done its work well; that it has jumped from the frying pan into the fire; that it is trying to legislate on unfounded fears and not on facts and logic, and now you do not want to hear the facts and the logic.

Let me say, Madam Chairman, that I bow to no one in this body for devotion to libertarian principles and particularly to the Bill of Rights enshrined in the Constitution of the United States.

I will say to the lady from New York that I am a libertarian, yes. I am not a libertine. I am a disciplinarian, yes——

Mr. ROONEY of New York. Will the gentleman from Missouri yield?

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

Mr. ROONEY of New York. Our colleague is not the lady from New York; she is the gentlewoman from New York.

Mr. ICHORD. I stand corrected. To the gentlewoman from New York.

I am a disciplinarian.

Mrs. ABZUG. Will the gentleman yield?

Mr. ICHORD. I refuse to yield at this time.

I am a disciplinarian, but I am not a governmental disciplinarian. I pointed out many times that there is no society which demands more self-discipline than a free society. You do not need self-discipline in a totalitarian society. Those who are the rulers can give you the discipline with the iron fist.

I rise to address the House on libertarian principles. My position is very, very simple. I say that the true libertarian position is not to repeal title II, which was drafted by some real libertarians, namely, Senator Douglas; namely, Senator Lehman, and namely, Senator HUMPHREY—and I do not think anybody in this body would question the libertarian principles of those gentlemen—but I will point out to the Members of the House that in these emotional, unrestful times it is very easy to destroy liberty in the name of liberty. I am afraid that is what the Committee on the Judiciary would have us do if we do not look very closely at the facts involved in this debate.

Madam Chairman, I want to correct one error that I made in debate yesterday.

I referred to the original proviso prohibiting detention except under title 18 as the original Railsback amendment. I will yield to the gentleman from Illinois on that. It is my understanding that you had no part in the drafting of the measure prohibiting detention under title 18. Is that correct?

Mr. RAILSBACK. Will the gentleman yield?

Mr. ICHORD. Yes. I yield to the gentleman.

Mr. RAILSBACK. The gentleman is correct.

Mr. ICHORD. I hope that I have straightened out the error.

I would like to briefly advise the Committee of the Whole House on the State of the Union as to what the procedure was.

During the last session, the 91st session, there were several bills that were introduced providing for the outright repeal of title II of the Internal Security Act of 1950. Some of those bills were referred to the House Committee on Internal Security. Other bills were referred to the House Committee on the Judiciary.

I pointed out in the hearings that we had on the measures that what would we accomplish if we merely——

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

Mr. ICHORD. Madam Chairman, I ask unanimous consent to proceed for 1 additional minute.

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

Mrs. ABZUG. Madam Chairman, reserving the right to object, I want to just point out to the gentleman from Missouri (Mr. ICHORD) this fact. I do not know what the situation is in other States, but in New York State and in New York City today a good number of the Members of the House from that area have to go back for New York elections which are very important.

We had 3 hours of debate yesterday on this matter in which the gentleman expressed his views very fully on this amendment. Many of us gave up our opportunity to speak yesterday and will give up our opportunity to speak today. I think we have had adequate debate on this subject under the 3-hour rule. Those of us from New York would appreciate it if we could have the opportunity to have an expeditious vote on this question. That is my reason for objecting to the unanimous-consent request.

The CHAIRMAN. Does the gentlewoman from New York insist upon her objection?

Mrs. ABZUG. Madam Chairman, I withdraw my reservation of objection.

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

There was no objection.

Mr. ICHORD. Madam Chairman, I have pointed out the fact when the bills were originally referred to the House Committee on Internal Security that if we merely repealed the section we would really not accomplish anything, because we would be returning to our position in World War II when this black page in American history occurred.

I would point out to the members of the committee that title II can only be a false symbol of what happened to the Japanese, because title II was not on the books in the year of 1942.

My position is that if it had been on the books what happened to the Japanese would not have happened.

Then, Madam Chairman, the distinguished gentleman from Hawaii added an amendment, "No person shall be detained except pursuant to title 18."

The Department of Justice objected to that and then the gentleman from Illinois drafted the so-called Railsback amendment.

Now, let us look at this matter in proper perspective.

We are not dealing with a peacetime measure. We are dealing with a wartime measure.

The Supreme Court has said in a unanimous opinion that the President's wartime power is very broad. It is the power to prosecute a war successfully. It is a power which, however, can be restricted by Congress.

This principle was set down in the Youngstown case when President Truman seized the steel mills and that seizure was declared unlawful because he did not proceed under the Defense Production Act or the Taft-Hartley Act.

That is why I say that title II is in fact a restriction upon the power of the President. That is why I say that the support of H.R. 820 is the true libertarian position.

Title II is a wartime measure stating that the President shall have the authority to apprehend those whom he has reason to believe would commit espionage or sabotage. That power can only be invoked upon the happening of one of three conditions.

First, a declaration of war by Congress.

Second, an invasion of the United States.

Third, insurrection within the United States in aid of a foreign enemy.

Madam Chairman, it is the third condition that has caused all of the trouble. It is the third condition that has permitted the so-called Citizens Committee for Constitutional Liberties, which is a Communist front, and the executive secretary of that Citizens Committee on Constitutional Liberties, who testified at the hearings, a known Communist—it is that third condition that permitted them to raise all of these unfounded fears.

The gentleman from Pennsylvania is correct in his statement on the floor of the House yesterday.

Now, what I have done in H.R. 820 is this: that third condition I have cleared up. I have stated that it cannot be used except by a joint resolution of the two Houses of the Congress. Second, we have guaranteed the right of indigent detainees to counsel. Third, we have made it clear that what happened to the Japanese in World War II when this act was not on the books could not happen again by stating that no person can be detained by reason of race or ancestry and, fourth, we have clarified the criteria by which a potential espionage agent or saboteur can be detained. In addition the writ of habeas corpus is retained.

It is for these reasons, Members of the House, that I contend that amendment of title II rather than repeal of title II is the true liberatian position, and I state very frankly that if this House accepts the bill and committee amendment reported out by the House Committee on the Judiciary it may well prohibit the apprehension of saboteurs and espionage agents in time of war.

Madam Chairman, I move the adoption of the amendment in the nature of a substitute.

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

Mr. RAILSBACK. Madam Chairman, I rise in opposition to the amendment in the nature of a substitute.

Madam Chairman, I think that the 3 hours of debate we utilized yesterday makes it really unnecessary to cover all of the same ground that we covered then. It is my hope that we can be very brief, too, and that we can reach a vote at an early hour.

Let me just say for those of you who were not on the floor yesterday that the issue is: should we repeal title II of the Internal Security Act of 1950—which although never used is without question offensive to many Americans, including Americans of Japanese descent who have memories of what happened back in 1942, when about 112,000 persons of Japanese descent, many of whom were American citizens were ordered by an Executive order, to abide by a curfew which applied only to them, were ordered to evacuate certain areas, primarily in the western States of Oregon, Washington, and California, and I believe the western part of Arizona, and to report to a detention camp without what we normally regard as any kind of due process—should we repeal title II and prohibit detention camps?

I think it is important to realize that simple repeal of title II of the Internal Security Act of 1950 does not solve the problem which occurred in 1942.

The reason is, of course, the act of 1950 came after the events of 1942.

What is the difference between the two bills? The Committee on the Judiciary took the Matsunga bill, and after objections from the Department of Justice which were directed at those provisions, which refer to title 18 and prevented any kind of detention except pursuant to title 18, amended it to require that no action may be improvised or otherwise detained by the United States except pursuant to an act of Congress. This eliminates whatever authority the President would have on his own to establish detention camps except in those cases of emergency when martial law may properly be invoked. The Supreme Court noted this exception in ex parte Milligan. Nothing Congress does can affect executive martial-law powers which arise when the processes of government cannot function in an orderly way. For that is truly a "nonlaw" situation. But short of that Congress can limit Executive authority. That is what article I, section 8, means. That is what Chief Justice Marshall wrote for the Supreme Court in the Flying Fish case. That is what the Supreme Court said in Youngstown Sheet & Tube Co. against Sawyer.

My amendment that—

No citizen shall be imprisoned or detained by the United States except pursuant to an Act of Congress.

Would allow that all of the acts that are presently in existence to be utilized. And if Congress saw the need for further authority, we could act.

As far as the amendment sponsored by the Internal Security Committee is concerned, let me just allay the apprehension that I think was generated by a letter that was sent around that we would, in effect, hamstring the President.

It is important to realize that the new amendment offered in the gentleman's bill, H.R. 820, that congressional action is required in two of the three events that triggered the personal proclamation which under their bill could still result in detention camps.

The case of a declaration of war requires congressional action. Now under the new bill, H.R. 820, congressional concurrence with respect to the declaring of an insurrection is required.

So that means that we are talking about one instance that would not be covered, and that is the case of an invasion.

It is my belief that under existing law, if an invasion reached the proportions that it would disrupt our civil processes or would interfere with the operations of our courts, we would be in a state of martial law. In that kind of situation, the President could act. He would not be hamstrung. This is the exception implicit in my amendment which I have noted before.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KASTENMEIER. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, the gentleman from

Illinois has just stated what the question is—it is whether or not the House of Representatives will repeal title II of the Internal Security Act of 1950.

The testimony before the Internal Security Committee last year was from 27 Members of the House, and was entirely for the repeal of the act; and from a former Supreme Court Justice; and from a U.S. Senator; and from the Department of Justice itself, and was uniformly in favor of repealing title II.

The Internal Security Committee itself, when the matter came up, was deeply divided as it still remains divided. Title II was rejected in the House Internal Security Committee last year on a 4 to 4 vote.

The question still remains then for us —shall title II be repealed? The Department of Justice still insists that it should be. There are those who feel, as was expressed yesterday, that the House Committee on Internal Security is expert on the matter. But I suggest to you that the officer charged with the internal security of the United States is the Attorney General and particularly the Assistant Attorney General for Internal Security, Mr. Mardian.

There are several reasons why one would oppose title II. One might indeed entertain some constitutional questions about the title. One might view it with all the repugnance that rhetoric could command. There are others who simply —and this pertains to the Justice Department—oppose it because it is not necessary, contrary to what the gentleman from Missouri has suggested, and I refer you to the House Judiciary Committee hearings, page 74. I asked Mr. Mardian, Assistant Attorney General for Internal Security—

It is quite clear, then, that the Department's position is that the Emergency Detention Act of 1950 is not needed in the performance of its internal security functions; is that correct?

The answer Mr. Mardian gave was: "Yes, sir."

Mr. Mardian went on to suggest why this law is not necessary. He, the officer charged with the security of the United States, went on to say—

There are numerous statutes on the book that relate to the commission or attempt to commit acts of sabotage.

And he submitted, and I refer you again to pages 74 and 75, a series of statutes that the Justice Department is confident, in war or in peace, it can rely on for the purpose of protecting the internal security of the United States.

So it is to this moment that the Justice Department supports repeal. It does not support mere amendment to title II, as suggested by a bare majority of the House Internal Security Committee. It supports repeal.

Mr. ICHORD. Will the gentleman yield at that point?

Mr. KASTENMEIER. I yield to the gentleman from Missouri on that point.

Mr. ICHORD. I think the gentleman is correct, and I think we should also make it clear that the Department of Justice does not support the amendment offered by the gentleman from Illinois, which is also the committee amendment.

Mr. KASTENMEIER. And it does not oppose it either. It is, as was pointed out yesterday, silent on the question. But the committee did address itself to the objection posed by the Justice Department in formulating that amendment. If this is indeed, to quote the gentleman from Missouri in his letter to colleagues, "a most dangerous committee amendment," do you believe that the Justice Department, the Internal Security Division of the Justice Department would be silent to this day on that matter, if indeed it holds such a threat? No, indeed.

I suggest the question is whether or not title II should be repealed.

I would further suggest that should, by any consequence, the substitute prevail, we will have nothing. There is no one in the Senate who supports this, nor does the administration.

Madam Chairman, I oppose the substitute.

Mr. ASHBROOK. Madam Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. ASHBROOK. Madam Chairman and members of the Committee, I certainly agree with much of what has been said. There were many variations yesterday in the debate on exactly what the situation is. There are different views today. I think the facts are clear what happened in 1941 and 1942. A great amount of our attention has been directed to what has happened in the past to loyal Americans. I think in many ways we have overlooked the situation that the amendment offered by the gentleman from Missouri primarily directs itself to, and that is the situation where we have disloyal Americans, where we have saboteurs, where we have insurrectionists, where we have those who are bent on changing our Government by war, by invasion, by subversion.

So I think we should not let the emotional Japanese-American situation in 1941 and 1942 cloud the basic purpose of the bill.

I happen to feel that in H.R. 234 its sponsors are asking us, in effect, to go back to the 1941 or 1942 era. They admit defeat. With 30 years of hindsight, we still are not going to do anything about these past errors if we adopt H.R. 234.

Constitutionally it seems to me that situation is very clear. Like it or not, in times of national peril a President of the United States has immense power. I happen to believe that most of us do not really comprehend how much power the President has when he acts unilaterally in time of emergency. It is very clear that the courts on many occasions have upheld the exercise of those powers, and all we have to do is look at the 1941–42 situation regarding the detention of the Japanese-Americans. If this is true, it is even truer that where the Congress backs up the President in times of emergency, that power is enhanced.

Are we going to allow the Executive in the future to have unlimited power because we have chosen not to act in any way limiting his power? I particularly would call the attention of Members to the statements made by my good friend, the gentleman from Illinois (Mr. RAILSBACK) who, in colloquy yesterday, said on several occasions that those detained have all these constitutional provisions and protections. I asked the question then and I ask it now: What constitutional provisions and protections would be available to a detainee in the future that was not available to the Japanese-Americans in 1941 and 1942?

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

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

Mr. ICHORD. Madam Chairman, the gentleman makes a very important point. Would what happened to the Japanese-Americans in 1942, have happened under title II?

Mr. ASHBROOK. Under title II, without the amendment of the gentleman from Missouri, I feel it may have. I would say there is a much less chance of it happening with H.R. 820.

The President acting alone has great power, almost unlimited power. Acting with the acquiescence of the Congress, he has almost unlimited power in times of peril. Contrast that situation with the President acting in times of peril with the limiting language on the statute books, if it is passed by the Congress. I think everyone of the Members knows this would limit his power.

What we are being asked to do in H.R. 234 is to go back to the situation where the President has this power without any restraint and merely say that all the constitutional provisions the gentleman from Illinois referred to, such as the right of being confronted by the accuser and the right of trial by jury—all of these constitute his protection. We have already seen they will not protect, as in 1941–42. For the Congress to go to the position of removing any limitations on the powers of the President is to invite a similar situation to what happened in 1941–42. This I do not think we should responsibly do.

I see many points where we could disagree with title II and with the thrust of it, but frankly I think it is important that we do put some limiting language on the statute books, so that the actions of any President or any future President would be circumscribed. All we have to do is view the cases. The President's power is vast, acting alone and in what might seem to be sometimes unlimited or unconstitutional ways.

The President has always been given this power by the Supreme Court, or generally has been in times of peril. I happen to think the President would have less power if the courts at some future time would look at the statute books and see the Congress did not mean for the President to take this kind of action.

Mr. SEIBERLING. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, the gentleman from Missouri (Mr. ICHORD) has described himself as a libertarian. I am not sure that the word has an exact meaning, but if we are going to discuss what is essentially a constitutional question, I submit there is no better authority as to the principles we are dealing with than the words of the Constitution itself. I think we tend to get off on tangents if we do not go back and take a look at the funda-

mental instrument on which our free institutions are based.

Article V of the Bill of Rights starts out this way:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, . . .

Does the Congress have the power, therefore, to hold a person when he is not indicted for a crime? Clearly not. Yet that is the purport of title II, even as amended by the Ichord bill.

I go now to amendment VI of the Constitution:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed;

And, reading further—

and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him;

Mr. ICHORD. Madam Chairman, will the gentleman yield, on the question of the Constitution?

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

Are we to say that what we cannot do in criminal prosecutions we can do when no crime has been committed or even charged, and still live within the Constitution?

I turn now to amendment VIII of the Constitution:

Excessive bail shall not be required . . . nor cruel and unusual punishments inflicted.

What is the purpose of preventing excessive bail except to prevent any detention that is not in accordance with the Constitution?

There is no use debating whether the President would exceed his powers less if we had the Ichord bill, than if we did not have the Ichord bill. The question is whether the President has any power under the Constitution to incarcerate persons not charged with any crime, except when the processes of civil government have broken down or cannot contend with an emergency situation.

I submit that under the language of this Bill of Rights and the decisions of the Supreme Court, the answer is a clear "No".

I do not believe that the Congress, by passing this amendment and reaffirming the principles of title II, should give its sanction to what is basically a usurpation of power and violation of the Bill of Rights.

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

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

Mr. ICHORD. The gentleman raises a point as to the unconstitutionality of title II. It is true, I would say to the gentleman, that the Department of Justice recommended repeal on the basis of unfounded fear, but they did testify before the committee that there was no doubt as to the constitutionality of title II. So insofar as the committee is concerned, and the Department of Justice, there is no question about the constitutionality of title II.

Mr. SEIBERLING. The lawyers, who, for the time being constitute the Department of Justice, are entitled to their opinion. I submit that whether title II is constitutional in a particular fact situation depends on whether there were no other ways to cope with an emergency except by a temporary suspension of constitutional due process, as in the case of martial law. That is really what we get down to.

Mr. ICHORD. I believe the gentleman will agree with me when I say that the detention of the Japanese in World War II was a black page in American history.

Mr. SEIBERLING. It was infamous and clearly unconstitutional.

Mr. ICHORD. I would say clearly it was unconstitutional. However, it happened. It was proclaimed by the Executive. It was acquiesced in by the Congress. And it was confirmed by the Supreme Court of the United States.

This is my reason for saying that I am taking the true libertarian position, because it does operate as a restriction upon the power of the President in time of war.

Mr. SEIBERLING. In my opinion, you would not prevent the President from doing the same thing all over again, even if we have the Ichord amendment on the books. I do not believe the Congress should give sanction to this kind of thinking. It opens up too big a breach in the Bill of Rights.

Mr. WRIGHT. Madam Chairman, it seems to me that the force of what we do here today will be primarily symbolic, for we seek to repeal a statute which has never been invoked, and in a sense we do it in expiation for sins that were committed before the statute existed.

Obviously it could not be said that the Government was powerless to protect itself before the Emergency Detention Act of 1950. Obviously it cannot be contended that this act has been a vital instrument in our national self-preservation, because it has never been brought into play.

I think we should have to say also, though, that no good case could be made that any real, palpable harm had been created because of the existence of the statute, because the powers it confers have never been exercised. So basically the question comes down to the kind of symbol that we want to raise here today.

It seems to me, as has been suggested earlier—and this is the reason why I joined the gentleman from Hawaii as a coauthor of this bill—that one of the truly grievous wrongs this Nation has committed and one of the dark moments in our history of individual liberty in this country occurred in the days of World War II when many thousands of loyal, law-abiding U.S. citizens were arrested, detained, separated from their homes and property without due process of law, and held in custody for many months on no other ground than their ancestry. That to me, seems anathema to all that we proclaim and hold dear in this country.

That did not come about because of the Emergency Detention Act. Yet the Emergency Detention Act in one sense placed an official retroactive sanction on that abhorrent deed.

To see it in proper perspective perhaps we ought to look back to the period in which the Emergency Detention Act of 1950 was enacted. It was a product of its times. The hysteria that ran like a fever in the national bloodstream in those immediate postwar and Korean war years; the almost paranoid preoccupation with internal security; the willingness to see ourselves as dupes of some diabolical conspiracy; the tendency to permit denunciation to take the place of evidence, in the words of the late Justice Learned Hand. All of these were symptoms of a temper and a fever and a sort of virus that infected our national life and too often dominated our political thought in those years.

Now, what do we want to do here today? Do we want to ratify that feeling, or do we want to say that we have moved on to a time in which we believe we no longer need any semblance of detention camps or concentration camp authority in the United States?

I believe we possess, inherent in the laws of this country, and in the emergency powers of the President, sufficient and adequate safeguards for the internal security of this Nation. We do not really need the elaborate framework of legal authority embodied in the Emergency Detention Act.

I should like to come down on the side that the gentleman from Hawaii has staked out, which is the side of individual freedom.

There exists a fear—and perhaps it is an unreasoning fear—on the part of some that the Emergency Detention Act of 1950, if allowed to remain on the books in any form, could some day be used by injudicious administrators as a means of political persecution. I do not adhere to that view. I do not feel that such a thing would likely happen.

Yet I should like for us today in the Congress to reaffirm our basic belief in the soundness and loyalty of the average American citizen. I think I will plead allegiance to those words expressed by Thomas Jefferson in his first inaugural address when he enunciated a principle precious to American liberty:

If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it.

He was speaking, of course, not of overt deeds. We have the power to deal with those who commit such deeds. He was speaking of the freedom of man.

We need no concentration camps, no procedures for the institution of detention barracks. What we need is a restoration of faith in the basic principles of individual freedom which have sustained us so long and served us so well.

Mr. FLYNT. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the Ichord amendment. I think that the sentiment and feeling of the House may be detention camps such as those used in World War II would be prohibited by the repeal of the section of the 1950 act.

The idea of those camps is repugnant to all of us. On the other hand, this is like insurance, fire insurance, casualty insurance, liability insurance and, yes, life insurance. It is better to have it and not need it than it is to need it and not have it.

I remember very well the days of early 1942 to which my dear colleague and friend, the gentleman from Texas (Mr. WRIGHT) referred a moment ago in his remarks and other Members who have preceded both of us have also referred.

I remember those days in early 1942 very well. As a matter of fact, 2 days after December 7, 1941, the unit to which I was then assigned was immediately ordered to California. We were ordered there in the judgment of the Secretary of War and the Chief of Staff to defend this country for its very survival. Now, some of the things that happened after that with regard to the camps that were set up I did not particularly like.

In retrospect I do not like them now much better than I did then. But I say with all candor I would rather that the President had acted as he did than to have seen this country lose its fight for survival. That, very simply stated, Madam Chairman, is what is involved here. I fervently hope and reverently pray that the need to invoke the provisions of the act of 1950 will never arise, but if it does arise and if the survival of the United States of America depends upon it, like life insurance and fire insurance, I would rather have it and not need it than to need it and not have it.

Mr. MIKVA. Madam Chairman, will the gentleman yield?

Mr. FLYNT. Yes; I yield to the gentleman from Illinois.

Mr. MIKVA. Does the gentleman think that the survival of the United States in World War II depended upon putting 112,000 Japanese Americans in these camps?

Mr. FLYNT. We do not know. I will say to the gentleman from Illinois that if the survival of this country depended on such action, I would do it again without hesitation.

Mr. MIKVA. Madam Chairman, if the gentleman will yield further, then I gather that the gentleman would do it again? I hope the judgment of the House is to the contrary.

Mr. FLYNT. I would do it again in a minute if the survival of this country depended upon it. However, I hope we do not have to.

Mr. ICHORD. Madam Chairman, will the gentleman yield to me?

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

Mr. ICHORD. I do not agree with the statement of the gentleman, but I agree with his position on this amendment. I have said many times that I considered it a black page in American history when 112,000 Japanese Americans were picked up and placed in detention camps, without regard to their loyalty, without even any regard as to whether they were American citizens, but this did happen during the emotion and hysteria of war. But, who was hollering the loudest?

Who was hollering the loudest for this to happen? Former Chief Justice Earl Warren, he was hollering the loudest in California, and also the great columnist, Walter Lippmann, who most of us would consider libertarians, but you know the man who was hollering not to do it?

The CHAIRMAN. The time of the gentleman from Georgia (Mr. FLYNT) has expired.

(By unanimous consent, Mr. FLYNT was allowed to proceed for 3 additional minutes.)

Mr. FLYNT. Madam Chairman, I continue to yield to the gentleman from Missouri.

Mr. ICHORD. I thank the gentleman for yielding me this time, and I state to the gentleman in the well: Do you know who was complaining about the action? The man who many in this House today brand as a great authoritarian, none other than J. Edgar Hoover. He thought it was not necessary to pick up 112,000 Japanese.

And I also do not believe it was necessary to have picked up the 112,000 Japanese. And I will state further that if this act and this amendment had been on the books that would not have been done. That is my position.

Mr. FLYNT. Madam Chairman, I thank the gentleman from Missouri for his remarks. I would like to say further that I think the amendment in the nature of a substitute offered by the gentleman from Missouri, the distinguished chairman of the House Committee on Internal Security (Mr. ICHORD), should cure every opposition that anybody could have to this piece of legislation. I do not think it cripples the bill. I do not think it cripples the principle in which all of us believe. As a matter of fact, I think it strengthens it. And if I may so so, Madam Chairman, and my colleagues on the committee, this substitute, while not perfect—and I know of very few pieces of legislation that are perfect—but I think that the amendment in the nature of a substitute offered by the gentleman from Missouri is better than the committee bill; I think it is better than existing law, and I hope the Committee will adopt the amendment in the nature of a substitute offered by the gentleman from Missouri (Mr. ICHORD).

Mr. MATSUNAGA. Madam Chairman, I move to strike the last word.

Madam Chairman, we are being asked today to choose between two bills, H.R. 234, and H.R. 820. In making our choice we must decide one issue. That issue is: is there a place for concentration camps in the United States? The issue is as simple as that.

H.R. 820, the substitute, says yes, we do need concentration camps. H.R. 234 says no, we do not need concentration camps in the United States, and that there is no place for concentration camps in the United States.

I think the answer is rather obvious: certainly there is no place for concentration camps in the American scene. We associate concentration camps with Nazi Germany under Hitler, with Fascistic Italy under Mussolini, and with Communist totalitarianism, but certainly not with American democracy.

Who supports H.R. 820 which provides for the establishment of concentration camps in America?

Five members of the Committee on Internal Security which reported H.R. 820 out and which killed the bill which I first introduced, merely to repeal title II, by a 4-to-4 tie vote.

Now, who is against concentration camps, and who supports repeal of title II? The administration, the Department of Justice, the House leadership on both sides of the aisle, 160 cosponsors of H.R. 234, nearly every major newspaper in the country, more than 500 national, regional, and local organizations including the labor organizations, the chambers of commerce, civic and social organizations, the Council of Churches, the veterans organizations—you name them—they have all written to me and they have all passed resolutions calling upon the Congress to repeal this infamous law.

At least one Member of this august body said here on the floor yesterday, and surprisingly, that those who advocate the repeal of title II are mostly Communists—or perhaps dupes of Communists.

For the benefit of that Member and others who may entertain similar views, let me say that I have received an unsolicited message of support from our good friend, the former Speaker of the House of Representatives, John W. McCormack. If ever there was an anti-Communist, and an ardent anti-Communist such as he, he has never lived.

This is what he said—and I repeat that this was unsolicited. He said:

> Spark, you tell my friends in the House that John McCormack is 100 percent for the Matsunaga bill. There's no place for concentration camps in the American scene. The Emergency Detention Act serves too much as a grim reminder of the grave injustice we inflicted on law-abiding Americans of Japanese ancestry in World War II. It should be repealed. We should have listened to Harry Truman in the first place and let his veto stand in 1950.

Much has been said about the libertarian position to delete title II and that libertarians such as Senators HUMPHREY, Lehman, and Douglas supported the bill when it was introduced as an amendment to the Internal Security Act of 1950 in the Senate.

The gentleman from Missouri has repeatedly stated this—but what he has failed to mention is that all three of those Senators voted to sustain the Presidential veto.

What the gentleman from Missouri has also failed to mention is that the most ardent opponents of title II were conservative Senators Pat McCarran and KARL MUNDT.

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

Mr. MATSUNAGA. I yield to the gentleman.

Mr. ICHORD. The gentleman is correct. Senator Lehman, Senator HUMPHREY and Senator Douglas were among the original authors of title II and it is true that they did not vote to override the veto. They voted to sustain the veto.

I would point out to the gentleman that there was much more in that legislation than title II. There was also title I

which was the primary basis upon which Harry Truman vetoed the legislation.

Mr. MATSUNAGA. The fact is that the so-called libertarians which the gentleman from Missouri has mentioned so frequently on this floor in debate yesterday and today—the fact is that they, after hearing the admonishment of President Truman, voted to sustain the veto.

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

(Mr. MATSUNAGA asked and was given permission to proceed for 3 additional minutes.)

Mr. MATSUNAGA. Madam Chairman, I have had and do have a deep personal interest in this matter. I am a member of the only racial minority group that suffered incarceration in American concentration camps, and I am dedicated to the proposition that no individual, or group of individuals, will ever suffer the same fate that the Japanese Americans suffered during World War II.

Mr. BURKE of Massachusetts. Madam Chairman, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman.

Mr. BURKE of Massachusetts. Madam Chairman, I wish to associate myself with the remarks of the gentleman from Hawaii (Mr. MATSUNAGA).

During World War II, I served with 15 of the Nisei men who served in the South Pacific. Of that 15 there were several whose parents were in internment camps. I think it was a sad day in the history of this country to question even the loyalty of those people, whose sons were members of the 100th Infantry Battalion which served in Italy, France, and Germany in World War II and which was the most highly decorated battalion in the military history of this Nation—men who sacrificed their blood and limbs—who laid down their very lives for this country. We certainly should support the position of the gentleman from Hawaii (Mr. MATSUNAGA). He is speaking the truth here, and we now have an opportunity to correct a mistake of the past by supporting him and his bill.

Mr. MATSUNAGA. I thank the gentleman from Massachusetts (Mr. BURKE) for his generous remarks. As a cosponsor of H.R. 234, he has been a stanch supporter and a source of encouragement to me.

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

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

Mr. PUCINSKI. The gentleman from Missouri in his bill proposes one change to section 3 in which he calls for a concurrent resolution of the Congress for all this machinery to trigger off. But he does not touch section 1, which provides that this machinery could go into play upon an invasion of the territory of the United States or its possessions.

Do I understand correctly, then, that any assault upon some far-off Aleutian island, or some other possession of the United States thousands of miles removed from the mainland, could trigger all of this machinery, this counterinsurgency machinery?

Mr. MATSUNAGA. The gentleman is correct in his assumption.

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

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

Mr. ICHORD. I just wish to say to the gentleman in the well that I know personally of his great service to his country. But I still want to ask the gentleman how did title II bring about what happened to his people, when title II was not on the books in 1942?

Mr. MATSUNAGA. I will remind the gentleman, as I did yesterday——

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

(On request of Mr. YATES, and by unanimous consent, Mr. MATSUNAGA was allowed to proceed for 2 additional minutes.)

Mr. MATSUNAGA. I will remind the gentleman that yesterday I made the statement that title II was not in effect at the time of World War II. It was enacted in 1950. But it serves as a grim reminder of what happened to people of Japanese ancestry during World War II and what could again happen. And, if the gentleman will please let me proceed, if title II were in effect during World War II, I contend that it would have been much easier to have confined the Japanese Americans than without title II, for the reason that title II, immediately upon the declaration of war, as was the case, could have gone into operation and the Attorney General could have been authorized by the President of the United States to proceed to round up the Japanese Americans, or any person who probably might engage in, or probably might conspire with others, to engage in espionage or sabotage. This is the language of title II to which I am strongly opposed, and which many legal minds, including former Justice of the Supreme Court Arthur Goldberg, believe makes the act unconstitutional.

Any person who is suspected that he probably will engage in or conspire with others to engage in acts of espionage or sabotage could be picked up. This means that a person could be arrested and detained, not for having committed an overt act in a crime, but for the mere probability that he may commit espionage or sabotage.

The elementary safeguards guaranteed by our Federal and State Constitutions and our judicial practices to the most hardened of criminals would be denied to the most innocent of our citizens during declared emergencies under title II.

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

(By unanimous consent, Mr. MATSUNAGA was allowed to proceed for 1 additional minute.)

Mr. MATSUNAGA. I would like, if the gentleman from Missouri will permit, to finish my statement. We are being asked today, my colleagues, to decide between repeal and amendment. H.R. 234 would repeal. It is supported by the Department of Justice, by the administration, because it has served no good. It has never been used. It will never be used, according to the Department of Justice. Leaving it on the books is bad because it has served as a source of irritation and source for demonstrations, dissensions, and even violence.

Some mention was made about Communists wanting title II repealed. The very opposite would be true, I would say, for the reason that as long as this law remains on our books, the Communists can point to this law and say, "Look, the United States has a law on its books which calls for the establishment and maintenance of concentration camps."

For the greatness of our country, let us strike a resounding blow for individual freedom by defeating H.R. 820 and voting for H.R. 234.

Mrs. GREEN of Oregon. Madam Chairman, the approval of detention camps is a law before the fact, which many feel is necessary to the security of the country in the face of events unseen and unforeseeable, but I rise in support of the bill offered by the gentleman from Hawaii, the bill to repeal title II of the Internal Security Act. I oppose retention of title II for practical reasons, for legal reasons, and most importantly, as the gentleman from Texas so eloquently stated, because I think its provisions violate the spirit of the Nation itself.

In the New Testament the following question is posed to us as individuals:

What does it profit a man if he gain the whole world and lose his own soul?

I think it is an appropriate question for nations to answer as well. An individual is much more than his physical being, the real person, we would most generally concede, consists in the qualities of one's heart and mind. And so it is, too, for a community or a group or a country. In seeking to protect our country against acts of sabotage and espionage, we surely can do it without authorizing methods which violate the spirit of this Nation.

Many have made reference to that sad chapter in the life of our people during World War II and those of us especially who live on the west coast remember with humiliation what happened to our neighbors, our friends—purely because of their ancestry. They were summarily imprisoned; their property was confiscated; their rights were suspended, and a whole segment of our citizenry was detained in concentration camps without trial, convicted in a most demeaning fashion, and en masse, on mere suspicion. Repeal of title II will not guarantee that this cannot ever happen again, but its presence on our lawbooks, even in amended form, is a recurrent reminder of that haunted time. It is a continual affront, as I see it, to loyal citizens, and most importantly, an affront to the justice and decency which I believe is our national aspiration.

In the final analysis, Madam Chairman, if we would keep our territory intact but surrender all the principles by which our Nation was established, we have betrayed our country as surely and as irrevocably as any traitor in our midst. I urge support of the Matsunaga bill.

Mr. HOLIFIELD. Madam Chairman, I move to strike the last word. I rise in support of H.R. 234 and in opposition to the substitute bill H.R. 820.

Madam Chairman, it is very seldom that I take the well of the House on mat-

ters that do not pertain to my committee, but I did take the well yesterday on one occasion, and I take it again at this time because of my deep feeling on this subject matter. I lived in the little town of Montebello, Calif., at that time, and we had quite a number of Japanese citizens. I might say we also had Japanese aliens. They participated in the community activities. And I might say also that most of them were registered Republicans, so it was not a matter of political support, because I was running for Congress at that time and was elected a few months after President Roosevelt's Executive order authorized General DeWitt to set up the camps.

I want to make this point, that I saw brutal treatment of these Japanese people, both citizens and aliens. I saw their property confiscated. I saw their agricultural equipment—most of it truck farming or flower raising machinery—put up at distressed prices, with their trucks and automobiles and equipment sold at distressed prices, because the owners were going to be imprisoned.

The Japanese did not know who would take care of their property and whether their property would be available when and if they were released from the detention camps. Most of their properties were sold at 10 to 20 cents on the dollar.

I want to speak of this experience. Some of these people I knew personally. This experience never has left my mind.

Another point I wish to make. I want to talk just for a minute about J. Edgar Hoover, whose name has been mentioned, and the position he took at that time. He did take a position against setting up these camps, and he did make the statement that the FBI already had picked up those people that they had been watching, the people who had made trips back and forth to Japan and so on. They had already picked them up. In other words, those were the people against whom the FBI had espionage evidence and these people were tried under law. There were very few, I might add.

Mr. Hoover said there was no use for mass detention at that time. I honored him at that time, and I have honored him ever since. I have never taken this floor and denounced him, although there are things he has done I did not agree with.

But at that time—at a time of hysteria, at a time of fear, at a time of hate deliberately fostered by certain groups of people claiming themselves to be superpatriots, on that occasion—he did stand up for civil liberty.

Now, I want to say something to my friend from Georgia (Mr. FLYNT). He said he was ordered out there, as were many others at that time, to California. I honor him for his service, as I honor every man for his service to the United States. But he was not needed. Time and events have proved that the concentration of those people in detention camps was not necessary. It was not based on urgent danger of any kind then or later.

Here is another point I wish to make: At that time they had, as I remember, about 475,000 residents in Hawaii of which there were about 146,000 Japanese. They did not put the Japanese in Hawaii in detention camps. There was some talk about bringing them over to the mainland, because here was Hawaii, an outpost, which had suffered the attack, but they did not put them in concentration camps. So far as I know there were never any acts of sabotage. If so they were very small, on the part of the Japanese on the island, because they were not recorded.

There is a third thing I want to say. There came a time during World War II—I believe it was in late 1943 or early 1944—when a Texas regiment was surrounded in the Vosges Mountains in Germany, and the 442d Regiment was sent in to rescue the Texas regiment that was surrounded. The record will show that they lost more men in that attempt, had more men killed in the 442d Regiment, than the Texas soldiers who were rescued.

Our friend from Hawaii was a part of that 442d Regiment. He is too modest to speak about it. I will speak about it, because he was one of those who went to the rescue of the Texas regiment. I was told later on that the State of Texas recognized this tremendous service and honored the 442d Regiment.

Mr. BOGGS. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, soon we will celebrate the 200th anniversary of this great Republic. But we were not able to become a nation until those learned men who drafted our Constitution submitted for the consideration of the original States the Bill of Rights.

It was not until those first 10 amendments became part of the fundamental Constitution of the United States that that Constitution became the basic law of a new American nation called the United States of America.

Over the now almost 200 years of the history of the United States the Bill of Rights has been the subject of frequent and constant but, fortunately, always unsuccessful attacks. I would say if there is one thing that has distinguished this Nation in the 19th and 20th centuries it has been our consistent devotion to the Bill of Rights and the Constitution of the United States.

Madam Chairman, I rise here today in support of the Matsunaga bill because I think that this bill is drafted totally and completely in the American tradition of preserving those concepts set forth in that document.

Why do I say that? As I read the existing law, the Attorney General or his agent has the power to imprison individuals on the mere suspicion that they may have or that they may in some unspecified future time engage in espionage or sabotage or conspire to do so. That, in my opinion, is probably the broadest grant of any statute in the whole United States Code. It turns upside down all of the time-honored premises of American justice, one of them being the statement that a man is innocent until proved guilty. It permits indefinite imprisonment without charges having been made or a hearing having been set thereon.

There is no right to a trial by jury or even to a hearing before a judge. There is no chance for the accused to confront or cross-examine his accusers. There is not an appeal to a court of law from a purely administrative decision imprisoning and taking away the liberty of a citizen.

So it seems to me that here we deny to those who may be totally innocent, as the gentleman from Hawaii has so eloquently testified, the basic concept of the American Bill of Rights, which is the very protection that we afford to the most hardened criminal who goes into a criminal court of justice.

Maybe I have reduced these essential issues to their basic simplicities, but these rights that we enjoy as Americans, although simply stated, are the most precious things we have.

One of the things that the men who wrote the Bill of Rights feared and admonished against was the incursion and the encroachment of government and the agents of government into the liberties of the people.

So I hope, Madam Chairman, that the members of this committee will support the gentleman from Hawaii.

Mr. PUCINSKI. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in opposition to the substitute.

Our colleague from Missouri said that we are legislating here today from emotion. I have waited for some time to cast a vote on this issue because in my judgment title II has no business being on the statute books of our Republic.

Madam Chairman, on Pennsylvania Avenue, in front of the National Archives Building, we have two monuments on which are inscribed the words, "What is past is prologue. Study the past." We should study the past to understand the full meaning of this legislation.

Thank God we have never had to use this counterinsurgency act and I hope we never do.

But, let us look at what happened to some of the countries which have had to use their counterinsurgency laws. It was my privilege to be in Greece shortly after the military junta took over that country in 1967. You will remember that it was a bloodless revolution. Within the span of 3 hours, the military took over that entire nation. In 3 hours they arrested 6,000 people, many of them Communist conspirators; seized the nation's newspapers, the television stations, the radio stations, and placed them under junta control without one shot being fired. It was a bloodless revolution, designed to save Greece from falling into Communist hands. The entire revolt was perfectly legal and carried out in what they honestly believed was in the best interest of Greece.

Shortly after the takeover, it was my privilege to have dinner with some of those who masterminded that uprising. I asked one of the leaders, "How do you achieve this short of a takeover? How do you take over a country? How do you stage a coup like this without firing a shot that makes it so complete in so short a time?"

He said, "It was very simple. For 10 years we have been developing a counter-insurgency plan in this country with the full knowledge, cooperation, and support as well as the acquiescence of the civilian government. We have a law which permits us to do this and all we needed was for someone to push the button; for someone to proclaim that the survival of Greece was being threatened by an insurrection."

The plan went into effect and 6,000 people were arrested including members of the legislature. I talked to some of them on one of the offshore islands where the prisoners were being held.

I can understand why Greece needed a counterinsurgency law. Greece was surrounded on three sides by three Communist neighbors and on the fourth side by Turkey, historically hostile to Greece. One could argue that the detention law was needed in Greece. But what can happen under this kind of a bill? It is important for Americans to understand the price you pay for such a law. Under existing law we provide that this whole machinery for mass arrests of suspects can come into play and all of the things that our distinguished majority leader talked about can become a reality whenever the President wishes to invoke this act. In other words, if someone invades some obscure island in the Aleutians, thousands of miles removed, for instance, this law could come into play. So, you had better think about this. You better ask yourself as Americans if you are willing to pay the price the present law requires in personal freedom.

Thank God, Madam Chairman, we have never had to use this law. But it is there and it can be used.

Let us look at a current situation which exists in the world today. England developed the Magna Carta and habeas corpus. But now, England has what is known as the Special Powers Act of 1922 and right now, at this minute as I speak to you, 300 Irish Catholics are languishing in a ship off the coast of Belfast since August 9, 1971, with never a charge placed against them. The law provides that the British may make an arrest if one's behavior is of such a nature as may be reasonably considered for suspecting that he has acted or is acting or is about to act in a manner prejudicial to the preservation of peace or the maintenance of order. So, there are these 300 Irish Catholics imprisoned on a ship off the coast of Belfast even though no charges have been placed against them. They have never been admitted to bail, they have not been indicted, they have had no right to counsel and to this day they do not know with what they are charged.

I cite this outrageous arrest of Irish Catholics because I wanted to show you what can happen in countries that have laws like this. I want you to join the gentleman from Wisconsin in voting down this substitute and then voting down title II.

Madam Chairman, as the distinguished majority leader said, in another 5 years we will observe the 200th anniversary of this Nation. This Nation has endured many hardships and crises. We do not need this detention law to preserve this Republic.

Madam Chairman, I yield back the balance of my time.

Mr. CARTER. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, we do know of the heroic actions during World War II of the distinguished gentleman from Hawaii (Mr. MATSUNAGA), and that he shed his blood for his country and ours. I submit that greater love has no man than this. The wrong our country unwittingly perpetrated on our Japanese citizens has never been righted, and can never be righted. Homes were taken, property sold, citizens incarcerated, and little or nothing has been done to right this tragic wrong.

The vast majority of all races in our country, colors and creeds, are loyal to the United States. We have no need for a Buchenwald; we have no need for an Auschwitz. Let us hope that never will we need the idea of such a concentration camp.

I deeply respect the gentleman from Hawaii (Mr. MATSUNAGA) and I want the Members to know that I will strongly support the legislation offered by the gentleman from Hawaii (Mr. MATSUNAGA).

Madam Chairman, I yield back the balance of my time.

Mr. SCHERLE. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, we have heard a great number of dissertations here this afternoon concerning symbols. First of all, Madam Chairman, let me state that I have served on the Committee on Internal Security, and was present and took part during much of the vast testimony received by our committee. For this reason I support the amendment in the nature of a substitute offered by my colleague, the gentleman from Missouri (Mr. ICHORD).

You know, talking about symbols, an interesting aspect of this whole thing is that my father came over here from Germany in 1913, and fought for America in World War I; 25 years later, four of his sons enlisted to serve this country during World War II. Yet, because my father was a native of Germany, when we enlisted in 1942, we still had to sign affidavits forsaking all allegiance to Germany, even though he fought in World War I as an American citizen. I did not find this offensive, not in the least. In fact, I was proud to do it, because I did not want my country to have anyone in the military who did not have the patriotism and loyalty to fight for the United States.

Further, I have many relatives behind the Iron Curtain in Hungary and East Germany today, probably as many as I have in this country, but I still want this country to remain safe. If this legislation is necessary to secure the protection of this country, then I think it is imperative.

Again I am not saying that the action taken in 1941 or 1942 was justified. In fact, many innocent people were harmed, and I sympathize with those people. But it should be remembered that our Nation was at war at the time.

The Internal Security Act itself did not go into effect until 1950, 8 years later.

I am not offended by this law designed to retain the security of this country. I hope it will never have to be used. But, by the same token, I am glad it is there, because if such procedures must be used there should at least be some guidelines.

All Members of this body should pay particular attention to the gentleman from Ohio (Mr. ASHBROOK) and to the gentleman from Missouri (Mr. ICHORD). They have for over 2 years attended the hearings held by the Committee on Internal Security and—and I repeat this is 2 years and not a few hours—they have listened to more than 35 witnesses and studied more than 230 submitted statements. The committee has compiled almost 1,000 pages of testimony. If you are looking for someone knowledgeable, then these two men particularly can guide us here this afternoon.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Missouri (Mr. ICHORD).

The question was taken; and on a division (demanded by Mr. ICHORD), there were—ayes 22, noes 68.

Mr. ICHORD. Madam Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, strike out line 3 and all that follows down through page 2, line 8, and insert in lieu thereof the following:

"That (a) section 4001 of title 18 of the United States Code is amended by designating the first and second paragraphs thereof as '(b) (1)' and '(2),' respectively, and by inserting at the beginning thereof the following:

'(a) No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.

'(b) The section heading of such section 4001 is amended to read as follows:

"'§ 4001. Limitation on detention; control of prisons.'

"'(c) The chapter analysis of chapter 301 of such title 18 is amended by striking out the item relating to section 4001 and inserting in lieu thereof the following:

"'4001. Limitation on detention; control of prisons.'"

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR THE COMMITTEE AMENDMENT OFFERED BY MR. ICHORD

Mr. ICHORD. Madam Chairman, I offer an amendment in the nature of a substitute for the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. ICHORD in the nature of a substitute for the committee amendment: Strike out matter proposed to be stricken and insert in lieu thereof the following:

"That the prior enactment and repeal herein of provisions of Title II of the Internal Security Act of 1950 (50 U.S.C. 811–826) shall

not be construed to preempt, disparage, or affect the powers accorded to or the duties imposed upon the President under the Constitution and other laws of the United States: *Provided, however,* That no citizen of the United States shall be apprehended or detained for the prevention of espionage or sabotage solely on account of race, color, or ancestry."

The CHAIRMAN. The gentleman from Missouri is recognized for 5 minutes.

Mr. ICHORD. Madam Chairman, I offered the previous amendment purely on the basis of libertarian principles. It was my firm belief that what happened to the Japanese would be less likely to happen if we would retain title II on the books. We heard a great many libertarian speakers, gentlemen who are much more eloquent than I. And I would state at the outset that I agree with all those libertarian principles stated.

However, the gentleman from Hawaii overlooked the fact that in title II is a guarantee of the writ of habeas corpus. That is the reason why I maintained very firmly that what happened to the Japanese in World War II would not have happened if title II had been on the books.

I ask the Members of the House today to legislate, not on the basis of unfounded fears, but on the basis of fact and logic. As a matter of fact, at one time we had considered reporting out the repeal of title II as a straight repealer, but after studying the problem—and we did study the problem very intensely we decided to amend rather than repeal. These are the hearings of the House Committee on the Judiciary; these are the hearings of the House Committee on Internal Security, 1,000 pages of testimony, witnesses heard on both sides; 101 pages, consisting of 33 pages of the House Committee on Internal Security report. No witnesses heard on the opposing side.

Madam Chairman, at this time I rise in the security interest of the country. It is the Railsback amendment to which I am adamantly opposed. The office of my good friend "TIP" O'NEILL, in making the whip calls around to the Members of the House, stated, "Are you in favor of 234, which would prohibit detention camps, or are you in favor of 820, which would maintain detention camps?"

I would have asked the question like this: Are you in favor of H.R. 234, which would prohibit the apprehension of saboteurs and espionage agents, or are you in favor of H.R. 820, which would permit the apprehension of saboteurs and espionage agents?

Let me tell the Members of the House why. I hope that the Members were on the floor yesterday when I questioned the gentleman from Illinois (Mr. RAILSBACK) as to just how the FBI was going to prevent espionage agents and saboteurs from working in the country in the event of war. And let us bear in mind we are strictly dealing with the wartime powers of the President.

He said that we would put FBI agents on their tails. But I asked the gentleman—and I will yield to the gentleman at this time—how are we going to tail the saboteurs and espionage agents which the gentleman agreed were in the United States of America? We surely will not wait until the sabotage is committed.

Mr. RAILSBACK. Madam Chairman, will the gentleman yield?

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

Mr. RAILSBACK. Madam Chairman, let me just repeat the answer so that everybody knows what the answer was. We would do exactly what J. Edgar Hoover said could have been done in 1942 without the Executive order which was issued by President Roosevelt. In other words, J. Edgar Hoover had enough confidence in himself, as the gentleman from California in debate mentioned a short time ago, that he could keep those suspicious persons under surveillance. We have on the statute books normally available tools in the espionage statutes. They guard against conspiracies to spy as well. We would not have to wait for the mischief to be worked. Planning a crime is itself a crime. The difference is we would have to use legal process. We would have to have probable cause that a crime was committed. We would have to arrest and to charge and grant the right to confront the accusers and the right to a jury trial.

Mr. YATES. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I take this time to find out what is in the amendment offered by the gentleman from Missouri. He did not tell the House what it contained. I yield to the gentleman from Missouri to tell us what is in his amendment.

Mr. ICHORD. Madam Chairman, let me say to the gentleman from Illinois that we are dealing with the wartime powers of the President of the United States. The Department of Justice has said that it is not in favor of the amendment of the gentleman from Illinois (Mr. RAILSBACK). They do not consider that it is necessary. However, it is my contention that if the amendment is adopted, the amendment of the gentleman from Illinois will keep the President and his executive agents from protecting the security of the United States.

Mr. YATES. Then the genleman's amendment is to strike the amendment of the gentleman from Illinois.

Madam Chairman, as I understood the purpose of the amendment of the gentleman from Illinois—and he can correct me if I am wrong—as I understood what he said yesterday in explaining it and as it was explained by other members of the committee, the purpose of the gentleman's amendment was to make sure that in the event there were to be detentions of a mass nature, of more than one individual person, that it would require an act of Congress in order to do this. Is this the basic purpose of the gentleman's amendment?

Mr. RAILSBACK. That is right. The amendment says this. It says:

No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.

In other words, this would require that before anything happened similar to what happened in 1942, there would be at least an act of Congress.

Mr. YATES. In other words, there could not be the same kind of executive action that was undertaken by President Roosevelt in his Executive order of detention of the more than 100,000 Japanese Americans at the time without there having been an act of Congress. Is that the purpose of the gentleman's amendment?

Mr. RAILSBACK. That is exactly right. It applies to citizens. It does not affect what can be done with enemy aliens. It applies to American citizens.

Mr. YATES. I thank the gentleman. I shall vote against the Ichord amendment, and I shall vote for the committee bill.

Madam Chairman, the time has come to erase from the statute books this last vestige of the iniquitous Internal Security Act of 1950. I voted against the act when it was before the House at that time. I have opposed it ever since. As we predicted at the time of its passage, most of its provisions were unconstitutional, an agreement since sustained by the Supreme Court of the United States.

I would urge the House to overwhelmingly vote to rescind title II.

Mr. ASHBROOK. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I would like to ask a question to clarify one point. In the colloquy with the gentleman from Illinois I think something was left in the minds of the House that was not accurate on the legislative history up to this point.

The gentleman from Illinois (Mr. YATES) implied in a question of the gentleman from Illinois (Mr. RAILSBACK) that a statute would have to be passed in order to have some protection that the gentleman did not intend to give by his amendment. From what the gentleman said yesterday that would not be accurate. It applies to statutes already on the books and does not apply to what would be an enabling statute.

Mr. RAILSBACK. Let me say I agree with the gentleman. This can be any act of Congress. I do not think the gentleman from Illinois meant to imply otherwise.

Mr. YATES. That is correct.

Mr. RAILSBACK. It simply says that arrest or internment of an American citizen must be under an act of Congress. There are already many acts that would permit, with all the safeguards, people to be confined, such as the Espionage Act, the Narcotics Act, and the Internal Revenue Act.

It would involve all the criminal code which is already in existence.

What I say to the gentleman is, if we had a situation which required action—say that there was an invasion and say that the courts were disrupted and the courts could not operate—there is not any question in my mind but what we would be in a state of martial law in that

event, and I believe the gentleman wants to make this clear.

Mr. ASHBROOK. We should make that clear. I got the implication when the gentleman said that Congress must act that it would not necessarily apply to those acts already taken, which, as I understand it, was not the intention of the gentleman from Illinois.

Mr. RAILSBACK. It would not require a prospective act. It would involve all acts on the books.

Mr. ASHBROOK. That could be taken or have been taken.

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

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

Mr. ICHORD. I would point out to the Members of the House that the gentleman from Illinois, by offering this committee amendment, first repeals the only act on the books which would permit the authorities in the United States to pick up people whom we have reasonable cause to believe would commit espionage and sabotage.

They repeal the act, and then they say that no one shall be picked up unless there is an act on the books. This is the point I am making. The security interests of the United States of America are not protected.

This is the reason why I am opposed to the Railsback amendment and the reason why I have offered the substitute.

The gentleman from Illinois well knows that the Department of Justice has not agreed to this amendment. I read from a letter from Mr. Mardian dated May 14, 1971. The last paragraph thereof states as follows:

> Of course, the Department of Justice has maintained and continues to maintain the opinion that title II of the Internal Security Act of 1950 should be repealed outright without any provisos attached thereto.

The amendment of the gentleman from Illinois is a priviso. I will go along with the repeal of title II of the Internal Security Act outright. I have always maintained that. But do not harm the security interests of the United States of America. This is what you are doing by the Railsback amendment, and it is not agreed to by the Department of Justice.

Mr. CELLER. Madam Chairman, I move to strike the requisite number of words.

The amendment offered by the committee reads as follows:

> No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an act of Congress.

Now, the Ichord substitute would strike out that clear language—clear as a crystal spring—and would substitute rather arcane, strange words, language susceptible to many interpretations.

This is certain: If by some unusual construction of our statutes the President could set up a detention camp then this substitute amendment would not prevent such an action. We want to prevent such action. We want with constitutional limits to prevent any authority, any mere semblance of authority given to the President to set up any kind of detention camp.

As a matter of fact, the substitute language, in my estimation, would encourage the setting up of detention camps despite all the assurances of the gentleman from Missouri. I would say indeed that the speeches of the gentleman from Missouri are like cypress trees—they are stately and tall, but they bear no fruit. There is no fruit in the substitute amendment that he offers.

The President under his substitute amendment could detain without let or hindrance; he would have carte blanche. The Ichord substitute indeed places the stamp of approval for the executive to establish detention camps. I emphasize this amendment would have the tendency to permit detention camps. That is what we on the Committee on the Judiciary object to. Prevention of such camps is the whole purport of the Matsunaga bill.

This Ichord amendment is dangerous. It is presented in glittering language, but indeed there is no steel behind the shine. The whole drive and purpose of the Matsunaga repeal legislation would be indeed set at naught, and I hope that the committee therefore will reject the substitute and vote for the committee amendment.

Mr. DENNIS. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I would like to suggest to the membership that the issue on the pending amendment is quite different from the issue on the previous substitute.

I opposed the Ichord substitute a moment ago because I favor repeal of title II of the 1950 act both as an act which contains many provisions which are naturally unpalatable to an American and because I think it is entirely unnecessary.

I believe that the war powers of the President of the United States in a situation of war or invasion or insurrection, to which the 1950 act was addressed, are adequate without having the 1950 act and its unpalatable features on the books. Therefore I was glad to support the repeal.

However, the issue here is quite different. What we are doing in this amendment is accepting the fact that the 1950 act should be repealed and we are merely trying to strike out the language of the Railsback amendment which goes beyond repeal, and does something in addition.

What it does in addition I really do not know, and that is one of the reasons why I am not in favor of it at the present time without further consideration of it.

The gentleman from Illinois (Mr. RAILSBACK) thinks that it in some way restricts the war powers of the President under the Constitution, because he said during the hearings:

> Maybe we should do something affirmatively other than just repeal to make sure that we have restricted the President's wartime powers.

The gentleman from Missouri (Mr. ICHORD) thinks it does that, too. Frankly, I do not know whether either of them is right or not.

My feeling is that we cannot restrict the President's constitutional wartime powers very materially by what we do here by legislation and that they will probably remain pretty much the same whether the Railsback amendment is in there or not. But, without any further hearings or consideration, I am not prepared to attempt to restrict or to affect the wartime powers of the President, or to go beyond repealing the detention camp law here this afternoon.

I do not agree with my distinguished chairman that this amendment puts this detention business back in the law at all. It is gone when we repeal it, as we should repeal it. All this amendment does is to say that, whatever we have done, we have not affected the constitutional wartime powers of the President, whatever they may be. We leave what they may be up for future reference, and to determination by the courts. I think a clean repealer of title II with nothing further in the way of language would be best. But, that is essentially what this amendment is.

As a member of the committee that wrote the Railsback amendment, I regret and apologize for the fact that I did not think this thing through at the time. However, I have had the benefit of 2 days of debate and of considerable consideration, and, after reflection, this is the way I feel about it.

I am not prepared here today to go into the question of the general war powers of the President. I think the gentleman from Illinois and the gentleman from Missouri may have a point here, but to vote beyond the repealer of title II of the 1950 Internal Security Act and, perhaps put, or attempt to put, some undetermined restriction on the constitutional powers of the President of the United States, I am not prepared to do that here this afternoon.

Unless you are in favor of doing that, I would suggest you ought to support this amendment; and you should support it if you are opposed to title II and favor its repeal, as I do.

Mr. MIKVA. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in opposition to the substitute amendment which has been offered by the gentleman from Missouri (Mr. ICHORD).

Madam Chairman, I would like to clear up one small point since I do not think the gentleman from Missouri desired to mislead the committee. The gentleman's amendment, whatever its merits or demerits, contains some provisos and I think the committee ought to be aware of that.

Mr. ICHORD. Madam Chairman, will the gentleman yield to me at that point?

Mr. MIKVA. I shall be glad to yield to the gentleman from Missouri in a moment.

Madam Chairman, the substitute amendment not only repeals the Railsback amendment, but also provides some language which is very mischievous. I do not know what it means. The first sentence says that nothing in this bill shall repeal the Constitution. That is rather obvious. The second sentence says that we should not discriminate on account of race, creed or color. I do not see how anyone could gain any comfort in voting for the substitute amendment, particularly

the proviso which states that we are not repealing the Constitution. That is the best example of surplusage that I can imagine.

Therefore, I urge the committee, however it might feel about anything else, to vote against the substitute amendment.

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

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

Mr. ICHORD. I will say to the gentleman from Illinois that the purpose of the amendment is to make—if you will read the case of the Youngstown Steel Co.—I feel very strongly that if we repeal title II, which we have already done; title II is not now in the legislation—but if we repeal title II and then place this amendment in we will be restricting the powers of the President in an emergency situation. I thought we made a mistake on the repeal of title II.

Mr. MIKVA. Is the gentleman from Missouri suggesting that there is something this Congress can do to alter the constitutional powers of the President? Does the gentleman say this Congress can take away the constitutional powers of the President?

Mr. ICHORD. I will say to the gentleman from Illinois that the Hirabayashi case stated that the war powers of the Presidency are to wage war successfully. But if you will look at the Youngstown Steel case you will find that that is a power which can be restricted. It is a joint power shared by the President of the United States and the Congress, and if the Congress takes the action of repealing title II and does not make it clear that the President will have the power to protect the security interest of the United States, we are getting into a situation where the President will not have the power to pick up known espionage agents and saboteurs.

Mr. MIKVA. I would simply say to the gentleman that the powers of the President are set forth under the Constitution and are not subject to limitations by this Congress or any future Congress. The first sentence of the substitute amendment talks about nothing but the constitutional powers of the President.

With all due deference to my colleague, the gentleman from Missouri, I would say that I have read the Hirabayashi case several times, and I reread it yesterday after the gentleman quoted from it, and if the gentleman from Missouri can find anything in the decision at all that says the Congress has the power to repeal the Constitution then I will eat the whole decision.

Mr. ASHBROOK. Madam Chairman, will the gentleman yield

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

Mr. ASHBROOK. Would it not be more accurate to say, I will ask my friend, the gentleman from Illinois, that we are talking about situations where we are not certain what the constitutional power of the President is? If it is clear the President has the constitutional power to act, then I think the gentleman is right, the Congress cannot do so. Take the present wage freeze, for example.

Mr. MIKVA. I would remind the gentleman from Ohio that the language before the House, and we are dealing with the specific language in the substitute amendment, says that nothing "shall be construed to preempt, disparage, or affect the powers accorded to or the duties imposed upon the President under the Constitution."

And to me, as I say, it seems that those words are at best surplusage and, since they may be mischievous, that they ought not be enacted.

Mr. BROWN of Michigan. Madam Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Madam Chairman, I have listened to the debate here with great interest, and it seems very evident that if you do not have to recite these things to protect the President then you also do not need to recite them in order to protect the rights of the Congress.

Mr. MIKVA. But that is what happened in 1942; that is the issue before the House, and that the answer of the House is that we would not like to see that action repeated.

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

Mr. FLYNT. Madam Chairman, I move to strike the requisite number of words.

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

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

Mr. ICHORD. Madam Chairman, I would point out—and I wish to thank the gentleman from Georgia for yielding to me—and I am back again to what happened in 1942, and again I say that that did not happen under title II, which we have just repealed.

But the Youngstown Steel case lays down the principle that the war powers are the powers that are lodged jointly in the Congress and the President. Now, we have just repealed title II, and as a matter of construction, if we take that action without making certain that the Presidential wartime powers are retained, we will get into a situation where we cannot protect the security of this Nation, and that is the purpose of the amendment. We are not going back to the issue of detention camps or concentration camps, or whatever you want to call them; that is not involved at all. It is purely a matter of making certain that we do not inhibit or prohibit the President of the United States from exercising his constitutional war powers.

Mr. YATES. Madam Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. FLYNT. Madam Chairman, I yield to the gentleman from Illinois for that purpose.

PARLIAMENTARY INQUIRY

Mr. YATES. Madam Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from Illinois will state his parliamentary inquiry.

Mr. YATES. Madam Chairman, the gentleman from Missouri (Mr. ICHORD) keeps referring to the fact that we have repealed title II. My parliamentary inquiry is: Have we done so?

The CHAIRMAN (Mrs. GRIFFITHS). The Chair will state that we have voted on the amendment in the nature of a substitute, and that was rejected.

Mr. YATES. So that the fact is that we have not repealed title II.

The CHAIRMAN. The Chair will state that that is the correct answer to the parliamentary inquiry of the gentleman from Illinois.

Mr. YATES. I thank the Chairman.

Mr. ICHORD. Madam Chairman, if the gentleman will yield further, I will agree that I was in error in that statement, but I have always stated that I would vote for repeal under certain conditions. Now we are on a completely different issue. I do intend to vote for the repeal of title II, but I do not intend to do so if the Railsback amendment is in the bill. That is what the Department of Justice is not in favor of, and what I am opposed to.

Mr. ECKHARDT. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I would like to point out here that, just as the gentleman from Illinois says, there is nothing that can be done by statute that will disparage the constitutional powers of the President in an emergency situation.

But if you do not include the language, which is called the Railsback language—that no citizen shall be imprisoned or otherwise detained by the United States except pursuant to an act of Congress—you get right back to the situation that existed at the time of the imprisonment of the Nisei. Now the law would be precisely the same as that which existed at that time except for the additional language that the gentleman from Missouri purports to put in. But I cannot understand that language for the life of me.

If you notice the reading of this language, it says:

> Provided, however, that no citizen of the United States shall be apprehended or detained for the prevention of espionage or sabotage solely on account of race, color, or ancestry.

Why persons were never purported to be detained on those bases. They were purported to be detained, not because they were Japanese, but because people thought that those persons of Japanese ancestry might be tempted to espionage or sabotage and therefore the safest thing was to detain them.

So if we adopt this amendment, we will put the law in precisely the same position as it was when we had the detention camps which were established under the purported implied authority of constitutional executive authority.

Now all that we need to do is to repeal title II and to provide clearly that no one shall be detained unless he is detained as a result of an act of Congress. Then, if we get to some point that we need detention camps—and God forbid that that time will ever come—we could pass such a law. But such a law must be within the safeguards of the Constitution. Presently, if we repeal title II and if we include the provision that no per-

son shall be detained except by an act of Congress, we cannot possibly disparage any implied powers in the Constitution of the United States.

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

Mr. ECKHARDT. I yield to the gentleman.

Mr. ICHORD. I would say to the gentleman that the purpose for the inclusion of the language "race, color or ancestry" is this. Many of the witnesses who appeared before the House Committee on Internal Security contended that Japanese-Americans were detained in World War II purely because of their race or their ancestry.

In regard to the other point that the gentleman made, I am sure the gentleman will recall during the Korean war——

Mr. ECKHARDT. I have yielded to the gentleman for a question and I am still waiting for the gentleman's question.

Mr. ICHORD. I am sure the gentleman will recall that during the Korean war, President Truman seized the steel mills. There was a 6-to-3 Supreme Court decision to the effect that that seizure was unlawful. It was a divided opinion. But if you will read the opinion closely, the court held that President Truman could not seize the steel mills under his wartime powers because the Congress had enacted the War Defense Production Act as well as the Taft-Hartley Act and that would require the President to act under those two laws rather than under his constitutional wartime powers.

Mr. ECKHARDT. I am still waiting for a question from the gentleman. But I do not think this touches on my discussion.

Madam Chairman, I yield back the remainder of my time.

Mr. ALBERT. Madam Chairman, I move to strike out the last word.

Madam Chairman, with all the legalistic arguments brushed aside, I think it remains a fact, and a sad fact and a sad chapter in the history of America that there was a time when it was believed that many persons of Japanese origin—just because they were Japanese—might be guilty at some future date of sabotage.

I do not think there is any more reason for believing that than there would have been reason to believe that Americans of English ancestry might have been guilty of sabotage during the War of 1812.

In fact, I have often thought of a great speech delivered several years ago by a great former Member of the House, the late gentleman from Maine, Mr. Frank Fellows, whom older Members will remember.

Here is what he said:

Whenever these matters are under discussion there immediately come to my mind the histories of two native-born white Americans: one first saw the light of day in Massachusetts, the other in Kansas. Each has acted as chairman of the Communist Party. According to House Report No. 209 it was Kansas-born Earl Browder who read to 2,000 applicants for Communist Party membership in the New York district in 1935 the following solemn pledge: "I pledge myself to rally the masses to defend the Soviet Union, the land of victorious socialism."

On the other side of the picture I see what was to me pleasantly surprising, as it may be to you.

Before the House Subcommittee on Immigration and Naturalization frequently appears what we would term a Japanese-American, although I dislike cataloging any group as hyphenated Americans. This young man, 1 of 5 boys in a large family born in Utah to Japanese parents, with each of his brothers, was the recipient of a Purple Heart. They were members of the Four Hundred and Forty-second Regiment Combat Team of the United States Army, which saw desperate fighting in Italy. Immediately after Pearl Harbor, the property in the West owned by this family was taken, and the mother was interned behind barbed wire. Notwithstanding this, the mother encouraged her sons in their desire to enlist, which all 5 did. One boy was killed in action. One is still in the hospital. All were wounded. They were but 5 of 33,300 sons of Japanese parents who served in the United States armed services during the Second World War—part in the Pacific and part in Europe. Thirty-one thousand saw overseas service. After 120 days of fighting, what started out as a team of a little over 3,000 men had total casualties of 9,486. During its rescue of the Texas battalion of 189 white Americans in the Vosges Mountains of northeast France in October 1944, 200 Japanese-Americans were killed, and more than 1,500 casualties suffered. They were a much decorated group.

The mother of those boys was Mrs. Masaoka. One of these five sons was Mike Masaoka, who, along with his wife, has been a friend of Mrs. Albert and myself for many years. I can testify that they are good neighbors and fine Americans.

Madam Chairman, if I understand this matter correctly, this is an attempt to erase from the statutes of the United States a law which has been enacted since those concentration camps were built the last vestige of any authority to incarcerate people because they are related to people who are at war with us.

Mr. SCHERLE. Madam Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. SCHERLE. I yield to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. I thank the gentleman for yielding.

Madam Chairman, I would point out that the speech of our distinguished and beloved Speaker was not directed to the substitute amendment for the committee amendment. It was directed to title II, and title II is not in issue at this time.

I would like to ask the distinguished chairman of the subcommittee, the gentleman from Wisconsin (Mr. KASTENMEIER), one question which makes me feel very strongly that there is a need for the substitute amendment. The Senate of the United States during the 91st session did pass a bill repealing title II.

The subcommittee of the Committee on the Judiciary has reported H.R. 234 to this House repealing title II with the Railsback amendment. Is there any other difference between the measure and the bill reported by the Senate and sent to the House which was not acted upon?

Mr. KASTENMEIER. If the gentleman will yield, in reply to my friend, the gentleman from Missouri, I would say yes.

Mr. ICHORD. Other than the Railsback amendment?

Mr. KASTENMEIER. If the gentleman will permit me, the House bill does not view as necessary the retention of the findings of the section 101 of the Senate bill, which the Senate did.

Mr. ICHORD. Then the bill reported by the subcommittee of the Committee on the Judiciary repealed the findings of the Congress passed in regard to the existence of a Communist conspiracy. Is that correct?

Mr. KASTENMEIER. That is correct.

Mr. ICHORD. This is my main reason, Madam Chairman, for favoring the adoption of this amendment.

Mr. KASTENMEIER. Madam Chairman, I am curious why the gentleman from Missouri raised that question, because I think he is as familiar with the matter as anyone else, and should be, that those findings are already included in toto in title I of the Internal Security Act of 1950. If anyone cares to compare them, he will find them in the Committee on Internal Security committee print on the Internal Security Act of 1950. Title I lists the first 13 findings, most of which are precisely the same as those in title II which is now being repealed. To keep those would be a ridiculous redundance to say the least, because they would be hanging there without an object, duplicating findings found as a preface to title I.

I think in that regard the Senate made a legislative mistake. We have attempted to correct that.

I will also say in conclusion, and I want to make this brief, that I think the amendment offered by the gentleman from Missouri is, indeed, a serious and mischievous one. He would put himself back where he claimed we might be, that is to say, he would attempt to reserve in some sense the authority which the President does have or is supposed to have unilaterally and without respect to act of Congress, to install camps, without benefit even of the safeguards that he had recommended in his own substitute.

I suggest, Madam Chairman, that to adopt the amendment would undo much of what we are attempting to accomplish this afternoon, and I urge it be rejected.

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

Mr. KASTENMEIER. I yield briefly to the gentleman from Missouri.

Mr. ICHORD. Madam Chairman, I observe that the Senate only repealed 14 and 15, but they kept these findings, and I read section 101 which the gentleman is repealing by his bill:

SEC. 101. As a result of evidence adduced before various committees of the Senate and the House of Representatives, the Congress hereby finds that—

(1) There exists a world Communist movement which in its origins, its development, and its present practice, is a world-wide revolutionary movement . . .

I still do not understand why the gentleman's committee repealed these findings, while the Senate refused to repeal them.

Mr. KASTENMEIER. The gentleman has just read and the House has heard the findings that started out as one of 13. Let me review in the same act title I:

There exists a world Communist movement which in its origins, its development . . .

It is precisely the language which the gentleman is reciting, and which would be a redundant expression related to nothing. It already exists in title I and relates to title I.

Mr. ICHORD. Then what was the purpose of the Senate in not doing that?

Mr. KASTENMEIER. I do not know. In my humble view I think the Senate made a legislative mistake.

Mr. POFF. Madam Chairman, I move to strike the last two words.

Madam Chairman, on yesterday this House for a period of 3 hours addressed itself articulately and eloquently to precisely the issue which is here involved in this amendment. Nothing more can be said that has not already been said.

I pause parenthetically to pay tribute to this House. I am proud, as one of its Members, of the conduct and demeanor of the participants in this debate, of the high tone and the scholarly approach all have taken, and the result which apparently is about to be achieved.

Mr. GERALD R. FORD. Madam Chairman, will the gentleman from Virginia yield?

Mr. POFF. I am happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Madam Chairman, in light of the emotion that has been generated, in light of the very fine legal arguments that have been made, I believe it is time for this House to make a decision. So far as I am personally concerned, I intend to support the House Committee on the Judiciary. I support the Railsback amendment in the version of the Committee on the Judiciary. Therefore, I oppose the amendment offered by the gentleman from Missouri.

It seems to me that this matter, which is one of considerable controversy and considerable honest legal differences, can best be decided by the Members making their choice here and now. The well is dry. No further debate will sway the conviction of any Member.

For myself, it seems to me the weight of the evidence and the argument favors the action proposed by the Committee on the Judiciary, with the Railsback amendment, in opposition to the amendment offered by the gentleman from Missouri.

Mr. POFF. Madam Chairman, I rise in opposition to the amendment. I support the Judiciary Committee language, that language will not leave this Nation powerless to defend itself against internal threats in wartime.

The Judiciary Committee voted both to repeal and to prohibit detention camps. Repeal alone is insufficient.

The prohibition is not absolute. There is an emergency exception. In appropriate circumstances, the President can declare martial law and take whatever steps are necessary to execute the law of national self-defense.

The Supreme Court in the case of Sterling against Constantin, 287 U.S. 378 (1932) defines the President's discretion in the following language:

The nature of the power also necessarily implies that there is a permitted range of honest judgment as to the measures to be taken in meeting force with force, in suppressing violence and restoring order, for without such liberty to make immediate decisions, the power itself would be useless. Such measures, conceived in good faith, in the face of the emergency and directly related to the quelling of the disorder or the prevention of its continuance, fall within the discretion of the executive in the exercise of his authority to maintain peace.

Of course, whether the executive has correctly determined to declare martial law is ultimately a question for the courts to decide. As a practical historical matter, judicial scrutiny has followed well after the crisis had passed. It was not until the Civil War had ended that the Supreme Court ruled that it was unconstitutional to deny one charged with conspiring against the Government a trial so long as the courts were open. It was not until after the Japanese had been turned back in the Pacific that the Supreme Court decided that a concededly loyal detainee in a detention camp was entitled to an immediate release. It was not until after World War II ended that the Supreme Court ruled that martial law had been improperly declared in Hawaii.

What the Judiciary Committee language means is that the executive branch cannot detain unless Congress has provided the authority except in those cases where law no longer binds, that is, in cases where martial law may be declared.

The Judiciary Committee bill would not leave this Nation defenseless in wartime.

Nothing in the bill would affect the validity of 50, United States Code 21, which authorizes the apprehension of aliens during wartime. It was this law which the President used to defend the Nation in December 1941. In less than 3 days after the attack on Pearl Harbor, the FBI had taken into custody 3,846 enemy aliens without violence and without any authorization for detention camps.

In the event of another Pearl Harbor, this statute would be used again. A number of similar or related statutes are available, including 8, United States Code 1185, 18, United States Code 2152, 18, United States Code 2385, and 18, United States Code 2388.

If additional statutes prove necessary, the President can request emergency war powers within a matter of hours.

If his request is denied or delayed, and if the emergency justifies martial law, he can act without benefit of statutory authority, subject only to subsequent judicial restraint.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Missouri (Mr. ICHORD), for the committee amendment.

TELLER VOTE WITH CLERKS

Mr. ICHORD. Madam Chairman, I demand tellers.

Tellers were ordered.

Mr. ICHORD. Madam Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. POFF, ICHORD, KASTENMEIER, and ASHBROOK.

The Committee divided, and the tellers reported that there were—ayes 124, noes 272, not voting 38, as follows:

[Recorded Teller Vote]

[Roll No. 255]

AYES—124

Abbitt	Fountain	Purcell
Abernethy	Fuqua	Randall
Andrews, Ala.	Griffin	Rarick
Archer	Gross	Rhodes
Ashbrook	Grover	Roberts
Baker	Hagan	Robinson, Va.
Baring	Hall	Rogers
Belcher	Harsha	Rousselot
Bennett	Hébert	Runnels
Betts	Henderson	Ruth
Bevill	Hogan	Satterfield
Biaggi	Hull	Scherle
Blackburn	Hunt	Schmitz
Blanton	Hutchinson	Scott
Broyhill, N.C.	Ichord	Sebelius
Broyhill, Va.	Johnson, Pa.	Shipley
Buchanan	Jonas	Shriver
Burleson, Tex.	Jones, Ala.	Smith, Calif.
Burlison, Mo.	Jones, N.C.	Smith, N.Y.
Cabell	Jones, Tenn.	Snyder
Caffery	King	Spence
Casey, Tex.	Kuykendall	Steiger, Ariz.
Chappell	Landgrebe	Stephens
Clancy	Landrum	Stratton
Clausen, Don H.	Latta	Stubblefield
Clawson, Del	Lennon	Stuckey
Collins, Tex.	McMillan	Taylor
Colmer	Mahon	Thompson, Ga.
Crane	Martin	Thomson, Wis.
Daniel, Va.	Mathis, Ga.	Veysey
Davis, Ga.	Miller, Ohio	Waggonner
Davis, Wis.	Mills, Md.	Wampler
Dennis	Minshall	Whitten
Devine	Mizell	Williams
Dickinson	Montgomery	Wilson, Bob
Dorn	Natcher	Winn
Dowdy	Nichols	Wylie
Downing	Passman	Wyman
Fisher	Patman	Young, Fla.
Flowers	Pirnie	Young, Tex.
Flynt	Poage	Zion
	Price, Tex.	

NOES—272

Abourezk	Chisholm	Fulton, Tenn.
Abzug	Clark	Galifianakis
Adams	Clay	Gaydos
Albert	Cleveland	Gettys
Alexander	Collier	Giaimo
Anderson, Calif.	Collins, Ill.	Gibbons
Anderson, Ill.	Conte	Gonzalez
Anderson, Tenn.	Conyers	Goodling
Andrews, N. Dak.	Corman	Grasso
Annunzio	Cotter	Gray
Arends	Coughlin	Green, Oreg.
Ashley	Culver	Green, Pa.
Aspin	Daniels, N.J.	Griffiths
Aspinall	Danielson	Gude
Barrett	Davis, S.C.	Halpern
Begich	de la Garza	Hamilton
Bell	Dellenback	Hanley
Bergland	Dellums	Hanna
Biester	Dent	Hansen, Idaho
Bingham	Derwinski	Hansen, Wash.
Blatnik	Dingell	Harrington
Boggs	Donohue	Harvey
Boland	Dow	Hastings
Bolling	Drinan	Hawkins
Bow	Duncan	Hays
Brademas	du Pont	Hechler, W. Va.
Brasco	Dwyer	Heckler, Mass.
Brinkley	Eckhardt	Helstoski
Brooks	Edmondson	Hicks, Mass.
Broomfield	Edwards, Ala.	Hicks, Wash.
Brotzman	Edwards, Calif.	Hillis
Brown, Mich.	Eilberg	Holifield
Brown, Ohio	Erlenborn	Horton
Burke, Mass.	Esch	Hosmer
Burton	Evans, Colo.	Howard
Byrne, Pa.	Fascell	Hungate
Byrnes, Wis.	Findley	Jacobs
Byron	Fish	Johnson, Calif.
Camp	Flood	Karth
Carey, N.Y.	Foley	Kastenmeier
Carney	Ford, Gerald R.	Kazen
Carter	Ford, William D.	Keating
Cederberg	Forsythe	Keith
Celler	Fraser	Kemp
Chamberlain	Frenzel	Kluczynski
	Frey	Koch
	Fulton, Pa.	Kyl
		Kyros

Leggett	Nelsen	Saylor
Lent	Nix	Schneebeli
Link	Obey	Schwengel
Lloyd	O'Hara	Seiberling
Long, Md.	O'Konski	Sisk
Lujan	O'Neill	Skubitz
McClory	Patten	Slack
McCloskey	Pelly	Smith, Iowa
McClure	Pepper	Springer
McCollister	Perkins	Stafford
McCormack	Pettis	Stanton,
McDade	Peyser	J. William
McDonald,	Pickle	Stanton,
Mich.	Pike	James V.
McFall	Podell	Steele
McKevitt	Poff	Steiger, Wis.
McKinney	Powell	Stokes
Macdonald,	Preyer, N.C.	Teague, Calif.
Mass.	Price, Ill.	Thompson, N.J.
Madden	Pryor, Ark.	Thone
Mailliard	Pucinski	Tiernan
Mann	Quie	Udall
Mathias, Calif.	Quillen	Ullman
Matsunaga	Railsback	Van Deerlin
Mayne	Rangel	Vander Jagt
Mazzoli	Rees	Vanik
Meeds	Reid, Ill.	Vigorito
Melcher	Reid, N.Y.	Waldie
Metcalfe	Reuss	Ware
Mikva	Riegle	Watts
Miller, Calif.	Robison, N.Y.	Whalen
Mills, Ark.	Rodino	Whalley
Minish	Roe	White
Mink	Roncalio	Whitehurst
Mitchell	Rooney, N.Y.	Wiggins
Mollohan	Rooney, Pa.	Wilson,
Monagan	Rosenthal	Charles H.
Moorhead	Rostenkowski	Wolff
Morgan	Roush	Wright
Morse	Roy	Wyatt
Mosher	Roybal	Wydler
Moss	Ruppe	Yates
Murphy, Ill.	Ryan	Yatron
Murphy, N.Y.	St Germain	Zablocki
Myers	Sandman	Zwach
Nedzi	Sarbanes	

NOT VOTING—38

Addabbo	Gallagher	McKay
Badillo	Garmatz	Michel
Bray	Goldwater	Scheuer
Burke, Fla.	Gubser	Shoup
Conable	Haley	Sikes
Delaney	Hammer-	Staggers
Denholm	schmidt	Steed
Diggs	Hathaway	Sullivan
Dulski	Jarman	Symington
Edwards, La.	Kee	Talcott
Eshleman	Long, La.	Teague, Tex.
Evins, Tenn.	McCulloch	Terry
Frelinghuysen	McEwen	Widnall

So the amendment in the nature of a substitute for the committee amendment was rejected.

AMENDMENT OFFERED BY MR. THOMPSON OF GEORGIA TO THE COMMITTEE AMENDMENT

Mr. THOMPSON of Georgia. Madam Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMPSON of Georgia to the committee amendment: Page 2, line 15, after "Congress", strike out the period and quotation marks and insert "nor shall any citizen, including students, be forcibly transferred from one group to another group or be forced to be a part of a particular group because of his race, creed, or color by the United States except pursuant to an Act of Congress."

POINT OF ORDER

Mr. CELLER. Madam Chairman, I make the point of order that the amendment offered by the gentleman from Georgia (Mr. THOMPSON) to the committee amendment is not germane.

The CHAIRMAN. Does the gentleman from New York desire to be heard on his point of order?

Mr. CELLER. Madam Chairman, I simply wish to state that the amendment offered by the gentleman from Georgia (Mr. THOMPSON) to the committee amendment, which has just been read, is nongermane because it practically amounts to an antibusing amendment, and therefore is not germane to the purposes and purport of the bill in question.

The CHAIRMAN. Does the gentleman from Georgia (Mr. THOMPSON) desire to be heard on the point of order?

Mr. THOMPSON of Georgia. I do, Madam Chairman.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Madam Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Michigan will state his parliamentary inquiry.

Mr. GERALD R. FORD. Madam Chairman, my parliamentary inquiry is this: As I understand it, the point of order against the amendment has been made by the gentleman from New York (Mr. CELLER). It is my understanding that the gentleman from Georgia (Mr. THOMPSON) is responding to the arguments made by the gentleman from New York (Mr. CELLER) on the point of order. Is my understanding correct?

The CHAIRMAN (Mrs. GRIFFITHS). The Chair will state that the gentleman is correct in his statement.

The Chair will now hear the gentleman from Georgia (Mr. THOMPSON) on the point of order.

Mr. THOMPSON of Georgia. Thank you, Madam Chairman.

Madam Chairman, I understand the objection by the gentleman from New York. He maintains that this is not germane because, in his words, it is "an antibusing amendment."

Madam Chairman, I would like to point out that we are talking about a detention bill, an emergency detention bill, a bill whereby we are striking the provisions.

Madam Chairman, the bill before us strikes title II of the Emergency Detention Act. It pertains to the forcing of American citizens from one place against their will into other areas.

The amendment I have offered in no way includes busing. It does not include the word "busing." It may be construed by some to be an antibusing amendment, but I would like to read the amendment so that the Chair may realize my argument.

My amendment states:

"Nor shall any citizen, including students, be forcibly transferred from one group to another group or be forced to be a part of a particular group because of his race, creed, or color by the United States except pursuant to an act of Congress."

That wording practically duplicates the wording that is in the Railsback amendment, except that the Railsback amendment states:

No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.

So I am simply taking the imprisonment part that they have in there and I am increasing it or extending it, Madam Chairman, to the forcible transfer from one group to another, or the forcible participation in a group that a citizen does not desire.

I maintain, Madam Chairman, that it is germane and while it may be considered in some instances to be deforcing the busing of children, you must bear in mind that we do have compulsory attendance laws in these United States and to compulsorily require an individual, a student to attend a particular school, is a form of detention.

So, Madam Chairman, I maintain that it is in order and it should be debated and a vote taken on this amendment.

The CHAIRMAN. The Chair is prepared to rule.

The purpose of the bill before the committee is: first, to restrict the imprisonment or other detention of citizens by the United States to situations in which statutory authority for their incarceration exists, and second, to repeal the Emergency Detention Act of 1950—title II of the Internal Security Act of 1950—which authorizes the establishment of detention camps and imposes certain conditions on their use.

The amendment offered by the gentleman from Georgia is not germane to either of these purposes and, under clause 7 of rule XVI, is not in order.

The Chair sustains the point of order.

Mr. ICHORD. Madam Chairman, I move to strike out the last word.

Madam Chairman and Members of the House, we come to the close of debate. I want to say to the Members of the House, I have one more vote which I insist that the House take, and that is on the committee amendment.

If the committee amendment is defeated, it is my intention to vote for H.R. 234. However, if the committee amendment is adopted, I intend to cast my vote against H.R. 234. I want briefly to tell you the reasons why I intend to cast my vote against H.R. 234 if the committee amendment is adopted. This is an amendment which has not been agreed upon by the Department of Justice. There is considerable question as to what the amendment means. It was my position, I would say to the House, that the true libertarian approach would be, rather than to repeal title II, to keep it on the books in order to keep from happening what happened back in 1942.

I point out that a lot of people have been talking about what happened to the Japanese in 1942, and I say again this was a black page in American history.

Members of the House, you are not legislating on the facts. Title II was not even in existence in 1942. When these bills were originally referred to the House Committee on Internal Security, I first thought that it would be all right to repeal title II as requested by the Department of Justice. However, upon examination, I thought that keeping title II on the books and amending it to take out of it all harsh measures would be the proper libertarian approach. The Department of Justice has not agreed to the committee amendment, and this is the reason I am going to insist on rejection of the committee amendment. I read from a letter dated May 14, 1971, from Robert C. Mardian, Assistant Attorney General, page 2 thereof:

Of course, the Department of Justice has maintained, and continues to maintain, the opinion that Title II of the Internal Security Act of 1950 should be repealed outright without any provisos attached thereto.

This committee amendment is a committee proviso. I wrote a letter to the Department of Justice in reference to the committee amendment. They do not favor repeal of title II with this committee amendment. I say, Members of the House, if you adopt the committee amendment, you are going to make a serious mistake.

The CHAIRMAN. The question is on the committee amendment.

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

TELLER VOTE WITH CLERKS

Mr. ICHORD. Madam Chairman, I demand tellers.

Tellers were ordered.

Mr. ICHORD. Madam Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. KASTENMEIER, ICHORD, POFF, and RAILSBACK.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Madam Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GERALD R. FORD. If a Member favors the committee amendment of the Committee on the Judiciary, he should vote "aye"; if he opposes the committee amendment of the Committee on the Judiciary, he should vote "no."

The CHAIRMAN. That is correct.

The Committee divided, and the tellers reported that there were—ayes 290, noes 111, not voting 33, as follows:

[Roll No. 256]

[Recorded Teller Vote]

AYES—290

Abourezk	Byrne, Pa.	Edwards, Calif.
Abzug	Byron	Eilberg
Adams	Camp	Erlenborn
Albert	Carey, N.Y.	Esch
Alexander	Carney	Evans, Colo.
Anderson, Calif.	Carter	Evins, Tenn.
Anderson, Ill.	Cederberg	Fascell
Anderson, Tenn.	Celler	Findley
Andrews, N. Dak.	Chamberlain	Fish
Annunzio	Chisholm	Flood
Arends	Clark	Foley
Ashley	Clausen, Don H.	Ford, Gerald R.
Aspin	Cleveland	Ford, William D.
Aspinall	Collier	Forsythe
Barrett	Collins, Ill.	Fraser
Begich	Conte	Frenzel
Bell	Conyers	Frey
Bennett	Corman	Fulton, Pa.
Bergland	Cotter	Fulton, Tenn.
Biaggi	Coughlin	Fuqua
Biester	Culver	Galifianakis
Bingham	Daniels, N.J.	Gallagher
Blatnik	Danielson	Gaydos
Boggs	Davis, S.C.	Gettys
Boland	de la Garza	Giaimo
Bolling	Dellenback	Gibbons
Bow	Dellums	Gonzalez
Brademas	Denholm	Goodling
Brasco	Dent	Grasso
Brinkley	Derwinski	Gray
Brooks	Dingell	Green, Oreg.
Broomfield	Donohue	Green, Pa.
Brotzman	Dow	Griffiths
Brown, Ohio	Drinan	Gubser
Broyhill, N.C.	du Pont	Gude
Broyhill, Va.	Dwyer	Halpern
Burke, Mass.	Eckhardt	Hamilton
Burton	Edmondson	Hammer-schmidt
	Edwards, Ala.	Hanley
Hanna	Melcher	Roy
Hansen, Idaho	Metcalfe	Roybal
Hansen, Wash.	Michel	Runnels
Harrington	Mikva	Ruppe
Harsha	Miller, Calif.	Ryan
Harvey	Mills, Ark.	St Germain
Hastings	Minish	Sandman
Hawkins	Mink	Sarbanes
Hays	Mitchell	Saylor
Hechler, W. Va.	Mollohan	Schneebeli
Heckler, Mass.	Monagan	Schwengel
Helstoski	Moorhead	Sebelius
Hicks, Mass.	Morgan	Seiberling
Hicks, Wash.	Morse	Shipley
Hillis	Mosher	Sisk
Holifield	Moss	Skubitz
Horton	Murphy, Ill.	Slack
Howard	Murphy, N.Y.	Smith, Iowa
Hungate	Natcher	Smith, N.Y.
Jacobs	Nedzi	Springer
Johnson, Calif.	Nelsen	Stafford
Johnson, Pa.	Nix	Stanton, J. William
Karth	Obey	Stanton, James V.
Kastenmeier	O'Hara	Steed
Kazen	O'Konski	Steele
Keating	O'Neill	Steiger, Wis.
Keith	Patten	Stokes
Kluczynski	Pelly	Stratton
Koch	Pepper	Teague, Calif.
Kyl	Perkins	Thompson, Ga.
Kyros	Pettis	Thompson, N.J.
Latta	Peyser	Thone
Leggett	Pickle	Tiernan
Lent	Pike	Udall
Link	Podell	Ullman
Lloyd	Poff	Van Deerlin
Long, Md.	Preyer, N.C.	Vander Jagt
Lujan	Price, Ill.	Vanik
McClory	Pryor, Ark.	Vigorito
McCloskey	Pucinski	Waldie
McClure	Purcell	Ware
McCollister	Quie	Watts
McCormack	Quillen	Whalen
McDade	Railsback	White
McDonald, Mich.	Rangel	Whitehurst
McFall	Rees	Wiggins
McKevitt	Reid, Ill.	Wilson, Charles H.
McKinney	Reid, N.Y.	Wolff
Macdonald, Mass.	Reuss	Wright
Madden	Riegle	Wyatt
Mahon	Robison, N.Y.	Wydler
Mailliard	Rodino	Yates
Mann	Roe	Yatron
Mathias, Calif.	Rogers	Zablocki
Matsunaga	Roncalio	Zwach
Mayne	Rooney, N.Y.	
Mazzoli	Rooney, Pa.	
Meeds	Rosenthal	
	Rostenkowski	
	Roush	

NOES—111

Abbitt	Flynt	Poage
Abernethy	Fountain	Powell
Andrews, Ala.	Griffin	Price, Tex.
Archer	Gross	Randall
Ashbrook	Grover	Rarick
Baker	Hagan	Rhodes
Baring	Hall	Roberts
Belcher	Henderson	Robinson, Va.
Betts	Hogan	Ruth
Bevill	Hosmer	Satterfield
Blackburn	Hull	Scherle
Blanton	Hunt	Schmitz
Brown, Mich.	Hutchinson	Scott
Buchanan	Ichord	Shriver
Burleson, Tex.	Jonas	Sikes
Burlison, Mo.	Jones, Ala.	Smith, Calif.
Cabell	Jones, N.C.	Snyder
Caffery	Jones, Tenn.	Spence
Casey, Tex.	Kemp	Steiger, Ariz.
Chappell	King	Stephens
Clancy	Kuykendall	Stubblefield
Clawson, Del	Landgrebe	Stuckey
Collins, Tex.	Landrum	Taylor
Colmer	Lennon	Thomson, Wis.
Crane	McMillan	Veysey
Daniel, Va.	Martin	Waggoner
Davis, Ga.	Mathis, Ga.	Wampler
Davis, Wis.	Miller, Ohio	Whalley
Dennis	Mills, Md.	Whitten
Devine	Minshall	Williams
Dickinson	Mizell	Wilson, Bob
Dorn	Montgomery	Winn
Dowdy	Myers	Wylie
Downing	Nichols	Wyman
Duncan	Passman	Young, Fla.
Fisher	Patman	Young, Tex.
Flowers	Pirnie	Zion

NOT VOTING—33

Addabbo	Byrnes, Wis.	Dulski
Badillo	Conable	Edwards, La.
Bray	Delaney	Eshleman
Burke, Fla.	Diggs	Frelinghuysen
Garmatz	Long, La.	Staggers
Goldwater	McCulloch	Sullivan
Haley	McEwen	Symington
Hathaway	McKay	Talcott
Hébert	Rousselot	Teague, Tex.
Jarman	Scheuer	Terry
Kee	Shoup	Widnall

So the committee amendment was agreed to.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 22, strike out "SEC. 3." and insert in lieu thereof "SEC. 2.".

The committee amendment was agreed to.

Mr. WIGGINS. Madam Chairman, I move to strike the last word.

(Mr. WIGGINS asked and was given permission to revise and extend his remarks.)

Mr. WIGGINS. Madam Chairman, since its enactment by the 81st Congress, title II of the Internal Security Act of 1950 (50 U.S.C. 811–826) has been a topic of public controversy. Its unresolved constitutionality and its unclear terminology have subjected this legislation to misunderstanding and to conflicting interpretation. It is to this controversial legislation that I would like to direct my remarks in order that I might clarify my vote supporting congressional action to secure its repeal.

Title II, known as the Emergency Detention Act, was enacted in the emotion-charged aftermath of the Communist invasion of South Korea. It constituted an expression of a very real concern in this country with a possible Communist-directed conspiracy against the institutions of our Government. In view of these circumstances, the objectives of this legislation were indeed worth while. It sought not only to preserve the internal security of the Nation in the face of a perceived Communist threat, but also to prevent, during a time of high emotion, the arbitrary detention of persons and groups as had occurred during the Second World War with regard to Americans of Japanese ancestry.

In general, title II constituted an attempt by Congress to provide the executive with a procedure for the granting of due process to persons apprehended, during a national emergency, upon suspicion as a possible participant in acts of sabotage and espionage. In addition, it provided legislative authorization for the establishment of facilities for the detention of such suspected saboteurs.

Under the provisions of title II, once the President has declared the existence of an internal security emergency because of an invasion, declaration of war, or insurrection in support of a foreign enemy, the Attorney General is authorized to issue a warrant for the arrest of, in the words of the statute:

Each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in acts of espionage and of sabotage.

A person thus apprehended is brought before a preliminary hearing officer who determines from the evidence presented, whether that person should be detained.

If "reasonable ground" for such detention is determined, a detention order is issued, but may be appealed by the detainee to a Board of Detention Review.

After such administrative procedures, provision is made for a detainee to appeal his case to a U.S. court of appeals and subsequently to the Supreme Court. In all proceedings, however, the Attorney General is authorized to withhold any information, the disclosure of which in his estimation would be detrimental to national security.

The provisions for the administrative internment of suspected sabateurs contained in title II have existed within the body of public law during two of the most troubled decades in our Nation's history. This period has witnessed our involvement in a cold war of unprecedented scale with the Soviet Union, our participation in two armed conflicts in support of our Asian allies, and the straining of our national unity by political and racial unrest and violence. Not once during this period, however, has an American President deemed it necessary to invoke these provisions. This is indeed a tribute to the ability of our governmental system to cope with difficult situations without resorting to the suspension of the political and civil rights of even a minority of its citizens.

Despite this record, however, the continued existence of title II has become an irritation to many Americans. There has developed around this legislation a so-called "concentration camp psychosis;" a fear that the statute might be utilized as a potential instrument for the apprehension and detention of individuals holding opinions unpopular with those in control of the Government. While such viewpoints are unfounded, they cannot be ignored. In recent years our Nation has experienced considerable stress as a result of racial violence and our involvement in the war in Vietnam.

This stress has resulted in the corosion of the confidence of various segments of our society in the institutions of our Government. The fear generated by rumors of Government plans to utilize title II to "round up" militants and dissidents has served to increase mistrust and inspire disorder. To this extent, title II can be said to contribute to polarization and disorder in that it provides a focal point for those who seek to bring about such a weaking of our society.

The present national climate has heated to the degree where it is not enough for the Department of Justice to simply deny the existence of such plans. Opponents of this legislation, as well as the Department of Justice, have asserted that only the repeal of title II will ally the fears and suspicions, unfounded as they might be, of many of our citizens. This benefit is deemed more important than any potential advantage which title II may provide in times of national emergency. I concur in this opinion.

However, in determining whether or not title II should be repealed, we must address ourselves to more than the emotional considerations which surround it. Such considerations, while important, are insufficient to provide logical ground for determining the propriety of this legislation. The basic issues upon which such a determination should be made are questions of the legislation's necessity, its constitutional propriety, and the relevancy of its measures to the objectives to be attained. It is upon these questions that title II must ultimately stand or fall.

My opposition to the continued existence of title II, even in amended form, is based in large part upon my belief that at present this legislation is unnecessary. Enacted for use in the eventuality of a Soviet-directed invasion or violent conspiracy during the period of intense United States-Soviet confrontation of the early 1950's, title II appears obsolete in the light of present realities. While the threat of such occurrences may have been very real at that time, the persistence of such a threat is not of the same degree today. The eventuality of an armed invasion of this Nation appears unlikely in the foreseeable future as does the occurrence of a conspiracy in support of a foreign enemy. This is not meant to infer that internal difficulties, often Communist inspired, are not likely to arise at some point in the future. Should they arise, however, I am of the opinion that they will not be of the nature for which the provisions of title II are applicable. It is most likely that internal difficulties will occur not as a direct result of a foreign conspiracy, but because of internal strife, nurtured by economic inequalities and by racial and political dissension. It is to the conditions which foster such strife, rather than to our fear of foreign conspiracy, that we must now direct our attention and our efforts.

Regardless of the nature of a future emergency situation, I believe it will not be met with existing legislation but with new measures tailored to the specific need of new situations. I am confident of the continued flexibility of our political system to cope effectively with any situation as it arises.

I further oppose title II on the grounds that it raises serious constitutional questions. Ostensibly, this legislation appears to violate a number of the most basic safeguards of our Constitution. In particular, I am concerned with the aspect of this legislation which provides for the apprehension and internment of individuals within an administrative framework which parallels our civil court system. Under these provisions an individual suspected of espionage is apprehended on a warrant issued not by a court of law, but by an official of the Department of Justice. The individual thus apprehended is authorized to present a defense to the charge of his potential danger to national security not before a judge or an impartial jury, but before a hearing officer and a review board appointed by the administration. In such proceedings, the Attorney General is authorized to withhold any information or witnesses which he deems detrimental to national security. In short, a procedure is provided in which the Department of Justice occupies the roles of accuser, apprehender, prosecutor, and judge.

The administrative procedure provided in title II appears to violate article III, section 2 of the Constitution, which asserts that the Judiciary, not the executive branch, shall resolve "all cases" arising under the Constitution and the laws of this Nation. It may also be viewed as an infringement of the due process and trial by jury guarantees of the fifth and sixth amendments to the Constitution. Furthermore, this procedure is contrary to the legal precedent established by the Supreme Court in *Ex parte Milligan, 4 Wall. 2(1866)*, which has never been overruled. In this case, the Supreme Court invalidated the military trial of a civilian, asserting that so long as a civilian court remains open, a civilian may not be tried before any other tribunal. The Court stated further:

> The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequence, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government.

Assistant Attorney General Yeagley testified last year that the repeal of title II in no way jeopardized our internal security since, in his words:

> There is a considerable amount of statutory authority to protect the internal security interests of our nation from sabotage and espionage . . .

There seems little logic in continuing a law on the statute books when even those for whose use it was intended find no necessity for it.

When the necessity for legislation is nebulous, when its constitutionality is questionable, and when it constitutes a source of irritation and mistrust among the American public, such legislation should be repealed.

For these reasons, I support the repeal of title II of the Internal Security Act of 1950 and urge favorable Congressional action on H.R. 234 as reported by the Committee on the Judiciary.

Mr. BIESTER. Madam Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Pennsylvania.

Mr. BIESTER. Madam Chairman, I urge the committee to approve and pass H.R. 234 intact and with the Railsback amendment. The events of 1942 are a shame to the Nation, but it is not enough merely to characterize them, we must do all we can to prohibit any repetition of them. Reasonable minds can and have differed on how far the Congress can effectively go in prohibiting Executive action to detain American citizens without arrest or trial. It is my conviction that we should go as far as we can to curb such action by Executive fiat.

It has been argued that we need not repeal title II since it is not used. Well, Madam Chairman, the best thing to do with unnecessary laws is to repeal them. But there is an additional reason to repeal. Laws live not only as print in the books of statutes, they also live in the awareness of the public; and they are more than symbols, they are warrants of authority. The American public, the people, are entitled to know that the

warrants of authority couched in title II no longer threaten the liberty of any citizen. The driving force behind repeal is not, as some have suggested, the Communist Party, rather it is the conscience of the American people which demands repeal.

Madam Chairman, we do not want concentration camps in America, we do not need them, and by H.R. 234, as a Congress, will say that we shall not have them. I urge passage of H.R. 234 without substitutes for the Railsback amendment.

Mr. HANSEN of Idaho. Madam Chairman, I rise in support of the legislation before us to repeal title II of the Internal Security Act of 1950 and prohibit the establishment of emergency detention camps in this country. I am a cosponsor of a bill similar to H.R. 234, which also provides that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government, except pursuant to an act of Congress.

Title II was originally enacted to cope with certain aspects of a threat posed by an alleged Soviet-directed conspiracy against the institutions and laws of the United States. Specifically it was designed to deal with activities of espionage and sabotage which one might anticipate would be undertaken by hard-core revolutionaries during such an emergency. The language of the act stipulates that the President has the power to proclaim an internal security emergency only in certain instances of national peril and that the President or his agent has the power to detain persons believed to be likely to engage in acts of espionage or sabotage. The act also details the procedures for the continued detention of a person arrested under those conditions.

Title II violates basic constitutional principles and American judicial traditions. It authorizes the President under certain circumstances to apprehend and detain persons if there is reasonable ground to believe that they may engage in certain acts contrary to the national interest. Upon a finding of probable cause for detention, the person may be imprisoned. The detention and imprisonment is not authorized on the basis of an overt act committed in violation of law, but on the basis of mere suspicion that he may commit a crime. Thus, the elementary safeguards guaranteed by our Federal and State constitutions and judicial practices to the most hardened criminals and the most dangerous of traitors are denied to the most innocent of our suspected citizens under the Emergency Detention Act.

The fact is that in 20 years no persons have been detained under the provisions of the Emergency Detention Act of 1950. However, there were camp sites designated as available under the act. At the present time the camp sites exist as minimal security prisons or as farms or as privately owned subdivisions.

Disuse of a law essentially is not a major factor for the necessity of the law's repeal. In 1968 feeling ran high and rumors were rampant that the President could, and probably would, determine that the national peril was great enough that members of radical and militant groups could be detained with no recourse in the courts. The rumors, widely circulated, have been believed in many urban ghettos as well as by those dissidents who are at odds with many of the policies of the United States. The House Un-American Activities Committee, in May 1968, recommended the possible use of these detention camps for certain black nationalists and for Communists. Some elements of our society have deliberately encouraged these rumors and no speeches by lawmakers or officials have been able to dispel the misgivings.

We can look at the record to see that any arrests of members of radical and militant groups have been made on specific criminal charges under the due process of law. This is the only procedure which should be followed and repeal of the Emergency Detention Act of 1950 will insure that due process will always be followed. In addition, it will be a rebuttal to those who found it easy to believe the worst of the "establishment" in this country.

H.R. 234 offers more insurance of due process than the repeal of title II. It provides, under title 18 of the United States Code, positive affirmation of the arrest and detention of persons under the process, with no exception. The purpose of the positive language is to forestall action, by the Executive, for the wholesale detention of a group of persons arbitrarily determined to be a danger to the United States. The unfortunate experience of the Japanese Americans in the 1940's provides dramatic and sobering evidence of what can happen in this country when power is misplaced.

The evacuation and incarceration of some 110,000 persons of Japanese ancestry in 1942 is one of the saddest chapters in the history of our Republic. It stands as a permanent blot on the record of a nation whose history and traditions have been dedicated to the cause of bringing to all Americans the blessings of individual liberty and equality of opportunity.

Most of these evacuees were native born American citizens. The rest were aliens who were denied the right to become American citizens by our discriminatory laws. Many were placed in a detention camp located in my own State of Idaho. All suffered great personal hardship at the hands of a country that had no reason whatever to question their loyalty. We must make certain that this tragic mistake is not repeated.

Repeal of the Emergency Detention Act of 1950 and insertion of the positive language assuring coverage by due process will create an atmosphere of trust in this country. I am happy to join with my many colleagues who share my concern, with the Justice Department, with dozens of local government bodies, churches, and other organizations, and editorial voices across the land in urging the prompt passage of this legislation to strike from the statute books a law that is so repugnant to America's principles.

Mr. PODELL. Madam Chairman, the time is long past for Congress to repeal the archaic Emergency Detention Act that authorizes the Government to establish and maintain concentration camps in America. The Emergency Detention Act was bad law when it was passed in 1950. It is worse law today.

The Emergency Detention Act violates fundamental constitutional guarantees and judicial traditions that we cherish and which are basic to our American way of life. For example, title II authorizes detention not on the basis of an actual act committed in violation of law, but on the basis of mere suspicion—of a mere probability that during proclaimed periods of internal security emergencies, the detainee might engage in, or conspire with others to engage in, acts of espionage or sabotage, acts already prohibited by Federal law. Such probability could presumably be based upon rumor, association, relationship or membership in a group. Moreover, the detainee is not granted a trial by jury, or even before a judge. He is assumed to be guilty. There is no presumption of innocence. He is denied the right of confrontation. The Attorney General, if he deems it in the national interest, need not produce any evidence or witnesses in support of his charges against the detainee.

Former Supreme Court Justice Arthur Goldberg, in commenting on this part of the the act, stated:

> I suggest to you that there is no precedent in our law for incarcerating—or indeed even prosecuting—on such a theory. In my judgment, the constitutional right to due process precludes incarceration on the basis of the alleged probability of some future action.

Other provisions of the Emergency Detention Act likewise cast a chilling effect upon the full enjoyment of constitutional rights.

The warrant which authorizes an individual's apprehension is issued neither by a court nor by a magistrate, but by officers designated by the Department of Justice, the prosecutor in the case. Such a procedure is foreign to our judicial process.

Once in custody, the detainee may request a hearing but there is no guarantee of a prompt arraignment—only that a hearing is to be held "within 48 hours after apprehension, or as soon thereafter as provision for it may be made." The person detained is not brought before an impartial judge but before a "preliminary hearing officer" appointed by the prosecution, and if the hearing officer sustains the detention, the only appeal is to a detention review board appointed by the President.

At both the hearing and review board level, the detainee is deprived of substantial due process guarantees.

The right to be appraised of the grounds on which detention was instituted, the right to confront one's accusers, and the right to cross-examine witnesses, are all severely limited if not eliminated if, in the Attorney General's—not a court's—opinion, to divulge information would be dangerous to U.S. security.

The Emergency Detention Act is a vestige of an earlier era in our history that is repugnant to all Americans. Dur-

ing World War II, 109,650 Americans of Japanese ancestry were arrested and their property was confiscated. They were detained in various relocation camps.

In retrospect, they were uprooted from their homes in the Western United States and incarcerated in American concentration camps for no reason other than that they wore Japanese faces.

Even American citizens who had but one-sixteenth Japanese blood were forced into what amounted to concentration camps. In another part of the world, Hitler in Nazi Germany decided that people with one-eighth Jewish blood had to go to concentration camps.

None of the Japanese-American evacuees were charged with any overt crime or act against the United States. The sole justification for their incarceration was that the Japanese American might be disloyal because he was of Japanese ancestry and therefore might have an affinity with the enemy. None were given a trial or a hearing of any kind.

Today, historians, scholars, jurists, lawyers, and plain thinking Americans agree that the evacuation and imprisonment of Japanese Americans in World War II was one of the most shameful chapters in American history.

Eugene Rostow, then dean of the Yale Law School, described the west coast evacuation as "our worst wartime mistake," while President Truman's Civil Rights Commission declared that it was "the most striking mass interference since slavery with the right to physical freedom."

Today, more than 70 State and local legislative bodies, commissions, and agencies throughout the United States and more than 500 national, regional, State, and chapter organizations, representing various professional, business, labor, veterans, social, religious, and civic groups have asked that Congress act quickly in repealing the Emergency Detention Act. Leading newspapers across the country have lifted their editorial voices in favor of repeal.

As Americans, we have come to equate concentration camps with Nazi Germany, Communist Russia, and other totalitarian forms of government. Indeed, we cannot justify the establishment of concentration camps under our own form of government by merely giving them euphemistic labels such as relocation camps or detention centers. Regardless of the appellation used, they in fact are all concentration camps—places where persons are incarcerated merely on the basis of governmental fiat. A democracy such as ours cannot countenance any law which authorizes the establishment of concentration camps.

I urge all my colleagues to support H.R. 234, which would repeal the Emergency Detention Act, restore confidence in the judicial process and in the American way and remove the last remnant of a shameful blot on the pages of our Nation's history.

Mr. HALL. Madam Chairman, I have listened very diligently to the debate that began yesterday on H.R. 234 and the substitute, H.R. 820, the former of which would repeal provisions of the Emergency Detention Act of 1950, and the latter of which would amend this same act. It seems that in reviewing history since the days of World War I and the Wilson administration, this country has always possessed some fear of internal subversion and sabotage. I fear many policies are based on such fears. This fear was manifested at the end of World War I by the wholesale rounding up and deportation of many aliens. The fear was likewise manifested in World War II, and I might say quite unjustly by the rounding up and placing in detention camps of American citizens of Japanese ancestry. I might add also that detention of our Japanese citizens was not done under the act being debated today. It was done by such great so-called civil libertarians as Franklin D. Roosevelt and Earl Warren. It was quite ironic that an arch enemy of American liberals, Senator Robert A. Taft, Sr., was one of the few to speak up at the time of detention, vigorously opposing the Government's action. The same applies to FBI director J. Edgar Hoover. However, Madam Chairman, this is in the past, and we must now deal with the factual situation here at hand, and plan adequately for the future as best we can in a bespoiled world.

Without going into the history of the Emergency Detention Act of 1950, I am still convinced that some type of legislation is needed in this area. To repeal and strike from the statutes, as H.R. 234 would do, would lay this country open for even larger types of civil disorders than have been seen in the past. I am firmly convinced that the President needs some type of power and authority to act in this area. I am even willing to say that I am for overprotection in this area since the internal security, the national security, and the very life of the Republic, would essentially be at stake. For this reason, I see no alternative but to support the substitute as offered by the distinguished chairman of the House Internal Security Committee.

Now, Madam Chairman, there has been much talk on this proposed legislation regarding minority groups, discrimination, false imprisonment, and so forth. However, I have yet to see a documented case where any individual or any group was detained or imprisoned under the Emergency Detention Act of 1950. What concerns we more is the fact that thousands upon thousands of mental patients and alleged mental patients are languishing in Federal institutions throughout this country. These questionably designated mental incompetents have absolutely no civil rights and have no redress through any form of due process. I can and have cited specific examples. In the past four Congresses, I have introduced legislation that would protect their constitutional rights. Again in this Congress, I have introduced H.R. 9185, which would help one of the most oppressed and discriminated groups in our society, the mental incompetent. The bill basically would: first, require a preliminary motion for a judicial determination that the mental competency of the accused to stand trial be supported by a sworn, written statement based on personal observation by a responsible adult as to the mental condition of the accused; second, require a hearing on a preliminary motion at which the accused and his attorney should be present; third, authorize a psychiatric examination or temporary commitment for such an examination only upon an initial determination of the court "that there is reasonable cause to doubt the mental competency of the accused"; fourth, limit the commitment, if commitment is ordered for a "reasonable period not to exceed 30 days as the court may determine"; fifth, require a further hearing on the issue of mental competency to stand trial if the initial report of the physician "indicates a state of mental incompetency"; and sixth, guarantee to an accused found mentally incompetent and committed pursuant to the provisions of the statute, the right to a periodic reexamination, not more frequently than every 6 months, on the application of his attorney, legal guardian, spouse, parent, or nearest adult relative.

My bill is no outlandish demand to protect the individual over the rights of society. They are but reasonable, proper, equitable, and just provisions to protect a neglected segment of our society. We have passed much civil rights legislation in the past 10 years, but here is one area of civil rights that has been neglected. Madam Chairman, at this time, I would like to again ask the distinguished chairman of the House Judiciary Committee to ask for departmental reports and to hold hearings upon my bill, H.R. 9185. If the distinguished chairman is interested in protecting civil liberties, I can think of no better place to begin than the area of protecting the alleged and ofttimes "shanghaied" mental incompetents of this country.

Mr. ROYBAL. Madam Chairman, I rise in support of H.R. 234, which would repeal the Emergency Detention Act of 1950. H.R. 234 would eradicate a dangerous and unconstitutional weapon which Congress gave to the President 21 years ago over his veto.

In a state of panicked concern, Congress enacted this law legalizing the imprisonment of American citizens in detention camps during times of crisis without trial, without due process, in violation of our constitutional freedoms.

Although the Emergency Detention Act has never been invoked, it carries totalitarian and Fascist elements, for it usurps individual liberties arbitrarily. First, it violates first amendment freedoms of speech, press, assembly, and association. It violates the fifth amendment by depriving citizens due process; it authorizes arrest and imprisonment not for a commission of crime but on suspicion that such may occur in the future. By this act, probability and the presumption of guilt are installed as our guiding principles of justice.

It violates the sixth amendment by denying the accused the right to trial by jury, the right to confront his ac-

cusers, the right to cross-examine the witnesses against him.

It violates the eighth amendment by imposing cruel and unusual imprisonment by permitting indefinite detention without any proof that a crime has been committed.

It violates our basic overriding principle which we have affirmed throughout our history, that the accused is assumed innocent until proven guilty. Imprisonment is based on governmental belief, not proof; the Government determines the fact and rationale, not the courts. The Government need not prove that the accused committed or attempted to commit sabotage or overthrow the Government. In effect, an administrative tribunal replaces our constitutional guarantee of trial by jury.

The whole matrix of procedural due process is twisted by this act; the preliminary hearing officer deciding the validity of an arrest is appointed by the prosecutor; the detention review board hearing appeals has no time restrictions in arriving at a decision; the accused must wait for that decision before appealing to an appellate court; the appellate court replaces his right to a trial by jury and to a complete examination of the facts.

This star chamber approach with its secret faceless informers and its lack of guarantees for cross-examination is repugnant to our constitutional tradition. It replaces hysteria and panic for our basic freedoms. I do not believe that we preserve our national security or serve national interest by maintaining such laws à la the Alien Sedition Act of 1798 or the Executive order of February 29, 1942, establishing relocation camps against 110,000 Japanese Americans.

The memory of that experience is still fresh among Japanese Americans who have led the fight today to repeal this latter day detention law. There is deep concern among minority groups in this country that during a time of continued strife they would be the first ones imprisoned in these camps. It may appear unreal, impobable to some of us today, but we cannot ignore the past experience of the Japanese Americans. Who can say that at another point in history we may turn unreflectingly to this abhorrent act as a ready made tool of oppression.

The Justice Department has already testified that this act is unnecessary, that repeal "will not lesson the inherent authority of the President under the war powers," that "considerable amount of statutory authority" already exists "to protect the internal security interests of our country from sabotage and espionage or other similar attack."

The act is clearly not in the interest of law and order. It can only serve as an undemocratic stigma of our past. It is therefore our congressional responsibility to vote for H.R. 234 to repeal this constitutionally dangerous and unnecessary law.

Mr. ANNUNZIO. Madam Chairman, as a cosponsor of H.R. 234, I urge Members to support this bill which would repeal the Emergency Detention Act of 1950 and which would prohibit detention of persons by Executive order in a time of national emergency.

The briefest summary of the Emergency Detention Act suffices to indicate the unjust and unconstitutional character of its provisions.

Under the act, the President may proclaim an "Internal Security Emergency" if the country is invaded, or if Congress declares war, or if there occurs an internal insurrection in aid of a foreign enemy. With issuance of such a proclamation, the Attorney General has power to apprehend and by order detain each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or of sabotage. The disposition of any one so arrested is then in the hands of a hearing officer. The hearing officer is not a judge; he is an officer of the executive branch. There is no judge and there is no jury. It is up to the hearing officer alone to decide whether the detainee shall be released or whether he shall be incarcerated for the duration of the emergency. It is true that the act grants to the detainee the right to counsel and the right to cross-examine the witnesses, but at the same time the Act authorizes the Attorney General to withhold evidence or witnesses if their disclosure would endanger national security. The detainee is likely to be deprived of the means of defending himself—the means which we call due process of law. And the detainee may not even appeal the decision of the hearing officer to a Federal court—his appeal is to an administrative tribunal called the Detention Review Board. Only after the Board has made a decision about him may he appeal his case to a U.S. Court of Appeals. And even in proceedings before the Board and before a court of appeals the Attorney General may withhold evidence or witnesses—that is, he can deprive the detainee of any real opportunity to appeal at all.

But the power which this act gives to the executive branch to deprive a detainee of the safeguards of due process is less appalling than the power it gives to incarcerate an individual who has not committed any criminal act whatever. The executive branch may put a man away in a concentration camp for an indefinite period of time merely on suspicion that he might commit espionage or sabotage at some time in the future. This would be nothing else than a system of political terror.

And it is not likely, therefore, that an individual's arrest and incarceration will be based—not on commission of any criminal act—but on his political beliefs and associations?

Madam Chairman, I urge Members to consider how the system of political terror designed in this act may inhibit the exercise of first-amendment rights. A person may think twice before joining a politically radical group if he believes that he might thereby render himself suspect in the eyes of the Justice Department and that he may in consequence be arrested some day even though he has done nothing illegal. The Emergency Detention Act does not take effect only in a time of emergency; it may be having an effect right now in restraining personal liberty.

Not only has it the effect of restraining personal liberty guaranteed by the first amendment, but it has also the effect of arousing apprehension among groups in this country—especially racial and new left groups. Such apprehension is not conducive to overcoming political divisions among the American people.

Madam Chairman, the Internal Security Committee proposes in its bill—H.R. 820—that we retain the Emergency Detention Act with certain amendments. Let me say that these amendments would do little to mitigate the threat to liberty posed by the act. But I should like to address myself to one point which the Internal Security Committee makes. It says that if we merely repeal the act we will remove all direction and limitation imposed by Congress on the President, so that in a national emergency the President could detain individuals or whole groups of people by executive order under his war powers, as he did in relocating Japanese Americans in World War II.

In order to meet this possibility, H.R. 234 prohibits any such executive action; it provides in section 1 that:

> No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.

Madam Chairman, I urge Members to reaffirm their commitment to civil liberties by passing H.R. 234.

Mr. ANDERSON of California. Madam Chairman, I rise in strong support of H.R. 234, a bill to prohibit the establishment of emergency detention camps in the United States.

Since entering Congress, I have joined with my good friends and colleagues, Mr. MATSUNAGA and Mr. HOLIFIELD, in efforts to repeal the obnoxious Emergency Detention Act.

The Emergency Detention Act, enacted in 1950 over President Truman's veto, would allow the Government "to imprison each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or of sabotage."

The authority granted in this act violates the human and civil rights which are guaranteed under the Constitution. The act would allow the incarceration of an individual on the basis of suspicion that an offense may occur in the future. It would allow the imprisonment of innocent individuals without due process similar to that blot on our history which occurred during World War II to Americans of Japanese ancestry.

During the hysteria of World War II, the Government uprooted some 110,000 Japanese Americans from their homes, deprived them of due process of law, and incarcerated them in detention camps for the duration of the war. Two-thirds of those evacuated in 1942 were native-born American citizens, while the other one-third were aliens who were denied American citizenship by the laws of their adopted country. At the time, no crimi-

nal or civil charges of any kind were brought against any individual evacuee, or against the evacuees as a group.

President Truman's Civil Rights Commission declared that this incarceration was "the most striking mass interference since slavery with the right to physical freedom."

The victims of the World War II incarceration—the Japanese Americans have been the vanguard in efforts to insure that innocent persons are never subjected to that treatment again. It is little wonder that the Japanese-American Citizens League, especially their Washington representative, Mike Masaoka, and, most recently, his able assistant, Dave Ushio, has effectively supplemented the efforts of Congressman MATSUNAGA to repeal the Emergency Detention Act.

The fight to repeal the Emergency Detention Act is not a recent phenomena. In 1950, Senator McCarran, then chairman of the Senate Judiciary Committee, opposed the act as "a concentration camp measure, pure and simple." President Truman, in his veto message, stated that—

> They would very probably prove ineffective to achieve the objective sought . . . it may well be that persons other than those covered by those provisions would be more important to detain in the event of emergency.

Unfortunately, President Truman's veto was overridden.

Today, support for the repeal of the Emergency Detention Act comes from many quarters. The Assistant Attorney General testified that:

> Repeal of this legislation will allay the fears and suspicions . . . of many of our citizens. This benefit outweighs any potential advantage which the Act may provide in a time of internal security emergency.

The Los Angeles County Board of Supervisors supports this bill before us today in order to avoid any "repetition of the infamous treatment accorded loyal Japanese Americans who were uprooted from their homes and moved into concentration camps during the hysteria of World War II."

Gardena, Calif., a beautiful community located in my district, has many residents who were deprived of their freedom during World War II. The City Council of Gardena has adopted resolutions in support of the abolition of the Emergency Detention Act. The city council states that:

> The Act is an unnecessary statute of the United States which could possibly be used to unjustly deny a person his Constitutional Right.

In addition, I have received resolutions adopted by the city councils of Carson, Compton, Hawthorne, Redondo Beach, and Torrance, Calif., seeking the repeal of the Emergency Detention Act.

Madam Chairman, if a person is to be imprisoned, let us follow established judicial procedures, let us require that charges are prepared, let us insure a fair and impartial trial, let us uphold the very Constitution that thousands upon thousands of Americans have valiantly fought and died to protect.

Let us pass H.R. 234 and thereby repeal the Emergency Detention Act.

Mr. HECHLER of West Virginia. Madam Chairman, I strongly support and am proud to vote for this legislation. It was my honor to have the opportunity to work as a special assistant to President Harry S. Truman, on his personal staff at the White House, at the time he penned his classic veto message on the Internal Security Act of 1950. Madam Chairman, in those days when McCarthyism was running rampant through the Nation, and legislators were turning tail on the issue of witch hunts against subversives, there were some legislators of high courage in this body who stood up to be counted on the side of the U.S. Constitution when this iniquitous bill was before this body, and again in sustaining President Truman's veto.

The veto message which President Truman sent to the Congress, 21 years ago next week, reads even better in 1971 when we consider the conditions of the times. It took that rare brand of courage which President Truman possessed to express so eloquently and cogently his support of the Constitution of the United States, as he stood up to defend the civil liberties protected by that historic document.

The text of President Truman's veto message of September 22, 1950, follows:

To the House of Representatives:

I return herewith, without my approval, H.R. 9490, the proposed "Internal Security Act of 1950."

I am taking this action only after the most serious study and reflection and after consultation with the security and intelligence agencies of the Government. The Department of Justice, the Department of Defense, the Central Intelligence Agency, and the Department of State have all advised me that the bill would seriously damage the security and intelligence operations for which they are responsible. They have strongly expressed the hope that the bill would not become law.

This is an omnibus bill containing many different legislative proposals with only one thing in common: they are all represented to be "anticommunist." But when the many complicated pieces of the bill are analyzed in detail, a startling result appears.

H.R. 9490 would not hurt the Communists. Instead, it would help them.

It has been claimed over and over again that this is an "anticommunist" bill—a "Communist control" bill. But in actual operation the bill would have results exactly the opposite of those intended.

It would actually weaken our existing internal security measures and would seriously hamper the Federal Bureau of Investigation and our other security agencies.

It would help the Communists in their efforts to create dissension and confusion within our borders.

It would help the Communist propagandists throughout the world who are trying to undermine freedom by discrediting as hypocrisy the efforts of the United States on behalf of freedom.

Specifically, some of the principal objections to the bill are as follows:

1. It would aid potential enemies by requiring the publication of a complete list of vital defense plants, laboratories, and other installations.

2. It would require the Department of Justice and its Federal Bureau of Investigation to waste immense amounts of time and energy attempting to carry out its unworkable registration provisions.

3. It would deprive us of the great assistance of many aliens in intelligence matters.

4. It would antagonize friendly governments.

5. It would put the Government of the United States in the thought-control business.

6. It would make it easier for subversive aliens to become naturalized as United States citizens.

7. It would give Government officials vast powers to harass all of our citizens in the exercise of their right of free speech.

Legislation with these consequences is not necessary to meet the real dangers which communism presents to our free society. Those dangers are serious and must be met. But this bill would hinder us, not help us, in meeting them. Fortunately, we already have on the books strong laws which give us most of the protection we need from the real dangers of treason, espionage, sabotage, and actions looking to the overthrow of our Government by force and violence. Most of the provisions of this bill have no relation to these real dangers.

One provision alone of this bill is enough to demonstrate how far it misses the real target. Section 5 would require the Secretary of Defense to "proclaim" and "have published in the Federal Register" a public catalogue of defense plants, laboratories, and all other facilities vital to our national defense—no matter how secret. I cannot imagine any document a hostile foreign government would desire more. Spies and saboteurs would willingly spend years of effort seeking to find out the information that this bill would require the Government to hand them on a silver platter. There are many provisions of this bill which impel me to return it without my approval, but this one would be enough by itself. It is inconceivable to me that a majority of the Congress could expect the Commander in Chief of the Armed Forces of the United States to approve such a flagrant violation of proper security safeguards.

This is only one example of many provisions in the bill which would in actual practice work to the detriment of our national security.

I know that the Congress had no intention of achieving such results when it passed this bill. I know that the vast majority of the Members of Congress who voted for the bill sincerely intended to strike a blow at the Communists.

It is true that certain provisions of this bill would improve the laws protecting us against espionage and sabotage. But these provisions are greatly outweighed by others which would actually impair our security.

I repeat, the net results of this bill would be to help the Communists, not to hurt them.

I therefore most earnestly request the Congress to reconsider its action. I am confident that on more careful analysis most Members of Congress will recognize that this bill is contrary to the best interests of our country at this critical time.

H.R. 9490 is made up of a number of different parts. In summary, their purposes and probable effects may be described as follows:

Sections 1 through 17 are designed for two purposes. First, they are intended to force Communist organizations to register and to divulge certain information about themselves—information on their officers, their finances, and, in some cases, their membership. These provisions would in practice be ineffective, and would result in obtaining no information about Communists that the FBI and our other security agencies do not already have. But in trying to enforce these

sections, we would have to spend a great deal of time, effort, and money—all to no good purpose.

Second, these provisions are intended to impose various penalties on Communists and others covered by the terms of the bill. So far as Communists are concerned, all these penalties which can be practicably enforced are already in effect under existing laws and procedures. But the language of the bill is so broad and vague that it might well result in penalizing the legitimate activities of people who are not Communists at all, but loyal citizens.

Thus the net result of these sections of the bill would be: no serious damage to the Communists, much damage to the rest of us. Only the Communist movement would gain from such an outcome.

Sections 18 through 21 and section 23 of this bill constitute, in large measure, the improvements in our internal security laws which I recommended some time ago. Although the language of these sections is in some respects weaker than is desirable, I should be glad to approve these provisions if they were enacted separately, since they are improvements developed by the FBI and other Government security agencies to meet certain clear deficiencies of the present law. But even though these improvements are needed, other provisions of the bill would weaken our security far more than these would strengthen it. We have better protection for our internal security under existing law than we would have with the amendments and additions made by H.R. 9490.

Sections 22 and 25 of this bill would make sweeping changes in our laws governing the admission of aliens to the United States and their naturalization as citizens.

The ostensible purpose of these provisions is to prevent persons who would be dangerous to our national security from entering the country or becoming citizens. In fact, present law already achieves that objective.

What these provisions would actually do is to prevent us from admitting to our country, or to citizenship, many people who could make real contributions to our national strength. The bill would deprive our Government and our intelligence agencies of the valuable services of aliens in security operations. It would require us to exclude and to deport the citizens of some friendly non-Communist countries. Furthermore, it would actually make it easier for subversive aliens to become United States citizens. Only the Communist movement would gain from such actions.

Section 24 and sections 26 through 30 of this bill make a number of minor changes in the naturalization laws. None of them is of great significance—nor are they particularly relevant to the problem of internal security. These provisions, for the most part, have received little or no attention in the legislative process. I believe that several of them would not be approved by the Congress if they were considered on their merits, rather than as parts of an omnibus bill.

Section 31 of this bill makes it a crime to attempt to influence a judge or jury by public demonstration, such as picketing. While the courts already have considerable power to punish such actions under existing law, I have no objection to this section.

Sections 100 through 117 of this bill (title II) are intended to give the Government power, in the event of invasion, war, or insurrection in the United States in aid of a foreign enemy, to seize and hold persons who could be expected to attempt acts of espionage or sabotage, even though they had as yet committed no crime. It may be that legislation of this type should be on the statute books. But the provisions in H.R. 9490 would very probably prove ineffective to achieve the objective sought, since they would not suspend the writ of habeas corpus, and under our legal system to detain a man not charged with a crime would raise serious constitutional questions unless the writ of habeas corpus were suspended. Furthermore, it may well be that other persons than those covered by these provisions would be more important to detain in the event of emergency. This whole problem, therefore, should clearly be studied more thoroughly before further legislative action along these lines is considered.

In brief, when all the provisions of H.R. 9490 are considered together, it is evident that the great bulk of them are not directed toward the real and present dangers that exist from communism. Instead of striking blows at communism, they would strike blows at our own liberties and at our position in the forefront of those working for freedom in the world. At a time when our young men are fighting for freedom in Korea, it would be tragic to advance the objectives of communism in this country, as this bill would do.

Because I feel so strongly that this legislation would be a terrible mistake, I want to discuss more fully its worst features—sections 1 through 17, and sections 22 and 25.

Most of the first 17 sections of H.R. 9490 are concerned with requiring registration and annual reports, by which the bill calls Communist-action organizations and Communist-front organizations, of names of officers, sources and uses of funds, and, in the case of Communist-action organizations, names of members.

The idea of requiring Communist organizations to divulge information about themselves as a simple and attractive one. But it is about as practical as requiring thieves to register with the sheriff. Obviously, no such organization as the Communist Party is likely to register voluntarily.

Under the provisions of the bill, if an organization which the Attorney General believes should register does not do so, he must request a five-man Subversive Activities Control Board to order the organization to register. The Attorney General would have to produce proof that the organization in question was in fact a Communist-action or a Communist-front organization. To do this he would have to offer evidence relating to every aspect of the organization's activities. The organization could present opposing evidence. Prolonged hearings would be required to allow both sides to present proof and to cross-examine opposing witnesses.

To estimate the duration of such a proceeding involving the Communist Party, we need only recall that on much narrower issues the trial of the 11 Communist leaders under the Smith Act consumed 9 months. In a hearing under this bill, the difficulties of proof would be much greater and would take a much longer time.

The bill lists a number of criteria for the Board to consider in deciding whether or not an organization is a Communist-action or Communist-front organization. Many of these deal with the attitudes or states of mind of the organization's leaders. It is frequently difficult in legal proceedings to establish whether or not a man has committed an overt act, such as theft or perjury. But under this bill, the Attorney General would have to attempt the immensely more difficult task of producing concrete legal evidence that men have particular ideas or opinions. This would inevitably require the disclosure of many of the FBI's confidential sources of information and thus would damage our national security.

If, eventually, the Attorney General should overcome these difficulties and get a favorable decision from the Board, the Board's decision could be appealed to the courts. The courts would review any questions of law involved, and whether the Board's findings of fact were supported by the preponderance of the evidence.

All these proceedings would require great effort and much time. It is almost certain that from 2 to 4 years would elapse between the Attorney General's decision to go before the Board with a case, and the final disposition of the matter by the courts.

And when all this time and effort had been spent, it is still most likely that no organization would actually register.

The simple fact is that when the courts at long last found that a particular organization was recruited to register, all the leaders of the organization would have to do to frustrate the law would be to dissolve the organization and establish a new one with a different name and a new roster of nominal officers. The Communist Party has done this again and again in countries throughout the world. And nothing could be done about it except to begin all over again the long dreary process of investigative, administrative, and judicial proceedings to require registration.

Thus the net result of the registration provision of this bill would probably be an endless chasing of one organization after another with the Communists always able to frustrate the law enforcement agencies and prevent any final result from being achieved. It could only result in wasting the energies of the Department of Justice and in destroying the sources of information of its FBI. To impose these fruitless burdens upon the FBI would divert it from its vital security duties and thus give aid and comfort to the very Communists whom the bill is supposed to control.

Unfortunately, these provisions are not merely ineffective and unworkable. They represent a clear and present danger to our institutions.

Insofar as the bill would require registration by the Communist Party itself, it does not endanger our traditional liberties. However, the application of the registration requirements to so-called Communist-front organizations can be the greatest danger to freedom of speech, press, and assembly, since the Alien and Sedition Laws of 1798. This danger arises out of the criteria or standards to be applied in determining whether an organization is a Communist-front organization.

There would be no serious problem if the bill required proof that an organization was controlled and financed by the Communist Party before it could be classified as a Communist-front organization. However, recognizing the difficulty of proving those matters, the bill would permit such a determination to be based solely upon the extent to which the positions taken or advanced by it from time to time on matters of policy do not deviate from those of the Communist movement.

This provision could easily be used to classify as a Communist-front organization any organization which is advocating a single policy or objective which is also being urged by the Communist Party or by a Communist foreign government. In fact, this may be the intended result, since the bill defines "organization" to include "a group of persons permanently or temporarily associated together for joint action on any subject or subjects." Thus, an organization which advocates low-cost housing for sincere humanitarian reasons might be classified as a Communist-front organization because the Communists regularly exploit glum conditions as one of their fifth-column techniques.

It is not enough to say that this probably would not be done. The mere fact that it could be done shows clearly how the bill would open a Pandora's box of opportunities for official condemnation of organizations and individuals for perfectly honest opinions which happen to be stated also by Communists.

The basic error of these sections is that they move in the direction of suppressing opinion and belief; this would be a very dan-

gerous course to take, not because we have any sympathy for Communist opinion, but because any government stifling the free expression of opinion is a long step toward totalitarianism.

There is no more fundamental axiom of American freedom than the familiar statement: In a free country, we punish men for crimes they commit, but never for the opinions they have. And the reason this is so fundamental to freedom is not, as many suppose, that it protects the few unorthodox from suppression by the majority; to permit freedom of expression is primarily for the benefit of the majority because it protects criticism, and criticism leads to progress.

We can and we will prevent espionage, sabotage or other actions endangering our national security. But we would betray our finest traditions if we attempted, as this bill would attempt, to curb the simple expression of opinion. This we should never do, no matter how distasteful the opinion may be to the vast majority of our people. The course proposed by this bill would delight the Communists for it would make a mockery of the Bill of Rights, of our claims to stand for freedom in the world.

And what kind of effect would these provisions have on the normal expression of political views? Obviously, if this law were on the statute books, the part of prudence would be to avoid saying anything that might be construed by someone as not deviating sufficiently from the current Communist propaganda line. And since no one could be sure in advance what views were safe to express, the inevitable tendency would be to express no views on controversial subjects.

The result could only be to reduce the vigor and strength of our political life—an outcome that the Communists would happily welcome, but that free men should abhor.

We need not fear the expression of ideas—we do need to fear their suppression.

Our position in the vanguard of freedom rests largely on our demonstration that the free expression of opinion, coupled with government by popular consent, leads to national strength and human advancement. Let us not, in cowering and foolish fear, throw away the ideals which are the fundamental basis of our free society.

Not only are the registration provisions of this bill unworkable and dangerous, they are also grossly misleading in that all but one of the objectives which are claimed for them are already being accomplished by other and superior methods—and the one objective which is not now being accomplished would not in fact be accomplished under this bill either.

It is claimed that the bill would provide information about the Communist Party and its members. The fact is, the FBI already possesses very complete sources of information concerning the Communist movement in this country. If the FBI must disclose its sources of information in public hearings to require registration under this bill, its present sources of information, and its ability to acquire new information, will be largely destroyed.

It is claimed that this bill would deny income-tax exemption to Communist organizations. The fact is that the Bureau of Internal Revenue already denies income-tax exemption to such organizations.

It is claimed that this bill would deny passports to Communists. The fact is that the Government can and does deny passports to Communists under existing law.

It is claimed that this bill would prohibit the employment of Communists by the Federal Government. The fact is that the employment of Communists by the Federal Government is already prohibited and, at least in the executive branch, there is an effective program to see that they are not employed.

It is claimed that this bill would prohibit the employment of Communists in defense plants. The fact is that it would be years before this bill would have any effect of this nature—if it ever would. Fortunately, this objective is already being substantially achieved under the present procedures of the Department of Defense, and if the Congress would enact one of the provisions I have recommended—which it did not include in this bill—the situation would be entirely taken care of, promptly and effectively.

It is also claimed—and this is the one new objectve of the registration provisions of this bill—that it would require Communist organizations to label all their publications and radio and television broadcasts as emanating from a Communist source. The fact is that this requirement, even if constitutional, could be easily and permanently evaded, simply by the continuous creation of new organizations to distribute Communist information.

Section 4(a) of the bill, like its registration provisions, would be ineffective, would be subject to dangerous abuse, and would seek to accomplish an objective which is already better accomplished under existing law.

This provision would make unlawful any agreement to perform any act which would substantially contribute to the establishment within the United States of a foreign-controlled dictatorship. Of course, this provision would be unconstitutional if it infringed upon the fundamental right of the American people to establish for themselves by constitutional methods any form of government they choose. To avoid this, it is provided that this section shall not apply to the proposal of a constitutional amendment. If this language limits the prohibition of the section to the use of unlawful methods, then it adds nothing to the Smith Act, under which 11 Communist leaders have been convicted, and would be more difficult to enforce. Thus, it would accomplish nothing. Moreover, the bill does not even purport to define the phrase, unique in a criminal statute, "substantially contribute." A phrase so vague raises a serious constitutional question.

Sections 22 and 25 of this bill are directed toward the specific questions of who should be admitted to our country, and who should be permitted to become a United States citizen. I believe there is general agreement that the answers to those questions should be: We should admit to our country, within the available quotas, anyone with a legitimate purpose who would not endanger our security, and we should admit to citizenship any immigrant who will be a loyal and constructive member of the community. Those are essentially the standards set by existing law. Under present law, we do not admit to our country known Communists, because we believe they work to overthrow our Government, and we do not admit Communists to citizenship, because we believe they are not loyal to the United States.

The changes which would be made in the present law by sections 22 and 25 would not reinforce those sensible standards. Instead, they would add a number of new standards, which, for no good and sufficient reason, would interfere with our relations with other countries and seriously damage our national security.

Section 22 would, for example, exclude from our country anyone who advocates any form of totalitarian or one-party government. We, of course, believe in the democratic system of competing political parties, offering a choice of candidates and policies. But a number of countries with which we maintain friendly relations have a different form of government.

Until now, no one has suggested that we should abandon cultural and commercial relations with a country merely because it has a form of government different from ours. Yet section 22 would require that. As one instance, it is clear that under the definitions of the bill the present Government of Spain, among others, would be classified as "totalitarian." As a result, the Attorney General would be required to exclude from the United States all Spanish businessmen, students, and other nonofficial travelers who support the present Government of their country. I cannot understand how the sponsors of this bill can think that such an action would contribute to our national security.

Moreover, the provisions of section 22 of this bill would strike a serious blow to our national security by taking away from the Government the power to grant asylum in this country to foreign diplomats who repudiate Communist imperialism and wish to escape its reprisals. It must be obvious to anyone that it is in our national interest to persuade people to renounce communism, and to encourage their defection from Communist forces. Many of these people are extremely valuable to our intelligence operations. Yet under this bill the Government would lose the limited authority it now has to offer asylum in our country as the great incentive for such defection.

In addiion, the provisions of section 22 would sharply limit the authority of the Government to admit foreign diplomatic representatives and their families on official business. Under existing law, we already have the authority to send out of the country any person who abuses diplomatic privileges by working against the interests of the United States. But under this bill a whole series of unnecessary restrictions would be placed on the admission of diplomatic personnel. This is not only ungenerous, for a country which eagerly sought and proudly holds the honor of being the seat of the United Nations, it is also very unwise, because it makes our country appear to be fearful of foreigners, when in fact we are working as hard as we know how to build mutual confidence and friendly relations among the nations of the world.

Section 22 is so contrary to our national interests that it would actually put the Government into the business of thought control by requiring the deportation of any alien who distributes or publishes, or who is affiliated with an organization which distributes or publishes, any written or printed matter advocating (or merely expressing belief in) the economic and governmental doctrines of any form of totalitarianism.

This provision does not require an evil intent or purpose on the part of the alien, as does a similar provision in the Smith Act. Thus, the Attorney General would be required to deport any alien operating or connected with a well-stocked bookshop containing books on economics or politics written by supporters of the present government of Spain, of Yugoslavia or any one of a number of other countries. Section 25 would make the same aliens ineligible for citizenship. There should be no room in our laws for such hysterical provisions. The next logical step would be to "burn the books."

This illustrates the fundamental error of these immigration and naturalization provisions. It is easy to see that they are hasty and ill-considered. But far more significant—and far more dangerous—is their apparent underlying purpose. Instead of trying to encourage the free movement of people, subject only to the real requirements of national security, these provisions attempt to bar movement to anyone who is, or once was, associated with ideas we dislike, and in the process, they would succeed in barring many people whom it would be to our advantage to admit.

Such an action would be a serious blow to our work for world peace. We upheld—

or have upheld till now at any rate—the concept of freedom on an international scale. That is the root concept of our efforts to bring unity among the free nations and peace in the world.

The Communists, on the other hand, attempt to break down in every possible way the free interchange of persons and ideas. It will be to their advantage, and not ours, if we establish for ourselves an "iron curtain" against those who can help us in the fight for freedom.

Another provision of the bill which would greatly weaken our national security is section 25 which would make subversive aliens eligible for naturalization as soon as they wtihdraw from organizations required to register under this bill, whereas under existing law they must wait for a period of 10 years after such withdrawal before becoming eligible for citizenship. This proposal is clearly contrary to the national interest, and clearly gives to the Communists an advantage they do not have under existing law.

I have discussed the provisions of this bill at some length in order to explain why I am convinced that it would be harmful to our security and damaging to the individual rights of our people if it were enacted.

Earlier this month, we launched a great Crusade for Freedom designed, in the words of General Eisenhower, to fight the big lie with the big truth. I can think of no better way to make a mockery of that crusade and of the deep American belief in human freedom and dignity which underlie it than to put the provisions of H.R. 9490 on our statute books.

I do not undertake lightly the responsibility of differing with the majority in both Houses of Congress who have voted for this bill. We are all Americans; we all wish to safeguard and preserve our constitutional liberties against internal and external enemies. But I cannot approve this legislation, which instead of accomplishing its avowed purpose would actually interfere with our liberties and help the Communists against whom the bill was aimed.

This is a time when we must marshal all our resources and all the moral strength of our free system in self-defense against the threat of Communist aggression. We will fail in this, and we will destroy all that we seek to preserve, if we sacrifice the liberties of our citizens in a misguided attempt to achieve national security.

There is no reason why we should fail. Our country has been through dangerous times before, without losing our liberties to external attack or internal hysteria. Each of us, in Government and out, has a share in guarding our liberties. Each of us must search his own conscience to find whether he is doing all that can be done to preserve and strengthen them.

No considerations of expediency can justify the enactment of such a bill as this, a bill which would so greatly weaken our liberties and give aid and comfort to those who would destroy us. I have, therefore, no alternative but to return this bill without my approval, and I earnestly request the Congress to reconsider its action.

HARRY S. TRUMAN.

THE WHITE HOUSE, *September 22, 1950.*

Mr. DRINAN. Madam Chairman, I rise in support of H.R. 234, to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be detained or imprisoned in any facility of the U.S. Government except in conformity with the provisions of title 18.

H.R. 234 repeals the Emergency Detention Act—title II of the Internal Security Act of 1950—which authorizes the establishment of detention camps. Madam Chairman, I have the honor to be a member of both the Committee on the Judiciary, which unanimously reported out H.R. 234, and the Committee on Internal Security, which, over my dissent and the dissent of others—indeed by a two-vote majority of 5 to 3—reported out H.R. 820, which would amend but not repeal the Emergency Detention Act.

I fully participated in the consideration of both measures by these committees. I disagree with the conclusion reached by five of my colleagues on the Internal Security Committee, but that disagreement certainly does not arise out of any disrespect for the integrity of those gentlemen. Rather it arises—if I may attempt to synthesize the hundreds of thousands of words uttered in both committees—out of the fundamental conviction that our society does not need and cannot tolerate the placement of its citizens in detention camps without trial, without proof of guilt, without presumption of innocence, without procedural due process, without any of the badges of liberty which our Constitution compels. No verbal disclaimer of discrimination can sanitize such a process; no statements of goodwill made in the course of our debate can legitimize the imprisonment of American citizens on the basis of a conclusive presumption of guilty.

If somehow there should occur the national emergency which the Detention Act contemplates as a precondition for internment, procedural remedies under the Emergency Detention Act could not protect us. If such an emergency should ever occur, surely our country would be in no conceivable temper or condition to tolerate either judicial appeal from abuses under the act, or the prudent balancing of procedural rights. If, then, some such type of preventive detention is ever again thought necessary by American citizens, we shall either manage that crisis with the established judicial apparatus, or we shall not be able to cope with it at all by means of barbed wire.

I shall not here trace the unhappy history of the Emergency Detention Act or describe the provisions of the bills which are today before this House. That analysis was eloquently made yesterday.

Nor shall I here measure the merits of this controversy on the basis of the very large number of our colleagues who have supported repeal of the act, or the numbers of citizens, groups, and newspapers which have so vigorously fought for its repeal. The opposition of the President and the Department of Justice, the original veto of the Emergency Detention Act by President Truman, the opposition by the former and present Speakers of the House—Speaker McCormack and Speaker ALBERT—the outcry by the people—these are well known to all of us.

I would make only this closing comment in urging my colleagues to vote for H.R. 234: By passing this bill, the Congress will proclaim to the American people that notwithstanding the tragedies of misjudgment and death into which our Government has led our people overseas, and notwithstanding the enormous clamor at home for order over justice, and notwithstanding the fear which all men have of future and unknown events—notwithstanding all these pressures of life in the United States in 1971, the U.S. Congress again directed that citizens are presumed to be innocent of crime. The entire structure of our society is based on that presumption.

Mr. GUDE. Madam Chairman, today, we have before us legislation designed to repeal title II of the 1950 Internal Security Act, known as the Emergency Detention Act. As an American citizen proud of his Nation's heritage of equal justice and due process of law for all citizens, I cannot help but wish that the Emergency Detention Act had never been a part of the law of the land. As a Member of this body of Congress and cosponsor of H.R. 234, I cannot urge my colleagues strongly enough to support this repealer of title II of the Internal Security Act.

That U.S. citizens could, under present laws, be placed into prison camps in the United States, without having been tried or convicted of committing a crime is a concept totally alien to the American philosophy of justice. All historians, jurists, and right thinking Americans agree that the imprisonment of 110,000 Japanese Americans during World War II, while at the same time, other Japanese-Americans were fighting and dying in the American uniform to protect and preserve the principles of freedom and justice, is indeed a black page in our history.

Under title II of the Internal Security Act of 1950, detention of a person is authorized not on the basis of an overt act committed in violation of the law, but on the basis of suspicion that the person may commit a crime. Those safeguards guaranteed by our Constitution to all criminals are, under present law, denied to the most innocent citizens.

The possibility that prison camps could once again be established in this great Nation is indeed frightening. H.R. 234 would fully remove from our laws those sections which stand today as both a terrible reminder of the Japanese situation which stains the pages of our history and as a potential threat to the rights and security of all Americans. H.R. 820, which is offered as a substitute measure, would not only retain title II but would in fact expand its definitions to include purely domestic groups. Hardly designed to allay anyone's fears, this measure, if adopted, would only compound the problems of the existing law.

Madam Chairman, the strength of our system of government is measured by our ability to operate within the limits of the Constitution, even in times of stress. The Emergency Detention Act stands as a monument to our inability to do so. I believe that this act should have long ago been repealed. I urge my colleagues to vote to totally repeal this act and vote for H.R. 234. No half-way measures will be acceptable.

Mr. COUGHLIN. Madam Chairman, I rise in support of the bill as reported from the Committee on the Judiciary.

The issue we face is clear and simple.

Nothing in the bill—including the Railsback amendment—limits the power of the President in a martial law situation where the courts are unable to function. Indeed, it would be beyond the power of the Congress to so restrict the presidential authority.

But to authorize detention camps and deprivation of due process at a time when the courts are able to function—which is what the amendment proposes by implication—is contrary to the basic system of American jurisprudence, let alone the spirit of freedom and liberty upon which our Republic is founded.

This certainly cannot—and must not—be the intent of Congress.

Let me say it another way.

In the case of invasion or insurrection, the President has the power to proclaim martial law and take extraordinary measures to maintain order. There is no argument, to my knowledge, that the President should not possess such power.

The bill simply says that in the absence of a martial law situation and when the courts are functioning, then we should use the judicial process. I cannot see how anyone can quarrel with this principle.

I recognize the concerns of the distinguished gentleman from Missouri and have supported the Committee on Internal Security.

I cannot support it, however, when it proposes to supersede the judicial process and permit detention without due process of law.

Our Founding Fathers wisely provided the judicial process to protect the rights of all. When the means are available to the President for action in insurrection or invasion, I cannot believe that this Congress intends otherwise to permit or condone incarceration without the judicial process.

I ask my colleagues to join in defeating the amendment.

Mr. CLAY. Madam Chairman, who ever heard of "detention" camps in the United States? Anyone who is familiar with the Internal Security Act of 1950—the McCarran Act—knows of the possibility. Title I of that law establishes the Subversive Activities Control Board. Title II, referred to as the Emergency Detention Act, provides that:

> The President of the United States may declare an internal security emergency when any of the following occur:
>
> 1. Invasion of the territory of the United States or its possessions.
>
> 2. Declaration of war by Congress.
>
> 3. Insurrection within the United States in aid of a foreign enemy.

Under any or all of these situations, or an interpretation by this Government that such a situation exists—the Attorney General can move into action to apprehend and detain citizens about whom there may be reasonable belief—not proof—that they might engage in acts of espionage and sabotage, individually or with others. A person merely needs to be suspicioned to be apprehended, without trial, without any determination of basis for detention.

Over 2 years ago, I joined with other Members of the House in sponsoring legislation to repeal title II of the Internal Security law. The Senate passed this measure unanimously on December 22, 1969—however, the House failed to act on this vital piece of legislation.

The bill being considered by the House today has some 160 cosponsors. Since enactment of the law, no President and no officer of this Government has ever put the detention authority to use. The fact that it exists—is sufficient provocation for taking action to repeal it. The implications of this detention provision for black people seem clear. The temper of our times and the posture of the present administration make it imperative that our efforts to repeal title II succeed.

This effort is being effectively led in the House by the gentleman from Hawaii, SPARK MATSUNAGA. This man vividly recalls and represents people who remember the torment of Japanese Americans throughout the duration of World War II. Because of ancestry, Japanese Americans were immediately made suspect of treason and detained in so-called relocation camps. Americans throughout this Nation should recall the Japanese Americans who gave their lives honorable service and distinction in performance of duties in the Armed Forces of this—their country—America. Only those who succeeded in a release from these camps were able to dedicate such service. The injustices endured by these Americans, whose color and foreign ancestry alone made them suspect, are sufficent to arouse our anxiety now for other Americans who might, under title II of this act, be subjected to similar or worse indignities.

No one can predict when this Nation may see fit to seize upon a witch hunt. Those of us who are sensitive to the nature of protest and to the hasty and violent reactions to dissent—feel warranted in our anxiety.

The climate created by our Nation's leadership worries me deeply. It is this administration which urged a breach of our constitutional rights by recommending prevention detention to implement a war on crime. The Nixon administration pressed for adoption of legislation which provides that law enforcement agencies may "prevent the return to the community of alleged crime repeaters"—while they are awaiting trial. In the past, these sorts of unconstitutional acts have been used against political dissidents—not burglary and rape criminals. The administration succeeded in having Congress pass a preventive detention bill for the District of Columbia which is to serve as a model for the Nation. With passage of this legislation on the national level, the jails probably could not hold all the civil rights marchers, ghetto residents, peace demonstrators and political activitists who would be the criminals subjected to preventive detention.

The existence of the Emergency Detention Act and the pursuit by this administration for preventive detention authority rightfully instills fear in American citizens. It should, however, also stimulate all our energies and resources to exercise the responsibilities of our citizenship toward a protection of the rights guaranteed us by the Constitution.

I urge my colleagues to reject H.R. 820, the alternate bill now being offered which would merely amend title II, retaining the offensive detention provisions. I urge the Members to support passage of H.R. 234 and repeal title II once and for all.

Mr. GALLAGHER. Madam Chairman, I rise today to express, in the strongest possible terms, my support for H.R. 234 to repeal title II of of the 1950 Internal Security Act. I was one of the original cosponsors of the first proposals advanced by our distinguished colleague, SPARK MATSUNAGA and we would not be approaching the final end of the thought of detention camps in the United States if it were not for his intelligent hard work.

There is no room in the United States for concentration camps and, perhaps even more important, there is no room in our law for legislation which even suggests that concentration camps are a measured alternative. Interestingly, the repeal of title II has been seen as having some relation to the imprisonment of Americans of Japanese descent during World War II. Of course, this is not relevant in the sense of strict construction, because the Japanese Americans were imprisoned in 1942 and the Internal Security Act was a product of 1950. But in a symbolic sense, many groups in our Nation feel that they might meet the same fate as did the Japanese Americans and the provisions of title II would give congressional authorization for repeating actions which many have called the most grievous mistake made by the United States in World War II.

Let us be very clear about what we are debating today. We are not proposing to tear down concentration camps which have been constructed in the United States, nor are we proposing to release people who are now imprisoned in such camps. I am convinced that no detention camps, of the type allowed under title II now exist, nor do I believe that political prisoners have been imprisoned under its provisions. Nor do I believe that this administration, or any administration for that matter, has consciously moved to implement the Emergency Detention Act, or has the act figured in precise contingency planning.

Madam Chairman, you and I may know this to be true, but there are many in our land who do not share our faith in those who have occupied, or do occupy, power in the executive branch. Repeal of title II today will remove one irritant, one very real source of concern, one major roadblock to domestic tranquillity; I say that the House should take this symbolic step as a way to help restore unity.

We should make our action unequivocal. We should repeal the entire title II and not merely amend it, as has been proposed. I was especially interested to learn that the administration favors repeal, not amendment and this agreement with the actions taken by our Committee on the Judiciary, under its distinguished

Chairman EMANUEL CELLER, should convince the majority of this House to end with total finality the possibility of detention camps for our citizens.

Madam Chairman, the provisions we repeal today are a part of another generation's politics of lost confidence. But it takes no particularly astute observer of the American scene to see that exactly the same kind of mistrust that permitted Americans of Japanese descent to lose their civil rights after World War II is now being directed toward other minorities today. By repealing title II we remove a blatant example of fear and suspicion and I would hope that we can begin to move forward here in the House on dozens of other items which create division.

What we need to do is to concentrate on ways to unite our people and to find ways to begin to trust each other again. Title II was an anachronism when it was passed in 1950, and yet it has taken us 20 years to undo the damage. The Emergency Detention Act was conceived in fear, passed in suspicion. and nurtured in an atmosphere of hate. By repealing it today, we give an indication that we may now be prepared to practice the politics of hope, and discard the politics of lost confidence.

Mr. DRINAN. Madam Chairman, in considering the proposed amendments to the Emergency Detention Act which are before this House today, I have been truly fortunate to have the counsel and wisdom of my very distinguished colleague on the Internal Security Committee, the gentleman from Florida (Mr. PEPPER). In using the words "very distinguished" I do not speak lightly or out of mere formality, Madam Chairman, for the gentleman's career as a teacher, attorney, member of the Florida Legislative, U.S. Senator, and Member of this House has been one of the most extraordinary careers of public service and accomplishment in our Nation. Every Member of this House has benefited from his calm judgment and expertise. I have benefited from his counsel enormously.

Therefore, I am particularly gratified to have joined with the gentleman in our minority views on H.R. 820, which was reported out of the Internal Security Committee in March, and I respectfully commend those views to my colleagues:

MINORITY VIEWS ON H.R. 820: CONGRESSMAN ROBERT F. DRINAN AND CONGRESSMAN CLAUDE PEPPER

"The Constitution of the United States is a law for rulers and people, equally in war and peace, and covers with the shield of its protection all classes of men, at all times and under all circumstances." *Ex parte Milligan*, 71 U.S. (4 Wall.) 2 (1866).

With these words in mind, we must take sharp issue with the majority of this committee which has voted to retain title II of the 1950 Internal Security Act—the Emergency Detention Act—as part of the laws of the United States. We do not believe that the minor procedural changes which the majority proposes to make in that act correct those essential defects which cause us to urge its total repeal.

The United States is a democracy, a country created by people fleeing political and religious persecution in Europe. Essential to our system is the belief that freedom of political beliefs and associations must be protected, so that free debate of important public issues can flourish. In contrast, the hallmark of totalitarian societies is the governmental imprisonment of its political opponents and critics in order to silence them. Yet the Emergency Detention Act authorizes precisely this kind of totalitarian conduct in the United States. For it authorizes the jailing of American citizens because of Government suspicions about their future conduct based solely on their political beliefs and associations. In the words of former United Nations Ambassador Arthur Goldberg "as one who has . . . urgently condemned forced labor camps in the Soviet Union and in other totalitarian states, I can tell you from personal experience that the mere existence of this statute is a grave embarrassment to us as a people. If we are to practice the freedom we profess, this statute must be eliminated."

It is for this reason that we have joined with more than 150 of our colleagues to seek, not procedural changes, but total repeal of this law.

THE CONSTITUTION AND DETENTION

Our Constitution is designed to prevent imprisonment of people under such circumstances except in the gravest of cases. In Article 1, section 9, it provides that "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless in Cases of Rebellion or Invasion the public Safety may require it." In the case cited at the outset of this dissent, *Ex parte Milligan*, 71 U.S. (4 Wall.) 2 (1866), the Supreme Court ruled immediately after the Civil War that so long as civilian courts remain open, a civilian cannot be tried before any other tribunal or denied the fundamental right of trial by jury. Said the Court:

"No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of [the Constitution's] provisions can be suspended during any of the great exigencies of government." 4 Wall. at 121.

The Supreme Court affirmed this doctrine after World War II in *Duncan* v. *Kahanamoku*, 327 U.S. 304 (1946), where it rejected the assertion that wartime security required continued military jurisdiction over civilians in Hawaii. Yet this is precisely what the Emergency Detention Act contemplates. People detained under it will not get a trial in a civilian court. They will not get a jury trial. They will not be allowed to confront and cross-examine their accusers. Although the act purports to be operable only in times of "rebellion or invasion," there is clearly no intention to restrict it to situations where our civilian courts have ceased to operate. As Congressman Louis Stokes wrote in his dissent to this very bill in the 91st Congress:

"If Congress declared war on North Vietnam tomorrow afternoon, the President could begin detention before nightfall, despite the unanimously accepted fact that our Vietnamese enemies constitute absolutely no direct menace to our shores. Similarly, detention could begin after an invasion by a minuscule foreign force of our most farflung possession even though this overreaching maneuver posed no threat whatsoever to our nation security."

We cannot leave the issue of the underlying unconstitutionality of the act without a mention of the wartime cases upholding certain aspects of the relocation of Japanese Americans during World War II. Whatever *Hirabayashi* v. *United States*, 320 U.S. 81 (1943), and *Korematsu* v. *United States*, 323 U.S. 214 (1944), may have said about the increased powers of Government in time of war to order curfews and evacuations, they did *not* sanction detention camps. For that matter, in *Ex parte Endo*, 323 U.S. 283 (1944), the Court unanimously refused to sanction the detention of a citizen of Japanese ancestry conceded to be loyal. These cases contribute nothing to efforts to find this act constitutional.

Once the act is declared in effect, the Attorney General is authorized to apprehend and detain "each person as to whom there is reasonable ground to believe that such person *probably* will engage in, or *probably* will conspire with others to engage in, acts of espionage or sabotage." (Emphasis added.)

Detention of the individual, it must be emphasized, is not on the basis of an overt act committed in violation of the law, but on the basis of mere suspicion that he may commit a crime. The act, thus, contemplates a form of "preventive detention" which, to avoid the crimes of espionage and sabotage at some unpredicted time in the future, completely suspends the presumption of innocence. It would be bad enough for people already charged with a particular crime to be deprived of this presumption. Here, however, the presumption is lost because of conduct which has not yet occurred and might never happen. Thus, a vital safeguard guaranteed by our system of government to persons accused of the most dangerous and serious crimes is denied to persons merely suspected of some conduct in the future.

H.R. 820 ALSO DEFECTIVE IN PROCEDURAL SAFEGUARDS

As is so often the case with laws which authorize the destruction of substantive constitutional rights, the act emphasizes procedural safeguards. However, no elaborate system of safeguards can cure the basic wrong of jailing citizens who have committed no crime, but who hold unpopular political beliefs. Even, however, if this were possible, most of the safeguards given in the current act, as well as those proposed by the bill approved by the majority of this committee, are no safeguards at all. The remainder merely repeat protections already guaranteed by the Constitution.

The act gives the detainee a right to a speedy preliminary hearing after detention. However, the right to an expeditious hearing is withdrawn in almost the same breath in which it is given. In the words of the act, a hearing is to occur "within 48 hours after apprehension, *or as soon thereafter as provision for it may be made.*" § 104(d). (Emphasis added.)

The procedure under which the detainee is picked up and given a hearing involves no neutral magistrate or court. The prosecutor acting alone can issue a warrant. The "preliminary hearing officer" who gives the detainee his hearing is appointed by the prosecution, as is the Detention Review Board to which the individual is given a right of appeal.

At none of these hearings is the detainee afforded a right to jury trial, to cross-examination, or to confront his accusers. For, if in the opinion of the Attorney General "it would be dangerous to national safety and security to divulge," the detainee can be denied "the grounds on which his detention was instituted" or the "full particulars of the evidence . . . including the identity of informants."

The act *appears* to give the detainee judicial review of the decision to detain him. However, the Attorney General may again withhold information "the revelation of which in his judgment would be dangerous to the security and safety of the United States." The judicial review provision, moreover, makes the findings of the Government conclusive, so that the reviewing court can do nothing if the Government decision appears to be supported by substantial (if secret) evidence.

The greatest deception, however, in the offer of judicial review is one which could make it totally illusory. The detainee's right to judicial review only accrues after he receives a *written* order of the Detention Review Board. And there is nothing in the act which places a time limit which the Board must meet in rendering such an order.

THE CHANGES IN H.R. 820 DO NOT CURE ITS DEFECTS

What improvements does the majority's bill propose to make in this act? One change would require that both the President and the Congress decide to activate the law during an insurrection, instead of allowing the President alone to make that decision. The assurance of some kind of public debate before the act is invoked is no doubt an improvement, but it hardly outweighs the other dangers which cause us to oppose retention of the act in any form.

A second change would guarantee appointed counsel to any detainee unable to pay a lawyer. However, as the courts would no doubt ultimately hold that appointment of counsel in these circumstances is constitutionally required in any event, the provision appears more generous than it actually is.

One allegedly significant change proposed by the majority of the House Internal Security Committee supporting H.R. 820 is a provision guaranteeing that "no citizen of the United States shall be apprehended or detained pursuant to the provisions of this title on account of race, color, or ancestry." Inclusion of this language represents a direct attempt to quash the rumors rampant in black ghettos and among ethnic minorities in the past few years to the effect that the Government planned to use detention camps.

The minorities of today who hear these rumors cannot escape the recollection of what happened to those of Japanese origin during World War II. When compared to the treatment afforded citizens of German origin in that same war, there can be no doubt that the treatment of the Japanese was racially motivated. These fears were brought sharply into the 1960's by a report of the predecessor to this committee which suggested in a report that detention camps "might well be utilized for the temporary imprisonment of warring guerrillas." "Guerrilla Warfare Advocates in the United States," H. Rept. 90–1351 (May 6, 1968). Shortly thereafter, the chairman of that committee was publicly quoted as indicating that the reference had been to "mixed Communist and Black Nationalist elements across the Nation."

Unfortunately, the "race, color, or ancestry" language offers no real assurance that these fears will be quieted. First, the amendment is careful to omit "national origin," a phrase which is normally used in antidiscrimination legislation. Its omission therefore is significant. The broad freedom to imprison people because of their membership in groups could be used to detain groups on the basis of their "national origin." The act thus allows detention on the basis of standards other than the three criteria expressly prohibited. Moreover, under any standard, it would be an awesome task for any individual detainee to prove that his particular detention had been based on race.

What we need is a real assurance to all our citizens that detention camps are not part of the Government's plans for our minorities. Minor changes in this law will not do that. As the spokesman for the Department of Justice and the Nixon administration stated, in urging outright repeal of the act "continuation of the Emergency Detention Act is extremely offensive to many Americans . . . [T]he repeal of this legislation will allay the fears and suspicions—unfounded as they may be—of many of our citizens."

We could not agree more.

Before concluding, we feel a need to deal with one last argument which has been offered in support of the retention of the Emergency Detention Act. It is that it would be better to have legislation on the books limiting Executive discretion and guaranteeing procedural safeguards to those apprehended. Such an argument is meaningless. In the first place, this law itself confers almost complete discretion on the Government. Second, this law contemplates a rather wholesale suspension of constitutional rights when it is operative. *Ex parte Milligan, supra*, should teach us that the Government does not have this power under the circumstances contemplated under this act. Yet the law would purport to suspend those rights anyway. Should the day come when Government feels free to take this step, the existence of statutory safeguards will have little meaning. In this connection, it should be pointed out that the Nixon administration, through its officials directly responsible for internal security, has taken the position that the other laws on the books regulating espionage and sabotage are more than adequate to handle any situation that might arise and that this particular law should be repealed.

CONCLUSION

We suspect that some members of this body may dismiss the furor over the Emergency Detention Act with an "it can't happen here" attitude. We feel compelled to point out once again that it has happened here. During World War II, detention camps were a reality for more than 110,000 people of Japanese origin, more than two-thirds of whom were citizens of this country. That we all now agree that it should never have happened does not make the memory any less real. At the same time, today conduct unthinkable in the past appears to be becoming commonplace. A vast record of surveillance of the peaceful political activities of American citizens has been uncovered. The Attorney General invokes the "national security" to wiretap and eavesdrop upon domestic groups which by no stretch of the imagination pose any kind of threat to this country.

Viewed in this light, repeal of the Emergency Detention Act has become even more urgent. We must remove the law from the books so that there will be no temptation to use it because it is there. The amendments proposed by the majority would leave untouched the heart of the law. Its total repeal, however, will stand as a clear signal that this Government has repudiated once and for all the use of powers fundamentally incompatible with a free society.

ROBERT F. DRINAN, M.C.
CLAUDE PEPPER.

Mr. RARICK. Madam Chairman, I feel it is past time that this body give consideration to tightening our internal security laws rather than abolishing them. Especially is this so in lieu of events over the past several days at Attica, N.Y., which have resulted in the Governor of that State stating that the prison riots and violence were the provocation of revolutionaries and subversives at work in our country.

I, as much as anyone in this body, am opposed to the use of concentration camps and places of detention without due process of law. As a former prisoner of war, I have been in a concentration camp and know firsthand what it means to be denied one's liberties without recourse and with little hope except for escape. I am satisfied also that many of our captured fightingmen in South Vietnam, Korea, and Red China would have the same feeling about illegal detentions and concentration camps.

However, I also believe that those who have once lost their liberties would join with me in putting aside personal emotion to support the safety and protection of their country and their people as a whole. In fact, we would be better serving our people and country today by debating how to free real American prisoners from real concentration camps behind the Communist curtain than by extended debate over a bill that would abolish nonexistent detention camps that contain no one.

The first order of our business must be to preserve our country and to protect our people. This is the primary reason for our existence. Everyday experience should emphasize the need for those in control of our Government to have authority to detain organized, identified saboteurs and espionage agents trained as hard-core revolutionaries.

To say that such a threat does not exist in our country is to be oblivious to everyday news, the warnings of our police and law enforcement officials, and the turmoil sweeping our land.

I, too, regret the highhanded action taken against our Japanese-American people on the west coast during World War II. I hold our colleague, the gentleman from Hawaii (Mr. MATSUNAGA) in high regard, but I am hopeful that in 1971 we are not being urged to strip our country of all security laws merely as a token gesture to the gentleman from Hawaii as if we can cleanse the guilt from our ancestors' hands. We are living in 1971, not 1942. I know of no reported instances where any Japanese is being detained anywhere in our country because of his nationality.

There are many immigrant races and national origins in our country, but to my knowledge, none has been identified as posing as any threat or enemy of the American people bent on the overthrow of our constitutional form of government. On the contrary, the identified enemy does not come at us identified by race, creed, or color, but rather by ideology—as atheistic and Communist.

The only identified faction in this country heard to complain about the threat of mass detention has been the Black Panthers and their white Communist overseers. The Panthers' fear of retaliation by their fellow countrymen is far offset not only by the fear and violence that the Panthers have performed, but also by what they promise in the future. Those who fear application of police state tactics must understand that it is they who are being exploited to bring about the conditions which they fear. Yet, like so many paranoids, they would dig their own grave and complain that it is too deep.

Others, in their glee to abolish nonexistent emergency detention camps are not heard expressing concern over the turning of our country into a concentration camp. While every libertarian present has expressed deep concern and remorse over the Japanese-American detention in 1942, not one tear has been shed for the repressive action being taken this very week against American children also including Chinese Americans in the State of California.

Can the supposed libertarians explain a difference between massive detention of a race for national security reasons and massive forced busing of children because of race for the express purpose of breaking down their traditions and cul-

ture? I mention this because even though there are no Japanese Americans in any concentration camps today or even being so threatened, there are today Chinese Americans being denied their individual liberties under color of de facto U.S. laws.

I am opposed to section 2 of title II of the Internal Security Act of 1950 and support its repeal. In fact, I have so told the gentleman from Hawaii (Mr. MATSUNAGA) but I cannot support his bill in its present form because I fear we go too far in that committee amendments handcuff our internal security apparatus to the point where the bill could prove more destructive to the protection of our people than the law in its original form.

I expect to support the Ichord amendments and if either are adopted, plan to vote for the bill on final passage.

Mr. WILLIAM D. FORD. Madam Chairman, today I am joining with 159 of my colleagues in the House of Representatives in support of H.R. 234, the bill to repeal the Emergency Detention Act of 1950. The effect of the passage of H.R. 234 would be to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall ever be committed for detention or imprisonment in any Federal facility other than a penal or correctional institution.

I am extremely pleased and relieved that today Congress has the opportunity to eliminate this repugnant act. I find it incredible to believe that a nation which was founded to guarantee the rights of free speech and expression and whose judicial system is based upon the concept that an individual is innocent until proven guilty could have enacted a law which so seriously violates these principles. The Emergency Detention Act of 1950 permits the detention, during "internal security emergencies," of any person who is felt will "probably" engage in or conspire to commit acts of espionage.

Madam Chairman, the history of this century can only serve to remind us of the tragedies and injustices which can occur when governments have the authority to imprison large groups of people on the grounds of mere suspicion. Congress now has the chance to eliminate this unjust legislation from the statutes and to assure that, once and for all, the threat of its provisions will never be implemented in this country.

Mr. DELLUMS. Madam Chairman, the mere fact that no one has ever used the power to employ detention camps can not be a justification for continued existence of law authorizing them.

Last year as a candidate for Congress, I promised constituents of California's Seventh District that I would work to repeal title II of the Internal Security Act. I was proud this year to join with my colleague, the gentleman from Hawaii, in sponsoring H.R. 4241—a bill identical to the measure before us today.

I would like to take this time to explain my opposition to this type of remedy for social disorder. Too often, detention camps serve as part of the panacea thinking typical of the establishment. Serious human problems develop, and the response by the establishment is to call for more detention camps, for more police funds, for higher defense budgets.

Instead of dealing with causes, the solutions focus on effects. The establishment calls for massive spending for so-called "internal security" while denying the needs and rights of millions of people who are forced to exist under inhumane conditions.

All of us understand the legal and/or political factors behind the need for H.R. 234. I agree with my colleagues in their analyses based on those grounds. And, of course, I am well aware of this country's tragic past history of concentration camps and why that tragedy can never be fully dispelled, why it should never be repeated under any conditions.

But I must emphasize the ethical corruption of any system which must resort to devices such as "emergency detention camps" as a method of solving serious human problems.

I urge passage of H.R. 234.

Mr. KOCH. Madam Chairman, I rise in support of H.R. 234, of which I am a cosponsor, repealing the Emergency Detention Act of 1950. That legislation authorizes the establishment of emergency detention camps. This is not a complicated bill. Those of us supporting the bill wish to undo as best we can the great damage done to our Constitution when in 1942, 110,000 Japanese Americans were placed in American concentration camps for no reason other than that they were of Japanese extraction. It will be to our eternal shame that we did that and it is to our further discredit that we have let remain on our statute books a provision for the detention of innocent people. Our concentration camps were not, thank God, comparable to those of Nazi Germany where the incarcerated were tortured and killed. Nevertheless, our concentration camps tortured the souls of those innocent persons who were not guilty or even charged with a crime.

There is an attempt on the part of the chairman of the House Internal Security Committee to put a better face on the existing law by making some procedural changes, but the facts are that with those changes we will still have a law which will permit the United States to maintain concentration camps detaining people who have not been convicted of any crime. I will vote "no" when the Ichord substitute amendment is proposed and will vote "yea" in support of the Matsunaga bill on final passage.

Mr. DEVINE. Madam Chairman, I wish to cite two excellent examples of why there is an imperative need for a legislated procedure for detention of potential saboteurs in time of war.

One is the recent herding into Kennedy Stadium of several thousand persons holding a violent protest demonstration in our Nation's Capital. The civil libertarian, American Civil Liberties Union, has already protested that the facilities were inadequate for such a large number of detainees in the stadium and is demanding that the city have a plan and adequate facilities in the future.

Now I am not suggesting that there should be a Federal law providing for the detention of mere demonstrators, antiwar demonstrators, or any other kind. I only cite this as an example of what chaos would most likely occur if there were no adequate legislation available to deal with potential saboteurs in time of war, invasion, or insurrection in behalf of a foreign power.

The other example I wish to cite concerns our friend and neighbor to the north, Canada. Not long ago Canada found herself confronted with insurrection from a group that was composed of French-speaking, Communist-oriented revolutionaries who sought separation from the mother country.

In order to accomplish this, they abducted two men, Pierre Laporte, Minister of Labor for the Province of Quebec, and James Cross, the Trade Commissioner in the British Embassy. Apparently just to prove they were deadly serious in their purpose, these revolutionaries strangled Laporte and left his body to be found by authorities.

Thus confronted, the Canadian Government thought it must move swiftly and forcefully to end this revolt and the accompanying bloodshed.

But the Canadian Government found itself helpless to act without employing drastic and dramatic measures. There was simply no adequate legislation on the books to deal with such a situation.

Therefore the Canadian Government had to actually declare war upon its own citizens. It put into force the War Measures Act which had been used only twice before—in World War I and II. Not even during the Korean war when Canadian forces fought under the United Nations flag was this drastic measure resorted to.

Once the War Measures Act was imposed, authorities immediately rounded up more than 340 persons suspected of belonging to or supporting the Front for the Liberation of Quebec—the FLQ—the revolutionary group who pulled off the kidnaping.

The police solved the case and ultimately arrested all the suspected kidnapers but not before they killed Mr. Laporte.

Madam Chairman, it is a pretty drastic move to have to actually declare war against a group intent on overthrowing your country. This would be similar to our declaring actual war against the Black Panther Party or the Socialist Workers Party.

After the War Measures Act was imposed, the Canadian Parliament hastily sat down and wrote a less repressive law to deal with the situation. But apparently the Parliament did not profit from its experience in this emergency because the new act was permitted to lapse when its time limit expired.

Madam Chairman, I do not propose that we have any legislation on the books even similar to that written in Canada.

I do propose that we have legislation adequate to deal with potential saboteurs, kidnapers, and assassins during time of war, invasion, or insurrection in support of a foreign enemy. I think it is imperative that we do.

I would also like to point out, Madam Chairman, that the legislation proposed

by the Judiciary Committee would not merely return our internal security situation back to what it was prior to the Internal Security Act of 1950.

With the unwise amendment written by the subcommittee chaired by the Honorable Mr. KASTENMEIER, the President would be powerless to act swiftly in time of national crisis.

I do not believe, Madam Chairman, that it is wise to tie Presidential hands in a situation where emergency action is required. I do not believe it is wise to strip powers from a President that have been traditionally his.

Mr. FRENZEL. Madam Chairman, I am proud to be listed as one of 160 cosponsors of H.R. 234, a bill to repeal the Emergency Detention Act included as title II of the Internal Security Act of 1950. The bipartisan support of Congress, the overwhelming support of the Department of Justice and the strong backing given this measure by the administration are tributes to the need for the passage of this bill.

There is little justification for including among the laws of our land a statute allowing the establishment of detention camps. The fact that the law has not been invoked during the past 21 years does not make it any less distasteful, nor does it lessen the need for its removal.

What the hindsight of 21 years tells us was a mistake, can be corrected today by the passage of H.R. 234 with the committee amendment, I urge an affirmative vote.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mrs. GRIFFITHS, 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. 234) to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18, pursuant to House Resolution 483, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ASHBROOK. I am, Mr. Speaker, in its present form.

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

The Clerk read as follows:

Mr. ASHBROOK moves to recommit H.R. 234 to the Committee on the Judiciary.

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 motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 356, nays 49, not voting 28, as follows:

[Roll No. 257]

YEAS—356

Abourezk	Danielson	Hastings
Abzug	Davis, Ga.	Hawkins
Adams	Davis, S.C.	Hays
Alexander	Davis, Wis.	Hébert
Anderson, Calif.	de la Garza	Hechler, W. Va.
	Dellenback	Heckler, Mass.
Anderson, Ill.	Dellums	Helstoski
Anderson, Tenn.	Denholm	Henderson
	Dennis	Hicks, Mass.
Andrews, N. Dak.	Dent	Hicks, Wash.
	Derwinski	Hillis
Annunzio	Dickinson	Hogan
Archer	Diggs	Holifield
Arends	Dingell	Horton
Ashley	Donohue	Hosmer
Aspin	Dorn	Howard
Aspinall	Dow	Hull
Barrett	Dowdy	Hungate
Begich	Downing	Hutchinson
Belcher	Drinan	Jacobs
Bell	Duncan	Johnson, Calif.
Bennett	du Pont	Johnson, Pa.
Bergland	Dwyer	Jones, Ala.
Betts	Eckhardt	Jones, N.C.
Blaggi	Edmondson	Jones, Tenn.
Biester	Edwards, Ala.	Karth
Bingham	Edwards, Calif.	Kastenmeier
Blanton	Eilberg	Kazen
Blatnik	Erlenborn	Keating
Boggs	Esch	Keith
Boland	Evans, Colo.	Kemp
Bolling	Evins, Tenn.	King
Bow	Fascell	Kluczynski
Brademas	Findley	Koch
Brasco	Fish	Kuykendall
Brinkley	Fisher	Kyl
Brooks	Flood	Kyros
Broomfield	Flowers	Landrum
Brotzman	Foley	Latta
Brown, Mich.	Ford, Gerald R.	Leggett
Brown, Ohio	Ford, William D.	Lennon
Broyhill, N.C.		Lent
Broyhill, Va.	Forsythe	Link
Buchanan	Fraser	Lloyd
Burke, Mass.	Frenzel	Long, Md.
Burton	Frey	Lujan
Byrne, Pa.	Fulton, Pa.	McClory
Byrnes, Wis.	Fulton, Tenn.	McCloskey
Byron	Fuqua	McClure
Cabell	Galifianakis	McCollister
Caffery	Gallagher	McCormack
Camp	Gaydos	McDade
Carey, N.Y.	Gettys	McDonald, Mich.
Carney	Giaimo	
Carter	Gibbons	McFall
Casey, Tex.	Gonzalez	McKevitt
Cederberg	Goodling	McKinney
Celler	Grasso	McMillan
Chamberlain	Gray	Macdonald, Mass.
Chisholm	Green, Oreg.	
Clancy	Green, Pa.	Madden
Clark	Griffiths	Mahon
Clausen, Don H.	Grover	Mailliard
	Gubser	Mann
Clawson, Del	Gude	Martin
Clay	Hagan	Mathias, Calif.
Cleveland	Halpern	Matsunaga
Collier	Hamilton	Mayne
Collins, Ill.	Hammer-schmidt	Mazzoli
Collins, Tex.		Meeds
Conte	Hanley	Melcher
Conyers	Hanna	Metcalfe
Corman	Hansen, Idaho	Michel
Cotter	Hansen, Wash.	Mikva
Coughlin	Harrington	Miller, Calif.
Culver	Harsha	Miller, Ohio
Daniels, N.J.	Harvey	Mills, Ark.
Mills, Md.	Reid, N.Y.	Steele
Minish	Reuss	Steiger, Wis.
Mink	Rhodes	Stephens
Minshall	Riegle	Stokes
Mitchell	Robison, N.Y.	Stratton
Mollohan	Rodino	Stubblefield
Monagan	Roe	Stuckey
Moorhead	Rogers	Taylor
Morgan	Roncalio	Teague, Calif.
Morse	Rooney, N.Y.	Thompson, Ga.
Mosher	Rooney, Pa.	Thompson, N.J.
Moss	Rosenthal	Thomson, Wis.
Murphy, Ill.	Rostenkowski	Thone
Murphy, N.Y.	Roush	Tiernan
Myers	Rousselot	Udall
Natcher	Roy	Ullman
Nedzi	Roybal	Van Deerlin
Nelsen	Runnels	Vander Jagt
Nix	Ruppe	Vanik
Obey	Ryan	Veysey
O'Hara	St Germain	Vigorito
O'Konski	Sandman	Waldie
O'Neill	Sarbanes	Wampler
Patten	Saylor	Ware
Pelly	Schneebeli	Watts
Pepper	Schwengel	Whalen
Perkins	Sebelius	Whalley
Pettis	Seiberling	White
Peyser	Shipley	Whitehurst
Pickle	Shriver	Wiggins
Pike	Sikes	Wilson, Bob
Pirnie	Sisk	Wilson, Charles H.
Podell	Skubitz	
Poff	Slack	Wolff
Powell	Smith, Calif.	Wright
Preyer, N.C.	Smith, Iowa	Wyatt
Price, Ill.	Smith, N.Y.	Wydler
Pryor, Ark.	Snyder	Wylie
Pucinski	Springer	Yates
Quie	Stafford	Yatron
Quillen	Staggers	Young, Fla.
Railsback	Stanton, J. William	Young, Tex.
Randall		Zablocki
Rangel	Stanton, James V.	Zwach
Rees		
Reid, Ill.	Steed	

NAYS—49

Abbitt	Griffin	Roberts
Abernethy	Gross	Robinson, Va.
Andrews, Ala.	Hall	Ruth
Ashbrook	Hunt	Satterfield
Baker	Ichord	Scherle
Baring	Jonas	Schmitz
Bevill	Landgrebe	Scott
Blackburn	Mathis, Ga.	Spence
Burleson, Tex.	Mizell	Steiger, Ariz.
Burlison, Mo.	Montgomery	Teague, Tex.
Chappell	Nichols	Waggonner
Colmer	Passman	Whitten
Crane	Patman	Williams
Daniel, Va.	Poage	Wyman
Devine	Price, Tex.	Zion
Flynt	Purcell	
Fountain	Rarick	

NOT VOTING—28

Addabbo	Garmatz	Scheuer
Badillo	Goldwater	Shoup
Bray	Haley	Sullivan
Burke, Fla.	Hathaway	Symington
Conable	Jarman	Talcott
Delaney	Kee	Terry
Dulski	Long, La.	Widnall
Edwards, La.	McCulloch	Winn
Eshleman	McEwen	
Frelinghuysen	McKay	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Frelinghuysen.
Mr. Dulski with Mr. Bray.
Mr. Garmatz with Mr. Conable.
Mrs. Sullivan with Mr. Eshleman.
Mr. Hathaway with Mr. McEwen.
Mr. Delaney with Mr. Widnall.
Mr. McKay with Mr. Shoup.
Mr. Kee with Mr. Talcott.
Mr. Haley with Mr. Burke of Florida.
Mr. Jarman with Mr. Goldwater.
Mr. Symington with Mr. McCulloch.
Mr. Scheuer with Mr. Terry.
Mr. Edwards of Louisiana with Mr. Winn.
Mr. Long of Louisiana with Mr. Badillo.

The result of the vote was announced as above recorded.

The title was amended so as to read: "To amend title 18, United States Code,

to prohibit the establishment of detention camps, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MIKVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed.

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

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks announced that Mr. Anderson be appointed as an additional conferee on the bill (H.R. 10090) entitled "An Act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes."

PERMISSION TO FILE SUPPLEMENTAL REPORT ON H.R. 9212, EXTENDING BLACK LUNG BENEFITS

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to file a supplemental report on the bill (H.R. 9212) to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes.

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

There was no objection.

FARMERS HOME ADMINISTRATION

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

Mr. PURCELL. Mr. Speaker, I am introducing today a bill which would consolidate and focus through one point in the Federal Government the commitment which Congress made last year, in the Agriculture Act of 1970, to the needs of rural America. It is a good bill, predicated upon our needs as a nation, not upon the needs of one section of the country, or of just one section of the economy.

This legislation is designed to overhaul the Farmers Home Administration, turning it into the driving force behind our efforts to revitalize a region so huge that, if it were a separate country, it would rank in area as the world's ninth largest. This section of our country contains the highest proportion of our poverty, the lowest average per capita income, the most inequitable distribution of educational opportunity and the bulk of our inadequate housing.

Today the Farmers Home Administration has the authority to make loans and grants to finance housing, water and sewer systems, telephone systems and recreational facilities. This authority is subject to a number of limitations including population and spending ceilings. Basically, my bill would add to this list of authorized projects the financing of small- and medium-sized industrial projects.

Statistics confirm the pattern that the Nation's urban areas accommodate over 73 percent of the people on just over 2 percent of the land. Thus, in our rural areas, we have more room than people—more than enough space to expand—and a real need for the advantages that business and industry can provide.

If we are to do anything about the population migration which is stifling the cities, it must be to build opportunity in rural America. Opportunity means job opportunity, educational opportunity, opportunities in the areas of recreation and other community facilities.

By remodeling the Farmers Home Administration within the Department of Agriculture, we could have at our fingertips one of the most effective agencies in the Federal Government structured to accommodate all the needs of a concerted rural development program.

Consistent with the national need to hold the line on spending, my bill would create no new levels of Federal bureaucracy. With its 1,700 local county offices, Farmers Home Administration is one of the most highly decentralized agencies of the Government. It has achieved an outstanding record of working closely with local people. This bill would put that record to work for all of rural America's needs.

Under an administration proposal, Farmers Home and the other agencies of the Department of Agriculture would be scattered among four new superdepartments. I believe this would fragment rural development efforts to even a greater degree than at present. By streamlining the Department of Agriculture, rather than by abolishing it as the administration suggests, my bill would give rural America the benefit of a truly nationwide, comprehensive program. Up to now no department or agency has been able to provide this.

The most significant change which this bill would make is to expand the traditional application of Farmers Home Administration loans. The agency would be authorized to finance small- and medium-sized commercial and industrial establishments.

Presently, there is a $100 million ceiling on loans which may be made from the Agriculture Credit Insurance Fund. My bill would raise that ceiling to $500 million. At the same time it would transfer the direct loan account to the Agriculture Credit Insurance Fund. In this way, by having more money to guarantee loans from private banks, money can flow within rural America—not between rural America and Washington.

Industry will not come to rural America on its own, however. Community facilities must be attractive enough to support the development of small businesses. Under the present Consolidated Farmers Home Administration Act there is a $100 million ceiling on grants for water and sewer system development for the entire Nation. My bill proposes the removal of that ceiling. The administration's revenue-sharing program proposes the removal of the whole program.

There is currently a maximum loan and grant total for any water or waste disposal facility of $4 million. This bill would raise this to $10 million.

Generally, the bill I have introduced would extend the authority of Farmers Home to a sweeping category of "Rural Area Development." It would increase the population limit of rural areas eligible for this assistance from 5,500 to 10,000. Last year Congress granted authority to Farmers Home to make housing loans in rural areas up to 10,000 population.

The bill would give the Farmers Home Administration the authority to raise funds for these rural area development projects by allowing the sale of insured loan paper on the private market in the same way it now obtains funds for its housing, community facility, and farm ownership loans. This would channel billions of dollars of private capital into rural areas without destroying dozens of successful programs as suggested by the administration's rural revenue-sharing program.

Rural area development is not a partisan issue, Mr. Speaker. Neither is it a sectional issue. The population patterns which have sent most of our population to 2 percent of the land are simply wrong. We owe it to the Nation to make the changes which we know must be made. This bill is a serious effort to do just that.

BEVILL OPPOSES FORCED BUSING

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

Mr. BEVILL. Mr. Speaker, I rise today to voice my strong opposition to the forced busing of schoolchildren which is taking place throughout the country. I fail to see any good that can come from this forced busing, but I can see many reasons why it should be stopped.

Forced busing is causing much confusion and disrupting the orderly educational process. We must not lose sight of the fact that schools are supposed to educate children. Teachers should teach. They should not be required to bring about social change.

The continued use of forced busing is interrupting the orderly process of hundreds of school districts throughout the Nation, bringing about chaos and distrust and pushing us toward the brink of violence.

Almost without exception, parents and educators in all parts of the United States have voiced opposition to forced busing

In literally thousands of instances, children are being bused many miles from their homes to attend school. This is often being done when the children are in walking distance of their neighborhood schools. And, of course, this busing is costing the taxpayers of this Nation a considerable amount of money.

I do not believe the people of this Nation will continue to put up with such nonsense. So far, Congress has been able to do little in the matter. As you know, Congress has passed a number of bills forbidding the use of busing as an instrument to achieve racial balance. The U.S. Supreme Court, however, has refused to recognize this action and has proceeded to require that busing be used wherever a lower court judge decided to use it.

I predict that within the next few months we will see such a ground swell of public opinion against forced busing that Congress will have to face up to the issue.

Along with a number of other Members, I am supporting a constitutional amendment which would put a stop to the mass busing of children attending public schools. This amendment would prevent the assignment of pupils in public education to any particular school based on his race, creed, or color.

It would go a long way toward reestablishing the policy that public schools are primarily the concern of local school boards, parents, and the community.

I urge my colleagues in the House of Representatives who believe this forced busing, which has been thrust upon us by the U.S. Supreme Court without the consent or desire of the people, is wrong to join with me in getting this proposal out of the Judiciary Committee for a vote by the Members.

Our primary objective is, and must always be, to provide the best possible education for every child in this country. Forced busing is preventing us from doing this. Forced busing has made it necessary for school personnel to devote their time and energy to maintaining order in the wake of the confusion, upheaval, and often confrontations brought about by this massive movement of children.

Our goal of providing a good education for every child can best be reached, in my judgment, by making good schools available to every community and letting local elected educational leaders control these schools. Just think what progress could be made in the academic programs with the money being used on forced busing.

The neighborhood school is the foundation of the American system of education. In many areas it is being torn apart by HEW edicts and Federal court rulings.

To protect the constitutional rights of every citizen, we must adopt this constitutional amendment to allow citizens to attend the school of their choice.

After we have done this, we can once again channel our efforts into developing programs that will provide unlimited educational opportunities for every child in America.

FORCED SCHOOL BUSING DEFEATS THE PURPOSE OF DESEGREGATION

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

Mr. BROYHILL of Virginia. Mr. Speaker, the purpose of desegregation is, or ought to be, to improve the education of millions of black and white schoolchildren. This purpose cannot be achieved by busing of children many miles from their familiar neighborhoods, diverting scarce school revenues to the needless purchase, operation and maintenance of buses, making close parent-teacher relationships impossible because of the distances between them, and creating community animosities.

The busing extremists are driving white families to the suburbs and destroying community support of public schools. A remedy to these and other evils lies in enactment of House Joint Resolution 651, of which I am a sponsor. I ask unanimous consent to insert in the RECORD at this point an impressive article by a distinguished commentator relating to this matter.

POLITICS, BUSING AND SCHOOLCHILDREN AS HUMANS

(By James K. Kilpatrick)

With his statement of Aug. 3, intervening personally in the matter of a desegregation decision in Austin, Tex., President Nixon stirred up a crackling summer storm. He brought down the lightning of the Civil Rights Commission, and he drew some ominous gulf wind from Alabama's Gov. Wallace.

It added up to a splendid uproar, full of political reverberations. Before the echoes could subside, the President produced a new thunderclap with his economic message of Aug. 15. All of a sudden, these are noisy times. Let us approach one uproar at a time.

The President was quite right, in my own view, in publicly emphasizing his own determination to oppose, not busing as such, but rather the excesses of busing. In his recent preoccupation with foreign affairs, it is understandable that Nixon could have spared little time for the details of the school plans being cooked up in his own Department of Health, Education and Welfare. No President can keep his eye on everything.

What Nixon has done, and all he has done, is to take firm command of a situation that had been getting badly out of hand. As a matter of administration policy, he will recommend no more than the minimum busing acceptable to federal courts; he will expect HEW Secretary Elliot L. Richardson to comply with his policy; and some heads will roll if the policy is circumvented by bureaucratic obstruction. This is not "defiance" of the courts. It is a manifestation of wisdom by a President who clearly understands, if zealous judges and doctrinaire sociologists do not, what fearful damage is being done to Southern schools by a new racism as evil as the old.

The Civil Rights Commission, of course, does not accept this view. To the commission, the President's policy "almost certainly will have the effect of undermining the desegregation effort." *But the commission's view is too narrow; it fails altogether to see the one transcendent goal. The whole purpose of desegregation is, or at least it ought to be, to improve the education of several million schoolchildren, black and white alike; and if the techniques of desegregation fail to contribute toward that goal, they fail totally.*

This is the point that so often is lost. The experts at HEW had cooked up an elaborate plan for Austin. The school population there is roughly 15 percent black, 20 percent Chicano, and 65 percent white. By a massive reordering of the elementary system, involving 20,000 children from 5 to 12 years old, the experts proposed to achieve roughly these ratios in fulltime "clusters" and "pairs" of 39 schools.

But *the plan gave no consideration to the problems created by the busing of thousands of children many miles from their familiar neighborhoods.* The plan was simply, in this regard, inhuman: It did not see the children as humans. It saw them as drawing-paper figures—black, brown and white—mere symbols on a city map. This was the plan Nixon disavowed. It deserved to be disavowed.

Such computerized "solutions" are not solutions at all; or at least they are not solutions to the main problem. This problem, again, is to improve the education of children. *You cannot solve that problem by diverting scarce school revenues to the needless purchase, operation and maintenance of buses. You cannot preserve desirable parent-teacher relationships if parents are 15 miles away. You do not reduce race prejudice by creating community animosities that are directly the product of racial obsessions.*

Talk of "undermining" the desegregation effort! *This effort is being undermined not by President Nixon, but by the fanaticism of the busing extremists. They are the ones who are driving white families to the suburbs and destroying community support of public schools.* This folly cannot be halted altogether, but perhaps the saddest consequences can be avoided by the "minimum" program Nixon has in mind.

PROPOSED AMENDMENTS TO THE EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

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

Mr. DENT. Mr. Speaker, the Equal Employment Opportunities Enforcement Act of 1971—H.R. 1746—will be brought up for consideration tomorrow. It is my understanding that we will be engaged in general debate on the bill at that time, and read it for amendment on Thursday.

Mr. Speaker, although the bill was reported by the Committee on Education and Labor some time ago by a rather substantial vote, I would be less than realistic if I did not recognize the deep concern many Members have with certain of its provisions. Unfortunately, the bill has been the object of considerable—and often unfair—criticism by at least one large employer association. In spite of our explanations, the fact remains that some provisions appear onerous to a majority of my colleagues.

In an effort to make the bill conform to the will of a majority, I propose to offer three significant amendments on Thursday. I will be joined by colleagues who previously found H.R. 1746 unacceptable.

For the benefit of all Members, I now include the amendments and a brief description in the RECORD:

No. 1—AMENDMENT TO H.R. 1746
(SECTION 4)

On page 8, line 3, after the word "allowable.", add the following new sentence:

"*Provided further,* That no order made hereunder shall include backpay or reinstatement liability which has accrued more than two years before the filing of a charge with the Commission. Such order may further require such respondent to make reports from time to time showing the extent to which he has complied with the order. If the Commission finds that the respondent has not engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent and the person or persons alleged in the complaint to be aggrieved an order dismissing the complaint."

On page 26, line 3, after the word "practice).", insert the following new sentence:

"No order made hereunder shall include backpay or reinstatement liability which has accrued more than two years before the filing of a charge with the Commission."

No. 2—AMENDMENT TO H.R. 1746
(SECTION 11)

On page 29, at the end of line 18, add the following new sentence:

"The Commission shall be prohibited from imposing or requiring a quota or preferential treatment with respect to numbers of employees, or percentage of employees of any race, color, religion, sex, or national origin."

No. 3—AMENDMENT TO H.R. 1746
(SECTION 4)

On page 5, strike lines 21 through 25, and on page 6, strike lines 1 through 11, and substitute the following:

"(e) A charge shall be filed within one hundred eighty days after the alleged unlawful employment practice occurred except that in a case of an unlawful employment practice with respect to which the persons aggrieved has initially instituted proceedings with a State or local agency with authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, such charge shall be filed by the person aggrieved within three hundred days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency. The Commission shall within ten days of the filing of the charge serve a copy of such charge upon the person against whom the charge is made.

My first amendment would impose a 2-year "statute of limitations" on the awarding of backpay and reinstatement under title VII. Thus, if the EEOC or, in the case of an individual action, the Court, found that an unlawful employment practice existed, backpay liability could not be extended further than 2 years from the time the charge was filed with the Commission. I would also like to point out that the existing law requires a setoff from any award of the amount which the complainant did, or reasonably could have, earned.

My second amendment would forbid the EEOC from imposing any quotas or preferential treatment of any employees in its administration of the Federal contract-compliance program. This responsibility, which is now vested in the Office of Federal Contract Compliance of the Department of Labor, would be transferred by H.R. 1746 to the Commission. Such a prohibition against the imposition of quotas or preferential treatment already applies to actions brought under title VII. My amendment would, for the first time, apply these restrictions to the Federal contract-compliance program.

My final amendment would require that copies of charges brought before the Commission be served upon respondents within 10 days. The existing law only requires that notice be given "as soon as practicable."

THE PRAYER AMENDMENT

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

Mr. SCHWENGEL. Mr. Speaker, for the first time in the Nation's history a serious movement has developed to amend a key provision of the Bill of Rights in the Constitution. Specifically involved are the "religion clauses" of the first amendment which have stood as a bulwark for religious liberty since the approval of the Bill of Rights on December 15, 1791.

These clauses state: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." This prohibition of government authority in the realm of religion was extended to all governments—State and local as well as Federal—by the 14th amendment and by the decisions of the U.S. Supreme Court.

The clamor for a constitutional prayer amendment has arisen because of two of the most misunderstood, misinterpreted, and misapplied decisions by the Supreme Court. In 1962—Engel against Vitale—the Court declared that Government composed and authorized prayers violate the first amendment of the Constitution. In 1963—Abington School District against Schempp, and Murray against Curlett—the Court ruled that devotional exercises in schools authorized by law are also prohibited by the first amendment.

Thus it is seen that the Court rulings were restrictions on Government in the area of religious faith and practice. The rights and freedom of schoolchildren or schoolteachers to pray or to read the Bible were not involved in these cases.

Many people have mistakenly thought that the Court threw God out of the schools and that people who want to pray have been denied that right. Nothing could be farther from the facts in these cases.

Nevertheless, an emotion-laden movement has developed to undo what the Supreme Court is mistakenly charged with doing. This movement has crystalized into a proposed amendment to the Constitution, which reads as follows:

"Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer."

At first glance many people react by saying, "What's wrong with a simple amendment like that? It is harmless, and it might do some good because the Nation needs more prayer."

Others seem to think that the proposed amendment is meaningless, and if it is so harmless why make a fuss about it. "Let's go ahead and adopt the amendment," they say, "and get this bothersome religious question out of the way."

These are inadequate and irresponsible reactions to any proposal that affects in any way the basic principles of religious liberty that have served the American people so well the past 180 years.

Any effort to amend the Constitution, and especially the Bill of Rights, should not be made without full public discussion of all of the issues and without understanding the possible effects of such an action.

Without claiming a complete analysis of the effects of the proposed prayer amendment, I offer the following observations of some of the more obvious defects in this attempt to amend the First Amendment.

First, the proposed prayer amendment is supposed to correct an action by the Supreme Court which the Court never took. The proponents of the amendment in their anti-Supreme Court zeal and in their zeal to see to it that schoolchildren pray have set up a straw man. By a Constitutional amendment they propose to knock over this straw man. This is no way to amend the Constitution or to tamper with the Bill of Rights.

In the next place, the prayer amendment does not do what its proponents claim for it. They say that it puts God back into the classroom. They forget, however, that God is not moved around like a chessman either by the Supreme Court or by the prayer amendment zealots.

They say that such an amendment enables school children to engage in voluntary prayer, which, they mistakenly claim was prohibited by the Supreme Court. This right to voluntary prayer is already adequately protected by the First Amendment. It would be restricted rather than enhanced by the new proposed amendment.

What then would the prayer amendment do if it were placed in the Constitution? A cursory analysis reveals the following:

First. It protects only the "right of persons lawfully assembled." What do we mean by "lawfully assembled?" What about the rights of persons not in a "lawful assembly?" To provide constitutional rights for such a selected class of people is highly questionable and most unwise.

Second. It locates the places to which this "right" is applicable. The amendment would restrict the exercise of this right to "any public building which is supported in whole or in part through the expenditure of public funds." The right to pray should not be circumscribed in any such manner.

Third. It limits the kind of prayers in which people can participate in public

buildings. Specifically, according to this amendment, the right to pray is limited to "nondenominational prayer."

This restriction on the prayer life of the people raises a number of questions which may not have been asked by the prayer amendment proponents, but which are certain to be asked by lawyers and administrators in future cases.

For instance, some arm of government, the teacher, the school superintendent, the school board, or other—must make a decision as to which prayer is denominational and which is not denominational. Government, by this act and to this extent, will be authorized by the Constitution to regulate the prayers in which people can participate. This was what the first amendment was intended to prohibit—the authority of government in the religious life of the people.

Thus the proposed amendment, which professes to provide for the rights of people in reality extends the powers of government into areas now prohibited by the first amendment.

Another effect of the prayer amendment, if it becomes a part of the Constitution, would be to introduce new and unlitigated principles into constitutional law. Such changes in constitutional principles would affect Government at all levels—legislative, judicial, and executive.

While the effects of such new constitutional principles might not be immediately apparent, only a fool would attempt to predict what actions Government might take 25 or 50 or 100 years from now. As for me, I do not want to take the risk of authorizing Government to participate in any way in regulating the religious life of the people.

The first amendment as it now stands adequately provides for the "free exercise" of religion by the people and adequately restricts Government from any activity that might be called "an establishment of religion." Both the State and the church have fared well under the first amendment. We want it to remain that way. Let us not spoil our unique arrangement in church-state relations in the United States by adding new, questionable and restrictive amendments to the Bill of Rights.

PRESIDENT WANTS INCOME STABILITY—SHOULD RESCIND RICE ACRE CUT

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

Mr. LEGGETT. Mr. Speaker, for 1972, the Department of Agriculture has decided to reduce rice acreage allotments by 10 percent. This follows a 15-percent cut in 1970 and a 10 percent cut in 1969.

In my view all of these cuts are unconscionable.

First, because they wreak financial hardship on the rice farmers. In California, which produces the short-grain and medium-grain rice popular in Oriental countries, the economics of the situation are such that a 10 percent in acreage translates almost directly into a 10 percent cut in income.

The decision was announced early this year, ostensibly so that rice farmers would have time to plant other crops on the land in question. But unfortunately, much of this land is now so wet that it cannot be profitably used for anything but rice.

Second, because there are people all over the world who need this rice. It is hard for us to realize this here in the United States, but the average citizen of the world is just one step ahead of starvation.

The ostensible reason for the cut was an anticipated reduction in foreign demand for rice, but this is just not supported by the facts.

Last summer, Korea consummated an agreement for 400,000 tons of rice, which wiped out the California surplus. There is no reason to expect demand to be weaker this year. The same is true of Okinawa and Indonesia.

We can expect the demand from the Philippines to be stronger this year than it was last year, as a result of the typhoons which seriously cut their domestic rice production.

In addition, there is Pakistan. While Pakistan has not been a major outlet for American rice in the past, the recent brutal repression of East Pakistan, for which our Government must bear a considerable share of the blame, is expected to result in a major famine next year. It will be tragic if the actions of USDA today prevent our feeding these people when they need it.

The real reason for the reduction in acreage allotment is of course budgetary. I can understand the administration's desire to reduce its deficit, but this is not the place to do it. If we cannot use such a small portion of our national wealth to help feed the people of the world, our priorities are in a bad way indeed.

In addition if the President is going to stabilize wages and prices, the rice farmers, should not begin from a destabilized position. The rice cut should be rescinded.

RESOLUTION OF INQUIRY ON VIETNAM ELECTIONS

(Mrs. ABZUG asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. ABZUG. Mr. Speaker, I rise today to inform my colleagues that I once again have felt compelled to invoke that privileged procedure known as a resolution of inquiry to obtain certain information which the House of Representatives in my opinion cannot function without. That information is the true state of affairs regarding the presidential election in South Vietnam scheduled for October 3d, and the involvement of the U.S. Government in those elections.

I invoke the procedure reluctantly, because of the heavy press of business facing us during this closing portion of the first session of the 92d Congress. I nonetheless do so because of the seriousness of the issues involved.

To everyone knowledgeable about Vietnam, except this administration, the very thought of "free" elections in South Vietnam has been ludicrous from the outset. Mr. Thieu nationalized the police force under his control this past spring; Mr. Nixon still talked of free and impartial elections. Mr. Thieu jailed many of his articulate political and journalistic opponents—including my fellow alumna from Columbia Law School, the brilliant and dedicated Madame Thanh—and still the administration makes U.S. withdrawal contingent upon the elections, instead of on serious consideration of the seven-point proposal presented at the Paris Peace Talks on July 1 by Madame Binh.

From the outset the elections could be nothing but a farce. The forthright resignation of General Minh from the race has forced us to come out from behind our rhetoric of democracy and to confront that reality. There is no longer any basis on anyone's terms for the United States remaining in Southeast Asia at all. The elections are not going to be free and impartial, as Mr. Nixon assured us they would be if there were no plan for immediate withdrawal; the POW issue is no longer even a point of contention as a result of the very first point of the seven-point peace proposal setting a date certain would insure the prisoners' release. That, of course, was conveniently and completely ignored by the perpetuators of this war in the executive branch—and, I might add, in this Congress, where my resolution urging its consideration drew only 13 cosponsors.

To discover the depth of U.S. cosmetic attempts to cover up the true nature of these elections, I am today calling on the Secretary of State to inform the House of the precise nature of this assistance by providing us with all directives and communications relating to the elections both from State to Mr. Bunker and from Mr. Bunker to Messrs. Thieu, Ky, and Minh.

The news that Mr. Bunker had offered financial assistance to one of the candidates in the race was shocking and merits his immediate replacement. The very instructive document on page 31347 of the Friday, September 10 issue of the CONGRESSIONAL RECORD outlining in clear and precise language Mr. Thieu's methods for "winning" in the provinces provides even more shock. They should be only a small hint of what we in Congress stand to learn when this resolution is adopted and complied with.

Perhaps such revelations will stir this body to the action necessary to end once and for all—now—this interminable and senseless war. At the very least they should muster the 218 signatures to set a date and the 218 votes necessary to cut off funding for the war as soon as we can do so. We will be given six or eight opportunities to do this between now and the end of this session in votes on defense authorizations, appropriations, and conference reports.

At this point I present the text of the resolution:

RESOLUTION

Resolved, That the Secretary of State be directed to furnish the House of Representatives within 1 week after the adoption of this resolution with the complete text of all communications pertaining to the forthcoming Vietnamese Presidential election between the Department of State and the United States Embassy in Saigon and between the United States Embassy in Saigon and Messrs. Thieu, Ky, and Minh since January 1, 1971.

According to the rules, the resolution of inquiry must be reported out of the committee to which referred in 7 days and reported to the floor. I urge your support.

The administration can no longer continue to have it both ways: To declaim on the democratic election and at the same time to covertly manipulate those elections. We in Congress have a right to know what is being done in our name.

KOREA, VIETNAM, AND CAMBODIA ECHO KATYN FOREST MASSACRE

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

Mr. MADDEN. Mr. Speaker, as former chairman of the Congressional Katyn Forest Massacre Committee in the 82d Congress, I have been receiving considerable mail, especially from the younger generation for information and facts concerning the massacre by the Soviets of approximately 14,000 Polish leaders in the early part of World War II, which took place in the winter of 1939–40. Evidently some of the same barbarous murders which the Communists committed in Korea and now in Vietnam and Cambodia are reminding the public that they are merely smaller blue prints of the atrocious Katyn Forest massacre of 30 years ago.

I was invited recently by the Indiana Historical Society to speak at their conference held in Hammond, Ind. last Saturday on the subject of the Katyn Forest massacre.

Mr. Speaker, I am hereby submitting excerpts from the speech which I made to the Indiana Historical Society on that evening.

SPEECH BY CONGRESSMAN RAY J. MADDEN

More than thirty years have passed since the horror of the Katyn Forest massacre in 1940, yet the blame for this monstrous war crime has never been officially placed although the guilt has clearly been established. The Katyn massacre involved the execution of some 4,243 of the 15,400 Polish army officers and intellectual leaders who were captured by the Soviets during the Soviet invasion of Poland in September 1939. The Katyn massacre was one of the most barbarous international crimes in world history which has never been officially resolved. The captured Polish officers were interned in three Soviet prison camps. After that date all trace of these men was lost until mass graves were discovered in the Katyn Forest near Smolensk, Russia by Nazi troops in April 1943.

The Soviets immediately blamed the Germans for the crime, charging that the Poles fell into Nazi hands when Germany invaded Russia in the summer of 1941. Germany, in turn, accused the Soviet Union of responsibility for the massacre. At the time, it was most difficult to determine which was the guilty party. However, the select committee of the Congress, which I had the honor to chair, established in 1952 to investigate the Katyn massacre, unanimously agreed that the evidence dealing with the first phase of its investigation proved that the Soviets committed the massacre not later than the spring of 1940. The committee further concluded that the Soviets had plotted the criminal extermination of Poland's intellectual and political leadership as early as the fall of 1939—shortly after the Soviet invasion of Polish territory.

STALIN FEARED POLISH LEADERS

Stalin clearly did not want any sort of opposition to his planned domination of Poland and the rest of Eastern Europe. Those brave individuals at Katyn presented a threat to Soviet plans of communizing Poland and because of their courage and loyalty to a free Poland were ruthlessly executed by the Communists. These men made up a large core of Poland's future leadership, or as a former Polish ambassador to Moscow described them, "the flower of the Polish intelligentsia." Their anti-communist attitudes would have been formidable obstacles to overcome. As we now know and have seen, a communist government in Warsaw was vital to Stalin's plan to surround the Soviet Union with a buffer zone controlled by Moscow.

Memoirs of those few who survived the three camps describe not only the deplorable living conditions, but also the repeated communist indoctrinations and interrogations by NKVD. Clearly, these tactics were not successful and Stalin decided that extermination was the only answer.

The tragic history of Poland during World War II began with the Molotov-Ribbentrop Pact signed on August 23, 1939, Among the provisions of the non-aggression pact between the Soviet Union and Nazi Germany was the agreement to carve Poland in half.

On September 1, 1939 Nazi Germany declared war on Poland and World War II began. On September 17, 1939 the Soviets crossed the Polish border, under the now familiar guise of coming to the Poles' assistance, and occupied the eastern part of Poland. From September 1939 through March 1940 well organized NKVD detachments moved in and arrested civilians as well as members of the armed forces. Many of those captured or arrested were deported across the Soviet border to serve in labor camps, namely Kozielsk, Starobielsk, and Ostashkov. Those from Kozielsk were found in the mass graves at Katyn; more than 10,000 from the other two camps have never been found. The precise motives behind this heinous and shocking crime, as incomprehensible as they may be, have never been fully established.

SOVIET DUPLICITY

Following the Nazi invasion of the Soviet Union, the USSR and the Polish Government-in-Exile signed an agreement re-establishing diplomatic relations. Under the agreement all Poles interned were to be released by the Soviets. The agreement further provided for the formation of a Polish Army whose commander was to be appointed by the Polish Government-in-Exile in London. General Wladyslaw Anders was released from Lubyanka prison in Moscow to organize and lead the new force. After the war, Anders wrote that one of his greatest problems was that he had to do this without more than 8,000 commissioned and some thousands of non-commissioned officers whom he expected to find in Soviet hands.

General Anders detailed a special staff to investigate the matter and discovered that the bulk of the missing men had, in fact, been in the three NKVD camps previously mentioned. Despite dozens of diplomatic overtures, Stalin was evasive concerning the whereabouts of these men. The new Polish ambassador to Moscow, Stanislaw Kot, made repeated requests for information but was repeatedly told that all Polish prisoners had been released.

The German announcement in 1943 concerning the discovery of the mass graves at Katyn prompted the Polish Government-in-Exile to appeal to the International Committees of the Red Cross to investigate the true facts at the Katyn Forest near Smolensk. The Soviet Union, in turn, severed diplomatic relations with the Polish Government. In a furious rage Stalin charged the Polish Government with pro-Hitlerite elements and collaboration with the Nazis. After finding the graves at Katyn, the Germans proceeded to exhume the bodies, arranging for an international medical commission composed of individuals from German occupied and neutral countries and a separate German Medical-Judiciary Commission to examine the bodies in order to establish the time of the massacre.

COMMUNIST MASSACRE METHODS

The commission set about its grisly task and discovered the true horror of the situation. The commission found 4,143 bodies, some punctured with bayonet wounds, many with their hands tied behind their backs. All were shot through the back of the head by revolvers manufactured by Genschow & Company which had been exported to the USSR and the Baltic states.

Although the evidence, the war-time circumstances, as well as the Soviet-German charges and counter charges seriously confused the facts of this barbarous incident, nothing appeared as incriminating against the Soviets as their own report published in 1944 following an investigation at Katyn by an all-Soviet Commission. The Soviet report quotes Russian natives who allegedly saw Polish officers working on road gangs and construction projects in the Smolensk area prior to the German invasion. These witnesses were further quoted to substantiate the Soviet allegation that all the officers were transferred from Kozielsk, Starobielsk, and Ostashkov by the Russians in March and April of 1940 to three camps in the Smolensk area designated only as ON 1, ON 2, and ON 3. However, had this in fact been true the officers' boots would have shown much more wear, yet when examined did not.

Furthermore the Soviet allegation that the commanding officer of the three camps was unable to obtain transportation to evacuate the prisoners while the Germans were advancing, conflicts with known facts. Testimony before the Congressional select committee from a former Soviet official established that under no circumstances were Russian prisoners of war to fall into enemy hands. In the report a witness is quoted as saying that the round-ups of Polish war prisoners took place until September 1941, were then discontinued and that no one ever saw Polish war prisoners after that. Thus, this account fixed the date of the executions at September 1941. However, the bodies at Katyn were found in winter garb while weather reports showed that temperatures during August and September of 1941 in the Smolensk area ranged between 65 and 75 degrees Fahrenheit.

The Soviet report is inconsistent with the facts in its claim that there were 11,000 Poles massacred at Katyn. The Polish Red Cross definitely established that there were no more than 4,143 bodies exhumed and 110 were found, but not exhumed.

SOVIET FAKE TRIALS

During the International Military Trials held in Nuremberg after World War II, evidence was heard relating to the Katyn massacre. In accordance with the London Agreement of 1945, the Soviets were in charge of war crimes allegedly committed in the eastern zones. Hence, the Katyn massacre was the direct responsibility of the USSR to prosecute the individuals responsible. At Nuremberg, the Katyn massacre appeared as a charge against Herman Goering, the highest ranking German officer. The Soviet prosecutor produced three witnesses to establish German guilt; the German defense counsel also produced three witnesses for the defense. The select committee of the House, in the course of its hearings in Frankfurt, heard testimony from the three German Witnesses, that is, Colonel Ahrens, General Oberhaeuser, and Lieutenant Von Eichborn. Contrary to the Soviet report which mentioned the 537th Engineer Battalion, the three testified that they were with the German Signal Regiment 53F and had arrived in the Smolensk area after September 1, 1941. The Soviet report also stated that the Polish war prisoners in the three camps west of Smolensk remained there until September 1941, yet the German witnesses denied ever having seen a Pole in the area. The Soviet prosecutor's failure to prove the charges against the Germans resulted in the case being dropped by the Tribunal. No mention is made of this atrocity in the long list of inhuman crimes proved to have been committed by the Nazis. The significance of this is shocking—since it was impossible to prove that the Germans had committed this crime, one of the most brutal atrocities of the war was ignored and the responsible party escaped with impunity.

The Katyn affairs lay dormant until the late 1940's when public and private individuals and organizations pressed for further investigation of the Katyn crime. The American Committee for the Investigation of the Katyn Massacre, headed by Arthur Bliss Lane had been active for two years amassing evidence and combatting the indifference shown in this matter. Americans of Polish descent in Chicago launched the idea of appointing a congressional select committee for the investigation of the Katyn massacre. Resolutions on this subject were introduced by myself and several of my colleagues and on September 18, 1951 my resolution (H. Res. 390) was unanimously approved by the House. The select committee consisted of myself, as chairman, Thaddeus M. Machrowicz, Democrat from Michigan, Foster Furcolo, Democrat from Massachusetts, Daniel J. Flood, Democrat from Pennsylvania, George A. Dondero, Republican from Michigan, Alvin E. O'Konski, Republican from Wisconsin, and Timothy P. Sheehan, Republican from Illinois. The committee began its investgiation by hearing the evidence of a number of witnesses in Washington, Chicago, London, and Europe. At the beginning of 1952 the committee sent letters to the Polish Government in London, the Soviet Government, the Communist Government in Warsaw, and to the German Federal Republic authorities asking for their cooperation.

The Soviet Government refused its cooperation and in its memorandum of February 29, 1952 stated:

"The question of the Katyn crime had been investigated in 1944 by an official commission, and it was established that the Katyn case was the work of the Hitlerite criminals, as was made public in the press on January 26, 1944. For 8 years the government of the United States did not raise any objections to such conclusions of the Commission until very recently."

The Communist Government in Warsaw also refused its cooperation and labeled the committee's efforts as a part of aggressive war preparations.

In April 1952 the members of the Select Committee arrived in London and in the course of four days heard thirty Polish witnesses. A mass meeting of Poles commemorating the 12th anniversary of the Katyn massacre was held in London and attended by our committee. On behalf of the U.S. Congress I assured the Poles gathered there that the brutality of the Katyn massacre would not go unpunished and that Katyn was not just a Polish issue, but one that affects the conscience of the entire civilized world.

News of the completion of the preliminary investigation by the committee prompted the legitimate President of the Polish Republic to express Poland's gratitude in a cablegram sent to me in Washington. President August Zaleski said:

"By exposing this plot to eliminate those who subsequently would have opposed the communizing of Poland, you have rendered a great service not only to Poland but to humanity as a whole."

His message continued with:

"Your action proves that the U.S. Congress stands always as a defender of justice and righteousness. I am sure that I express the sentiments of the whole Polish nation which I express to you and your colleagues our most sincere thanks."

In the fall of 1952 the select committee heard important witnesses, including Robert H. Jackson, Associate Justice, U.S. Supreme Court, former Under Secretary of State Sumner Welles, former American Ambassadors George E. Earle, W. A. Harriman, Arthur Bliss Lane and Adm. William H. Standley, and S. Mikolajczyk, President of the International Peasant Union. The committee completed its efforts as the 82nd Congress drew to a close.

COMMITTEE RECOMMENDATIONS

On December 22, 1952, the committee held a press conference when it released the text of its final recommendations urging the House to approve the committee's findings and adopt its resolutions. The select committee requested the President to forward the committee's findings to the U.S. delegate at the United Nations: requested the President to instruct the U.S. delegate to present the Katyn case to the General Assembly of the United Nations; requested appropriate steps to be taken by the General Assembly to seek action before the International World Court of Justice against the USSR for committing a crime which was in violation of the general principles of law recognized by civilized nations; and finally, requested the President to instruct the U.S. delegation to seek the establishment of an international commission which would investigate other mass murders and crimes against humanity.

Our recommendations that the Katyn case be followed up before the forum of Congress was presented at the beginning of 1953 but, unfortunately, was shelved on the request of the State Department under Secretary of State Dulles and also by a majority vote of the Foreign Affairs Committee in the House on June 18, 1953. The Report of the Congressional Select Committee on the Katyn Massacre, comprising 2,437 pages of testimony and other evidence, still awaits action.

The Katyn Massacre evokes horrible memories of other senseless, brutal annihilation of peoples during World War II, as well as the brutalities of past centuries. In the course of its investigation, the select committee observed a striking similarity between Katyn and the events which were then taking place in Korea, Vietnam, and Cambodia. The Polish loss at Katyn stands as a constant reminder that neither the passing of time nor amicable diplomacy can erase the fact that such brutality is a capability of men in our age, regardless of impressive technological progress. It is indeed the responsibility of every individual in society as well as every nation to combat this inhumanity in man, and to ensure that the horrors of Katyn are not repeated.

The Katyn Massacre was the only international crime in World History where one tyrant accused another tyrant of guilt. Stalin accused Hitler and Hitler accused Stalin of the most brutal and sadistic mass-murders in the annals of international crime.

We must all continue to strive toward the day when men are not senselessly executed for their courage, spirit and loyalty to a free nation. Although the Katyn massacre no longer occupies the international forum, the conspiracy of silence continues to hover over the mass grave and to quote from an article which appeared in International Affairs, "the unquiet dead of Katyn still walk the earth."

DESPERATE NEED FOR PERMANENT LEGISLATION DEALING WITH LABOR-MANAGEMENT DISPUTES IN TRANSPORTATION INDUSTRY

The SPEAKER. Under a previous order of the House the gentleman from Texas (Mr. ARCHER) is recognized for 10 minutes.

Mr. ARCHER. Mr. Speaker, the recent railroad strike fortunately was settled without congressional action, which has characterized rail strikes in recent years; but it again served to point up the desperate need for permanent legislation dealing with labor-management disputes in the critical transportation industry. Three times during the last 2 years—and this strike came close to becoming the fourth—Congress has been forced to enact emergency measures to avert national economic disaster. That it was avoided this time is a credit to the efforts of the Nixon administration. But the settlement contains nothing to preclude future transportation crises. More than 18 months ago, President Nixon submitted to Congress a proposal for dealing with critical transportation strikes. Congress still has acted only when an emergency has forced 11th-hour, stop-gap measures.

Clearly, the procedures outlined by the Railway Labor Act are inadequate for resolving major transportation strikes. This inadequacy creates a void which can be filled all too easily by government intervention. The probability that Congress will eventually settle any major dispute in turn acts as a disincentive for any serious negotiations between the parties involved. There is a glaring need for change.

I do not challenge labor's fundamental right to strike. It is the workingman's primary tool in collective bargaining with his employer over wages and benefits. As long as a dispute is a matter between an employer and his employees, the Federal Government should not interfere. In the railroads, however—in the entire transportation industry—large-scale work halts affect so much more. During the limited rail strike in July, California lettuce growers, faced with no means for getting their produce to mar-

ket, had to plow under their entire crop; more than 200 coal mines were forced to shut down; and a major automobile corporation announced the closing of several assembly plants. The economic impact of rail strikes has, in fact, generated more Government intervention than is desirable.

The real loser is the average consumer who must pay the higher prices and suffer the shortage of goods resulting from the strike. A transportation strike creates ripples in the economic pond that spread to many other sectors. If a strike stalls delivery of papermill products, for example, the newspapers and printers that use them may also stop production. The extent of this ripple effect has been measured in a study conducted by the State of Texas. Paper industries, which allocate 80 percent of their transportation expenses to railroads, have a production multiplier of 1.8. For every $100 of undeliverable paper products, the Texas economy loses $180. I am including in the RECORD a table compiled by the State of Texas which lists production multipliers for certain industries.

In Texas, 20 to 25 percent of all transportation expenses for agriculture, business, and industry are allocated to the railroads.

Mr. Speaker, economic facts of life demand that we devise a lasting, effective method for dealing with major labor disputes in this vital industry. President Nixon has proposed legislation to establish a mechanism for resolving these strikes with minimal Government intervention, before they severely damage the economy. The bill gives the President three options in the event of a national emergency precipitated by a transportation strike. If a settlement seems imminent, he can extend by 30 days the "cooling off" period during which work is continued during negotiations. His second option is to name an impartial board which can order partial operation of the industry, to dilute the economic impact of a work dispute. This option has a 6-month limit. Third, if negotiations seem deadlocked, the President may direct each party to submit a final offer. If no agreement on the final offers can be reached within 5 days, an impartial three-man board shall select one of the offers and make it binding. The board would be appointed by the parties involved; if they could not agree on its composition, the President would appoint it. The Government cannot participate in its hearings and deliberations. Since the board must select one of the final offers, with no compromise solution, each party would be encouraged to offer a reasonable solution.

Although there is perhaps no simple panacean solution, this legislation provides a means urgently needed for resolving major transportation disputes and limiting the damage to our economy. Its provisions can encourage labor and management to resolve voluntarily their differences, with minimal Government involvement. Currently this bill, H.R. 3596, is in the Committee on Interstate and Foreign Commerce. I strongly urge prompt congressional action on the legislation.

INDUSTRIES WITH TOTAL TRANSPORTATION EXPENSES MORE THAN 80 PERCENT RAIL

Name	Annual production (millions)	Production multipliers	
		Texas	United States
Grain products	$356	2.0	2.6
Paper mill products	185	1.8	2.2
Fibers and plastics	324	1.8	2.2
Synthetic rubber	411	1.9	2.2
Tires	114	1.7	2.1
Blast furnaces	200	1.5	2.0
Primary steel and iron	200	1.2	2.0
Nonferrous swelting	241	1.8	2.2
Nonferrous rolling	370	1.6	2.3
Farm products (wholesale)	316	1.3	1.5
Lumber yards	140	1.2	1.5
Automotive dealers	1,853	1.3	1.5

THE MILWAUKEE PROJECT—NEW HOPE FOR DISADVANTAGED PRESCHOOLERS

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 5 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, I would like to call the attention of my colleagues to an educational project conducted in Milwaukee, Wis., to improve the intelligence levels of disadvantaged children from low-income families. The Milwaukee project, now in its fifth year of operation, seems to dispel many of the myths which have surrounded the learning abilities of disadvantaged children.

The project was undertaken in 1964 by a team from the University of Wisconsin directed by Rick Heber, professor of education and child psychology. The intent was to find the correlation between poverty and mental retardation. The team worked with children who came from low-income families where the parents had IQ's bordering on the level of retardation. Through intensive stimulation, from an early age, the project has demonstrated that these children can break away from the bonds of mental and intellectual disadvantage from which their parents suffer. In comparison with children of similar background, but without the advantage of active stimulation, the children in the project were found to have an average IQ 33 points above their peers.

Recently, several directors of the project established a new company to develop, produce, and market preschool and special education material and programs which apply the benefits of their study. This material will be available on a worldwide basis.

Following are two articles describing the Milwaukee project. One is by Carl Rowan, a nationally syndicated columnist, and the other is by Stephen Strickland, a health and education consultant:

[From the Sunday Star, June 27, 1971]

MILWAUKEE STUDY EXPLODES THE INFERIORITY IDEA

(By Carl T. Rowan)

The nation was buzzing a couple of years ago over Prof. Arthur R. Jensen's theory that heredity, not environment, renders blacks 15 IQ points dumber than whites.

The scientific community recently was embroiled in controversy over Dr. William Shockley's thesis that blacks lack a certain gene common to Caucasians and that this makes them mentally inferior. Shockley is unhappy because the National Academy of Sciences won't conduct studies to verify his thesis.

Some educators—and politicians around the White House—have raised the question of whether it is a waste of money to try to educate the slumdwelling poor in conventional ways. The suspicion is that most of these youngsters are uneducable and might better be taught simple vocational skills.

Jensen, Shockley and the doubting "educators" ought to take a close look at a remarkable project in Milwaukee that has shown disadvantaged children to be capable of educational achievements far beyond anyone's expectation.

A University of Wisconsin team has taken infants from the worst slums of Milwaukee, all of whose mothers had IQs of less than 70 and subjected them to "every aspect of sensory and language stimulation."

This massive intervention into the lives of these children included occupational training for the mother as well as training in home-making and baby-care techniques.

After four years, the IQs of the youngsters have jumped more than 50 percent, with some scoring as high as 135.

Dr. Rick Heber, a professor of education and child psychology at Wisconsin and director of the project, said recently:

"We have seen a capacity for learning on the part of extremely young children surpassing anything which, previously, I would have believed possible. The trend of our present data does engender the hope that it may prove to be possible to prevent the kind of mental retardation which occurs in children reared by parents who are both poor and of limited ability."

Heber noted at the start of the project that of the 6 million mentally retarded people in the United States, almost 5 million have "no identifiable gross pathology of the nervous system." These 5 million are almost exclusively residents of economically distressed urban and rural areas.

Moreover, Heber and his team saw that mental retardation in the slums is strikingly concentrated within individual families where the intelligence of the mother is low.

At first this was thought to support the "heredity is more powerful than environment" school. After all, if children of normal IQ mothers lived in the slums and still achieved, while children of low IQ mothers were retarded, could anything but heredity be the reason?

The Milwaukee project has shown, however, that a mother of low IQ creates an especially crippling environment for her children—above and beyond the ordinary handicaps of the slums.

Heber's Infant Education Center and project workers have in effect supplanted the retarded mothers of a group of youngsters (where cognitive development is concerned) and shown that "heredity" did not doom the infants to retardation.

It should be clear that such massive intervention into the environments of disadvantaged children is not now applicable to public education. The cost of the Milwaukee project has averaged about $10,000 per child.

But some lessons from the project are applicable.

"Our data suggests that even Head Start is getting children when they are too old," says Dr. Pat Flanagan, a Heber associate.

The most important impact of the Milwaukee project could be in changing attitudes about the potential of America's disadvantaged children.

If teachers and school administrators

simply start to believe these children are educable, and earnestly take whatever "compensatory" intervention is now feasible, it could make a world of difference for a lot of children and for the nation.

[From American Education, July 1971]

CAN SLUM CHILDREN LEARN?

(By Stephen P. Strickland)

Disadvantaged children may be capable of educational achievements far beyond anything heretofore imagined if a remarkable project in Milwaukee is the guide it clearly seems to be.

In the project, now in its fifth year, children from poor, illiterate parents living in the city's most depressed section have shown sustained high performance on a variety of tests administered from infancy through their fourth year. During that period the youngsters' intelligence quotients jumped by better than 50 percent, with some of them achieving as high as 135.

This and other evidence gathered during the project seems to demonstrate that while early environmental circumstances have a powerful impact on a child's intellectual growth, the slum environment in and of itself does not necessarily form a lifetime trap for the disadvantaged.

Taken alone, that finding may not seem novel—although convictions about the success of various educational "intervention strategies" sometimes have appeared to be based more on hope and sympathy than on scientific evidence. The Milwaukee Project provides hard data to support the belief that, under the right circumstances, intervention can be successful even in the most difficult situations. Beyond that, the project suggests that some factors affecting learning capability and intelligence quotients which at first glance could be interpreted as matters of inheritance are instead matters of environment.

The implication of the latter finding is one of the things that makes the Milwaukee Project important. In fact, the project's implications relate to several educational concerns from compensatory education to mental retardation. Broadly, they justify our paying greater attention to the availability, the kind, and the quality of education programs for the very young child.

The Milwaukee Project was launched in 1964 when a multidisciplinary team from the University of Wisconsin under the direction of Rick Heber, Professor of Education and Child Psychology, began a series of surveys designed to learn more about the relationship of poverty to mental retardation. The team included professionals from the fields of psychology, psychiatry, sociology, and speech therapy as well as education.

The Wisconsin group knew that by some estimates more than six million persons in the United States are considered to be mentally retarded and that, although the great majority of them have no identifiable pathology of the nervous system, all have exceptionally low I.Q.'s and are functionally if not physiologically retarded. They also knew that mentally retarded persons are found in particularly large numbers among the populations of economically distressed urban and rural areas. What had not been documented was a view that was nevertheless gaining increasing acceptance: that the retardation so frequently encountered in the slum was produced by the overall environment characteristically found there—a combination of ignorance, illiteracy, malnutrition, and economic, mental, and psychological depression.

That view overlooked two rather obvious facts: by far the great majority of disadvantaged persons living in slum areas are not retarded, and the majority of children reared by economically disadvantaged families develop and learn in a relatively normal fashion. These facts suggested that the heavy concentrations of mentally retarded persons in slum areas were related to certain specific factors rather than the general environment, and the Wisconsin group set out to find them.

The area selected for the surveys was that residential section of Milwaukee which, according to census data, had the lowest median family income, the greatest population density per housing unit, and the most dilapidated housing in the city. It was, in short, a classic urban slum. And predictably, it yielded a much higher rate of mental retardation among school children than any other area of the city.

The first survey was conducted in 1964, with all families in the area whose children included a newborn child being invited to participate. The most important finding to emerge from that initial study was that maternal intelligence was the most reliable single indicator of the level and character of intellectual development of the children. Although mother with an I.Q. below 80 made up less than half the total group of mothers in the study, they accounted for about four-fifths of the children with I.Q.'s below 80. The survey data further showed that the lower the mothers' I.Q., the greater the possibility of their children's scoring low on intelligence tests.

Fathers were not evaluated in the first survey. In a second survey, focused on 519 newborn infants in the area, intelligence tests were given to fathers, mothers, and children over two years of age. While the results showed that the father's intelligence level tended to be strikingly close to that of the mother, members of the team felt that the constant proximity of infant and mother and the fact that often the father did not reside in the home made maternal I.Q. a more dependable gauge.

As a result of their surveys and analysis, the University of Wisconsin group became convinced that the exceptional prevalence of mental retardation in the slums of American cities is not randomly distributed or randomly caused. Rather, it is concentrated within individual families that can be identified on the basis of maternal intelligence. In other words, the reason for the unusually high concentration of mental retardation in slum areas is not the slum environment generally, but the retarded parent residing in that environment.

Examined superficially, the population survey data from the Milwaukee study could be taken as suggestive evidence that "cultural-familial" mental retardation is more a matter of heredity than of environment. But what the team of educator-scholars actually observed in their repeated visits with hundreds of families was that the mentally retarded mother creates a social environment for her offspring that is distinctly different from that created by her neighbor of normal intelligence level.

Challenged by that observation, Heber and his associates determined to discover whether the kind of retardation that perpetuates itself from parent to child in the slum-dwelling family could be prevented, and if so, how.

Under the auspices of the university and with grant support from the Social and Rehabilitation Service of the U.S. Department of Health, Education, and Welfare, the multidisciplinary team established an Infant Education Center in 1966 in the area where their surveys had been conducted. Knowing that only children of mothers with I.Q.'s less than 80 show a progressive decline in mean intelligence as they grow older, the Wisconsin group decided to focus their attention and their efforts on such youngsters. They wanted to work with children who, according to the record, were virtually certain to show characteristics of mental retardation as they grew older.

The challenge was to see whether intellectual deficiency might be prevented—as opposed to cured or remediated later—by introducing an array of positive factors in the children's early life, displacing factors that appeared to be negative or adverse. The Wisconsin team knew that any sound conclusions would have to be based on data developed over a period of years and for a relatively stable population group.

The teachers in the Milwaukee Project are both men and women and come from many different backgrounds. Not all of them are teachers by training. Indeed, not all of them have college degrees. They are chosen by the project directors from any applicants on the basis of personal interviews as well as comprehensive written information. What is sought is an ability for sensitive interaction with infants and small children and an ability to work within a system of special instruction that is both structured and flexible, requiring both discipline and initiative. Each teacher undergoes eight months of training before beginning work at the Infant Education Center. At present, six of the nine teachers teaching the two-to-four-year-olds have been with the program from its early days.

For the last four years some 40 mothers with I.Q.'s of less than 70 have, with their newborn children, participated in the Infant Education Center Project. When asked if they wished to have their children take part in such a program, all mothers who were offered the opportunity seized it quickly. The newborn babies of these mothers were divided into two groups, with two-thirds of them being placed in the experimental program and the remaining one-third in a control group. Beginning in the first few weeks of life, the project team launched a comprehensive "intervention" into the lives of those infants in the experimental program.

Shortly after the mother returned from the hospital, teachers began visiting the home for several hours each day, focusing most of their attention on the baby. Some weeks later, as soon as the mother and the teacher together decided that the time was right, mother and child joined programs at the Infant Education Center. The infant child, usually three to four months old, was exposed to mental stimulation of a wide variety for several hours each day under a one-to-one ratio with trained adults. Meanwhile the mother was encouraged—but not required—to take part in a center program designed to teach her improved homemaking and baby-care techniques and in some cases to provide basic occupational training.

The oldest children are now moving toward their fifth birthdays. For the last four-and-a-half years they have been picked up early each morning at their homes and brought to the Infant Education Center. Each child in the school has his own teacher until he is 24 months old. At that point small group learning begins, with two-year-olds being placed in a class with five other youngsters. When the children are three years old, the size of the class is increased to eight; when they are four, it's increased to 11. Throughout, three teachers are assigned to each class. This formula enables every teacher to specialize in a given area—reading, language development and expression, or mathematics—while providing a constant relationship between each child and several adults and constant relationship among the children.

ACTIVITIES ARE STRUCTURED

The education program is made up of a series of activities including important aspects of sensory and language stimulation.

These activities are precisely structured, though the setting is arranged to encourage flexibility and initiative by both the infant and the teacher.

The schedule during four days of each week is firmly set for the children two years old and older. They arrive at the center by 9:00 a.m., and after they are given breakfast, they begin their classes at 9:30. Each of the three teachers engages a third of the pupils in learning activities in his or her special area, using both standard equipment and techniques, materials, and methods that have been developed at the center. For example, the Peabody Language Development Kit for primary level is used for children two, three, and four years old in their afternoon group language class. In the more individualized morning language class, the teacher usually uses equipment and methods developed over the last several years by Heber and his colleagues, and she may occasionally adapt variations from standard methods and equipment for particular purposes.

In his language class, which lasts a half hour, a child is guided by the teacher for 20 minutes of stimulatory exercises; in the remaining 10 minutes he may use the equipment or materials or continue in any way he wishes the activity the teacher began. His second class, also of a half-hour's duration, is likewise divided into 20 minutes of structured activity and 10 minutes of unstructured continuation of that activity. After a half-hour of free play, a third half-hour class brings the children to 11:30, when they decide whether they wish to watch "Sesame Street" on television—which the Milwaukee Project professionals rate highly—or to continue one of the activities begun previously that morning.

After lunch and a nap, there are two additional classes in the afternoon, once more of a half-hour each. For these two classes, each age group is divided into two sections with one teacher working with three to six children. The group language class emphasizes communication and problem-solving. The teacher might ask, for example, "What if you woke up in the morning and could find only one shoe?" The point is to stir the children's imaginations and encourage free verbalization of thought.

A second teacher engages her section in lessons on topics that vary from week to week and include science, art, and music. As in the morning classes, there are 20 minutes of structured activity and 10 minutes of free use of equipment or free exploration of topics introduced earlier. Meanwhile, the third teacher uses this period to work individually with any child needing special help in any subject.

Both the morning and afternoon class groupings are based on a combination of ability and behavior. Hence there is, once more, flexibility within the structure. A child may have his language class at 9:30 on some days and at 11 on other days. For children less than two years old, the day's activities are not as structured as they are for the older youngsters. And on Fridays, the day is less structured for all the children, often allowing for such special occasions as field trips.

The program for mothers continues after the children have begun their classes at the center. Following the initial emphasis on child care and homemaking, the program offers opportunities for vocational training and has assisted a number of mothers to secure steady employment for the first time. The center does not employ any of the mothers but supports an active parents organization in which the majority of them participate.

From the very beginning of their participation in the infant education program the youngsters have been tested as well as taught. At given intervals a number of experimental measures of learning and performance—in language development and motor skills, among other areas—have been applied and standardized tests of intelligence and intellectual development administered.

DIFFERENCES IN PERFORMANCES

Starting when they were 18 months old and continuing at six-week intervals thereafter, the children have been given a series of language performance tests, including both "free speech samples" (recordings of their conversations made at random intervals) and formal language tests. Over a period of three years, striking differences have developed in the performances of children in the experimental group and those in the control group. When the children in the experimental group reached 19 to 25 months of age, their vocabulary production began to accelerate rapidly. For those in the control group, vocabulary production did not begin in any instance until the child was 28 months old, and a number of the control group children still could not speak at that age.

An interesting phenomenon the University of Wisconsin team observed was that at approximately 28 months the children in the experimental group seemed to reach a vocabulary plateau lasting for one to two months. At that stage, as the children began to concentrate on grammatical structure, they produced fewer new words. Three or four months later, however, the children in the active program were able to express themselves in full sentences, some relatively complex, while most of the children in the control group were for the most part still producing unconnected words.

The children in the active stimulation program advanced rapidly not only in expression but in comprehension as well. A test given first at 36 months and thereafter at three-month intervals measured the children's comprehension of 16 different grammatical features or rules of the English language. At every point, the children in the experimental group showed significantly superior performance.

Indeed, on a whole range of tests—from simple matching and sorting to comprehension and motor skills to tests of intellectual development and intelligence quotient—the children who have been exposed since infancy to the daily routine of mental stimulation have shown remarkable development in contrast with the children in the control group. This holds true even when the performance of the experimental group is measured against the norms established by age peers generally.

Naturally it was hoped and expected that the concentrated, carefully constructed program of stimulation of which one group of children was to be exposed would result in some noticeable differences. But the original specific goal was to test ways of preventing decline in intellectual development in children for whom such decline was predictable on a variety of grounds. What was not anticipated by Heber and his colleagues was the marked acceleration in a range of intellectual skills that has in fact occurred over the last four years on the part of the children in the experimental program.

Those differences are dramatized in the finding that at 42 months of age, the children in the active stimulation program measured an average of 33 I.Q. points higher than the children in the control group, with some of them registering I.Q.'s as high as 135. Equally remarkable, the children in the experimental program are learning at a rate that is in excess of the norm for their age peers generally.

The results of four years of effort and analysis that have gone into the Milwaukee Project obviously are extremely promising. The professional educators, social scientists, and teachers involved are nevertheless cautious in their interpretation of those results. For one thing, they want to collect and analyze data on the children participating in the project for another two years or more.

Further, the children have doubtless become "test wise," and the project team would like more time to assess the possible effect of this kind of sophistication. Nevertheless, the children in the control group have been tested as often as those in the experimental program, and so the difference in their performances obviously results from differences in their educational environment.

Whatever their caution, members of the University of Wisconsin group do say that, as far as they know, the intellectual stimulation and training given the children in the Milwaukee Project have been more comprehensive and intensive than that to which any comparable groups of infants have ever been exposed. In the course of their efforts, members of the team have developed particular techniques—especially in the area of verbal skill development and reading comprehension—that seem to have affected the progress of the children, though team members are reluctant to suggest that those techniques and approaches are unique or even completely novel. They are, in any case, planning a series of instructional materials based on their research and teaching experience in infant education.

Despite the scientific caution and personal modesty of the Wisconsin group, their excitement at the possibilities they have developed shows through.

"We have seen a capacity for learning on the part of extremely young children that previously I would not have believed possible," says Heber. "While the results are by no means fully conclusive and must continue to be tested, the least that I am willing to say is that it is difficult to conceive of the children in the experimental program ever falling back to the level of their age peers in the lagging control group."

In any case, the trend of the data being developed in the Milwaukee Project engenders real hope that mental retardation of the kind that occurs in children whose parents are poor and of poor ability can be prevented. If the effort is begun early and remains constant in the early years, even very serious kinds of mental and intellectual disadvantage can possibly be forestalled.

TAKE PRIDE IN AMERICA

The SPEAKER. 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.

Over the past 5 years, there has been a calculated campaign to make pessimism our national creed. Commenting on this "disaster lobby," Thomas R. Shepherd, Jr., publisher of Look magazine, pointed out some pertinent facts:

Environmentalists to the contrary, there is precisely as much oxygen in the air today as in 1910; despite pollution, drinking water is safer than ever before, certainly safer than that which caused Philadelphia's 1793 epidemic which killed one of every five resi-

dents; if the present drop in United States birth rates continues, nobody will be here in the year 4,000, but don't worry about that either; fish caught 44 years ago contained double the mercury as any fish processed this year; while 50 species of wildlife will probably become extinct in this century, the same number disappeared in the 90's. Life expectancy of Americans has doubled in 150 years . . . and our economic system with all its faults is the world's best.

THE CONSUMER PRODUCT INFORMATION INDEX

The SPEAKER. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, in October 1970, the administration took an important step forward in the interests of the American consumer.

Through an Executive order, President Nixon established the Consumer Product Information Coordinating Center within the General Services Administration.

The Center is responsible for encouraging the development of relevant and meaningful consumer product information as a byproduct of the Government's research, development, and procurement activities. It is also charged with promoting greater public awareness of existing Federal programs.

As a part of the consumer product information program, the General Services Administration, through the Consumer Product Information Distribution Center, released last April the first edition of the Consumer Product Information Index. The first edition contained a list of 211 low-cost publications by 11 agencies. As new and relevant publications are issued, they will be included in subsequent editions of the index.

In July, the second edition of the Consumer Product Information Index was released. Included in this edition of the index are 194 selected publications by 13 Federal agencies. Throughout this 15-page index, the consumer is advised on how to buy, use, and take care of products. The publications cover many areas, including budget, shopping, building, buying, and financing houses, home repairs and improvements, and health.

I serve on the Consumer Affairs Subcommittee of the Committee on Banking and Currency and I have introduced a comprehensive Consumer Protection Act, so I have a keen and continuing interest in the subject. I think this booklet is a valuable consumer tool.

I am pleased, at this point, to insert the second edition of the Consumer Product Information Index into the RECORD:

CONSUMER PRODUCT INFORMATION: AN INDEX OF SELECTED FEDERAL PUBLICATIONS ON HOW TO BUY, USE, AND TAKE CARE OF CONSUMER PRODUCTS

APPLIANCES

Buying Your Home Sewing Machine. 1969. 12 pp. 0100–0839. 10¢.

Facts About Microwave Oven Radiation. 1970. 9 pp. 7700–003. Free. Safety aspects in use and maintenance.

Sewing Machine Use and Care. 1966. 52 pp. 0100–0510. 40¢

What's Being Done About X-Rays From Home TV Sets? 1971. 12 pp. leaflet. 7700–010. Free. Federal standards controlling the manufacture of color TV, plus information on safe use and servicing.

AUTOMOBILES

Brakes: A Comparison of Braking Performance for 1971 Passenger Cars. 1970. 31 pp. 5003–0025. 40¢.

Cost of Operating an Automobile. 1970. 11 pp. 7700–004. Free. Costs of maintenance, accessories, parts, tires, gas, oil, insurance, etc. for a moderately priced sedan.

Motor Vehicle Safety Defect Recall Campaigns.

Sept. 9, 1966 to Dec. 31, 1967. 5003–0013. 30¢
Jan. 1, 1968 to Dec. 31, 1968. 5003–0015. 30¢
Jan. 1, 1969 to Dec. 31, 1969. 5003–0017. 40¢
Jan. 1, 1970 to Dec. 31, 1970. 5003–0030. 45¢
Jan. 1, 1971 to April 1, 1971. 5003–0033. 15¢.

A report of the recalls occurring within the interval covered by each volume. Data include: make, model, model year, brief description of defect and corrective action, number of vehicles recalled, and date of manufacturer's notification of defect.

Tires: A Comparison of Tire Reserve Load for 1971 Passenger Cars. 1970. 34 pp. 5003–0926. 40¢.

Tires: Their Selection and Care. 1970. 28 pp. 0303–0681. 65¢.

Performance Data for New 1971 Passenger Cars and Motorcycles. 1970. 256 pp. 5003–0024. $2.00. Includes acceleration performance data plus all information contained in the separate publications: Brakes: A Comparison of Braking Performance for 1971 Passenger Cars and Tires: A Comparison of Tire Reserve Load for 1971 Passenger Cars.

BUDGET, CREDIT, AND FINANCE

Be a Good Shopper. 1965. 8 pp. 0105–0003. 10¢. Elementary guide to shopping.

A Guide to Budgeting for the Family. 1970. 13 pp. 0100–0779. 10¢. Steps in developing a budget with charts for estimating income, planning family spending, and recording expenses.

Helping Families Manage Their Finances. 1968. 51 pp. 0100–0982. 40¢. Comprehensive budget planning guidance with information on credit, savings, and life insurance.

Managing Your Money. 1964. 12 pp. 0105–0038. 15¢. Elementary plan for analyzing the family spending pattern and planning for better money management.

Planning for the Later Years. 1969. 51 pp. 1770–0003. 35¢. Comprehensive guide for retirement, planning with discussions of income, health maintenance, housing, legal problems, and use of leisure time.

What You Should Know About Truth in Lending. 1970. 6 pp. 7700–001. Free. Tips to help the consumer understand and use credit; summary of the provisions of the Truth in Lending Law.

When You Use Credit for the Family. 1965. 12 pp. 0105–0001. 10¢. Elementary guide to use and costs of credit.

CHILD CARE

Playing Safe in Toyland. 1971. 4 pp. 7700–012. Free. Safety considerations in toy selection and use.

Selecting Automobile Safety Restraints for Small Children. 1970. 6 pp. 1701–0372. 10¢.

Watch Out for Lead Paint Poisoning. 1971. 2 pp. 7700–027. Free. Protecting the child from lead paint poisoning by eliminating hazards in the home.

Your Children's Feet and Footwear. 1964. 13 pp. 1791–0055. 10¢. Guidance for selecting and assuring proper fit in footwear.

Prenatal Care. 1970. 92 pp. 1791–0144. 20¢. Discussion of medical care during pregnancy; nutrition; physical change and mental attitudes of the mother; preparing for the baby's arrival; includes a list of clothing and equipment necessary to properly care for the infant.

Infant Care. 1970. 108 pp. 1791–0140. 20¢. Care of the infant; includes advice on selection and laundering of clothing. Behavior of infant; focuses on intervals of one to four months, four to eight months, and eight to twelve months.

Your Child From 1 to 6. 1970. 98 pp. 1971–0069. 20¢. Behavior of the pre-school child and the role of the parent during these years; includes suggested play activities and toys.

Your Child From 6–12. 1970. 98 pp. 1971–0070. 55¢. Behavior of the school-age child and role of the parent.

Katy's Coloring Book About Drugs and Health. 1970. 20 pp. 2704–0011. 35¢. Teaches the young child safe use of medicines, also includes guide to help parents encourage a proper attitude towards medicine and drugs.

CLOTHING AND FABRICS

Clothing Repairs. 1970. 30 pp. $100–0778. 25¢. Twenty-five repairs that can be done in the home to prolong the usefulness of garments.

Dangers of Flammable Clothing. 1968. 4 pp. 7700–002. Free. Characteristics of flammable and non-flammable fabrics; lists fabrics that burn readily and those that resist or retard fire.

Fibers and Fabrics. 1970. 28 pp. 0303–0680. 65¢. Basic information about the properties, uses, and care of the principal natural and man-made fibers.

Fix New Clothes to Make Them Last Longer. 1966. 10 pp. 7700–032. Free. Illustrated instructions for strengthening new garment construction.

Look for That Label. 1968. 8 pp. 1800–0016. 15¢. Mandatory labeling requirements for fiber content of fabrics and furs.

Measure Before You Buy Used Clothes for Your School Age Boy or Girl. 1966. 8 pp. 7700–035. Free. How to assure proper fit of used clothing.

Protecting Woolens Against Clothes Moths and Carpet Beetles. 1970. 7 pp. 0100–1087. 20¢. Identification of insects and guidelines for the selection and safe use of pesticides.

Removing Stains From Fabrics, Home Methods. 1968. 32 pp. 0100–0850. 20¢. Recommended stain removers and instructions for removing 142 common stains safely.

FOOD

General

Caffeine (FDA Fact Sheet). 1970. 1 pg. 7700–014. Free. What it is, amounts in common beverages and drugs, and use as a stimulant.

Cereals and Pasta in Family Meals. 1968. 32 pp. 0100–0811. 20¢. Varieties, nutritional importance, buying, cost, storage, preparation, and recipes indicating calories per portion.

Family Food Budgeting. 1969. 16 pp. 0100–0873. 15¢. Food plans for adequate diets at four income levels.

Family Food Buying: A Guide for Calculating Amounts to Buy and Comparing Costs. 1969. 60 pp. 0100–1117. 35¢.

Freezing Combination Main Dishes. 1967. 19 pp. 0100–0840. 20¢. Selection of ingredients and packaging materials, preparation, recipes, packing, freezing, and reheating.

Home Care of Purchased Frozen Foods. 1967. 6 pp. 0100–0853. 5¢. Shopping pointers, storage periods, procedures to follow when the freezer stops operating due to mechanical or power failure.

How to Use USDA Grades in Buying Food. 1969. 12 pp. 0100–0511. 15¢.

Keeping Food Safe To Eat. 1969. 12 pp. 0100–1068. 10¢. Sanitation and food handling techniques necessary to prevent foodborne illnesses.

Meat Tenderizers and Monosodium Gluta-

mate (FDA Fact Sheet). 1968. 1 pg. 7700–016. Free. Composition and safety aspects.

Money-Saving Main Dishes. 1966. 46 pp. 0100–0841. 30¢. Selection of ingredients, preparation, and recipes for nutritious, economical entrees.

Some Questions and Answers About Canned Foods (FDA Fact Sheet). 1971. 2 pp. 7700–013. Free. Most frequently asked questions on storage and safety.

Some Questions and Answers About Food Additives (FDA Fact Sheet). 1970. 2 pp. 7700–015. Free. Most frequently asked questions on composition, uses, and safety.

Storing Perishable Foods in the Home. 1971. 12 pp. 0100–0859. 10¢. Storage methods, times, and temperatures for maintaining quality.

Your Money's Worth in Foods. 1970. 25 pp. 0100–1170. 25¢. Guides for budgeting, menu planning, and shopping for best values. Tables for comparing portion costs of various forms of food and package sizes.

Diet and nutrition

Calories and Weight: The USDA Pocket Guide. 1970. 76 pp. 0100–0813. 25¢. Calories per portion of common foods and information on planning weight reduction diets.

Conserving the Nutritive Values in Foods. 1965. 16 pp. 0100–0869. 10¢. Methods of selection, storage, and preparation of food to prevent the loss of nutritive values.

Diet and Arthritis. 1969. 6 pp. 1701–0033. 10¢. Importance of professional guidance in special dietary problems and a warning against promotors of phony cures.

Eat a Good Breakfast to Start a Good Day. 1967. 8 pp. leaflet. 0100–0170. 5¢. Ideas for nutritious and economical breakfasts.

Facts About Nutrition. 1968. 24 pp. 1740–0108. 35¢. The relationship of good nutrition to health, sources of essential nutrients, sample menu plans, and nutrition in weight control, pregnancy, infancy, and old age.

Family Fare—A Guide to Good Nutrition. 1970. 91 pp. 0100–0770. 45¢. Guide to daily nutritional requirements along with recipes and information on buying, storing, and preparing food.

Food and Your Weight. 1969. 30 pp. 0100–0857. 15¢. Suggestions for gaining, losing, or maintaining weight, plans for nutritious weight reduction diets, and a listing of calories per portion of commonly used foods.

Food Guide for Older Folks. 1970. 16 pp. 0100–0827. 10¢. For persons over 60 years of age, information on meal planning, buying, and preparing foods to assure adequate nutrition.

Nutrition: Food at Work for You. 1968. 15 pp. 0100–0877. 10¢. Selected information on nutrition, meal planning, buying, and storing foods extracted from Family Fare—A Guide to Good Nutrition.

Nutritive Value of Foods. 1970. 41 pp. 0100–0855. 30¢. Nutrient content (including saturated and unsaturated fat content) of common foods, plus recommended daily dietary requirements.

Some Questions and Answers About Dietary Supplements. (FDA Fact Sheet). 1969. 3 pp. 7700–017. Free. Most frequently asked questions on multi-vitamin and multi-mineral preparations and on enriched and fortified foods.

Dairy and eggs

Cheese in Family Meals. 1966. 22 pp. 0100–0782. 15¢. Varieties, nutritional importance, buying, storing, preparation, and recipes indicating calories per portion.

Eggs in Family Meals. 1971. 0100–0774. 15¢. Nutritional importance, buying, storing, menu suggestions, and recipes indicating calories per portion.

How To Buy Butter. 1968. 8 pp. leaflet. 0100–1284. 5¢.

How To Buy Cheddar Cheese. 1967. 8 pp. leaflet. 0100–0791. 5¢.

How To Buy Eggs. 1968. 8 pp. leaflet. 0100–0806. 10¢. Differences in USDA grades and sizes, comparing costs, and proper storage.

How To Buy Instant Nonfat Dry Milk. 1967. 8 pp. leaflet. 0100–0802. 10¢.

Milk and Milk-Type Products. (FDA Fact Sheet) 1970. 1 pg. 7700–018. Free. Composition and labeling requirements.

Milk in Family Meals. 1967. 22 pp. 0100–0790. 15¢. Nutritional importance of milk and milk products, buying, storing, menu suggestions, and recipes indicating calories per portion.

Fruits and vegetables

Fruits in Family Meals. 1970. 30 pp. 0100–0789. 20¢. Nutritional importance, types available, buying, storing, and recipes indicating calories per portion.

Home Canning of Fruits and Vegetables. 1969. 32 pp. 0100–0860. 20¢. Selecting ingredients and equipment, preparation, and processing.

Home Freezing of Fruits and Vegetables. 1969, 48 pp. 0100–0771. 20¢. Selecting ingredients and equipment, preparation, packaging, freezing and suggestions for use.

How To Buy Canned and Frozen Vegetables. 1969. 24 pp. 0100–0825. 30¢. Differences in USDA grades, labeling requirements, and yield of cooked vegetables from standard cans and packages.

How To Buy Dry Beans, Peas, and Lentils. 1970. 12 pp. 0100–1242. 25¢.

How To Buy Fresh Fruits. 1968. 24 pp. 0100–0803. 15¢. What to look for and what to avoid in the selection of various fresh fruits.

How To Buy Fresh Vegetables. 1967. 24 pp. 0100–0805. 15¢. What to look for and what to avoid in the selection of various fresh vegetables.

Vegetables in Family Meals. 1970. 32 pp. 0100–0776. 20¢. Nutritional importance, types available, buying, storing, preparing, and recipes indicating calories per portion.

Meat and poultry

Bargain? Freezer Meats. 1970. 14 pp. 1800–0026. 10¢. Warning against deceptive advertising in the sale of freezer meats.

Beef and Veal in Family Meals. 1970. 30 pp. 0100–0786. 20¢. Nutritional importance, identification of cuts, yield of boneless cooked meat from various cuts, buying, storing, preparation, and recipes indicating calories per portion.

Home Freezing of Poultry. 1970. 24 pp. 0100–0854. 15¢. Selecting poultry and equipment, buying, preparing, packaging, freezing, and recipes for poultry combination dishes.

How To Buy Beef Roasts. 1968. 16 pp. 0100–0808. 10¢.

How To Buy Beef Steaks. 1968. 16 pp. 0100–0807. 10¢.

How To Buy Meat for Your Freezer. 1969. 28 pp. 0100–0824. 20¢.

How To Buy Poultry. 1970. 8 pp. 0100–0816. 10¢.

Lamb in Family Meals. 1970. 22 pp. 0100–1276. 20¢. Nutritional importance, identification of cuts, buying, storing, menu suggestions, and recipes indicating calories per portion.

Meat and Poultry, Care Tips for You. 1970. 12 pp. 0100–0832. 20¢. Inspection and grading, selection, storage, sanitation, and preparation.

Pork in Family Meals. 1969. 28 pp. 0100–0819. 20¢. Nutritional importance, identification of cuts, label requirements for cured pork, buying, storing, menu suggestions, and recipes indicating calories per portion.

Standards for Meat and Poultry Products. 1971. 4 pp. 7700–019. Free. Minimum meat and poultry content for approximately 125 food products (e.g. chili con carne, frozen dinners, etc.).

Seafood

Common Sense Fish Cookery/Arte de Cocinar Pescado Con Sentido Comun. 1971. 34 pp. 7700–049. Free. Elementary guide contains instructions in both English and Spanish for buying and preparing fish; includes recipes for nutritious, low-cost fish dishes.

Fish and Shellfish Over the Coals. 1965. 24 pp. 2410–0110. 40¢. Selection, preparation, and recipes.

Fish for Compliments on a Budget. 1967. 20 pp. 2410–0143. 15¢. Buying information and receipes for 18 low cost fish entrees.

Let's Cook Fish. 1967. 54 pp. 2410–0142. 60¢. Nutritional importance, selection, storage, preparation, and recipes.

Seafood Slimmers. 1966. 19 pp. 2410–0141. 25¢. Nutritious recipes for weight watchers.

Tips on Cooking Fish and Shellfish. 1958. 10 pp. 2410–0008. 10¢. Nutritional importance, selection, preparation, and recipes.

The following publications include information on varieties, sizes, selection, preparation, and recipes.

How To Cook Clams. 1964. 13 pp. 2410–0116. 30¢.

How To Cook Crabs. 1964. 14 pp. 2410–0106. 30¢.

How To Cook Lobsters. 1964. 13 pp. 2410–0107. 30¢.

How To Cook Oysters. 1964. 13 pp. 2410–0112. 30¢.

How To Cook Scallops. 1959. 17 pp. 2410–0109. 35¢.

How To Cook Shrimp. 1964. 13 pp. 2410–0115. 30¢.

How To Cook Tuna. 1964. 14 pp. 2410–0108. 20¢.

HEALTH

Cigarettes

If You Must Smoke—Five Ways to Reduce the Risks of Smoking. 1970. 5 pp. 7700–0046. Free.

No Smoking—Pamphlets for Parents, Teenagers, and Grade School Children. 1967. 5 pamphlets. 1791–0003. 65¢.

Facts About Smoking and Health. 1970. 12 pp. 7700–033. Free.

Tar and Nicotine Content of Cigarettes. 1970. Card. 7700–034. Free.

Hearings Aids

Choosing a Hearing Aid. 1965. 12 pp. 1791–0057. 15¢. Consideration in selection; types and models.

Hearing Aids—Veterans Administration News Release. 1971. 8 pp. 7700–005. Free. Results of brand name testing.

Medicines

Aspirin (FDA Fact Sheet). 1970. 2 pp. 7700–022. Free. Composition, quality controls, and safe use.

First Facts About Drugs. 1970. 9 pp. 1712–0112. 15¢. Includes over-the-counter, prescription, and drugs of abuse.

Medicines: Prescription and Over-The-Counter (FDA Fact Sheet). 1970. 2 pp. 7700–024. Free. What the patient should know about his prescription medicine, plus safe use of non-prescription medicines.

Self Medication (FDA Fact Sheet). 1971. 2 pp. 7700–026. Free. Responsibility of individual using non-prescription medicines. Dangers of over-use and of combining medicines.

Some Questions and Answers About Medicines (FDA Fact Sheet). 1970. 2 pp. 7700–025. Free. Quality of over-the-counter drugs, amounts to buy, and storage information. Effectiveness of weight reduction pills.

HOUSING

Building, buying and financing

Consumer Protection—Interstate Land Sales. 1970. 8 pp. 7700–030. Free. Precautions in the purchase of land by mail, telephone, and other methods which discourage on-site inspection.

Designs for Low Cost Wood Homes. 1969. 30 pp. 0101–0019. 25¢. Sketches, and eleven model floor plans; with information on selection of economical, durable materials.

Fireplaces and Chimneys. 1968. 24 pp. 0100–

0018. 20¢. Selection of materials, construction, and maintenance.

Home Buying Veteran. 1971. 29 pp. 7700–006. Free. Useful home buying information for nonveterans as well as veterans.

House Construction: How to Reduce Costs. 1970. 16 pp. 0100–0826. 10¢. Guidelines for savings in location, style, interior arrangements, selection of materials and utilities, and in construction.

Know the Soil You Build On. 1967. 13 pp. 0100–0655. 15¢. Advice on how to choose land suitable for building.

Let's Consider Cooperatives. 1970. 8 pp. 7700–028. Free. FHA mortgage insurance program for cooperative housing. Advantages of cooperative ownership.

Low Cost Wood Homes for Rural America. 1969. 112 pp. 0100–0747. $1.00. Useful do-it-yourself information on selection of materials and construction. Also of interest to the consumer building a vacation home.

Making Basements Dry. 1970. 10 pp. 0100–1088. 10¢. Selection of building site and selection and care of materials and dehumidifying equipment.

Pointers for the Veteran Homeowner. 1971. 28 pp. 7700–007. Free. Protecting your investment through proper home maintenance; financial obligations including taxes and insurance; resale and renting.

Preventing Cracks in New Wood Floors. 1966. 6 pp. 0100–0246. 5¢. Guidelines for assuring the quality of wood flooring before construction.

Selecting and Financing a Home. 1970. 24 pp. 0100–1127. 15¢.

Soils and Septic Tanks. 1971. 12 pp. 0100–1023. 15¢. Information on installing and maintaining septic tanks.

Wood-Frame House Construction. 1970. 223 pp. 0100–1232. $2.25. Comprehensive guide for prospective homeowners and contractors in selecting materials and constructing wood frame-houses; includes instructions for laying foundations.

Heating and cooling systems

Equipment for Cooling Your Home. 1970. 8 pp. 0100–0772. 10¢. General comparison of installation, operation, maintenance, and costs of fans, evaporative coolers, air conditioners, and heat pumps.

Heat Pumps for Heating and Cooling Homes. 1966. 9 pp. 0100–0617. 10¢. Installation, operation, maintenance, and cost.

Home Heating: Systems, Fuels and Controls. 1968. 24 pp. 0100–0088. 30¢. Installation, operation, maintenance, and costs of the most commonly used heating systems.

Seven Ways to Reduce Fuel Consumption in Household Heating Through Energy Conservation. 1970. 10 pp. 7700–001. Free.

Eleven Ways to Reduce Energy Consumption and Increase Comfort in Household Cooling. 1971. 19 pp. 7700–020. Free.

Home repair and improvement

Exterior Painting. 1968. 12 pp. 0100–0815. 10¢. Selection of equipment and paint, surface preparation, and application.

Interior Painting. 1971. 12 pp. 0100–1141. 10¢. Selection of equipment and paint or finish, surface preparation, and application.

Fixing Up Your Home: What To Do and How To Finance It. 1970. 10 pp. 7700–029. Free. Advice on selection of contractors and obtaining a loan.

Planning Bathrooms for Today's Homes. 1967. 20 pp. 0100–0876. 15¢. Arrangement, location, and selection of fixtures and materials.

Planning Your Home Lighting. 1968. 22 pp. 0100–0800. 20¢. Lighting requirements and the selection and maintenance of lighting fixtures.

Simple Plumbing Repairs for the Home and Farmstead. 1970. 14 pp. 0100–1033. 10¢. Equipment requirements and methods of repairing faucets, valves, leaks in pipes and tanks, frozen pipes, water closets, and clogged drains.

Wood—Colors and Kinds. 1956. 36 pp. 0100–0678. 75¢. Colored pictures of 32 varieties of wood along with information on properties and uses of each.

Wood Decay in Houses, How To Prevent and Control It. 1969. 17 pp. 0100–0856. 20¢. Selection, preservation, and maintenance of lumber exposed to high moisture levels.

Wood Siding, How To Install It, Paint It, Care For It. 1962. 14 pp. 0100–0844. 15¢.

LANDSCAPING, GARDENING, AND PEST CONTROL

General

Better Lawns. 1971. 32 pp. 0100–1102. 25¢. Preparation for planting, selection of grasses, planting, and care.

Growing Ground Covers. 1970. 16 pp. 0100–0833. 15¢ Uses of low-growing plants, varieties, selection, planting, and care.

Growing Ornamentals in Urban Gardens. 1971. 22 pp. 0100–1329. 15¢. Selection of flowers, shrubs, and trees suitable for urban conditions; lists plants which are resistant or sensitive to smog. Selection of containers, preparation of soil and planting.

Home Planting by Design. 1969. 22 pp. 0100–0822. 25¢. Guidelines for landscape planning and selection of ground covers, shrubs and trees.

How Much Fertilizer Shall I Use? 1963. 6 pp. 0100–0172. 5¢. Guide for converting quantity per acre into quantity per row or plant.

How To Buy Lawn Seed. 1969. 6 pp. 0100–1286. 10¢.

Landscape Development. 1967. 128 pp. 2402–0006. $1.25. Comprehensive illustrated manual on design, construction, and maintenance of landscaped areas; selection of plants and tools.

Lawn Weed Control With Herbicides. 1971. 24 pp. 0100–1665. 15¢. Identification of crab grass and other weeds; selection of the most effective herbicide for each, care of equipment, and precautions in the use of pesticides.

Selecting and Growing House Plants. 1968. 32 pp. 0100–0863. 15¢.

Selecting Fertilizer for Lawns and Gardens. 1965. 8 pp. leaflet. 0100–0868. 10¢.

Flowers, fruits, and vegetables

Minigardens for Vegetables, 1970. 12 pp. 0100–0821. 15¢. For the home gardener with limited planting space, instructions for growing vegetables in containers; includes information on selection, planting, and care.

Suburban and Farm Vegetable Gardens. 1970. 46 pp. 0100–1016. 40¢. Selection of garden site, buying plants or seeds, planting, and care.

The following publications include guides to selection, planting, and care.

Growing Flowering Annuals. 1970. 16 pp. 0100–0870. 10¢.

Growing Flowering Perennials. 1970. 32 pp. 0100–0783. 25¢.

Growing Tomatoes in the Home Garden. 1970. 12 pp. 0100–1169. 10¢.

Roses for the Home. 1970. 24 pp. 0100–1039. 15¢.

Spring Flowering Bulbs. 1967. 14 pp. 0100–0798. 10¢.

Summer Flowering Bulbs. 1968. 16 pp. 0100–0812. 10¢.

Trees and shrubs

Maple Diseases and Their Control: A Guide for Homeowners. 1970. 8 pp. 0100–0862. 10¢. Identification and control of six common maple diseases that can be treated by the homeowner.

Selecting Shrubs for Shady Areas. 1970. 16 pp. 0100–0804. 10¢.

Trees for Shade and Beauty, Their Selection and Care. 1970. 8 pp. 0100–0785. 10¢.

Pest control

Hand Sprayers and Dusters. 1970. 12 pp. 0100–0851. 10¢.

Insects and Related Pests of House Plants. 1970. 16 pp. 0100–1072. 10¢.

Pointers on Pesticides. 1971. 8 pp. leaflet. 7700–031. Free. Safety precautions in use of pesticides.

Rats—Let's Get Rid of Them. 1968. 8 pp. 2410–0022. 5¢. Selection and use of traps and poisons.

Spraying and Other Controls for Diseases and Insects That Attack Trees and Shrubs. 1968. 52 pp. 2405–0148. 35¢. Selection and safe use of pesticides.

The followng publications are guides for identification of insects and selection of appropriate pesticides; also precautions in the use of pesticides.

Ants in the Home and Garden. 1969. 8 pp. 0100–0837. 10¢

Controlling Mosquitoes in Your Home and on Your Premises. 1970. 8 pp. 0100–1086. 10¢.

Controlling Wasps. 1970. 8 pp. 0100–1211. 10¢.

MISCELLANEOUS

Adhesives for Everyday Use. 1970. 15 pp. 0303–0682. 40¢. Selecting and applying adhesives in the home.

Consumers All. 1965. 496 pp. 0100–0112. $2.75. Information on houses, furnishings, home equipment, finances, food and nutrition, health and safety, gardening, clothing, and recreation.

Official U.S. Coast Guard Recreational Boating Guide. 1966. 93 pp. 5012–0002. 60¢. Boating regulations, minimum equipment requirements, operating responsibilites, safety hints, and emergency procedures.

Pool Drownings and Their Prevention. 1967. 14 pp. 7700–009. Free. Principal causes of pool fatalities, selection and construction of barriers against trespass, and safety in pool design and operation.

Safety of Cooking Utensils (FDA Fact Sheet). 1970. 2 pp. 7700–008. Free. Safety of Teflon and aluminum cooking utensils.

Selection and Care of Common Household Pets. 1968. 24 pp. 0100–0665. 15¢.

Summary of Information For Shippers of Household Goods. 1970. 17 pp. 7700–023. Free. Selecting a mover, making a physical inventory record, estimates and actual costs, preparing articles for shipment, mover's liability for loss or damage, and filing claims.

Householder's Guide to Accurate Weights. 1971. 6 pp. 7700–045. Free. Useful addition to Summary of Information for Shippers of Household Goods. Guidelines for determining the accuracy of the mover's weight estimate of goods to be shipped.

OTHER PUBLICATIONS OF CONSUMER INTEREST

Consumer News. 4113–7001. $1.00 Annual Subscription. Monthly, four-page newsletter to provide information about federal government rulings and actions affecting the consumer; to explain new consumer laws; to report public hearings of interest to the consumer, and to list new federal consumer interest publications.

Guide to Federal Consumer Services. 1971. 151 pp. 4000–0073. $1.00. A summary of the consumer related services and programs offered by each Federal agency.

Federal Benefits for Veterans and Dependents. 1971. 27 pp. 7700–047. Free. Describes benefits in education, insurance, loans, medical care, employment, burial, and other veterans' benefits.

How the Consumer Can Report to the Food and Drug Administration. 1970. 4 pp. 7700–021. Free. Procedures for reporting suspected safety hazards, mislabeling, or false advertising of food, drugs, and cosmetics to the federal government.

Mail Fraud Laws. 1971. 32 pp. 7700–048.

Free. Common mail fraud situations; how the consumer may protect himself. Procedure for reporting fraud to the Postal Service.

Suggested Guidelines for Consumer Education, Kindergarten Through Twelfth Grade. 1970. 58 pp. 4000-0220. 65¢. Suggestions for administrators and educators in the development and implementation of consumer education programs.

Cancer, What To Know, What To Do About It. 1969. 8 pp. 7700-037. Free.

Answers to the Most Frequently Asked Questions About Drug Abuse. 1970. 29 pp. 7700-046. Free.

Drugs of Abuse. 1970. 16 pp. 7700-036. Free. Descriptions of specific drugs and symptoms of improper use.

LSD—Some Questions and Answers. 1970. 8 pp. 7700-038. Free.

Marihuana—Some Questions and Answers. 1970. 12 pp. 7700-039. Free.

Narcotics—Some Questions and Answers. 1970. 8 pp. 7700-040. Free.

Sedatives—Some Questions and Answers. 1970. 8 pp. 7700-041. Free.

Stimulants—Some Questions and Answers. 1970. 10 pp. 7700-042. Free.

Volatile Substance—Some Questions and Answers. 1971. 6 pp. 7700-043. Free. Hazards associated with inhaling household cleaners and aerosols to produce intoxication. Included among these substances are: airplane glue, nail polish remover, insecticides, hair spray, etc.

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FINANCIAL RELIEF FOR FAMILIES OF PRISONERS OF WAR

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina (Mr. MIZELL) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, it is an honor for me to rise at this time and join my distinguished colleague, Mr. RAILSBACK, and others in sponsoring legislation to provide a measure of financial relief for the families of American servicemen being held as prisoners of war by the North Vietnamese and Vietcong.

This bill was first introduced earlier in this session by the distinguished gentleman from California (Mr. WILSON), and it would amend the Internal Revenue Code to exclude from income tax purposes all compensation received by members of our Armed Forces who are prisoners of war, missing in action, or in detained status during the Vietnam conflict.

Present law exempts all taxable income for enlisted personnel, but only the first $500 of taxable income for commissioned officers serving in combat areas. The bill being reintroduced today extends full exemption to all servicemen, officers, or enlisted men, for as long as they are in a "missing or detained" status.

This bill would serve to correct a basic inequity in the law, while at the same time giving a measure of aid and comfort, however small, to the families of the men now being held prisoners.

As I told my colleagues during the National Week of Concern for POW/MIA's last March, the families of these men have won a place of great respect and deep admiration in the hearts of Americans across the country.

The rest of us cannot know their private anxiety, but we can sympathize with them. We cannot match their remarkable courage, but we can continue to encourage them just the same.

And it is in this spirit that I join the effort being renewed today to do what is within our power to ease the financial, if not the emotional, suffering with which POW families must sometimes live.

This is good legislation, and a measure which every American must surely support. I urge its swift consideration by the appropriate committee so that the House may act to help these courageous families without delay.

THE UNITED STATES FACES AN ENERGY CRISIS

The SPEAKER. Under a previous order of the House the gentleman from Connecticut (Mr. STEELE) is recognized for 5 minutes.

Mr. STEELE. Mr. Speaker, the United States faces an energy crisis which is becoming more urgent each day. This crisis has, in fact, reached the point where the development of new, environmentally acceptable sources of energy must be treated as a top national priority.

Mr. Lelan F. Sillin, Jr., chairman and president of Northeast Utilities, recently made one of the most constructive and ambitious proposals I have encountered for dealing with the Nation's electric power needs. In a speech to the Engineering Foundation Conference in Andover, N.H., on August 16, 1971, Mr. Sillin proposed a major three-pronged industry research effort: One directed to the development of the nuclear breeder technology; the second, to the wide variety of generation and transmission equipment which will be required during the transition period pending the development of a new system; and the third, which would be the primary goal, to a 30-year research effort to achieve abundant, cheap, pollution-free energy from a system that would be essentially without risk to the environment.

Mr. Sillin further proposed that the electric power industry itself finance the entire program by committing the equivalent of about 2 percent of gross annual revenues to research, making available an estimated $40 billion over the 30-year period.

I believe that this proposal represents strong business leadership and could do much to reinvigorate large-scale private initiative in America while at the same time solving our power crisis, boosting our economy, improving our environment, employing scientists and engineers, and eventually providing the United States with an important new export industry.

Mr. Sillin's proposal clearly deserves the widest possible attention by both Government and the entire energy industry.

The full text of Mr. Sillin's speech follows:

A PROJECT FOR PROMETHEUS

(By Lelan F. Sillin, Jr.)

In his controversial book Future Shock, Alvin Toffler observed, "Can one live in a society that is out of control? That is the question posed for us by the concept of future shock. For that is the situation we find ourselves in. If it were technology alone that had broken loose, our problems would be serious enough. The deadly fact is, however, that many other social processes have also begun to run free, oscillating wildly, resisting our best efforts to guide them.

Another author tells us that the changes we are experiencing are so deep and lasting that we are in the midst of a social revolution as significant as the Reformation. Jean-Francois Revel in his book Without Marx or Jesus characterizes the central issue of this revolution as:

"A radically new approach to moral values; the black revolt; the feminist attack on masculine domination; the rejection by young people of exclusively economic and technical social goals; the general adoption of non-coercive methods in education; the acceptance of guilt for poverty; the growing demand for equality; the rejection of authorization culture in favor of a critical and diversified culture that is basically new, rather than adopted from the old cultural stockpile; the rejection of both the spread of American power abroad and of foreign policy; and a determination that the natural environment is more important than commercial profit."

To this inventory of change one might add a host of other social trends to describe our turbulent times and the reason for our present shock. We see new definitions of work, new pressures for direct interventions by business into social issues, demands for the sharing of authority and power, the rise of consumerism, the questioning of the concept of growth, the exploration of new forms of consciousness, new forms of institutional organizations. We sense social fragmentation, the uncertainty of the direction of change, challenges to our sense of morality; society appears divided, beset with fear and a lack of self-confidence.

It was in the context of this state of broad social conflict and the Nation's struggle to reorder its priorities that I prepared recently a list of what I chose to call "gut issues" specifically affecting the electric utility industry. These dealt with such fundamental and familiar questions as public confidence, the financial capacity of the industry, investor confidence, the industry's organization and structure, and how well prepared and suitable that structure is to deal with the contemporary crises; the regulation of the industry and the qualifications of the agencies which have fundamental and comprehensive control of our affairs. The list included questions about power technology, the involvement of the public in our business, the effectiveness of managements and the

degree to which we are responsible for the difficulties now facing us. I reviewed these issues with two eminent Americans who are not associated with our industry. Both of them, independent of one another, concluded that our effectiveness was being seriously handicapped because of the absence of a national consensus against which utilities could test policies and programs in terms of the public interest.

For example, voices are raised expressing grave concern over the adequacy of power supplies at the same time others are urging a moratorium on the development and expansion of the industry. Another chorus is expressing the view that they are prepared to pay whatever costs are associated with environmental improvements, although we know that many others intervene and strenuously oppose necessary applications for increased rates. Voices are raised depreciating technology, while responsible opinion reasons that solutions in a technologically based society will have to come from the technology. The dichotomy is accompanied with a high degree of emotionalism, polemics and suggestions for instant solutions which are clearly unattainable.

I presented to the Pacific Coast Conference some questions about the industry which I would like to submit also to you with the thought that they might be helpful in your deliberations concerning future power systems.

Are the individual utilities in the private sector properly organized and structured to deal with our contemporary technology and environmental issues?

How much importance do we attach to the unity of management principles involving authority, responsibility and accountability? I wonder if you agree that utility managements are clearly accountable today, but are dangerously close to losing the essential authority and responsibility for many of our major activities and policies.

How fully are the new concerns of the Nation being reflected at our top policy levels and how much time is being devoted to examining these issues?

How effective are the spokesmen for private enterprise really applying its principles and embracing some of its most fundamental concepts to produce the salutary synergistics that innovation, risk-taking, responsiveness and perception can contribute in relating our industry to the changes that are occurring around us?

What are we doing about the growth question and our marketing practices to make them most responsive to changing consumer concerns, values and attitudes?

What views do we have regarding the importance of encouraging the wise use of all energy sources including electric power?

How aggressively are we pressing the technological research necessary to provide the earliest possible answers to new public concerns?

In discussing these matters at the California Conference I made this general observation about the national power situation: first, the electric industry is intrinsically sound, but finds itself today in a situation containing the seeds of crisis; second, it will take the best efforts of the industry, the public, and government alike to keep these seeds from taking root; and, third, the outcome will hinge as much on the common sense and good judgment of the average citizen as on any other factor.

Imagine a power supply system which could produce and transmit abundant, reliable and cheap power without depletion of natural resources. A system which even our severest critics would view as an ally of man and essential to his harmonious relationship to the world's physical environment and enhancing the prospects of the elevation of his social well-being.

My proposition is that the search for such a future system should be a central purpose for our industry. The object of my talk is to explore how we might embark on this search for a virtually risk-free system and how we might arrange our affairs in the meantime so that current systems and those in what must be viewed as the transitional period are accepted as necessary to the achievement of this "ultimate" goal.

Since the system we seek, according to most experts, probably cannot be made available for thirty years or so, its development will require a historic sustained effort, and a major reversal of some of the extreme attitudes in current environmental vogue. In recent history I can think of no project which has extended over a period as long as this. The Panama Canal took only 15 years from treaty to completion; the Manhattan project 5, and the Apollo program only 10 years. When we decide to tackle a program which is apt to span a generation we have to be dedicated to the future. We have to have an image, a concept, which will survive us; which will fire the enthusiasms of our peers and our progeny. The objective will have to be viewed by society as important enough to warrant the calculated risks which must be assumed along the road.

The proposition must be viewed in the context that the survival of a high level of human endeavor and civilized communities will absolutely depend upon the availability of abundant sources of energy. We must, therefore, see the goal as freeing man of his dependence on the world's limited fossil fuel resources. Any course which places reliance on such resources imposes a time limit on civilization as we know and perceive it. Some experts' current estimates of fossil resources indicate that, when viewed within realistic environmental and economic constraints such resources are limited to about a 50 year supply. It will, therefore, become increasingly crucial that fossil fuels be wisely conserved and assigned ever higher and more selective uses.

There is developing a road map which suggests the course we are ultimately bound to follow in our pursuit of the elusive goal of abundant pollution-free energy sources. This road map broadly suggests the use of nuclear power augmented by the breeder technology during the intermediate period of transition to the ultimate source based on fusion, solar energy, or some other esoteric system.

Bridging the gap to the time of the abundant pollution-free power system will be a precarious process for the electric industry. If the seeds of crises of the power industry should take root, that dream and hope for future generations could be lost.

If our present technology were not so uncomprising, the problem would be less severe. We need significant improvement in this existing technology to meet stringent air and water quality standards. We need improved technology which will reduce the severity of its physical impact on the land, both at the power station and in the transmission of the energy. Unfortunately, these improvements to our present technology may be critical years away. Much is being done by the industry and there has been an acceleration of effort but much more is necessary and expected of us. If the Nation becomes power limited, society's search for realizing its self-potential and self-fulfillment cannot be achieved.

If electric power supply is severely curtailed in the transitional period, it would jeopardize the Nation's ability to meet essential national goals. For example, shortages of electric power would, to the dismay of those who applauded a power limitation, bring about a deterioration of the environment. There are at least two reasons to suspect this deterioration might occur. First, many energy demands are inelastic; that is, if we can't provide electrical energy, a different energy source will be used. Since the power industry is stepping up its efforts to control the emissions from its generating plants, energy source substitution by the consumers in a time of power shortage could result in an overall increase in pollution levels and place an inordinate demand on increasingly limited fossil resources. Secondly, electric energy demand is needed to help cure the pollution problems of other industries. The political scientist, philosopher and economist, Peter Drucker, pointed this out recently when he said:

"Everything we need to do to clean up the environment raises the (electrical) energy needs by several orders of magnitude. To be sure building electric power stations has its problems. But by not building them we are just laying ourselves open to catastrophic dangers not very far out. The greatest obstacle to any effective attack on the environment today may well be the opposition to our electric power stations."

Unfortunately, we have an image of an ability to provide now a risk-free supply, although the reality of this prospect, if it ever can be achieved, is at least a generation away. Thus, despite the social upheaval and adverse circumstances we have the job of increasing the amount of power generated and we have to do this in a way which is as efficient, and as sensitive as possible to the social as well as the physical environment. Can we do this? The answer really lies in whether society will let us.

Stemming from the emotional quality of the environmental issue, too much hope has been placed on eliminating the problems by the process of legislation. This oversimplication, together with the encouragement which has been given to self-appointed vigilante groups, could critically disrupt society's goals and prevent the achievement of an advanced civilization based upon the ultimate energy imperative. There will have to be conscious recognition that while we endeavor to minimize risks both to the environment and to public health and safety, we are not in a position today to guarantee a totally risk-free power supply. Thus, society will have to conclude that some risk is acceptable and be willing to balance and compromise within the constraints of the technology available. Peter Drucker eloquently described this balance in an address titled "Why We Are Not Making Much Progress". He said:

". . . we mistakingly think that one can live in a riskless universe, that one can somehow deprive human action of risk. To believe that one can be (completely) safe is sheer delusion. The real challenge in the environmental situation is to think through what risks to afford and what risks are not permissible and where to draw the line, and what price to pay or what degrees of insurance . . . The moment you want to be riskless, you are . . . vulnerable to the wrong catastrophies."

The major factor whether this balance will be achieved in providing future power supplies, will, as I have said, largely be determined by the public. This is one reason I conclude that the future of the power industry will hinge more on the common sense and good judgment of the average citizen than any other circumstance.

Make no mistake—there are no panaceas nor do I see any easy solutions during the transition period. I would, however, like to share with you some ideas.

It is urgent that the emotional quality of the current dialogue be defused and that all get on with the business of finding solutions.

We must step up our efforts to encourage conservationists to stake their credentials in support of those adjustments that have to be made in our complex society.

The industry, knowing that its credibility is being severely tested would, I hope, place increasing emphasis on openess and candor in its activities.

I suggest an avoidance of the polarization of views. We find ourselves dealing with many fragmented positions and the effort must be to achieve a consensus—this means we must test the pros and cons and avoid a hard line as we seek the ways by which the technology can be best applied in public service and in the public interest.

I hope the industry will take the initiative and leadership to encourage the development of national, regional, and state land use plans. We should be in a hurry to get on with the essential task of developing such plans. Until greater rationality is brought into this important determination, we will continue to have confusion and conflict. As long as this limited and increasingly precious resource is allowed to be utilized without such plans, we will have continued aggravation and confrontations over what specific activities should or should not be carried on at different locations.

There is a basic and urgent need to define state and national economic and environmental goals. At both levels these interests are on a collision course which dims the prospects for achieving the essential goal of balancing the aspirations of people for a quality environment in a sound economy.

We need a comprehensive assessment of the long-range outlook for energy for the purpose of arriving at a broad national policy to guide the future development of the energy industries along lines consistent with society's overall needs and nature's overall limitations.

It will be necessary, in my opinion, during this period to encourage the wisest use of all our energy resources.

As yet, the Nation has not taken a comprehensive inventory of its environmental needs nor has it developed any conclusive knowledge of the cumulative effect over a long period of time of subtle changes in natural conditions. For these reasons, the Nation has no scale by which to judge the relative environmental impact of different activities and lacks an adequate basis for making the judgments needed to channel environmental protection efforts along the most productive lines.

I have suggested why there will be greater public involvement in the planning of future power supplies so long as we are limited to the use of the existing technology. This is because of the difficult trade-off questions that must be dealt with each time we have to apply our large-scale technology in the environment. The pressures on the industry force it to become caught up in devising short-term solutions for near-term issues and diverts attention from the development of needed long-term strategies and solutions. Thus, our view becomes too narrowly focused because we are compelled to look so intensely at the short-range problems. Our judgments are forced against too limited a base of information, too narrow a time parameter and too myopic a view of what our needs are going to be. People, on the other hand, have become properly concerned as they look at the stated requirement to double the size of the industry every ten years. The question is raised as to how we are going to achieve this expansion within the constraints of the environment. This concern is an overriding consideration from which there is no escape. Overcoming this concern will greatly depend on the industry's success in achieving technological breakthroughs as a result of research.

What we must do as an industry is embark on a new research undertaking which will assure that the future will be better than the present. I suspect if people could see a light at the end of that currently dark tunnel they would be more willing to accept the compromises and trade-offs necessary now and in the intermediate transitional period. It is not enough for the industry simply to pursue 10 to 15 year plans based on the present technology without at the same time showing a parallel course of technological research and progress which is pointing to a specific and affirmative way by which the environment will be increasingly relieved and the system ultimately freed of its dependence on finite fossil resources. Anything less than a massive research effort will make impossible the achievement of the level of performance necessary to support the industry's development and its service.

The question posed to the industry is not whether it should embark on an unprecedented research program but how that program should be undertaken. Such a program is essential to restore the quality of confidence in the industry, and to return to the industry greater control of its affairs, but overriding these considerations are the needs of society and the developing crisis in the run for energy.

Our ability to be innovative organizationally as well as technologically is being severely tested. We are not an industry known for its ability to change rapidly in the way we do things, and yet the challenge is to find the way to bridge the power gap of the next thirty years. If we accept this task wisely and in time, our Nation and its future will be different—happily different from what it will otherwise be and we will have helped make it so.

The most important opportunity for industry innovation is in the quality of its commitment and its effectiveness in tackling the essential task of reorganizing its research efforts. The proposition for research stated most simply is to restore the quality of the environment, establish a spirit of public confidence, and accelerate the time when the industry can be fully responsive to the needs of society.

The way we perform research today is segmented and largely uncoordinated.

1. The AEC funds much of the research into nuclear power systems. The ultimate user often has little voice in the project.

2. "Normal Science" funding mechanisms (such as the National Science Foundation) account for additional government spending, primarily in the area of esoteric systems.

3. Outside of government, the manufacturers of equipment pay mostly for the research being done on new power-generating capabilities; this work is designed almost entirely to build on the companies' established strengths and capabilities.

4. Independent consortia of potential users and manufacturers have sprung up to finance particular R&D concepts and hardware. In many of these arrangements progress is slow because of inadequate funding.

5. Through the Edison Electric Institute our industry has provided a means for some coordination and joint research funding within the investor-owned utility community. This coordination is further augmented through the work of the Electric Research Council. There tends to be, however, an inertia which has as yet prevented this approach from becoming a comprehensive answer.

6. The level of research funding within the utility industry is uneven in the proportional rate of support among companies. The most recent data (1969) indicate that the overall industry rate of R&D support was about ¼ of 1% of gross revenues. While this low figure is the rate for 1969, I am persuaded that in the last year and a half, the industry has greatly stepped up its expenditures and I will be surprised if we don't find significant improvement over the 1969 level when the figures for 1970 and 1971 become available.

7. The Electric Research Council is currently developing a report on research goals which will provide important guidelines for future funding and priorities.

I would like now to suggest how we might organize and Step up our efforts in the future. The most important power generation goal within the transitional period is, undoubtedly, the nuclear breeder reactor. It would comprise the first of the three prongs of the research attack I am advocating.

The program definition phase of the liquid metal fast breeder reactor (LMFBR) demonstration plant program has been extended four months to November of this year to provide additional time for the AEC and industry to formulate a fiscal and technical plan under which the first demonstration plant might be built. Even though the government has made an additional $50 million available to the project there has been doubt expressed in a number of places, including the Congressional Joint Committee on Atomic Energy, that an effective organization and development plan can be proposed. Representative Chet Holifield has suggested two approaches: a joint government-industry corporation for building and operating the plant, or possibly the imposition of an enrichment service charge or a kilowatt-hour tax to provide financing.

Atomics International (AI) has suggested that a nonprofit corporation be formed to provide ownership, management, and operation of the first LMFBR. In this plan, funds to support the project would be borrowed against future revenues and the utilities constituting the new corporation would make a cash contribution to provide for that portion of initial engineering and research and development costs not covered by the AEC.

Philip Sporn, one of the deans of the utility industry, has suggested that an appropriate division of funds for the LMFBR might be 50% from the utility industry, 25% from the manufacturers, and 25% from the AEC.

I will not add to the plethora of suggestions as to how to get on with the breeder job but do join those who express urgency in the industry's commitment. It is, however, important to recognize that the breeder program, essential as it is, is only a part of a total program designed to produce the system we will need in the next 15–20 years. The LMFBR is projected to cost an estimated $500–$600 million. In view of the large programs involving the liquid metal fast breeder technology in England, France and West Germany, I would advocate that if more than one demonstration fast breeder reactor should be built in the United States the second be gas cooled. This would enable us to add to the base of the technological development occurring here and abroad—thus, increasing the options available. Assuming a cost of $600 million to each breeder plant and Philip Sporn's allocation of financial responsibility, it would require the utility industry in each of the next six years to devote an amount equal to approximately ½ of 1% of industry revenues (using 1970 revenues as the base) to a two plant demonstration breeder program. Organizationally I believe the nonprofit corporation research funding concept along the lines proposed by AI is a viable alternative.

The second prong of the program I advocate would be geared to the other areas of research which have a high priority during the intermediate transitional period.

During this period a number of major technological advances can be achieved if pursued by a well organized and fully funded research and development effort. Thus, we might anticipate that before 1980 improvements to power generation technology could include:

1. Fuel Cells (5–20 MW for use in substations)
2. High energy batteries for substation peaking plants
3. High temperature gas reactor—with gas turbines and dry cooling towers
4. Devices for removal of SO^2 and NO^x from flue gases
5. Coal gasification processes

Transmission advances in this period could include:

1. Compressed gas insulated cable for underground transmission
2. 1500 KV AC overhead
3. DC circuit breakers
4. DC solid state converter-inverters
5. DC cable

In the period for commercial use by 1990 we might anticipate, in addition to the nuclear breeder reactors of all types, magneto-hydro-dynamics combined cycles; and in the transmission area, cryogenic underground transmission. These projects, together with the additional technology to improve air and water quality and aesthetics, suggest the opportunity as well as the magnitude of the industry's responsibility. The list illustrates the need for institutional innovation as soon as possible to give order and structure to our efforts to improve the technology throughout this period. How should this additional research effort be structured and how do we achieve for these purposes a financial commitment in the order of magnitude of approximately $1½ billion in the first ten-year period. This portion of the program is estimated to require an annual industry commitment equivalent to approximately another ½ of 1% of annual revenues, and would be supplemented by an additional ½ of 1% upon completion of the breeder program.

While most of us traditionally think in terms of nonprofit institutions as organizational forms for research, I would like you to consider with me the possibility of using the dynamics of capitalism. Imagine venture capital electric research firms being formed in six or seven regions of the United States. Such regions would be determined on a community of interest basis, and one could conceivably find areas separated geographically and electrically, such as portions of the East and West Coasts, joining together. Why more than one? First, I would be concerned that a single entity would be too large and monolithic to tackle the diversity of problems. It would lack the sense of regional priorities that find expression because of factors such as the pressures of population and the varied nature of the geography. The regional firms would be most responsive to the priority problem associated with particular areas of the country.

Although regionally oriented, I would anticipate a free flow of information among the firms and where projects were on a scale that required total industry support that the several firms' resources would be pooled for such undertakings. While there would be such planned coordination and cooperation, I am sure there would still be a sense of competition among these firms and an inevitable comparison of the quality of performance of each. These latter considerations would be important both to the Nation's evaluation and the industry's development.

Further, by having the entities organized at a regional scale they would be able to draw into their councils many more highly qualified scientific, environmental and economic professionals who would not be available to a single national entity. The firms would be small enough for rapid action.

While the entities I envision would be owned by the utility industry of each region, the guidance and evaluation of projects would be carried out not only by the industry but by a council made up of representatives of government, environmental and scientific expertise as well as engineering and economic professionals. The experts would be knowledgeable regarding the priority needs of their region. The organization would function as any venture capital firm except that its primary responsibilities would be to guard the environment and achieve the technological goals set for it.

Obviously this is a high risk enterprise. This new enterprise's success would be measured not just in economic terms but most especially in the quality and level of its response to critical environmental, social and technological issues. As in any venture capital arrangement the corporation could own the rights to the technology flowing from its research. Thus, not only could it develop essential technology on a schedule in accordance with regional and national priorities but also provide, through whatever profits the program produced, additional funds to speed up the process. Industry participants would assure the flow of funds to such venture capital organizations by being committed to an amount equal to ½ of 1% of annual revenues.

The industry participants in this important work would have to contribute more than money and talent in order to produce the systems we need. They would also have to contribute sovereignty. By this I mean they would have to choose a management team in which they have confidence and then guard them against bureaucratic inertia and overdirection. The team must be hardhitting, as autonomous as possible and results-oriented. Such new organizations would have a firm schedule to pursue research in certain favored directions. Their very presence would stimulate a desirable tension to bring a new wave of innovation to an industry sorely in need of it. This is dynamic capitalism, and I would hope venture capital experts would come forward to pursue this concept with the industry.

This leads us to the third and most important prong in the proposed overall research program. The challenge associated with the development of the virtually risk-free power system. Perhaps it will utilize fusion or solar power as the source and super-conductive underground cable, microwave or some other advanced concept for transmission. No one can be sure. The development of such a system is, however, vital to the long-term welfare of the Nation. It can be a rallying-point, a restorer of confidence, and a credible unifying national goal. I call it "A Project for Prometheus."

This system has such importance and such a different time dimension that it should be pursued by a separate and unique entity. The entity must have credibility academically, politically, and fiscally. It must be capable of making and executing decisions. It must be apolitical. I can see it totally industry sponsored but if the industry does not fully accept the job then perhaps it could be a public-private arrangement after the image of Comsat.

It is hard to estimate the cost of a venture like this but we can imagine some guidelines. The Manhattan Project cost $2 billion; Apollo, $20 billion.

If we select $20 billion as a target figure for expenditures over the next 30 years, and the industry pays for it totally, it will require 1% of the annual gross revenues projected over the period. Thus, in all, including the breeder program, the intermediate venture capital firms and the "Project for Prometheus," the industry should commit the equivalent of about 2% of gross annual revenues to research, making available an estimated $40 billion over the entire period.

As always, the problem is how to begin.

I urge that the leadership of the electric industry and the National Academy of Sciences convene a panel of experts from among their members as well as experts from such selected groups as the National Academy of Engineering, the American Bar Association, the Office of Science and Technology, Council on Environmental Quality, and representatives of the industry's regulatory authorities. This group would flesh out the plan for the "ultimate" system I've hinted at here. These experts would test the validity of the objective and determine how best to pursue it scientifically, technologically, financially, and organizationally. The industry should pay for such a study.

I realize the magnitude of this proposal and its unprecedented nature. It will require a new range of industry thinking and commitment. Earlier, I stated that the expansion of our power systems during the transition period would depend on whether the public let us. The "Project for Prometheus" is an action for future power systems. I have no doubt the public would welcome it. The fulfillment of its promise is within the grasp and capacity of the industry. There are real questions to be resolved—funding questions, the recruitment of scientific and technical talent, important project definitions, problems associated with geographical location and physical facilities—but these should all be faced and solved expeditiously. Continued national development must not be limited by the lack of electrical power and our environment must not be needlessly degraded by our failure to overcome the detrimental aspects of electric power systems.

Senator Warren Magnuson, Chairman of the Senate Commerce Committee, recently introduced legislation to establish a Federal Power Research and Development Board whose activities would be supported by a federal tax equivalent to about 1% of gross revenues. The issue, it seems to me, is whether the electric industry is prepared to move expeditiously and affirmatively along the general lines I have suggested and at a level of support not less than I have proposed. If it is, then the tax proposed by Senator Magnuson would obviously not be necessary. The large-scale research programs I envision should be funded from industry resources and be manned by its own talented people present or to be recruited. Surely we are not prepared to admit such bankruptcy in leadership and funds that so important an undertaking can only be accomplished under governmental sponsorship.

If we fail, however, then I see no alternative but to support the concept of some form of federal tax to assure that the essential objectives are met in the national interest. We can either do this as an industry, based on our own initiative and leadership or permit the responsibility to pass to other hands. I conclude that unless the industry takes the initiative, within the immediate future, the initiative will pass to other hands because of the stimulation of environmental problems or intolerable power shortages.

I earlier suggested that the keynote of our chaotic time is change. All around us we see change: institutional, attitudinal, technological, political; in fact, in almost any dimension and by almost any measure, our time is different not only in degree, but con-

textually as well. We see this change accelerating us toward an unfamiliar social state, bringing unfamiliar relationships and responsibilities, bringing a time in 30 years as different from now as 100 years was before now, offering prospects of new reasons for joy and new meanings to life itself.

Various authors have described the social world toward which we're moving as the "post-industrial" era, that time in the evolution of developed countries when, through advancing technology, production capacity outstrips consumption needs. In times long past for us, prior generations made the essential sacrifices and advanced the technologies to allow us to reduce the percentage of the labor force devoted to the production of agriculture commodities; with this labor available, our production capacity was turned to industrialization. Now we are experiencing a similar transition: the percentage of the labor force to produce the consumer goods needed by all of our society is diminishing. By 1985 only one worker in five would have to be in manufacturing and only one worker in thirty or so would have to be involved in agriculture.

We could choose, as a society, to use our excess production capacity in many ways. We might engage in large-scale national programs, such as city rebuilding, transportation renovation, irrigation of our desert areas, restoring the environment, further space exploration, and so on. We might choose to engage in large-scale programs to aid developing nations. We might elect to take a portion of our excess capacity in the form of leisure, with increasing participation in education and the arts. In short, if society does those things today which make possible these achievements, a major cornerstone of which must be the planning ahead for the abundant energy sources required for such a society; this coming time, this post-industrial era, could be a time of plenty and dignity for future generations.

Those of you who remember Greek mythology will recall the legendary story of the creation of Earth and man. According to the ancients, after the gods had created the Earth and inhabited it with birds and other animals, a nobler animal was wanted. Prometheus made man in the image of the gods and gave him an upright stature, so that while all other animals turned their faces downward and looked to the earth, he raises his to heaven and gazes on the stars. Prometheus and his brother were committed the office of providing man and all other animals with the faculties necessary for their preservation. His brother undertook to do this and accordingly proceeded to bestow upon the different animals the various gifts of courage, strength, swiftness, sagacity; wings to one, claws to another. But when man came to be provided for, who was to be superior to all other animals, the brother had been so prodigal of the resources that he had nothing left to bestow upon man. In his perplexity he restored to his brother Prometheus, who went up to heaven, and lighted his torch at the chariot of the sun and brought down fire to man. According to mythology, with this gift, man was made superior over all other animals. It enabled him to make tools with which to cultivate the earth, to engage in trade and commerce, to warm his dwelling so as to be comparatively independent of climate, and finally to introduce the arts.

Prometheus is an appropriate name for a $20 billion, possibly 30-year odyssey, in search of the risk and pollution-free, limitless source of fire to serve and elevate future generations of mankind.

Indeed, the decisions and actions of the electric industry taken now will probably determine as much as any other factor just what the world on the other side of our present chaos will look like. It is an awesome charge.

THE ATOMIC ENERGY COMMISSION SEEN IN A NEW LIGHT

The SPEAKER. Under a previous order of the House the gentleman from Kansas (Mr. SKUBITZ) is recognized for 5 minutes.

Mr. SKUBITZ. Mr. Speaker, has a new day dawned? Has the Atomic Energy Commission begun to eat humble pie? Has the AEC admitted publicly that it has lost credibility? Do AEC scientists no longer regard themselves as scientific St. Georges taming the atomic dragon? Are AEC experts really ready to climb off their high horses and talk frankly and humbly with their fellow citizens?

Well, read all about it in the Christian Science Monitor of September 14. That newspaper's special correspondent in Geneva, Robert C. Cowen, reporting on the United Nations Atoms for Peace Conference in that city, paints a picture of an entirely new AEC from the one that the Governor of my State recently described as arrogant. The AEC, says Mr. Cowen, is changing its image and reversing the blindly self-righteous and authoritarian policies—those are Mr. Cowen's adjectives—it has followed until very recently.

Those of us in and from Kansas who have contended for a year or more that AEC policymakers have indeed lost credibility now feel like a Daniel come to judgment. It is refreshing to have the AEC itself declare "mea culpa." Most of us are not quite willing to agree with the AEC that they are Satan, as the Christian Science Monitor reporter paraphrases them. Perhaps as one of Satan's archangels would have been a more fitting description.

Mr. Speaker, I believe this new, more honest, more forthright AEC policy is largely due to the new Chairman, Mr. James R. Schlesinger. I had written him some weeks ago following his appointment praising him for accepting the appeals court decision on the Calvert Cliffs case in good grace. I told him then that his actions appeared to signal a policy change at the AEC, a breath of fresh air. I repeat my commendation of him now based on the comments attributed to him in Geneva.

The Christian Science Monitor reports:

> It probably is fair to say that never in its history as an agency has the AEC talked with such humility and candor about its own shortcomings in dealing with the public.

Let us hope that this same attitude by the AEC will prevail in Kansas in its testing and experimentation to determine whether an atomic waste plant in abandoned salt mines can be made safe for humans and the environment.

Mr. Speaker, I include the article from the Christian Science Monitor at this point in the CONGRESSIONAL RECORD. I urge my colleagues to read it. It will be good for the soul because it suggests that there is yet some hope for bureaucracy. The article follows:

A-EXPERTS EAT "HUMBLE PIE" AT CONFERENCE

(By Robert C. Cowen)

GENEVA.—Public opposition to atomic-electric power has scored a major victory.

It is forcing nuclear experts to eat humble pie. It is making them admit they have often been blindly self-righteous and authoritarian in promoting the peaceful atom.

This has injected an element of self searching humility into the fourth United Nations Atoms for Peace Conference that the previous three conferences have lacked.

Yon can't, of course, find much opposition to the atom here. Delegates fervently believe that nuclear power offers a safe, relatively clean alternative to coal, oil, and gas for meeting mankind's burgeoning energy needs.

HUMILITY APPARENT

But many delegates are saying that it is time for them to climb off their high horses as experts and talk frankly and humbly with their fellow citizens.

They realize that, as experts, they have lost, or are in danger of losing, credibility. They have thought of themselves in terms of a scientific St. George taming the atomic dragon to beneficially serve mankind. Now they realize that many people see them more in terms of Satan.

So far, this identity crisis has been felt most keenly in the United States. Delegates from other countries are intrigued to hear top officials of the U.S. Atomic Energy Commission (AEC) talk of a new approach to the public that amounts to a major policy change.

QUESTIONS CALLED LEGITIMATE

AEC chairman James R. Schlesinger has been telling representatives of the American nuclear power industry here that he realizes they are suffering costly construction delays as the AEC reviews safety regulations and the environmental impact of atomic power stations. But he told them they must be patient with these delays.

Critics are raising legitimate technical, environmental, and social questions, he said. The AEC is determined to respond fairly and fully, he added.

In an informal background discussion with the press here, an AEC spokesman candidly admitted that AEC staff "feel hurt to realize that they have lost credibility" with the American public. The AEC, he said, is determined to earn that credibility back, especially in regard to the adequacy of its safety regulations for nuclear power plants.

He called for opposition of environmentalists "a legitimate social issue." He said he even considers the question of whether or not to go on expanding American power generating capacity an important social question to debate and answer.

Then, taking a surprising stand for an agency that has been a leading promoter of atomic power, he said, "We are not in the business of pushing atomic power." The atomic power industry now has enough momentum to sell itself on its own merits.

MAJOR SHIFT INDICATED

But atomic power may not always be the right thing for a given location even when a power company wants it, he said. The AEC is going to see to it that the public has its say about this and that total environmental impact is considered.

Again this is a major climbdown. The AEC has maintained it was responsible for considering only radioactive aspects of environmental impact. Recently, in the so-called Calvert Cliffs decision, a court of appeals ruled that the AEC must consider total environmental impact, including thermal pollution, as required by 1969 and 1970 environmental protection laws.

The AEC decided not to appeal this decision.

AEC commissioner Clarence E. Larson and assistant general manager Howard C. Brown, Jr., in a paper delivered at the conference, noted that, under present regulations, public hearings on a new atomic power plant only occur after a site has been selected and a power company has made financial and construction arrangements.

This can lead to heavy costs if there's a construction delay, to say nothing of looking like an attempt to foreclose the decision before a public hearing. So the AEC now is considering changing the rules to bring the public into the decision process at the early stage of site selection.

CONSTRUCTIVE CRITICISM INVITED

The authors called this an example of AEC efforts "to be responsive to constructive criticism."

It probably is fair to say that, never in its history as an agency, has the AEC talked with such humility and candor about its own shortcomings in dealing with the public.

This has indeed added a new note to the conference here, a note in keeping with a day of sessions on the atom and the environment.

Delegations from at least some other countries admit to rising opposition and distrust at home. And all delegations are eager to learn how to meet such a challenge.

MORE ON THE DANGER OF UNRESTRICTED STEEL IMPORTS—II

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

Mr. SAYLOR. Mr. Speaker, a few days ago, I brought to our colleagues' attention a timely article on the subject of steel imports. That article, by the chairman of the Bethlehem Steel Corp., was a down-to-earth assessment of the dangers facing our domestic industry as a result of the virtually unrestricted imports of foreign steel into this country.

Another Cort article along the same lines appeared in the June 21 issue of Industry Week. Entitled "Can the American Steel Industry Survive," Mr. Cort presents a fact-laden overview of a manufacturing segment of our economy which is vital to the continuation of our high standard of living. The underlying question is, Can this Nation survive without a strong and viable steel industry? The answer is, obviously, a resounding "No." But the policies and philosophy of our Government seem directed at tearing down the national industry in order to curry an elusive favor with foreign producers of steel.

Although the Cort article is most directly concerned with the domestic situation, it proves conclusively that our industry cannot long survive—at least in an acceptable position—an unrestricted assault from oversease unless there is true reciprocity in international trade. Our steelmakers must enjoy the same advantages in foreign markets as offshore producers enjoy here. Such a policy would account for wage/price differentials, capital investment requirements, and quality standards of production.

We know instinctively, Mr. Speaker, how fundamental to our economic life the steel industry is, but it is healthy and instructive to be reminded from time to time of the facts of this foundation. The Cort article brings the dry statistical information on the steel information to life and in a way that is immediately understandable to all concerned citizens.

I highly recommend Mr. Cort's views to our colleagues. The article follows:

CAN THE AMERICAN STEEL INDUSTRY SURVIVE?

(By Stewart S. Cort, chairman, Bethlehem Steel Corp.)

Recently I was asked two questions, one that headlines this article and another that appears later. As firmly as I reject the "doomsday" implications in both questions, they have been raised by responsible people and they deserve responsible answers.

I read a few weeks ago in a prominent business magazine that steel has "all the earmarks of a sick industry." Perhaps so. I believe that I am in as good a position as most to be aware of our problems. But I am equally aware that, to paraphrase Mark Twain, rumors of our impending demise are greatly exaggerated. Our present ailments merely distract observers from detecting a fundamentally strong and rugged constitution.

Many people have asked why, in 1970, our industry profits slumped to 2.7% on sales revenue and 4% on equity despite near-record output. The answer lies primarily in greatly increased costs without corresponding price relief. Last year we suffered the worst cost pressures of an inflationary period, which began in mid-1968, during which time all our purchased materials, supplies, and services rose approximately 20%. Such purchases represent more than 40% of our total cost of doing business.

The fact that imports of more than 13 million tons were increasingly concentrated in the higher-priced product lines didn't help a bit. It hurt us badly, and grievously harmed some of the smaller, more vulnerable specialty steel companies.

MEETING THE CHALLENGE

Time and again I have been challenged to explain why domestic costs are so much higher than those abroad despite our colossal investments in new plant and equipment—$16.5 billion in the last ten years.

I could write a book on this subject. I won't. But if I did, Chapter 1 would explain the reason for a huge share of those investments—*quality improvement*. Domestic steel users are highly sophisticated, and they have been demanding highly sophisticated steel products. We work to the tightest quality specifications and standards anywhere in the world. What's more, we operate in the most competitive of all the world's steel markets. Every domestic producer has to upgrade his products and, therefore, his facilities, constantly, in order to hold his customers.

Incidentally, "holding customers" reminds me of another brake on apparent productivity. In order to combat competition from other materials, we've had to roll lighter structural shapes and thinner tin plate. Measures like those reduce our yield and lower our tonnage output per manhour.

Chapter 2 of the book I don't intend to write would describe the portion of our past, present, and future capital expenditures devoted to environmental quality control. Such facilities are necessary. No question of that. But they eat up our capital at a fearful rate—about $1 billion of that $16.5 billion went into nonproductive equipment designed to reduce pollution. Such facilities are a drag on productivity and incur heavy operating costs, year after year.

I have often pointed out that, when you have to borrow money at 8% to install nonproductive facilities that cost about 10% of original investment to operate every year, it's pretty tough to make the return on your total investments look good.

By the way, I think I'd footnote that chapter with a reminder that our offshore competitors thus far have expended very small amounts on environment when compared with our efforts.

COST OF IMPROVEMENTS

Chapter 3 would concentrate on a point that many critics have overlooked—the high cost of capital improvements in this country as compared with abroad. Take the Japanese. Largely because of much lower field-labor wages, they can put in new facilities at about one-third our cost. Not only do their yen go much farther than our dollars, but they, along with all the other foreign companies, get a break on depreciation. It may astound you to learn that the Japanese can actually afford to scrap a seven or eight-year-old mill in order to substitute a more efficient one.

On top of it all, there's the matter of labor costs. When labor represents 45% of your cost of production—that's the story with steel—and you're paying nearly $6 an hour while the other fellow is paying less than $2, no technology in the world can possibly make up the difference.

So you see, we are at a severe disadvantage with regard to both capital costs *and* labor costs. And, since our industry is both capital-intensive and labor-intensive, we catch it both ways.

"So," you may be saying, "the steel industry is sick!" Perhaps—but our ills are curable. Our industry is second to none in efficiency and modernity. We have built strongly and wisely and, with favorable winds, we're ready to take off.

LOOKING TO 1980

After I have fielded the second question asked of me I'll recite some further reasons for my optimism.

The second question is, "What would America be like in 1980 without a strong and viable steel industry?"

This takes us into the realm of fantasy because, as I have pointed out, it is utterly inconceivable that this nation—or any of the world's advanced nations—would allow its steel industry to wither on the vine. Indeed, the very opposite is true abroad, where steel industries are protected and pampered to an extent unheard of in the U.S.

Still, it may be of some value to speculate what could happen if worst came to worst, if only to drive home a lesson in practical economics to the free trade theorists who would permit our industry to go down the drain because we aren't the world's lowest-price producers.

In order to imagine the economic and social implications of our nation without a "strong and viable" steel industry, let's take a look at some of the contributions being made now by an industry that, although not presently in the best of health, surely is something approaching "strong and viable."

Last year, according to American Iron & Steel Institute year end figures, our industry employed 685,000 people. That's direct employment. If you crank in the commonly accepted factor of two for indirect employment, you get 1,370,000 jobs attributable to domestic steel operations. That's nearly 2% of our nation's total nonfarm employment of around 71 million. Losing 2% of all nonfarm job opportunities would be a staggering blow to the economy and to our country's efforts to achieve and maintain full employment.

How about steel industry payouts? The largest item is wages and salaries. In 1970 we paid our employees nearly $6.4 billion, not including benefits.

How about shareholders, the people who own the business? Even with dividends reduced because of inadequate earnings—$513

million on $30 billion in fixed assets—we paid $485 million in cash dividends. And we paid $288 million in interest and charges on long-term debt.

What else? We spent more than $9 billion in 1970 for purchased materials and services. Add that to wages and salaries, dividends, and debt payments, and you have about $16 billion to generate further employment and economic activity.

To illustrate how our purchases support other industries and their employees and shareholders, consider a few examples. Our total bill for purchased electric power was about $380 million. Our gas bill was about $240 million. We bought nearly 29 million tons of scrap metal. We consumed about 140 million tons of iron ore and more than 92 million tons of coal. Even allowing for ore and coal from captive properties, we accounted for a tremendous amount of mining activity by suppliers.

Now, getting down to numbers that government people will find especially interesting, the domestic steel industry in 1970 paid a total tax bill of $560 million, about $136 million of it in federal income taxes. And, by the way, assuming an average personal tax rate of 15%, our employees paid about $960 million in federal income taxes alone. So, loss of steel-industry-generated income tax revenue in 1970 would have cost the federal government alone about $1.1 billion.

WHAT IF?

What if the steel industry should fail? The imagination boggles at the prospect. Here is an industry with more than $30 billion in fixed assets, with about $13 billion in shareholders' equity, and aggregate long-term debt of more than $5 billion. To even begin to speculate about the ramifications of a financial collapse can only firm up one's resolve that it never occur.

So you see, the complete absence of a steel industry in 1980 would be an economic and social disaster for this country. Just what the impact would be if the industry existed in some reduced form, something less than "strong and viable," I can't say. No one can say. But I'll tell you this—I wouldn't want to be around to see it.

How about national defense? Let's not forget that every incoming President of the U.S. swears to "protect and defend" this nation. Could he fulfill that pledge without the support of a healthy domestic steel industry? The answer is "no." Steel—domestically produced steel—is absolutely vital to our national security.

Some will argue that only a small percentage of total steel output goes directly or, for that matter, indirectly into defense materials—under "normal" conditions. It wouldn't take a steel industry of our present size to supply those needs—normally. But, when you're talking national defense, the key word is "capability." Do we and will we have the capability to meet national defense requirements?

In this regard it is instructive to study our nation's projected steel demands under emergency conditions, as estimated by the Office of Emergency Preparedness. OEP recently hypothesized steel requirements in the event of a three-year "general, limited" war, 1971 through 1973. It calculates direct military requirements of 9 million net tons and indirect military requirements of 98 million net tons. Rather reasonably, I think, OEP assumes that none of this steel could be relied on from overseas sources. So today, by OEP estimates, national security requires a domestic capacity of at least 36 million net tons annually of the specific steel products that would be needed by the military in the event of hostilities. And this doesn't provide even 1 lb for civilian use.

If anyone is thinking of reconverting plowshares and pruning hooks, forget it. There aren't enough of them around.

I should add that long-range security requirements also call for continuing research and development. That costs money and it could not be carried out by an industry afflicted by financial malnutrition.

And, finally, here's what is to me the most compelling reason why our nation without a viable steel industry is unthinkable, even if national security were no consideration.

BASIC INDUSTRY

Our raison d'etre is to make steel products for consuming industries. These industries *must* be served—and served in a big way. They consumed 97 million net tons of steel in 1970. And, if we project a modest 2% increase in demand, this figure would increase to 122 million tons by 1980. On the other hand, if domestic steel requirements increase as they did between 1960 and 1965, our economy will need nearly 160 million tons of steel products ten years from now.

Where is the steel to come from? From overseas? Don't count on it. Economists looking at the world scene expect total world population to grow from 3.5 billion today to 4.3 billion in 1980, and worldwide demand for steel to increase from 600 million metric tons to at least 900 million metric tons (1 billion short tons)—an eye-popping 50% increase!

You must bear in mind that per capita steel usage presently ranges from 60 lb in the least developed countries to 1,200 lb in the richest nations. World average per capita consumption is presently only 330 lb a year. Population increases, as great as they will be, will account for only a portion of the increased demand. The really big factor will be economic development translated into sharply rising per capita usage—throughout the world.

Aspirations of world populations simply could not endure the setback that would be caused by a permanent decline in U.S. steel production. The fact is that the world community looks upon our industry, along with those of other steel-producing nations, to grow, and grow vigorously.

To those who would be glad to see low-priced steel imports flooding into this country uncurbed, I can only question the term "low-priced." If foreign producers were ever to eliminate domestic competition, that would be the end of "low prices." You would see steel prices zoom upward. Haven't import prices followed ours, time and again, even though those producers had no cost justification whatsoever for raising them? And the recent harrowing experience with oil-exporting nations provides additional evidence of what we'd be subjected to if we ever allowed ourselves to become too dependent on foreign sources of vitally needed products.

WHAT IS NEEDED?

The American steel industry will not only survive but prosper if only a few of our problems can be alleviated.

The first requirement, I'd say, is a noninflationary economy. If and when this country gets inflation under control, the steel industry will be in far better shape to manage its capital, materials, and labor costs.

Second, steel imports must not be permitted to grow at a more rapid rate than total domestic demand, and product mix and geographical distribution should be restored to the pattern of a few years ago. I am very hopeful that our government will negotiate an extension of the voluntary arrangement, with appropriate improvements. For the long pull, the most important modification should be in the present provision for 5% annual growth. That is about double this country's normal growth in domestic consumption. I hardly think I have to explain to any businessman what it means to lose market growth—in fact, to be doomed to a relentlessly diminishing market. This must be corrected.

Third, there are things we ourselves can do and must do in order to get and stay healthy. For one thing, we have to get our companies into fighting trim. American steel companies are dropping unprofitable operations and trimming manpower to the bone. We are looking harder than ever at every item of expense and every request for capital funds. We're looking at sound diversification moves, too, and most companies in the industry are already working hard along those lines. There is, in addition, some thinking about mergers within the industry. Government antitrust people ought to reconsider their attitudes on mergers in view of strong national interests and the realities of competition. I can tell you that we in the steel industry are sick and tired of being blasted for not doing things that the government won't permit us to do.

Fourth, we need governmental tax policies that encourage investment. Appropriate policies would greatly sharpen our ability to add to our efficiency through investment and enable us to regain a favorable credit position so as to generate necessary capital funds.

Finally, we need some governmental measures that recognize certain nagging difficulties in fulfilling our responsibilities in the environmental area. Economic aspects of this problem have been fully detailed to the authorities, and I am hopeful that at least some of our recommendations will be adopted. I am hopeful, too, of more realistic policies and better coordination of procedures at the environmental standards-setting and enforcement levels.

Is all that too much to ask? I don't think so. And the fact that I have frequently used the word "hopeful" indicates that I believe our outlook has distinctly favorable prospects.

Will the American steel industry survive? It will.

Will it be with us at the end of this decade, strong and viable, making important contributions to our economy and the whole fabric of our society? It will.

And will we in the steel industry work strenuously, intelligently, and imaginatively to make sure of all this? We will.

THE CONQUEST OF CANCER ACT—A ROAD TO CURE OR CONFUSION

The SPEAKER. Under a previous order of the House the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 10 minutes.

Mr. KASTENMEIER. Mr. Speaker, the Conquest of Cancer Act, which passed the Senate July 7, 1971, has raised some very important issues regarding the best approach to cancer research in particular, and biomedical research in general. On Wednesday, September 15, the House Interstate and Foreign Commerce Committee, Subcommittee on Public Health and Environment, will open hearings on this vitally important issue. Certainly, the objectives of the Senate-passed bill are beyond dispute. What is open to serious question, however, is the path Congress will chart for achieving the conquest of cancer.

The chief point of disagreement lies in whether a targeted, independent effort should be implemented for cancer research; whether, in fact, cancer re-

search can be targeted or pinpointed in a fashion comparable to a "moonshot" or "Manhattan project."

The Senate-passed bill (S. 1828), while calling for continued cooperation and communication with NIH, actually sets up an independent cancer agency that has independent budget authority and reports directly to the President. The NIH Director and HEW are statutorily bypassed in the bill.

This action establishes a precedent for NIH by setting one disease apart from others as regards budget and program mechanisms. Other diseases can make a strong case for comparable status. Indeed, advocates of heart and lung research already have requested a position equal to cancer's, if a separate cancer effort is established.

The biomedical community is concerned that the result may be the dismantling of NIH, which presently relies on a unique, interwoven system of peer review and scientific decisionmaking that coordinate all federally supported biomedical research.

There is controversy also over whether such a targeted cancer effort might be detrimental, rather than beneficial to cancer research, in light of the fact that much basic research frequently produces inadvertent cancer-related discoveries. The biomedical community fears that much valuable nontargeted basic research will be ignored or dropped if an autonomous cancer agency is set up.

When the Senate vote on the Conquest of Cancer Act was taken, only one Senator out of the 80 voting rose to object to the establishment of the autonomous cancer agency. That lonely and courageous vote was made by my fellow Wisconsinite—Senator GAYLORD NELSON. He, along with Senator CRANSTON, have filed individual views on the Senate bill as recommended by the Senate Labor and Welfare Committee. Many editorials appearing in newspapers across this country express the views articulated by Senators NELSON and CRANSTON in their statemeht. It is a pleasure for me to make a sampling of the editorials on the Senate cancer vote available here for your thoughtful consideration.

[From the New York Times, July 11, 1971]

CANCER CONQUEST OR SETBACK?

The weakness of Congress in handling a technical issue has rarely been more glaringly demonstrated than in the 79 to 1 vote by which the Senate approved the so-called Conquest of Cancer Agency. Only Senator Gaylord Nelson had the political and moral courage to oppose a move which has drawn critical fire from a large percentage of the nation's biomedical researchers.

Presumably most Senators who voted affirmatively—and who are far from expert in this field—feared that their dissent might be exploited by future demagogic political opponents who would seek to represent them as friends of cancer. Yet there is real question and serious debate as to whether the "Conquest of Cancer Agency" will speed up or retard the search for means to cure this dread family of afflictions.

Perhaps the most disturbing element of the Senate debate was the argument that scientists are "close to a breakthrough in cancer," so close that "one final push" will attain victory, as Senator Javits suggested. In the biomedical research community, there are many respected clinicians and researchers who are highly dubious that success is around the corner. Meanwhile Senator Javits and others have unfortunately aroused great hopes among millions who could be cruelly disappointed.

There has been much research progress in the cancer field recently. Basic researchers have thrown new light on the role of viruses and on the immunological aspects of the problem, while important therapeutic strides have been made by biochemists, surgeons and radiologists. There is certainly ground for further intensive investigation financed by generous appropriations. But many students of cancer still question whether scientists are even yet near the heart of the matter. Moreover, it is far from certain that all the manifestations of cancer—from melanoma and leukemia to Hodgkins Disease and all the different sarcomas and carcinomas—have the same cause and are all amenable to the same cure.

These considerations raise a warning signal that research too narrowly focused on cancer as such may prove unavailing because it may miss the broader—and perhaps still unsuspected—biological phenomena that may lie at the root of the degenerative processes described as cancerous. Researchers directed by bureaucrats who believe they are "close" to a "final breakthrough" run serious risks of slighting the basic investigations which many informed scholars believe are still essential before cancer can be understood and cured. Inevitably, once a crash cancer program with separate budget and autonomous institutional power comes into being, spokesmen for other sufferers will demand the same privileges. Are heart disease, schizophrenia and nephritis patients less worthy than cancer victims?

The National Institutes of Health as they now exist and are organized have proved to be very effective means of attacking the entire spectrum of ills under which men sicken and die. The possibly illusory "cancer conquest" program threatens to begin a process of fractionation which could destroy the N.I.H. and reduce the productivity of the nation's research dollar.

Only a legislature that failed to understand the true complexity of the issues involved could have given a 79 to 1 vote in favor of this controversial program in the face of the many doubts knowledgeable critics have been expressing in recent months.

[From the Wall Street Journal, July 16, 1971]

THE WRONG WAY TO FIGHT CANCER

(By Jerry E. Bishop)

"If I recall correctly, in 1949 a promise was made to Congress with the brave words, 'Give us the money and within 10 years we will give you a penicillin for cancer.' After about $2 billion, there has been some splendid basic research but no cure."

The recollection is that of Dr. Irvine H. Page, a Cleveland cardiologist of considerable repute in both medical research and the art of raising funds for medical research. For the last several weeks, in his capacity as editor of the magazine Modern Medicine, Dr. Page has been expressing deep skepticism about the wisdom of the new Conquest of Cancer Agency, or CCA.

The agency, of course, is the one that was approved by the Senate the other day and that will soon be debated in the House. It would be an independent federal bureau, modeled after the National Aeronautics and Space Administration, with a budget eventually to reach $1 billion a year. The idea is to muster the nation's medical research resources against cancer with the same fervor that the space agency devoted to the moon landing—and, presumably, with the same degree of success.

A NEW P. T. BARNUMISM?

But to Dr. Page and to at least one other of the nation's more prestigious medical editors, Dr. Franz J. Ingelfinger of the New England Journal of Medicine, the congressional rush to set up the CCA may well prove to be a kind of P. T. Barnumism that has come to characterize much of the way funds for medical research are garnered from the taxpayer.

The opinions of two editors whose audiences are almost entirely physicians aren't likely to have much impact on Congress. In addition the CCA, the result of a compromise between competing plans offered by Sen. Kennedy and the administration, has President Nixon's backing. It zipped through the Senate by a vote of 79–1, the single and somewhat courageous nay vote coming from Sen. Gaylord Nelson, the Wisconsin Democrat. And it is likely to pass the House; as Dr. Page says, "For a politician to be against cancer research would be suicidal, since it has been made a public issue."

Drs. Page and Ingelfinger, it should be quickly noted, don't oppose increased funds for cancer research. Both argue strongly that far more money should be spent for cancer research and for medical research in general.

But they do raise some intriguing and basic questions about the salesmanship involved in obtaining federal medical research funds.

Until now, much of the federal money for basic and general medical research has been channeled through the several National Institutes of Health, or NIH, a part of the Department of Health, Education and Welfare. In their embryonic stages a couple of decades ago, there were some stirrings over the naming of the individual institutes. To some medical researchers, who were quite naive in the ways of Washington, it seemed quite logical to name each of the institutes on the basis of the research it would support: a National Institute of Pathology, a National Institute of Microbiology, a National Institute of Biochemistry and Genetics, and so forth. This, of course, is the way the big university-based research centers that would be receiving the money are organized.

But shrewder counsel prevailed. It might be too easy for a Congressman to reject appropriations for microbiology, but the same legislator might be extremely reluctant to vote against funds for cancer research. Hence, among the institutes are the National Cancer Institute, the National Heart and Lung Institute and the National Institute of Allergy and Infectious Diseases.

The tactic proved effective. An increasingly powerful lobby, organized by New York philanthropist Mary Lasker and encompassing the heads of the appropriations subcommittees, consistently enraged whatever administration was in the White House by pushing higher funds for the NIH than the budget makers asked for. And the legislators did, indeed, find it difficult to vote against sharp increases for research on cancer, heart disease and mental health, regardless of their loyalty to the administration.

With more research money available, any qualms the medical scientists might have had quickly melted away. Indeed, over the years, the NIH had won praise from researchers for the way it dispenses funds.

Some quirks have developed, though. Congress votes funds for each specific institute, thus the money is earmarked for specific diseases. As a result, part of the art of "grantsmanship" is for the research to decide which disease area has the most money available and to angle at least his grant application accordingly, a geneticist, whose research isn't *directly* applicable to the cure of any single

disease, must go through semantic gymnastics to describe his project as cancer research, or birth-defect research, or whatever.

It isn't unusual for a single researcher to have grants from more than one institute. At the same time, several of the institutions are each supporting research in the same fields, such as virology, or basic research into the body's immunity system. The research on immunity is equally important to heart transplants, allergies, cancer, encephalitis and malaria.

More important, though, are the promises that must be made to Congress and the taxpayer to obtain the grant money. Researchers heavily involved with, say, the National Cancer Institute must promise that significant gains will be made against cancer with each new appropriation. The 1949 promises of "penicillin for cancer" was made by scientists seeking funds for a crash program to find drugs that would cure cancer. No such "magic bullet" was ever found, and none is likely to be. The program did uncover an amazing and useful amount of information about the strange metabolism of malignant cells but, of course, malignant-cell metabolism isn't as saleable a name.

Researchers allied with other disease areas have made similar dramatic promises. There was, for instance, the widely heralded, but now almost-forgotten, crash program to develop an artificial heart.

Much of the rivalry and competitiveness among the disease-oriented institutes is held in check by the overall administration of the NIH, which, among other procedures, uses a number of advisory committees of scientists to review and allocate grant applications to the right institute.

PRESIDENTIAL APPOINTEES

The Conquest of Cancer Agency technically would be part of the overall NIH organization, in fact, but almost totally independent. Its board of directors and officers would be appointed by and report directly to the President. And, presumably, like all other federal agencies, it would maintain its own congressional lobbying effort.

To Dr. Page this mean "creation of teams, committees, authorities and all the paraphernalia of bureaucracy. The usual channels of peer review will be by-passed, thus ensuring that the lion's share of all new research funds will be pre-empted for this field."

The result, he adds, is that "Cancer research will be separated from its broad base in science in its all-out effort to get 'greatest visibility.' If I know scientists, this will create the most disagreeable and often disastrous competitiveness, envy and publicity-seeking we have ever witnessed, and that is saying much. The great mass of mediocre research workers—and that seemingly inexhaustible supply of minor bureaucrats who exhibit an extraordinary chemotactic response to a dollar—will quickly join 'the team'."

Other groups are likely to start competing agencies. Scientists involved in cardiovascular research have already warned that if the cancer agency is created they will seek to set up an independent agency for heart disease, since they can rightly claim that heart disease kills more than twice as many Americans as cancer. Similar arguments can be made for an independent arthritis agency, that disease being the greatest cause of crippling and disability in the country.

"The inhuman aspect of the scene," says Dr. Ingelfinger, "derives from the implication that creation of an organizational hierarchy—call it an authority, an independent agency or what you will, supported by a big enough budget will bring about a cure for cancer in a few years."

This is highly unlikely to happen. Cancer, scientists explain, is a vague term for what appears to be dozens, if not hundreds, of diseases, some caused by viruses, others by chemicals and still others by as yet unknown processes. Cancer of the liver, for instance, is probably a quite different disease than, say, a brain tumor or lung cancer.

As a result, it is unlikely that there will be any single "cure." Already, in fact, there are cancer cures. For instance, surgery can cure 60% of breast cancer patients (over 80% if the tumor is caught in its early stages). Most cases of Hodgkins disease can be cured by radiation. There are indications that a vaccine may someday prevent childhood leukemia. The simple process of eliminating smoking would drastically reduce lung cancer deaths.

CAUTION VS. 'EASY LOGIC'

Indeed, the special Senate commission of scientists and laymen whose report and recommendations is the basis for the CCA carefully and with some elaborateness cautioned that science couldn't possibly promise to eliminate cancer in a single stroke, and certainly not on a timetable.

But, says Dr. Ingelfinger, "the impact of such disclaimers is totally lost in the easy logic of 'If we can fly to the moon. . . .'"

"Any trend that reverses the recent unfortunate de-emphasis in Washington on medical research warrants hearty reinforcement," Dr. Ingelfinger adds. "Far greater sums should be allotted to medical research in general and cancer research in particular." But, he argues, too little thought has been given to the proposed Conquest of Cancer Agency. Instead, it is being rushed through Congress by a combination of a powerful medical research lobby and "the short-term needs of politics. . . ."

Similarly, Dr. Page argues for increased funds for medical research, including cancer research, but through existing agencies such as the National Cancer Institute and the National Science Foundation. As for cancer, he says, "The cancer problem will have many solutions because there are many kinds of cancer, but the way of preventing and curing them will not be found by laymen or politicians no matter how pure their motives."

As for "crash programs" in cancer or any other field of medical research, Dr. Page notes that "nine mothers gestating a month each don't produce a baby."

[From the Washington Post, July 18, 1971]

CAN 79 SENATORS BE WRONG?

The recent 79-to-1 vote in the Senate in favor of establishing a special "Conquest of Cancer Agency" is understandable—in political and emotional terms. But scientific and administrative wisdom seems to us on the side of the brave and lonely dissenter, Sen. Gaylord Nelson. The Wisconsin Democrat is just as determined to conquer cancer by accelerating cancer research as any of his colleagues. But he feels just as strongly that to put all our financial and scientific resources into one, separate, bureaucratic basket with a fancy name and place it on the White House doorstep, as it were, is not going to do the job any better or quicker than the existing mechanism—the National Cancer Institute, which is one of the oldest and largest institutes in the world-renowned National Institutes of Health.

We agree with the senator that the proposed new agency may well weaken the cohesive and balanced research effort NIH has been engaged in for years (and that was not faulted by any of the senators who spoke in favor of a separate agency). It may well compete for funds and scientific talent to the detriment of a comprehensive over-all approach. And, worst of all, a dramatized "Conquest of Cancer" effort may well raise false expectations, promising yet another illusive light at the end of yet another tunnel.

The Senate vote, it seems, was essentially swayed by the optimistic notion that, as Sen. Jacob K. Javits put it, we are close enough to a final breakthrough so that one big push, somewhat like the Manhattan Project or the Apollo effort, would yield us a cure for cancer. Would that this were so. There have been some recent "breakthroughs" to be sure. But the vast majority of scientists tell us, in the words of Dr. Philip R. Lee, former assistant secretary for Health and Scientific Affairs, that "we are not yet ready to start a countdown for an anti-cancer blast-off, no matter what emotional appeal such an approach may have to the public."

Cancer is not one disease but a series of diseases. The problem, as Dr. Edward E. David Jr., the Science Adviser to the President, has explained, "straddles virtually all the life sciences—molecular biology, biochemistry, virology, pharmacology, toxicology, genetics—(and) any one of these, or all of them, will contribute to the final solutions . . . Who knows what new discovery will become vital even next year?" So, the battle against cancer, to quote Dr. Lee again, "must be able to draw not only on the cancer specialists . . . but on the other specialists in other institutes of the NIH . . . This will require the same kind of close collaboration among the various NIH institutes that has been required many times in the past."

The cancer conquerors in the Senate say that this collaboration is assured by keeping the proposed new agency within NIH. But the association is more tenuous. Within or without, the head of the new agency is to be directly responsible to the President. He is not to be responsible to the NIH director who, as a member of the proposed Cancer Advisory Board (which is to run the agency) has but one voice among 22 others when it comes to coordinate programs, transfer of funds to other institutes and other decisions.

And why should the new cancer agency chief bypass the Secretary of Health, Education and Welfare whose vast agency is needed for all the public health and educational efforts that are also vital if we are at last to come to grips with this disease? The President, who proposed the separate agency, has also proposed a government reorganization that would reduce the number of separate government agencies reporting directly to him so as to free him and his staff for policy considerations, planning and evaluation. The answer to this contradiction, as given by the President's Office of Management and Budget seems more politic than persuasive: The President wants to provide direction to an area of priority medical and social concern," OMB said, though the arrangement may be temporary.

We are all in favor of the President's providing direction, not only to conquer cancer but also to sound and meaningful efforts toward conquering all the diseases, medical and social, that beset our society. This calls most of all, for orderly government and administration. We therefore share Senator Nelson's hope that the House will give the cancer agency proposal a deliberate, careful look.

[From the Evening Star, July 13, 1971]

CANCER COMPROMISE

There is no dissent whatever about one national goal—the eradication of cancer. The laudable public passion for that achievement is manifested in the Senate vote of 79 to 1 for establishment of a special agency for a crash assault on the disease.

But that Senate product is flawed, and could result in a less effective fight against cancer than might be carried out by other, less spectacular, means. It was born of compromise, and of the irresistible urge of some lawmakers to make a grand-slam production of this program. Some senators had doubts about what they were doing, but no alternatives were readily at hand and who is going

to go on record against curing cancer? Only one senator, Gaylord Nelson of Wisconsin, was emboldened to assail the bill's deficient concept, and to vote against it.

We hope the House will seriously consider his objections, because they are shared by many who are knowledgeable about this vital undertaking.

The Senate-passed bill has been pictured as an agreeable compromise between plans offered early this year by the administration and some differing senators. Actually, the administration has retreated from its wise position that the anti-cancer drive should remain under the control of the National Institutes of Health. (The National Cancer Institute now is a part of the NIH.) President Nixon has urged much heavier funding for the cancer program, and his science adviser, Dr. Edward E. David, Jr., said last February that its isolation from the NIH "would prejudice the very outcome we seek." The administration was arguing against legislation, offered by Senators Edward M. Kennedy and Jacob K. Javits, to establish an independent anti-cancer agency.

Well, what emerged in the bill passed by the Senate is a very fuzzy combination; the new cancer entity, which would absorb the National Cancer Institutes, would be independent, yet would be connected to the NIH. It is unclear how that would work. The cancer agency would have a separate budget and its head would report directly to the President. The NIH director would have only an advisory role—would be bypassed in the main decision-making. So in major ways, the cancer activities would be split away from the NIH. In practice, they might only be housed at the institutes. And this well might start a trend toward fragmentation and politicizing of disease research that could seriously weaken the NIH and throw its well-integrated activities into disarray. If this arrangement is approved, demands may be expected for a whole raft of new agencies to deal with specific maladies. The upshot of that might be an impairment of research.

Some lawmakers believe the creation of a separate cancer authority would stir public enthusiasm and provide added momentum. But it seems doubtful that there could be any more enthusiasm than now exists for stamping out cancer. Also, there is a danger that too much razzle-dazzle will generate unrealistic hopes for a quick cancer wipeout. The name chosen by the Senate—Conquest of Cancer Agency—is suggestive of hard-sell merchandising flackery. The best course would be to give the National Cancer Institute adequate funds and dispense with the show biz.

[From the Evening Star, July 15, 1971]

CANCER BECOMES POLITICAL FOOTBALL

(By Judith Randal)

Cancer is many things. In itself, it is more than 100 diseases. To those who have it, it is the badge of suffering, and often courage; to those who don't, it is the very symbol of dread.

In the last year, it also has become, most regrettably, a political football.

Sen. Gaylord Nelson, D-Wis., put his finger on the trouble a week ago in a speech he made before courageously casting the only vote against a bill which supposedly represents a compromise between two conflicting proposals for escalating the war against cancer.

One of these proposals had its genesis in a 1970 bill sponsored by Sen. Ralph Yarborough, the Texas Democrat who later was defeated for re-election. The measure, reintroduced in January by Sen. Edward M. Kennedy, D-Mass., envisions a separate national authority, assigned to tackle cancer in much the same way as NASA went about landing men on the moon. The existing National Cancer Institute would become the nucleus of the larger new agency.

The other proposal was written by the Nixon administration and introduced by Sen. Peter Dominick, R-Colo. It, too, proposed a massive research assault on cancer, but sought to keep the effort within the framework of the National Institutes of Health, while giving the "cancer cure agency" direct access to the President and broad autonomy in policy and budgetary matters.

The bill that finally passed the Senate, 79–1, was widely hailed as a statesmanlike compromise. In fact, it was no such thing. It was, purely and simply, the Kennedy bill with the administration's name on it. If also passed by the House, it probably will—as Nelson pointed out—not only slow the fight against cancer, but also threaten the survival of NIH, which for 25 years has led the world in biomedical research.

The reasons can be found in the bill. For example, while the agency nominally would be part of the NIH, its director would be equal in rank and status to NIH Director Robert Q. Marston. Marston, meanwhile would control approximately $100 million of cancer-related research done by the other institutes each year, but would have only one of the 22 votes on the cancer agency board, and thus little say over its expenditures. Scientists are as competitive and power-hungry as anyone else; in fighting and dissension would be almost inevitable.

More important, since there would be no one overseeing the entire scope of the problem, some promising aspects of cancer research likely would be overlooked in favor of others.

For example, the panel of experts whose advice gave rise to the Kennedy proposal are by and large more interested in drug treatments for cancer than in such other approaches as immunology and prevention. Two of their number with that orientation were the only men to get grants of more than $1 million from the National Cancer Institute last year. Thus, the implied admonition in the cancer agency's charter to "go out there and get results" may serve to intensify this trend.

This is the greater danger, because the White House would be the final arbiter of the allocation of resources. The President, whoever he is or whatever his qualifications, can hardly be expected to be a savant on medical research. It would make far more sense to give the NIH as a whole, rather than just the cancer agency, independent status—as Nelson has unsuccessfully proposed.

Furthermore, the situation is reminiscent of the waiter who, being told by a diner of a fly in the soup, told him to be quiet because "the others will want one, too." Heart and lung diseases kill three times as many Americans each year as do all forms of cancer; heart and lung researchers already are demanding their own "authority," and special pleaders for other disorders are bound to follow suit.

If the theories underlying cancer research were as far advanced as were those of astronautics when Project Apollo began, a separate authority might be understandable. But this is far from the case. Despite many recent discoveries, it can still be said that what is known for sure about the relevant fundamental biological mechanisms could be written on a calling card.

In fact, if the history of science teaches us anything, it is that the crucial knowledge is as likely to come from wholly unexpected quarters as it is from targeted research. Thus, in addition to threatening the orderly growth of inquiry into other disorders, the proposed cancer authority may well imperil its own ends by fragmenting biomedical research.

Earlier this year, in a column said to have been ghosted by a lobbyist for the Kennedy bill, Ann Landers of "advice-to-the-lovelorn" fame caused hundreds of thousands of letters to be written to Congress in support of the proposal. While surely well-intentioned, this avalanche of mail tended to stampede senators into casting unwise votes.

However, Rep. Paul Rogers, D-Fla., who heads the cognizant subcommittee in the House, is said to favor more money for cancer research, but to oppose the agency setup the Senate has approved. Given a modicum of public encouragement, he and Rep. Harley Staggers, D-W. Va., chairman of the full committee, may be able to force reconsideration of a measure that clearly is far better politics than science.

[From the Milwaukee Journal, July 13, 1971]

IS THIS BEST WAY TO LICK CANCER?

We split the atom. We arrived first on the moon. Why not, therefore, make one big scientific push and cure cancer?

Under the spell of this noble but flawed notion, the Senate has voted 79 to 1 to create a Conquest of Cancer Agency, virtually independent, reporting directly to the president. Few will dispute, of course, the need for more cancer research, amply financed. Cancer is our most dreaded disease. Yet, as Sen. Nelson (D-Wis.) tried to point out in his solitary opposition to the bill, a worthy campaign is being badly organized.

The new agency would absorb the National Cancer Institute, oldest and largest component of the National Institutes of Health. This could have several distressing consequences. For one, cancer research could become too cut off from other NIH biomedical research at a time when careful coordination may be crucial. The space program analogy is, after all, inaccurate. Many scientists note that the moon journey was essentially an engineering feat, an application of basic knowledge already in hand. In contrast, cancer researchers are still trying to build a solid foundation of basic understanding. They are, in a sense, still looking for the laws of gravity. Hence, a wide array of biomedical studies must be carefully watched and harmonized. A Conquest of Cancer Agency, with separate budget and only nominal ties to NIH, could frustrate that objective.

Meanwhile, the precedent could lead to other fragmentation. Each major disease has its biomedical constituency. Would not each press for an independent research agency, complete with pipeline to the White House? NIH may need some overhauling, but it does not deserve to be reduced to shambles.

There is a vast emotional appeal to a crusade to vanquish cancer. Politicians from President Nixon to Sen. Kennedy (D-Mass.) are stumbling over each other to lead the way. The pressure in the House to accept the Senate bill will be immense. Yet there is hope that House members will give the measure close scrutiny. Right now, Congress is reeling under the influence of oversell.

[From the St. Paul Dispatch, July 9, 1971]

ONE LONELY SENATOR CAPABLE OF SNIFFING

(By William Sumner)

I am constantly driven to further admiration of Sen. Gaylord Nelson. The Wisconsin Democrat seems to keep his head screwed on firmly whilst all others squirm to join this claque or that. He, for example, was the only senator voting for the Gulf of Tonkin resolution (two voted against: Morse and Gruening) who seemed to sense danger in its language; being relatively new, he succumbed to the blandishments of the chair-

man of the Senate Foreign Relations Committee, the dove J. William Fulbright. He is, of course, a conservationist, which is an automatic ticket to heaven.

Wednesday, however, he became a dissenting party of one in the U.S. Senate. What an embarrassment. He was the only fellow voting in favor of cancer. You mean that Nelson really is in favor of cancer? Of course not. He simply didn't follow the wild stampede created by Sen. Edward Kennedy to establish an independent $1 billion-per-year agency to conquer cancer. At present, the federal effort against cancer is under the control of the National Institutes of Health. The bill passed in such passion by the Senate remains in the Interstate Commerce Committee of the House; an odd place indeed for such legislation, but let us hope that it remains there.

Kennedy's big wind against cancer corresponds to the prevalent American belief that we can conquer anything, particularly if we put money into it and direct a single-minded effort toward it. It may be the funds appropriated for cancer research are deficient, although it would be difficult for the lay person to know: Each disease has its proponent or grantsman seeking private and public funds for it. But the way things seem to go in medical research—to this thoroughly uneducated writer—it seems that in following the spoor of cancer (if we can regard it as big game) we are really following countless tracks, criss-crossing and circling, and that the big breakthrough (really, there can be no single breakthrough) may come from some unheard of chap who is studying sinusitus.

On the other hand, some benighted researcher concentrating on cancer may find tremendous clues in regard to heart disease or freckles, while the researcher on the heart (and heart disease causes far more deaths than cancer) may come up with a virus that not only causes high cholesterol but athlete's foot as well. Another fellow studying schizophrenia may finally come up with a conclusion that 1) all mental disease has a physical cause and 2) all physical disease has a mental cause.

But here is the Kennedy way, quoting indirectly:

The United States spent $125 for every American on the war in Vietnam in 1969 but only 89 cents per person on cancer. Yet cancer deaths were eight times the number of lives lost in the last six years of fighting in the war.

It follows, then, and we no longer quote, that we should either send everyone to war or spend $125 per person on cancer research. Neither conclusion follows, of course. It is just that if we are going to pick our favorite disease—Nelson noted that there was a movement afoot to separate a heart and lung institute from the National Institutes of Health—we are going to have scientific chaos with some political pluses.

Politics involved? Good heavens no. It couldn't be possible. Well, friends, it is indeed not only possible but most probable in this case. The media have done a wonderful job of publicizing cancer—the media and the private cancer foundation—and when you get a population that regards every spot, every bellyache, every twinge as a cancer symptom you have a population ready for a crash program of deliverance.

Let us die of something nice. Dear Lord. That is the prayer. And with such a prayer on every lip (have you examined your lips lately for unexplained sores?) politicians are nothing loath to answer it. Kennedy's co-Messiah happens to be Sen. Jacob Javits, New York Republican, which tends to confirm my cynicism.

Quite seriously, the bill is garbage. The disease is not to be taken lightly; it happens to be the killer (foundation talk) dreaded most. Yet it is strange that only Nelson has been able to sniff it and diagnose the legislation for what it is: the epitome of grantsmanship.

[From the Louisville (Ky.) Courier-Journal, July 12, 1971]

QUESTIONABLE COURSE, WORTHY GOAL

The whopping 79–1 vote in favor of establishing a special agency for massive research on cancer puts most of our senators safely on record as opponents of disease and death. The practical wisdom of their measure, however, is debatable.

The only person still debating—in public, anyway—is Senator Gaylord Nelson, the sole dissenter on the bill, who thought the nation's attack on cancer could have been organized in a more responsible way.

That attack, he said, should be mounted within the National Institutes of Health (NIH), the government's main arm for the conduct and support of biomedical research. To take cancer research out of the NIH and place it in a new government unit (which has been christened—by some public relations man, no doubt—the Conquest of Cancer Agency) is likely to lead eventually to the dismantling of the NIH, Senator Nelson said.

Although the new agency will be a part of the NIH administratively, it really will be virtually independent. Its budget won't be subject to NIH approval. Its director will report directly to the President. And the new agency will absorb the oldest and largest part of the NIH, the National Cancer Institute.

Not only does the new glamour agency threaten to siphon the bulk of government research funds away from investigation into other equally fatal diseases; the creation of two federal research bureaucracies in the place of one also will inevitably inspire interagency jealousy, lack of communication and the failure or refusal to share mutually useful research data. It also will encourage researchers in other diseases to seek similar preferential treatment. The heart disease people are already trying.

But President Nixon wants to be known as the President who cured cancer, and the new agency will make his efforts more visible to the voting public. Plenty of senators are ready to share the limelight.

It is to be hoped that the genuine research effort will succeed, in spite of all the grandstanding. It is to be hoped also that Senator Nelson's fears are unfounded, and that the other important research being conducted by the National Institutes of Health won't be wrecked in the stampede to the Conquest of Cancer spotlight.

[From the Green Bay (Wis.) Press Gazette, July 21, 1971]

LONE NELSON VOTE ON CANCER DESERVES CLOSE EXAMINATION

(By Clayton Fritchey)

WASHINGTON.—When the Senate from time to time votes an important bill up or down with mere unanimity—let us say, with one or two contrary votes—the first reaction is to wonder what's wrong with the dissenters. Experience, however, shows that overwhelming majorities are not always overwhelmingly right.

This is brought to mind by the 79 to 1 vote by which the Senate approved the so-called Conquest of Cancer Agency, with only Sen. Gaylord Nelson of Wisconsin in the minority. Before everybody jumped to the conclusion that any senator who seemingly opposes a crusade against cancer must be crazy, it may be well to recall that history has had a singular way of vindicating the senatorial loners.

The Pentagon papers, which further discredited the notorious Tonkin Gulf resolution, have certainly enhanced the reputations of former Sens. Wayne Morse and Ernest Gruening, the only two members who had the wisdom and courage to oppose the resolution when it sailed through the Senate 88 to 2. Theirs was not a popular stand in 1964 (they were later defeated for re-election) but they were right in foreseeing that the resolution would be used by the administration as a blank check to make war in Vietnam.

PRODUCT OF POLITICS

Another daring one-vote dissent which looks better every year was that of Sen. J. W. Fulbright when, at the height of McCarthy's witch hunts.

All in all, Gaylord Nelson is in good company, and the more his reasons for voting against the Conquest of Cancer Agency are examined, the more sensible they look. Before the House votes on this grandstand legislation it ought to give careful study to the objections raised by the Wisconsin senator and a number of distinguished medical men.

The bill, which has many constructive features that ought to be preserved, is the product of political jockeying on the part of both parties. Sen. Edward Kennedy first had the idea of creating a new federal agency to take over the whole fight against cancer. Until now it has been in the capable hands of the National Cancer Institute, which is part of the National Institutes of Health.

The administration then topped Kennedy with a rival proposal for a special $100 million fund to attack cancer. The competition produced the compromise Conquest of Cancer Agency, which is to have a separate budget, with its director reporting directly to the President. The NIH is supposedly too bureaucratic. So, the cure for bureaucracy is to be more bureaucracy.

AMA WARNS OF LOSS

If this precedent is to be followed, why not disband the NIH (which Nelson calls the greatest institution of its kind in the world) and set up independent agencies to fight all the other major diseases? The best reason for not doing this is that NIH has played a pre-eminent role in the development of medical research for the last 20 years.

The American Medical Association felt that the separate approach threatened to "isolate cancer research from the mainstream of biomedical research," and that a "fragmentation of our national health effort" would be the price of decentralizing NIH's authority. The American Association of Medical Colleges, like Nelson, also feels that establishing an exclusive cancer authority would be a step toward "piecemeal dismantling" of NIH.

[From the Janesville (Wis.) Gazette, July 29, 1971]

OTHERS ARE SAYING—WHY NELSON VOTED "NO"

When the U.S. Senate votes 79–1 on a resolution, the conclusion many people jump to is that the lone dissenter must be some kind of an eccentric.

Yet there are times when one senator may be more right than 79 of his colleagues. This appears to be the case in Sen. Gaylord Nelson's vote against creating an autonomous Conquest of Cancer agency.

Nelson isn't an eccentric and he isn't by any stretch of the imagination opposed to finding a cure for cancer. The Wisconsin Democrat, whose father was a physician and whose wife is a registered nurse, has long had a compassionate interest in health legislation.

But Nelson is against creation of a new medical bureaucracy outside the federal government's existing agency, the National Institutes of Health (NIH).

The Conquest of Cancer agency is a political compromise. Sen. Edward Kennedy first introduced the idea of setting up a new cancer agency to wage war against cancer. Until now this effort has been concentrated in the NIH Cancer Division.

The Nixon Administration then upstaged Kennedy with a rival proposal for a special $100 million fund to find a cure for cancer.

After some political jockeying, the bill emerged for a new super-agency which would have a separate budget and its director reporting directly to the President.

But, as Nelson argues, the new agency can seriously undermine the work of the NIH which has played a prominent role in medical research for the last 20 years.

A next step might be to set up independent agencies to fight other major diseases, resulting in more bureaucracy.

The American Medical Association feels the separate agency approach threatens to "isolate cancer research from the mainstream of bio-medical research" and that a "fragmentation of our national health effort" would be the price of decentralizing NIH's authority.

The National Institutes of Health has been putting together bits and pieces from a wide range of biological and chemical sciences to solve the cancer puzzle. It would make more sense to allocate the $100 million to the NIH instead of establishing a completely new agency.

Before the House votes on the Conquest for Cancer bill, it should give careful study to the objections raised by Sen. Nelson and the medical men.

There should be no unnecessary delays in pressing the search for a cancer cure. But the battle against cancer and all other diseases should be coordinated under one agency. In this case the logical and capable one is the National Institutes of Health.

[From the Wausau (Wis.) Herald, July 20, 1971]

WRONG CANCER APPROACH

We often disagree with Sen. Gaylord Nelson's approach to government, but subscribe fully to his recent stand against creation of a new cancer agency, which would absorb the National Cancer Institute, one of the oldest of the National Institutes of Health. Sen. Nelson was the lone opponent to the measure as it passed in the Senate 79 to 1.

We agree with the senator when he says a worthy campaign is being badly organized.

As pointed out here several months ago, the cancer cure search is too broad an effort to narrow it down to one agency. The basic knowledge which will make possible a cure is not available and no one, absolutely no one, knows from which medical field will come the key answers.

Thus, to split the cancer study from the other Institutes of Health is a mistake.

[From the Racine (Wis.) Journal-Times, July 25, 1971]

WHY NELSON VOTED NO

When the U.S. Senate votes 79–1 on a resolution, the conclusion many people jump to is that the lone dissenter must be some kind of an eccentric.

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[From the Madison (Wis.) Capital Time, July 21, 1971]

SENATOR NELSON: A MINORITY OF ONE

Wisconsin's Sen. Gaylord Nelson cast the lone vote in the U.S. Senate against the proposed new federal Conquest of Cancer agency and he deserves praise not criticism from his constituents for his minority of one stand.

According to Erwin Knoll, this newspaper's Washington Correspondent, Nelson's office has been receiving mail from Wisconsin asking why the Senator voted in "favor of cancer."

Nelson, whose father was a respected Wisconsin physician and whose wife is a registered nurse, knows a thing or two about the politics of medicine. His vote was not in favor of cancer, but against the creation of a new medical bureaucracy that could seriously undermine the federal government's prestigious health research facility, the National Institutes of Health (NIH).

Respected medical scientists have serious qualms about reducing the search for a cure for cancer or any disease to merely the matter of the amount of money available for the task.

Of course there is a deep emotional appeal in voting for a new agency, this one heralded as a "Conquest of Cancer" agency. The National Institutes of Health now is concentrating on an attack on the entire range of ills that afflict mankind. Will an autonomous cancer agency deny aid to victims of heart disease, or other deadly afflictions?

The 79 to 1 vote by which the measure cleared the Senate, is a measure of the superficial attitude the Senate has adopted toward the problem. Nelson's single vote against the plan is a mark of his foresight and courage.

[From the Green Bay (Wis.) Press-Gazette, July 18, 1971]

CANCER CONQUEST OR LOST TIME?

It is interesting to note that Wisconsin Sen. Gaylord Nelson, the son of a country doctor, stood alone as the Senate voted 79 to 1 to create an independent Conquest of Cancer Agency. Nelson, of course, does not oppose more federal concentration and funds for cancer research but he has raised some valid questions about the legislative stampede toward an over-simplified response to a most difficult objective.

The question basically is one of how to organize this new national commitment. In his State of the Union message, President Nixon proposed a crash research program against cancer. Since then, Sen. Edward Kennedy has matched the administration headline for headline in this field. But is the best approach one of creating a new agency —comparisons often are made to the space agency which put Americans on the moon— or should the increased program be part of existing governmental medical research?

It is most difficult for the layman to answer this question. But there are worries over wasted money and, more importantly, over lost time which the Senate failed to answer before its one-sided decision. Governmental research now is concentrated in the National Institutes of Health. Will there be a loss of knowledge and time in a transfer of cancer research to a new independent agency? Is there enough certainty that research in other diseases being carried on by NIH is not related to finding the elusive answers to cancer? The layman's worry will be that there is a danger of lost time and of a lack of coordination in the proposed division of medical research.

Thousands upon thousands of American families now have cancer in their midst. They will look toward the new governmental research effort with hope. But the political establishment has a grave responsibility in avoiding a temptation to oversell the idea that a cancer breakthrough will come soon merely from more money and from an independent research agency with a fancy name.

The Conquest of Cancer bill now awaits House action. The House should attempt to make judgments on some of the difficult questions avoided by the Senate, the main one being whether a divorce of cancer research from the NIH will not result in a loss of time toward reaching an agreed national objective.

[From the Sheboygan (Wis.) Press, July 14, 1971]

RUBE GOLDBERG

Again Wisconsin's Senator Gaylord Nelson disagreed with his fellow senators in an overwhelming Senate vote. He gained instant notice and increasing approval when he opposed the now famous Gulf of Tonkin resolution. President Johnson, aided by Sen. J. William Fulbright, won out in the Tonkin resolution on Aug. 7, 1964. The Vietnam War really got started then. This time only Senator Nelson voted against the creation of a semi-autonomous conquest of canger agency.

Senator Nelson is not opposed to cancer research, nor to any reasonable step toward its eradication. He just wants that step to be orderly and effective. But as a senator, as was true as a two-time governor of Wisconsin, he is concerned not only with the objectives of government but also with the machinery of government. He voted against the Cancer Agency Bill because, as he say it and described it, the bill authorized a kind of a Rube Goldberg kind of thing."

The expression calls to mind the cartoons of an earlier day and the comparison is good. The bill proposes that the cancer agency be an independent agency within the National Institutes of Health but that it will report not to the director of the National Institutes of Health but to the president. And to add another Rube Goldberg touch, the new agency will seek its budget, not as a part of the general health institute program but separately and, if need be, in competition with other on-going national health programs.

The senator's colorful language is accurate—it is a Rube Goldberg type of thing in a day when government needs to be streamlined and organized more tightly. Senator Nelson insisted that he wanted cancer research too, but that he was interested also in other human ailments and did not want each of the federal health programs to now begin to seek independent status. We agree with him 100 per cent.

This is a perfect example of overenthusiasm getting the better of sound, deliberative judgment. Senator Edward Kennedy said during the debate, "The important thing is that the American people want action on the cancer front and they want it now." True enough and good governmental procedure would have given them that action now in a reasonable, orderly governmental procedure. We trust that Gaylord Nelson will continue his fight not only for good objectives but for fewer Rube Goldbergs.

[From the Wichita Eagle, July 10, 1971]

CANCER RESEARCH, YES; BUT A NEW AGENCY DUBIOUS

The decision of the U.S. Senate to mount a campaign of massive research on cancer must be hailed as good. For cancer, though not the number one killer—that distinction belongs to heart disease—is doubtless the most dreaded disease of modern times.

Much promising research has already been done, and if there is to be a concentrated effort in the field the hope of discovering a cure or a prevention is greatly increased.

The question is in regard to the wisdom of establishing a separate agency to do the job. The Senate approved the establishment of a Conquest of Cancer Agency, which would have a budget independent of the National Institute of Health, although at least nominally it would be part of NIH.

Sen. Gaylord Nelson, D-Wis., the only senator who voted against the bill, raised some cogent objections.

He feared the creation of the new agency might ultimately lead to the dismantling of the National Institutes of Health, he said. Groups interested in other major health problems might ask for similar preferred status, he feared.

The rationale for the separate agency is that the current effort against the disease has been compromised by the bureaucracy of the Department of Health, Education and Welfare, of which NIH is a part.

Opponents said they feared that to separate cancer research from other medical research might result in isolating that research from the main stream of biological study.

It would seem as effective to pour the necessary money into cancer research, earmark it clearly for that purpose, and leave it in NIH. This would avert the setting of what might become a burdensome precedent.

The bill must now go to the House. It warrants the most careful consideration there.

Everyone would like to see the riddle of cancer answered, but adding one more agency to the burgeoning bureaucracy does not seem like the best way to approach the matter.

[From Nature, vol. 231, June 18, 1971]

CALLING THE ODDS FOR THE CANCER SWEEPSTAKES

The competition between the United States Administration and its political opponents to offer American taxpayers the glossiest prospectus for the cure of cancer is not merely potentially damaging for the balance of scientific work in the United States but a bad precedent for the future and a bad example for the rest of the world (see page 414). It is therefore important that everybody concerned should understand how this macabre competition has arisen and where it could, with bad luck, end. The immediate issue is whether federal support for cancer research should be channelled through the National Cancer Institute, one of the several institutes contained within the loose federation called the National Institutes of Health, or whether there should be set up a grander organization with the status of a bureau within the Department of Health, Education and Welfare. For several years, the National Cancer Institute has been one of the best endowed of all the members of the NIH. In the current financial year, the institute's budget has been increased by $50 million, and it would have an extra $30 million to spend in the coming year if Congressional committees have their way.

Up to a point, this sudden largesse is at once timely and appropriate. There is enough promise in the spate of research in the past few months, which demonstrated a connexion between viruses and carcinogenesis, for those working in the field to look forward to rapid progress in the understanding of at least some form of the disease. Given that understanding is often the first step towards better treatment, and the cruelty of the toll which cancer takes among western populations, this is a sensible direction in which to change the pattern of scientific research in the United States. To be sure, there can be no assurance that there will be enough skilled researchers with sufficiently good ideas for the extra money to be well spent. Cancer research has a long and discreditable history of too much money chasing too few ideas. But there is at least a chance that some benefit will eventually accrue from the extra money. There is, however, nothing in the developments of the past few months to sustain the belief that the current interest and promise of research will lead to methods of curing cancer in any form in the foreseeable future. It is merely that there may be a chance that this will happen.

It is true that neither the Administration nor its critics in Washington have made specific promises that extra money spent now will cure cancer (whatever that phrase may mean) within the decade, but their protestations of zeal on behalf of cancer research are implicitly becoming promises that something definite will happen. The same tendency has even afflicted Britain, where the Cancer Research Campaign is now raising money with the slogan "Conquer Cancer in the Seventies". If the disease is cruel, so too is the disappointment that comes from too eager an interpretation of the promise of recent research. What politicians and the scientific community should together be concerned to establish is an accurate public appreciation of the distinction which must be made between research, however promising, and methods of treatment.

If, in the United States, all parties have somehow avoided explicit and overdefinite promises of cure, it seems to have been established as a convention of political warfare that spending money on cancer research or other acts which may be considered as solicitude for cancer researchers will be interpreted as solicitude for those who are likely to die of cancer and for their relatives. The proposal that the National Cancer Institute should be separated from the NIH, originally put forward by Senator Edward Kennedy and now taken up by the Administration, is such a move. In exactly the spirit in which governments occasionally attempt to advertise their concern for some problem or another by appointing an excessively senior or distinguished person to take charge of it, the designation of the National Cancer Institute as something standing on its own feet is intended as a demonstration of the importance attached to the whole field. One obvious danger is that such a separation of cancer research from other kinds of research, especially if the first is excessively well endowed, will stultify and not fructify the work. There is a host of chilling examples to bear out this assertion. But it is also entirely possible that the arrangements now proposed contain within themselves the seeds of disappointment. After all, was not NASA set up ten years ago with the intention of reaping what was alleged to be the rich harvest of applied space research? Those who are at present set on the concept of an ever grander institution for federally supported cancer research should try to anticipate the problems there will be if, for some reason which cannot be anticipated at this stage, Congress turns sour.

If the proposals on which the Administration and Senator Kennedy appear to have compromised are likely to be bad for cancer research as such, they will also have unhappy consequences elsewhere. For one thing, singling out one of the National Institutes of Health for special treatment is by itself an unhappy precedent which is likely to undermine the loose but apparently congenial federation of Bethesda. Will the National Heart and Lung Institute be the next to make a break for status and autonomy? Or will the dental surgeons of the United States and their supporters somehow find a way of putting pressure on the Administration so as to make the National Institute of Dental Research (one eighth of the size of the National Cancer Institute but quickly growing) into an independent entity? Is it not even a slur on dentists, let alone on those who brush their teeth twice a day, that dental science should be the responsibility of an institute which lacks the degree of autonomy now likely to be synonymous with self-respect? By arguments like these, there is now a serious danger that the integrity and the success of the National Institutes of Health will be seriously undermined. That is a practical issue which the Administration and Senator Kennedy should both consider seriously.

Another shadow cast by what is happening in Washington is more distant but in the long run more worrying. One of the accusations against professional science in the past few years has been that it is prone to mistake means for objectives. There is a stream of public complaint at projects as diverse as the journey to the Moon and the design of supersonic transport aircraft that they are more necessary to the enjoyment of the scientific community than to their potential users. There is a danger that the care now being lavished on the cancer programme in the United States will similarly be recognized as an occasion when, for apparently beneficent motives, the scientific community is prepared to spend money in large quantities without asking whether it can spend it wisely. It is possible that the tussle between the Administration and Senator Kennedy has hidden from public view careful studies of the kind now familiar when individual scientists find themselves asking for help from grant-giving bodies, but the chances are that everybody is being carried along by enthusiasm and wishful thinking. These is plenty of experience in the years since the Second World War to show how disastrous that can be.

[From the American Medical News, July 26, 1971]

STATEMANSHIP NEEDED

(By F. J. Ingelfinger, M.D., in the New England Journal of Medicine)

. . . Any trend that reverses the recent unfortunate de-emphasis in Washington on medical research warrants hearty reinforcement. Far greater sums should be allotted to medical research in general and cancer research in particular. But how to go about it? Just how much money is the fight against cancer worth? Should cancer research be comfortably financed while other research subsists on a more austere financial basis? Should cancer research be organized under a new type of administrative entity, relatively independent of the National Institutes of

Health? Will the efficiencies of an all-inclusive systems approach be offset by discouraging the unplanned chance observation that turns out to be pivotal? Is basic knowledge with respect to cancer sufficiently broad and advanced to warrant the establishment, at this time, of a NASA-like organization?

The answers to momentous questions such as these will affect not only cancer research but medical research in general. As is already evident, for example, other categorical research interests, will demand their own authorities if a special cancer authority is created. In essence, the domino effect of a cancer authority will mean the dismantling of the NIH.

Perhaps cancer should receive the lion's share of medical-research funds; perhaps the NIH has outlined its usefulness. The exploration of new approaches is essential to progress. But when governmental decisions involving such far-reaching consequences are necessary, the citizens should be able to count on a thorough culling of administrative and scientific expertise. Instead, hasty and impatient decision is being forced by a host of irrational pressures: the desires of a powerful lobby; the short-term needs of politics; and the urgings of a panel of columnist whose customary forte * * *. If this is the way an administrative issue involving health and life is to be promoted, other biomedical constituencies should get going. The number of columnists who can "generate a million pieces of mail" is not limitless.

The war against cancer is too big to be the private purview of some group of specialists. It also cannot be run without generals. That there should be campaigns against cancer—bigger campaigns—is a public decision in which all should participate. But the specific strategies of the campaigns should be determined by professional statesmanship, not promotional stagecraft.

[From the Medical Tribune and Medical News, May 19, 1971]

CANCER RESEARCH

It is at best uncertain whether immunotherapy will turn out to be the true philosopher's stone for the cure of cancer. Nonetheless, the discussions held in Arizona on the subject at the invitation of the American Cancer Society are intriguing. For some years now strenuous efforts have been made with varying success in a variety of laboratories in different parts of the world to detect tumor-specific antigens and their antibodies. The work of the Drs. Hellstrom at the Karolinska Institute in Sweden and now at the University of Washington in Seattle on blocking antibodies clarifies some of the difficulties and is of exceptional interest.

One can readily understand the view of the American Cancer Society at this time in favor of the establishment of a separate national cancer authority. One can even more readily agree, however, with the 79 professors and chairmen of departments of medicine at medical schools and teaching hospitals who urge that an intensified cancer program be carried out within the structure of the present National Cancer Institute and the framework of the National Institutes of Health.

The leaders of the American Cancer Society are said to feel that the present setup is hampered by the bueraucracy of the Department of Health, Education, and Welfare, the parent organization of the NIH. Setting up a *new* bureaucracy does not strike us as the proper way to eliminate its failings.

[From the Biomedical News, August 1971]

CANCER STRATEGY NEEDS RETHINKING

(By Frank W. Putnam, Ph. D.)

The report of the Yarborough committee entitled National Program for the Conquest of Cancer (U.S. Senate Document 92-9) has caused political controversy of a magnitude seldom known in the scientific community. This should not obscure the importance of this document as a guide to new directions in cancer research. This is a time for rethinking of the long-term strategy for the conquest of cancer and for enlisting biomedical scientists to this great cause. Unless scientists concern themselves with the heart of the problem, the organization of cancer research will fall by default to the Federal Government.

Because of the state of biological knowledge and the existence of a large corps of trained investigators, many believe that the time is ripe for a massive attack on cancer. Yet others contend that the structure of medical science and the minds of its leaders are not geared to an organized attack on a disease that kills one in every six persons in a harsh and painful way.

Organization is not the only problem, nor indeed will it effect the solution if the struggle over the means obscures the ends. Also needed is unselfish motivation on the part of investigators so that they will enthusiastically engage in cancer research at the risk of dedicating painstaking years to abortive leads. No less important is patience on the part of the government and the public as they await the outcome of a vast, uncertain, and complex enterprise that cannot be programmed with a timetable to the second as can lunar exploration.

Today, more than ever, we need recognition of the importance of supporting basic science as the fundament of cancer research. We need the proper mix: broadly based programs in cell and tumor biology, genetics, virology, and immunology, as well as large-scale directed programs in areas of special promise, such as epidemiology, early diagnosis, chemotherapy, and environmental study. Rapid, sensitive, and economical methods for the early recognition of the precancerous and early neoplastic states must be developed. This will require determining the biochemical parameters of cancer so that the normal can be better distinguished from the abnormal, both at the biochemical and cellular level. Higher resolution methods for detecting changes in the ultrastructure of cells and new knowledge of the growth cycle of the cell gained from tissue culture studies will aid in this. Also needed are new ultrasensitive methods to detect carcinogens present perhaps in only one part in a billion in the midst of hundreds of other compounds.

Most important, we need a new way to sort out what chemicals may cause cancer. To determine whether a single chemical causes cancer by use of present methods costs about $10,000 and requires tests for a year or more in two kinds of animals. Yet, some 10,000 new organic compounds are added to the environment each year. Although some potential carcinogens may be suspect because of their structure, there is only a meager rationale for clearing some compounds of carcinogenicity and indicting others. A radically new approach that doesn't require live animals must be developed to screen new compounds and to identify those that ultimately need animal testing. Such approaches are indeed on the horizon; for example, the technique of cell transformation may give the solution. But again, this is an area that must first be developed through basic research.

No one today can truly chart the path to the conquest of cancer, for the nature of cancer is not fully known. That is why the nation must support basic research for years to come—research that will pay off in future applications as it has in the past. Organization is needed, but organzation alone is not enough. Nor will vast Federal support by itself achieve the solution. Unless scientists dedicate themselves to the cancer problem, the hope for the conquest of cancer in our time is dim.

[From Modern Medicine, May 31, 1971]

MORE ON THE CURE FOR CANCER

I am taking the unusual step of writing another editorial hard on the heels of two others which most would have thought enough. But in the interval since the latter article, the question of the cure of cancer by massive federal intervention has gained both in urgency and in political significance. Clearly, the dialogue is losing its way in the downpour of words.

Whatever its origin, the project became visible with the appearance of a full-page advertisement of the American Cancer Society in the *New York Times*, stating that the cure for cancer was just around the corner, and with the beginning in 1970 of hearings by Senator Kennedy foreshadowed by Senator Yarborough. The Yarborough Commission encouraged by Solomon Garb's "Cancer, a National Goal" (1968) recommended a two-year study to plan a systems approach. If we could put a man on the moon, with enough money we could cure cancer; what government likes to call "structured and targeted research" is grist to the activists' mill. The formation of the commission, resulting chiefly from the Mary Lasker Philantropies, was made up half of scientists—some "illustrious," some not—and half of laymen. I am sure that most physicians could name the scientist members and they would be right. So Senator Yarborough called for "a declaration of independence from cancer by 1976, the 200th anniversary of this nation." You would have to favor sin to be against that kind of Utopia if we could find out what ever happened to sin.

An independent "National Cancer Authority" appointed by the President, and reporting directly to him, would be created to take over the work of the National Cancer Institute. Were this to be consummated it can be surmised that similar "Authorities" will be set up for other numerically more important afflictions such as mental and heart disease.

Since an exceptionally large number of senators endorsed the plan, with an annual price tag of $1 billion after the first three years of slightly lesser amounts, politics immediately became evident when President Nixon proposed instead an extra $100 million be added to the budget of the National Cancer Institute. The Administration flatly rejected the idea of a separate Cancer Authority. Just as had been predicted, the cancer problem has been projected into the political arena with inflamed rhetoric such as, "The time has arrived when, as a nation, we must make a crucial choice," "a national crusade," "war is declared with an army of scientists prepared for a massive attack." But as the magazine *Nature* (228:1133, 1970) reminds us, most of the original Crusades were costly failures, except of course for the Fourth which sacked the allied city of Constantinople instead of conquering Jerusalem!

The headline writers subtly imply that we are on the verge of the great breakthrough. The fear and misery caused by cancer will be no more. The false expectations which have again and again so cruelly exploited patients and their families are once more about to occur. In an otherwise excellent article, for example, so sound a journal as the *Saturday Review* writes, "The cancer problem is already partially solved, and researchers have marked out the remaining areas for investigation." But the author, Dr. Howard Skipper, wisely says, "I wish I knew how to catalyze and speed up this whole interdigitating process." It is the implication of the headline, however, that sticks.

The so-called "targeted areas" have indeed been outlined, but careful perusal of those proposed by the Cancer Authority shows them to be so broad no one could quarrel with them but, correspondingly, they are useless. Any good researcher would already know the outline contents.

The main question is not whether we need more cancer research—of course we do—but rather a research policy which will lead us most quickly with the least cost to the control of cancer. It may well be argued that its prevention may come much sooner and do far more good than cures. Since there are many forms of cancer, a single cure or a single preventive measure would be unlikely.

The present proposal rests on two main pivots: [1] government monies to about $1 billion a year and [2] "integrated and coherent plans" drawn up by "representative scientists." In short, creation of teams, committees, authorities, and all the paraphernalia of bureaucracy. The usual channels of peer review for grant support will be bypassed, thus ensuring that the lion's share of *all* new research funds will be preempted for this crusade. Have no illusions that fields other than cancer will do more than hold at the present levels no matter what the morbidity and mortality figures show.

Cancer research will be separated from its broad base in science in its all-out effort to get "greatest visibility." If I know scientists, this will create the most disagreeable, and often disastrous, competitiveness, envy, and publicity-seeking we have ever witnessed, and that is saying much. The great mass of mediocre research workers—and that seemingly inexhaustible supply of minor bureaucrats who exhibit an extraordinary chemotactic response to a dollar—will quickly join "the team." The modern researcher, especially if he is a relatively mediocre one, seems unable to function without a committee with bylaws and regular meetings "to discuss." It is odd that most of the great discoveries began with one or two men and were then brought to fruition with the invaluable help of assistants—call it "a team" if you will, but in reality it was authoritarian and make no mistake about it.

I should have hoped that one might learn by other not dissimilar approaches to solutions of major medical problems. If I recall correctly, in 1949 a promise was made to Congress with the brave words, "Give us the money and within ten years we will give you a penicillin for cancer." After about $2 billion, there has been some splendid basic research but no cure. And more recently we have seen a crash program to find the causes and cures of and to apply treatments to the greatest killer of citizens of opulent nations, heart disease. The outgrowth, the Regional Medical Program, has cost the taxpayer much money and physicians a vast amount of time. Small bureaucracies have sprouted throughout the country and flourished. But now it is apparent that the cost/effectiveness is low indeed. So low that it is very questionable whether the total program should be continued. I wonder, but do not know, about the value received from the $100 million child health study carried on for the past twelve years.

I have already discussed (*J. Lab. Clin. Med.*, March 1971, p. 345) the very crucial problems of research policy. But some are important enough to repeat. Great research has rarely flowered in a hectic atmosphere, the kind created by large sums of money. Committees, travel, reporting, visitors, grant requests, and greatly increased personnel do not make for a placid environment and concentration on scientific problems. After even a Nobel Prize, it is unusual for the winner to continue highly productive work. People need time and equanimity to give imagination full play. Competitiveness has its virtues but too often it becomes a means and ends in distraction.

One of the more distressing aspects is my growing conviction that unless discoveries or research projects are announced with fanfare and exaggeration, they get little or no public attention. You must have a "name," a public image, and suitable political backing, and that, I regret, depends too much on exaggerated or even false claims. Crash programs mostly partake of these qualities. This does not denigrate the occasions when systems analysis coupled with forced financial draft may bring spectacular success. But selecting such programs requires great prescience. One of the marks of a great researcher is his intuitive capacity to go directly to the heart of a critical problem he himself has selected.

What I have said may all sound negative but it is just as positive as the more glamorous and flamboyant "all-out war" on cancer. Both political factions have made commitments to a cause which could not fail to be popular. While my political trade-off is no better than others, I would favor:

(1) An increase in funds for the National Cancer Institute and the National Science Foundation to ensure broad coverage of basic science, but not neglecting institutes and departments of oncology with possible, or proved, creativeness.

(2) Full recognition that there are many departments in institutions not devoted primarily to cancer which may provide unanticipated, but vital, pieces of information.

(3) Encouragement of those who are contributing importantly not only to continue their own work but to help younger investigators learn the marks of excellence in the field.

(4) Keeping committees, visiting, speaking, congresses, and bookkeeping at a minimum.

(5) Creation of an atmosphere of expectant patience and discouragement of opportunism.

(6) Remembering that the cancer problem will have many solutions because there are many kinds of cancer but the way of preventing and curing them will not be found by laymen or politicians no matter how pure their motives.

(7) Use of laymen and politicians for their inestimable value in helping to create and protect the environment that produces great research. The responsibility for organizing ways of preventing cancer is almost solely theirs. If we must have an "Authority," it should have this function.

(8) And remembering that nine mothers gestating a month each do not produce a baby.

[From Modern Medicine, April 19, 1971]

CANCER—CONQUEST OR TURMOIL?

(By Irvine H. Page, M.D., Editor)

What is now trustingly labeled the "Cancer Cure Program" is about to become law. A clearer example of violation of the ethics concerned with scientific research would be hard to find. This plan has been consummated with unseemly haste. Any legislator who votes against it is clearly against curing cancer! And any lay or scientific critic will certainly not add to his popularity because the fear of cancer is so great.

Political manipulation and pressure have characterized its history from its conception by the Mary Lasker group, its furtherance by the advertising claim of the American Cancer Society in the *New York Times* that the cure for cancer was just around the corner, the promise by Senator Kennedy that a billion-dollar budget and a separate Cancer Authority (S. 34) would do the job, and now the passage of the Nixon Administration bill authorizing $100 million extra for the National Cancer Institute budget with the creation within the NIH of a separate Cancer Conquest Agency composed of an advisory group of nine laymen and nine scientists, with a separate budget and headed by a person responsible directly to the President. Two laymen, Messrs, Benno Schmitt (investment banker) and Elmer Bobst (chairman of a pharmaceutical company), seem to have played crucial roles in what may well be called a coup d'etat. Mr. Bobst is quoted in *Science* (172:922, 1971): ". . . in the development of atomic power and in the outer space programs there was a wonderful control and a most highly businesslike type of approach. It is my thinking that we must strive to bring businesslike methods into the fight against cancer." Ann Landers, the well-known newspaper columnist, also played a charitable and decisive role. Clearly, Cancer Conquest has been the creation of a skillful and powerful group of laymen with the help of a very small number of individual scientists.

No matter how well-intentioned the project, it is in my view based on a fallacy, namely, that the cure of cancer will be accomplished by a change in management, businesslike direction, and infusion of large sums of money rather than using all secondarily to stimulate more and better research. The administrative head will report directly to the President, but I am at a loss to understand what he will report and what the President will do about it. Certainly, a large political component is thereby introduced. The present trend to make the President the final arbiter in every aspect of our lives is a puzzling one. The President's science advisers' function, for example, is stated by him as, "I believe that the proper and coming role of science advice is to provide the range of options for decisionmakers, and so . . . my choice is options." So great is the power of the President that he is expected to decide where to drop bombs in Vietnam, how to guide our financial policy, and how best to conduct cancer research.

Even though the Cancer Agency in theory remains within the NIH, the budget is to be submitted directly to the Office of Budget and Management; the director of the NIH does not approve it. Further, the heads of the Cancer Agency and the NIH will have equal rank, except that the former will have immediate access to the President. Clearly, this Administration device has downgraded all other forms of biomedical research.

So here is politics at its most skillful—a "coordinated task-force-type approach"—starting a war against an ill-defined enemy with about as much careful consideration as was given the Bay of Tonkin Resolution and our involvement in Southeast Asia. It has a rather more sophisticated dress than other similarly hastily drawn legislation such as the Regional Medical Program, whose outcome has left so much to be desired. The sums of money involved make support of the artificial heart program look miserly! But much more important, it represents a large step toward the ultimate politicizing of science and research, not at all unlike the Russian system. I observed firsthand several years ago. This creeping federalism I have watched with growing dismay since my original contact with government participation in the financing of biomedical research through the National Heart Institute in 1949.

I have no doubt that there is "a growing consensus" in favor of this legislation. At this point, if I were a politician I would not dare to be against it. If you were grant-prone, I suspect as a researcher you would hardly oppose such a rich source of taxpayers' money. And even business must cast an eye on the potentials of a billion-dollar budget. The public knows nothing about the consequences of such unorthodox and possibly unwise actions on the scientific community. Naturally, it favors abolishing cancer. What it does not know is that discovery of the probably many cures for the already known varieties of cancer could be retarded! Despite a few feeble disclaimers, the public is being promised that their hard-earned tax dollars will free the world of its most feared scourge. Some have even set the date as 1976. Recall the damage done to cardiology by the unrestrained promise of relief from heart disease by use of artificial hearts and transplants.

I have on several occasions, beginning last year, given my reasons for my opposition (J. Lab. Clin. Med. 77:357, 1971; MM, April 19, 1971, p. 87; MM, May 31, 1971, p. 71). I need not repeat them here. The scientific community, with the exception of the Association of American Medical Colleges, has not reacted vigorously, or effectively, commensurate with either the urgency or the seriousness of the changes such a program will almost surely make. The protagonists seem effectively to have silenced those who believe in a thorough examination of legislation with such warrant.

Probably the next large component of the NIH to demand autonomy and direct access to the President will be the Heart Institute—to be followed by the Arthritis and Metabolic Disease Institute and yet others. If the original breakaway of the Institute for Nervous and Mental Diseases is any example, admittedly not a close one, their subsequent history as separate and independent entities will not look promising.

What will be the end result? Is this merely a way to pry all the National Institutes of Health out of HEW and, if so, why? Is it the legislators' belief that research can be better controlled when these isolated units operate in a political atmosphere of competition for the same tax dollars? It is probably true the National Institutes have been less productive in the past few years, but this is an odd way to correct such a deficiency. Nor is it certain that the situation would be improved by such a change in format. One thing is certain: this sort of political manipulation will produce some very disillusioned and cynical researchers.

It is promised that there will be careful control of cost-effectiveness. Good business managers will see to it that money will not be wasted on peripheral research which has, or seems to have, no relevance to cure of cancer. Such problems as aging will just have to wait! More detailed program planning is to be the order of the day. Some of us are old enough to remember with nostalgia a thing called serendipity. And we even thought we could follow leads that stemmed from our own observations and minds. Quietude of the mind no longer seems requisite to what we used to call "creativity." Money and organization are being substituted and direction will be under advisory committees and a presidentially appointed manager. Perhaps these are the ingredients of great research. I had not thought so, but we are living in a new era of science, and the young are entitled to find their own ways to success and failure. The faint echoes of the past are not likely to be heard in so noisy a world. But they shall not go unrecorded.

It may be well argued that the die is already cast and that this bold, persuasive plan, skillfully promoted, largely by laymen, may perform its mission as envisioned in the way the moon-walk succeeded. No one with a modicum of sense would predict that it will be an utter failure. But I think we can predict that the research process which has heretofore served us well now will be distorted beyond recognition.

Time and man's extraordinary ability to forget will probably make the outcome so blurred that few will recognize any historical blunders. The result is we can in good conscience continue to make errors without accepting serious consequences.

The only reason for these critical comments is to note that not everyone agreed this was the best way to find the cure for cancer. I might even guess that a cure will be retarded as compared with a plan which would depend on the use of money as only one of many aids to creation of a research environment which stimulates and attracts great minds. This because of an almost certain new bureaucracy, proliferation of committees, competition for grant money, striving for political power, and nurturing of man's almost universal weakness, vanity. To be "a celebrity" has become synonymous with success in medicine and, I fear, in research as well. Our great scientists will join those of the "celebrated" who can more skillfully sink a golf ball, belt out a song, or hit a baseball. Cancer research under this plan will indeed involve research in the marketplace, all our fine sentiments to the contrary. One thing has been proved: in a contest between the ethnics of scientific research and political power, there is no match. The time is overdue for the leaders of the medical and scientific communities to lead instead of abandoning their destiny wholly to outside forces. The creation of the Cancer Agency has shown beyond doubt that biomedical research is now in the realm of large, power politics. I am too old-fashioned to think this will in the long run nurture great discovery.

[From Modern Medicine, Apr. 19, 1971]

THE "GRAND STRATEGY" OF CANCER RESEARCH

(By Irvine H. Page, M.D.)

Surely no one is against cancer research. For a politician to be against it would be suicidal, since it has been made a public issue. The American Cancer Society proclaimed in a full-page advertisement that the cure was just around the corner. Several important discoveries have, in fact, recently been made that may aid significantly in understanding some forms of cancer. On this basis a crash program has been promoted and privately financed under the aegis of a government Cancer Authority with a budget reaching about $1 billion annually. Understandably, the majority of politicians, the most vocal being Democratic Sen. Edward Kennedy, want aboard what seems to be a bandwagon.

President Nixon in his State of the Union message tried to maintain some semblance of political initiative by proposing only an additional $100 million to the current National Cancer Institute budget to establish a "Cancer Conquest Program," which would keep the responsibility with the National Institutes of Health. He compared the problem with that of putting a man on the moon or the development of atomic power.

This, then, is the bare bones of a highly politicized issue expanding within the ranks of both biomedical science and government. In the present somewhat emotional atmosphere, few will care to look very far into the future and weigh dispassionately the various alternatives. Perhaps the baldest, crassest, and most ironic statement of their current attitude is to be found in the last sentence of a perceptive article by R. J. Bazell (*Science* 171:877, 1971): "And even if the scientists criticize Mary Lasker's sledgehammer approach to the subtleties of basic versus applied research, they must face the fact that she gets them more money and the possibility that her schemes might be the right ones." Such bait is hard to beat.

Yet it is worth a reminder that a little more thought and less bludgeoning might have saved us from many of the egregious blunders of a somewhat similar situation in 1964, following the Heart Disease, Cancer, and Stroke Commission report. In 1971, it is hard to see any giant steps resulting from these taxpayers' subventions.

The scientist is easily portrayed as an unworldly soul who does not know what is best to do. He needs direction and to be pushed into doing what society really needs by some blue-ribbon authority, commission, or committee appointed "by the President himself." That seems almost to guarantee success and make any criticism seem ungrateful and in bad taste.

I never cease to be amazed at how little most people, including many scientists, know of the history of how great discoveries are made. Nor do they clearly understand the difference between basic and applied research. Research seems to them a jumble of hieroglyphics, computers, and complex apparatus used to make irrelevant observations by weird intellectuals. You will recall that former President Johnson once acted on such notions and was strongly urged by what are euphemistically called "realists" to bring research results out of the laboratory and to the patient's bedside. A near panic among scientists occurred, and research was visibly, if temporarily, retarded.

Regardless of what people think of scientists and their work, they must, and usually do, admit that their results have been fabulously successful and at an incredibly cheap price, compared with other social endeavors. The long-range economics of such discoveries as penicillin are incalculable. And oddly, Fleming had neither a committee nor large government grants to make it!

There is no question that at some point research is advanced enough to allow the application of systems analysis to bring it to a practical level. The cancer problem may have arrived at that point, but one of the better "pros," Dr. Sol Spiegelman, does not think so. This is a matter of scientific judgment, not one for budgeteers, politicians, or promoters.

It is worth pondering that cancer, whatever its origins, is closely associated with the deterioration of age. Perhaps cancer, or at least some forms of it, is controllable without regulating aging. Certainly aging will not be controlled without controlling cancer. Perhaps both can be postponed, but to do so they must be simultaneously studied as a part of the same problem. But if cancer alone is prevented, we will be left with an even more merciless problem of the degenerative diseases of the body and mind in an ever-greater population.

It is true that sometimes a crash program, even though unclearly defined, may have many virtues. To me it is greatly to be preferred to explore in depth each promising lead as it appears but never allowing "a grand strategy" to become imposed before there is reasonable evidence that it is the right one.

It must be recognized that such imperative programs can also do much damage. Unlikely as it may seem to some, the crucial discoveries necessary to solve the complex problems of the many cancers may not yet have been made or even foreshadowed. In our zeal to settle the problem before Congress tires of supporting it, we may well be lured up blind alleys and find ourselves inundated with uncorrelated, even uncertain, observations. Such data often do not lend themselves to the particular kind of genial mind that has the rare quality of brushing aside irrelevancies to see the main road to the objective.

When I say *great* science is "a delicate thing," the usual rebuttal is "nonsense"—given enough money, enough people, enough direction, we cannot lose. Too few are persuaded that the quality of discovery is often intangibly dependent on the intellectual and physical environment in which it is conducted.

It may be that given large sums of money, very broad areas of research can be studied with the hope that ultimately some relevance to cancer will be found. Many of my fellow researchers quite openly assert that they go along with this approach not because of its relation to cancer but for possible support of their own work. If their research proves to be of value to the cancer problem, so much the better. This is a way to get support, but it is slightly dishonest and I am fearful of the long-term effects.

Whether there are enough gifted researchers to use huge sums of money effectively and exclusively for cancer research is doubtful. Certainly many mediocre workers will be enticed by the pay. I have doubts about research conducted by scores of uncoordinated, often inept workers. Their results tend to obscure, rather than enlighten, the subject.

The pressure created by inevitably broad publicity of endeavors such as the "Conquest of Cancer" encourages scientific opportunism, superficiality, and undue competitiveness. The investigator, instead of following his best scientific instincts, is constantly under pressure for a "breakthrough," especially if it can be announced through the mass media shortly before a grant request. This is not a healthy environment for thoughtful, creative, and skillful research.

While we are promised that this mass project will not encroach on other biomedical fields, this obviously cannot be true. So as not to lose rapport it would not be surprising if a separate Heart Authority would not be requested. The young scientist will be attracted to the money and glamour.

I have already written on the subject of a cancer crusade (*J. Lab. Clin. Med.*, March 1971; *Newsweek*, March 15, 1971 p. 8) and I am under no illusion that my small voice will halt what "all America welcomes." How can one dare to oppose an "all-out cancer fight"? In times of "war," caution seems foolhardy. The search is on for "the magic bullet," and a "grand strategy in the cancer war is unveiled." So science marches on to the trumpets of war!

I can only hope that the right roads will be chosen and that my caution and doubts are unfounded. Perhaps we do need the shove and fanfare and perhaps a great discovery will follow. Having seen the results of cancer all my clinical life, I know only too well the agony and desperation of this illness. Thus, I find myself completely in sympathy with the objectives but doubtful of the proposed ways to achieve them. Whatever way is ultimately chosen, I wish those concerned luck, but I trust more the creative genius which is at the heart of most great discoveries.

TAXATION WITH REPRESENTATION

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, I would like to bring to the attention of the House a significant development in the continuing effort to improve the fairness of our tax laws.

For many years, special interests have been well represented when Federal tax issues are under discussion, but members of the general public have found it difficult to make their views known. A nonpartisan group called Taxation With Representation was organized in early 1970 to make sure that the general public is represented by skilled professionals during legislative and administrative hearings on Federal tax issues. It is an independent, nonprofit corporation, whose national committee includes many of our Nation's most distinguished public finance economists and tax attorneys.

The group locates tax specialists who wish to speak out as members of the general public, alerts them when tax issues arise in their area of expertise, and helps them to submit and publicize their testimony. During the past year, the group has sponsored more than 30 statements on Federal tax issues. It is now preparing testimony relating to the President's August 15, 1971, tax proposals.

Unlike most groups in the legislative arena, Taxation With Representation does not take organizational stands. On some issues, it presents several statements, each expressing a different opinion on the steps that would best promote the public interest. Because it is willing to sponsor many different points of view, the group has been described as an experiment in participatory democracy at the Federal level.

The group is supported by membership dues and contributions from professional economists and members of the tax bar. It currently has more than 400 members, almost all of them tax professionals, and is actively seeking additional support.

Taxation With Representation represents an encouraging example of professional responsibility. I insert an excerpt from the group's recently published annual report. This excerpt lists the testimony presented by Taxation With Representation during the past year:

TESTIMONY PRESENTED BY TAXATION WITH REPRESENTATION

THE DISTRICT OF COLUMBIA REVENUE ACT OF 1971

The following written statements were prepared in late June 1971 for the Subcommittee on Fiscal Affairs of the Committee on the District of Columbia. There were no oral statements.

Break, George F.—The District of Columbia Revenue Act of 1971.

Drabkin, Murray—The Pending D.C. Revenue Bill.

Heller, Walter W.—Comments on the Proposal for a Reciprocal Income Tax for the District of Columbia.

Holland, Daniel M. and Oldman, Oliver—The Reciprocal Income Tax Provisions of the District of Columbia Revenue Act of 1971.

Morss, Elliott R.—The District of Columbia Revenue Act of 1971—Comments on the Reciprocal Income Tax Proposal.

Oakland, William H.—Statement in Opposition to the Reciprocal Income Tax for the District of Columbia.

Pechman, Joseph A.—A Reciprocal Income Tax for the District of Columbia.

THE ADMINISTRATION'S REVENUE SHARING PROPOSALS

The following written statements were presented in early June 1971 to the House Ways and Means Committee. These written statements were supplemented by oral presentations from Mr. Drabkin, Dr. Hinrichs, Mr. Manvel, Professor Musgrave, Dr. Mushkin, and Dr. Whitman.

Drabkin, Murray—Revenue Sharing.

Dresch, Stephen P.—Evaluating Revenue Sharing within the Federal Fiscal Context.

Hellerstein, Jerome R.—Revenue Sharing.

Hinrichs, Harley H.—Revenue Sharing and Its Alternatives: Lessons of Experience.

Manvel, Allen D.—Federal Revenue Sharing.

Musgrave, Richard A.—Revenue Sharing.

Mushkin, Selma.—Revenue Sharing 1971: Some Comments

Pechman, Joseph A.—Statement on General Revenue Sharing Legislation (Reprint)

Waldauer, Charles—An Alternative to Revenue Sharing: Federalization of Welfare and an Increased Federal Role in Education.

Whitman, Ray D.—Arguments for Revenue Sharing.

THE ASSET DEPRECIATION RANGE SYSTEM REGULATIONS

The following written statements were presented in April 1971 to the United States Department of the Treasury. These written statements were supplemented by oral presentations from Professor David, Professor Eisner, Professor Harriss, and Dr. Pollock.

Antes, Richard S.—Statement on Treasury Proposed Regulations for Depreciation Based on Asset Depreciation Ranges.

Bittker, Boris I.—Treasury Authority to Issue the Proposed "Asset Depreciation Range System" Regulations.

Bittker, Boris I.—Treasury Authority to Issue the Proposed "Asset Depreciation Range System" Regulations—A Comment on the Covington & Burling Memorandum.

Davenport, Charles—Comments on Treasury's Proposed Substitution of Cost Recovery Allowances for Depreciation.

David, Martin—Depreciation Allowances Using Asset Depreciation Range System.

Eisener, Robert—The Asset Depreciation Range System.

Harriss, C. Lowell—Support for the Proposed Asset Depreciation Range System.

Heller, Walter W.—The Proposed Asset Depreciation Range System.

Oldman, Oliver—The Asset Depreciation Range System.

Pollock, Richard—Statement on the Treasury Department Proposal to Change Existing Tax Depreciation Policy.

Popkin, William D. The Treasury's Assets Depreciation Range Proposal.

Taggart, John Y.—The Asset Depreciation Range System.

PUBLIC INTEREST LAW FIRM ISSUE

The following written statements were presented in November 1970 to the Subcommittee on Employment, Manpower, and Poverty of the Committee on Labor and Public Welfare, United States Senate. There were no oral statements.

Cohen, Sheldon S.—The Tax Status of Public Interest Law Firms.

Cooper, George—Comments on the Internal Revenue Service Guidelines for Public Interest Law Firms.

THE DOMESTIC INTERNATIONAL SALES CORPORATION PROPOSAL

The following written statement was presented in September 1970 to the Committee on Finance, United States Senate. There was no oral testimony.

Field, Thomas F. The Administration's Domestic International Sales Corporation Proposal.

THE ATTORNEY GENERAL AND THE NEW CRIME STATISTICS

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN), is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, I am inserting into the RECORD today an editorial which appeared in the Saturday, September 11 edition of the Washington Post. I feel that this editorial puts the crime statistics, and Attorney General John Mitchell's comments on those statistics, in their proper perspective.

Mr. Mitchell's claims about the newly released FBI crime statistics for 1970 were unfounded and deceptive; he twisted them to say exactly what he wanted them to say. The new FBI statistics showed that 11.3 percent more serious crimes were committed in 1970 than in 1969. In 1969 there were 12 percent more serious crimes than in 1968. In exact numbers this means that in 1969 there were 534,800 more serious crimes

than there were in 1968. In 1970 there were 566,700 more crimes than there were in 1969. Yet, Mr. Mitchell would call this progress. To me it indicates that the Attorney General is playing politics with the growing crisis of crime in America today.

Mr. Mitchell is doing a real disservice to the American people by trying to camouflage the administration's unimpressive record in curbing the crime rate. His statements can only serve to encourage complacency, which will delay the mounting of a truly effective attack on America's growing crisis of crime. At the present time, what is needed from the Attorney General is a little more reality and reason, and a lot less rhetoric.

The editorial follows:

THE ATTORNEY GENERAL AND CRIME

Each year about this time, it becomes necessary to try to take out some of the political spin that the Department of Justice under Attorney General Mitchell has imparted to the FBI's annual crime report. This year, we regret to say, is no different from the last two. Mr. Mitchell and the department have demonstrated again their ability to find the golden lining in a dark cloud.

Take, for instance, the press release accompanying the FBI's report. Its first paragraph said, "Serious crime in the nation continued to increase in 1970, Attorney General John N. Mitchell announced today, but at a slower rate than in 1969. It marked the second year in a row that the crime statistics showed a tapering off of the sharp upward swing recorded during the mid 1960s." This claim is based on the undisputed fact that the *rate of increase in serious crime* was 11.3 per cent in 1970—a rate lower than the rate of increase in 1969, 1968, 1967, 1966, and 1964. But if you look at the figures in another way, the impression conveyed is quite different. It is equally fair to write that the *numerical increase in serious crime* in 1970 over 1969 was the second highest in the nation's history and that the increase in the last two years has been greater than the increases in 1965, 1966 and 1967 combined. That is based on the undisputed numbers reported by the FBI. The following table may make this clearer—it lists the so-called index crimes reported to the FBI for each calendar year, the increase in each year's total over the preceding year, and the rate of increase (the figure Mr. Mitchell likes to talk about):

	Index crimes	Numerical increase	Rate of increase (percent)
1970	5,568,200	566,700	11.3
1969	5,001,400	534,800	12.0
1968	4,466,600	664,300	13.8
1967	3,802,300	538,000	16.5
1966	3,264,200	334,000	11.4
1965	2,930,200	175,200	6.4
1964	2,755,000	319,100	13.1

The rate of increase figures do give the illusion of statistical progress against crime; when the number of crimes goes from three to four million, for example, the rate of increase is 33 per cent; when the number moves from four to five million, the rate of increase is only 25 per cent. That's what Mr. Mitchell would call "progress." But the numerical increase from one year to another in both instances is still one million crimes—and for the one million victims, there is not much comfort in the thought that the *rate* of increase is decreasing. By our way of looking at it, even the fact of constant, continuing increase of, say, a half million in the number of crimes every year is difficult to translate into "progress," and an actual increase in the number of additional crimes each year, which is what happened between 1969 and 1970, can only be put down as retrogression if we are going to face the facts honestly.

There is a second example this year of how Mr. Mitchell lets rhetoric outrun facts. He told a meeting of law-enforcement officers Thursday that the monumental effort of local and state police in the last couple of years has resulted in fear "being swept from the streets of some—though not all—American cities." We suspect that the average person would believe, upon reading that statement, that American cities are safer today than they were when the Nixon administration took office. Yet in only two of the 25 largest cities—Pittsburgh and Baltimore—was there less serious crime, according to the FBI report, in 1970 than there was in 1968. In 16 of those cities, the serious crimes reported increased more than 20 per cent between those two years. If you measure only crimes of violence—murder, rape, robbery and assault—two of the 25 cities showed a decrease (Seattle and Milwaukee) and 16 showed an increase of more than 20 per cent. These figures lead to only two possible conclusions if Mr. Mitchell is right and fear is being swept from the streets: either the fear in 1968 was created by the words of the man whose campaign he managed, not by the facts, or people now have a false sense of security.

We have gone through this exercise in numbers not to paint the picture blacker than it is nor to discourage the law-enforcement personnel from trying harder but in an attempt to keep the record reasonably straight. There was a crime problem in 1968. There is a worse crime problem now. In some places, like the District of Columbia, the situation has improved within the last year. In others, it has deteriorated. (Remember how the administration talked about New York City a year ago when it showed a slight drop in crime? Nothing has been said about the 8 per cent increase this year.) One of those crimes of the sort that make up the FBI's annual survey was reported for every 45 citizens two years ago and one for every 36 citizens last year. We find it difficult to believe anyone thinks that is an improvement.

CONGRATULATIONS IN ORDER

The SPEAKER. Under a previous order of the House the gentleman from California (Mr. MCFALL) is recognized for 5 minutes.

Mr. MCFALL. Mr. Speaker, Saturday, September 11, was a happy and exciting day in the life of Mr. and Mrs. Julian R. Serles, Jr., climaxing a very busy week. Mr. Serles, who is one of the official reporters of debate for the House of Representatives, gave his only daughter in marriage at the Metropolitan Memorial Methodist Church.

The House Chaplain, the Reverend Edward G. Latch, performed the ceremony uniting Miss Grace Lewis Serles with Mr. John Wilson Brown, Jr., of Charlotte, N.C.

Mr. Serles and his wife were residents of Hanford, Calif., before coming to Washington more than 20 years ago. He has served the Congress many years, including a period as a committee reporter and as a reporter of debate in the Senate as well as a reporter of debate in the House.

I know that all Members will join me in extending congratulations and best wishes to the happy young couple who are now honeymooning in Jamaica. They will make their home in Charlotte where Mr. Brown, who is an architect, is associated with a local firm.

THE SHARPSTOWN FOLLIES—XXXIII

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, anyone who has examined the relationship between Assistant Attorney General Wilson and the Sharpstown gang, and who knows of the incredibly inept handling this case has received at the hands of Mr. Wilson's cohorts in the Justice Department, cannot help but feel outrage and indignation.

There is outrage that the Justice Department could have been so inept as to let Sharp escape from any meaningful prosecution, whether that ineptitude was by accident or design. Considering that the local U.S. attorney in Houston, Mr. Anthony J. P. Farris, has been relieved of any further responsibility for the case one can conclude that at least part of the bungling was due to old-fashioned stupidity. Farris is what you might call a political hack.

In any case there is considerable indignation that the Department of Justice has managed to prevent anyone from bringing Mr. Sharp to justice. There is also much questioning about what Will Wilson did to earn his keep as part of the Sharp gang, and whether such a close associate of a fantastic crook has any business being a criminal prosecutor. People wonder how it is that a self-professed patsy has any business being an Assistant Attorney General, or how the administration can have the brass to say that it has confidence in such a man.

The Los Angeles Times is one paper, which like the New York Times, raises these questions. I offer the comments of the Los Angeles Times for the further enlightenment of the House on the dark subject of Will Wilson:

SCANDAL IN THE JUSTICE DEPARTMENT

Frank W. Sharp, a lean, hungry country boy from Crockett, Tex., is all his name implies. He moved to the big city of Houston, borrowed $150 and parlayed it into many millions through that golden trio of interrelated interests, banking, insurance and real estate.

A self-made man, he nevertheless had help. When the Federal Deposit Insurance Corp. warned Sharp's Sharptown State Bank to stop making large loans against dubious collateral, Sharp decided to set up a private firm to insure bank deposits. While bill were pending in the Texas Legislature to authorize such a company, he sold National Bankers Life stock to various state political leaders, including Gov. Preston Smith and Elmer Baum, state Democratic chairman. He lent them money from the Sharpstown bank to buy the stock, and within two months they sold it for a gross profit of $125,000.

Among Sharp's helpers during the profitable years was Will R. Wilson, who ran for the Democratic Party nomination for governor of Texas in 1962, lost, switched to the Republican Party, returned to his private law practice, and in 1968 was picked by President Nixon to head the criminal division of the Department of Justice.

Becoming an attorney for Sharp, Wilson borrowed almost $300,000 in the next seven prosperous years of his career. His net wealth rose from $300,000 in 1956 when he was elected Texas state attorney general to $1,300,000 in 1968, after six years in private law and high finance. But two years after he joined the Justice Department, Wilson got a $30,000 unsecured loan from his old client and benefactor, now 67 but still generous.

All this came out, after the Sharpstown State Bank collapsed last January, the nation's biggest bank failure since 1934. The Securities and Exchange Commission accused Sharp and his associates of "systematically looting" banks and insurance companies through stock manipulation.

Sharp was hustled into court, but charged only with falsifying an entry in a bank record and selling unregistered securities. He was fined $5,000, given a suspended three-year-jail sentence, and, moreover, granted immunity from future state or federal prosecution in return for possible testimony about other alleged freebooters. This reversed the usual procedure of granting immunity to the coyotes to get evidence on the wolf.

As of today, Wilson is still the man in the Justice Department who makes most of the decisions to prosecute or not in criminal cases.

Every federal prosecutor, and certainly the assistant attorney general in charge of the criminal division of the Justice Department, must avoid even the appearance of entanglement with wrong and wrongdoers.

A shadow has been cast on the Justice Department's reputation for integrity. That shadow only Wilson's resignation or dismissal can remove.

HOUSE JOINT RESOLUTION 651: A CURE FOR THE SCHOOLBUSING NIGHTMARE

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

Mr. BROYHILL of Virginia. Mr. Speaker, it has been said that forced busing of schoolchildren has become the No. 1 nightmare of the State of Texas. It might also be said that forced schoolbusing has become the No. 1 nightmare of the Nation I rise, Mr. Speaker, to suggest that there is one way, and one way only, by which the forced-busing nightmare can be dispelled. That is by the passage of House Joint Resolution 651, or a similar joint resolution, and its ratification by three-fourths of the States.

In a hard-hitting, thought-provoking article in the weekly Washington Report called Human Events, William Murchison, Jr., an editorial writer for the Dallas Times Herald, describes the mad confusion which has been the result in Texas of the judicial decision in the case of Swann against Charlotte-Mecklenburg Board of Education. That decision has been followed by conflicting court orders for forced busing to achieve desegregation, conflicting court, HEW, and school board forced busing plans, and forced busing plans where there was no segregation in the first place.

Murchison says:

Texans are frustrated, unhappy, and just plain sore about the manner in which federal judges and Washington officials are making pawns of their children.

And who can blame them?

In Austin, the U.S. Department of Health, Education, and Welfare demanded the forced busing of 80 percent of Austin's students. In late July, U.S. District Judge Jack Roberts disagreed and issued his desegregation order, hailed as fair throughout the State. It included among other provisions "a creative program of interracial visits and field trips for elementary schoolchildren." But only 2 weeks later, President Nixon, while disavowing the HEW plan, denounced Judge Roberts' plan as "inconsistent with recent rulings of the Supreme Court," and directed the Justice Department to appeal—to the consternation of all concerned.

In Dallas, a University of Texas "desegregation advisory group," funded by HEW, recommended gerrymandering of school attendance zones and massive forced busing as a means of desegregation. Antibusing groups formed; protest meetings were held; 200,000 Dallasites signed petitions in opposition to the forcible transfer of children to schools out of their neighborhoods. The Dallas school board offered a counterplan. However, U.S. District Judge William Taylor, Jr., rejected both plans, offering instead his own plan which involved some forced busing and a linking of black and white elementary schools via television. But the judge's ruling pleased nobody. Both plaintiffs and defendants appealed to the fifth circuit court, which temporarily barred the school board from spending funds for the television program.

In Corpus Christi the action adds up to one mad farce. Blacks, comprising only 5 percent of the schoolchildren, are scarcely involved. Mexican Americans comprise about 50 percent, and Anglos the rest of the student body. The "chicanos" had attended white schools in Texas even before the case of Brown against Board of Education in 1954. Nonetheless, U.S. District Judge Woodrow Seals ordered the forced busing of 15,000 of the district's 46,000 to get just the mix he wanted of the three ethnic groups. The Corpus Christi school board pleaded that it did not have the initial $1.7 million that it would take to implement the plan and won a stay that was later overturned by the fifth circuit court. Finally the Department of Health, Education, and Welfare admitted that perhaps the Mexican Americans were not being discriminated against after all, and Justice Hugo L. Black granted another stay.

And so the madness goes on—in Del Rio, in Fort Worth, in Amarillo, Midland, and Odessa, among other Texas school districts.

Concerning all this Mr. Murchison makes several very important points:

First. Although the polls show that 78 percent of Texans—including all races—oppose forced busing, it is not that Texans are bent on "keeping the blacks in their place." Mr. Murchison quotes a leader of the Dallas antibusing movement as declaring:

I believe the 1954 Supreme Court decision outlawing segregation in public schools has had a good long-range effect on race relations in this country . . . I think we can be proud that we removed the old stigma that had been part of our society for so long.

However, this same man felt that children need to attend school close to their homes—for reasons of convenience and safety and because the money to buy buses could be better spent on upgrading education.

Second. Texans are reacting to their nightmare not only with unhappiness, frustration, and resentment but their "respect for government and for the majesty of the law is ebbing." They probably will not resort to mob violence but "rather than pack their children off across town each day, many parents will move away or switch to private schools."

Third. Meanwhile, the resentment that busing fosters is not likely to make for improved race relations.

Now, this is my answer: The Supreme Court decision in the case of Swann against Charlotte-Mecklenburg Board of Education put President Nixon, and has put us all, "between the devil and the deep blue sea." The Swann against Charlotte-Mecklenburg decision is responsible for the related resentment, the divisiveness, the violence, and the loss of freedom generally, which has followed. What has occurred in Texas has occurred in varying degrees all over the country.

House Joint Resolution 651 would dispel the forced busing nightmare for Texans and for all the rest of us as well.

I urge my colleagues on both sides of the aisle to sign the discharge petition and, when it comes to the floor, to vote for House Joint Resolution 651.

Mr. Speaker, I include Mr. Murchison's fine article in the RECORD directly following my remarks:

SCHOOL BUSING: TEXAS' NO. 1 NIGHTMARE

(By William Murchison, Jr.)

What unites, in fear or hostility, Texas Republicans and Democrats; Austin blacks, Dallas whites, and Corpus Christi browns; middle-aged hausfraus and curvaceous teenyboopers?

Why, nothing less than the specter of the yellow school bus, transporting Texas school children miles from their homes, in quest of that old chimera, "racial balance" in the classroom.

As seldom before, Texans are frustrated, unhappy, and just plain sore about the manner in which federal judges, and Washington officials are making pawns of their children. The Lone Star State knows other vexing problems: drugs, the economy, the war. But all take a back seat to busing. It is the No. 1 Issue—the universal nightmare.

Consider some recent repercussions of the controversy:

In conservative Texas, whose 26 electoral votes Nixon strategists say are a must in 1972, a recent poll reveals that the President is the choice of only 22 per cent of the voters—in large part, because he has appeared to waffle on the busing issue.

Anti-busing groups have proliferated in the cities threatened with massive busing.

Respect for government and for the majesty of the law is ebbing. Texans speak resentfully of "insensitive" (to use one of the kinder adjectives) bureaucrats and judges.

It is not that Texans are bent on "keeping the blacks in their place." As a leader of the Dallas anti-busing movement puts it, "I believe the 1954 Supreme Court decision outlawing segregation in public schools has had a good long-range effect on race relations in this country. I think we can be proud that we removed an old stigma that had been part of society for too long." But he feels children need to attend schools close to their homes—for reasons both of convenience and safety, and also because the money to buy buses could be better spent on upgrading education. The sentiment is a typical one in Texas.

Here is a city-by-city review of the plight many Texas communities find themselves in at the beginning of the new school year:

Austin: In late July, U.S. District Judge Jack Roberts issued a desegregation order hailed throughout the state for its fairness. The Health, Education and Welfare Department had demanded the busing of 80 per cent of Austin's students. Roberts refused, ordering instead the closing of two black schools (one of them especially well-beloved of Austin Negroes) and a creative program of interracial visits and field trips for elementary school children.

Indeed, Roberts did more than that. He lashed out at HEW for arrogance and uncooperativeness in dealing with Austin school officials and declared that "busing to achieve desegregation in the Austin community will result in serious interference with the educational process."

Here, the government, which was plaintiff in the suit, might honorably have called it quits. But no. Two weeks later the Justice Department—on Nixon's direct orders—appealed to the 5th Circuit Court in New Orleans. Somewhat disingenuously, Texans thought, the President disavowed the HEW plan for Austin but pronounced Judge Robert's plan "inconsistent with recent rulings of the United States Supreme Court."

Indeed? Republican U.S. Sen. John G. Tower did not see it that way. He called the government's appeal "further evidence of a tragic lack of understanding of the educational problems facing school districts in Texas." Austin School Superintendent Jack Davidson was more direct. Said Davidson: "Man in White House speak with forked tongue."

Dallas: An appalled citizenry returned home one day in June to read in the Dallas *Times Herald* that a desegregation advisory group, headquartered at the University of Texas, but funded by HEW, was recommending gerrymandering of attendance zones and massive busing as the means of desegregating the Dallas school system.

As if by magic, anti-busing groups sprang up throughout the city. Thousands of anxious citizens held protest meetings. No fewer than 200,000 Dallasites signed petitions opposing the forcible transfer of school children outside their neighborhoods.

Ultimately, U.S. District Judge William Taylor Jr. rejected both the advisory plan and the counter-plan offered by the school board. Taylor's own formulation calls for busing only 8,000 students, mostly black, and for linking white and black elementary schools via television. In the remote Oak Cliff area of Dallas, however, Taylor ordered the pairing of Negro and white secondary schools—to the abiding dismay and anger of Oak Cliffites.

The comparative mildness of the order has not stayed general antagonism in Dallas toward the cost and inconvenience of the program. A Dallas city councilman has publicly urged pupils "not to get on any buses," and many parents are either moving away or talking of moving in order to regain some control over their children's education.

The confusion, too, continues. Both plaintiffs and defendants in the suit (HEW is not a party) are appealing to the 5th Circuit Court, which now has temporarily barred the school board from spending money on the television project. Meanwhile, three local property owners are seeking to enjoin the school board from using 1967 school board funds to implement any desegregation order.

Corpus Christi: Blacks are scarcely involved in the desegregation plot here that confronts this Gulf Coast city. They comprise only 5 per cent of local students, half of whom are Mexican-American, the rest Anglo. Yet U.S. District Judge Woodrow Seals has ruled that the chicanos, who attended white schools in Texas even before *Brown* vs. *Board of Education*, are the victims of discrimination. He has therefore ordered the busing of 15,000 of the school district's 46,000 pupils, hoping thereby to mix up all three ethnic groups. (Roberts, conversely, ruled that Austin had not discriminated against its Mexican-American students.)

Contending it didn't have the initial $1.7 million necessary to implement the plan, the school district won a partial stay that was subsequently overturned by the 5th Circuit Court. At length, however, the Justice Department was persuaded that Corpus Christi had a point.

In a memorandum approved by Atty. Gen. John Mitchell, the department admitted that doubt remains whether Mexican-Americans have actually suffered discrimination. The department therefore concurred with the school system in asking Justice Hugo L. Black for a stay, which Black promptly granted, acknowledging that "this case is in an undesirable state of confusion."

Del Rio: So far from wanting busing, the government wants to stop the busing that has long existed in this Mexican border city. For years the Air Force has sent to the mostly white schools in Del Rio the children living in dependent's housing at Laughlin Air Force Base, located in the neighboring, mostly Mexican-American San Felipe school district. U.S. District Judge William Wayne Justice doesn't see that this promotes integration—thus he has ordered immediate consolidation of the two school districts, with a view to keeping minority enrollment below 66 per cent in every classroom.

This is not by any means all that is happening on the Texas desegregation front. Judge Justice last spring ordered the consolidation of some adjoining Negro and mostly white school districts in East Texas. In Fort Worth, U.S. District Judge Leo Brewster has sanctioned a school board plan which calls for clustering 27 elementary schools.

Amarillo, Midland and Odessa, among others, are having their troubles with HEW and the Justice Department. The Texas Education Agency is under order from—you guessed it—Judge Justice to cut off funds to any school district which approves pupil transfers not conducive to "racial balance."

Who can blame Texans for their frustration? With polls showing that 78 per cent of them (this includes all races) oppose forced busing, the courts and bureaucrats still mouth disdainful "So whats?"

An Austin Republican who visited Washington in hopes of finding sympathy for his city's plight returned sighing that "At least now I know there is no use kidding ourselves." Democratic U.S. Sen. Lloyd M. Bentsen, Jr., admits that "I haven't been able to fathom the thinking of the HEW."

The President's tough words about firing bureaucrats who draw up plans that require too much busing have comforted Tower somewhat. (Tower, incidentally, is up for reelection next year and hopes to avoid becoming the victim of an anti-busing backlash.) The Corpus Christi stay request helped a little, too.

Still, rightly or wrongly, Texans want more than gestures from an administration whose anti-busing pledges are so numerous they blur in the mind. Dallasites are unhappy enough with the situation that local leaders, fearing anti-Nixon demonstrations, tried to talk the President out of coming to town recently for a Veterans of Foreign Wars convention speech. Nixon came anyway, but helicoptered straight to the convention site and left immediately after his speech which didn't touch on busing. (Unable to agree on what kind of demonstration to have, most busing opponents had already let the matter drop.)

There isn't likely to be violence connected with implementation of the desegregation orders. Not mob violence anyway. But this doesn't mean that busing will be accomplished smoothly. Rather than pack their children off across town each day, many parents will move away or switch to private schools. Meanwhile, the resentment that busing fosters is not likely to make for improved race relations.

What will be achieved is the kind of statistical brotherhood so dear to the hearts of the millenarians at HEW. And Texans ought to be forgiven if they fail to see that the federal government is interested in anything else.

THE CRISIS IN HEALTH CARE

(Mr. ROSTENKOWSKI asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROSTENKOWSKI. Mr. Speaker, today, my distinguished chairman, WILBUR D. MILLS, announced that the next major order of business of the Committee on Ways and Means would be public hearings on the subject of national health insurance. The chairman stated that these hearings would begin after the committee has completed its consideration and action on the tax proposals recently made by the President and now under consideration by the committee.

Over the past few years, various groups have conducted comprehensive studies of this problem and many proposals have been set forth and specific legislation has been introduced in this session. It is my opinion that action in this area can come none too soon. Many of us, I am sure, have seen and heard the overwhelming evidence that undeniably confirms one fact; millions of Americans do not receive adequate health care and those who do are paying exorbitant prices.

In the past 10 years the annual national health care expenditure has risen from $26.4 billion dollars to $67.2 billion. This represents today nearly 7 percent of our gross national product. This rise in cost is translated into a yearly, per capita outlay of $324 for each American. This figure was $145 only 10 years ago. In the last 20 years medical costs have risen 7.3 percent while wages have increased only 4.3 percent. The litany of statistical data is enormous and has filled volumes, but the message is clear; the enormous rise in medical prices in the 1960's has made adequate health care a luxury that few can afford.

The reasons for this alarming situation are varied and complex. It is not productive, in my opinion, to belabor the accusations against any one group or profession. One very obvious factor, however, has been the increased participation of Government in health programs. Since the inception of medicare and medicaid the combined Federal-State contributions to total health expenditures has risen from 25 percent to 37 percent. The increased availability of medical service to the poor and aged has resulted in an escalated demand made upon our existing medical supply. And the simple economics of our system has responded to this new supply-demand ratio with rising prices.

Mr. Speaker, it is my firm belief that this country has been blessed with millions of dedicated people who have labored selflessly to provide quality health care for our citizens; but their hard work and good intentions, as even they will admit, have not fulfilled the dream of adequate care for every American. In these times when the "reordering of priorities" has become a cliché I would suggest that health care initiatives be at the top of our priority list; not in political rhetoric but in reality. For while we are spending billions to insure that no American is killed by an atomic bomb, the fact is he is far more likely to die of cancer or heart disease. While the United States leads all industrial nations in production, it ranks 14th in infant mortality. While great medical advances in transplants grab the headlines, the United States rates no higher than 18th in male life expectancy. Now these figures, I think all will agree, paint an ominous picture of our health problem in America.

There is no way that all the causes for this situation can be alleviated by one legislative act. The difficulties range from dietary habits to urban environmental problems. But with a strong national effort supported by meaningful legislation we can begin the job of providing proper care to all Americans. We must be careful, however, not to expect a utopia. The passage of any bill is not going to elimnate disease and suffering from our society. The aim of any legislation must simply be to provide methods of reducing the financial burden of quality health care, and to provide for delivery of that care in the most comprehensive and effective manner.

Most definitely new methods of financing medical services must be found. Currently the Government pays 35 percent of the Nation's health bill—mainly for medicare and medicaid—and private insurers pay only 24 percent. Thus, 39 percent of the Nation's health bill is paid directly by consumers; this figure is excess of $22 billion. I am sure we are all aware of our own out-of-pocket expenses for medical bills. Under existing arrangements most Americans are paying insurance premiums and then paying for services not covered by their policies. The ordinary office visits for ailments that do not require hospitalization receive limited coverage in most policies, while the costs of such services escalate. Catastrophic illness coverage under the average private plan does not provide for the devastating costs of some accidents and illnesses that run into the tens of thousands of dollars. Is not it absurd that a man may be protected against losing his home and belongings because of fire or a natural disaster, but may be forced to sell it all to pay for an unforeseen accident or illness?

Virtually all the bills before Congress call for some new methods of financing health care. The estimated costs of these programs range from $3 to $70 billion. We should not delude ourselves, the job of financing health care is a costly one. But we, in Congress, must find a method that will help reduce the financial barriers that prevent so many of our citizens from seeking and receiving proper care. Some would advocate that the Federal Government assume total responsibility, establishing a national health trust fund financed by payroll taxes and general revenues. Such a plan would pay virtually all of an individual's health costs. Others seek a program that provides scaled Government assistance in purchasing private insurance policies. And there are numerous other proposals falling in between. All of the possibilities will be examined and evaluated and a determination must be made as to which will most effectively assist our people and still be a fiscally responsible program.

Another area of concern which many consider as important as financing is the restructuring of health care delivery systerms. Today we have what some call a pluralistic system and others a nonsystem. What this boils down to in reality is that there is no strict organization of our health industry. In theory there is a free market competition in operation that allows the patient and doctor to chose a method of receiving or dispensing care they find best suited to them. And there are those who feel this situation should be maintained. But if the theory seems appealing to our concept of free enterprise it must still stand up under close scrutiny of its effectiveness. The fact of the matter is that in choosing the method of delivery most suitable to himself, a doctor is far more likely to come to the conclusion that a comfortable, suburban practice is more attractive than location in urban or rural areas. Therefore, those in the cities are forced more and more to seek service in outpatient hospital clinics where they experience long waiting lines and impersonal service.

In recent years, there have been some experiments with prepaid group plans in various parts of the country. Some experts are advocating a national program to encourage the formation of these groups. There is evidence that such groups now in existence serve to reduce hospitalization and thus costs in providing comprehensive care. In such operations there is more emphasis placed on preventive care and health maintenance. And from an economic viewpoint it is far cheaper to prevent illness than to treat it.

It would seem also that certain incentives to encourage medical personnel to serve in our cities and rural areas are truly needed. There has been a steady decrease in the number of physicians in urban practice over the past decade and the prospects for the future are not encouraging. We cannot allow this situation to continue. Our cities today are home for many of our poorer citizens. And these are not all recipients of public assistance who are covered by the medicaid program. But also the working poor and lower middle income groups who receive no public assistance and are faced with financial barriers to adequate health care. This is not to minimize the medical problems of our citizens on public assistance, for medicaid is indeed no panacea, but simply to illustrate that the problem covers a very large segment of our population. Redistribution of our health resources must receive top priority in our present search for meaningful health reform.

I would like to close, Mr. Speaker, by making a simple but urgent plea. Let us hesitate no longer. Let us recognize this issue as one of the most pressing of our day. In our constant quest for a better life for all Americans we must take firm and decisive steps, not haphazardly in the expectation of instant solutions but rationally in the hope of closing the gap between what is and what can be in the health of our people.

LUMBER INDUSTRY PRACTICES "CHAINSAW LEGISLATION" IN REDWOODS NATIONAL PARK

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

Mr. SAYLOR. Mr. Speaker, the purpose behind the passage of the Redwoods National Park Act was to preserve the redwoods. Admittedly, in 1968, we did not preserve all of the magnificent trees—we were lucky to hold a small portion of them for posterity. Nevertheless, in creating the Redwood National Forest, we established methods for continued upgrading of the area and even for its expansion. The Congress relied upon the Secretary of the Interior to move with the spirit of the act and protect the fledgling forest from the ravages of the profit predators.

Time is running out for the redwoods. The most graphic evidence available is shown on page 10 of the June 1971 issue of the Sierra Club Bulletin. We all know the saying, "one picture is worth a thousand words"—the photograph of the results of logging activity near our new national forest is worth volumes of words.

The loggers have taken advantage of the ambiguities in the public law, the conservatism of the National Park Service, the timorousness of the National Forest Service, the slowness of the Congress, and a lack of concern by the Secretary of the Interior and are in the process of defining the borders of Redwood National Forest with bulldozers. Dr. Edgar Wayburn, president of the Sierra Club, rightly calls it "chainsaw legislation."

The picture I mentioned is not the only proof of how lumber barons take advantage of the public, but it describes a healthy portion of land that should have been included in the original park and because it was not, the public and nature has paid the final price—clear cutting. The clear-cut area near Skunk Cabbage Creek is one of the most arrogant displays of raw power and disdain for the public's interest by the lumber companies that has been my sad duty to report. Even if my bill—H.R. 1135, introduced January 11, 1971—had been passed, the areas described in the bulletin would not have been saved. My bill provides for the addition of various lands to the Redwood National Park, including the trees standing in the Skunk Cabbage Creek and Bald Ridge-Emerald Mile areas adjacent to the park. The clearcut area noted by the Sierra Club could have been saved if, and only if, the chainsaw cowboys had not been quite so quick to take advantage of a legislative oversight.

Unfortunately, and true to form, the lumbermen permanently defaced the area so that, whatever Congress or the agencies decided to do in the future with respect to park boundaries, an accomplished fact of forest defilement would reduce legislative or administrative "remedies" to an absurdity. Perhaps in 100 or 200 years from now the defilement of the Skunk Creek area will not be noticed. Until that time, the beauty of the Redwood Park area will carry the mark of the profit predators.

The lesson we must learn from the Skunk Creek tragedy is that the redwoods are in critical danger—in spite of the Redwood National Park Act. Only if Congress acts, and acts forthrightly, can the rest of the redwoods be saved for future generations of Americans.

Some of the remedies and long-term action needed to save the redwoods are described in an article by Dr. Wayburn entitled "Redwood National Park—A Promise Unfulfilled." Were it possible to print the pictures that accompanied Dr. Wayburn's article, the words would not be necessary. In lieu of the photographs, I want to include at the end of my remarks the excellent commentary on the present and future status of the Redwood National Park by the president of the Sierra Club.

The article follows:

[From Sierra Club Bulletin, June 1971]

REDWOOD NATIONAL PARK—A PROMISE UNFULFILLED

(By Dr. Edgar Wayburn)

(NOTE.—Dr. Wayburn is a past president of the Club and is presently a member of the Board of Directors. He recently testified at the Senate Interior Committee oversight hearings. The preceding article was taken from his testimony.)

Efforts to establish a Redwood National Park to protect the magnificent coastal Redwood forests of California went on for nearly a century before the Act of October 2, 1968 finally established such a park.

This act, passed with only one dissenting vote in the entire Congress, was a clear recognition by Congress of the urgent need to establish a federal reserve of the Coastal Redwoods while there were still uncut forests worthy of National Park status. For, as we all know, the redwoods had been logged steadily for over a century and logging was continuing. In the Redwood National Park Act, Congress recognized the esthetic and recreational value of the redwoods, and the American people's real concern for them. Probably no other National Park effort has engendered more public support. The deep concern of both Congress and the people was expressed in the Park Act itself—an unprecedented act which authorized $92,000,000 to purchase the property for the Park.

The Act (82 Statute 931) was not only unprecedented, it was also clearly a compromise and understood to be so by all concerned. The Conference Committee which drew up the proposed boundaries of the Park worked under major difficulties. It had to reconcile the differences between the 64,000 acre size Park passed by the Senate and the 28,500 acre proposal of the House of Representatives. It had to work within the limits of the $92,000,000 appropriated. It had to work against time, since logging around the area was proceeding. It had to consider economic demands of the vested interests involved as well as the local communities.

Certain inadequacies in the Redwood National Park Act produced by the Conference Committee—for a 58,000 acre park—were recognized by the Congress as being a compromise. The Redwood National Park outlined in the Act lacked unity and promised to be difficult to administer. Some of the finest stands of remaining virgin forest—of the highest park quality—were left out of the Park because of uncertainty as to how much could be bought within the $92-million ceiling. Many areas included in the Park would not be properly protected if logging proceeded close to their boundaries. The boundaries themselves were uncertain in places since the area had not yet been surveyed. However, it was felt by Congress and the country that it was essential to establish the Park, make it a reality, and then deal with the difficulties. The Congress very wisely wrote into the enabling legislation certain specific measures which offered a means to deal with the anticipated problems. Three of these measures are particularly significant.

(1) Section 2(a): "The Secretary of the Interior . . . may from time to time, with a view to carrying out the purposes of this Act and with particular attention to minimizing siltation of the streams, damage to the timber, and assuring the preservation of the scenery within the boundaries of the national park as depicted on said maps, modify said boundaries, giving notice of any changes involved therein by publication of a revised drawing or boundary description in the Federal Register and by filing said revision with the officers with whom the original maps were filed, but the acreage within said park shall at no time exceed fifty-eight thousand acres, exclusive of submerged lands."

(2) Section 3(d): "The Secretary is further authorized to acquire, as provided in subsection (a) of this section, lands and interests in land bordering both sides of the highway between the present southern boundary of Prairie Creek Redwoods State Park and a point on Redwood Creek near the town of Orick to a depth sufficient to maintain or to restore a screen of trees between the highway and the land behind the screen and the activities conducted thereon."

(3) Section 3(e): "In order to afford as full protection as is reasonably possible to the timber, soil, and streams within the boundaries of the park, the Secretary is authorized, by any of the means set out in subsections (a) and (c) of this section, to acquire interests in land from, and to enter into contracts and cooperative agreements with, the owners of land on the periphery of the park and on watersheds tributary to streams within the park designed to assure that the consequences of forestry management, timbering, land use, and soil conservation practices conducted thereon, or the lack of such practices, will not adversely affect the timber, soil, and streams within the park as aforesaid. As used in this subsection, the term 'interests in land' does not include fee title unless the Secretary finds that the cost of a necessary less-than-fee interest would be disproportionately high as compared with the estimated cost of the fee. No acquisition other than by donation shall be effectuated by the Secretary pursuant to the provisions of this subsection until sixty days after he has notified the President of the Senate and the Speaker of the House of Representatives of his intended action and of the costs and benefits to the United States involved therein."

These three supplementary authorities were essential ingredients in the compromise Redwoods Park Act.

The first supplementary authority had two purposes: (1) to allow some additional acreage to be added to the boundaries chosen, which were computed at the time to encompass only 55,569 acres, suggesting that some 2,431 acres might be added; and (2) to allow boundaries to be altered in places where the line chosen failed sufficiently to account for local topography.

A committee analysis offered on the floor of the Senate characterized this authority in these terms: "The maps are dated September 1968, but the Secretary of the Interior may periodically adjust the boundaries of the park to better carry out the purposes of the Act. In addition to this overall standard, the Secretary is directed to pay particular attention to minimizing stream siltation, timber damage, and assuring the preservation of scenery if and when boundary adjustments are made." In floor discussion in the House, Chairman Wayne Aspinall explained that the figures chosen provided ". . . a small allowance for an upward adjustment due to errors in calculation, allowable boundary changes, and the like."

The second supplementary authority was designed to respond to the problem created by the severance of the Prairie Creek unit of the park from the Redwood Creek unit. The areas were severed because of the existence of a highway and a proposed freeway. There was also industrial activity along the route that conflicted with park values. The Park Service was directed to acquire enough land, or easements, to develop a strip of woods which would shield out views of these incompatible logging, lumbering, and milling operations. It was recognized that such a screen did not then exist in places and that one might have to be restored. The depth of the screen was left somewhat indedeterminate, the only mandate seeming to be that it be deep enough to shield incompatible views. In explaining this provision for the Committee on the floor of the House, subcommittee Chairman Roy Taylor said: "a visitor emerging from Prairie Creek State Park today gets a sudden shock at the change of scenery he encounters. We want to restore this strip of roadside land to prevent this from happening."

With respect to this provision, it should be noted, too, that the Park Service was not limited to acquiring only easements but could acquire lands in fee. The Conference Committee report noted that such fee acquisitions were not a part of the acreage calculated as within the 58,000-acre limitation.

The third supplementary authority was a key part of the compromise. It grew out of a provision in the House bill. The House justified its choice of smaller boundaries hugging the stream in Redwood Creek by including this provision. The argument was made that the upper slopes did not necessarily have to be put in the park because protection could be provided for downslope groves in other ways. The means chosen was sec-

tion 3(e), carried over from the House bill. The hope was that a buffer zone could be created around the park in which commercial activity could be restricted to the point that no damage would be felt within the Park.

The House Committee report said this provision authorizes "... the creation of a buffer zone around the park in order to protect the trees and streams within it." The Committee said it "listened with much sympathy to proposals for the inclusion of at least one entire watershed within the park . . . but found the proposals infeasible because of the cost involved . . . It recognizes, however, that damage may be caused to the margins of every park . . . by acts performed on land outside those boundaries . . . The trees along the margin, for instance, may be subject to blowdown if clear cutting occurs right up to the property line, and the streams within the park may be heavily silted if proper soil conservation practices are not maintained upstream."

Subcommittee Chairman Roy Taylor explained the provision would insure, "as far as can be done, that activities outside the park will not seriously diminish the values for which the park is being set up. I refer to such activities as clear cutting right along the park boundary and improper care of upstream lands." The Conference Committee report said the intent of the provision is to assure "that clear cutting will not occur immediately around the park and, wherever it is reasonable to do so, to allow selective logging to be carried on there."

With respect to this provision, it should be recognized that the following means of control can all be used to achieve the results that were desired:

(1) acquisition of interests in land of various sorts;

(2) acquisition of scenic easements (Conference report speaks of "scenic easements or other interests in land");

(3) acquisition of watershed easements;

(4) acquisition of fee title in essential cases where less than fee costs are disproportionately high;

(5) contracts;

(6) cooperative agreements.

It should also be noted that the authority of this section allows these means to be used both with respect to parcels of land abutting the boundary and with respect to parcels not abutting it but located within watersheds tributary to the park.

The possibilities and the dangers inherent in implementation of the Redwood Park Act have been apparent to the Sierra Club since it was signed by the President. Since October 1968, the Club has talked and corresponded with the Secretaries of the Department of the Interior and with various members of the bureau involved. We have urged action and leadership. And with increasing despair we have watched the situation deteriorate.

The omission of the Skunk Cabbage Creek and certain significant areas of the Redwood Creek drainage were critical. Some of these areas could have been included within the 58,000-acre limitation.

On December 20, 1968, the Club wrote to Interior Secretary Udall:

"We plead with you to use your authority to add acreage to the park in these key growth areas: the Emerald Mile-Bridge Creek area, the Elam-McArthur Creek area, and Skunk Cabbage Creek. (1) 425 acres along the lower three-quarters of a mile of Bridge Creek's fragile watershed, including a quarter mile more buffer along the west bank of the Emerald Mile; (2) 721 acres in McArthur Creek and Elam Creek; and (3) 1,285 acres in the eastern end of Skunk Cabbage Creek. We have not suggested additions on the east boundary because logging does not seem imminent and some future opportunity may present itself for additions there. At some future time, the watershed easement authority of the law may make it possible to supplement the additions just suggested with protective easements to buffer the whole western boundary, but these additions are imperative now for the trees will simply not last. If they are to be saved, you must do it before January 20!"

On July 3, 1969 we wrote Undersecretary Train:

"Time is running out quickly. The chance for a good scenic screen along Highway 101 is already badly jeopardized by a growing clear-cut area in Skunk Cabbage Creek; logging by Arcata Redwood since midspring has opened up a 100 acre hole and just last week Arcata began construction of a new logging road from the Bald Hills Road down the east face of the slopes above Redwood Creek itself. This is the beginning of the end for the largest remaining block of virgin timber outside the park . . . Simultaneously, Georgia-Pacific has begun a major operation in Bridge Creek. In the last few days, their bulldozers have pushed through the forest to the very edge of the park along the Emerald Mile.

"As the first logging season opens after the park's creation, it is increasingly clear that you and the Secretary will have to act at once to implement the full intent of the Redwood Park Act, or the chance will be forever forfeited. Once again, we face legislation by chainsaw on the part of irresponsible lumber companies. Prior to the time that boundary surveys are completed, prior to the time that scenic scenes have been selected, prior to the time that watershed easements have been defined and purchased, the companies are moving in to define the character of the land that will be left—i.e., logged-over, bulldozed stumpland."

Our predictions, unfortunately, have come true. Clear-cut logging occurred from 1969 through 1971 at a number of places either at or near the Park's boundaries: in Bridge Creek, McArthur-Elam creeks, in Lost Man Creek, and in Skunk Cabbage Creek. A logging road has been pushed from the Bald Hills Road down the hitherto unlogged east bank of Redwood Creek just outside the Park. Despite pleas from conservationists, no Secretary of the Interior has moved to modify park boundaries under the authority of Section 2(a). These failures to act have already resulted in impairment of the park's potential.

The Secretaries have felt that they had to await completion of boundary surveys before exercising their authority under Section 2(a) since they would not otherwise know how much leeway they had. Conservationists, in turn, pointed out:

(1) that the total acreage is likely to be far less than 58,000 acres for quite some time because of slowness in transfer of state parks;

(2) the Secretary can delete lands at any time should statistics show any accidental excess acreage;

(3) delay in using the authority of Section 2(a) frustrates realization of one of its purposes because of the toll of ongoing cutting.

The Park Service has done nothing to implement Section 3(d) of the Act despite the fact that the view from the highway has deteriorated with the opening of new cutting scars in Skunk Cabbage Creek.

These scars could have been prevented through full and imaginative use of the authorities of Sections 2(a), 3(d), and 3(e) in tandem to extend protection to view zones west of Highway 101. Close-in areas could be put in the screen, and more distant view areas could have either been added to the park through minor boundary adjustments or could have been protected with scenic easements under Section 3(e). And Skunk Cabbage Creek could have been saved.

No implementation has yet been made of the authorities conferred in Section 3(e). The only step taken consists of commissioning a disputed report on buffers by Professor Edward Stone of the University of California's School of Forestry. Professor Stone recommended establishing a uniform 800-foot buffer around the park, chiefly for the purpose of fire protection. With the exception of a small spot in the Emerald Mile, clear-cutting would be allowed, in 30-acre blocks. The premise of his proposal was a hope that the companies owning abutting land would willingly enter into cooperative agreements to establish such buffers at no cost to the federal government. The companies have not been willing to do even this, though Arcata and Simpson have temporarily kept outside the 800-foot buffer.

There has been no real attempt to formulate a wide-ranging plan based on ecological and geological data and looking toward full use of the varied tools, including easements, zoning and fee acquisition, provided by Section 3(e).

The Park Service appears to conceive of itself as a mendicant who is reduced to begging for cooperation. Its planners have said: "The buffer issue, because it is extremely volatile, has demanded the utmost discretion. The timber companies have been sensitive in part to the legal aspects of such a concept and also to any overview that would inhibit their freedom of action on their lands."

The Service retained Professor Stone, but he has been unable to secure compliance with the most minimal plan. Georgia-Pacific, in particular, has made it clear it plans to clear-cut next to the boundary in the Emerald Mile, and indeed has done so already. Caught between our protests and the industry's intransigence, the Park Service seems to be immobilized.

In summary, the promise of the Redwood National Park that Congress authorized in 1968 has been put into deep jeopardy because of failures in leadership, delays in execution, and continued logging. Control within the Interior Department has been divided among the National Park Service, the Bureau of Outdoor Recreation and the Bureau of Land Management. No Secretary of the Interior has taken a personal interest in the matter.

The Park Service has been notably unsuccessful in securing cooperation from lumber companies on protection of areas adjacent to the Park, even on those areas which will affect the perpetuity of the forests within the Park proper. Planning personnel have not understood the legislative history of the Park Act. The Master Plan is vague, incomplete and after two and a half years still unready. The state has failed to move in turning over state parks.

Meanwhile, virgin forests have suffered massive attrition, and more, of an even more devastating sort, will take place unless there is immediate action to halt it. However, some of the finest forests adjacent to the park do still survive as well as the stands within the Park. There is still a last chance to rescue a meaningful park that will satisfy the intent of Congress and serve the will of the people.

To date, the intent of Congress in establishing a Redwood National Park has not been carried out by the executive branch of the government. The will of the American people has not been served. The money appropriated for the Park—which should be a crown jewel among all our National Parks—has not been put to its best or fullest use.

It is time for the Congress to address itself again to the problem of the Redwood National Park. Only Congress can take the action necessary to make this the great Park it should and must be. New legislation is desperately needed. Additional purchases will cost more today than they would have in October, 1968, but far less than they will next year or the year after. The nation still deserves the fulfillment of the great promise of a great Redwood National Park—and it does not have that Park today.

SPEECH BY VICE PRESIDENT AGNEW ON PRESIDENT'S NEW ECONOMIC POLICY BEFORE NATIONAL GOVERNORS' CONFERENCE IN SAN JUAN

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

Mr. GERALD R. FORD. Mr. Speaker, yesterday I had the privilege of attending the 63d annual meeting of the National Governors' Conference in San Juan, Puerto Rico, and taking part in their discussions. During the session Vice President AGNEW gave an excellent address dealing with the President's new economic policy and calling upon the Governors for continued support of revenue sharing and welfare reform. I am placing the text of the Vice President's remarks in the RECORD for the information of my colleagues:

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES, NATIONAL GOVERNORS' CONFERENCE, SAN JUAN, PUERTO RICO, SEPT. 13, 1971

The Governors of the fifty states come together at a moment that might well be a turning point in our Nation's recent history.

I am not only referring to the American economy. The significance of this moment goes beyond even those highly important bread-and-butter matters.

We may well be witnessing a reaffirmation of something basic to America—a renewal of our competitive spirit.

Prosperity is a job for everyone. Prosperity is built on confidence. And in more than one sense, confidence is back in business.

Today, I want to talk to you about our national response to a call for sacrifice and cooperation—a response that has amazed those who have been running America down in recent years.

And I want to talk to you about a danger that could erode and imperil that healthy response—the danger of blind negativism in a time that calls for intelligent, rational discussion.

The past month has been, to say the least, eventful. But just as important as what has happened in this Nation and around the world is something else—what has *not* happened.

There were important risks involved in the President's announcement last month.

Nobody could know beforehand what the reaction of the American people would be to a sudden limitation of their economic freedom. Fears were expressed of massive resentment by wage earners, of widespread refusal to cooperate in the price freeze by businessmen, of the need for an elaborate enforcement apparatus that might slow down the strong economic rebound already under way.

Nor could anybody predict with any certainty what the international reaction would be to bold, unilateral moves by the United States to make American goods more competitive and to protect the dollar. There were fears of great turmoil in the money markets of the world, of retaliation, of refusal to revalue other currencies. There were even fears of a trade war that would harm everyone.

It would have been foolhardy to minimize the great risks involved. But there were great stakes involved as well: the future of the American worker, the stability of the American dollar, the protection of the American standard of living—indeed, the ability of this Nation to maintain its position of leadership in the world.

If Americans stopped taking risks, we would stop making progress. It is only because the American people have time and again been willing to take the necessary risks that we have been able to rise to great occasions and to become a great Nation.

In the month since the President's announcement of a new economic policy, let us see what has happened—and just as important—what has not happened—at home and abroad.

Here at home, the people of this Nation—workers, homeworkers, businessmen, Americans in all walks of life—have responded in a way that justifies our pride in our country and our faith in the American spirit.

By its nature, a wage-price freeze cannot be entirely fair. It calls for sacrifice; inescapably, it has caused inequities and in some cases even hardship. Yet the overwhelming reaction of Americans everywhere has been a patriotic determination to do their part toward making the freeze work voluntarily. Look at the evidence:

All across the Nation, whenever a question about what the freeze requires has been answered by the Cost of Living Council, the answer has been accepted and its directive obeyed voluntarily.

Corporations overwhelmingly throughout the Nation have complied with the President's request not to increase dividend payments, because there is an understanding of the need to share the sacrifice.

As of last week, the President had received over 15,000 pieces of personal mail regarding the New Economic Policy. Sixty-six percent of its was favorable, while only fourteen percent was negative. Included in the letters and telegrams was correspondence from twenty-one governors, and commitments of support from hundreds of mayors and local officials. Communications have been received from veterans' organizations, organizations of retired persons, and civic organizations such as the Lions Club and Knights of Columbus.

We have received mail and telegrams from many union members and from union locals adding their cooperation to all the rest. Many of the Nation's leading merchandisers, department stores and grocery chains have taken full-page newspaper ads and aired television notices of their support for the President's program. Cooperation has been pledged by many of your attorneys general and consumer affairs people to assist in our effort to make the wage-price freeze work.

Since the freeze went into effect, the Georgia railroads have rolled back their intrastate rates. American Motors, through its dealer system, has rolled back its retail prices to customers. And as of last week, 132 cases of workers returning to work have been reported, involving a total of 110,193 workers. That organized labor is cooperating with the President is beyond question.

The Office of Emergency Preparedness, which has been charged with administering the freeze, reports that complaints by tenants against landlords about rents have been encouragingly few. They have been running at around 40 per day for the entire country. When you consider how many millions of people live in apartments or are otherwise renting property, the figure of 40 complaints a day is astoundingly low.

Of course, there has been criticism—and there has been jockeying for position for the time when the freeze is over. But future historians, looking back at this period, will remember the "freeze of '71" as a time when the American people willingly pitched in together to do all that they were called upon to do.

Let us look at the reaction to our new policy abroad.

At first, the world was stunned. Money markets were closed while the economic and political leaders of many nations met to consider the consequences of our action.

But, as the President pointed out to the Congress last week, instead of continued talk about the weakness of the American dollar, there was a new understanding of the strength of the American economy.

Instead of a continuation of unfair rates of exchange, there was a recognition of the need to face up to reality—and the process of removing the unfair disadvantages that have been harming American trade is well underway. As this sensible reaction continues, we can look forward to the removal of the temporary import tax imposed last month.

Instead of destructive talk of retaliation, there has been constructive reaction to the President's call for a long-overdue overhaul of the international monetary system, with every trading partner cooperating to move toward a new stability.

All in all, at home and abroad, we have seen what *does* happen when we rely on our faith—and what *does not* happen when we turn away from our fears.

In these past few days and in the weeks ahead, the President has met and will continue to meet with responsible American leaders representing different groups and often divergent points of view. He is appealing to their sense of patriotism, and to their common sense as well—for what is in the long run in the best interest of this country is in the interest of worker and businessman, farmer and consumer.

I can report to the Governors that the President is strongly encouraged by the reaction of these leaders in their meetings so far, and looks forward to working closely with them in the future.

This comes as no surprise to me. Two weeks ago, when there was some doubt expressed as to the likelihood of cooperation from some of these leaders, I said that in the final analysis they would rise to the occasion as patriotic Americans—and that is exactly what they are doing today.

What I have to say next is not directed against any individuals; it is directed against a tendency that runs counter to the interests of all Americans.

Everyone in this room would agree that in the area of economic policies, it would be impossible to secure a unanimous opinion on any single approach. There are, however, several very prominent arguments which are being used against the President's policy which I feel would be helpful to discuss.

The first: "American industry today is operating at only 73 percent of capacity!" Nobody can argue with that—the figure is accurate. The logical question then is "Why do we need more plant capacity, the kind that the President's job development tax credit would create, when nearly 30 percent of our plant capacity lies unused today?"

That appears to most listeners to make sense. If we are operating well below capacity today, who needs more capacity?

However, the problem is that the unused capacity is unused for a good reason—for the most part, it is outmoded, old and inefficient. Much of this unused equipment, if put into operation, would lose money; it usually consists of plants that are wartime reserve capacity, to be used only in severe emergencies justifying Uncle Sam's footing the bill for expensive, uncompetitive operations. Yes, it's still on the books as "capacity," but in practical terms the majority of it has nothing to do with capacity to produce at a profit and certainly nothing to do with our capacity to maintain our share of world markets.

A sophisticated audience, such as this one, will quickly understand this fact. But, let's face it, the explanation is a little dull, it will never make the 7 o'clock television news, and the laborious answer will never catch up with the catchy question: "Who needs more capacity when we're only operating at 73 percent of capacity now?"

Obviously, what American industry and American labor need now is more modern, productive capacity—new plants and equipment that will enable our products to compete at home and abroad, and kind of new plants and equipment that will be built, given the added incentive of the job development credit.

Another argument denounces any plan that might be of benefit to business as the "trickle-down theory!", which goes something like this: "There are those who believe that, if you will only legislate to make the well-to-do prosperous, their prosperity will leak through on those below."

Those words were intoned in 1896 by William Jennings Bryan, in his famous "Cross of Gold" speech. To be fair to Mr. Bryan, he was not so far off base in his feelings about an undue reliance on gold, as recent events have shown.

The facts are that the President has proposed a balanced tax package: it reduces taxes paid by individuals by $3.3 billion, and offers a tax credit of $2.7 billion to industry to invest in job-producing equipment and machinery. And it relieves consumers from some $2 billion in excise taxes.

Let us look at tax reform in context. In his testimony to Congress last week, Secretary Connally very succinctly pointed out:

"To be complete, the record must include the impact of the Tax Reform Act, plus the Administration's change in depreciation regulations and the tax proposals of the New Economic Policy. If the impact of these measures is spread over the five years, 1969 through 1973, the result is startling:

Federal income tax payments of individuals will have been reduced by almost $34 billion. Tax payments on corporate profits will have declined by slightly more than $1 billion.

The record is clear. Enactment of the President's recommendations, given the perspective of the three years of the Nixon Administration, will *not* be a bonanza for business."

I do not see how, under any circumstances, the "trickle-down" appellation applies.

Still another argument states: "You can't freeze wages and prices without freezing profits." Let's face it—that sounds reasonable to most people.

Of course, the facts paint a different picture: while wages and prices have been going up, profits have been going down. The average profit before taxes over the past two decades has been about 20 percent; today, it is down to 13.4 percent. You cannot substantiate a claim that high prices are the result of fat profits.

Secondly, the profit motive is what makes the wheels go round in the free enterprise system. Profit potential is what attracts capital and capital is what creates jobs.

And third, every single one of us is in partnership with every profit-making corporation. Government at all levels gets over half of all corporate profits in taxes. Let me say the unsayable: rising corporate profits are good for the average man and are needed more than ever by the poor.

If corporate profits were to rise next year to the level of the average of the past twenty years, as part of a full employment economy, the Federal Government tax receipts would increase by more than $8 billion.

Put it another way: if corporate profits now were as high relative to the average Gross National Product as they were in the Sixties, our Federal tax receipts would be $11 billion more. That's the kind of money that could go toward helping a great many people who could use the help.

That's why we don't want to freeze profits; we want to increase profits that generate jobs, profits that generate tax revenues, profits that help to raise the average American's standard of living.

Put the shoe on the other foot for a moment. It would be the height of folly to suggest an "excess savings tax" on the individual worker—not only would it penalize the thrifty, it would cause people to stop saving at all; why give your savings to the Government? In the same way, an excess profits tax penalizes the efficient company and would trigger senseless corporate spending. That would result in lower productivity at a time when only rising productivity can conquer inflation.

With respect to the job development tax credit, let us not forget that in 1965, when an investment tax credit was in effect, it was utilized by 350,000 corporations, which means mainly small businesses; not only that but it was also used by 1,700,000 individual taxpayers, three quarters of whom had incomes of less than $20,000 per annum. Of these, 700,000 were farmers buying tractors and other equipment to make their farms more productive. More productive farms mean a better life for the small farmer and a better deal for the consumer.

Therefore, in this period of a freeze on wages, prices and rents, and indeed in the stage that follows the freeze, let us work together in the public interest through a rational discussion and a spirit of cooperation.

As you all know, I am a believer in honest partisanship, and I have always been convinced that a free society gains strength through the spirited discussion of great issues. Disagreement is healthy in a democracy; rational debate serves our great national purposes.

The President's New Economic Policy was not handed down from Mount Olympus; it should be subject to the most searching analysis, and where it can be improved, it should and will be improved. We're open to ideas, because the only way the fight against inflation can succeed is if every group and every individual has a stake in its success.

Let us, then, agree to raise the exchange rate of our ideas. Let us set aside the kind of petty bickering that interferes with healthy debate, and put away the partisan jockeying for position that clouds the issues and saps the cooperative spirit so urgently needed today.

Let us discipline our discourse with a rising regard for the facts of the matter and with an ever greater sense of the need to put the national interest ahead of special interest or personal interest.

This is a time for seriousness, not a time for stereotyping. This is a time for new approaches, not a time for old slogans.

We all want the new prosperity, without inflation and without war. No party and no political leader has a monopoly on wisdom or an exclusive on the common goals of all Americans.

In that spirit, we can discuss our differences in approach to those goals fully and freely.

In that cooperative spirit, we can revitalize America's competitive spirit and prove ourselves worthy of the renewed faith and the surging confidence of a people who are ready to rise to the challenges of peace.

As hopeful as the President is for the new economic policy, he in no way feels that it is a substitute for the rest of his domestic program. In particular, it does not alleviate the need for Revenue Sharing and Welfare Reform. I stress these two programs, in view of the announced delay in their implementation. The delays in no way reflect any lesser degree of Presidential support; rather, they recognize the legislative and administrative realities that confront us.

We now plan to have revenue sharing start January 1, 1972, less than four months from this date, rather than October 1, 1971, the date originally proposed. The Bill has yet to pass either the House or the Senate, and the Senate Finance Committee has yet to hold hearings. We have our work cut out for us. However, with the continued united support of state and local government, it can be done.

Early this summer, HEW organized a task force which was instructed to find ways in which to implement welfare reform by the effective dates contained in HR–1 as it passed the House in March of this year. This group reported its findings prior to the President's recent economic message, and it stated that additional time would be needed in light of Congressional delays and the unprecedented nature of this administrative challenge. It is clear from this report that welfare reform legislation must pass this year so that we will be able to begin the administrative work that is required to put the President's historic workfare and welfare reform concepts into effect by the new deadlines.

From the point of view of Governors facing exploding welfare costs and from the point of view of aged and disabled adults and children in poor families, it is absolutely imperative that the enactment and implementation of both revenue sharing and welfare reform be as rapid as possible. This is exactly what the President wants. It is only possible with your continued help.

We do not have an easy task confronting us. The President has asked for your support and understanding of the initiatives he has made. On the other hand, it is equally important that he appreciate and understand your views and recommendations in these matters. Accordingly, he has asked that I invite your Executive Committee to meet with him this coming Thursday, September 16th, at the White House in order that you may fully participate in helping plan the phase of the system of wage and price stabilization that will follow the present phase.

It is my intention, as the President's liaison with the Governors, to assure that your views on this and other matters are continually brought to the attention of the appropriate policy-making officials in this Administration. I look forward to being with the Executive Committee in Washington this Thursday, and to working with them and with each of you in the development of programs which will be to the benefit of all Americans.

JUSTICE IN ULSTER (II)

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

Mr. CAREY of New York. Mr. Speaker, during the congressional recess I had the opportunity to visit Northern Ireland and observe the situation there.

As a result of my visit I am preparing a report which I will issue shortly. It will be my purpose to set forth a factual appraisal of the Northern Ireland problem in the hope that a careful consideration of the problem by men of good will may lead to a peaceful and timely solution without further violence.

It is indeed fortunate that the American media—audio, visual, and written—are, by and large, giving us grounds for a balanced perspective. It would indeed be welcome if there was not at the same time the accompanying casualty figures of men, women, and soldiers being killed and maimed while the solution is awaited.

As before, I enter in the RECORD two timely articles which are instructive and informative on the situation:

[From the Washington Post, Sept. 10, 1971]

ULSTER TALKS LIKELY; PARLIAMENT TO MEET

(By Alfred Friendly)

DUBLIN.—The first signs of a possible political break in the intense Northern Ireland

crisis appeared today with news that tripartite talks among the British, Irish and Ulster prime ministers could be expected.

At the same time, the British government announced an emergency session of Parliament, now in recess, to debate the situation. The House of Commons will meet Sept. 22.

Today was a day of fast and significant developments, suggesting that all sides had concluded that the Ulster situation had reached such a desperate stage that major action had to be taken lest a threatened bloodbath materialize in the north.

Of the day's events, potentially the most promising was the revelation by a highly placed Irish source that the leaders of the governments concerned would probably soon begin conversations looking toward basic constitutional changes to give Ulster's Catholic minority a meaningful participation in the affairs of state.

British Prime Minister Edward Heath, according to a spokesman, made the offer of tripartite talks in his meeting in London on Monday and Tuesday with his Irish opposite number, Jack Lynch.

On Tuesday Lynch denied that any such proposal had been made. Heath's office insisted that it had been. On Wednesday Lynch said he would take London's word for it and think seriously about it. Today's disclosure suggests that the matter has gone even further and that the talks are on, although when they will take place is not yet known.

In other developments:

Joe Cahill, 51-year-old leader of the "provisional" branch of the illegal Irish Republican Army (IRA), was arrested at the Dublin airport this morning on his return from a futile attempt to promote his cause in the United States. But after being held in Bridewell Jail for about 12 hours he was released at 9 p.m.

His arrest was made under a section of Ireland's Offenses Against the State Act permitting 24-hour detention without charge. To keep Cahill longer, the government would have had to charge him with an indictable offense. Despite what may have been incitations to violence and killing in statements he made in Ulster and, possibly, in New York, it is probable that he broke no laws in Ireland—except for membership in the IRA itself. But that is a crime so extensive and popular here that it is ignored and, in any event, no Irish jury would convict anyone indicted for it.

Informed observers suggested, however, that the act of taking Cahill into custody was intended as an Irish gesture of goodwill, if only a tiny one, toward Northern Ireland. The more militant IRA faction that Cahill leads has been responsible for almost all of the IRA's part in the past year's series of shootings and explosions.

Although it has not been announced, it was learned that the members of the principal Catholic opposition party in the Ulster Parliament (Stormont) are coming here Friday to confer with Lynch.

The scheduled meeting suggests that the politicians, members of the Social Democratic and Labor Party, believe that serious discussions about a massive governmental and parliamentary reform in Ulster are likely. A detailed plan for such a stem-to-stern reform, proposed by British Labor Party leader Harold Wilson yesterday, was in effect endorsed by Lynch in a statement issued late tonight.

The Irish prime minister said, "Certainly Wilson's proposals accord with the view I have frequently stated that the time is right for a re-examination of the Stormont structures as a means of insuring that a permanent monopoly of power does not lie with one section only of the community."

Lynch also endorsed Wilson's call for a total ban on private possession of firearms in Northern Ireland and, by implication, the confiscation of more than 100,000 guns licensed there, largely in Protestant hands.

The Wilson proposal, calling for, among other things, a proportional representation system of voting, would greatly enlarge the power of the Catholic minority in Stormont.

The proposals would also subject that body's legislative proposals and enactments to ultimate decision by the Westminster Parliament, which is not guided—as Stormont has been for its 50-year history—primarily by sectarian considerations. These have resulted in perpetual and hitherto unbreakable Protestant supremacy in Northern Ireland.

The proposals did not, however, provide for what would be a coalition government of Protestants and Catholics or for a Catholic role in the cabinet. Although this has been a basic minority demand, the Wilson statement was hailed by almost all Catholic political elements in Ulster.

Ivan Cooper, a prominent Social Democratic and Labor Party opposition member of Stormont, called Wilson's statement the "most significant contribution made by a British politician since the Northern Ireland crisis began."

Wilson's plan will almost certainly be put forward at a special session of Britain's Parliament this month, but the very fact that it is offered by the opposition party may doom it in government eyes. In any event, it is most unlikely to win any support from Ulster's ruling Unionist Party, since its adoption would mean an almost revolutionary diminution of Unionist power.

Although hope for a beginning of a way out of the violent Ulster crisis can be seen in the prospective Heath-Lynch-Faulkner discussions, hope remains dim for talks in what would be a much more decisive forum.

This is a proposed set of roundtable discussions, to be chaired by British Home Secretary Reginald Maudling, with all major groups in Northern Ireland's public affairs, Catholic and Protestant.

BRITISH ARMORED CAR KILLS CHILD IN ULSTER

BELFAST.—A British Army armored car struck and killed a 3-year-old boy in a Londonderry traffic accident tonight, and a booby trap killed a British Army explosives expert.

The deaths raised to 42 the number of persons killed in Northern Ireland's summer of violence, and pushed to 102 the death toll since Britain sent troops to the troubled province in August, 1969, to quell rioting between the Protestant majority and Roman Catholic minority.

Crowds inflamed by the death of the boy surged through Londonderry's Bogside district, throwing up barricades of cars, planks and furniture to hamper British patrols battling snipers. Stones and gasoline bombs were thrown at the troops.

[From the New York Times, Sept. 10, 1971]

WILL ULSTER WAIT?

(By William V. Shannon)

WASHINGTON.—Contrary to the propaganda of the Irish Republican Army and the opinion of many Irish Americans, the British presence in Northern Ireland is now an anachronism rather than an exercise in imperialism. Ulster is actually a huge drain on the British treasury.

Preoccupied with the great question of persuading Parliament and the country to join Europe, Prime Minister Edward Heath undoubtedly regards the Irish problem as a most tiresome and irritating distraction. If all of Ireland, North and South, suddenly sank beneath the waves, Mr. Heath would probably be delighted.

The conflict in Ireland has worsened into a crisis as he has tried to ignore it. The failure of his talks with Mr. John Lynch, the Prime Minister of the Irish Republic, earlier this week shows that Mr. Heath is not yet ready to face the harsh truth about Ireland.

His reluctance is understandable. The Protestant ruling class in Ulster does not have the powerful influence inside the British Conservative party which it had fifty years ago when Britain last confronted the Irish question, but its English and Scottish sympathizers could still give any Conservative Prime Minister a lot of trouble, Mr. Heath does not want to divide his own party and jeopardize support he would otherwise get on the Common Market vote.

Yet the harsh truth remains that only a fundamental solution can resolve the present difficulties in Northern Ireland. Mild changes such as proportional representation, which Mr. Heath proposed to Mr. Lynch in their talks, are now irrelevant.

Such modest reforms presuppose that both communities in Northern Ireland are agreed upon the legitimacy of the state, but that is no longer true. The Catholic community has become alienated from the Protestant-controlled Parliament and Cabinet in Stormont. Any moderate Catholic politician who tried to work within the existing framework would be condemned as the Irish equivalent of an Uncle Tom. The internment without trial on Aug. 9 of more than 300 Irish Republican Army members but of none of the heavily armed Protestant militants served only to convince the Catholics that the British Government and British Army, instead of being neutral, have lined up on the Protestant side.

The London Sunday Times warned editorially last weekend that Mr. Heath has to "reckon with the possibility, to put it no higher, that confidence among Catholics is now irrecoverably lost. Internment may well have clinched the disillusionment bred of their long failure to secure either equality before the law or any share of executive power. If that has happened, then the state of Northern Ireland has no future except as a military tyranny."

No modern British Government could—or would want to—rule Northern Ireland by bayonets indefinitely. British public opinion would not permit it. To escape from this military dead-end street. The Sunday Times urges the British Government to begin now to explore with the Irish Republic the constitutional alternatives: "the various forms of federalism, gradual reunification, redrawn partition, a diminished Stormont and so on."

One possible arrangement that has been discussed in the British press is to make Ulster into an Anglo-Irish condominium. The flags of both Britain and the Irish Republic would fly there. The Irish Army would share peacekeeping duties with the British Army. The people would have dual citizenship, Irish as well as British.

Such a compromise would not satisfy either the I.R.A. or the Protestant militants. But it would move Ireland a long way down the road to eventual reunification. At the same time, the preservation of some British influence would reassure those Protestants who fear the Irish Republic as a clerically dominated Catholic state.

But Prime Minister Heath knows that a new constitutional settlement that would be acceptable to the Catholic community and to the Government in Dublin would have to be imposed by Britain. The men who control the old regime in Stormont are not going to volunteer to commit political suicide.

It is highly unlikely that Mr. Heath is ready to take the risks of large decisions before the Common Market issue is settled. When Parliament meets to discuss the Irish question, the Government can be expected to temporize and the members of Parliament will let off steam. But will the onrushing pace of events in Ulster wait for Mr. Heath to make up his mind and arrange his parliamentary timetable?

JERUSALEM, JERUSALEM

(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, while Congress was in recess I visited the State of Israel and the city of Jerusalem. During my stay in Israel I lived in a hotel located in East Jerusalem. Before the 6-day war in 1967 East Jerusalem was ruled by Jordan; it is now a part of the united city.

I should like to provide our colleagues with some of my observations concerning that city. Jerusalem has a resident population of 300,000, of which 70,000 are Arabs. One would suppose that as a result of the 6-day war East Jerusalem would be a hostile area, perhaps even dangerous, and surely so at night. The facts are otherwise. The barbed wire which formerly surrounded the inner old city has been removed and the ancient walls have been repaired. Even in the latest hours of the night, one can walk safely in the streets of the entire city of Jerusalem, including every nook and cranny of the four ancient quarters making up the old city.

Under the leadership of a man who must be one of the most dynamic mayors in the world, namely Teddy Kollek, housing in Jerusalem is being built for Jews and Arabs, now all Israeli citizens. These buildings are built of Jerusalem stone, in keeping with the city regulation requiring the use of this stone in all construction, and are magnificent to see rising above the Judean hills.

Let me dwell for a moment on what the situation was when the old city and East Jerusalem were under Jordanian rule. The Jordanians demolished the Jewish quarter and all of its ancient synagogues. They are now being rebuilt and Jews are once again living in that quarter from which the Jordanians banished them.

The Western Wall, a remnant of the second temple, is a magnificent sight. Jews from every country come to pray before that ancient edifice. Being there is a very moving experience, especially when one sees a child of 7 or a bearded septuagenarian approach the wall and with religious fervor kiss the very stones.

Under Jordanian rule, Jews were not permitted to enter the old city and pray at the Western Wall. Today in united Jerusalem not only are the Jews exercising full religious freedom—but Arabs, Christians, and Moslems alike have their religious freedoms equally protected. It will, I am sure, surprise our colleagues to know that this year alone more than 100,000 Arabs came into Jersualem from the very countries bent on Israel's destruction, namely Egypt, Saudi Arabia, Jordan, Syria, and Lebanon. The city welcomed them and many freely visited and prayed at the El-Aksa Mosque and the Dome of the Rock. Both of these mosques which I visited are under the jurisdiction of the Supreme Moslem Council recognized by Israel.

In the old city, the Church of the Holy Sepulcher, which I also visited, was filled with Christians and other visitors; again the Israeli Government has given jurisdiction over the Christian holy places and religious institutions to the various Christian communities.

Contrast this with Jordanian rule. Jerusalem is a city built on the Judean hills, and as I looked to the east over the walls of the old city toward the Mount of Olives, I saw the ancient Jewish cemetery which for two millenia has been sacred to Jews throughout the world. But that cemetery while under Jordanian rule was violated with many of its ancient tombstones being taken by the Jordanians to build a road through the cemetery. Israel with loving care is restoring that cemetery and wherever possible the ancient tombstones used as roadstones are being placed again above the graves despoiled by the Jordanians.

Mr. Speaker, from all newspaper reports it is clear that drive is being undertaken by the Arab states and their supporters to end the unification of Jerusalem. These efforts are being made even though all religions have benefited from Jerusalem's unification. In this regard, I would like to share with you the conversation I had with Sister Aline—a Catholic nun of French citizenship who has devoted her life to the people of Palestine and now Israel and in particular to the Arabs residing in Jerusalem. She said that the Christian churches in the old city did not suffer damage during the 6-day war because, "Israel lost a lot of soldiers just to respect and protect the holy places." She was alluding to the care taken by the Israeli Army in liberating the old city to avoid damaging the holy places. Their strategy was not confined to only military considerations; lives were risked—and lost—so that the holy places would not be damaged. She said to me, and I will always remember her comment:

> All of the holy places together are not worth the life of one man.

And she was sorry, and I quote her again:

> It is regrettable that there has been no expression by the Vatican to Israel for its actions in saving the holy places.

She told me that she and the Sisters of Zion who had lived in the old city from 1948 to 1967 when it was liberated by the Israeli Army organized student classes in September of 1967 where there could be a place for Arabs to learn Hebrew and Jews to learn Arabic. In her first class in September of 1967 there were only 36 students, but 3 months later there were 350. And now in the current class there are more than 400 adult students, with 315 Arabs learning Hebrew and 150 Israeli learning Arabic. She said:

> Personal contact is taking place because the city has been reunited.

Mr. Speaker, in 1948 when Jordan seized the old city and East Jerusalem, the Israelis were cut off from Hadassah Hospital and Hebrew University located on Mount Scopus.

The armistice which Jordan and Israel signed provided that both facilities would be available for use by the Israelis, but instead they were denied that use and the buildings were left vacant for 20 years. Now that the city has been reunited both Hadassah Hospital and Hebrew University, which had built new buildings in West Jerusalem, are refurbishing their buildings on Mount Scopus. When I visited the Hadassah Hospital in its new location in West Jerusalem there were Jews and Arabs in the clinic being treated without distinction. When I spoke with a young Arab who lives in East Jerusalem and who is employed by the city of Jerusalem as a probation officer, he told me how his own brother-in-law who was visiting Jerusalem from Kuwait and needed medical treatment had told him that he wanted to be treated at Hadassah Hospital in West Jerusalem.

Mr. Speaker, I would hope that our colleagues and the President of the United States will speak out against any attempts to end the unification of the city of Jerusalem. To return any part of that city to Jordan would be such an outrageous act in view of Jordan's past actions while it had control of parts of that city that I suspect few if any voices will be raised in support of that proposal. Those who would seek to place the city of Jerusalem under international control would be taking an equally immoral action. For they would be dividing a city now united. International control surely could not do more for the city than the Government of Israel has already done and will continue to do. The eternal city of Jerusalem is the capitol and chief pride and joy of the people of Israel. They will not tolerate turning that city into an international zone to become a hotbed of espionage and intrigue and a source of strife and war.

It stands to reason that a city which is so central in the thoughts and aspirations of a people as Jerusalem is to the Jews is best left to their tender loving care. We know they will protect it for all mankind.

GARY, IND., OUR STATE, AND THE NATION ARE PROUD OF THE JACKSON FIVE

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

Mr. MADDEN. Mr. Speaker, the "Jackson Five"—five youthful children of Joseph and Katherine Jackson of Gary, Ind., are now the top headliners of the Nation in the field of musical entertainment. They are brothers, and taken together they add up to the Jackson Five, a group that in hardly more than a year has become the biggest thing to hit pop capitalism since the advent of the Beatles. They had four hit singles in 1970, two more already this year, four albums, with all 10 releases selling in the millions, and one, "I'll Be There," already well over 4 million. Teenage girls besiege their home for autographs and sometimes faint when they sing. They have their own magazine, a quarterly in which fans can revel in a whole issue devoted entirely to the Jackson Five and read things like "Michael's Love Letter to You." Stores now bulge with Jackson Five decals, stickers, and sweaters. A Jackson Five hair spray and a Jackson Five watch are planned, as well as a tele-

vision cartoon about their lives. Despite this commercial hoopla, the group manages to be one of the best soul bands in the country. It is also part of the most likable and natural family ever to survive the pressures of teen-age stardom.

They all live together in a massive 12-room stucco-modern house on a large lot guarded by an electric gate out in Los Angeles' sprawling San Fernando Valley.

Mr. Speaker, I take this opportunity to congratulate the Jackson Five, an entertainment family from Gary, Ind., who should serve as an example for the youth of the inner city, indeed all youth, throughout the country.

The Jackson Five were raised in Gary. Through hard work and perseverance, with the loving example and dedication of their parents, Joe and Katherine Jackson, these young men have leaped to the top of the entertainment world. Now they are the stars of "The Jackson Five Show," TV's first animated series starring black youth, which premiered Saturday, September 11, on ABC–TV, and on Sunday, September 19, will star in their first television special, "Goin' Back to Indiana," on ABC–TV.

The Jackson Five have often been lauded for the kinetic energy and showmanship that have catapulted them to the forefront of the world's contemporary music groups. They should be equally lauded for the example they set for the youth of the Nation. Having reached the top, they have not lost any of their strong, loving family ties, nor their appreciation of the value of education. At the very peak of their success, they still maintain a heavy schedule that puts schooling first, and practices and performances second. Success never comes easy. Nor is it instant. Success means sacrifice—in the case of the Jackson Five, willing family sacrifice by their father, Joe, a steelworker who supplemented the family income as a guitarist and singer, and their mother, Katherine, who encouraged the natural talents of the family, and budgeted to provide the expensive and needed musical instruments that were vital to their success.

That is behind the Jackson Five now, Hard work, perseverance, dedication and family devotion have reaped incredible rewards—rewards that could not have come to a nicer, more talented or exemplary group. I congratulate them on their success and the upcoming special, "Goin' Back to Indiana." Gary is proud of the Jackson Five. In our minds and hearts, they have never left Indiana.

A MEDAL FOR LOUIS

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

Mr. MONAGAN. Mr. Speaker, on Tuesday, July 6, 1971, Louis "Satchmo" Armstrong, credited as the man who was the most active contributor to the development of jazz as a unique form of American music, succumbed to a heart attack in his sleep. The melodic sound of his golden horn and the harsh rasp of his voice will always live on in our memories. He left all of us a rich legacy of recordings and we as a nation must also be grateful to "Satchmo" for the good will which he generated for our country by his tours of Europe, Africa, and South America.

To provide a modest and inadequate tribute to this illustrious and admirable American I am filing a bill to provide that a gold medal be presented to his widow.

I also append to my remarks the following editorial from the July 7, 1971 edition of the Waterbury American:

GOODBYE "SATCHMO"

The death of Louis "Satchmo" Armstrong at 71 removes one of the most colorful and unique personalities from the world music scene. His passing leaves a void in the world of jazz which can never be filled.

The gravel-voiced, eye-rolling, trumpet-tooting music maker sang and blew his way into the hearts of his fellow Americans, and indeed, into the hearts of the world which found his talent, good humor and down-to-earth common sense irresistible.

Born in Louisiana in the first year of this century, Satchmo at 13 began his life-long love affair with the trumpet and jazz. From early beginnings of one-night stands in tank towns, Armstrong went on to jazz concerts in the world's great capitals, and to international fame through his recordings, movie appearances, and guest spots on television talk shows.

The ready acclaim offered to Armstrong by jazz-lovers around the world probably contributed to his legendary good humor and his lack of bitterness at the early privations suffered because he was black. Never a racial activist, when asked to what he attributed racial unrest around the country, he retorted "Bad booze." In Satchmo's philosophy "Cats are the same everywhere . . . They all talk the same language. They all dig me and my horn."

Those who do—any they are legion—will miss you, Satchmo.

ADDRESS BY THE HONORABLE GERALD R. FORD TO THE NATIONAL GOVERNORS' CONFERENCE, SAN JUAN, PUERTO RICO

Mr. CONABLE. Mr. Speaker, I ask unanimous consent to insert at this point in the RECORD the text of a speech delivered yesterday to the National Governors' Conference in Puerto Rico by our distinguished minority leader the gentleman from Michigan (Mr. GERALD R. FORD). Mr. FORD's topic was "New Directions in Health and Welfare."

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

There was no objection.

The address is as follows:

ADDRESS BY REP. GERALD R. FORD, R-MICH. TO THE NATIONAL GOVERNORS' CONFERENCE, SAN JUAN, PUERTO RICO

SEPTEMBER 13, 1971.

Distinguished Governors and guests:

First let me express my gratitude to your chairman, Governor Hearnes, and to our host, Governor Ferré, for inviting me to be with you this morning and for the warm hospitality I have received. I think there is something extra significant about this Conference, being chaired by the Governor of the "Show Me" State and held in this beautiful Commonwealth which has, indeed, shown all of us what government close to the people can do, with some help from Washington, to be sure, but also with enough freedom to tackle its own problems in its own way. This is the genius of our Federal system and it is the element which the Nixon administration seeks to restore and reinforce in its major reforms.

It is a pleasure to share the platform with my good friend from Louisiana, Senator Long. As chairman of the Senate Finance Committee he enjoys a well-earned reputation on Capitol Hill for his expertise on the legislation we are to discuss this morning, and together with Chairman Wilbur Mills of the House Ways and Means Committee holds one of the keys to its fate in this Congress. I am as anxious as you are to hear Senator Long's prognosis on the welfare reform bill we have sent to the Senate and on the various health insurance bills pending in his committee, both the Administration package and the Kennedy plan.

"New Directions in Health and Welfare" is rather a big order for a few minutes' summary, but we can all start from the premise that something new and different is desperately needed in both these departments of domestic concern. The mere pumping of more and more tax dollars into welfare and health and the erecting of an ever-expanding Federal bureaucracy has not solved either problem; it has complicated them. Clearly, it is time to take a new tack.

Let me begin with welfare reform. I don't need to waste time telling you governors the dimensions of the welfare dilemma which has divided Americans into three economic groups—the haves, the have nots, and the have some of yours.

Nothing this administration has proposed in the domestic field has stirred more controversy than welfare reform and the family assistance provisions that are at the heart of it. Nor does this controversy break neatly along conventional party lines—I sometimes think that a program can't be all bad when the far right assails it as too much and the far left attacks it as too little.

Evidently the House of Representatives agreed when on June 22 we passed the bill H.R. 1 by a vote of 288 to 132. This bill is a combination of welfare reform and social security amendments, and its welfare reform titles are in my judgment a considerable improvement over those the House passed in the previous Congress, which died in the Senate. President Nixon hailed H.R. 1 as a classic example of cooperation and compromise between the Executive and Legislative branches. Senator Long can tell us what lies in store for it in the Senate, but of one thing I'm certain—the President certainly has not lost interest in welfare reform.

During his August 15 address to the nation announcing the wage-price freeze and other emergency economic measures, President Nixon said he would ask the Congress to postpone the effective dates of his welfare and revenue sharing proposals. Many listeners mistakenly concluded he was putting these reforms on the back burner, so to speak, for the duration of the economic crisis. But the fact is the President was merely recognizing legislative realities. Were the Congress to quickly approve his general revenue sharing plan as now written, it would have started on October 1, 1971. Obviously this is impossible, he now asks that the date be deferred to January 1, 1972. Most of the welfare reform provisions of H.R. 1 as it passed the House would take effect next July 1, and the President now suggests this be postponed to July 1, 1973.

Coming before the joint session of Congress when we reconvened last week after a long recess, President Nixon reaffirmed his hope that prompt and affirmative action will be taken *in this session*—he stressed those words and repeated them three times—on executive reorganization, revenue sharing

and welfare reform. I hope the Congress will respond, and you gentlemen can help by continuing to urge the Representatives and Senators in your State delegations to support these measures which offer the only visible hope of relief for hard-pressed State and local governments and particularly the overburdened payers of property taxes.

I noticed in a New York newspaper a survey showing that so far in 1971 at least 19 States have made sharp reductions in their welfare programs, and almost all are considering changes.

This struck me as clear proof that welfare reform can no longer wait; it is not merely an idea whose time has come but one whose time is long over-due, and if the Federal government dawdles, the States will act individually. But then we will still have 50 different welfare programs as we do now. We will still have a monumental political headache that will haunt all elective officeholders—Democrats and Republicans—in 1972 and beyond.

I say the present welfare system is beyond repair and must be replaced. We must have a system that helps those in need to the extent they can and will help themselves, which fosters independence rather than dependence and family responsibility rather than irresponsibility, that in the long run tends to make taxpayers out of taxeaters. There is really no choice between H.R. 1 and a variety of acceptable alternatives; for practical purposes there is only the choice between doing nothing and doing something. The House has twice done something and the rest is now up to the United States Senate.

In discussing the legislative picture with respect to new directions in health care for Americans, I am afraid we cannot escape politics this year or next. It is a highly emotional as well as a highly technical issue that touches the life-and-death concerns of every citizen. As we have learned from Medicare and Medicaid, there are definite limits to what can be done by legislation or by appropriation.

Still, health is high on the agenda in every State and there are literally dozens of bills before Congress dealing in one way or another with new forms of national health insurance. Fundamentally they fall into two patterns, those which would have the Federal government take over virtually all responsibility for the provision of health services and paying for them, and those which would build upon the best of the present system of private insurance with expanded coverage and benefits financed through Federal subsidies.

Time prevents even a brief description of all the health plans so I will concentrate on the Administration's. It differs from all the others in that it is a comprehensive, long-range package addressed to the total problem.

So far, only one of the three component bills in the President's health program which was sent to Congress last February 18 has passed the House. This was the least controversial one dealing with medical education and manpower, and was in effect an extension and intensification of existing law to stimulate the training of more doctors, dentists, nurses and other medical personnel. I would anticipate its approval in this session but the other parts of the package—the National Health Insurance Partnership and the Health Maintenance Organizations proposals face a longer and rougher road and probably will not be resolved before 1972.

Before describing these proposals further, I would like to mention briefly two of the other leading proposals. One is the Health Security Act—known as the Kennedy bill. The other is Medicredit—the plan endorsed by the American Medical Association.

The Health Security Act would cover the health costs of all persons, poor and rich. It would be financed by social security and Federal revenues. The costs of the program are staggering—increasing the Federal taxes for health for the average household threefold.

Regardless of cost, we do not need a nationalized system. Private health insurance is providing some benefits to 4 out of 5 Americans. Those gaps that remain in coverage can be filled by limited expansion of Federal programs and by mandating the extension of private coverage. The private health insurance industry has made impressive gains during the last 20 years. Let's not destroy the industry which has experience and expertise.

You Governors well know that the needs and interests of Delaware are not identical with those of California; the problems of Michigan are different from those of Arkansas. Pluralism and diversity are characteristic of the Nation. Senator Kennedy's Health Security Act works in an opposite direction. As President Nixon stated in his Health Message to the Congress, ". . . The only way that utilization could be effectively regulated and costs effectively restrained . . . would be if the Federal Government made a forceful, tenacious effort to do so. This would mean—as proponents of a nationalized insurance program have admitted—that Federal personnel would inevitably be approving the budgets of local hospitals, setting fee schedules for local doctors, and taking other steps which could easily lead to the complete Federal domination of all of American medicine."

In contrast to the Health Security Act, which goes too far in changing our present health care system, Medicredit does not do enough. It would provide tax credits against individual income taxes to offset the premium cost of qualified private health insurance policies. The Federal Government would provide vouchers to enable poor and near-poor persons to purchase insurance.

Beside the higher cost of Medicredit in relation to the Administration's proposal, there are several weaknesses in the program. It is solely a financing mechanism for medical care. Thus, it would pump money into health care without reforming the organization and delivery of services. Our experience with Medicare has shown that increasing the demand for services while not improving the efficiency and economy of delivery only leads to higher and higher health costs.

In addition, this proposal would encourage the growth of individual insurance policies. This is the most expensive and inefficient type of private health insurance with the highest administrative costs and retentions. Both from the point of view of risk-sharing and of compatibility with the current system, our incentives should be aimed at expanding group health insurance.

There are also difficulties with using the income tax as a basis for equitably determining a subsidy, since salaried income and other forms of income are treated differently under certain tax provisions.

I believe that President Nixon's proposed National Health Insurance Partnership Act is a better health insurance plan than either of these proposals. Unlike Medicredit, it would make necessary changes in the delivery system, would increase manpower and facilities, and would redistribute medical resources. Unlike the Health Security Act, it would maintain the best features of our present system.

Two key provisions of this Partnership Act are the National Health Insurance Standards and the Family Health Insurance Plan. Together these programs will best meet the health insurance needs of the American people.

Under the National Health Insurance Standards Act, almost all employers would be required to provide a basic health insurance policy for all of their employees and their dependents. Special group plans developed by insurance carriers would be offered to small employers. For those persons who are self-employed or who are not covered by an employer plan, group plans would be developed through private insurance pools. Both hospital inpatient and outpatient care are included among the required benefits. Physicians' services both in and outside of the hospital laboratory and X-ray services, maternity care, family planning, vision care for children and preventive care would also be covered.

Benefits under the plan would be financed through premiums paid by employers and their employees. For the first 2½ years, the employee would have to pay up to 35 percent of the premium. After this, he would be required to pay no more than 25 percent of the total.

One of the most attractive features of the bill is its protection against the cost of catastrophic illness. All of us know tragic stories of families who have been forced into poverty because of the medical expenses of a long illness. To help prevent such financial disaster, the insurance plans would be required to include catastrophic illness protection of at least $50,000.

The President's plan recognizes that not all families would be eligible for coverage under the National Health Insurance Standards Act—where, for example, the head of a family is unemployed or intermittently employed. Such families—estimated to be about 3 million in number—would be eligible for protection under the Family Health Insurance Plan.

Benefits under this program generally would include hospital care, emergency care, physicans' services, maternity care, family planning and preventive services. It would be financed from Federal revenues and premiums from the families which are scaled to income. Families with incomes under $3,000 would not pay for permiums, deductibles, or coinsurance.

This plan would cost less in Federal funds than Medicredit or the National Health Insurance Standards Act. The Family Health Insurance Plan will cost the Federal Government about $1.2 billion over the projected Medicaid expenditures for families with dependent children.

Since my time is running out, I will mention only one of the President's proposals for reforming the health care system. We are all aware of the advantages of health maintenance organizations. These organized systems of health care provide comprehensive services to their enrolled members for a fixed prepaid fee. Studies have shown that enrollees in these organizations receive excellent care at lower cost than patients going to doctors using the traditional fee-for-service method of payment. In addition, the patient does not have to travel through a maze of separate services and practitioners; he can receive all of his needed services through one organization.

To support HMO's (as they are called), President Nixon has asked for planning grants to help establish new health maintenance organization grants to help with initial operating expenses for HMO's in medically underserved areas. The President has also proposed a program of Federal loan guarantees to enable private loans during the first year of the program. Finally, the President has recommended an HMO option to be included in Medicare, the Family Health Insurance Plan, and in health insurance plans covered by the National Health Insurance Standards Act.

In summary, New Directions are definitely needed in Health and Welfare, and President

Nixon has charted new courses in both areas. His proposals will be modified and I hope improved by the Congress, as is proper, but the main message I want to leave with you is to urge Congress to act. True, we have a Republican administration and a Democratic controlled Congress, just as some of you have legislatures dominated by the other party. But there is no excuse in this situation for paralysis of the political process; there will be little comfort for any of us in next year's election if we have failed to come to grips with the most pressing problems of our people.

PETITION TO BAN LEAD-BASED PAINT FILED WITH FOOD AND DRUG ADMINISTRATION

(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, on August 9, I joined with five child health experts in filing a petition with the Food and Drug Administration requesting it to ban lead-based paints from all household uses. The legislative authority for this action is the Federal Hazardous Substances Act.

Joining in this petition were Joseph A. Page, associate professor, Georgetown University Law Center; Jack Newfield, author and assistant editor, the Village Voice; Edmund O. Rothschild, M.D. and assistant attending physician, the Memorial Hospital for Cancer and Allied Diseases; Anthony L. Young, student, Georgetown University Law Center; and Mary Win O'Brien, student, Georgetown University Law Center.

Under existing law, lead-based paint may be used for household uses. The only regulation now in effect is the self-imposed regulation of the paint industry. Obviously that is inadequate, since recent studies conducted by the New York City Bureau of Lead Poisoning Control found excessive quantities of lead in supposedly safe products. The petition filed with the Food and Drug Administration would ban such paints.

Our action is necessary because of the devastating toll of childhood lead poisoning. The Department of Health, Education, and Welfare has reported that annually 16,000 children require medical treatment for a disease which results from small children picking up and eating lead-tainted paint and plaster chips which fall from the walls and ceilings of their dilapidated homes. Another 3,200 children suffer moderate to severe brain damage. And another 800 are permanently institutionalized, their brain tissues destroyed. Another 200 children die annually.

Yet, given the extent of this disease, and the fact that it is preventable, the administration has just tried to ignore it.

Despite the administration's antipathy, the Congress has finally appropriated $7.5 million to fight the disease. But that is less than one-third of the amount that could have been appropriated. Meanwhile, the Secretary of HEW, who is supposed to issue regulations banning lead-based paint of more than 1 percent level lead from Federal and federally-assisted housing, still has not done so. HUD is incorporating the 1 percent standard in its rehabilitation codes for housing.

It is clear that that is not good enough. One percent lead is itself dangerous, and in light of recent New York City findings, it is clear that industry self-regulation is inadequate. Thus, we have turned to the Federal Hazardous Substances Act. If our petition receives affirmative response—and if it does not we intend to go to court—we will be able to ban 1 percent lead level from the household.

As the petition states:

The generation that is suffering from lead based paint poisoning today is eating the walls of the Thirties and the Forties. The generation that this proposed regulation seeks to protect is yet unborn. Their parents are unborn. It would be impossible to substantiate that warning labels would have any significant impact on the future children of America. Moreover, there is no evidence that existing warning labels are efficacious for their intended purpose. The parents of the Eighties and the Nineties will have no opportunity to read the warning labels of the Seventies.

Following is the petition we have filed with the Food and Drug Administration:

BEFORE THE U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—FOOD AND DRUG ADMINISTRATION

PETITIONERS

To: Charles C. Edwards, M.D., Commissioner of Food and Drugs.

Joseph A. Page, Associate Professor, Georgetown University Law Center.

Anthony L. Young, student, Georgetown University Law Center.

Mary Win O'Brien, student, Georgetown University Law Center.

(Participants in the Lawyering in the Public Interest Seminar.)

William F. Ryan, Member of Congress.

Jack Newfield, author; Assistant Editor, *The Village Voice*.

Edmund O. Rothschild, M.D., Assistant Attending Physician, The Memorial Hospital for Cancer and Allied Diseases; Associate, Sloan-Kettering Institute for Cancer Research; Assistant Professor, Department of Medicine, Cornell University Medical College; member, Board of Directors, New York Health & Hospitals Corporation of the City of New York; member, Board of Directors, New York Scientists Committee for Public Information.

AUGUST 9, 1971.

COMMISSIONER OF FOOD AND DRUGS,
Department of Health, Education, and Welfare, Washington, D.C.

DEAR SIR: The undersigned, Joseph A. Page, Anthony L. Young, Mary Win O'Brien, William F. Ryan, Jack Newfield, and Edmund O. Rothschild, M.D., submit this petition pursuant to Section 701(e)(1)(B) of the Federal Food, Drug and Cosmetic Act with respect to the issuance of a regulation under Section 2(q)(1)(B) and 3(a)(2) of the Federal Hazardous Substances Act.

Attached hereto, in quintuplicate and constituting a part of the petition, are the following:

(A) Proposed regulation.

(B) Statement of grounds upon which petitioners rely for the issuance of the regulation.

(C) Appended position paper.

Very truly yours,

JOSEPH A. PAGE,
ANTHONY L. YOUNG,
MARY WIN O'BRIEN,
WILLIAM F. RYAN,
JACK NEWFIELD,
EDMUND O. ROTHSCHILD, M.D.
Georgetown University Law Center, Washington, D.C.

A. PROPOSED REGULATION

§ 191.9(a):

(a) ***

(5) Paint containing lead, except for minute traces which no reasonable manufacturer could preclude from his product, as measured by the atomic absorbence method, intended for interior or exterior use, and packaged in a form suitable for use in the household as defined by § 191.1(c).

B. STATEMENT OF THE GROUNDS UPON WHICH PETITIONERS RELY FOR THE ISSUANCE OF THE REGULATION

Human experience has established that numerous infants and young children have pica (habitual eating of nonfood substances). Human experience has also established that ingestion by children of flakes from lead based paint causes lead poisoning, the consequences of which include death, encephalopathy, neuromuscular effects, interference with the development of red blood cells, and an abnormal syndrome characterized by colic, anorexia and malaise. DHEW, PHS, Bureau of Community Environmental Management, *Control of Lead Poisoning In Children*, Pre-Publication Draft, at I–1, (December, 1970).

It is widely known that the adult system absorbs the daily intake of lead at the rate of 10%. Chisolm, J. Julian, *Scientific American* (February, 1971). Thus, assuming the rate of absorption to be the same in children, a child with pica ingesting one gram of lead based paint (one percent lead by ANSI standard Z66.1) daily will intake 10,000 micrograms of lead of which 1,000 micrograms will be absorbed. In addition to direct ingestion by eating flaking paint, a child will be exposed to from 14 to 269 micrograms of lead from other environmental sources. Engel, Ronald E., *Health Hazards of Environmental Lead*, at Table 2, (April, 1971) appended hereto.

It is known that blood levels of above 40 micrograms per 100 milliliters of blood represent undue exposure to and absorption of lead. *Hearings on H.R. 17260, H.R. 13254, H.R. 14734, Before the Subcomm. on Housing of the House Comm. on Banking and Currency*. 91st Cong. 2d Sess. 10 (1970). At levels of 80 micrograms per 100 milliliters a child should be treated as a medical emergency. *Id.* While Engle in his appended paper has extrapolated the effect of lead fallout in children with pica, at A–9, the same must be done with one percent lead paint to theorize the result in children who ingest paint flakes.

In his study, Dr. Kehoe, found that an adult man fed 3,000 micrograms of lead daily, in addition to the usual amount in his diet, achieved a blood lead level after four months of 50 micrograms lead per 100 grams whole blood. It was estimated that he would have achieved a "toxic" level of 80 micrograms lead per 100 grams whole blood if feeding had continued for four additional months. Kehoe, R. A., 24 *Jour. Roy. Inst. Pub. Hlth. Hyg.* 81–97, 101, 129–143, 177–203, (1961). As Engle has assumed, this would be 43 micrograms per kilogram body weight in a 70 kilogram man. If a child with pica weighing 10 kilograms ingested lead to the same degree of Kehoe's subject, as Engle has suggested, then a proper assumption would be that a daily supplement of 430 micrograms lead would produce toxicity within eight months. A child ingesting a one gram chip of one percent lead based paint would have a daily intake of almost 24 times the amount of Kehoe's subject. Obviously, intake at this rate would produce an undue medical emergency much more quickly than Kehoe foresaw for his subject.

Medical experiments cannot be performed on young children and infants to determine whether their absorption rate for lead is greater than that of adults. The child with pica must be protected from lead in his en-

vironment. The only adequate way to protect him is to eliminate the lead hazards that confront him. It is within the existing state of the art for the paint industry to eliminate lead (except for minute traces) from paint. *Hearings on H.R. 17260, supra* at 246. Americans have been lulled into a feeling of security with regard to today's paints. *See* EPA, *Environmental Lead and Public Health*, at 25, (March, 1971). Many believe that lead in paint has been banned. Yet the City of New York has found paints for interior use with up to 10.8% lead levels on shelves of merchants within the last month. The New York Times, July 24, 1971, at 1, Aug. 4, 1971, at 18. This, despite industry's ANSI standard Z66.1 and a law banning the sale of paint for interior use with more than a one percent lead content without an adequate warning label.

Warning labels are, however, absolutely inadequate to prevent injury to children from lead based paints. In today's mobile society a family has no idea what their landlord or predecessor occupant has used to coat the walls of their living quarters. The generation that is suffering from lead based paint poisoning today is eating the walls of the Thirties and the Forties. The generation that this proposed regulation seeks to protect is yet unborn. Their parents are unborn. It would be impossible to substantiate that warning labels would have any significant impact on the future children of America. Moreover, there is no evidence that existing warning labels are efficacious for their intended purpose. The parents of the Eighties and the Nineties will have no opportunity to read the warning labels of the Seventies.

It is not necessary to weigh the advantages of lead based paint against the health and welfare of this Nation's children and Her future children. The paint industry can produce paint without lead (except for minute traces) as measured by the atomic absorbence method. Petitioners therefore urge the Commissioner of Food and Drugs to proceed with all due speed to publish this proposal in the Federal Register in order that all interested persons may present their views thereon.

A TRIBUTE TO COMMODORE JOHN BARRY

(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, Commodore John Barry is rightfully known as the Father of the American Navy. The title is not fanciful, but eminently proper, bestowed by his contemporaries and appearing in print as early as 1813 in the columns of the Philadelphia Port Folio, then the foremost magazine in the country.

Born in Wexford County, Ireland, in 1745—or thereabouts—John Barry went to sea early in life and established a residence in the Colonies, at Philadelphia. Gifted with a spirit of enterprise and ability as a seaman, he rapidly attained a place of importance in the ranks of naval commerce. By the time the American Revolution began, he was Captain of the *Black Prince* with vast knowledge of the Atlantic Ocean and the Caribbean Sea.

When the *Black Prince* arrived in Philadelphia from England in mid-October, 1775, the Second Continental Congress was in session, and the Colonies were confronted with a situation of the utmost gravity. The opening gun of the Revolution already had been fired and Washington had been appointed commander in chief of the American forces. Many wealthy colonists were town by conscience and economic ties, and unable to make up their minds as to which side they owed their true allegiance. Not so in the case of Captain Barry, who had no hesitation as to where his duty lay. It so happened that on October 13, the day of his return, Congress had determined to intercept two British transports en route to Quebec, laden down with arms and ammunition. Two vessels—the *Lexington* and the *Reprisal*—were purchased for the task and Barry was commissioned captain of the *Lexington*. Thus John Barry, Irish born, became the senior captain of our infant navy. Under his command, moreover, the *Lexington* was the first vessel in the American Navy to acquire fame, which was achieved on her maiden voyage.

Although the *Lexington* did not, in fact, accomplish the purpose for which she was intended, the responsibility for that was in the hands of Congress, which did not move fast enough in the matter of creating the Navy. The *Lexington* was not ready for service, actually, until the spring of 1776, when she was dispatched to the Delaware Bay, to contest the presence there of British ships in great profusion. Among them was the sloop *Edward*, which the *Lexington* engaged in a severe encounter of an hour and 20 minutes, resulting in defeat and capture of the *Edward*, which, following surrender, was towed to Philadelphia.

The *Edward* was a ship of a special kind—a warcraft of great utility and effectiveness, particularly dangerous when manned with select personnel, as it was in this engagement. The humiliation of the British was therefore intense, for they despised the American adversary in the early battles of the war, expecting him to cut and run at every opportunity. The striking of the Union Jack at American demand was virtually beyond British comprehension at this stage, and for that reason, perhaps, the battle with the *Lexington* was prolonged to the point where the *Edward* almost was shot to pieces.

By a resolution passed by Congress on October 10, 1776, John Barry was placed seventh on the list of captains, and soon after was given command of the *Effingham*, which had 32 guns. But the war took a turn for the worse, the British occupied Philadelphia in 1777, and the British Navy jammed the Pennsylvania coast. As a result, the *Effingham* never took to sea.

This, however, did not condemn the enterprising commander to idleness, for in the same year a small flotilla acting under his command performed a handsome effort in the lower Delaware. With four small boats, he succeeded in cutting out an armed British schooner without the loss of a man, at the same time capturing a number of transports and a large quantity of supplies destined for the British Army. For this, Captain Barry received the personal congratulations of Washington on his "gallantry and address."

With disaster confronting the Colonial armies following the abandonment of New Jersey by Washington's main force, Captain Barry volunteered his services in a military capacity and served with distinction for a time in the vicinity of Philadelphia. Obtaining command of a company of volunteers and several cannon, he was prominently engaged in the battles of Princeton and Trenton, where his dashing bravery and cool judgment won the admiration of everyone concerned. Moreover, the battles themselves altered the course of the war. Following a season of unrelieved disaster, General Washington was able, in a period of 10 days, to save Philadelphia, redeem all of New Jersey except the posts of Brunswick and Amboy, and drive the British on the defensive, to the great benefit of American morale. That Captain Barry's part was no minor one in the Trenton-Princeton campaign is evidenced by the tributes he received from Washington himself.

In 1778, against the protests of Captain Barry, his vessel, the *Effingham*, was ordered burned by his superiors, to avoid capture by the enemy. Barry then obtained command of the *Raleigh*, 32 guns, and in her fought a gallant and obstinate battle against superior numbers, finally being obliged to beach his ship, but saving most of the crew from capture. In 1781, in command of the *Alliance*, 32 guns, having taken many valuable prizes, he attacked and captured the British vessels *Atalanta* and *Trepassy*, being severely wounded in the action. Later the same year he carried to France the Marquis de Lafayette, and the Count de Noailles, and in 1782, while continuing his series of captures of enemy ships, he fought, in the *Alliance*, his last important battle, which he was obliged to break off on the appearance of powerful enemy reinforcements.

At the close of the war, Captain Barry was acclaimed a hero of the finest kind, which sentiment was reexpressed upon the occasion of his demise in September 1803. Congress was not in session when the father of the American Navy passed away, but Dr. Benjamin Rush, one of the signers of the Declaration of Independence, brought to the attention of President Jefferson the propriety of issuing an official expression of sorrow, in the form of a communication to Mrs. Barry. The New York Evening Post, the editorial voice of Alexander Hamilton, carried a poetic tribute, declaring:

"Beneath his guidance, lo! a navy springs,
An infant navy spreads its canvas wings,
A rising nation's weal to shield, to save,
And guard her commerce on the dangerous wave."

In all respects, Commodore John Barry reflected glory on the land from which he came and on the United States, his adpoted land. It is fitting that the anniversary of his death, September 13, yesterday, be observed.

FLORIDA KEYS WILDERNESS PROPOSAL

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

Mr. FASCELL. Mr. Speaker, I am today introducing legislation which will bring three National Wildlife Refuge

Areas in the Florida Keys under the National Wilderness Preservation System, authorized by the Wilderness Act of 1964. The 1964 act directed the Secretary of the Interior to review every roadless island within the National Wildlife Refuge System to determine their suitability for inclusion in the Wilderness System. To qualify under the act, an area must meet the following criteria: First, be reasonably compact; second, be undeveloped; third, possess the general characteristics of wilderness; and fourth, have no improved roads suitable for public travel by automobile. After careful review, the Department of the Interior's Bureau of Sport Fisheries and Wildlife determined that three areas in south Florida's Monroe County were eminently qualified for inclusion in the National System.

The proposed Florida Keys Wilderness will incorporate the National Key Deer Refuge, the Great White Heron Refuge, and the Key West National Refuge. The Key West refuge was first established by President Theodore Roosevelt's Executive order in 1908, to protect a number of rare birds. The Great White Heron Refuge was established by Executive order of President Franklin D. Roosevelt in 1938 to further protect rare and endangered birds, especially the rare Florida great white heron. The National Key Deer Refuge was established by Congress in 1957 when legislation, which I sponsored, together with our colleague Congressman CHARLES BENNETT of Florida, was enacted. The establishment of this refuge provided the urgently needed protection for the tiny Key deer, which were then threatened with extinction.

In its initial statement, the Bureau of Sport Fisheries and Wildlife stated:

> The importance of these areas to the preservation and protection of unique scenery, colonial nesting birds, and the Key deer cannot be overemphasized . . . As a result of our study, the Bureau has concluded that the undisturbed federally owned islands within the National Key Deer Refuge and the Great White Heron and Key West National Wildlife Refuges should be managed and preserved as natural areas for the production of colonial birds and as habitat for the Key deer. This proposal will enhance the scientific study, the educational value, and the public enjoyment of the Florida Keys and their wildlife.

It is important to point out that no additional land acquisition will be necessitated as a part of this proposal. Water bottoms and State and private lands within the boundaries of the three refuges are not included in the wilderness proposal.

Following the initial recommendation of the Bureau a public hearing was held in Key West. Substantial support for the proposal was voiced by conservation groups as well as state, local and federal officials. While some objections were raised with respect to the possibility of additional restrictions being imposed in the future, the Bureau gave its assurances that the proposed administration of the area under the Wilderness Act would accommodate recreational, scenic, scientific, educational, conservation, and historical uses.

In addition, a wildlife interpretive center on Big Pine Key, nature trials, observation towers and picnic areas are planned for the wilderness and designed to further attract tourists to the Florida Keys area.

Inclusion of the three refuges in the National Wilderness System will afford the unique wildlife that live there greater protection and will ensure that the Federal land and its ecology will be permanently safeguarded from any future development. The refuges are the year-round home of a variety of wildlife species. The great white heron, roseate spoonbill, reddish egret, Eastern brown pelican, white-crowned pigeon, and the bald eagle are only a few of the species that nest and feed throughout the refuges.

The tiny Key deer, which were nearly extinct only a few short years ago, are now thriving due to the establishment of the Key Deer Refuge on Big Pine Key.

It is important that these refuges gain the additional protection afforded those areas included in the National Wilderness Preservation System and I urge prompt and favorable action on the Florida Keys Wilderness proposal.

FEDERAL CHARTER FOR POP WARNER LITTLE SCHOLARS BILL SPONSORED BY 107 MEMBERS

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

Mr. HORTON. Mr. Speaker, it gives me great pleasure to join with Senator HUGH SCOTT of Pennsylvania in introducing legislation to grant a Federal charter to incorporate the nationwide Pop Warner Junior League Football program under the name Pop Warner Little Scholars, Inc.

At a time when there is a tremendous need for youth guidance and counseling in our country, an organization which does more than its share to build character and citizenship in over 700,000 American boys deserves special recognition.

Over 100 of our colleagues are joining me today in sponsoring the Pop Warner Charter bill. The following Members of the House, many of whom have active Pop Warner Leagues in their home districts, are cosponsors of the legislation:

JOSEPH P. ADDABBO, of New York.
WILLIAM ANDERSON, of Tennessee.
WILLIAM A. BARRETT, of Pennsylvania.
EDWARD G. BIESTER, JR., of Pennsylvania.
BEN B. BLACKBURN, of Georgia.
EDWARD P. BOLAND, of Massachusetts.
FRANK J. BRASCO, of New York.
JACK BRINKLEY, of Georgia.
JAMES T. BROYHILL, of North Carolina.
JAMES A. BURKE, of Massachusetts.
DONALD D. CLANCY, of Ohio.
DON H. CLAUSEN, of California.
JAMES C. CLEVELAND, of New Hampshire.
GEORGE W. COLLINS, of Illinois.
BARBER B. CONABLE, JR., of New York.
SILVIO O. CONTE, of Massachusetts.
R. LAWRENCE COUGHLIN, of Pennsylvania.
DOMINICK V. DANIELS, of New Jersey.
JOHN DELLENBACK, of Oregon.
JOHN H. DENT, of Pennsylvania.
EDWARD J. DERWINSKI, of Illinois.
CHARLES C. DIGGS, JR., of Michigan.
HAROLD D. DONOHUE, of Massachusetts.
WILLIAM JENNINGS BRYAN DORN, of South Carolina.
JOHN G. DOW, of New York.
THADDEUS J. DULSKI, of New York.
JOHN J. DUNCAN, of Tennessee.
FLORENCE P. DWYER, of New Jersey.
DON EDWARDS, of California.
JOSHUA EILBERG, of Pennsylvania.
DANTE B. FASCELL, of Florida.
PAUL FINDLEY, of Illinois.
HAMILTON FISH, JR., of New York.
O. C. FISHER, of Texas.
JOHN J. FLYNT, JR., of Georgia.
EDWIN B. FORSYTHE, of New Jersey.
PETER H. B. FRELINGHUYSEN, of New Jersey.
LOUIS FREY, JR., of Florida.
CORNELIUS E. GALLAGHER, of New Jersey.
EDWARD A. GARMATZ, of Maryland.
JOSEPH M. GAYDOS, of Pennsylvania.
GEORGE A. GOODLING, of Pennsylvania.
ELLA T. GRASSO, of Connecticut.
CHARLES S. GUBSER, of California.
GILBERT GUDE, of Maryland.
SEYMOUR HALPERN, of New York.
JAMES M. HANLEY, of New York.
JAMES F. HASTINGS, of New York.
AUGUSTUS F. HAWKINS, of California.
MARGARET M. HECKLER, of Massachusetts.
HENRY HELSTOSKI, of New Jersey.
LOUISE DAY HICKS, of Massachusetts.
JAMES J. HOWARD, of New Jersey.
WILLIAM L. HUNGATE, of Missouri.
HAROLD T. JOHNSON, of California.
ABRAHAM KAZEN, JR., of Texas.
JACK F. KEMP, of New York.
JOHN C. KLUCZYNSKI, of Illinois.
DAN KUYKENDALL, of Tennessee.
ROBERT L. LEGGETT, of California.
CLARENCE D. LONG, of Maryland.
ROBERT C. MCEWEN, of New York.
JOHN J. MCFALL, of California.
RAY J. MADDEN, of Indiana.
WILLIAM S. MAILLIARD, of California.
JAMES R. MANN, of South Carolina.
SPARKS M. MATSUNAGA, of Hawaii.
ROMANO L. MAZZOLI, of Kentucky.
PATSY T. MINK, of Hawaii.
WILMER MIZELL, of North Carolina.
JOHN S. MONAGAN, of Connecticut.
WILLIAM S. MOORHEAD, of Pennsylvania.
THOMAS E. MORGAN, of Pennsylvania.
F. BRADFORD MORSE, of Massachusetts.
JOHN E. MOSS, of California.
JOHN M. MURPHY, of New York.
ROBERT N. C. NIX, of Pennsylvania.
EDWARD J. PATTEN, of New Jersey.
THOMAS M. PELLY, of Washington.
CLAUDE PEPPER, of Florida.
JERRY L. PETTIS, of California.
J. KENNETH ROBINSON, of Virginia.
PETER W. RODINO, JR., of New Jersey.
BENJAMIN S. ROSENTHAL, of New York.
FERNAND J. ST GERMAIN, of Rhode Island.
CHARLES W. SANDMAN, JR., of New Jersey.
WILLIAM LLOYD SCOTT, of Virginia.
B. F. SISK, of California.
FLOYD SPENCE, of South Carolina.
ROBERT T. STAFFORD, of Vermont.

J. WILLIAM STANTON, of Ohio.
SAM STEIGER, of Arizona.
SAMUEL S. STRATTON, of New York.
OLIN E. TEAGUE, of Texas.
JOHN H. TERRY, of New York.
LIONEL VAN DEERLIN, of California.
GUY VANDER JAGT, of Michigan.
VICTOR V. VEYSEY, of California.
JOSEPH P. VIGORITO, of Pennsylvania.
JEROME R. WALDIE, of California.
JOHN WARE, of Pennsylvania.
G. WILLIAM WHITEHURST, of Virginia.
WILLIAM B. WIDNALL, of New Jersey.
LAWRENCE G. WILLIAMS, of Pennsylvania.
LARRY WINN, Jr., of Kansas.
LESTER L. WOLFF, of New York.
LOUIS C. WYMAN, of New Hampshire.

Mr. Speaker, for over 40 years, Pop Warner Little League Football has been fostering among our young men the precepts of good citizenship enunciated and demonstrated by the great Carlisle Coach "Pop" Warner. The guiding principles of the organization are improved sportsmanship, team play, physical fitness and scholastic achievement. These attributes are continually fostered among the young men by their dedicated coaches and sponsors. The leadership and services of this organization are felt throughout our Nation, in Mexico, and in Canada. Over 700,000 of our prehigh school boys participate in team-play football under the rules and regulations advocated by Pop Warner little scholars.

This program was initiated in Philadelphia through the efforts of Joseph J. Tomlin, an outstanding lineman during his years at Swarthmore College and an alumnus of Harvard Law School. Tomlin sought, through Pop Warner football, to expose boys of the ages of 7 to 14 to the game of safety-first football, emphasizing its quality-building character through athletic competition and scholastic achievement. These purposes were achieved through a system which obtained proper coaching and officiating. The welfare of the boys is safeguarded through the insistence on the use of high-quality protective equipment.

To emphasize the goals of his program, Tomlin adopted the name of the late collegiate football coach, Glen Scobie "Pop" Warner. Born on a farm in western New York, Warner played varsity football at Cornell and went on to coach the Indians at Carlisle, Pa. When that school closed in 1914, he went to the University of Pittsburgh, then to Stanford, and finally to Temple University. In his years of coaching, he provided a continuing inspiration for all who worked under him, and today his name remains a symbol of what the Pop Warner Junior League football program is attempting to achieve.

Under the Pop Warner program, youthful grid opponents are matched by strict adherence to maximum and minimum age and weight requirements. The league splits its membership into five age and weight classifications: Peewee, junior midget, midget, junior bantam, and bantam. These divisions include all of the boys of prehigh school age with prime consideration given to the safety of every child and equality of competition. Through the efforts of the Pop Warner organization, group accident insurance is available to all teams for a very low premium.

Satisfactory schoolwork is not only encouraged, but is a prerequisite to team participation.

Organizationally, States are divided into regions and each region has a vice president of the parent organization. Each State has a commissioner who is the coordinator of the leagues in his State. Intercity and interregional championship games are encouraged and each year an All-American team is selected on the basis of scholarship, leadership, and football excellence. To be selected for the All-American squad is an honor which stimulates all participants to adhere to the goals of the organization.

Pop Warner Junior League Football has operated for many years under the nonprofit corporate status of a single State, the Commonwealth of Pennsylvania, where the program was founded in 1929. The board of trustees is composed of outstanding citizens dedicated to the ideals fostered by Pop Warner. The individual members of the board contribute generously of their own finances and raise additional funds through soliciting support from others. Joe Tomlin, the founder of the organization, is the president.

A Federal charter for Pop Warner will greatly broaden the scope of the organization and give protection to the Pop Warner name and insignia, to the young men participating in the program and to those who give their dedicated service to it. A Federal charter would help this nonprofit organization insure that its stringent safety rules, equipment requirements, scholastic standards, and good sportsmanship are observed by all programs using the Pop Warner name.

Mr. Speaker, Pop Warner Little Scholars is infinitely worthy of this honor. It is truly national in character, having recognized organizations in over 40 States and serving the needs of youth of all States. Its prime purpose, like that of the Boy Scouts and Girl Scouts of America and of Little League Baseball, is the fostering of leadership and good citizenship, motives which have no equals.

As you know, Mr. Speaker, hearings were held on similar legislation in the 91st Congress by Subcommittee No. 4 of the House Judiciary Committee. To correct a problem raised in these hearings, Senator SCOTT and I have amended the bill to provide that once Pop Warner is federally chartered, it will still be subject to the laws of the State of Pennsylvania, in addition to those of the Federal Government. This modification, we feel certain, will make the Pop Warner Charter bill a candidate for prompt committee action.

Having had personal contact with the Pop Warner organization and an opportunity to see the magnificent job it is doing in aiding boys of all ages, I feel deeply honored to be able to introduce this bill.

Mr. Speaker, I urge you and each of my colleagues to lend full support to this bill so that a congressional charter may be granted to Pop Warner Little Scholars during the 92d Congress.

FORGET "CANNIKIN"

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

Mr. GUDE. Mr. Speaker, the President is currently giving careful consideration to canceling the upcoming Cannikin underground nuclear test in Alaska. As the coauthor of a study critical of the proposed test done for the Members of Congress for Peace Through Law, I am very pleased that the President is taking a second look at what could be a potentially disastrous situation.

The following editorial from the New York Times of September 13, 1971, sums up the case against the Cannikin test quite concisely. This test is a gamble with the unknown, and it requires a compelling justification. Such a justification has not and cannot be made.

The editorial follows:

FORGET "CANNIKIN"

A bright hope on a foreboding front is the news that President Nixon is considering cancellation of Cannikin, the underground nuclear test planned for this fall on Amchitka Island in the Aleutians.

Weighing against the test are the strenuous objections of Canada, expressions of concern by Japan and opposition from the State Department, the Council on Environmental Quality, the Environmental Protection Administration, top Alaskan political figures and the White House Office of Science and Technology. Still for the test, unfortunately, are the Atomic Energy Commission and the Defense Department.

Some of the elements in the resistance are diplomatic. The State Department is rightly concerned with Japanese-American relations, already strained both by the President's prospective visit to Peking and by his new economic program, with its pressure on the yen and on Japanese trade. Just as understandably, the department fears the negative effect the explosion might have on the SALT talks with the Soviet Union.

Basically, however, the test is objectionable for the danger it poses to the environment. There would be no serious opposition from Canada, Japan or the American environmental agencies if there were not a lively fear that an underground explosion of such awesome magnitude—four times the size of the hydrogen bomb exploded at Amchitka two years ago and 250 times the one that destroyed Hiroshima—might trigger an earthquake or a tsunami. At the very least it could endanger fish and wildlife by contaminating the waters of the region and release radioactive gases, even beyond American borders.

Quite apart from all these hazards, even the indispensability of the test from the standpoint of the country's defense is much in question. There has been revealing testimony that the war head to be tested was designed for a long-range antimissile that has already been supplanted by smaller, short-range missiles. Almost the only reason left for the explosion is that, of the $190 million Cannikin was expected to cost, $160 million has already been spent. Obviously, that is no reason for anything at all—unless it is for demanding more deliberation on launching such enterprises in the future.

LEST WE FORGET

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

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is

often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the prisoners:

Major Thomas Vance Parrott, U.S. Air Force, [redacted], Dalton, Ga. Married and the father of one daughter. Attended the University of Georgia. The son of Mr. and Mrs. Vance Parrott, Dalton, Ga. Maj. Parrott was listed as missing in action August 12, 1967, and was subsequently officially listed as a prisoner of war pm on February 19, 1968. As of today, Maj. Parrott has been held captive in Southeast Asia for 1,128 days.

MILLER BILL GIVES EPA BROAD CONTROL OVER COAL MINING

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

Mr. MILLER of Ohio. Mr. Speaker, today I am introducing legislation to give the Environmental Protection Agency broad controls over underground and strip coal mining. The proposal would establish a nationwide regulatory program to eliminate the adverse environmental effects caused by coal mining and provide financial assistance for the reclamation of previously mined lands.

No other mining activity is as extensive or can be as devastating to our environment as coal mining. The mine acid that discolors the waters, the sediment that chokes the streams, the fires that burn out of control, the land that is laid desolate are unmistakenable signs that we are paying the price for allowing the earth to be opened up and the coal removed without the proper kind of environmental controls. Regulatory efforts at the State level as a whole have been ineffective. The Federal Government has disregarded its responsibility to protect the environment from this full-scale assault and has avoided the preemption that is now needed.

It is time that we initiate strong, constructive policies at the Federal level to insure that the American countryside is not laid barren by our relentless search for mineral wealth. The proposal I have submitted and outlined below is a realistic approach in achieving our environmental goals without locking the doors entirely to the earth's coal resources.

The summary and explanation follow:

SUMMARY AND EXPLANATION OF MILLER COAL MINING BILL

1. The proposal would establish a nationwide program for the regulation of coal mining operations. The purpose of the proposal is to prevent environmental degradation and despoilation created by coal mining activity and reclaim mined lands adversely affected by such operations. The proposal recognizes that the initial responsibility of such regulation rests with the federal government.

2. The proposal would apply to only coal mining activities. Coal mining is the one mineral industry in which environmental problems are the most obvious and critical. Because of the massiveness and extensiveness of coal mining operations and the steadily increasing demand for coal, its control and regulation must be given prompt and special consideration.

3. Both surface and underground coal mining operations would be covered by regulations because of the similar conditions and environmental effects created by both. In many cases although these effects are not so obvious in underground mining, they are still no less critical. For example, a report on acid mine drainage in Appalachia published in 1969 reported that 70% of the acid pollution originates in underground mines. The proposal would apply to coal mining operations wherever found in a state, including federally owned lands or lands held in trust for the Indians. Presently, coal mining activity on federal lands comes under the jurisdiction of the respective departmental heads, thus contributing to the lack of a coordinated federal policy. Public lands are being increasingly subjected to coal mining activities and should be provided the same degree of protection afforded other lands within the state.

4. The proposal recognizes the urgency with which the federal government must act to protect the environment by requiring the Administrator of the Environmental Protection Agency to issue federal standards as soon as possible after enactment subject to the Administration Procedures Act. EPA is a regulatory agency charged with the responsibility of "protecting, developing, and enhancing the *total* environment." EPA already sets standards for air and water pollution-problems very much associated with coal mining—and is in the best position of competence and credibility to make critical judgments with respect to the environmental effects of coal mining. It should be noted that the Interior Department's land management functions and interest in coal production would seriously compromise its effectiveness under this proposal. As President Nixon stated in his message to Congress last July on the creation of EPA, "each department has its own primary mission which necessarily affects its own view of environmental questions."

5. The Administrator would be required by the proposal to appoint an advisory committee to advise him on the development of federal standards. The membership of the committee would include: representatives from various states, coal mining interests, conservation and the heads of the Departments of Interior, Commerce and Agriculture.

6. The regulatory program created by the proposal would require sufficient numbers of qualified personnel. The Administrator would be authorized to appoint these persons to administer and enforce the program. Enforcement is the key in achieving the objectives of the proposal and would have to be given strong emphasis.

7. The proposal would require that the rules issued by the Administrator reasonably assure the attainment of the following objectives:

(a) A very important objective is that a mined land be reclaimed to a condition in which it could be used for at least the same purposes it could have been put prior to the mining. In other words, if an area of land has potential agricultural use even though it may not have been in that state prior to mining, it must be reclaimed in such a way as to maintain that potential after mining. Reclamation in this manner would insure greater long-range land utilization.

(b) A permit would be required before an operator could start or continue his mining. A fee of at least $100 and at least $50 per acre to be mined would be charged and used to help defer administrative costs and the costs of a program to reclaim previously mined lands.

(c) The operator would be required to post a performance bond insuring his compliance with the terms of the permit and the successful completion of reclamation. As a minimum, the bond would be $500 an acre and at least $5,000 per operation. The bond would not be released until the success of the reclamation is determined. (This will require consideration of long-range results rather than short-term compliance). If the bond is forfeited, the operator could not obtain any future coal mining permits.

(d) Mining methods and reclamation work would be preplanned and submitted to the Administrator for approval. The plan would describe the location and area to be mined, results of tests, and other technical information which would reveal the physical and chemical properties present in the land, how the mining and reclamation are to be conducted, an assessment of the potential uses of the land, how the land is to be used after the mining, and how much the complete reclamation will cost.

(e) Another very important objective is to prohibit coal mining where it would cause obvious environmental problems. The Administrator would be able to prohibit coal mining where reclamation is not feasible or where it would violate existing air and water standards, or when it would cause serious harm to the public or personal property. In many cases a judgment of the effects of mining on a particular land can be made on the basis of previous experience with lands of similar condition.

(f) Because of the overwhelming national interest in preserving the natural beauty and uniqueness of the wilderness system and national forests, no permit for surface coal mining operations would be allowed to be issued in these areas.

(g) For each coal mining operation, the operator would be required to have a public liability insurance policy in amounts sufficient to provide personal and property damage protection for at least five years after the expiration of the mining permit.

(h) Another important objective of the proposal would require reclamation to be integrated into the mining cycle and completed on an acre six months after the beginning of mining on any given acre and before the necessary equipment is removed. Thus, reclamation would be performed on an acre by acre basis and could not be deferred.

(i) Periodic reports by the operator on the reclamation would be required as well as monitoring by the Administrator of the environmental changes in a coal mining operations.

(j) Provision is made for the revocation of a permit for the failure to comply with the federal rules and other statutes and regulations. A permit could be denied for a previous failure to comply with the federal rules or other laws.

(k) Standards would relate to the prevention of pollution and erosion, isolation of toxic spoil materials, and the segregation of topsoil and substrata, method of mining on steep slopes, prevention and control of fires, regulation of blasting, construction and maintenance of mine seals, and prevention of hazards to wildlife and public health and safety.

8. The proposal would provide for state regulation of coal mining if a plan submitted by the state for such regulation is approved by the Administrator. The Administrator would approve such a plan if as a minimum it substantially coincided with the federal rules, would be administered and enforced by a single agency, would provide for ade-

quate funding of the state program, would provide reports to the Administrator, and would take effect thirty days after approval.

9. After the approval of a state plan the Administrator would continue to evaluate the effectiveness of the state's administration and enforcement of the plan. If the Administrator would determine after the opportunity for a hearing that there is a failure of effective administration and enforcement he would withdraw this approval of the plan and federal rules would again be effective within the state.

10. States with approved state's plan could receive a federal grant to pay up to 90% of the costs of administration and enforcement.

11. The proposal would provide for 1) a civil penalty of not less than $100 nor more than $1,000 for each day of continuance of a failure to comply with federal rules after due notice; 2) a criminal penalty of not less than $5,000 nor more than $10,000 or one year imprisonment or both for willful violations or refusal to comply with rules.

12. A state with an approved state plan would be eligible to receive a grant from the Administrator for the reclamation of previously mined lands—lands upon which a coal mining operation was carried out prior to the effective date of the approved state plan. The grant would cover up to 90% of the cost of planning, engineering, land acquisition, and treatment. Priority for such grants would be given to lands with the greatest value for public use for recreation, wildlife, and other public purposes. Lands reclaimed with such assistance would be required to be devoted for public purposes and protected from future mining.

13. The proposal would authorize the creation of a "Coal Mined Lands Reclamation Fund" in the Treasury.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FREY), to revise and extend their remarks and to include extraneous matter:)

Mr. STEIGER of Arizona, today, for 5 minutes.

Mr. MILLER of Ohio, today, for 5 minutes.

Mrs. HECKLER of Massachusetts, today, for 5 minutes.

Mr. MIZELL, today, for 5 minutes.

Mr. STEELE, today, for 5 minutes.

Mr. SKUBITZ, today, for 5 minutes.

(The following Members (at the request of Mr. DENHOLM), to revise and extend their remarks, and to include extraneous matter:)

Mr. KASTENMEIER, today, for 10 minutes.

Mr. REUSS, today, for 10 minutes.

Mr. ASPIN, today, for 10 minutes.

Mr. MCFALL, today, for 5 minutes.

Mr. GONZALEZ, today, for 10 minutes.

Mr. MIKVA, on September 15, for 60 minutes.

Mr. BURLISON of Missouri, on September 28, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ROUSH and to include extraneous matter.

Mr. YATES and to include extraneous matter.

Mr. GRAY in two instances and to include extraneous matter.

(The following Members (at the request of Mr. FREY) and to include extraneous matter:)

Mr. MCKINNEY.

Mr. DERWINSKI in two instances.

Mr. BOB WILSON in five instances.

Mr. BAKER.

Mr. WYMAN in two instances.

Mr. COUGHLIN.

Mr. HOSMER in three instances.

Mr. CARTER.

Mr. FISH.

Mr. GUDE.

Mr. KEMP in two instances.

Mr. MILLER of Ohio in six instances.

Mr. HORTON.

Mr. SPRINGER.

Mr. VEYSEY in two instances.

Mr. SCHMITZ in three instances.

Mr. MIZELL in three instances.

Mr. PRICE of Texas.

Mr. HUNT.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. RODINO.

Mr. BIAGGI in 10 instances.

Mr. RANGEL.

Mr. BEGICH in five instances.

Mr. SEIBERLING in 10 instances.

Mr. EDWARDS of California in three instances.

Mr. LEGGETT in three instances.

Mr. WILLIAM D. FORD.

Mr. MURPHY of New York in three instances.

Mrs. GRIFFITHS in two instances.

Mr. BRINKLEY.

Mr. MILLER of California in five instances.

Mr. BOLAND.

Mr. KYROS in four instances.

Mr. WALDIE in four instances.

Mr. SCHEUER.

Mr. REES.

Mr. MURPHY of Illinois.

Mrs. GRASSO in 10 instances.

Mr. FRASER in three instances.

Mr. HAGAN in three instances.

Mr. GONZALEZ in three instances.

Mr. COTTER in five instances.

Mr. EVINS of Tennessee.

Mr. SIKES in two instances.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 15, 1971, at 12 o'clock noon.

PUBLIC WORKS-AEC APPROPRIATIONS, 1972—CONFERENCE REPORT

Mr. EVINS of Tennessee submitted the following conference report on the bill (H.R. 10090) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration, and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92-479)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10090) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 11, and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 17, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$1,950,130,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$344,250,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$50,714,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$927,926,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$86,000,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$384,000,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$29,000,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$22,400,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$21,089,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$20,484,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$71,500,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$91,000,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$875,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$297,000,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$67,150,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendment numbered 3.

JOE L. EVINS,
EDWARD P. BOLAND,
JAMIE L. WHITTEN,
GEORGE W. ANDREWS,
JOHN M. SLACK,
GEORGE MAHON,
JOHN J. RHODES,
GLENN R. DAVIS,
HOWARD W. ROBISON,
FRANK T. BOW,
Managers on the Part of the House.

JOHN STENNIS,
ALLEN J. ELLENDER,
JOHN L. MCCLELLAN,
WARREN G. MAGNUSON,
ALAN BIBLE,
JOHN O. PASTORE,
JENNINGS RANDOLPH,
MILTON R. YOUNG,
ROMAN L. HRUSKA,
MARGARET CHASE SMITH (except for amendment No. 5),
GORDON ALLOTT,
CLINTON P. ANDERSON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10090) making appropriations for Public Works for water, and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the Managers and recommended in the accompanying conference report:

TITLE I—ATOMIC ENERGY COMMISSION

OPERATING EXPENSES

Amendment No. 1: Appropriates $1,950,130,000 instead of $1,926,000,000 as proposed by the House and $1,963,720,000 as proposed by the Senate. The net increase over the House bill amount includes $1,750,000 for the Nuclear materials program; $3,000,000 for the Weapons program; $500,000 for research on the cardiac pacemaker under the Terrestrial electric power development program; $2,300,000 for nuclear powerplant safety research; $1,200,000 for controlled thermonuclear research; $500,000 for changes in selected resources; a decrease of $120,000 in assistance payments to the City of Richland, Washington, under the Comunity Program; and an increase of $15,000,000 for the Space propulsion systems—NERVA program, providing a total appropriation of $30,000,000. The Managers note that $39,000,000 was earmarked for the NERVA program in the appropriation for fiscal year 1972 for the National Aeronautics and Space Administration. As the policy has been to provide balanced annual funding of the program between the two agencies, the Managers request consideration be given by AEC to providing from within available funds such additional amounts as may be necessary to match the NASA allocation.

PLANT AND CAPITAL EQUIPMENT

Amendment No. 2: Appropriates $344,250,000 instead of $344,000,000 as proposed by the House and $345,000,000 as proposed by the Senate. The increase over the House bill amount is for obtaining necessary leasehold interests, including options to purchase, and suspension of mineral rights in connection with the National Radioactive Waste Repository site at Lyons, Kansas.

Amendment No. 3: Reported in technical disagreement. The Managers on the part of the House will offer a motion to concur in the Senate amendment inserting language providing that none of the funds appropriated by the Act shall be obligated or expended to detonate any underground nuclear test scheduled to be conducted on Amchitka Island, Alaska, unless the President gives his direct approval for such test.

TITLE II—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

Amendment No. 4: Appropriates $50,714,000 instead of $49,364,000 as proposed by the House and $52,094,000 as proposed by the Senate. The increase over the House bill amount includes $900,000 for studies as listed below and restoration of $450,000 of the House reduction for anticipated additional unobligated carryover balances.

The increase provided over the House bill amount is allocated to the following studies:

Alabama: (N) Mobile Harbor (hydraulic model)	[1] $220,000
California: (N) Sacramento River deepwater ship channel	[1] 20,000
Colorado: (FC) South Platte River	[1] 20,000
Florida:	
(BE) Indian River County	[1] $20,000
(N) Okeechobee Waterway	[1] 5,000
Georgia:	
(FC) Ogeechee-Altamaha area	[1] 10,000
(FC) Satilla River Basin	[1] 10,000
Hawaii: (N) Kaneohe Bay, Oahu (plan of study only)	25,000
Idaho: (FC) Sucker Creek Basin, Idaho and Oregon	10,000
Illinois: (N) Mississippi River year-round navigation, Illinois, Iowa, Minnesota, Missouri, and Wisconsin	[1] 20,000
Inidana: (FC) Lawrenceburg	[1] 10,000
Kentucky: (FC) Beargrass Creek Basin	[1] 5,000
Louisiana:	
(N) Bayous La Loutre, St. Malo, and Yscloskey	10,000
(FC) Columbia levee extension	10,000
(FC) Louisiana coastal area	[1] 30,000
(N) Louisiana deepwater ports	60,000
Mississippi: (BE) Hancock, Harrison, and Jackson Counties	[1] 20,000
Montana: (FC) Yellowstone River below Billings, Mont., Wyoming, and North Dakota	[1] 5,000
Nebraska:	
(FC) Loup River	[1] 25,000
(FC) Metropolitan Omaha, Nebraska-Council Bluffs, Iowa	60,000
(FC) North Platte River, Nebraska, Wyoming, and Colorado	15,000
Nevada: (FC) Truckee River Basin	20,000
New Jersey: (FC) Rahway River	[1] 10,000
New Mexico: (FC) Pecos River and tributaries at Carlsbad	[1] 5,000
North Carolina:	
(BE) Bogue Banks	[1] 10,000
(N) Hatteras Inlet	[1] 20,000
North Dakota: (FC) Buford-Trenton Irrigation District and vicinity	[1] 10,000
Oregon: (N) Columbia River below Vancouver, Wash., and the Dalles (channel to Mayer State Park launching ramp)	5,000
Pennsylvania:	
(N) Delaware River Channel dimensions, Philadelphia to the sea, Pennsylvania, New Jersey, and Delaware	[1] 10,000
(N) Delaware River drift removal, Pennsylvania, New Jersey, and Delaware	10,000
South Carolina:	
(N) Charleston Harbor	[1] 80,000
(N) Georgetown Harbor	[1] 25,000
Texas: (N) Sabine-Neches Waterway	20,000
Virginia: (N) Norfolk Harbor and channels	[1] 10,000
Washington: (N) Columbia River and Tributaries, McNary Dam to Wenatchee	30,000
West Virginia: (FC) Gauley River	[1] 25,000

[1] Increase in House Bill figure.

CONSTRUCTION, GENERAL

Amendment No. 5: Appropriates $927,926,000 instead of $889,088,000 as proposed by the House and $937,118,000 as proposed by the Senate. The Managers have given priority to the provision of more adequate funding of projects under construction and have adhered to a very restrictive policy in the provision for new construction starts. The appropriation includes a total of only $12.3 million to initiate construction on only 22 projects with an estimated total cost of $252.3 million. This compares with 24 projects to be completed during fiscal year 1972 with a total estimated cost of $468.8 million.

The funds appropriated under this heading are to be allocated as shown in the following tabulation:

	Construction, general, State and project	Approved budget estimate for fiscal year 1972		Reserve available fiscal year 1972	Conference allowance	
		Construction	Planning		Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)
	Alabama:					
(N)	Alabama River channel improvement	$700,000			$700,000	
(R)	John Hollis Bankhead lock and dam	[1] 3,252,000			3,252,000	
(MP)	Jones Bluff lock and dam	2,710,000			3,200,000	
(FG)	Montgomery			(p) $50,000		$25,000
(N)	Tennessee-Tombigbee Waterway, Ala. and Miss	6,000,000			6,000,000	
	Tombigbee River and tributaries, Mississippi and Alabama. (See Mississippi.)					
	West Point Lake, Ala. and Ga. (See Georgia.)					
	Alaska:					
(FC)	Chena River Lakes, Fairbanks		$1,300,000			1,300,000
(N)	Humboldt Harbor		50,000			50,000
(N)	Kake Harbor		45,000	(p) 50,000		45,000
(N)	King Cove Harbor			100,000	590,000	
(N)	Myers Chuck Harbor	148,000				
(N)	Sergius and Whitestone Narrows	900,000			900,000	
(MP)	Snettisham power project	17,000,000			21,200,000	
	Arizona:					
(FC)	Gila River and tributaries downstream from Painted Rock Dam			500,000		
(FC)	Indian Bend Wash		250,000			250,000
(FC)	Phoenix and vicinity including New River (Stage I)	1,200,000			1,200,000	
(FC)	Santa Rosa Wash (Tat Momolikot Dam)	1,000,000			1,000,000	
	Arkansas:					
(FC)	Bayou Bartholomew and tributaries (1950 and 1966 acts), Ark. and La		145,000			145,000
(FC)	Bell Foley Lake		175,000			270,000
(MP)	De Gray Lake	975,000			1,100,000	
(FC)	De Queen Lake	2,600,000			2,600,000	
(FC)	Dierks Lake	3,200,000			3,200,000	
(FC)	Gillham Lake	2,380,000			2,380,000	
(FC)	Little Rock levee			260,000		
(N)	McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma:					
	(a) Navigation locks and dams	16,225,000			16,225,000	
(N)	Ouachita and Black Rivers, Ark. and La	1,803,000			4,603,000	
(MP)	Ozark lock and dam	8,800,000			8,800,000	
(FC)	Pine Mountain Lake		95,000			95,000
(FC)	Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex	1,550,000		200,000	1,550,000	
	California:					
(FC)	Alameda Creek, Del Valle Reservoir	1,215,000			1,215,000	
(FC)	Buchanan Lake			700,000	400,000	
(FC)	Butler Valley Dam-Blue Lake		1,200,000			1,200,000
(FC)	Chester, North Fork of Feather River			(p) 50,000		
(BE)	Coast of California, Pt. Mugu to San Pedro (reimbursement)	160,000			160,000	
(FC)	Corte Madera Creek	800,000			800,000	
(N)	Crescent City Harbor				350,000	
(FC)	Cucamonga Creek		410,000	(p) 190,000		410,000
(FC)	Dry Creek (Warm Springs) Lake and Channel	5,300,000			7,150,000	
(FC)	Hidden Lake			1,050,000	1,250,000	
(FC)	Klamath River	2,875,000			2,875,000	
(FC)	Lakeport Lake (to complete planning)					500,000
(FC)	Los Angeles County drainage area	200,000			200,000	
(FC)	Lower San Joaquin River			720,000		
(FC)	Lytle and Warm Creeks			1,000,000	500,000	
	Martis Creek Lake, Calif. and Nev. (See Nevada.)					
(FC)	Mojave River Dam	1,232,000			1,232,000	
(N)	Monterey Harbor			150,000		
(N)	Napa River	950,000			950,000	
(FC)	New Don Pedro Reservoir (reimbursement)	995,000			995,000	
(MP)	New Melones Lake	16,650,000			18,350,000	
(N)	Oakland Harbor			[2] 2,880,000		
(FC)	Pajaro River (1966 act)		206,000			206,000
(N)	Port Hueneme Harbor		90,000			90,000
(FC)	Russian River Basin Coyote Valley Dam and Russian River Channel	300,000			300,000	
(FC)	Sacramento River and major and minor tributaries	100,000			100,000	
(FC)	Sacramento River bank protection	1,710,000			2,200,000	
(N)	San Diego Harbor			(p) 30,000	500,000	
(BE)	San Diego, Sunset Cliffs (reimbursement)	160,000			160,000	
(N)	San Francisco Bay to Stockton (John F. Baldwin and Stockton ship channels)	1,000,000			1,000,000	
(FC)	Santa Paula Creek channel	600,000		150,000	1,400,000	
(FC)	Sonoma Creek		220,000			220,000
(BE)	Surfside-Sunset and Newport Beach	500,000			500,000	
(FC)	Sweetwater River				200,000	
(FC)	Tahquitz Creek	950,000		150,000	950,000	
(N)	Ventura Marina (reimbursement)	1,000,000			1,000,000	
(FC)	Walnut Creek	1,480,000			1,480,000	
	Colorado:					
(FC)	Bear Creek Lake (land acquisition)			390,000	890,000	
(FC)	Boulder			(p) 50,000		150,000
(FC)	Chatfield Lake	10,700,000			10,700,000	
(FC)	Trinidad Lake	1,800,000			1,800,000	
	Connecticut:					
(FC)	Ansonia-Derby	4,700,000			4,700,000	
(FC)	Danbury		164,000			50,000
(FC)	Derby	3,000,000			3,000,000	
(FC)	New London Barrier	[1] 300,000			300,000	
(FC)	Park River			(p) 100,000		200,000
(FC)	Stratford		150,000			150,000
(FC)	Trumbull Lake	1,200,000			1,200,000	
	Delaware:					
(N)	Delaware Bay-Chesapeake Bay Waterway, Del., Md., and Va					65,000
(FC)	Delaware coast protection		150,000			150,000
(N)	Inland waterway, Delaware River to Chesapeake Bay (Chesapeake and Delaware Canal), pt. II, Delaware and Maryland	4,624,000			4,624,000	
	Florida:					
(BE)	Brevard County		70,000			70,000
(BE)	Broward County Hillsboro Inlet (reimbursement)	1,000,000			1,000,000	
(N)	Canaveral Harbor	200,000			200,000	
(FC)	Central and southern Florida	8,261,000		200,000	8,761,000	
(N)	Cross-Florida Barge Canal	[3] 3,750,000		350,000	3,750,000	
(BE)	Fort Pierce (reimbursement)	361,000			361,000	
(FC)	Four Rivers basins	3,280,000			3,280,000	
(N)	Gulf Intracoastal Waterway—St. Marks to Tampa Bay (ecological study)			(p) 180,000		
(N)	Hudson River (restudy)		10,000			10,000
(N)	Jacksonville Harbor (1965 act)	4,250,000			4,875,000	
(N)	Miami Harbor			(p) 60,000	200,000	
(BE)	Pinellas County	100,000			100,000	
(N)	Tampa Harbor (special study)					200,000
(BE)	Virginia Key and Key Biscayne	450,000			450,000	

Footnotes at end of table.

	Construction, general, State and project	Approved budget estimate for fiscal year 1972		Reserve available fiscal year 1972	Conference allowance	
		Construction	Planning		Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)
	Georgia:					
(MP)	Carters Lake	$8,950,000			$9,405,000	
(MP)	Lazer Creek Lake		$350,000			$350,000
(N)	Savannah Harbor, 40 feet (widening and deepening)	200,000			400,000	
(N)	Savannah Harbor (sediment basin)	1,800,000			1,800,000	
(MP)	Spewrell Bluff Lake	1,000,000		$500,000	1,500,000	
(MP)	Trotter Shoals Lake, Ga. and S.C. (land acquisition)			300,000	500,000	
(MP)	West Point Lake, Ala. and Ga	13,300,000			13,300,000	
	Hawaii:					
(N)	Ala Wai Harbor					54,000
(N)	Heeia-Kea Harbor			(p) 49,000		
(FC)	Kaneohe-Kailua Area					160,000
(N)	Kawaihae Harbor (deep draft)			1,102,000		
(BE)	Waikiki Beach	100,000		200,000	100,000	
	Idaho:					
(MP)	Dworshak Dam and Reservoir	54,900,000			54,900,000	
(FC)	Ririe Lake	1,000,000			1,500,000	
(FC)	Stuart Gulch Dam		26,000	(p) 75,000		50,000
	Illinois:					
(N)	Calumet River and Harbor, Ill. and Ind	200,000			200,000	
(FC)	Carlyle Lake, Kaskaskia River	580,000			580,000	
(N)	Chicago River, North Branch				200,000	
(FC)	East Moline		100,000			100,000
(FC)	East St. Louis and vicinity (Cahokia Dam)	500,000			500,000	
(FC)	East St. Louis and vicinity (interior flood control)		250,000			250,000
(FC)	Freeport	200,000			200,000	
(FC)	Fulton		120,000			120,000
(N)	Illinois Waterway, Calumet-Sag modification, pt. I, Illinois and Indiana	5,100,000			5,100,000	
(N)	Illinois Waterway, Calumet-Sag modification, pt. II, Illinois and Indiana		150,000			150,000
(N)	Illinois Waterway duplicate locks		400,000			400,000
	Island Levee, Illinois and Indiana (see Indiana).					
(N)	Kaskaskia River navigation	14,900,000			16,650,000	
(FC)	Lake Shelbyville	286,000			686,000	
(FC)	Levee District 23 (Dively), Kaskaskia River			60,000	60,000	
(FC)	Lincoln Lake	800,000		100,000	800,000	
(N)	Lock and dam 26, Mississippi River, Alton, Ill., and Mo		1,449,000	(p) 351,000		1,700,000
(FC)	Louisville Lake		200,000			250,000
(FC)	Milan		80,000			80,000
(N)	Mississippi River between Ohio and Missouri Rivers, Ill. and Mo.:					
	(a) Chain of rocks	200,000			200,000	
	(b) Regulating works			1,000,000		
(N)	Mound City lock and dam, Illinois and Kentucky			(p) 100,000		
(FC)	Oakley Lake and channel improvement (land acquisition)	200,000			200,000	
(FC)	Peoria		100,000			50,000
(FC)	Rend Lake	2,316,000			2,316,000	
(FC)	Rock Island	620,000			800,000	
(FC)	Saline River and tributaries	1,500,000			1,800,000	
(N)	Smithland locks and dam, Illinois and Kentucky	6,000,000			6,000,000	
	Indiana:					
(FC)	Big Pine Lake (land acquisition)			50,000		
(FC)	Brookville Lake	4,470,000			4,470,000	
	Calumet River and Harbor, Ill. and Ind. (See Illinois.)					
(N)	Cannelton locks and dam, Indiana and Kentucky	7,500,000			7,500,000	
(FC)	Clifty Creek Lake (land acquisition)			50,000	100,000	
(FC)	Evansville	700,000			700,000	
(FC)	Greenfield Bayou Levee			50,000		
	Illinois Waterway, Calumet-Sag modification, pts. I and II, Illinois and Indiana. (See Illinois.)					
(FC)	Island levee, Indiana and Illinois	200,000			200,000	
(FC)	Lafayette Lake			[2] 183,000		
(FC)	Levee Unit No. 5	74,000			74,000	
(FC)	Mason J. Niblack Levee (pumping facilities)		60,000			60,000
(N)	Newburgh locks and dam, Indiana and Kentucky	22,000,000			22,000,000	
(FC)	Patoka Lake	500,000			1,200,000	
(N)	Uniontown locks and dam, Indiana and Kentucky	15,000,000			15,000,000	
(FC)	West Terre Haute	420,000			420,000	
	Iowa:					
(FC)	Ames Lake	100,000		100,000	100,000	
(FC)	Bettendorf		110,000			110,000
(FC)	Big Sioux River at Sioux City, Iowa and S. Dak		20,000	(p) 70,000		20,000
(FC)	Clinton		200,000			200,000
(FC)	Davenport					30,000
(FC)	Davids Creek Lake		80,000			80,000
(FC)	Des Moines	1,150,000			1,150,000	
(FC)	Dubuque	1,500,000			1,500,000	
(N)	Fort Madison Harbor	745,000			745,000	
(FC)	Guttenberg	800,000			1,100,000	
(FC)	Marshalltown	400,000			400,000	
(FC)	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska	1,975,000			2,250,000	
(N)	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska	2,395,000		400,000	2,900,000	
(FC)	Red Rock Dam and Lake Red Rock	2,403,000			2,403,000	
(FC)	Saylorville Lake	4,648,000			4,648,000	
(FC)	Waterloo	800,000		100,000	1,000,000	
	Kansas:					
	Arkansas—Red River chloride control, Texas, Oklahoma, and Kansas (see Texas).					
(FC)	Big Hill Lake				500,000	
(FC)	Blue River—Wolf-Coffee Lake					100,000
(FC)	Cedar Point Lake		125,000	(p)25,000		225,000
(FC)	Clinton Lake	1,800,000			1,800,000	
(FC)	Dodge City			350,000	150,000	
(FC)	El Dorado Lake	100,000		300,000	100,000	
(FC)	Great Bend (resumption)					200,000
(FC)	Grove Lake		100,000	(p) 150,000		225,000
(FC)	Hays, Big Creek	400,000			400,000	
(FC)	Hillsdale Lake		306,000			306,000
(FC)	Kansas City (1962 mod)	2,650,000			2,650,000	
(FC)	Lawrence	539,000			539,000	
(FC)	Marion					50,000
(FC)	Melvern Lake	5,295,000			5,295,000	
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)					
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)					
(FC)	Onaga Lake		223,000			223,000
(FC)	Topeka	505,000			505,000	

Footnotes at end of table.

	Construction, general, State and project	Approved budget estimate for fiscal year 1972		Reserve available fiscal year 1972	Conference allowance	
		Construction	Planning		Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)
	Kentucky:					
(FC)	Booneville Lake		$245,000			$245,000
	Cannelton locks and dam, Indiana and Kentucky. (See Indiana.)					
(FC)	Carr Fork Lake	$3,585,000			$3,585,000	
(FC)	Cave Run Lake	7,167,000			7,167,000	
(MP)	Celina Lake (restudy)					170,000
(FC)	Eagle Creek Lake		120,000			120,000
(FC)	Falmouth Lake		100,000			100,000
(FC)	Kehoe Lake		175,000			175,000
(MP)	Laurel River Lake	6,000,000			6,000,000	
(FC)	Martin	850,000		$150,000	850,000	
(FC)	Martins Fork Lake	400,000		100,000	400,000	
	Mound City Lock and Dam, Ill. and Ky. (See Illinois.)					
	Newburgh locks and dam, Indiana and Kentucky. (See Indiana.)					
(FC)	Paintsville Lake			330,000	250,000	
(FC)	Red River Lake	300,000			300,000	
	Smithland lock and dam, Illinois and Kentucky. (See Illinois.)					
(FC)	Southwestern Jefferson County		280,000			280,000
(FC)	Taylorsville Lake			150,000	150,000	
	Uniontown locks and dam, Indiana and Kentucky, (See Indiana.)					
(FC)	Yatesville Lake		75,000			75,000
	Louisiana:					
(N)	Atchafalaya River, Bayous Chene, Boeuf, and Black		90,000		840,000	90,000
	Bayou Bartholomew, Ark. and La. (See Arkansas.)					
(FC)	Bayou Bodcau and tributaries	400,000		50,000	400,000	
(N)	Calcasieu River at Devils Elbow					20,000
(FC)	Grand Isle and vicinity				100,000	
(FC)	Lake Pontchartrain, and vicinity	[1] 5,555,000		3,000,000	7,755,000	
(N)	Mermentau River (Lake Arthur Bridge replacement)			[2] 1,000,000	1,000,000	
(N)	Michoud Canal			50,000	100,000	
(N)	Mississippi River, gulf outlet	925,000			925,000	
(N)	Mississippi River outlets, Venice		100,000			100,000
(FC)	Monroe floodwall			30,000	100,000	
(FC)	Morgan City and vicinity	500,000			500,000	
(FC)	New Orleans to Venice hurricane protection	998,000		574,000	2,600,000	
	Ouachita and Black Rivers, Ark. and La. (See Arkansas.)					
(FC)	Ouachita River levees			80,000	80,000	
(N)	Overton-Red River Waterway (lower 31 miles only)	700,000			1,500,000	
(N)	Red River emergency bank protection				1,000,000	
	Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex. (See Arkansas.)					
(N)	Red River Waterway (Mississippi River to Shreveport), La., Ark., Okla., and Tex.			(p)600,000		300,000
(N)	Vermilion lock (replacement)		100,000			100,000
	Maryland:					
(N)	Baltimore Harbor and Channels (1958 act)	50,000			50,000	
(FC)	Bloomington Lake, Md. and W. Va.	6,220,000			6,220,000	
	Delaware Bay-Chesapeake Bay Waterway, Del., Md., and Va. (See Delaware.)					
	Inland waterway, Delaware River to Chesapeake Bay, Del. and Md. (C. & D. Canal), pt. II. (See Delaware.)					
	Massachusetts:					
(FC)	Charles River Dam		225,000			225,000
(N)	Fall River Harbor, Mass. and R.I.			25,000	600,000	
(FC)	Nookagee Lake		193,000			193,000
(N)	Provincetown Harbor	2,380,000			2,380,000	
(FC)	Quincy (Review report)					20,000
(FC)	Saxonville			(p) 39,000		100,000
(N)	Weymouth Fore and Town Rivers	5,000,000			5,000,000	
	Michigan:					
(N)	Great Lakes Connecting Channels	1,200,000			1,200,000	
(FC)	Kalamazoo	150,000			150,000	
(N)	Lexington Harbor			15,000		
(N)	Ludington Harbor		40,000			40,000
(N)	Point Lookout Harbor, Au Gres River	1,118,000			1,118,000	
(FC)	River Rouge	4,500,000			4,500,000	
(FC)	Saginaw River (flood control)	855,000			855,000	
	Minnesota:					
(FC)	Big Stone Lake-Whetstone River, Minn. and S. Dak.	1,870,000			1,870,000	
(FC)	Mankato and North Mankato	1,500,000			1,500,000	
(FC)	Roseau River			100,000		
(FC)	Twin Valley Lake, Wild Rice River					50,000
(FC)	Wild Rice River-South Branch and Felton Ditch		40,000			40,000
(FC)	Zumbro River			50,000		
	Mississippi:					
(FC)	Tallahala Creek Lake		230,000	(p) 60,000		300,000
	Tennessee-Tombigbee Waterway, Ala. and Miss. (See Alabama.)					
(FC)	Tombigbee River and tributaries, Mississippi and Alabama	1,300,000			1,300,000	
	Missouri:					
(FC)	Brookfield Lake		41,000	(p) 59,000		200,000
(FC)	Chariton-Little Chariton Basins (1965 act)			350,000	350,000	
(FC)	Chariton River (1944 act)	583,000			583,000	
(MP)	Clarence Cannon Dam and Reservoir	5,200,000			5,200,000	
(FC)	Dry Fork and East Fork Lakes (restudy)			50,000		
(MP)	Harry S. Truman Dam and Reservoir (formerly Kaysinger Bluff Reservoir)	17,400,000		100,000	18,000,000	
(FC)	Little Blue River Channel		135,000			135,000
(FC)	Little Blue River Lakes (land acquisition)	1,280,000		1,220,000	2,280,000	
	Lock and Dam 26, Alton, Ill., and Mo. (See Illinois.)					
(FC)	Long Branch Lake				500,000	
(FC)	Meramec Park Lake (land acquisition)	1,500,000			2,500,000	
(FC)	Mercer Lake			(p) 140,000		60,000
(FC)	Mississippi River Agricultural Area No. 8 (Elsberry drainage district)			(p) 120,000		
	Mississippi River between Ohio and Missouri Rivers, Ill. and Mo. (See Illinois.)					
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)					
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)					
(FC)	Pattonsburg Lake—Highway I–35 Crossing	[3] 500,000			500,000	
(FC)	Pattonsburg Lake (town relocation only)			(p) 50,000		50,000
(FC)	St. Louis	2,206,000			2,206,000	
(FC)	Smithville Lake				300,000	
(MP)	Stockton Lake	4,066,000			4,066,000	
(FC)	Union Lake		275,000			275,000
(FC)	Union Lake (State highway 185 relocation) (advance participation)	1,000,000		300,000	1,000,000	
	Montana:					
(FC)	Great Falls	50,000			50,000	
(MP)	Libby Dam—Lake Koocanusa	53,200,000		650,000	57,200,000	
(FC)	Miles City (restudy)		40,000			40,000

Footnotes at end of table.

	Construction, general, State and project	Approved budget estimate for fiscal year 1972		Reserve available fiscal year 1972	Conference allowance	
		Construction	Planning		Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)
	Nebraska:					
(MP)	Gavins Point Dam—Lewis and Clark Lake (relocation of Niobrara, Nebr. Nebr. and S. Dak			[4] $(200,000)	$750,000	
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)					
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri and Nebraska. (See Iowa.)					
(FC)	Papillion Creek and Tributaries			1,310,000	2,000,000	
	Nevada:					
(FC)	Martis Creek Lake, Calif., and Nev	$2,470,000			2,470,000	
	New Hampshire:					
(FC)	Beaver Brook Lake	300,000			300,000	
	New Jersey:					
(BE)	Atlantic City (reimbursement)	300,000			300,000	
(FC)	Elizabeth	1,670,000			1,670,000	
(N)	Newark Bay, Hackensack and Passaic Rivers	2,750,000			4,250,000	
(FC)	Raritan and Sandy Hook Bays	2,096,000			2,096,000	
	Rahway River, South Branch Rahway (Sec. 205)				(800,000)	
(FC)	South Orange, Rahway River	880,000			880,000	
	Tocks Island Lake, Pa., N.J., and N.Y. (See Pennsylvania.)					
	New Mexico:					
(FC)	Albuquerque diversion channels	1,222,000		250,000	1,222,000	
(FC)	Cochiti Lake	12,000,000			12,000,000	
(FC)	Las Cruces	500,000			500,000	
(FC)	Los Esteros Lake and modification of Alamogordo Dam	1,200,000			1,200,000	
(FC)	Rio Grande Floodway (Espanola Valley)	346,000			346,000	
	New York:					
(N)	Cattaraugus Harbor			(p)30,000		
(N)	East River (spur channel to Astoria waterfront)					$60,000
(FC)	East Rockaway Inlet to Rockaway Inlet and Jamaica Bay		190,000			190,000
(FC)	Ellicott Creek (plan formulation study)					150,000
(BE)	Fire Island Inlet to Jones Inlet	600,000		50,000	600,000	
(FC)	Fire Island Inlet to Montauk Point	800,000			800,000	
(N)	Hamlin Beach Harbor		50,000			50,000
(N)	Irondequoit Bay			[2] 190,000		
(N)	New York Harbor (anchorages)	1,620,000			4,620,000	
(N)	New York Harbor collection and removal of drift					80,000
(FC)	Nichols	315,000			315,000	
(FC)	North Ellenville	50,000			50,000	
(N)	Oak Orchard Harbor			150,000		
(N)	Port Jefferson Harbor (Review of alternatives)					50,000
(FC)	South Ellenville	50,000			50,000	
	Tocks Island Lake, Pa., N.J., and N.Y. (See Pennsylvania.)					
(FC)	Yonkers		15,000	(p)55,000		15,000
	North Carolina:					
(FC)	Falls Lake	1,820,000			3,300,000	
(FC)	Howards Mill Lake			(p)90,000		92,000
(N)	Morehead City Harbor (1970 act)					60,000
(FC)	New Hope Lake	9,100,000			9,600,000	
(FC)	Ocracoke Island		80,000			80,000
(FC)	Randleman Lake		122,000	(p)78,000		364,000
(FC)	Reddies River Lake		100,000			100,000
	North Dakota:					
(FC)	Burlington Dam					50,000
(R)	Garrison Dam-Lake Sakakawea (embankment repair)	900,000			900,000	
(MP)	Garrison Dam-Lake Sakakawea (Eagle Bay and Ft. Yates highway bridges)					350,000
	Oahe Dam-Lake Oahe, S. Dak. and N. Dak. (See South Dakota.)					
	Lower Branch Rush River (sec. 205)				(200,000)	
(FC)	Minot	[1] 650,000		100,000	650,000	
(FC)	Missouri River, Garrison Dam to Lake Oahe	660,000			660,000	
(FC)	Pipestem Lake	1,350,000		450,000	1,350,000	
	Ohio:					
(FC)	Alum Creek Lake	10,130,000		620,000	10,855,000	
(FC)	Caesar Creek Lake	2,100,000			2,100,000	
(FC)	Chillicothe			(p)75,000		
(FC)	Clarence J. Brown Dam and Reservoir	4,505,000			4,505,000	
(FC)	East Fork Lake	3,715,000			3,715,000	
(FC)	East lake, Chargrin River			(p)60,000		
(FC)	Fremont	5,635,000			5,635,000	
(N)	Hannibal locks and dam, Ohio and West Virginia	12,105,000			12,105,000	
(BE)	Lakeview Park, Lorain					40,000
(N)	Lorain Harbor	1,600,000			1,600,000	
(FC)	Mill Creek					100,000
(FC)	Newark		$80,000			80,000
(FC)	North Branch of Kokosing River Lake	1,675,000			1,675,000	
(FC)	Paint Creek Lake	4,440,000			4,440,000	
(FC)	Salt Creek Lake (land acquisition)			300,000	100,000	
	Shenango River Lake, Pa and Ohio. (See Pennsylvania.)					
(FC)	Utica Lake		270,000			270,000
(N)	Vermilion Harbor				200,000	
(N)	Willow Island locks and dam, Ohio and West Virginia	2,900,000			3,200,000	
(FC)	Youngstown, Crab Creek	1,650,000			1,650,000	
	Oklahoma:					
	Arkansas Red River chloride control, Texas, Oklahoma, and Kansas. (See Texas.)					
(FC)	Arcadia Lake					150,000
(FC)	Birch Lake			400,000		
(FC)	Clayton Lake		316,000			316,000
(FC)	Copan Lake	100,000		500,000	600,000	
(FC)	Crutcho Creek	100,000			100,000	
(FC)	Hugo Lake	5,800,000			5,800,000	
(FC)	Kaw Lake	13,300,000			13,300,000	
(FC)	Lukfata Lake			[3] 450,000		
	McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma. (See Arkansas.)					
(FC)	Oologah Lake	500,000			500,000	
(FC)	Optima Lake	1,400,000			1,400,000	
(FC)	Waurika Lake	500,000			500,000	
(MP)	Webbers Falls lock and dam	5,300,000			5,300,000	
	Oregon:					
(MP)	Bonneville lock and dam (2d power unit), Oregon and Washington		470,000			470,000
(MP)	Bonneville lock and dam (mod. for peaking), Oregon and Washington	5,800,000			5,800,000	
(FC)	Cascadia Lake	600,000				
(N)	Columbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington	650,000			650,000	
(FC)	Elk Creek Lake	1,200,000			1,200,000	
(MP)	John Day lock and dam (Lake Umatilla), Oregon and Washington	9,394,000			9,394,000	
(MP)	Lost Creek Lake	7,260,000			7,260,000	
(FC)	Lower Columbia River bank protection, Oregon and Washington	400,000			400,000	
	The Dalles lock and dam, Washington and Oregon (additional power units). (See Washington.)					
(N)	Tillamook Bay and Bar (south jetty)	800,000			1,500,000	
(FC)	Willow Creek Lake					300,000
(N)	Yaquina Bay and Harbor	2,400,000			2,400,000	

Footnotes at end of table.

	Construction, general, State and project	Approved budget estimate for fiscal year 1972		Reserve available fiscal year 1972	Conference allowance	
		Construction	Planning		Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)
	Pennsylvania:					
(FC)	Beltzville Lake	$419,000			$419,000	
(FC)	Blue March Lake (land acquisition)	800,000			800,000	
(FC)	Chartiers Creek	2,915,000			2,915,000	
(FC)	DuBois	400,000		$100,000	400,000	
(FC)	Foster Joseph Sayers Dam	575,000			575,000	
(FC)	Muddy Creek Dam		$35,000			$35,000
(FC)	Raystown Lake	14,000,000			14,000,000	
(FC)	Shenango River Lake, Pa. and Ohio	1,750,000			1,750,000	
(FC)	Tioga-Hammond Lakes	2,465,000			2,465,000	
(MP)	Tocks Island Lake, Pa., N.J., and N.Y	8,550,000		3,600,000	9,550,000	
(FC)	Trexler Lake		160,000			160,000
(FC)	Tyrone				500,000	
(FC)	Union City Dam	1,640,000			1,640,000	
(FC)	Woodcock Creek Lake	4,900,000			4,900,000	
	Puerto Rico:					
(FC)	Portugues and Bucana Rivers (Ponce)					400,000
	Rhode Island:					
(BE)	Cliff Walk, Newport	60,000			60,000	
	Fall River Harbor, Mass. and R.I. (See Mass.)					
(N)	Providence River and Harbor	1,830,000			1,830,000	
	South Carolina:					
(N)	Cooper River-Charleston Harbor		150,000			300,000
	Trotters Shoals Lake, Georgia and South Carolina. (See Georgia.)					
	South Dakota:					
(MP)	Big Bend Dam-Lake Sharpe	2,239,000			2,239,000	
	Big Sioux River at Sioux City, Iowa and S. Dak. (See Iowa)					
	Big Stone Lake-Whetstone River, Minn. and S. Dak. (See Minnesota):					
	Ft. Yates highway bridge. (See North Dakota.)					
	Gavins Point Dam-Lewis and Clark Lake (relocation of Niobrara, Nebraska) Nebr. and S. Dak. (See Nebraska.)					
(MP)	Oahe Dam-Lake Oahe, S. Dak. and N. Dak	2,100,000			2,100,000	
	Tennessee:					
(MP)	Cordell Hull Dam and Reservoir	8,000,000			8,000,000	
(MP)	J. Percy Priest Dam and Reservoir (Nashville Davidson County Bridge)			839,000		
	Texas:					
(FC)	Aquilla Lake			(p)90,000		100,000
(FC)	Arkansas-Red River chloride control (pt. 1), Texas, Oklahoma, and Kansas		300,000			300,000
(FC)	Arkansas-Red River chloride control (supplemental studies), Texas, Oklahoma, and Kansas			(p)410,000		
(FC)	Aubrey Lake		135,000	(p)115,000		285,000
(FC)	Belton Lake (raise water supply pool)	688,000			688,000	
(FC)	Big Pine Lake			(p) 35,000		100,000
(FC)	Buffalo Bayou and tributaries	508,000			508,000	
(FC)	Cedar Bayou				430,000	
(FC)	Clear Creek					100,000
(FC)	Cooper Lake and channels	1,150,000		300,000	1,150,000	
(N)	Corpus Christi ship channel			250,000	500,000	
(FC)	Duck Creek channel improvement				500,000	
(FC)	Elm Fork Floodway		225,000			225,000
(FC)	El Paso	1,200,000			1,200,000	
(FC)	Freeport and vicinity, hurricane flood protection				500,000	
(N)	Guadalupe River (remove log jam)					25,000
(N)	Gulf Intracoastal Waterway, New Orleans to Houston, Louisiana, and Texas:					
	(a) Corpus Christi Bay			200,000		
(FC)	Highland Bayou	100,000			100,000	
(FC)	Lake Kemp	3,500,000			3,500,000	
(FC)	Lavon Lake modification and East Fork channel improvement	12,260,000			12,260,000	
(FC)	Millican Lake, Navasota River		150,000			150,000
(N)	Mouth of Colorado River		130,000	(p)95,000		130,000
(FC)	Navarro Mills Lake (road relocation)					50,000
(FC)	Port Arthur and vicinity, hurricane flood protection	[1] 5,230,000			5,230,000	
	Red River levees and bank stabilization, below Denison Dam, Ark., La., and Tex. (See Arkansas.)					
(N)	Sabine-Neches Waterway 40 feet and channel to Echo	3,530,000			3,530,000	
(FC)	Sabine River, Greenville Channel improvement					12,000
(FC)	San Antonio Channel improvement	1,037,000			1,037,000	
(FC)	San Gabriel River	1,000,000		800,000	2,000,000	
(FC)	Taylors Bayou	900,000			900,000	
(FC)	Texas City and vicinity, hurricane flood protection	1,960,000			1,960,000	
(N)	Trinity River and tributaries advance participation on high level bridges	2,302,000			2,302,000	
(N)	Trinity River project		1,000,000			1,000,000
(N)	Wallisville Lake	4,200,000			4,200,000	
(MP)	Whitney Lake (raise power pool)	350,000			350,000	
	Utah:					
(FC)	Little Dell Lake		309,000	(p)91,000		309,000
(FC)	Weber River and tributaries		25,000			25,000
	Virginia:					
	Delaware Bay-Chesapeake Bay Waterway Del., Md., and Va. (see Delaware.)					
(FC)	Four Mile Run City of Alexandria, and Arlington County		[1] 245,000	(p)170,000		245,000
(FC)	Gathright Lake	4,780,000			4,780,000	
(N)	Hampton Roads	1,397,000			1,397,000	
(N)	James River		30,000			30,000
(MP)	Salem Church Lake		500,000			500,000
(BE)	Virginia Beach (reimbursement)	100,000			100,000	
	Washington:					
	Bonneville lock and dam (2d power unit), Oregon and Washington. (See Oregon.)					
	Colu mbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington. (See Oregon.)					
(MP)	Ice Harbor lock and dam (Lake Sacajawea), additional generating units	[1] 4,400,000			4,400,000	
	John Day lock and dam (Lake Umatilla), Oregon and Washington. (See Oregon.)					
(MP)	Little Goose lock and dam—Lake Bryan	[1] 4,360,000			4,360,000	
(MP)	Little Goose lock and dam—Lake Bryan (additional units)			(p)130,000		170,000
	Lower Columbia River bank protection, Oregon and Washington. (See Oregon.)					
(MP)	Lower Granite lock and dam	55,000,000			55,000,000	
(MP)	Lower Monumental lock and dam	[1] 6,915,000			6,915,000	
(MP)	The Dalles lock and dam (Lake Celilo) Wash., and Oreg. (additional power units)	13,000,000			13,000,000	
(FC)	Vancouver Lake area		15,000	(p)85,000		210,000
(FC)	Wahkaikum County Consolidated Diking District No. 1		60,000			100,000
(FC)	Wenatchee Canyons 1 and 2		50,000			50,000
(FC)	Wynoochee Lake	5,600,000		1,900,000	5,600,000	
(FC)	Zintel Canyon Dam					160,000

Footnotes at end of table.

Construction, general, State and project	Approved budget estimate for fiscal year 1972		Reserve available fiscal year 1972	Conference allowance	
	Construction	Planning		Construction	Planning
(1)	(2)	(3)	(4)	(5)	(6)
West Virginia:					
(FC) Beech Fork Lake	$1,295,000			$1,295,000	
Bloomington Lake, Md. and W. Va. (See Maryland.)					
(FC) Burnsville Lake	500,000		$120,000	880,000	
(FC) Coal River					$75,000
(FC) East Lynn Lake	3,515,000			3,515,000	
Hannibal locks and dam, Ohio and West Virginia. (See Ohio.)					
(FC) Leading Creek Lake			(p)150,000		
(FC) R. D. Bailey (Justice) Lake	15,550,000			17,850,000	
(FC) Rowlesburg Lake	650,000		(p)150,000		[6] 100,000
(FC) Stonewall Jackson Lake	3,350,000		150,000	3,350,000	
(FC) West Fork Lake		$135,000			135,000
Willow Island lock and dam, Ohio and West Virginia. (See Ohio.)					
Wisconsin:					
(N) Green Bay Harbor (1962 act)	1,281,000			1,281,000	
(FC) La Farge Lake and Channel Improvement	1,730,000			1,730,000	
(R) Racine Harbor	510,000			510,000	
Miscellaneous:					
(N) Small navigational projects not requiring specific legislation costing up to $1,000,000 (sec. 107)	2,910,000		90,000	2,910,000	
(FC) Small projects for flood control and related purposes not requiring specific legislation costing up to $1,000,000, (sec. 205).	9,250,000		750,000	10,250,000	
(FC) Emergency bank protection	500,000			1,000,000	
(FC) Snagging and clearing	500,000			500,000	
Recreation facilities, completed projects	6,000,000		1,000,000	7,600,000	
Fish and Wildlife Coordination Act studies (U.S. Fish and Wildlife Service)	625,000			625,000	
Aquatic plant control (1965 act)	900,000			1,100,000	
Employees compensation	1,190,000			1,190,000	
Reduction for anticipated savings and slippages	−36,650,000			−36,650,000	
Committee reallocation of carryover balances				−1,637,000	
Grand total, construction, general	842,149,000 (859,179,000)	17,030,000	41,445,000	904,131,000 (927,926,000)	23,795,000

[1] Reflects budget amendment submitted in Senate Document 92-32.
[2] Includes funds appropriated prior to fiscal year 1971.
[3] All funds were appropriated prior to fiscal year 1971.
[4] This amount appropriated under general investigations in supplemental appropriation for fiscal year 1971 for development of suitable plans to resolve seepage problems at Niobrara, Nebr.
[5] Reflects budget amendment submitted in House Document No. 92-93.
[6] In addition, carryover balances of $325,000 are available for planning.

Mississippi River—Gulf outlet.—The Managers request that the Corps of Engineers review its present plans for the new lock for the connection with the Mississippi River to assure that the lock size is adequate to accommodate anticipated traffic.

Recreation facilities, completed projects.—The increase over the House bill figure includes $91,000 for Millwood Lake, Arkansas.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

Amendment No. 7: Appropriates $86,000,000 instead of $80,966,000 as proposed by the House and $91,501,000 as proposed by the Senate. The increase provided over the House bill amount is allocated to the following projects and activities:

1. General investigations:	
(N) Catahoula-Charentor area, Louisiana	$10,000
(FC) Bayous Rapides Boeuf Cocodrie and outlets, Louisiana	10,000
(N) Vicksburg Harbor, Mississippi	10,000
(FC) St. Francis River Basin below Lake Wappapello, Missouri and Arkansas	12,000
(FC) St. Johns Bayou and New Madrid Floodway, Missouri	7,000
(FC) Obion and Forked Deer Rivers and tributaries, Tennessee	10,000
(FC) Wolf-Loosahatchie River and Nonconnah Creek, Tennessee and Mississippi	10,000
Subtotal, general investigations	69,000
2. Construction and planning:	
Mississippi River levees	300,000
Channel improvement	1,520,000
St. Francis Basin	1,200,000
Tensas Basin: Boeuf and Tensas Rivers	180,000
Yazoo Basin:	
Greenwood	$50,000
Yazoo backwater	565,000
Atchafalaya Basin	750,000
Eastern Rapides and South Central Avoyellas Parishes, Louisiana (planning)	100,000
3. Maintenance	300,000
Total, increase	+5,034,000

The Managers agree provision should be made within funds available for essential revetment work at Alliance, Louisiana, as provided for in the master plan for channel stabilization below Baton Rouge.

The Managers request that the Corps of Engineers expedite the study of recreation requirements at the four existing reservoirs in the Yazoo Basin to determine the additional facilities, including marinas, boat ramps, and sanitary facilities, required to bring the facilities up to the national standards for the protection of the health and safety of the visiting public and to obtain maximum public benefits, and particularly to promote additional development by States, local interests and private enterprise.

OPERATION AND MAINTENANCE, GENERAL

Amendments No. 8: Appropriates $384,000,000 instead of $376,000,000 as proposed by the House and $390,000,000 as proposed by the Senate.

GENERAL EXPENSES

Amendment No. 9: Appropriates $29,000,000 instead of $28,900,000 as proposed by the House and $29,138,000 as proposed by the Senate. The increase over the House bill amount is to make provision for 10 additional positions in the division offices.

TITLE III—DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

GENERAL INVESTIGATIONS

Amendment No. 10: Appropriates $22,400,000 instead of $21,975,000 as proposed by the House and $22,650,000 as proposed by the Senate. The increase provided over the House bill amount includes $325,000 for the Atmospheric water resources management program, including $75,000 for the North Dakota Pilot Project, and $100,000 for the Colorado River water quality improvement (salinity) study.

CONSTRUCTION AND REHABILITATION

Amendment No. 11: Appropriates $208,845,000 as proposed by the House instead of $206,965,000 as proposed by the Senate. The Managers agree on the following changes in the project allocations reflected in the House bill amount: a decrease of $1,680,000 in the allocation for the Westlands distribution and drainage system, San Luis Unit, California; and increases as follows: Auburn-Folsom South unit—Folsom South Canal, California, $300,000; Fryingpan—Arkansas project, Colorado, a net increase of $330,000 consisting of an increase of $1,000,000 for the Pueblo Dam and a decrease of $670,000 in the amount for the Cunningham Tunnel (the revised capability); Narrows Unit, Colorado, $150,000 (planning); Garrison Diversion Unit, North Dakota, $750,000; and the Oahe Unit, South Dakota, $150,000 for additional land acquisition.

Amendment No. 12: Deletes language proposed by the Senate.

UPPER COLORADO RIVER STORAGE PROJECT

Amendments Nos. 13 and 14: Appropriate $21,089,000 instead of $20,589,000 as proposed by the House and $21,219,000 as proposed by the Senate. The increase provided over the House bill amount is for additional planning on the Fruitland Mesa participating project, Colorado.

OPERATION AND MAINTENANCE

Amendment No. 15: Appropriates $71,500,000 instead of $70,000,000 as proposed by the House and $72,000,000 as proposed by the Senate.

BONNEVILLE POWER ADMINISTRATION

CONSTRUCTION

Amendment No. 16: Appropriates $91,000,000 instead of $90,000,000 as proposed by the House and $91,630,000 as proposed by the Senate.

SOUTHWESTERN POWER ADMINISTRATION

OPERATION AND MAINTENANCE

Amendment No. 17: Appropriates $5,000,000 as proposed by the Senate instead of $4,500,000 as proposed by the House.

OFFICE OF THE SECRETARY

UNDERGROUND ELECTRIC POWER TRANSMISSION RESEARCH

Amendment No. 18: Appropriates $875,000 instead of $750,000 as proposed by the House and $1,000,000 as proposed by the Senate.

TITLE IV—INDEPENDENT OFFICES

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

FUNDS APPROPRIATED TO THE PRESIDENT

Amendment No. 19: Appropriates $297,000,000 instead of $282,000,000 as proposed by the House and $302,000,000 as proposed by the Senate. The increase provided over the House bill amount includes: $5,000,000 for the Health demonstration program; $5,000,000 for Vocational education facilities; and $5,000,000 for Supplemental grants.

TENNESSEE VALLEY AUTHORITY

PAYMENT TO TENNESSEE VALLEY AUTHORITY FUND

Amendment No. 20: Appropriates $67,150,000 instead of $64,950,000 as proposed by the House and $67,650,000 as proposed by the Senate. The increase provided over the House bill amount includes $1,700,000 for the Mills River unit of the Upper French Broad project, N. Caro., and $500,000 for construction of chemical facilities for the fertilizer program.

Conference total—with comparisons

The total new budget (obligational) authority for the fiscal year 1972 recommended by the committee of conference, with comparisons to the fiscal year 1971 amount, to the 1972 budget estimate, and to the House and Senate bills for 1972 follows:

	Amounts
New budget (obligational) authority, fiscal year 1971	$4,464,985,000
Budget estimates of new (obligational) authority (as amended), fiscal year 1972	4,616,082,000
House bill, fiscal year 1972	4,576,173,000
Senate bill, fiscal year 1972	4,716,922,000
Conference agreement, fiscal year 1972	4,675,125,000
Conference agreement compared with—	
New budget (obligational) authority, fiscal year 1971	+210,140,000
Budget estimate of new budget (obligational) authority (as amended), fiscal year 1972	+59,043,000
House bill, fiscal year 1972	+98,952,000
Senate bill, fiscal year 1972	−41,797,000

JOE L. EVINS,
EDWARD P. BOLAND,
JAMIE L. WHITTEN,
GEORGE W. ANDREWS,
JOHN M. SLACK,
GEORGE MAHON,
JOHN J. RHODES,
GLENN R. DAVIS,
HOWARD W. ROBISON,
FRANK T. BOW,
Managers on the Part of the House.

JOHN STENNIS,
ALLEN J. ELLENDER,
JOHN L. MCCLELLAN,
WARREN G. MAGNUSON,
ALAN BIBLE,
JOHN O. PASTORE,
CLINTON P. ANDERSON,
JENNINGS RANDOLPH,
MILTON R. YOUNG,
ROMAN L. HRUSKA,
MARGARET CHASE SMITH,
(except for amendment No. 5)
GORDON ALLOTT,
Managers on the Part of the Senate.

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. KASTENMEIER: Committee on the Judiciary. S. 1253. An act to amend section 6 of title 35, United States Code, "Patents", to authorize domestic and international studies and programs relating to patents and trademarks (Rept. No. 92–475). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'NEILL: Committee on Rules. House Resolution 593. Resolution providing for the consideration of H.R. 7072. A bill to amend the Airport and Airway 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 (Rept. No. 92–476). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules. House Resolution 594. Resolution providing for the consideration of H.R. 9936. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that act, and for other purposes (Rept. No. 92–477). Referred to the House Calendar.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 755. A bill to amend the Shipping Act of 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes; with amendments (Rept. No. 92–478). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 9212. A bill to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes (Rept. No. 92–460, pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Committee of Conference. Conference report on H.R. 10090 (Rept. No. 92–479). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL (for himself and Mr. MCCLURE):

H.R. 10640. A bill to establish a system for the development of mineral resources on public lands of the United States; to the Committee on Interior and Insular Affairs.

By Mr. BINGHAM (for himself, Mr. BADILLO, Mrs. HICKS of Massachusetts, Mr. PERKINS, Mr. PUCINSKI, and Mr. SCHEUER):

H.R. 10641. A bill to amend the Elementary and Secondary Education Act of 1965 to assist school districts to carry out locally approved school security plans to reduce crime against children, employees, and facilities of their schools; to the Committee on Education and Labor.

By Mr. BINGHAM:

H.R. 10642. A bill to broaden the national housing goals, to provide housing assistance and promote community development through block grants with emphasis upon the preservation and more efficient use of the existing housing stock and upon the revitalization of declining neighborhoods, to improve programs of Federal planning assistance with emphasis upon modernizing and increasing the management capabilities of State and local governments, and for other purposes; to the Committee on Banking and Currency.

H.R. 10643. A bill to broaden the national housing goals, to provide housing assistance and promote community development through block grants with emphasis upon the preservation and more efficient use of the existing housing stock and upon the revitalization of declining neighborhoods, to improve programs of Federal planning and assistance with emphasis upon modernizing and increasing the management capabilities of State and local governments, and for other purposes; to the Committee on Banking and Currency.

By Mr. BROWN of Ohio:

H.R. 10644. A bill to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER:

H.R. 10645. A bill to require the establishment, on the basis of the 19th and subsequent decennial censuses, of congressional districts composed of contiguous and compact territory for the election of Representatives, and for other purposes; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN (for himself, Mr. BETTS, and Mr. CONABLE):

H.R. 10646. A bill to amend section 956 (b) of the Internal Revenue Code of 1954 to eliminate from the concept of U.S. property certain debt obligation acquired by controlled foreign corporations engaged in the banking business; to the Committee on Ways and Means.

By Mr. HICKS of Washington:

H.R. 10647. 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. HORTON:

H.R. 10648. A bill to amend title 38, United States Code, to provide for the payment of tuition, subsistence, and educational assistance allowances on behalf of or to certain eligible veterans pursuing programs of education under chapter 34 of such title, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HORTON (for himself, Mr. ADDABBO, Mr. BARRETT, Mr. BIESTER, Mr. BLACKBURN, Mr. BOLAND, Mr. BRASCO, Mr. BRINKLEY, Mr. BROYHILL of North Carolina, Mr. BURKE, of Massachusetts, Mr. CLANCY, Mr. DON H. CLAUSEN, Mr. CLEVELAND, Mr. COLLINS of Illinois, Mr. CONABLE, Mr. CONTE, Mr. COUGHLIN, Mr. DANIELS of New Jersey, Mr. DELLENBACK, Mr. DENT, Mr. DERWINSKI, Mr. DIGGS, Mr. DONOHUE, Mr. DOW, and Mr. DULSKI):

H.R. 10649. A bill to incorporate Pop Warner Little Scholars, Inc., to the Committee on the Judiciary.

By Mr. HORTON (for himself, Mr. DUNCAN, Mrs. DWYER, Mr. EDWARDS of California, Mr. EILBERG, Mr. FASCELL, Mr. FINDLEY, Mr. FISH, Mr. FISHER, Mr. FLYNT, Mr. FORSYTHE,

Mr. FRELINGHUYSEN, Mr. FREY, Mr. GALLAGHER, Mr. GARMATZ, Mr. GAYDOS, Mr. GOODLING, Mrs. GRASSO, Mr. GUBSER, Mr. GUDE, Mr. HALPERN, Mr. HANLEY, Mr. HASTINGS, Mr. HAWKINS, and Mrs. HECKLER of Massachusetts):

H.R. 10650. A bill to incorporate Pop Warner Little Scholars, Inc.; to the Committee on the Judiciary.

By Mr. HORTON (for himself, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. HOWARD, Mr. HUNGATE, Mr. JOHNSON of California, Mr. KAZEN, Mr. KEMP, Mr. KLUCZYNSKI, Mr. KUYKENDALL, Mr. LEGGETT, Mr. LONG of Maryland, Mr. MCEWEN, Mr. MCFALL, Mr. MADDEN, Mr. MAILLIARD, Mr. MANN, Mr. MATSUNAGA, Mr. MAZZOLI, Mrs. MINK, Mr. MIZELL, Mr. MONAGAN, Mr. MOORHEAD, Mr. MORGAN, and Mr. MORSE):

H.R. 10651. A bill to incorporate Pop Warner Little Scholars, Inc.; to the Committee on the Judiciary.

By Mr. HORTON (for himself, Mr. MOSS, Mr. MURPHY of New York, Mr. NIX, Mr. PATTEN, Mr. PELLY, Mr. PEPPER, Mr. PETTIS, Mr. ROBINSON of Virginia, Mr. RODINO, Mr. ROSENTHAL, Mr. SANDMAN, Mr. SCOTT, Mr. SISK, Mr. SPENCE, Mr. STAFFORD, Mr. J. WILLIAM STANTON, Mr. STEIGER of Arizona, Mr. STRATTON, Mr. TEAGUE of Texas, Mr. TERRY, Mr. VAN DEERLIN, Mr. VANDER JAGT, Mr. VEYSEY, and Mr. VIGORITO):

H.R. 10652. A bill to incorporate Pop Warner Little Scholars, Inc.; to the Committee on the Judiciary.

By Mr. HORTON (for himself, Mr. ANDERSON of Tennessee, Mr. DORN, Mr. ST GERMAIN, Mr. WALDIE, Mr. WARE, Mr. WHITEHURST, Mr. WIDNALL, Mr. WILLIAMS, Mr. WINN, Mr. WOLFF, and Mr. WYMAN):

H.R. 10653. A bill to incorporate Pop Warner Little Scholars, Inc.; to the Committee on the Judiciary.

By Mr. HUNGATE:

H.R. 10654. A bill to amend the District of Columbia Stadium Act of 1957 to provide for a sharing of the financial obligations of such stadium, and for other purposes; to the Committee on the District of Columbia.

By Mr. JOHNSON of California:

H.R. 1055. A bill to designate certain lands in the Lassen Volcanic National Park, Calif., as wilderness; to the Commitee on Interior and Insular Affairs.

H.R. 10656. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing and job-training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mr. MYERS:

H.R. 10657. A bill to insure the right of lakeshore property owners on federally owned or regulated lakes to construct and maintain private dock facilities; and for other purposes; to the Committee on Public Works.

By Mr. PEPPER (for himself and Mr. EDWARDS of Louisiana):

H.R. 10658. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 10659. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

By Mr. RAILSBACK (for himself, Mr. ADAMS, Mr. ANDERSON of Illinois, Mr. ANDREWS of North Dakota, Mr. BRINKLEY, Mr. DON H. CLAUSEN, Mr. DANIELSON, Mr. DENT, Mr. DUNCAN, Mr. EILBERG, Mr. FLOWERS, Mrs. GRASSO, Mr. HANSEN of Idaho, Mr. HARVEY, Mr. HOSMER, Mr. JOHNSON of Pennsylvania, Mr. LENT, Mr. MATSUNAGA, Mr. MAZZOLI, Mr. METCALFE, Mr. MICHEL, Mr. MIZELL, Mr. MORSE, Mr. MOSS, and Mr. MYERS):

H.R. 10660. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

By Mr. RAILSBACK (for himself, Mr. BEVILL, Mr. BROYHILL of Virginia, Mr. FISHER, Mrs. HANSEN of Washington, Mr. NICHOLS, Mr. RHODES, Mr. RIEGLE, Mr. RUNNELS, Mr. SPENCE, Mr. STEIGER of Arizona, Mr. WHITEHURST, Mr. WILLIAMS, and Mr. WYMAN):

H.R. 10661. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

By Mr. SISK:

H.R. 10662. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to provide an alternate method of making loans for the acquisition and improvement of farms, and for other purposes; to the Committee on Agriculture.

By Mr. J. WILLIAM STANTON:

H.R. 10663. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Great Lakes Basin conservation program; to the Committee on Agriculture.

By Mr. J. WILLIAM STANTON (for himself, Mr. MOSHER, Mr. WHALEN, Mr. BETTS, and Mr. SEIBERLING):

H.R. 10664. A bill to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS:

H.R. 10665. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHLEY (by request):

H.R. 10666. A bill to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. FASCELL:

H.R. 10667. A bill to designate certain lands in the National Key Deer Refuge, Great White Heron National Wildlife Refuge, and the Key West National Wildlife Refuge, Monroe County, Fla., as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. FORSYTHE:

H.R. 10668. A bill to provide for the issuance of a commemorative postage stamp in honor of older Americans; to the Committee on Post Office and Civil Service.

By Mr. MILLER of Ohio:

H.R. 10669. A bill to provide for a national program with respect to the regulation of all present and future coal mining operations and the reclamation of lands adversely affected by such operations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PIKE (for himself, Mr. GUBSER, Mr. HÉBERT, Mr. ARENDS, Mr. LEGGETT, Mr. STAFFORD, Mr. HICKS of Washington, Mr. WHITE, Mr. WHITEHURST, Mr. BRINKLEY, Mr. DANIEL of Virginia, Mr. YOUNG of Florida, and Mr. SPENCE):

H.R. 10670. A bill to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes; to the Committee on Armed Services.

By Mr. PURCELL:

H.R. 10671. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to aid in rural area development, to provide for insured operating and other type loans, and for other purposes; to the Committee on Agriculture.

By Mr. STOKES:

H.R. 10672. A bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMSON of Wisconsin:

H.R. 10673. A bill, Warranty Protection Act of 1971; to the Committee on Interstate and Foreign Commerce.

By Mr. THONE:

H.R. 10674. A bill to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes; to the Committee on Public Works.

By Mr. CHAPPELL (for himself and Mr. FLOWERS):

H. J. Res. 865. Joint resolution proposing an amendment to the Constitution of the United States to provide that each Judge of the Supreme Court of the United States shall be appointed from a different judicial region of the United States; to the Committee on the Judiciary.

H.J. Res. 866. Joint resolution proposing an amendment to the Constitution of the United States to provide that each judge of the Supreme Court of the United States shall be elected from a different judicial region of the United States; to the Committee on the Judiciary.

By Mr. HENDERSON:

H.J. Res. 867. Joint resolution authorizing the President to designate the first week in March of each year as "National Beta Club Week"; to the Committee on the Judiciary.

By Mr. STRATTON:

H.J. Res. 868. Joint resolution authorizing the President to proclaim September 18 of each year as "National Jogging Day"; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H. Con. Res. 398. Concurrent resolution to relieve the suppression of Soviet Jewry; to the Committee on Foreign Affairs.

By Mrs. ABZUG:

H. Res. 595. Resolution requesting the Secretary of State to furnish the text of all communications pertaining to the forthcoming Vietnamese presidential election; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOLAND:

H.R. 10675. A bill for the relief of Antoinietta Garofalo; to the Committee on the Judiciary.

By Mr. BROTZMAN:

H.R. 10676. A bill for the relief of Lester L. Stiteler; to the Committee on the Judiciary.

By Mr. FORSYTHE:

H.R. 10677. A bill to incorporate in the District of Columbia the Gold Star Wives of

America; to the Committee on the District of Columbia.

By Mr. GROSS:

H.R. 10678. A bill for the relief of Marie Tjernagel and others; to the Committee on the Judiciary.

By Mr. MITCHELL:

H.R. 10679. A bill to provide that a gold medal be presented to the widow of the late Louis Armstrong; to the Committee on Banking and Currency.

By Mr. MONAGAN:

H.R. 10680. A bill to provide that a gold medal be presented to the widow of the late Louis Armstrong; to the Committee on Banking and Currency.

PETITIONS, ETC.

Under clause 1 of rule XXII,

131. The SPEAKER presented a petition of the Town Board of Cheektowaga, N.Y., relative to Federal-State revenue sharing, which was referred to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

LEGAL SERVICES TO THE POOR

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. WALDIE. Mr. Speaker, on August 7, 1971, the National Bar Association held a convention in Atlanta, Ga. This organization of black attorneys passed two most significant resolutions pursuant to their goal of assuring full and adequate participation of poor and black people in the life of America. The thrust of these measures states their opposition to Judicare as it has been implemented in the United States, and their belief in the necessity of involving more minority attorneys in OEO legal services. In addition, they deplore any action which tends to make a legal services program for the benefit of the poor a political issue. With all of these notions I concur; and therefore, I submit the text of their resolutions for the RECORD:

RESOLUTION 27: JUDICARE

The promise of America is not yet a reality for the poor and the minorities of this Nation. This Republic cannot endure half enslaved by poverty, racism, lack of power and dignity, and half-free. The National Bar Association recognizes that certain fundamental changes must occur in our institutions and in our practices, and is committed to bringing about such changes within the framework of the law. The Legal Services Program of the Office of Economic Opportunity has been such a force for change in this Nation.

Whereas, the National Bar Association is an organization of Black attorneys which seeks to assure the full and adequate participation of poor and Black people in the life of America; and

Whereas, the Legal Services Program is an instrument on the cutting edge of the law establishing the rights of the have-nots of society who have traditionally been denied these rights; and

Whereas, the Legal Services Program has been effective in establishing such rights because it has provided a national concentrated attack on the denial of effective advocacy for the Black and poor through the establishment of neighborhood law offices and the establishment of sound back-up research programs; and

Whereas, the Legal Services Program has placed Black attorneys in communities where Black lawyers in numbers which have never before been achieved; has allowed the efforts of legal services attorneys to extend beyond the traditional boundaries of legal representation to include the regular organizing of community groups, economic development projects, legislative activities, and community education; has developed attorneys with broad expertise in highly specialized areas of poverty law practice; and most important, has allowed full-time attention by attorneys to the needs of Black and poor people; and

Whereas, certain State Governments, newly created associations and powerful corporate interests are attempting to undermine and destroy this vital program through the guise of substitution in its place a vague, undefined, untested, experimental idea called judicare; and

Whereas, the four judicare experiments that have been conducted in the past six years have failed to provide effective delivery of services to the poor; and

Whereas, these programs have been conceived and developed without the involvement of the organized Black Bar and have proven totally useless and irrelevant to the Black community; and

Whereas, the most significant experiment with legal services delivery systems is about to be launched under the auspices of the State of California and the Office of Economic Opportunity; and

Whereas, this California experiment has grand implications for the highly effective neighborhood office legal services delivery system operating throughout this country.

Therefore be it resolved that, NBA strongly endorses the current concept of providing legal services to the poor of this Nation; and as the Black and brown population form a disproportionate share of the poor, we urge that more minority attorneys, minority attorney organizations and client community organizations be given greater representation in staff positions, directorships and policy making and implementing positions at all levels of OEO Legal Services.

Be it further resolved that the National Bar Association does hereby urge the director of the Office of Economic Opportunity, the Director of Legal services of such office and all responsible persons not to fund the California Legal Assistance Foundation or any other grantee or delegate Agency unless and until such agency be truly representative of Black People, the Organized Local Black Bar, the Poor, and present OEO legal services attorneys and the Organized Bar generally.

Be it further resolved that based upon the available information and attempted experimental and proposed plans with Judicare to date, we find this to be an unacceptable method of providing quality legal services to the poor—and therefore we are opposed to the Judicare as it has been implemented in the United States.

Be it further resolved that a committee be created to study the question of Judicare and its implications for the Black Bar and Black Community and to report the results of this study to the Executive Committee within a time to be established by that Committee.

Be it further resolved that the Secretary of the National Bar Association be authorized and directed to communicate to the Director of the Office of Economic Opportunity and the Governor of the State of California our strong desire that the National Bar Association and the Black Bar of the State of California become immediately involved in the planning phase of the experiment for Legal Services Delivery Systems about to be launched in that state.

Be it further resolved that the National Bar Association deplores and condemns any practice of making the legal services program a political issue.

RESOLUTION NO. 28: JUDICARE

The promise of America is not yet a reality for the poor and the minorities of this Nation. This Republic cannot endure half enslaved by poverty, racism, lack of power and dignity, and half free. The National Bar Association recognizes that certain fundamental changes must occur in our institutions and in our practices, and is committed to bringing about such changes within the framework of the law. The Legal Services Program of the Office of Economic Opportunity has been such a force for change in this Nation.

Whereas, the National Bar Association is an organization of Black attorneys which seeks to assure the full and adequate participation of the poor and Black people the life of America; and

Whereas, the Legal Services Program is an instrument on the cutting edge of the law establishing the rights of the have-nots of society who have traditionally been denied these rights; and

Whereas, the Legal Services Program has been effective in establishing such rights because it has provided a national concentrated attack on the denial of effective advocacy for the Black and poor through the establishment of neighborhood law offices, the establishment of sound back-up research programs; and

Whereas, our surveys indicate that during the period of time in which Judicare programs have been tried and developed in certain ares, Judicare lawyers have never filed a class action, have never appealed a case, have never filed an action in Federal Court, have never initiated any trial level actions (except domestic relations), have never been involved in jury trials, have almost never been involved in any type of trial, have almost never initiated any actions other than domestic relations; and

Whereas, aggressive representation in these areas is necessary to bring about meaningful change for the poor and Black; and

Whereas, the Judicare Programs threaten both the continuance of the Legal Services Programs and the effective delivery of legal services to the poor; and

Whereas, the Judicare Programs have been advocated and developed without the involvement of the organized Black Bar.

Therefore be it resolved that NBA strongly endorses the current concept of providing legal services to the poor of this Nation; and as the Black and brown population form a disproportionate share of the poor, we urge that more minority attorneys, minority attorney organizations and client community organizations be given greater representation in staff positions, directorships and policy making and implementing positions at all levels of OEO Legal Services.

Be it further resolved that because as Black attorneys we are deeply concerned about the provision of legal services to the poor, we insist upon full participation at all