United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Thursday, October 14, 1971*

The House met at 12 o'clock noon.

Rev. Sebastian John Chiego, Church of the Assumption, Roselle Park, N.J., offered the following prayer:

God, our Father, we acknowledge and proclaim that You are the God of love and beauty. Afar in space our astronauts viewed the beauty of the universe and the earth we inhabit. Let us rejoice in this beauty and let us proclaim America the beautiful.

O God, we must be grateful for all this beauty and Your bounty to us. Let us resolve to keep it so.

Likewise let us always see in all our fellow humans, our brothers, the beauty of the soul created to Your image and likeness and the beauty of the body which houses it, albeit whatever the color.

May whatever we think or say or do praise and please You in every way and show we have met in the House of Representatives this day. 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 6915. An act to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1151. An act to authorize the Secretary of the Interior to revise a repayment contract with the San Angelo Water Supply Corp., San Angelo project, Texas, and for other purposes; and

S. 2042. An act to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets numbered 326-D, 326-E, 326-F, 326-G, 326-H, 366, and 367 before the Indian Claims Commission, and for other purposes.

NATIONALIST CHINA AND THE U.N.

(Mr. ROONEY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROONEY of New York. Mr. Speaker, at noon on yesterday a bipartisan group of Members of the House brought to the President a petition signed by 336 Members from both sides of the aisle opposing the expulsion of the Republic of China from the United Nations. President Nixon thanked the nine of us at that meeting and was quoted in the press later as saying he saw the petition as "support of the administration on this issue."

There is no doubt in my mind that the petition represented the thinking of this body, the leadership on both sides, and of the great majority of the people of the United States. But I am afraid that the petition is not sufficient to convince those who run the East River Debating Society in New York that the House of Representatives means business. And when I say business, I mean money. Uncle Sam paid 38.3 percent of the cost in calendar year 1970 of operating the United Nations. I think it is high time that all the member nations be made aware of the fact that Uncle Sam no longer intends to be Uncle Sap. In short, if the Republic of China, a charter member of the United Nations, is expelled, there will be no money forthcoming from the U.S. Congress to pick up the biggest tab at the U.N.

I believe the House of Representatives will go along with this; I am positive the Appropriations Subcommittee of which I am chairman, will. I can promise you this will be my course of action. The issue of the Republic of China's representation in the United Nations is a simple moral issue: Are we to abandon our friends, abandon our principles, and abandon our honor to seat a dedicated Communist enemy of the United States and of the free world? If the United Nations cannot see the morality of this issue, then we are better off walking away from an organization which is ineffective anyway.

DIRECTING THE SECRETARY OF STATE TO FURNISH TO THE HOUSE INFORMATION CONCERNING THE PRESIDENTIAL ELECTION IN SOUTH VIETNAM

Mr. ZABLOCKI, from the Committee on Foreign Affairs, reported the following privileged resolution (H. Res. 632, Rept. No. 92-567) which was referred to the House Calendar and ordered to be printed:

H. RES. 632

Resolved, That the Secretary of State is directed to furnish to the Committee on Foreign Affairs of the House of Representatives, not later than fifteen days following the adoption of this resolution—

(1) all documents and other pertinent information available to him, including instruction sheets, relative to the conduct of public opinion surveys which were financed by the United States in South Vietnam and concern the election scheduled for Sunday, October 3, 1971, in South Vietnam;

(2) all documents and other pertinent information available to him relating to the use by the authorities of South Vietnam, with respect to that election, of radio and television facilities financed by the United States;

(3) all press releases by officials of the United States in Saigon relating to that election;

(4) all communications between officials of the Governments of South Vietnam and the Governments of South Vietnam and the United States relating to that election; and

(5) all representations made to the participants in that election by officials of the United States concerning the desire of the United States that the election be free and contested.

DIRECTING THE SECRETARY OF STATE TO FURNISH TO THE HOUSE INFORMATION CONCERNING THE PRESIDENTIAL ELECTION IN SOUTH VIETNAM

Mr. ZABLOCKI, from the Committee on Foreign Affairs, reported the following privileged resolution (H. Res. 638, Rept. No. 92-568) which was referred to the House Calendar and ordered to be printed:

H. RES. 638

Resolved, That the Secretary of State is directed to furnish to the Committee on Foreign Affairs of the House of Representatives, not later than fifteen days following the adoption of this resolution—

(1) all documents and other pertinent information available to him, including instruction sheets, relative to the conduct of public opinion surveys which were financed by the United States in South Vietnam and concern the election scheduled for Sunday, October 3, 1971, in South Vietnam;

(2) all documents and other pertinent information available to him relating to the use by the authorities of South Vietnam, with respect to that election, of radio and television facilities financed by the United States;

(3) all press releases by officials of the United States in Saigon relating to that election;

(4) all communications between officials of the Governments of South Vietnam and the United States relating to that election; and

(5) all representations made to the participants in that election by officials of the United States concerning the desire of the United States that the election be free and contested.

ANTIBUSING DISCHARGE PETITION

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

Mr. DOWNING. Mr. Speaker, I take this time to advise my colleagues that the Steed-Lent antibusing discharge petition is now at the Clerk's desk. I must also report that the progress of obtaining signatures on this petition has been extremely slow. I would like to say to you that there are millions of Americans whose only hope in obtaining some relief from this harsh and unnatural act is by the discharge of this antibusing constitutional amendment.

I would hope that as many Members as can possibly do so would sign this petition as quickly as possible.

I yield back the remainder of my time.

CALL OF THE HOUSE

Mr. CHARLES H. WILSON. 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. 297]

Abourezk	Dickinson	Miller, Calif.
Alexander	Diggs	Mitchell
Anderson, Tenn.	Dow	Moorhead
	Dulski	Morgan
Ashley	Eckhardt	Moss
Baring	Edwards, Ala.	Pelly
Barrett	Edwards, La.	Rhodes
Bevill	Fulton, Tenn.	Rooney, N.Y.
Blanton	Galifianakis	Rooney, Pa.
Chappell	Gettys	St Germain
Chisholm	Gubser	Saylor
Clark	Halpern	Scheuer
Clausen, Don H.	Hawkins	Schwengel
	Heckler, Mass.	Sikes
Clay	Kee	Slack
Collier	Kemp	Springer
Conyers	Lloyd	Stephens
Coughlin	Long, La.	Stubblefield
Daniels, N.J.	McCloskey	Thompson, N.J.
de la Garza	McClure	Ullman
Derwinski	McCormack	Waldie
Devine	Mailliard	Wylie

The SPEAKER. On this rollcall, 365 Members have answered to their names, a quorum.

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

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

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

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CONSUMER PROTECTION ACT OF 1971

Mr. HOLIFIELD. 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. 10835), to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes.

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

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. 10835, with Mr. BOLAND in the chair.

The CHAIRMAN. Before the Committee rose on yesterday, it had agreed that title II of the bill would be considered as read and open to amendment at any point. There was pending the amendment offered by the gentleman from Pennsylvania (Mr. MOORHEAD) and the substitute amendment for the Moorhead amendment offered by the gentleman from Florida (Mr. FUQUA).

For what purpose does the gentleman from California rise?

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

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

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

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

Mr. HORTON. Mr. Chairman, since we had a great amount of debate on the Fuqua amendment yesterday, I wonder if we could ask for unanimous consent to terminate debate on the Fuqua amendment, say, in 15 minutes.

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

Mr. HOLIFIELD. I yield to the gentleman from Florida.

Mr. FUQUA. We have debated both amendments and I think it would be better if we would continue the debate on both amendments and vote on them at the same time, because my amendment is a substitute for the Moorhead amendment.

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

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

Mr. HORTON. I do not think there has been a great amount of debate on the Moorhead amendment. I do not think many Members have spoken on that amendment. I am trying to accommodate the gentleman from Florida by securing a vote on his amendment. I think if we are going to leave it on the basis of limiting debate on both amendments, we are going to have to take a substantially greater amount of time than 15 minutes.

Mr. FUQUA. I would be constrained to object at this time, until maybe we could arrange to dispose of both amendments at the same time.

The CHAIRMAN. The gentleman from California is recognized.

Mr. HOLIFIELD. Mr. Chairman, I have an important announcement to make which I think every Member would like to hear. There has been a barrage of misinformation in the press and in statements issued by different Members of the House. I call attention to only one which was made on page 35834 by my colleague, Mr. MOORHEAD, of Pennsylvania. Speaking on the amendment which, by the way, Chairman MILLS of the Ways and Means Committee had never seen, he said:

> I think it is significant that my amendment has been supported too, by the wise and respected Chairman of the Ways and Means Committee, the gentleman from Arkansas (Mr. MILLS).

I contacted Mr. MILLS shortly after he returned from his district. He said he had made no such commitment. He said that Mr. Nader came to his office and asked him if he was for a strong consumer bill and he said, "Yes."

I said, "I can go along with that. I have said the same thing, and so has the Speaker said the same thing."

He said, "I have not indicated any approval of any amendment."

The gentleman from Arkansas (Mr. MILLS) may be on the floor now. If he is not, he can be called to the floor and questioned, because no later than 15 minutes ago he gave me the authority to say this.

He also said in a discussion with me:

> I have confidence in the bill that you have caused your committee to produce, and I intend to vote for the bill.

Now, the gentleman from Arkansas is free to vote for or against the Moorhead amendment or the Fuqua amendment, but he has not made a commitment on the Moorhead amendment. I am sure that Mr. MOORHEAD was deceived, as many Members have been deceived by the press statements and the statements and inferences given to the chairman's statement that he was for a strong bill.

We are all for a strong bill, but the gentleman from Arkansas is not committed to the Moorhead amendment, and I think the Members of the House ought to know this before we consider the Moorhead amendment.

Mr. ERLENBORN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Fuqua amendment.

Mr. Chairman, I indicated yesterday when I had the floor that I support the Fuqua amendment. I read a portion of a letter from the chairman of the Administrative Conference of the United States, Mr. Roger C. Cramton, which I would like to read again, because although Mr. Cramton was not making this argument for the same purpose that I am, it is applicable to the situation that would obtain if the Fuqua amendment were passed and the role of the Consumer Protection Agency would be one of amicus curiae. Mr. Cramton says in this letter:

The Agency can be given additional rights, not possessed by others, only at the risk of grave interference with the functioning and responsibility of Federal agencies that have been invested by statute with important functions. As a practical matter the Agency is likely to be given large access to decision-making by Federal agencies that will affect consumers. If a particular agency abuses its responsibility in this regard, the public may rely upon the power of the press to vindicate its interests. The sanction of publicity, which will be easily available to a governmental official who is the consumer's official spokesman, is likely to be a more effective remedy than any formal legal rights of entitlement to participate.

Although Mr. Cramton was not making this statement in support of the Fuqua amendment, I think it is an eloquent defense of the Fuqua amendment.

We have been told in the last several years and I have agreed that the voice of the consumer is not being heard in many of the regulatory agencies' proceedings. We have heard the argument that there is the empty chair in these proceedings. The regulatory agencies hear the arguments from the lawyers and the expert witnesses representing power companies or airline companies or whatever the party is which is seeking a rate increase or protection of its interests before the regulatory agency, but the consumer's voice is not being heard. I agree the consumer's voice should be heard, and a Consumer Protection Agency as an amicus curiae would have that voice.

I do not think that it is necessary—certainly it has not been proven that it is necessary—to give this Consumer Protection Agency the power to appeal decisions, to upset consent orders that have been agreed to in FTC proceedings, the power to actually slow down the governmental process.

We have already seen the kind of havoc that can be created by fractionalizing the public interest in charging an agency with a portion of the public interest in the creation of the Environmental Protection Agency, which I supported. But in the Environmental Protection Act, with the requirement that environment impact statements be made before governmental decisions are taken, we have found that this has interfered with the proper functioning of government. Many of us have had the experience of having an environmentalist group appeal decisions of agencies, because the required environmental impact statement was not issued or it was not issued in a form that satisfied the environmentalists.

I have predicted that should we pass this bill giving the agency power as a party to appeal the consumer interests, the environmentalists will be back here shortly saying, "Our interests are every bit as important as the consumers, give us the right to appeal and participate in agency and court proceedings."

Then when we have matters such as the siting of a powerplant to be decided on, we will have one Government agency charged with the public interest, another expressing the consumer interest, and another Government agency expressing the environmentalist issue, and the one charged with the public interest will not be able to satisfy the other two. Probably in most cases the decision will be appealed with one governmental agency fighting another.

This I do not believe is in the public interest, nor is it in the interest of the consumers nor in the interest of the environmentalists.

Yes, let us have the voice of the consumer heard, but let it be in the fashion of an amicus curiae.

I would hope that the Fuqua amendment would be supported.

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

Mr. Chairman, I am going to attempt to put some things in perspective with reference to the Moorhead amendment. It has two parts.

The claim made for the first part is that it would permit the Consumer Protection Agency to participate—get this—in a majority of the agency adjudications. I think the words "90 percent" were used.

This is simply not true. This is just simply not so.

What kind of an agency adjudication does the present committee bill prevent the Consumer Protection Agency from participating in as a matter of right? If Members will read the bill, they will see that it must be only those adjudications involving primarily the imposition of a fine, penalty, or forfeiture.

The amendment offered goes only to those dealing with agency adjudications. Whatever effect it may have, that could relate only to agency adjudications, which have as their objective to impose a fine or a penalty or a forfeiture.

In just a moment I am going to cite some specific sections from the United States Code which will verify the fact that not the agency but only a court can impose a fine or a penalty.

The gentleman from Pennsylvania (Mr. MOORHEAD) and the gentleman from New York (Mr. ROSENTHAL) would have us believe that these kinds of adjudications constitute 90 percent of all Federal agency adjudications. To support this they say that laws affecting the consumer can punish violators with fines, penalties, or forfeitures. Either they fail to understand or else intend to be misleading when they fail to point out that these punishments are not handed out by an agency adjudication, after agency proceedings.

I wish I had the time to quote the existing statutes relating to the Food and Drug Administration or the FTC. All of them set out fines and penalties, but in no instance does the agency impose the fine or the penalty. It must be done by court action.

There is no point in the advocates of the Moorhead amendment saying that one can be fined for violating an order of the FTC or the FDA by that agency itself. We know that is just not true to have a forfeiture or a penalty or a fine imposed one must be within the jurisdictional of a court.

The point to remember is that court proceedings against violators are not going to be and could not be affected by this amendment. This amendment would only affect what happens in the agency adjudications.

The chairman of the Administrative Conference of the United States, Roger C. Cramton, in a letter to the chairman of the Committee on Government Operations, our own CHET HOLIFIELD put it this way:

In summary, it is my view that fine, penalty, or forfeiture for violation of law encompasses only a relatively small category of administrative adjudications and a category in which consumer interests are seldom likely to be involved. The phrase should be interpreted to effectuate its obvious intent to preclude intervention by the Agency only when the presence of a dual prosecutor would endanger the interests of the public and the respondent.

There we have it from the chairman himself, in his own words, who says that fines, or penalties for violation of law, encompasses only a very small category of administrative adjudications.

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

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

Mr. ROSENTHAL. Would the gentleman look at page 15, line 3 of the bill where it says: "other than an adjudication seeking primarily to impose a fine, penalty or forfeiture for an alleged violation";

The key word is "seeking", when it says "seeking primarily to impose a fine, penalty, or forfeiture."

Mr. RANDALL. My response to the gentleman is that if what the sponsors of this amendment want most is that agency adjudications be open to consumer participation as a matter of right, then they already have it in this bill as written, without any amendment.

It is most unfortunate that contrary and misleading statements have been picked up and circulated around, sort of like such statements are the gospel truth.

Let us turn now to the second part of the Moorhead amendment. This is the part that is really the tricky part. This is where he put in the subpena power. The gentleman from Pennsylvania (Mr. MOORHEAD) stated yesterday his amendment would not extend the subpena power.

The second part of the amendment really puts the Consumer Protection Agency into the business of telling other Federal agencies how to run their business. The idea behind the bill is that the consumer's voice should be heard, not that his advocate should conduct investigations any time an agency was unable to accede to his demands that a proceeding be initiated or other action taken. An agency could be faced with a full-fledged investigation any time it turned down the CPA's request that it take some action. If this is not coercion, it comes terribly close to it. And it still does not solve some of the inherent difficulties which some of the amendment's advocates have pointed out; namely, that unless you put a man behind every shoulder and monitor all the telephone calls, Federal agencies are going to have to exercise discretion in doing their work.

However, if you read what he put in the RECORD the day before, his amend-

mend certainly would extend the subpena power. The power today can be used only in agency proceedings. Under the explanation which Mr. MOORHEAD offered, if the agency did not want to initiate a proceeding that the CPA wanted it to, then the CPA could utilize the Agency's subpena power as if a proceeding had been initiated. In other words, using the framework of a kind of ghost proceeding, if this amendment is adopted, the CPA can use this power to obtain the necessary information to impeach all of the other agencies involved, remembering that all these other agencies have been created by the Congress in former years.

This part of the amendment really seems to put the CPA in a position to dominate other agencies of the Government. Is that the reason for the creation of CPA? The answer is "No." The first part of the Moorhead amendment would open up a small number of agency proceedings to the CPA, but the worst part of the amendment is that it would create a dual system of prosecution. It would not significantly extend the number of adjudications in which the CPA could participate, but it would simply be misleading to try to argue that we are not creating a dual system of prosecution.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I start out with the assumption that all Members of this body want a consumers bill and that when we finish our work today we will end up with a bill that will in effect be the basic structure for any legislation that is finally enacted into law.

The argument here today is really over the thrust or direction of any such legislation.

I have read the committee bill, I have read the committee report and the varying views of others who did not go along entirely with the majority. Twenty-four Members voted for the committee bill and four opposed it.

We have read in the paper a great many charges and countercharges as to the strengths or weaknesses of the committee legislation. I hope without change the committee bill is approved. I fear if there are any changes, significant ones, all of the best-laid plans to get consumer legislation out of the Congress may fall by the wayside.

Mr. MOSS. Will the gentleman yield?

Mr. GERALD R. FORD. Would the gentleman let me conclude my remarks, and if I have time I will be glad to.

Mr. MOSS. I merely seek clarification of the last statement.

Mr. GERALD R. FORD. Maybe I will clarify it with what I say later, and if I have time, I will yield to you subsequently.

Let me say this: We went through a traumatic experience in 1970. Legislation came out of the Committee on Government Operations where there was considerable dispute as the content of the consumer bill. The net result was that when the bill was presented to the Committee on Rules there were, as I recall it, 13 committee amendments in order to make it more palatable. Even with those amendments, the Committee on Rules never granted a rule and the Congress never had an opportunity to conclude action on this kind of legislation.

A different approach was taken in 1971, and I think through the masterful work of the gentleman from California (Mr. HOLIFIELD) and two or three people on our side of the aisle we now have sound consumer legislation on the floor.

It does not satisfy those who want less consumer protection. It does not satisfy those that want the extreme in consumer protection. But it is a sound, workable bill.

If you undermine it either from one side or the other, it would be my apprehension that no legislation will result.

If you start out, as I did, with the assumption in the first instance that we want consumer legislation, I hope and trust that we will support the committee and defeat both the Fuqua amendment and the Moorhead amendment.

If we do that I think we will be well on the road to good legislation in the consumer area.

Mr. HOLIFIELD. Mr. Chairman, will the distinguished minority leader yield to me at this point?

Mr. GERALD R. FORD. I would be happy to yield to the distinguished gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, I would like to say that I appreciate the remarks which the distinguished gentleman has made. I would like to reiterate what the gentleman said and that is this: That this bill was not written by outside interests or any type from any place. We had over 150 amendments offered by witnesses and by others to this bill. We looked at them all very thoroughly and carefully. We had the help—and I say "we" on our side—of the distinguished gentlewoman (Mrs. DWYER), the distinguished gentleman from New York (Mr. HORTON) and others. Some of the language which the gentleman from Illinois (Mr. ERLENBORN) suggested is contained in the bill. Some of the language that other Members have offered on both sides of the aisle is contained in this bill.

Mr. Chairman, this has been a bipartisan bill. No one is trying to play politics with this bill one way or the other. I am delighted that the gentleman has made this statement in the well of the House.

I think the committee has done a workmanlike job. I think before the day is over, when we dissect the Moorhead amendment—and there is a paper on each of the desks of the managers of the bill and also in the back aisle that shows the dangers of the Moorhead amendment, an amendment which in my opinion would grant superpowers to an agency over other agencies and some other very dangerous things which I will elaborate upon in my remarks.

Mr. GERALD R. FORD. I appreciate the remarks of the chairman of the committee and I am glad to join with him and those on his side in support of the committee bill and I am glad to join with the ranking Republican Members Mrs. DWYER, Mr. HORTON, and other on our side.

Mr. Chairman, this is good legislation. This is good legislation that ought not to be tampered with on the floor of the House.

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

Mr. Chairman, I rise to speak in opposition to the pending amendment.

Mr. Chairman, I take the floor at this point because of the implied threat of a veto which was laid before the members of the Committee a few moments ago by the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD). I would hope that he is in error because it is important that the Committee and this House work its will for a strong and effective Consumer Protection Agency bill.

I am not new in this field of legislation. For the past 5 years I have chaired the Commerce Subcommittee of the Committee on Interstate and Foreign Commerce which deals with the substantive law affecting consumers. In fact we are in the process of holding hearings at this time on warranty and guaranty legislation. We have reported out the amendments to the Flammable Fabrics Act, the toy safety and many other packaging and labeling and safety legislation that has come out of this Congress. It has been a matter of bipartisan effort that has produced this kind of legislation.

Mr. Chairman, to be faced here today with the implied threat of a veto if the Committee works its will to adopt the amendment offered by the gentleman from Pennsylvania (Mr. MOORHEAD), an amendment designed to put some teeth in this agency, then we will not have accomplished anything. The agency as it is now in my opinion could be described as a "gummer." It has no teeth.

It has no bite.

A great many of the vital proceedings where the interest of the consumer is involved would not be open under the existing language, and will not be open to any effective representation unless the Moorhead amendment is adopted.

The Fuqua amendment, in my judgment, would add nothing to it; it would further weaken the legislation.

The gentleman from Michigan said that the bill was reported out by a vote of 24 to 4, or whatever it was, but he neglected to say that some of the strengthening amendments were rejected by tie votes in the committee—tie votes, where there was an even division of opinion. I think the judgment of the members of the committee should be considered on its merit, and again not under the threat of a veto.

I never have liked at any time during my 19 years of service in this House to be threatened by the Executive with a veto for exercising my good, independent judgment. I did not like it, whether it came from a Democrat or a Republican President. The legislative function is ours. It is our responsibility, and we should not delegate it downtown; we should exercise our judgment and send the finished product downtown, and then have it evaluated on the basis of its entirety.

There is nothing radical or different proposed in the Moorhead amendment. It simply extends further opportunity of this agency to participate in many of the informal proceedings—and a great many

of the rules in toy safety and an overwhelming majority of the proposals now under consideration are being handled informally. This would not permit the agency in under those conditions. In my judgment, they would not——

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

Mr. MOSS. I am not going to yield to the gentleman because I attempted to get time from the minority leader, and I could not get it, so I am not going to yield to the gentleman now.

The fact is that we ought to give a lot more power to the consumer's spokesman. It has been my experience in watching all of the independent agencies that are supposed to regulate in the public interests that very few of them do so. I cannot think of one at the moment that can point to an outstanding record in acting in the public's interest and representing the public's interest in the hearings before it. Far too often it is a duel between the highly skilled practitioners before the agency and all too frequently the public be damned, it is forgotten. I have seen this with the Civil Aeronautics Board, the Federal Power Commission, the Federal Communications Commission, the Interstate Commerce Commission, and you can go on and on and on, and the public interest is not supported.

So it is important that we have an agency with enough initial push to do the kind of job coming in and opposing whatever is contrary to the public interest.

The Moorhead amendment is a must—it should be adopted.

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

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Fuqua amendment.

Mr. Chairman, I think we ought to take a look at what the Fuqua amendment does. It provides for the amicus curiae role of the Consumer Protection Agency that we are about to create in this legislation. The amicus curiae role does not prevent private intervention. It strengthens private intervention by permitting the Government to gather information and supply it to the agency or the court making a decision that involves the consumer's interests.

Elsewhere in this legislation we provide that the consumer interest must be given consideration. Any party to the original proceeding can appeal to the court the decision of a Federal agency. Basic legal principles now provide that any person aggrieved by an agency decision can appeal on the basis of what the decision has done to him whether or not he was a party to the original action. Either, each or both—that is the original party or the aggrieved person—can have the benefit of the information gathered by the Consumer Protection Agency in pursuit of its amicus role.

The question we have to answer as Members of the Congress is, What is the most effective way to get good decisions and timely decisions out of the Federal Government that will best protect the consumer interest?

How can we encourage the most economic and efficient consideration of the consumer interest?

Should the Government bring two or more sides to every one of its APA-defined proceedings affecting the consumer, thus tying up in a legal controversy every decision by regulatory agencies or the executive branch.

I happen to think not. Why not require, as the bill does, full consideration by the agencies of Government of the consumer interest and give the CPA the right—as the Fuqua amendment would—to advise the Federal agency what that consumer interest is. Then leave the determination of the public interest, with the consumer interest folded in, to the agency now charged with that public interest responsibility in areas that are relatively technical such as communications, power, agriculture, atomic energy, labor relations, food, and drugs.

What of the Cost of Living Council now being set up under the phase II program of the President for our economic recovery.

Under this bill, as now written without the Fuqua amendment, certainly it would be possible to halt the decisions of the Cost of Living Council and throw them into lengthy court battles.

If you have any questions about that, let me read to you a UPI dispatch of recent days:

Consumer crusader Ralph Nader accused President Nixon today of undermining the constitution with his new economic policies. He said Nixon will go down as one of the most radical Presidents the country ever had.

Nader added that the wage and price boards would have vast authority over the economy—Without safeguards, without safeguards.

Now do you have any doubt that Mr. Nader would urge the Consumer Protection Agency to get involved in the decisions of the Cost of Living Council? That would play brinksmanship with our economy.

I do not have much doubt about that.

Is the court the best agency to administer the highly technical matters dealing with our economic recovery, communications, power, atomic energy, and others? I happen to think not. I think this decision should be made by the host agency responsible for these areas where we need decisions. And I repeat, where we need decisions. They should not be put off.

I sit on the Committee on Interstate and Foreign Commerce. As the gentleman from Illinois suggested, we have had a bad problem about powerplant siting. We are trying to devise legislation to speed up the decisionmaking process and not to slow it down so that we can get a decision on these critical problems affecting our environment. And both adequate power and environmental protection are important problems for our society in the future.

Yet, we now have the situation where these two issues are tied up in lengthy court battles and in agency proceedings that are endless so that we cannot resolve these conflicts to adequately protect our environment and assure our future power needs are to be met.

It is vital that we resolve this real problem or have an adverse effect on the credibility and effectiveness of government.

We need to do something to deal with the problems of the consumer, but we want to get a decision and not endless court delays.

Both of these issues of the environment and the consumer are worthy of consideration and concern and ought to be folded into the decisionmaking of the executive agencies now charged with public interest responsibility.

They ought not be transferred to the courts that are not expert in dealing with highly technical problems.

Mr. Chairman, I support the Fuqua amendment to make the consumer interest fully known to every agency charged with decisions in the public interest which include the consideration of the consumer's concern. I support decisions in the public interest but I emphasize that word "decision."

The APA act requires agencies to make timely decisions on problems. No such constraint seems to limit the time or the present congestion or conditions in the courts of appeals.

Under the present bill, it seems to me we would be in endless court appeals.

Mr. Chairman, I support the Fuqua amendment because I think it will make the Government more responsive in the consumer area and get the job done quicker and more efficiently.

Mr. ROSENTHAL. Mr. Chairman, I rise in opposition to the substitute.

Mr. ROSENTHAL. Mr. Chairman, I would like to try to clarify at least my own position on this. One of the great difficulties with this bill and the debate surrounding it is that we have all tried to become instant experts in administrative law, and I think all of us, those of us on the committee who are lawyers, worked diligently and vigorously to do it. I do not know how many of us succeeded. I do not feel that I have succeeded to the degree I would like. But I do think I understand our problem.

I think we have, putting it in its simplest framework, three choices here:

First. We can support the Moorhead amendment and what it does with the bill, and the net effect of that would be to give the Consumer Protection Agency a reasonable number of opportunities to present the consumer's point of view before agencies and regulatory bodies in a meaningful and comprehensive way. That amendment, frankly, does not go as far as I would like it to go. I agree to support that one amendment so that we might narrow the choices that the Members would be burdened with on the floor. That is one choice we have.

The second choice we have—and it is a far more reasonable choice than many of my colleagues think it is— is the Fuqua amendment. While the Fuqua amendment is totally unacceptable to me, the Fuqua amendment would give the Consumer Protection Agency unlimited opportunity to appear, but in an ineffective manner. It would give him or her by far the greatest number of opportunities to appear and petition, far more than the Moorhead amendment

would give, and 100 times more than the committee would give—but the manner of the appearance would be totally inadequate.

The difference between the Fuqua amendment and the Moorhead amendment with the committee bill is that under the Fuqua opportunities, the consumer agency would be limited to amicus curiae. In other words, they would have the right to knock on the door and ask if the agencies would let them in, and if the agencies refused their polite invitation, they would have no alternative. That is not acceptable. But what the Fuqua amendment does do, it says, "Give them all the opportunity in the world, but restrict the mechanics of the opportunity to amicus curiae." Those are the first two choices.

The third choice is the committee opportunity, and I call that the "iceberg scheme," because the consumer agency can appear in agency matters only as to those that appear above the water. The 90 percent that are hidden from the surface of the water are denied, because it is either an informal proceeding not under the APA or denied because it seeks primarily a fine, penalty or forfeiture. That represents, at least in my visual judgment of the scene, about 90 percent of the opportunites.

So you have three very simple choices: Give them, through the Moorhead amendment, a reasonable number of opportunities to appear with the right to produce witnesses, with the right to cross-examine, and with the right to make a reasonable case and take an appeal; the second choice is the Fuqua opportunity: Give them an unlimited right to appear, but have a serious and severe restriction on what he can do in terms of his appearance, having a restriction on the ability to cross-examine witnesses and having a restriction on the ability to appeal some or parts of those decisions.

Or you can take the committee choice, which I consider the third or least desirable of the three, and which is also totally unacceptable to me. You can appear in a very few number of agency activities with some force and effect. This, to me, represents the three opportunities we have. It seems to me that if one is dedicated—and I consider the Moorhead amendment to be the only choice in connection with the bill, and the rest will not be really meaningful as far as I am concerned—if you want to put some meaning and effectiveness into the role of the consumer protection advocate, then you have to go with the Moorhead amendment. It has plenty of protections in it.

I think it is moderate, reasonable answer to the urgent needs of protection of consumers considering the economic depravities that occur in the marketplace and the enormous number of injuries and deaths. There are 900 children who are burned to death each year from flammable fabrics. There are 900 burned to death, but only 25 cases a year are formal adjudicatory cases. I would like this agency, if possible, to do what can be done in the public interest to see if we can reduce that figure from 900 to zero, and I do not see any way to do it other than to follow the Moorhead approach.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

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

Mr. BROWN of Ohio. Mr. Chairman, I wonder if the gentleman could clarify the question whether this bill would prohibit the CPA from intervening as a party.

Mr. ROSENTHAL. The answer is "No."

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

Mr. Chairman, I rise in opposition to the Fuqua amendment as it actually will reduce the new Consumer Protection Agency's ability to participate in Federal agency proceedings below that which private citizens have now.

But I would also like to take time to commend the chairman, the gentleman from California (Mr. HOLIFIELD), and the gentleman from New York (Mr. HORTON), for their leadership and their long arduous labors in developing this landmark legislation. Although I do not agree with all of the provisions in the bill as reported by the committee, it still represents a great step forward, whereby the American consumer can get a fair shake in the halls of Government.

But if we adopt this amendment offered by the gentleman from Florida (Mr. FUQUA), we are going to tie our consumer advocate's hands behind his back. Let us just recall that this amendment was considered, as the committee chairman (Mr. HOLIFIELD) has pointed out, by both the subcommittee and the full committee and in both instances was rejected by a substantial margin. Adoption of the Fuqua amendment would weaken H.R. 10835 drastically. It would prohibit CPA from intervening as a party in any agency proceedings and would eliminate the opportunity for the agency to seek judicial review or to intervene in court in judicial review cases.

The Fuqua amendment would permit the CPA only to present information in agency proceedings. The CPA would not be able to cross-examine witnesses, to seek a subpena in the proceedings, to participate in settlements and stipulations or to do any of the things that parties in proceedings are permitted to do.

I do not believe the membership of the House wishes to reduce the ability of CPA to participate as an advocate below that ability, which private citizens have.

I urge the House to follow the thoughtful leadership of the committee chairman and reject this amendment.

Mrs. ABZUG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the Fuqua amendment. We have many "friends in court" to consumers; to make this agency merely a friend in court to consumers is not going to help solve the problem at all. I rise in support of the Moorhead amendment, of which I am a cosponsor. I, together with 170 Members of this House, signed and cosponsored an original consumer bill some time in February, which was intended to help the consumer. As a matter of fact, when I signed it, I thought the consumer and consumer interests were as revered and as noncontroversial as apple pie and motherhood and the flag. Now, I find that this is not the case. I never dreamed for 1 minute that it would be any problem for this Congress to pass a strong bill like the one I cosponsored.

I am a Member of the full Government Operations Committee which reported this bill and I am one of those who voted against this bill in committee. I am not a member of the subcommittee that gutted this bill.

The bill provides for establishment of an Office of Consumer Affairs, a Consumer Protective Agency, and a Consumer Advisory Council, but it does not give this agency the right to intervene in informal proceedings or most adjudicatory proceedings, and it does not give the agency any power of subpena.

I think it would be quite fraudulent, since we are dealing with consumer interests and consumer protection, for us to pretend we are all for consumers if we support this bill unamended without the Moorhead amendment. The fact is it would be most depressing for us to pass such a bill, because we would not be fulfilling the promise of what the public might think the bill is supposed to be—a consumer bill with teeth.

I have a district in which consumers are robbed, cheated, and put upon. They will still be robbed, cheated, and put upon every day by unscrupulous merchants and salesmen if this bill goes through as is. I am sick and tired of seeing the poor and deprived being made poorer and being more deprived every day by ruthless and unfair consumer practices.

We can have it either way. We can set up a new agency which will do no better job than the existing agencies whose failure to deal with the problems thus far has created the need for this bill. Or we can take cognizance of the fact that all of our constituents are consumers and try to help them and provide the real protection they so desperately need.

I am not going to argue about what the Moorhead amendment, which I am cosponsoring, will provide. It will give an opportunity for the Agency to come into an adjudicatory proceeding. It will give some power to investigate when another Federal agency fails to do so. It will not give the agency subpena power, which I think it should have. It will not give it the power to sue individuals, which I think it should have. But I am willing to cosponsor the amendment as the best we can get.

As an attorney who has practiced before administrative agencies, I can assure you that without the Moorhead amendment this agency will have practically no power to intervene in any adjudicatory proceeding.

There is one other thing here which disturbs me. When we discussed this bill in my Committee on Government Operations, the chairman was asked: "Why is this bill so weak when we want to protect the consumers?" Very promptly, very nicely, and very correctly my chairman said, and I am paraphrasing this somewhat, "You know we have had difficulty getting it through the Rules Committee.

I can understand how you feel. When it comes to the floor I can understand and expect that the Members of the House will try to strengthen this bill, as they have a right to do."

I would hope, after hearing these arguments, that this House will not only vote to support the Moorhead amendment, but also that the Chairman, Mr. HOLIFIELD, will join us, because now we are out of the Rules Committee, and we have the bill here—weak, needing to be strengthened—and it seems to me we ought to protect the consumers. It is time that we controlled our own destiny and did not let one committee control the will of the committees of the House, the actions of this House and the consumers of this country.

I urge all Members to support the Moorhead amendment and to defeat the Fuqua amendment. We are all friends, but we do not need amicus curiae proceedings.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am prompted to take the floor at this time because I cannot agree with the preceding speaker that the bill which is before us for consideration today, as reported from the committee, is no bill at all or a weak bill or one which will not adequately protect and represent the interests of consumers.

I believe that I stand before this committee today as one who has some credentials as being in favor of consumer legislation, because I was a member of the Rules Committee who voted for a rule last year to bring before this body a bill which had languished there for some time and ultimately died, and which may well have been subject to some of the criticisms that have been offered both at that time and since.

I have examined very carefully the provisions of this legislation, and it seems to me substantially we do have a strong bill and a fair bill and that notwithstanding the statements which have been made by some people, that this bill is so bad they would rather have no bill at all, I should inform this House that on yesterday a staff member of one of the largest and most prestigious consumer organizations in the country, discussing this legislation with a member of my staff, freely conceded that even without the Moorhead amendment, even without some of the so-called strengthening amendments to be offered, this is a good bill and they would like to see it passed.

I believe that represents the moderate course and the middle-course I, for one, would like to pursue.

I should like, in the 2 or 3 minutes I have remaining, to address myself to the question I believe is primarily raised by the Moorhead amendment, and that is to give to this new agency the power to intervene not only in matters involving adjudication as they have been defined under the Administrative Procedure Act, but also to give it the power to intervene informally in other types of hearings as well.

I have been reading a letter from Professor Shapiro, one of those who advocate that we give this kind of authority to the new agency. Even he, I note, concedes that—

"The problem of defining the informal matters as to which the new agency should have notice and opportunity to be heard is of course a difficult one. Each existing agency has its own developed practices and its own special problems. Excessive judicialization of informal processes could result in undue delay in the completion of necessary administrative work.

That is precisely the point, I think.

When I consider the chart that was circulated by a Member of the House yesterday which listed over 91 different categories of proceedings in 16 different agencies, where conceivably you could have consumer interests involved, if you are going to extend the authority of this Agency initially to intervene not only in those matters defined as adjudicatory under the Administrative Procedure Act but all of these additional matters as well, then I think this Agency may well sink before it can even swim.

Those of us interested in fair, strong consumer legislation do not want that to happen. We want this thing to fly. It seems to me even those who are certainly friends of the consumer movement are threatening the success of this Agency from the very outset if they would insist upon the Moorhead amendment with the power that it would give.

With respect to the Fuqua amendment, I would have to say with all due respect to the author of that amendment and some of my friends who are supporting it that to restrict the Agency from the very outset to the role of amicus curiae is not doing enough and is not giving the Agency the kind of strong voice that it ought to have in asserting the interests of American consumers.

So, after careful consideration, I have to suggest that we ought to accept the work of all of the committee and vote for the committee bill.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield to me?

Mr. ANDERSON of Illinois. I am pleased to yield to the chairman of the committee.

Mr. HOLIFIELD. I would like to ask the gentleman a question.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. HOLIFIELD, Mr. ANDERSON of Illinois was allowed to proceed for 1 additional minute.)

Mr. HOLIFIELD. The gentleman has no doubt had an opportunity to see the so-called Moorhead amendment. Does he agree with me that this would give the Consumer Protection Agency, in referring to a renumbered section G of the bill, the right to demand the use of the subpena power in 50 Federal agencies, not just in administrative or court proceedings, but also in its own investigation of business firms, labor unions, Federal agencies, and who knows what else, for the purpose of making a report to Congress? Does the gentleman realize that that is in that amendment?

Mr. ANDERSON of Illinois. Yes. I am aware that that is one of the features of the amendment, and that, very frankly, is an additional reason why I would oppose the amendment.

Mr. HOLIFIELD. And that is one of the reasons why we were so careful in claiming the right of access to the subpena power of another agency. We did not give it an inherent subpena power. Actually that is what the proponents want. They want to have an agency that can have subpena power over other agencies' documents, information, and anything else that they have. They also want that agency to have unlimited subpena power to go into every business firm in America on a fishing expedition. We have circumscribed this knowingly and with due consideration, because we believe that a carefully guarded subpena power limited to adjudicatory and court action is all that it needs at this time, and it could only be exercised within the scope of a case that is proceeding in the Federal agencies or courts.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of H.R. 10835, the Consumer Protection Act of 1971. I think the bill as reported from committee is a good bill, a balanced bill and a fair bill, and most importantly, for the first time it would give the American consumer an active voice and advocate in the Federal Government. This bill would give Statutory authority to the Office of Consumer Affairs in the Executive Office of the President for the purpose of advising the President on consumer policies and coordinating the consumer activities of the various executive agencies. The bill would further establish an independent Consumer Protection Agency whose primary mission would be to represent consumer interests in agency proceedings. And finally, the bill would establish a Consumer Advisory Council composed of eminently qualified private citizens who would advise both the agency and the office.

Mr. Chairman, at the heart of this bill is section 204 which empowers the new Consumer Protection Agency to intervene and participate in Federal agency rulemaking and adjudicatory proceedings. Not too coincidentally, this section is also the storm center of controversy which has been swirling around this legislation the past 2 days. On the one hand, there are those who claim that this section gives the Agency too much authority and too many powers; and on the other hand, there are those who claim this section does not go far enough and that it severely limits and restricts the Agency from doing an effective job.

Curiously enough, there are a few critics of this bill who claim that the consumer would be better off with no bill at all than with the committee bill, and they have even gone so far as to try to kill this bill before the House could give it full consideration. I find this extreme approach both inimical to democratic processes and to consumer interests. By contrast to these self-styled consumer protectors, a top official of probably the largest and most prestigious consumer organization in this country informed one of my staff members that they would much prefer having the

committee bill than no bill at all, even if the amendments which they favor are defeated.

In this connection, I was most impressed with the testimony of Chairman HOLIFIELD both in the Rules Committee and on the floor of this Chamber yesterday that the committee bill is a strong bill and that it would not, as some of its critics claim, exclude the Consumer Protection Agency from participating in most agency proceedings. The Administrative Procedure Act, under which the Agency would operate, makes no distinctions between formal and informal proceedings as such. In the words of the chairman:

> The Consumer Protection Agency will be able to intervene in agency proceedings as a party, whether the proceedings are formal or informal, and whether or not they are attended by hearings. A hearing is not indispensable to a proceeding under the Administrative Procedure Act.

Chairman HOLIFIELD also addressed himself to the "fine, penalty, or forfeiture" issue by stating that the CPA's primary role is that of consumer advocate rather than as a regulatory or enforcement agency. It is therefore excluded from proceedings which primarily involve punitive actions, both for this reason and to avoid a "double prosecutor" situation. But this prohibition would not exclude the CPA from a large number of agency proceedings since most of these do not seek to impose a fine, penalty, or forfeiture. Such punitive actions are handled by the courts and not in agency proceedings. And the chairman of the Administrative Conference of the United States, Mr. Roger C. Cramton is quoted as saying that—

> Fine, penalty or forfeiture for violation of law encompasses only a relatively small category of administrative adjudications and a category in which consumer interests are seldom likely to be involved.

On the basis of this evidence, Mr. Chairman, it seems to me that the committee bill gives the Consumer Protection Agency ample authority and power to intervene and participate in most agency proceedings affecting consumer interests, and criticisms of the bill to the contrary do not have much basis in fact.

Finally, I would agree with the distinguished chairman of the committee that as the new Agency gains experience, this Congress can modify its authority on the basis of this experience. In the meantime, it seems to me that the new Agency will have its hands full both in terms of responsibilities and powers when it comes to protecting consumer interests. I therefore urge passage of the bill as reported from committee without further amendments. And I join with my colleagues in commending the chairman and the committee for bringing to this Chamber a good bill, a fair bill, and a strong bill.

Mr. ASHBROOK. Mr. Chairman, I rise in support of the substitute.

I think the amendment from my distinguished colleague from Florida will avoid a great deal of confusion in Federal proceedings and a similar amount of confusion in this House as to what proceedings are or are not subject to the attacks of consumer advocates under the bill.

The Fuqua amendment is simple and to the point: All Federal agencies must take a renewed interest in matters affecting the consumer, and a consumer advocate should show them the way—not lay in wait to trap them in a hodgepodge of legal footwork that will end up with the Government taking the Government to court.

There is one area of very great concern to me that is very confused in the present bill. That has to do with what is popularly called the customs and duties laws. I have been unable to find a single lawyer who is willing to give me a hard opinion on whether proceedings leading to the establishment of import duties and restrictions are subject to the advocate's challenges under this bill, particularly as interpreted by the committee report. It is easy to get an opinion as to whether these proceedings might result in substantially affecting the "interests of consumers" within the meaning of that term in the bill—they most assuredly do. But nobody can figure out whether they are "under" the Administrative Procedure Act, although perhaps not subject to it.

I think that such proceedings will benefit greatly from consumer advocacy of the type provided in the Fuqua amendment. But I recoil in horror at the prospect of seeing adversary consumer advocacy under the present section 204 being used to attack these proceedings which have great international ramifications.

The tariff schedules, prepared by the Tariff Commission, establish rates of duty and prescribe import restrictions for thousands of articles, from the simplest to the most complex. More consumer input could be of great assistance here. But consumer opposition, with court action if that is possible under this bill could be disastrous for our balance of payments situation.

The present section 204 has so many fire escapes that no one can figure it out—Ralph Nader or the committee that reported it. Now I admit that these fire escapes are necessary if we are seriously considering any powers that even remotely resemble the tremendous delegation and discretion granted by the present bill.

But such delegation and discretion are not necessary to get the job done, nor are they proper to place in the hands of a baby agency. That is why I support the Fuqua approach which will give this new agency a chance to grow up and lead a healthy life.

I am particularly concerned that consumer advocates should have the right to participate in Federal negotiation, mediation or other proceedings concerning the labor market that greatly affect the ultimate price of goods in this country. Some lawyers tell me that these are already covered in the present bill, in light of the liberal interpretation given to the provisions in the committee report. Others say they are not sure, and will have to await a court test. Well, that is not good enough for me.

If the Fuqua amendment is not accepted, I shall offer an amendment that will clarify the point and specifically provide that all Federal actions that may result in increased wages, rates or benefits to organized labor, including arbitration and mediation, are subject to intervention and appeal by the consumer advocates.

Such an amendment should not be viewed with alarm by those who fear that this would constitute an intrusion. Under the present bill, many such labor-oriented activities would clearly be covered at one stage or another.

For example, last Friday, the Labor Department's Employment Standards Administration announced in the Federal Register its proposed increases in minimum wages for Federal and federally assisted construction workers. This proposed action, under the Davis-Bacon Act, invites comments from interested persons and other Federal agencies. Thus, under the bill, the consumer advocate could apparently file comments and appeal the proposed increases if they were not modified to suit him.

My problem is that, under the bill as interpreted by the committee, it is not clear that the consumer advocates could participate in the informal proceedings leading up to the announced modifications. Some lawyers say they are covered, if proceedings leading to FTC consent decrees are; others say that they are not Administrative Procedure Act proceedings in the true sense of the word, and not covered by this bill.

I say nonsense to all this. These proceedings and many like them lead directly to increased prices in the corner store. If cost is a consumer concern, as this bill says, let us send an advocate to attack one of the principal generators of spiraling costs.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

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

Mr. BROWN of Ohio. Mr. Chairman, we have had some confusing remarks in the last few minutes with reference to what this amendment does and also what the original language of the legislation does.

The gentleman will concede as a lawyer that the original language of the legislation provides for the intervention of this agency in any Administrative Procedure Act designated proceeding. Is that not the thrust of this language?

Mr. ASHBROOK. That is my understanding, and those are the precise questions I am going to raise in my remaining time.

Let me make a point about the Fuqua amendment, because I had some confusion in the response by my colleague from New York (Mr. ROSENTHAL). Under the language of the Fuqua amendment it says as follows:

> The Agency shall be entitled as a matter of right to, orally or in writing, present in such proceedings such relevant and material information in its possession as the Agency deems necessary to enable the Federal agency or court to give due consideration the valid interests of consumers.

The expression "as a matter of right" means that there is no choice; that they

can go in as amicus curiae if they want to? Is that the understanding of the gentleman from Ohio?

Mr. ASHBROOK. That is my understanding. However, I do not know that that is the way the chairman of the Committee on Government Operations would interpret it.

If I could have the attention of the gentleman from California, I do have several specific questions which I would like to ask of the gentleman from California.

It appears to me that there are many obvious actions which could be taken affecting the interest of the consumer which do not happen to come under the jurisdiction of the proposed new Agency. I would like to ask the gentleman from California specifically if any actions of the Federal Arbitration and Mediation Service would be subject to intervention by the consumer advocate in any way?

Mr. HOLIFIELD. Mr. Chairman, if the gentleman will yield, as the gentleman knows I am not a lawyer. I am having the counsel furnish me the answer to the gentleman's question and I shall have it for him in just a minute.

Mr. ASHBROOK. Some lawyers indicate that it might while others say it does not. On the other hand, I have heard others say it would have to await a court test.

Mr. HOLIFIELD. If the gentleman knows the answer, the gentleman can put it in the RECORD. Very frankly, I do not know the answer. I cannot cite the Administrative Procedures Act, but I will, however, try to answer the gentleman later on.

Mr. ASHBROOK. I certainly do not expect the gentleman to have an immediate answer to a difficult question. Based upon some of the articles which I have read on this subject, there is a difference of opinion on this subject. Some have indicated that it probably would and some say it definitely would not while others have said it would have to await a court test, which I suggest leaves the matter in a state of limbo.

Another matter would be the matter of customs and imports. It is obvious that the agencies that deal in this area say they do not come under the Administrative Procedures Act, and pursuant to the answer just given, would I be correct in assuming that those vital areas affecting consumers in relation to customs and duties would not come under this particular section?

Mr. HOLIFIELD. Mr. Chairman, if the gentleman will yield, the counsel for the committee has furnished to me the definition under the Administrative Procedure Act, section 551, as to the things that the Administrative Procedure Act does not include, and among them is the Congress and, of course, the U.S. Government and the territorities as well as the government of the District of Columbia. That is subsection (e) of page 46, and I shall insert that language at this point:

Agencies composed of representatives of the parties or of representatives of the organizations of the parties to disputes determined by—

It is the counsel's interpretation of that that the Agency, the Arbitration Agency, is not under the Administrative Procedure Act; that it is excluded. However, I will have to rely upon counsel.

Mr. ASHBROOK. This particular section cited by the chairman refers to "Agencies composed of representatives of parties or of representatives of the organizations of the parties to disputes." I am asking about the Federal conciliation, arbitration and mediation services which are not parties, a group of parties, or representatives of parties. That is an instrumentality of the U.S. Government. So it would not be representing management and it would not be representing labor. I think that is the precise question. It would not be one of the parties. I think we all recognize, as much as we might like a consumer advocate to have some authenticity, he would have no business at a bargaining table with business and labor. What about the Federal agency that comes in—not as a party—to work with the parties. The matters dealt with would clearly affect consumers. I suggest the language of this bill does not clearly spell out whether the consumer advocate could intervene in any way.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Florida (Mr. FUQUA) for the amendment offered by the gentleman from Pennsylvania (Mr. MOORHEAD).

The question was taken; and the chairman being in doubt, the Committee divided, and there were—ayes 51, noes 56.

TELLER VOTE WITH CLERKS

Mr. WAGGONNER. Mr Chairman, I demand tellers.

Tellers were ordered.

Mr. WAGGONNER. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered.

The Committee divided, and the tellers reported that there were—ayes 149, noes 240, not voting 41, as follows:

[Roll No. 298]

[Recorded Teller Vote]

AYES—149

Abbitt	Davis, Wis.	Jones, Ala.
Abernethy	Dennis	Jones, N.C.
Andrews, Ala.	Devine	Jones, Tenn.
Archer	Dickinson	Kemp
Ashbrook	Dorn	King
Aspinall	Dowdy	Kuykendall
Baker	Downing	Kyl
Betts	Duncan	Landgrebe
Blackburn	Edwards, Ala.	Landrum
Blanton	Erlenborn	Latta
Bow	Evins, Tenn.	Lennon
Bray	Fisher	Lent
Brinkley	Flynt	McCollister
Brown, Mich.	Frey	McEwen
Brown, Ohio	Fuqua	McMillan
Broyhill, N.C.	Goldwater	Mahon
Broyhill, Va.	Goodling	Mann
Buchanan	Griffin	Martin
Burke, Fla.	Gross	Mathias, Calif.
Burleson, Tex.	Hagan	Mathis, Ga.
Byrnes, Wis.	Haley	Mayne
Byron	Hall	Miller, Ohio
Cabell	Hammer-schmidt	Mills, Md.
Caffery	Harsha	Mizell
Camp	Harvey	Myers
Carter	Hastings	Nichols
Casey, Tex.	Hébert	Passman
Cederberg	Henderson	Pettis
Chappell	Hogan	Pirnie
Clancy	Hosmer	Poage
Clawson, Del	Hull	Poff
Collins, Tex.	Hunt	Powell
Colmer	Hutchinson	Price, Tex.
Conable	Ichord	Purcell
Crane	Johnson, Pa.	Quie
Daniel, Va.	Jonas	Quillen
Davis, S.C.		Roberts
Robinson, Va.	Spence	Waggonner
Rousselot	Stanton, J. William	Wampler
Runnels	Steiger, Ariz.	Whalley
Ruth	Stuckey	White
Sandman	Talcott	Whitehurst
Satterfield	Taylor	Whitten
Scherle	Teague, Calif.	Wiggins
Schmitz	Terry	Winn
Schneebeli	Thompson, Ga.	Wylie
Scott	Thomson, Wis.	Wyman
Sebelius	Thone	Young, Fla.
Shoup	Vander Jagt	Zion
Smith, N.Y.	Veysey	
Snyder		

NOES—240

Abourezk	Fraser	Nedzi
Abzug	Frelinghuysen	Nix
Adams	Frenzel	Obey
Addabbo	Galifianakis	O'Hara
Albert	Gallagher	O'Konski
Alexander	Garmatz	O'Neill
Anderson, Calif.	Gaydos	Patman
Anderson, Ill.	Giaimo	Patten
Andrews, N. Dak.	Gibbons	Pepper
Annunzio	Gonzalez	Perkins
Arends	Grasso	Peyser
Ashley	Gray	Pickle
Aspin	Green, Oreg.	Pike
Badillo	Green, Pa.	Podell
Barrett	Griffiths	Preyer, N.C.
Begich	Grover	Price, Ill.
Bell	Gude	Pryor, Ark.
Bennett	Hamilton	Pucinski
Bergland	Hanley	Railsback
Biaggi	Hanna	Randall
Biester	Hansen, Idaho	Rangel
Bingham	Hansen, Wash.	Rarick
Blatnik	Harrington	Rees
Boggs	Hathaway	Reid, N.Y.
Boland	Hays	Reuss
Bolling	Hechler, W. Va.	Riegle
Brademas	Heckler, Mass.	Robison, N.Y.
Brasco	Helstoski	Rodino
Brooks	Hicks, Mass.	Roe
Broomfield	Hicks, Wash.	Rogers
Brotzman	Hillis	Roncalio
Burke, Mass.	Holifield	Rooney, N.Y.
Burlison, Mo.	Horton	Rooney, Pa.
Burton	Howard	Rosenthal
Byrne, Pa.	Hungate	Rostenkowski
Carey, N.Y.	Jacobs	Roush
Carney	Jarman	Roy
Chamberlain	Johnson, Calif.	Roybal
Chisholm	Karth	Ruppe
Clark	Kastenmeier	Ryan
Clay	Kazen	St Germain
Cleveland	Keating	Sarbanes
Collins, Ill.	Keith	Scheuer
Conte	Kluczynski	Seiberling
Conyers	Koch	Shipley
Corman	Kyros	Shriver
Cotter	Leggett	Sisk
Culver	Link	Skubitz
Daniels, N.J.	Lujan	Smith, Calif.
Danielson	McClory	Smith, Iowa
Davis, Ga.	McCormack	Staggers
Delaney	McCulloch	Stanton, James V.
Dellenback	McDade	Steed
Dellums	McDonald, Mich.	Steele
Denholm	McFall	Steiger, Wis.
Dent	McKay	Stokes
Dingell	McKevitt	Stratton
Donohue	McKinney	Sullivan
Dow	Macdonald, Mass.	Symington
Drinan	Madden	Teague, Tex.
Dulski	Matsunaga	Tiernan
du Pont	Mazzoli	Udall
Dwyer	Meeds	Van Deerlin
Eckhardt	Melcher	Vanik
Edmondson	Metcalfe	Vigorito
Edwards, Calif.	Michel	Ware
Eilberg	Mikva	Whalen
Esch	Minish	Widnall
Eshleman	Mink	Williams
Evans, Colo.	Minshall	Wilson, Charles H.
Fascell	Mitchell	Wolff
Findley	Mollohan	Wright
Fish	Monagan	Wyatt
Flood	Montgomery	Wydler
Flowers	Moorhead	Yates
Foley	Morse	Yatron
Ford, Gerald R.	Mosher	Young, Tex.
Ford, William D.	Moss	Zablocki
Forsythe	Murphy, Ill.	Zwach
Fountain	Murphy, N.Y.	
	Natcher	

NOT VOTING—41

Anderson, Tenn.	Bevill	Collier
Baring	Celler	Coughlin
Belcher	Clausen, Don H.	de la Garza
		Derwinski

Diggs	McCloskey	Sikes
Edwards, La.	McClure	Slack
Fulton, Tenn.	Mailliard	Springer
Gettys	Miller, Calif.	Stephens
Gubser	Mills, Ark.	Stubblefield
Halpern	Morgan	Thompson, N.J.
Hawkins	Nelsen	Ullman
Kee	Pelly	Waldie
Lloyd	Rhodes	Wilson, Bob
Long, La.	Saylor	
Long, Md.	Schwengel	

So the substitute amendment was rejected.

Mr. FASCELL. Mr. Chairman, I rise in support of the pending amendment.

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

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

Mr. HORTON. Mr. Chairman, I would like to ask the Chairman if, perhaps, we could get some idea as to how much time is going to be required on this amendment, and I will ask unanimous consent to give the gentleman in the well additional time.

Mr. HOLIFIELD. Mr. Chairman, if the gentleman will yield, I have no way of determining. It is the policy of the gentleman from New York, as well as my policy, to allow adequate debate, and I would think the 4 hours of general debate, most of which was used, and most of which was used on this amendment, would have been adequate to give most people an idea of what is in the amendment.

I would think if we can proceed along without limitation of time for about 15 minutes additional time, if the gentleman will then renew his question, perhaps at that time we can arrange a limitation of time.

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

Mr. FASCELL. Mr. Chairman, I thank the gentleman from New York for requesting the additional time.

Mr. Chairman, the choices which my distinguished colleague, the gentleman from New York (Mr. ROSENTHAL), addressed to the committee on a moment ago have now been narrowed somewhat by the committee's recent action on the Fuqua amendment. Now Mr. Chairman, the choices are no bill, the pending bill, or a bill with the Moorhead amendment. For my own purposes, I would certainly rather have a bill as it comes out of the committee than no bill at all. I think it is beyond any argument at this point that we need this kind of agency to do something on behalf of the consumers. So I would like to address myself to why I have cosponsored the Moorhead amendment and why I urge its adoption.

In order to do that more clearly, I would like to refer the Members just briefly to the theory of the pending bill. The theory of the pending bill with respect to the Consumer Protection Agency is to categorize or define into classes the kinds of actions which the Consumer Protection Agency would be concerned with.

One class of those actions is that which come under the Administrative Procedure Act. They are the principal concern of this bill in section 204. They are so-called formal proceedings, identified and defined in the Administrative Procedure Act as rulemaking, adjudication, and licensing.

The pending bill gives the Consumer Protection Agency in those kinds of formal proceedings defined in the Administrative Procedure Act the right by law to intervene as a party in the legal sense. It is not simply an observer; it is more than a participant; it has legal status by law and it is a party to the proceedings.

Then there are the other categories of actions. These are referred to in the committee report as investigatory, or informal proceedings. These are agency actions which do not come under the administrative practice act. They are nonadversary in the formal or legal sense. They do not lend themselves easily to the legal type of intervention by a party under formal procedures.

As to those kinds of actions, the bill very specifically provides—this is the theory of the legislation—that the Consumer Protection Agency may "participate" in those actions. This is spelled out, in section 202(c)(2) and section 302(1) exactly how the Consumer Protection Agency may "participate" in these nonformal actions which do not come under the Administrative Practice Act.

The "participation" right given the Consumer Protection Agency is to obtain information and be put on notice, regarding Agency actions. There is no matter of right given in this bill to the Consumer Protection Agency to formally or legally intervene in those actions; quite different from the theory laid down in section 204.

This sums up the theory of the bill. Section 204 gives the Agency the right to intervene on behalf of the consumer, and this right is limited as I have heretofore explained.

However, there is a further limitation in that language contained on page 15 of the bill, starting with the parenthetical clause.

The section provides that the Agency may, as a matter of right, intervene as a party, and then it goes on to limit that right to agency proceedings: "(other than an adjudication seeking primarily to impose a fine, penalty, or forfeiture for an alleged violation by any defendant or respondent therein of a statute of the United States or any rule, order, or decree promulgated thereunder.)"

Not only is the right of the Consumer Protection Agency limited to intervene in formal actions, but also in those formal actions it is further limited by excluding all those cases contained in the parenthetical clause.

The Moorhead amendment first of all addresses itself to that language and liberalizes the bill by narrowing the exception referred to.

The present exception eliminates—we have heard varying estimates—anywhere from 50 to 90 percent of the Agency proceedings covered under section 204 and in which the Agency can intervene as a matter of right.

The pending amendment does one other thing, and that is in the second paragraph of the amendment. It provides that the Agency, as a matter of right, may undertake reviews and investigations and require information from Federal agencies in these nonformal actions called investigatory or informal in the report. The amendment allows the Consumer Protection Agency to more broadly participate in agency actions rather than in the limited fashion of the language of the bill. The Moorhead amendment says very clearly, that the Consumer Protection Agency shall as a matter of right make reviews and investigations and request information. There is no such right in the bill. This right is given for what purpose? To inform the Congress. What is wrong with us, the Congress, getting the information we need upon which to act. We are talking about the rights of consumers here, our constituents and taxpayers. We are talking about a Federal agency when we talk about the Consumer Protection Agency.

We are talking about not some ogre or monster that is not a part of the Government. We are talking about an agency that will be under the scrutiny of the Congress, the Office of Management and Budget, and which will be responsible to the President.

I cannot—I am sorry, but I just cannot—ascribe to the "fears" and the "dangers" of the so-called horrible powers that are to be added to the bill by the Moorhead amendment.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. FASCELL. I want to thank the gentleman from New York.

Mr. HOLIFIELD. Will the gentleman yield?

Mr. FASCELL. Of course, I yield to the chairman of the committee.

Mr. HOLIFIELD. I just want to say the gentleman made a very forceful statement, and I would ask him to repeat. That would add emphasis to this argument.

Mr. FASCELL. I appreciate the chairman injecting a note of humor into this, and I am glad he has. I think we all ought to be in good humor. I may disagree with my chairman on this point, but I do it with good humor. I know he seriously and sincerely supports the measure which he has fought for so hard as it comes out of the committee, and I, too, support seriously and sincerely the amendment which I know will make this a better bill.

I have predicated my remarks by saying that I would rather have this bill than nothing. We have to do something. People are frustrated and angry. People are angry at Government, which means us as well as the executive, because it is so difficult for one individual to get anything done in this great big Government. The big guy can take care of himself. There is no problem there. We are talking about the individual. You get letters every day, and you know exactly what I am talking about. Every Member sitting in this Committee knows exactly what I am talking about. And it is frustrating. I do not see anything wrong under the guidelines of this bill and the scrutiny

of the legislative, judicial, and executive branches of the Government in giving this new Consumer Protection Agency the right to become a voice for the individual in the maze and bureaucracy of the Government.

Mr. DENNIS. Will the gentleman yield?

Mr. FASCELL. As soon as I finish making this point I will be delighted to yield.

Let me give you an example of the kinds of Agency actions classified as informal or investigatory proceedings in which under the bill the Agency would have the right to participate.

Take the FHA. I discussed the classes of action within FHA with the Commissioner of FHA who was before our committee this morning. I asked him about the number of matters which his agency took under the Administrative Procedure Act, which included rulemaking, formal adjudication, and licensing. He said there were very few. He knew that there was considerable action by way of rulemaking. Other formal actions are extremely limited. There are some debarment proceedings of a formal nature, adversary in character, and which would lend themselves to an intervention in the formal manner. However, he stated he received about 50,000 requests each year for informal agency action.

I am sure this vast differential exists in almost every agency of the Federal Government.

What we are saying with the pending amendment about those so-called informal or agency actions is to give the Consumer Protection Agency as a "matter of right" the opportunity to make investigations and reviews and request information in order to be able to report the facts to the Congress.

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

Mr. FASCELL. Yes, I yield to the gentleman from Indiana. I promised the gentleman earlier that I would yield to him.

Mr. DENNIS. I thank the gentleman for yielding.

Mr. Chairman, I have listened to this debate for 2 or 3 days like the rest of you have and I have heard an awful lot of oratory here about the little man and the little fellow——

Mr. FASCELL. Well, I am a little man.

Mr. DENNIS. I know; and I am, also.

The gentleman in the well says that we do not need to worry about this Agency because it would be just a friendly governmental agency designed to protect the little fellow. I will say to the gentleman from Florida that I have not had any mail from the little fellows in my congressional district stating that American business has victimized them. However, I have had letters from little fellows in business. I am not worried about General Motors because they can take care of themselves. But, how about these little fellows whom you and I represent along Main Street such as the small merchants, the garage men, the filling station operators, the machine shop people, and so on? They already have to live with the environmental agency regulations, the safety regulations, the EEOC, all of which I voted for, and many others, but yet we will have another agency come along and tell them that they have to deal with still another agency when they are already involved in hearings, perhaps, with reference to these existing agencies. The poor little guy cannot afford counsel, he cannot afford the time, and, maybe, the two agencies—the old line agency, and this new one, are telling him two different things. What is he going to do? Yet, the gentleman wants a situation which would create a still more difficult problem.

Mr. FASCELL. I will say in response to the statement of the gentleman from Indiana that your good judgment tells you that what you have got to do is not only protect that merchant but protect that consumer.

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

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

Mr. Chairman, I have had a lot of requests from Members to get the debate ended. We have had this amendment before us now for 2 days.

I ask unanimous consent that all debate end on the Moorhead amendment at 2:30 p.m.

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

Mr. ROSENTHAL. Mr. Chairman, I object.

MOTION OFFERED BY MR. HORTON

Mr. HORTON. Mr. Chairman, I move that all debate on the Moorhead amendment end at 2:35 p.m.

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

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I rise in opposition to the Moorhead amendment. I would like to call the attention of the Members to the language of this amendment, subsection (b), where it states that the Agency, as a matter of right, may undertake reviews and investigations, and require information from Federal agencies.

Mr. Chairman, there is no limitation here, and no discretion given to the other Federal agencies. For example, the Federal Trade Commission has certain trade secrets in its possession and, as a matter of right, the Consumer Protection Agency could get that information.

So, too, does the Internal Revenue Service have confidential information, income tax returns relating to individuals and corporations, and the Consumer Protection Agency under this language as a matter of right, without any discretion to the Internal Revenue Service, could get that information and at that point it would no longer be protected from dissemination, but could be made available to the Members of the Congress and to the committees of the Congress, and be put into the public domain.

Mr. Chairman, this is a very dangerous amendment, and I hope that it is defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, after 22 years in private practice, most of the time representing corporate businesses, I believe I have a better appreciation than most of the problems that business is up against in dealing with Federal agencies, because that was my particular field of law.

I might also point out that the tire industry was one of the first industries to bear the brunt of the new wave of consumerism.

Some of the proposals and bills that have been advanced in recent years, supposedly for the consumers' interest, are enough to make a corporate attorney's hair stand on end. They would create open ended exposure under incredibly loose legislative standards. By contrast, this bill does not create any new remedies or penalties, but merely creates an advocate for fair and effective enforcement of existing law.

But, Mr. Chairman, it is important to create an agency that can effectively perform that function. If we do not, we are simply going to worsen the sense of frustration on the part of an already deeply frustrated public. The public is frustrated because there is no agency that seems to be representing them as consumers.

The Moorhead amendment will make the Agency effective across the board in all Agency proceedings. In my opinion, the bill, with the Moorhead amendment, is one that business can live with. If you do not pass a reasonably effective bill, you will not be helping business. You will just open up the door to much more burdensome legislation.

If we really want to help business deal with the consumer movement, then we had better go ahead and accept the Moorhead amendment, and pass an effective bill.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. ROUSSELOT).

(By unanimous consent, Mr. ROUSSELOT yielded his time to Mr. HORTON.)

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. ABZUG).

(By unanimous consent, Mrs. ABZUG yielded her time to Mr. WRIGHT.)

The CHAIRMAN. The Chair recognizes the gentleman from Delaware (Mr. DU PONT).

Mr. DU PONT. Mr. Chairman, several times in the debate earlier today difficult questions were raised as to the disclosure of confidential information. I would like to query the author of the amendment, Mr. MOORHEAD, if I could, on this point.

Under the bill, section 209 protects the public from the disclosure of confidential information that cannot be disclosed by force of existing law, and yet in the amendment that the gentleman from Pennsylvania (Mr. MOORHEAD) is sponsoring, section (b) seems to say that any agency acquiring such information can then turn it over to the Congress.

I would like to clarify that situation if I might.

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

Mr. DU PONT. I yield to the gentleman from Pennsylvania.

Mr. MOORHEAD. Mr. Chairman, I thank the gentleman for yielding.

The gentleman from Delaware will note that section 209 prohibits disclosure to the public, it does not prohibit disclosure to the Congress, and this follows a pattern that is quite widespread throughout the law.

For example, income tax returns cannot be disclosed to the public, but they can be disclosed to the Congress, and I think with or without the Moorhead amendment that information, let us say, in a formal proceeding, which would be received in camera by the Agency might be the kind of information that should be revealed to the Congress. I think the issue is do we have the good sense and integrity to preserve that information in confidence. I think we have that ability and integrity.

The CHAIRMAN. The Chair recognizes the gentlemen from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I shall use the short time I have here to deal with the same subject discussed by the gentleman from Pennsylvania (Mr. MOORHEAD).

It seems to me, the important thing is, whatever agency may have information, that is information which is confidential and should not be released to the public or be prevented from going beyond the hands of that agency.

As I understand section 209, it does exactly that.

Furthermore, of course, all information with respect to income tax returns is controlled by separate Federal law. There is absolutely no provision in the amendment that in any way alters that Federal law.

The consumer agency is bound in precisely the same way as the Internal Revenue Service is bound and there is no provision for divulging information by this agency which is prevented from being divulged by the Federal law.

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

Mr. ECKHARDT. I yield to the gentleman.

Mr. REID of New York. Mr. Chairman, the gentleman is entirely correct.

Section 6103 of the Internal Revenue Code makes these matters explicit—that any return shall not be made public and that they can be made public to the Congress only to the extent authorized in the rules and regulations that are promulgated by the President.

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

The Chair recognizes the gentleman from California (Mr. Moss).

(By unanimous consent, at the request of Mr. Moss, his time was granted to Mr. ECKHARDT).

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. MOORHEAD) if he would like to comment further on the point made here.

Mr. MOORHEAD. Mr. Chairman, I quite agree with the gentleman.

I think that with or without the amendment, 26 U.S.C. 6103 continues in full force and effect.

So does 18 U.S.C. 1905, prohibit the unauthorized disclosure of confidential information by executive agencies.

These laws continue in effect.

Mr. ECKHARDT. Mr. Chairman, I would like to say further that I, like some of my conservative colleagues, have come to somewhat suspect agencies as representatives of the public unless there is some means by which there is a feed-in to that agency by persons who are members of the public.

It seems to me that those of you who have become somewhat disillusioned by agencies standing for the public should join in my position which is that it is pretty good to have a voice which is independent of the bureaucracy to speak before the agency.

The point is that this particular Agency, the CPA, is the Agency which does not develop an affinity for the particular group that is regulated as, for instance, the CPA would not become familiar with the transportation industry so as to be a little soft on that industry as opposed to the public. That is the point of this bill.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, this is a new agency.

We have learned from the past, and it has happened every time we create a new agency that it is not long before they have worked out a myriad of rules and regulations and usurp all kinds of powers that the Congress never intended.

I would like to ask the gentleman from California and the gentleman from Pennsylvania whether or not this Agency is going to come under the provision of the Administrative Procedure Act so that we in the Congress have some idea of what they are doing as they promulgate their rules and regulations to carry out this legislation.

Mr. HOLIFIELD. The answer is that it does come under it. The Moorhead amendment will take it out.

Mr. PUCINSKI. Do I understand further that no provision or guidelines or regulations can be adopted by this new Agency unless they are published first in the Federal Register and all of us have 30 days in which to examine them to see whether or not they are consistent with the intention of the Congress?

Mr. HOLIFIELD. That is exactly right.

Mr. MOSS. Mr. Chairman, will the gentleman yield? There has been an incorrect statement——

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

The Chair recognizes the gentleman from Colorado (Mr. EVANS).

Mr. EVANS of Colorado. Mr. Chairman, with all courtesy and respect to the drafters of the Moorhead amendment, I must confess that I have read it several times and I do not understand when, if or how the subpena power in the second paragraph comes into being. I have heard it discussed pro and con as to when it comes into being and still do not know. The second paragraph is premised on the assumption that the CPA has made a request of an agency for action and that action has been denied. It does speak of what the CPA then can do and makes reference to subparagraph (g). Subparagraph (g) has to do with subpena powers.

My question is this of the gentleman from Florida (Mr. FASCELL) or the author of the amendment: I ask you to tell me when this power of subpena comes to the CPA, under what circumstances, and to whom the subpena can be addressed, and can it be asserted on a Federal agency as well as the business controlled by that agency?

Mr. FASCELL. I would say to the gentleman the easiest way to explain it would be to suggest that he look at paragraph (g), page 17, where it refers to that authority in a "Federal agency proceeding" as defined by the Administrative Practices and Procedures Act, and that definition is rulemaking, adjudication and licensing and visualize the extension of that authority to "agency actions."

Mr. EVANS of Colorado. Under the circumstances would the CPA be subpenaing directly the agency that it was making inquiry of, or would it be asking that agency which has just turned CPA down, that CPA be given the subpena power?

Mr. MOORHEAD. It would be asking the regulatory agency to acquire the information.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. REID).

Mr. REID of New York, Mr. Chairman, first I would like to correct what I believe to be an inaccurate statement. The Moorhead amendment, which I have joined in sponsoring, does not in any sense affect the Administrative Procedures Act, and the Moorhead amendment is under the Administrative Procedures Act.

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

Mr. REID of New York. I yield to the gentleman from Pennsylvania.

Mr. MOORHEAD. I merely wish to say that I share exactly the gentleman's opinion of the effect of the amendment.

Mr. REID of New York. Second, there are two issues here, and I think they are quite simple.

The first issue is whether the consumer is going to be represented either in formal or informal proceedings. Under the committee bill, in almost 98 percent of the cases the consumer would not be represented, since they are informal proceedings. The Moorhead amendment would, however, permit a consumer to be represented to a somewhat greater degree in formal proceedings, the committee bill bars CPA intervention on behalf of the consumer if the proceeding seeks "primarily to impose a fine, penalty or forfeiture for an alleged violation by any defendant or respondent therein of a statute of the United States or any rule, order or decree promulgated thereunder." Let me just say that of the 378 formal proceedings last year, every single one of them sought "primarily to impose a fine." Therefore, under this language, the CPA would have virtually no authority to intervene on behalf of consumers.

The Moorhead amendment opens the door for CPA intervention in formal proceedings. It narrows the language prohibiting CPA intervention only in adjudicatory proceedings if they relate "directly to the decision to impose any criminal fine, penalty, or forfeiture."

Further, regarding informal proceedings, the Moorhead language permits the CPA to study informal proceedings—not to intervene in them—for the purpose of reporting to Congress on their effectiveness.

These informal proceedings, as I have said, are really the crux of the question.

If we pass the committee bill, unamended we will be saying to the CPA: "You cannot even look at questions that are of importance to the consumer, let alone intervene on the consumer's behalf." What that means is that we will be saying that the CPA cannot even study questions of how much DES—a growth hormone—can be put in beef, whether preservatives—BHT—can be put in bread, or what the effect of sodium nitrate is in hotdogs. And it means also that we will be telling the CPA that they cannot so much as study questions of vehicle defects involving car and truck safety, truth in lending or truth in packaging, and flammable fabric toy hazards.

The committee bill, therefore, gives the CPA no authority in the huge majority of cases.

The Moorhead amendment would at least permit the study and reporting of these cases. It unfortunately does not permit CPA intervention on behalf of consumers in this area. I wish it did; I certainly think that consumers have the right to be represented. In sum, this first issue regards representation of the consumer. That is the first question.

The second one—and there have been a number of attempts here today to cloud the facts—is whether information on trade secrets or income tax returns will be made available to the public. The Moorhead admendment does not change existing statutes at all. As regards information going to congressional committees, that is presently provided for in 6103 of the Internal Revenue Code. Under that section, such information does now go to the Ways and Means Committee, among others, but only in executive session. There is nothing in this bill or in the amendment that permits public disclosure of information which must be held in confidence.

In addition, I would like to point out that section 209 of the bill we are discussing today says, and I quote:

> Any instrumentality created by or under this Act shall not disclose to the public any information . . . in a form which would reveal trade secrets and commercial or financial information obtained from a person and privileged or confidential. . . .

My colleague from New York (Mr. HORTON) said yesterday that this provision does not cover information revealed by the CPA to, for instance, a committee of Congress, that although it prohibits the CPA from having a press conference and releasing the information, it does not prohibit the CPA from giving the information to a congressional committee in, for instance, an open hearing, and thus indirectly releasing information to the public.

My understanding of the language in section 209 is very different. The CPA "shall not disclose to the public" any trade secrets, and so forth. Clearly, this means that the CPA is prohibited from testifying in open hearings on secret trade matters, since if it did so, it would be disclosing such information to the public, prohibited by section 209.

I certainly believe in the confidentiality of such trade secrets, and so forth, but I cannot see that any language that we are proposing here today would allow them to be released to the public.

Therefore, I urge, strongly, support of the Moorhead amendment in the interest of the American consumer.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Chairman, we have all tried to get the maximum efficacy on behalf of the agency, because if we did not do that, there would be no purpose in enacting the bill. As the bill stands, it so prejudices the opportunity to act, in my judgment, we shall have left the agency, if the Moorhead amendment is not passed, totally devoid of any meaningful function. In my judgment, supported by a memorandum that I shall put into the RECORD from the Library of Congress, almost every consumer law, without exception, that we have passed seeks a fine, penalty, and forfeiture would trigger the exclusion in section 204.

Let me just read a few of them: The Federal Trade Commission Act, the Wool Products Labeling Act of 1939, the Fur Products Labeling Act, the Textile Fiber Products Labeling Act, the Flammable Fabrics Act, the Automobile Information Disclosure Act, the Federal Hazardous Substances Labeling Act, the National Traffic and Motor Vehicle Safety Act, the Tire Safety Act, the Fair Packaging and Labeling Act, the Truth in Lending Act, and it goes on and on. Every one of those acts seeks a fine, penalty, or forfeiture.

The operative word in the section of the bill under consideration is whether the adjudication seeks that.

We have blocked this agency's ability to act, if we do not pass the Moorhead amendment, from 90 percent of the actions we want them to act on.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. First, Mr. Chairman, let me express my appreciation to the gentlewoman from New York for having yielded her time in order that I may have an extra minute and a half.

As one of those who participated in the long and sometimes tedious draftsmanship sessions on this bill, I think I recognize the complete sincerity and good faith of those on both sides of this question.

Those who oppose the Moorhead amendment do so from the fear that it confers upon the consumer advocate—for that is what he is, an advocate—the authority to intervene in too many regulatory adjudications. Those in favor of the Moorhead amendment feel that the bill as presently drafted restricts that consumer advocate too severely and prevents his intervention in this broader range of decisionmaking processes.

So that is the question. It is simply a question of just how broad a range of proceedings should be opened to the consumer advocate.

Many of us who have supported this amendment do not do so principally on the grounds that the bill without it is a nullity. I think the bill as it came from the committee is a good bill. I simply feel that with this amendment it will be a better bill. I do not believe that anyone has intended to weaken this bill. But if we are to err, it seems to me that we should err on the side of giving the consumer advocate the broader range of options for intervention. After all, he could not possibly enter into every regulatory proceeding in any event—not even into a majority of them. He is going to have to decide, based upon the limited resources and personnel available to him and the wide plethora of cases and opportunities for intervention, which are the most important, which are those cases which affect most adversely the greatest number of people. Of necessity he will have to restrict and limit his intercession to those that are most important for the greatest number of consumers. He would never be able to get into all these informal proceedings. There were 1,800 filings of complaints in the CAB alone last year, and only some 200 of them came to adjudication.

So it seems to me that no great harm is done in broadening the base of cases available. If we are to err, we should err on the side of giving the advocate the wider latitude so that he might select those cases which are most important to the consumer protection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Chairman, I rise, of course, in opposition to the Moorhead amendment. I would make the point to the Committee that the amendment is not in favor of consumer interests. As a matter of fact, it confuses the entire situation.

There has been detailed discussion upon the adverse effects this amendment will have upon the subpena authority established under the bill, as well as that relating to the dissemination of information. The second paragraph of the amendment:

First, would give the Consumer Protection Agency the right to demand the use of the subpena power of 50 Federal agencies—not only in agency proceedings as in H.R. 10835—but also in its own investigations of business firms, labor unions, and Federal agencies.

Second, trade secrets and confidential commercial or financial information now protected against disclosure to the public in H.R. 10835—section 209—could be obtained by the CPA on demand from the 50 existing Federal agencies for the purpose, as stated in the Moorhead amendment, "of submitting information, findings, or recommendations to Congress regarding any matter affecting the interests of consumers concerning which a Federal agency has authority but fails to initiate a rulemaking or adjudicatory proceeding as provided in subsection (f) of this section"—204—; and

Third, this means that the CPA advocate can within his own discretion reveal in a report to Congress protected trade secrets and confidential commercial or financial information ob-

tained in its own fishing expeditions via the report to Congress, which becomes a public document.

I feel it is very important that the Moorhead amendment be defeated.

Mr. Chairman, I yield to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I would like to say that of the various cases which the gentleman from New York (Mr. ROSENTHAL) read about, the fine, penalties, and forfeitures require court action and would not come under the bill in any case.

(By unanimous consent, Mr. HORTON yielded the remainder of his time to Mr. HOLIFIELD.)

The CHAIRMAN. The Chair now recognizes the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Chairman, the hour has come when we have an opportunity to put flesh on the platitudes that many have mouthed about doing something for the consumer.

Who are consumers? Consumers are every single person in your district who has ever purchased any item. They cut across ethnic, racial, economic, and education lines.

Do they need protecting? They most certainly do, because the regulatory agencies—which are supposed to be watchdogs for the people—too often have become lapdogs for those interests they are supposed to regulate. And who gets the short end—the little guy. The guy who votes for you and, more importantly, for me.

We have a golden chance today by passing the Moorhead amendment to put muscle and sinew in a weak consumer bill.

Why create an agency and blithely tell our constituents that we have provided for consumer protection when we know that this toothless tiger will do nothing of the sort?

How can we possibly support consumer demands. When, given the opportunity, we do not move expeditiously and pass my amendment which is supported by significant labor and consumer groups across the Nation.

Many of you have been urged today to vote for the Moorhead amendment by the following labor and consumer organizations, the United Auto Workers; the Steelworkers; the Retail Credit Clerks; the Amalgamated Meatcutters; the Municipal Workers; the Consumer Federation of America; and Common Cause.

The constituents of these organizations are the same people who vote for you and me. When your constituents ask—as I am sure they will—did you vote for a strong consumer protection bill or a weak one? I hope you will be able to say I voted for the Moorhead amendment and a strong bill.

Mr. Chairman, I now yield to the gentleman from Texas (Mr. BROOKS), a cosponsor of the amendment.

Mr. BROOKS. Mr. Chairman, I want to say to the membership I strongly endorse this amendment and believe if the Members want to vote against it they will thereby deny consumers protection which they desperately need and are entitled to. I want my constituents to be protected. I want the people of this country to have an opportunity to look at more than 10 or 15 percent of the eligible cases.

Mr. BURKE of Massachusetts. Mr. Chairman, I rise in support of the amendment offered by the distinguished Member from Pennsylvania, WILLIAM MOORHEAD, which has been the subject of so much, and oftentimes bitter debate in this House, the last several days. I would like to think that the time the House has spent debating this amendment is indicative of the importance of creating a Consumer Protection Agency with real teeth that the consumer can at last rely on to fight his battles at whatever level of government necessary. For there is surely no greater irony in this era of pressure group politics than that presented by the consumers of this country who are at once the largest and the least effective lobbying groups in the Nation. Ultimately, we are all consumers. Perhaps, therein lies the rub. How do you organize a whole nation of consumers in one effective powerful interest group?

At long last, we are on the threshold of taking affirmative action, giving concrete statutory recognition on the floor of this House that consumers rights need as much protection as the rights of any other majority or minority group in this Nation. History has demonstrated clearly the need for such legislation. The consumer on his own acting as an independent purchasing agent is powerless against the huge corporation or the impersonal supermarket. History also has demonstrated to us how powerless the individual is when confronted with the labyrinthine ways of our superhuman bureaucracies which so dominate this city.

I say we are finally on the threshold, after a year's delay in enacting meaningful legislation. If anything, in the intervening time period, both the support and the need for such legislation has increased considerably. In view of the delay, it is all the more incumbent upon us, now that we are about to take action, that we act definitively, thoroughly, and in a manner which goes all the way in giving the consumer the protection he has been forced to wait for for so long. Given the interminable delays in getting legislation passed in any Congress, who knows how long it will be before we will have another crack at the matter?

As I listened to the debate going back and forth from one side to the other, I hope you can forgive me if I confess to you that it struck me as so much hairsplitting. We have been treated with the spectacle of 2 days of semantic discussion debating whether this word or that word materially strengthens, weakens, dilutes, confuses, or enlarges upon what is obviously the intention of this House—to pass meaningful consumer protection legislation. Not being a legal scholar, I probably have missed some of the vital points in our heated discussion of the past few days, but as a man of commonsense, I can only ask: "If the amendment is as unnecessary, is as redundant, is as useless as its opponents argue, why all this tremendous fuss and bother?" To me it would seem to indicate that the amendment is offering something more substantive than its opponents are willing to admit. Every member of this House has witnessed bills passed with sentences and words that were adopted to gain as much support for a bill as possible without materially affecting its substance and yet, today and yesterday and the day before, we have been told that the Moorhead amendment is totally unacceptable because it is unnecessary. There is something about this which just does not ring true. My own feeling after listening to the debate is that the reason the Moorhead amendment is being so heatedly contested is because it does in fact go considerably further than the bill that was reported out of committee, does indeed give the consumer a more powerful advocate in Washington, does indeed give the new agency power to require other agencies to consider consumer interests in arriving at their decisions. And it is for this reason that I have decided to vote for the Moorhead amendment because I want to see a consumer protection agency that is able to do what it is supposed to do, namely, protect the rights and interests of the American consumer.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. HOLIFIELD) to close debate.

Mr. HOLIFIELD. Mr. Chairman, I oppose the Moorhead amendment for these reasons:

1. DOUBLE PROSECUTION

It would make the Consumer Protection Agency a second prosecutor in Federal agency proceedings where civil fines, penalties, or forfeitures might be involved.

2. MASSIVE SUBPENA POWER

The amendment would enable the Consumer Protection Agency to require 50 Federal agencies to make their subpena power available to it for its own investigations. Business firms, labor unions, and other organizations would be subject to the collective subpena powers of the Federal Government at the instigation of the Consumer Protection Agency.

3. TRADE SECRETS JEOPARDIZED

The amendment would sidestep the protections in the Freedom of Information Act by requiring any Federal agency, on demand by the Consumer Protection Agency, to transmit confidential business information in its possession on the grounds that such information was needed to respond to a congressional request. Any Congressman could publicize the information.

4. AGENCY OPERATIONS DISRUPTED

The amendment would greatly expand the investigatory powers of the Consumer Protection Agency, backed up by the collective subpena powers of the Federal Government. It would enable the Agency to order all other Federal agencies, including regulatory commissions, to give first priority to its demands. The whole regulatory system of Government could be disrupted.

Now, Mr. Chairman, I will examine more closely the two parts of the Moorhead amendment.

The first part would permit the Consumer Protection Agency to inject itself into Federal agency proceedings where fines, penalties, or forfeitures might be

involved. This would comprise a narrow class of cases and relatively few matters of consumer interest, as the chairman of the Administrative Conference of the United States has made clear.

However, if the Consumer Protection Agency were permitted to intervene in this limited class of proceedings, involving the imposition of penalties, then we would have two prosecutors, with different missions, moving against alleged offenders. There are serious constitutional problems here, which do not seem to worry the proponents of the Moorhead amendment. As the Administrative Conference Chairman points out, the dual prosecutor situation should be avoided.

In any case, this part of the amendment has little bearing on the work of the Consumer Protection Agency, although it has been misrepresented as making the difference between the Consumer Protection Agency's ability to participate and not to participate in agency proceedings.

On Tuesday, Mr. MOORHEAD stated that—

> The bill prohibits the Consumer Protection Agency from participating in *most* adjudicatory proceedings because most of such proceedings involve, in the words of the bill, "A fine, penalty, or forfeiture" (CONGRESSIONAL RECORD, October 12, 1971, p. 35834).

That statement simply is not true. I repeat, that statement simply is not true. Relatively few agency adjudications involve fines, penalties, or forfeitures, and even in those cases, the Consumer Protection Agency would be able to make its views known.

The first part of the amendment is defective also in assuming that a proceeding before a Federal agency can be broken up, like chicken parts, and that the Consumer Protection Agency can get in on that part of proceedings which do not relate to decisions to impose criminal penalties. The authors of the amendment apparently are unaware that Federal agencies do not conduct criminal proceedings. Such responsibilities, under the Constitution, are committed to the courts of the land.

The Moorhead amendment is based on another fallacy. Again, to quote the gentleman from Pennsylvania:

> The bill does not give the Consumer Protection Agency any power where a Federal agency either refuses to act or, as is the practice with most agencies, acts through an informal proceeding" (CONGRESSIONAL RECORD, October 12, 1971, p. 35834).

The statement is not true, and even if it were, the Moorhead amendment does nothing to cure the imagined defect. It does not widen access to informal hearings. What the amendment does is expand the investigative powers of the Consumer Protection Agency with subpena power backup.

The Administrative Procedure Act, as I pointed out in my statement yesterday, does not distinguish between formal or informal proceedings as far as intervention is concerned, and the act provides for recourse to the courts when a Federal agency fails to act on a matter within its scope of duties and responsibilities. To allay any doubt on that score, we are prepared to accept a clarifying amendment, which I believe will be offered by the gentleman from Texas (Mr. WRIGHT).

Now we come to the second part of the amendment. Most intriguing is the explanation that was circulated to Members of the House by Mr. ROSENTHAL, placed in the RECORD by Mr. MOORHEAD, and repeated by Mr. MOORHEAD on the floor—see CONGRESSIONAL RECORD, October 12, 1971, pp. 35834, 35839). I quote:

> Under these circumstances, it is logical to extend the authority in section 204 to allow the Consumer Protection Agency to undertake investigations within the rulemaking or adjudicatory authority of an agency in those instances where the agency refuses to exercise its authority as provided in section 204(e) of the bill. Furthermore, it is logical to provide in these instances that the Consumer Protection Agency have the same quantity and quality of information available during its studies and investigations as would have been available had a rulemaking or adjudicatory proceeding been instituted and in which the Consumer Protection Agency could have participated as a matter of right under earlier subsections (1) and (2) of section 204.

If that language means anything, it means that the authors of the amendment intend the Consumer Protection Agency to have unrestricted investigatory powers, backed up by the subpena power of some 50 Federal agencies. Just think of it. The Moorhead amendment would harness the subpena power of 50 Federal agencies to the Consumer Protection Agency on the grounds that it is necessary to report derelictions of other Federal agencies to the Congress.

It would create the anomalous situation that the Consumer Protection Agency would use the subpena power of other agencies to impeach those agencies' own actions.

This amendment is a subterfuge. If we want to give the Consumer Protection Agency the subpena power, let us have a clear or specific amendment on the subject and vote it up or down.

Mr. ROSENTHAL, in a letter he wrote to me on June 28, 1971, said that he wanted a provision in the bill which would enable the Consumer Protection Agency, in his words, "to force important information out of an intractable business firm." He offered an amendment in the subcommittee to that effect. It was carefully considered and rejected by a vote of 9 to 3. In the full committee, Mr. ROSENTHAL offered a watered-down version, modeled on a Senate bill, and it was voted down 21 to 15.

Now, the amendment is before us in a somewhat oblique and confusing way, but it still represents an attempt to get in through the back door what the committee decided, in its wisdom, should not go in through the front door.

Do not be fooled by the language of the Moorhead amendment which casts the Consumer Protection Agency's investigative role in the context of reporting to the Congress. The bill now provides fully for reports to the Congress, for keeping the committees of the Congress fully and currently informed, and for bringing any matter to the attention of the Congress at any time. This part of the Moorhead amendment is window dressing for the subpena power which is worked into the amendment.

I consulted with the Office of Legislative Counsel of the House in an attempt to get an experienced legal interpretation of the meaning of the Moorhead amendment. The observations were to the effect that the amendment is ambiguous, it can be read in different ways, and the legislative history would have to be consulted by those attempting to interpret and apply it later on.

It is this ambiguity which undoubtedly has led some Members to endorse the amendment with their signatures, on the assumption that it was harmless and insignificant, whereas those who drafted it are trying by their explanations in the RECORD to create a legislative history for a Consumer Protection Agency with wide-ranging subpena powers.

In summary, the Moorhead amendment is a subterfuge amendment. It is misleading. It is unworkable in some respects. It is dangerous in others, if we are to accept the explanation of its drafters. It is a hastily drafted, last-minute attempt to overturn the carefully balanced structure of this bill.

The Moorhead amendment should be opposed.

Mr. MATSUNAGA. Mr. Chairman, so much has been said about how "strong" or how "weak" are the sections of this bill relating to the proposed Consumer Protection Agency that we may have lost sight of the significant advances represented by H.R. 10835 in other areas.

First, the pending bill would provide a statutory basis for the continued functioning of the White House Office of Consumer Affairs and create a new Consumer Advisory Council, as well as a Consumer Protection Agency. When a similar bill was before the House Rules Committee last year, the thorniest issue concerned the creation of three separate agencies for the protection of consumer interests. This year, the House Government Operations Committee, under the able chairmanship of the distinguished gentleman from California (Mr. HOLIFIELD) resolved that issue in its own deliberations.

Also in the bill are programs of consumer education and information, and a limited amount of product testing.

As a member of the Rules Committee, I voted last year to report a similar measure which was killed by that committee. As a sponsor of the original legislation in this Congress, I am, of course, pleased that H.R. 10835 is being considered by the full membership of the House. Whether or not the strengthening amendments fail, we should not lose sight of the fact, Mr. Chairman, that H.R. 10835, as now constituted, represents a substantial step forward.

Mr. Chairman, it should be borne in mind, too, that, despite the expressions of some groups, this is not an antibusiness bill. I believe the evidence is clear that an informed consumer is a better consumer, and the business community will profit from having the small number of careless or unscrupulous operators brought under control.

Mr. Chairman, it is a known fact that two score Federal departments and agencies now operate literally hundreds of

consumer-oriented programs. H.R. 10835 will provide for the coordination of all these activities for a more effective overall program in the best interest of American consumers.

I will vote for the pending measure, and I urge my colleagues to do likewise.

Mr. FRENZEL. Mr. Chairman, no one questions the need for the creation of a Consumer Protection Agency. Everyone wants to be for the consumer.

The question on this bill is one of three alternatives: one, the committee bill; two, the Fuqua amendment; and three, the Moorhead amendment. Each alternative presumes a slightly different role for the CPA.

The Fuqua amendment would restrict CPA intervention—in the name of consumers—into proceedings of regulatory agencies to the role of "amicus". I shall vote against the Fuqua amendment. The amicus role is not a toothless one as alleged by its enemies, but I believe it is not a strong enough posture for CPA.

The Moorhead amendment would give the CPA its most aggressive role. It would give CPA the ability to intervene in many different kinds of proceedings in dozens of Federal agencies. In my judgment, this would be an overly aggressive role for a new CPA. Committee witnesses indicated that routine agency business could be subjected to considerable delay. There is plenty of delay already. Further, the broad powers of the Moorhead amendment could hardly be executed effectively under the proposed budget. The resources of CPA would be stretched beyond the point of effectiveness. The second part of the Moorhead amendment would seem to merely delegate a congressional oversight function to an administrative agency. There are a number of other arguments against the Moorhead amendment, but in general, it asks a new agency to do more than can be expected from that agency.

The final alternative, the committee bill, is also a stronger form than its enemies indicate. It will have enough authority to consume the planned budget and more. Its powers will not be unlimited but no new agency ever assumes broad powers immediately. In my judgment, H.R. 10835, the committee bill, will provide a strong CPA with enough powers originally to speak as an effective voice of the consumer. As the agency finds additional powers are needed, and if its performance warrants the confidence of the Congress, those powers can be added.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MOORHEAD).

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

TELLER VOTE WITH CLERKS

Mr. MOORHEAD. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. MOORHEAD. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. MOORHEAD, HOLIFIELD, ROSENTHAL, and HORTON.

The Committee divided, and the tellers reported that there were—ayes 160, noes 218, not voting 52, as follows:

[Roll No. 299]

[Recorded Teller Vote]

AYES—160

Abourezk	Flood	Murphy, Ill.
Abzug	Foley	Murphy, N.Y.
Adams	Ford, William D.	Nedzi
Addabbo	Fraser	Nix
Albert	Galifianakis	Obey
Anderson, Calif.	Gallagher	O'Hara
Annunzio	Gaydos	O'Neill
Ashley	Giaimo	Patten
Aspin	Gibbons	Perkins
Badillo	Grasso	Pike
Barrett	Gray	Podell
Begich	Green, Pa.	Preyer, N.C.
Bennett	Gude	Price, Ill.
Bergland	Hamilton	Pryor, Ark.
Biester	Hanley	Pucinski
Bingham	Hansen, Wash.	Rangel
Blatnik	Harrington	Rees
Boggs	Hathaway	Reid, N.Y.
Boland	Hays	Reuss
Bolling	Hechler, W. Va.	Riegle
Brademas	Heckler, Mass.	Rodino
Brasco	Helstoski	Roe
Brooks	Hicks, Mass.	Roncalio
Burke, Mass.	Hicks, Wash.	Rooney, Pa.
Burlison, Mo.	Howard	Rosenthal
Burton	Jacobs	Rostenkowski
Byrne, Pa.	Karth	Roush
Carey, N.Y.	Kastenmeier	Roy
Carney	Kluczynski	Roybal
Celler	Koch	Ryan
Chisholm	Kyros	St Germain
Clark	Link	Sarbanes
Clay	Long, Md.	Scheuer
Cleveland	McCormack	Seiberling
Collins, Ill.	McDade	Shipley
Conte	McKay	Smith, Iowa
Cotter	Macdonald, Mass.	Stanton, James V.
Coughlin	Madden	Steele
Culver	Matsunaga	Stokes
Daniels, N.J.	Mazzoli	Stratton
Dellums	Meeds	Sullivan
Denholm	Melcher	Symington
Dent	Metcalfe	Tiernan
Dingell	Mikva	Udall
Donohue	Minish	Van Deerlin
Dow	Mink	Vanik
Drinan	Mitchell	Vigorito
Dulski	Mollohan	Whalen
du Pont	Monagan	Wolff
Eckhardt	Moorhead	Wright
Edwards, Calif.	Morse	Yates
Eilberg	Mosher	Yatron
Esch	Moss	Young, Tex.
Fascell		

NOES—218

Abbitt	Conable	Griffiths
Abernethy	Corman	Gross
Alexander	Crane	Grover
Anderson, Ill.	Daniel, Va.	Hagan
Andrews, Ala.	Danielson	Haley
Andrews, N. Dak.	Davis, Ga.	Hall
Archer	Davis, S.C.	Hammer-schmidt
Arends	Davis, Wis.	Hanna
Ashbrook	Delaney	Hansen, Idaho
Aspinall	Dellenback	Harsha
Baker	Dennis	Harvey
Bell	Devine	Hastings
Betts	Dickinson	Hébert
Blackburn	Dorn	Henderson
Blanton	Dowdy	Hillis
Bow	Downing	Hogan
Bray	Duncan	Holifield
Brinkley	Dwyer	Horton
Broomfield	Edmondson	Hosmer
Brotzman	Edwards, Ala.	Hull
Brown, Mich.	Erlenborn	Hungate
Brown, Ohio	Eshleman	Hunt
Broyhill, N.C.	Evans, Colo.	Hutchinson
Broyhill, Va.	Evins, Tenn.	Ichord
Buchanan	Findley	Jarman
Burke, Fla.	Fish	Johnson, Calif.
Burleson, Tex.	Fisher	Johnson, Pa.
Byrnes, Wis.	Flowers	Jonas
Byron	Flynt	Jones, Ala.
Cabell	Ford, Gerald R.	Jones, N.C.
Caffery	Forsythe	Jones, Tenn.
Camp	Fountain	Kazen
Carter	Frelinghuysen	Keating
Casey, Tex.	Frenzel	Keith
Cederberg	Frey	King
Chamberlain	Garmatz	Kuykendall
Clancy	Goldwater	Kyl
Clawson, Del	Gonzalez	Landrum
Collins, Tex.	Goodling	Latta
Colmer	Green, Oreg.	Leggett
	Griffin	Lennon
	Powell	Steiger, Wis.
	Price, Tex.	Stuckey
	Purcell	Talcott
	Quie	Taylor
	Quillen	Teague, Calif.
	Railsback	Teague, Tex.
	Randall	Thompson, Ga.
	Rarick	Thomson, Wis.
	Roberts	Thone
	Robinson, Va.	Vander Jagt
	Robison, N.Y.	Veysey
	Rogers	Waggonner
	Rooney, N.Y.	Wampler
	Rousselot	Ware
	Runnels	Whalley
	Ruppe	White
	Ruth	Whitehurst
	Sandman	Whitten
	Satterfield	Widnall
	Scherle	Wiggins
	Schmitz	Williams
	Schneebeli	Wilson, Charles H.
	Scott	Winn
	Sebelius	Wyatt
	Shriver	Wydler
	Sisk	Wylie
	Skubitz	Wyman
	Smith, Calif.	Young, Fla.
	Smith, N.Y.	Zablocki
	Snyder	Zion
	Spence	Zwach
	Stanton, J. William	
	Steiger, Ariz.	

NOT VOTING—52

Anderson, Tenn.	Gubser	Patman
Baring	Halpern	Pelly
Belcher	Hawkins	Rhodes
Bevill	Kee	Saylor
Biaggi	Kemp	Schwengel
Chappell	Landgrebe	Shoup
Clausen, Don H.	Lent	Sikes
Collier	Lloyd	Slack
Conyers	Long, La.	Springer
de la Garza	Lujan	Staggers
Derwinski	McCloskey	Steed
Diggs	McClure	Stephens
Edwards, La.	McCulloch	Stubblefield
Fulton, Tenn.	McMillan	Terry
Fuqua	Mailliard	Thompson, N.J.
Gettys	Mathis, Ga.	Ullman
	Miller, Calif.	Waldie
	Morgan	Wilson, Bob

So the amendment was rejected.

The CHAIRMAN. Are there any further amendments to title II?

AMENDMENT OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WRIGHT: On page 17, line 12, after the period add the following: "To the extent that a right of judicial review is otherwise accorded by law, the Agency may institute a proceeding in a competent court of the United States to secure review of the action of a Federal agency or its refusal to act."

Mr. WRIGHT. Mr. Chairman, this particular amendment is very simple, its intent is plain, and its effect is clearly apparent.

The entire purpose of this amendment is to make certain that the Consumer Protection Agency, when it has requested another Federal agency to institute a proceeding and that Federal agency has failed or refused to do so, will have the same right to seek judicial review that any other party to the proceeding would have.

As the chairman of the committee suggested yesterday on the floor, it was his intent and the intent of the committee that this right should inure to the Consumer Protection Agency advocate under the present bill. Some confusion has arisen. The Consumers' Federation of America, among others, is concerned that this right is not guaranteed in the bill.

Mr. HORTON. Mr. Chairman, would the gentleman yield?

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

Mr. HORTON. Mr. Chairman, is this the amendment we talked about on the floor yesterday afternoon, that the gentleman from Texas indicated he was going to offer today?

Mr. WRIGHT. This is indeed the same amendment that we discussed yesterday.

Mr. HORTON. It was discussed on the floor? The gentleman came to me and to Mr. HOLIFIELD, the chairman of the committee, and indicated that he proposed to offer this amendment. I personally feel it is a clarifying amendment. Insofar as the minority is concerned, we will be very happy to accept the amendment. It does clarify and make more clear this particular section.

Mr. WRIGHT. I thank the gentleman.

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

Mr. WRIGHT. I yield to the distinguished chairman of the committee, the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I want to thank the gentleman for bringing this amendment to the floor. It is acceptable to this side of the aisle so far as I know. It clarifies the judicial review provision in the bill to make it clear that the Consumer Protection Agency may appeal from a refusal of an agency to act, as well as from its affirmative action. Since the definitions of the Administrative Procedure Act include "nonaction" within the term "action," from which appeals may be taken, and since this amendment would apply only where a right of judicial review was otherwise accorded, the amendment merely clarifies the intent of the legislation.

Mr. Chairman, we are happy to accept the gentleman's amendment.

Mr. WRIGHT. I thank the distinguished chairman. I think it is an important amendment, and I would hope all Members would agree to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WRIGHT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN: On page 16, line 21, after the word "or" insert "to the extent that right of judicial review is otherwise accorded by law".

Mr. ERLENBORN. Mr. Chairman, in each place in the bill where we are granting to the Agency the right to seek review, we have conditioned this with the words "to the extent that a right of judicial review is otherwise accorded by law" to make clear that we are not creating any new appellate rights.

Language just offered by the gentleman from Texas incorporated this phrase. However, there is one place in the bill where this qualifying phrase does not appear.

I think it was the intention of the committee to have this same qualification in this instance. This is the case where the CPA does not participate at the agency level and seeks to intervene or to institute a review after agency action. So I merely intend to incorporate this language "to the extent that the right of judicial review is otherwise accorded by law" institute a proceeding to obtain judicial review.

Mr. Chairman, I hope the amendment will be supported and adopted.

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

Mr. ERLENBORN. I yield to the gentleman.

Mr. HOLIFIELD. Mr. Chairman, the gentleman did talk to me about this amendment. It is in conformity with the same language practically in the language on page 16, subsection (a)(1) and subsection (a)(2) on line 15.

It conforms to that same language; is that not correct?

Mr. ERLENBORN. That is correct.

Mr. HOLIFIELD. Mr. Chairman, this language is acceptable. It was the intent of the committee that it be contained in both subsection (a)(1) and subsection (a)(2).

Mr. ERLENBORN. I thank the gentleman.

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

Mr. ERLENBORN. I yield to the gentleman.

Mr. HORTON. Mr. Chairman, the amendment is acceptable. I think it is a clarifying and helpful amendment.

Mr. ERLENBORN. I thank the gentleman.

Mr. Chairman, I ask that the amendment be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ERLENBORN).

The amendment was agreed to.

The CHAIRMAN. Are there further amendment to title II?

AMENDMENT OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WRIGHT: Page 20, Line 15, after the word "including", add the following: "annual reports on interest rates and"

The CHAIRMAN. The gentleman from Texas (Mr. WRIGHT) is recognized in support of his amendment.

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

Mr. WRIGHT. Yes, I am happy to yield to my distinguished chairman.

Mr. HOLIFIELD. Mr. Chairman, please call to my attention the line on which this amendment appears.

Mr. WRIGHT. Mr. Chairman, this amendment would appear on page 20, line 15 where the Agency has been directed to develop and to disseminate to the public certain information. In subparagraph 3 of section 206, it is directed to report information on problems encountered by consumers generally including certain stipulated things. This amendment would add after the word "including" the words "annual reports on interest rates and."

I think it is fairly within the purview of the bill. Interest rates certainly are matters of direct concern to consumers everywhere. This simply makes it clear.

Mr. HOLIFIELD. Mr. Chairman, I thank the gentleman from Texas for bringing this to the attention of the committee on yesterday and again on today.

This comports with the purpose of the bill. I believe it might be included in the list of information on line 10, of statistics.

This does clarify and explain it because interest rates are a matter of concern to the consumer. We all, on both sides of the aisle, are concerned I am sure, and we are glad to have the amendment and accept it.

Mr. WRIGHT. I thank the gentleman.

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

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

Mr. HORTON. The amendment is acceptable. It is within the purview of the bill. It certainly is within the reports that should be included.

Mr. WRIGHT. I thank the gentleman. I agree with his conclusion.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WRIGHT).

The amendment was agreed to.

Mr. ECKHARDT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take the well to establish a matter of legislative intent. I should like to address a question to the distinguished chairman of the committee. Did I correctly understand the distinguished chairman, in the discussion respecting the Moorhead amendment to state that the exclusionary language contained on page 15 under title II, which uses the language—

Other than an adjudication seeking primarily to impose a fine, penalty, or forfeiture for an alleged violation by any defendant or respondent therein of a statute of the United States or any rule, order, or decree promulgated thereunder.

Did I understand him to state that this language dealt with fines, penalties, or forfeitures which the Agency itself could impose, but not to include a situation where fines, penalties, and forfeitures could not be imposed directly by the Agency but could only be made by referral to a court for enforcement?

Let me fill out my question just a bit before I ask for an answer. I note that on page 10 of the report it is stated that—

The word "primarily" is used to indicate that the principal or basic purpose of a proceeding must be to levy a fine, penalty, or forfeiture to bring it within the exception.

I would assume that a proceeding before an agency which could not possibly levy a forfeiture or fine in the agency proceeding, but must await an enforcement action, could not possibly be primarily devoted to the fine, penalty, and forfeiture provision. Therefore, it would seem that what the chairman stated would be correct, that in any such proceeding where the forfeiture, fine, and penalty had to be delayed for the action of a court, the CPA could intervene just as in any other case.

Mr. HOLIFIELD. The last thing I would want to do would be to get into a legal argument with the gentleman from Texas, whom I respect very highly,

and whose legal abilities I really envy, because I would like to have those abilities. But my understanding of the language as given to me by my legal counsel is that the exclusion refers to agency proceedings and not to court proceedings. Does that answer the gentleman's question?

Mr. ECKHARDT. I think that does. I understood that in the debate which led to the vote it was quite clear in the discussion by the chairman that agency action which could not possibly result in a forfeiture or penalty in the action itself, but where the penalty must be deferred to an action by a court, would not be included in the exclusionary language.

Mr. HOLIFIELD. I will look at my remarks carefully and I will revise them if I did inadvertently make a mistake in line with the answer I just gave the gentleman.

Mr. ECKHARDT. As I understand, then, the forfeiture, penalty, or fine would relate to the agency action with respect to the exception and not to some further action in court.

Mr. HOLIFIELD. That is correct. It would refer, as I understand it, to the agency action.

Mr. ECKHARDT. I thank the gentleman.

AMENDMENT OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN: Page 23, strike out all of lines 7 through 22 inclusive, and on page 22, line 6 strike "sections 204 and 208" and insert in lieu thereof "section 204", and lines 8 and 9 strike the words "in the exercise of the Agency's authority under section 208 and".

Mr. ERLENBORN. Mr. Chairman, all through this debate we have talked about the need of the consumer to be represented and the voice of the consumer to be heard. It has also often been emphasized in our committee that it is important for this Agency to be a single purpose agency and not a regulatory agency, but one that would be the voice of the consumer.

The sections that I am proposing to strike out gives the Agency another dimension, and that is to carry on, in effect, the work that was done by the Product Safety Commission until it went out of existence on July 1 of last year. In the original bill, before the subcommittee amended it, this was done by direct reference to the Product Safety Commission. The present language does not refer to the commission, but in substance, it would give this agency the authority to carry on the product safety studies and investigations. Then in conjunction with their other authority, they could provide for testing and could disseminate information.

As a matter of fact, the administration has transferred the functions formerly exercised by the Products Safety Commission to HEW in a special section of the Food and Drug Administration. There are bills pending in the Interstate and Foreign Commerce Committee—some are administration proposals, others are from Members of Congress—as to where the product safety general authority should reside within the Federal governmental structure.

I think as a matter of fact this bill is presuming some of the authority of the Commerce Committee to make this determination.

I feel the Agency should be a single purpose agency. It should devote its limited resources and time to the representation of the consumer. For that reason, I am proposing that we strike the product safety function from this bill and leave this agency the single purpose of representation of the consumer, and I would hope the amendment would be supported.

Mr. HOLIFIELD. Mr. Chairman, I rise in opposition to the amendment.

Section 208 provides for studies and investigations of the scope and adequacy of measures employed to protect consumers against unreasonable risk of injuries which may be caused by hazardous household products. It was adopted to insure that attention would be given to this important areas pending enactment of legislation now before Congress. The responsibilities of the agency were adopted from those of the National Commission on Product Safety which was created by Congress but which has since expired. Some of those functions have been transferred elsewhere.

This function is limited in time, for it is anticipated that the enactment of pending legislation will supersede this function, but we do not know that the legislation will be passed, and pending passage of the legislation—and God knows, none of us can predict what will get through this House and the other body—we feel this function of looking at safety should be provided for. It is carefully circumscribed by lines 20 to 22, which say:

Provided, however, That such studies and investigations shall not be duplicative in significant degree of similar activities conducted by other Federal agencies.

The matter is treated fully at the bottom of page 16 and the top of page 17 of the report where we discuss "Consumer Safety and Household Products." How can we go to the consumers of America with a consumer protection bill and leave out the study and evaluation of these consumer products that are dangerous, such as flammable fabrics?

We see cases every day, even now after the passage of the Flammable Fabrics Act, where children are being burned to death. We know cases—and a subcommittee of the House Committee on Government Operations, under the gentleman from North Carolina (Mr. FOUNTAIN) has exposed them—where time after time drugs have brought about not only death, but also, in some instances, such as the thalidomide instance, the deforming of infants at birth.

To take this section out, when it is merely a study and an evaluation, circumscribed as it is by prohibiting duplicating functions, to me is unthinkable. I cannot understand why the gentleman would offer that amendment. Of course, he is entitled to offer it.

I would think the House would not want to back up and take away from this agency the privilege of looking at dangerous household objects, drugs, and other things which the householder gets, which are causing hundreds if not thousands of deaths throughout the Nation every year.

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

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

Mr. ERLENBORN. For clarification, I understood the gentleman to say that this is limited in time?

Mr. HOLIFIELD. It certainly would be limited in time if the legislation to which the gentleman referred, which I believe is in the Committee on Interstate and Foreign Commerce, which goes into great detail, is enacted. I would assume then that this would be stricken. It might be left as a matter of study, from an advisory standpoint. The only thing the bill proposes is study this and bring it to the attention of the agenices which are charged by these other statutes with oversight.

Mr. ERLENBORN. The gentleman would agree there is nothing in this bill that puts a time limitation on the functions?

Mr. HOLIFIELD. If it is superseded by a carefully drafted law, which goes into great detail and prescribes all types of other actions, I would be willing to see it done.

Mr. ERLENBORN. I would hope the members of the Committee on Interstate and Foreign Commerce would take note of the gentleman's invitation to repeal this section.

Mr. HOLIFIELD. No; I did not invite that. I said if it were done I would accept it as being later legislation and more embracing than this section is.

The gentleman knows that the old Commission on Product Safety expired. As I received this from last year's bill, it did call for placing all those functions into this new agency. I pointed out in the committee that many of these functions had now been transferred, particularly to HEW and some to other agencies, and therefore we did not want to transfer the functions of the old, extinct council, but we thought it a very salutary thing to give this agency the right to study this problem and to bring to the attention of proper agencies and proper committees of the Congress any further need along this line for corrective action.

I hate to oppose the gentleman's amendment, but I would ask that it be voted down.

Mr. HORTON. Mr. Chairman, I rise in opposition to the amendment.

I will not take much time, but I should like to concur in what the chairman of the committee said. This whole question of the function and the work of the Commission on Product Safety was studied and taken up in the subcommittee meetings and also during the time of our markup sessions.

We did feel, inasmuch as the Product Safety Commission had expired, even though to some extent some of this work may have been conferred upon HEW, a great deal is not being done. We were also aware of the fact that there is pending legislation in other committees to cover this type of study and this type of investigation on these type of products.

We felt, however, that the bill should include authority for the CPA in this particular field, if consumers are to be protected.

I would also concur with the chairman; if it appears other legislation is going to supersede or take the place of this function, this function could easily be transferred over at a later date.

I hope the amendment will be defeated.

Mr. WRIGHT. Mr. Chairman, I move to strike the last word.

I shall not take 5 minutes, but I simply want to join the chairman of the committee (Mr. HOLIFIELD) and the ranking minority member (Mr. HORTON) in the position they have taken.

I do not know of anything that is more important to consumers than safety in the products that they innocently buy on the marketplace.

Last year there were 900—listen to this for just a moment—there were 900 children burned to death because their parents had unsuspectingly purchased fabrics that were highly flammable.

We have heard the other statistics cited. Homes have been destroyed because of faulty TV sets and other electrical appliances which caught fire. In the field of everything from automobiles to lawn mowers we have had problems of safety. So I do not know how we can say that we have a real Consumer Protection Agency if we were to cut them entirely out of the field of product safety.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield to me?

Mr. WRIGHT. I yield to the gentleman.

Mr. ERLENBORN. I am glad that the gentleman yielded to me.

It has been repeatedly suggested that somehow or other my amendment was going to cause the death by burning or the use of bad drugs of many people because of taking this authority away from the Consumer Protection Agency. I have to point out we have a Flammable Fabrics Act and an agency of the Government already charged with doing that. We have an FDA and an agency charged with protecting the safety of the public. If we do not include this duplicative effort, I am not suggesting that we should have children burned to death or dying from bad drugs. It is just that we do not need another agency doing something that others are presently doing.

Mr. WRIGHT. I understand the gentleman's point. Certainly nobody would suggest that the gentleman would assent to children being burned to death, nor that his amendment would cause any such thing. But it is not an argument to say that this jurisdiction is duplicative. All of the functions over which we give this agency purview already exist under some existing agency. I assume those agencies are doing the best they can to protect the public interests. But there has been a feeling that in some of those cases, not through malice but simply through exposure, familiarity, the blandishments and argumentations of those who represent the industry groups—that those agencies that are created to regulate these practices should have on the other side someone speaking expressly for the interests of the consumer. This should apply to product safety just as it does to anything else.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ERLENBORN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. ROUSSELOT

Mr. ROUSSELOT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROUSSELOT: Page 1, strike line 5 and all that follows thereafter down through line 2 on page 2 and substitute the following:

"CONGRESSIONAL DECLARATION OF POLICY

"SEC. 2. (a) The Congress finds that the interests of consumers at times have been inadequately represented and protected within the Federal Government; and that vigorous representation and protection of the interests of consumers are essential to the fair and efficient functioning of a free market economy.

"(b) It is the policy of the Congress in enacting this legislation that

"(1) It is the responsibility of the executive branch to insure that the interests of consumers are to be considered as paramount in the programs and operations of all Federal agencies.

"(2) The Congress, acting through its agent, the Administrator of the Consumer Protection Agency established in Title II of this Act, shall monitor the programs and activities of all Federal agencies relating to the interests of consumers, recommend measures to improve those operations, and if necessary, intervene in Federal proceedings and courts to the extent authorized by Title II to represent and uphold those interests."

"Page 8, strike out line 21 and all that follows thereafter down through 'who' on line 24 and insert the following:

" 'Sec. 201. (a) there is created an establishment of the government to be known as the Consumer Protection Agency which shall be independent of the executive departments and headed by an Administrator who shall serve as an agent of the Congress under the control and direction of the Government Operations Committees of both Houses in carrying out the functions set forth in this Act. The Administrator' "

"Page 9, line 25, immediately after the semicolon add the following: 'And any general legislation enacted governing the status of officers and employees of the United States shall apply to officers and employees of the Agency in the same manner and to the same extent as if such officers and employees were in or under the executive branch of the government;'.

"Page 14 line 16 after proceeding insert '; the Agency, having first informed Congress—'

"Page 17 on line 14 strike 'in its own name' and insert the following: 'on behalf of the Congress' ".

POINT OF ORDER

Mr. HORTON. Mr. Chairman, I regret to do so, but I do feel that I have to make a point of order against the amendment which has been offered by the gentleman from California because the amendment which has just been read is not in order. We have passed that section of the bill. We are now on section II.

Therefore, I make the point or order that the gentleman's amendment is not in order.

The CHAIRMAN. Does the gentleman from California desire to be heard?

Mr. ROUSSELOT. Just briefly, Mr. Chairman.

Actually, this is just an amendment to the preamble to title I which is a major amendment that I would like to see adopted. It is my opinion that the principle of the amendment is germane.

The CHAIRMAN (Mr. BOLAND). The Chair is ready to rule. We have already passed title I, and title II is under debate. The point of order of the gentleman New York is sustained.

Are there further amendments to title II?

Mr. ROUSSELOT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

AMENDMENT OFFERED BY MR. ROUSSELOT

"Page 8, strike out line 21 and all that follows thereafter down through 'who' on line 24 and insert the following:

" 'Sec. 201. (a) there is created an establishment of the government to be known as the Consumer Protection Agency which shall be independent of the executive departments and headed by an Administrator who shall serve as an agent of the Congress under the control and direction of the Government Operations Committees of both Houses in carrying out the functions set forth in this Act. The Administrator'.

"Page 9, line 25, immediately after the semicolon add the following: 'and any general legislation enacted governing the status of officers and employees of the United States shall apply to officers and employees of the Agency in the same manner and to the same extent as if such officers and employees were in or under the executive branch of the Government;'.

"Page 14 line 16 after proceeding insert '; the Agency, having first informed Congress—'.

"Page 17 on line 14 strike 'in its own name' and insert the following: 'on behalf of the Congress' ".

Mr. ROUSSELOT. Mr. Chairman, it is my strongly held conviction that the proposed Consumer Protection Agency would better serve the American people if it were a direct function of the legislative branch of the Federal Government instead of just another bureaucracy in the executive branch. The great number of existing agencies which would be affected by this legislation would be more likely to cooperate and support their designated programs under the legislation if the U.S. Congress were their immediate board of directors.

The series of amendments which I am offering, and asking to be considered en bloc, will clearly establish the U.S. Congress as the point of final decisionmaking within the framework of this act. The reasons for supporting these amendments are as follows:

First. The U.S. Congress, and most especially the House of Representatives, is by necessity the branch of Government closest to the citizenry of this country because it must be elected every 2 years. In fact, Congress, and especially the House of Representatives, really serves as a principal listening post for the consumer of the United States and is in a far better position to be sensitive and responsive to the consumers of this country.

Second. There is adequate precedent for the Congress establishing an organized arm of its own to serve a given purpose.[1] The General Accounting Office is such an agency. I believe that the Consumer Protection Agency could be established in like manner and I propose

[1] Architect of the Capitol, U.S. Botanic Garden, General Accounting Office, Government Printing Office, Library of Congress, Cost Accounting Standards Board.

the aforementioned amendments toward that end.

Third. In no way will these amendments affect or infringe upon the Consumer Protection Advisory Boards the President has structured in the Executive Office.

Fourth. This provides a clear opportunity for the Congress to reassert itself in a leadership position as the third branch of the Federal Government. More importantly, the Congress should serve as the principal advocate of consumer protection since it has been stated that it is supposed to serve as the "people's body." But to assert that leadership is needed in consumer affairs, also requires that the Congress show a willingness to accept the attendant responsibility in the field by making it clear to the public that we are not looking for excuses by shifting the accountability to the executive branch of Government.

In the opinion of many, the House of Representatives, in effect, serves as the people's board of directors especially in consumer affairs and, therefore, if a Consumer Protection Agency is to be truly effective, it should be tied as closely as possible to the U.S. Congress.

I urge the support of these amendments.

Mr. HOLIFIELD. Mr. Chairman, I rise in opposition to the amendment.

Before I use but about 3 minutes of the 5 minutes allotted me, I want to say that a number of Members have plane reservations, and so forth, and I am trying to get this bill to a vote as quickly as possible. But in answer to the amendment offered by the gentleman from California (Mr. ROUSSELOT) I would say that we did not consider this in committee.

This is a far-reaching amendment. It seeks on page 17, line 14, to strike "in its own name", and insert "on behalf of the Congress."

As I understand the amendment, we are asked to set up an agency directly under the Congress such as the GAO, as an arm of the Congress. Such a tremendous suggestion as this certainly should receive the proper committee consideration, and should not be handled summarily through a quick amendment.

So I would ask that the amendment be voted down so that we may get to a vote on the bill.

Mr. HORTON. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment offered by the gentleman from California (Mr. ROUSSELOT).

I would like to point out very briefly that I certainly respect the views of the gentleman from California, who has offered this amendment. I believe his purpose is is to prevent the delegation of too much legislative authority to the executive. However, I feel that the Consumer Protection Agency created under this bill is properly an executive function, and not a legislative function although the interests and rights of Congress have been protected. Therefore, the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROUSSELOT).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III—CONSUMER ADVISORY COUNCIL; PROTECTION OF CONSUMER INTEREST IN ADMINISTRATIVE PROCEEDINGS; MISCELLANEOUS AMENDMENTS

CONSUMER ADVISORY COUNCIL

SEC. 301. (a) There is hereby established the Consumery Advisory Council (hereafter referred to in this section as the "Council") to be composed of fifteen members appointed by the President for terms of five years. Members shall be appointed on the basis of their knowledge and experience in the area of consumer affairs, and their demonstrated ability to exercise independent, informed, and critical judgment.

(b) (1) Of the members first appointed, three shall be appointed for a term of one year, three shall be appointed for a term of two years, three shall be appointed for a term of three years, three shall be appointed for a term of four years, and three shall be appointed for a term of five years, as designated by the President at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

(4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at rates not in excess of the maximum rate of pay for grade GS–18 as provided in section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in Government service employed intermittently.

(c) The President shall designate the chairman from among the members appointed to the Council. The Council shall meet at the call of the chairman or at the call of a majority of the members of the Council. The Director shall be an ex officio member of the Council.

(d) The Council shall advise the Administrator and Director on matters relating to the consumer interest including the—

(1) means for improving the effectiveness of the Agency and the Office;

(2) administration of existing consumer protection laws and the need to enact new laws;

(3) coordination of consumer programs and operations among the Federal agencies, and between the Federal Government, State and local governments and private enterprise;

(4) consideration of consumer interests by decisionmaking Federal agencies;

(5) attention devoted to the consumer problems of the poor;

(6) availability of information necessary for the making of intelligent consumer decisions;

(7) existing consumer protection agencies; and

(8) existing organization within the Federal Government of consumer protection functions and the need to reorganize such functions.

(e) The Administrator or his designee shall serve as the Executive Secretary of the Council and shall make available to the Council such staff and facilities as may be required; and the Office and Agency shall endeavor to extend such other assistance to the Council as may be reasonable and required.

PROTECTION OF THE CONSUMER INTEREST IN ADMINISTRATIVE PROCEEDINGS

SEC. 302. Every Federal agency in taking any action which may substantially affect the interests of consumers including, but not limited to, the issuance of rules, regulations, guidelines, orders, standards, or formal policy decisions, shall—

(1) notify the Office and Agency at such time as notice of the action is given to the public or when notification is requested in writing by the Office or Agency; and

(2) consistent with its statutory responsibilities, take such action with due consideration to the interest of consumers.

In taking any action under paragraph (2), upon request of the Agency or in those cases where a public announcement would normally be made, the agency concerned shall indicate concisely in a public announcement of such action the consideration given to the interests of consumers. This section shall be enforceable in a court of the United States only upon petition of the Agency.

SAVING PROVISIONS

SEC. 303. (a) Nothing contained in this Act shall be construed to alter, modify, or impair the statutory responsibility and authority contained in section 201(a)(4) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 481(a)(4)), or of any provision of the antitrust laws, or of any Act providing for the regulation of the trade or commerce of the United States, or to prevent or impair the administration or enforcement of any such provision of law.

(b) Nothing contained in this Act shall be construed as relieving any Federal agency of any authority or responsibility to protect and promote the interests of the consumer.

DEFINITIONS

SEC. 304. As used in this Act—

(1) The term "Agency" means the Consumer Protection Agency.

(2) The term "Office" means the Office of Consumer Affairs.

(3) The words "agency", "agency action", "party", "rulemaking", "adjudication", and "agency proceeding" shall have the same meaning as set forth in section 551 of title 5, United States Code.

(4) The term "consumer" means any person who uses for personal, family or household purposes goods and services offered or furnished for a consideration.

(5) The term "the interests of consumers" means the cost, quality, purity, safety, durability, performance, effectiveness, dependability, and availability and adequacy of choice of goods and services offered or furnished to consumers; and the adequacy and accuracy of information relating to consumer goods and services (including labeling, packaging and advertising of contents, qualities and terms of sale).

(6) The term "State" includes any State or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

CONFORMING AMENDMENTS

SEC. 305. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"(58) Director, Office of Consumer Affairs.

"(59) Administrator, Consumer Protection Agency."

(b) Section 5315 of such title is amended by adding at the end thereof the following:

"(95) Deputy Director, Office of Consumer Affairs.

"(96) Deputy Administrator, Consumer Protection Agency."

APPROPRIATIONS

SEC. 306. There are hereby authorized to be appropriated such sums as may be re-

quired to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 307. (a) This Act shall take effect ninety calendar days following the date on which this Act is approved, or on such earlier date as the President shall prescribe and publish in the Federal Register.

(b) Any of the officers provided for in this Act may (notwithstanding subsection (a)) be appointed in the manner provided for in this Act at any time after the date of the enactment of this Act. Such officers shall be compensated from the date they first take office at the rates provided for in this Act.

Mr. HOLIFIELD (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of title III be dispensed with, and that it be printed in the RECORD and open to amendment at any point.

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

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 28, line 25, insert "or adoption" immediately after the word "issuance".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. HALL

Mr. HALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALL: On page 30, after line 5, add a new paragraph (c) to section 303 to read as follows:

"(c) Nothing contained in this Act shall be construed as authorizing the Agency to intervene or participate in any proceeding under any provision of Title 50, United States Code, or any Appendix thereto, nor to seek judicial review of any agency action taken under authority of any such provision."

Mr. HALL. Mr. Chairman, this is a very straightforward amendment. It means just exactly what it says.

Mr. Chairman, for your information and for that of the Members, title 50, United States Code and appendices thereto, which are referred to in this amendment, have to do with the defense function and organization of the United States of America.

There are precedents for legislative exemption and I should like in two items to set forth clearly and quickly why this amendment should be accepted.

We discussed this at considerable length yesterday. The answer is that: First, all people in the military do come under the definition of "consumers;" and, second, they have "interests of consumers."

It should follow, therefore, Mr. Chairman, as a matter of simple deduction that under "the interest of the consumers," where the taxpayer's interest of the individual man in the military is concerned, that he might under this broad-based bill bring action against the Commander in Chief and the Secretary of Defense or any one else, for a cost overrun, and therefore tie up the military procurement and defense functions of the United States of America.

My second point, Mr. Chairman, is the letter referred to in yesterday's CONGRESSIONAL RECORD, from Assistant Secretary of Defense Shillito, wherein he first said that portions of this bill as now written will affect the industrial security—that is the security clearance of defense plants.

Second, that it will affect the inspection service; third, the inspections of delivered purchased items or services, to make sure that they meet contract specifications.

The third point is that it will affect the pre-award survey, that are determinations as to whether companies have the capability to perform the work described in the contract solicitations.

Then in the nonappropriated fund activities—and this involves the post exchanges, the navy exchanges, the base exchanges and commissaries where nonappropriated funds are used—they will be thrown into turmoil.

Finally, turmoil will result in the Office of the Surgeon General of the Medical Department of the Army, which must inspect and which has many responsibilities for food service inspection, food sanitation, and related activities.

Mr. Chairman, I repeat, as I made the point yesterday, Assistant Secretary of Defense Shillito says that:

Although the Department of Defense would cooperate with the consumer organizations, it would be advisable, in view of the functions of the military services, that they be excluded from the mandatory provisions of the bill.

Mr. Chairman, my amendment does only that. It exempts, by excluding the provisions of title 50 and any appendixes thereto, the military function, and the function of defense from this crippling situation.

Mr. Chairman, I hope the amendment will be accepted.

Mr. Chairman, the letter from the Assistant Secretary of Defense to which I have referred is as follows:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., July 19, 1971.

HON. DURWARD G. HALL,
House of Representatives,
Washington, D.C.

DEAR MR. HALL: This is in reply to your letter of 11 June 1971 requesting a descriptive listing of all hearings, investigations or other proceedings of the Department of Defense which could be construed as substantially affecting the interests of consumers so as to justify intervention by the proposed Consumer Protection Agency under H.R. 14, 92nd Congress.

Section 204(a) of the bill would empower the Consumer Protection Agency to intervene in "any investigation, hearing, or other proceeding" not involving an adjudication for the purpose of imposing a penalty for violation of a statute or regulation, if the result of such investigation, hearing or other proceeding may substantially affect the interests of consumers which may not be adequately protected unless the Agency intervenes. It appears to us that the intent and thrust of this bill is addressed to the kind of proceedings customarily engaged in by regulatory agencies, such as rate making and licensing proceedings, which have a direct and clear relationship to and affect the interests of consumers. However, since H.R. 14 does not define "the interests of consumers", it would appear possible that, if this phrase were to be very broadly interpreted, it could be construed as authorizing intervention in several DOD investigative-type activities, although we believe that only very few might be susceptible to such action. These include the following:

a. Industrial Security—security clearances of defense plants.

b. Inspection Service—inspections of delivered purchased items or services to make sure that they meet contract specifications.

c. Pre-award Survey—determinations whether companies have the capability to perform work described in contract solicitations.

d. Nonappropriated Fund Activities—investigations of contractors or concessionaires dealing with the Army and Air Force Exchange Service, the Navy Exchange or other nonappropriated fund activities of all the Military Departments.

e. Surgeon General—inspection responsibilities relating to the health of the military personnel of each service. The Veterinary Service, under the Surgeon General, liaisons with the Departments of State, Agriculture, Health, Education & Welfare and other federal and civilian agencies and professional organizations on matters including food service inspection, food sanitation, and related activities.

Section 204(b) of the bill empowers the Consumer Protection Agency to intervene in certain types of adjudicative proceedings. Department of Defense contract adjudications conducted by the Armed Services Board of Contract Appeals (ASBCA) could arguably qualify under this section. However, it is doubtful that an appearance by the consumer organization would serve any useful purpose. Those appeals are based upon provisions in defense contracts wherein the parties agree that disputes between the contractor and the contracting officer will be referred to the Board as the Secretary's representatives for decision. The decision of the Board must therefore necessarily be governed by the terms of the contract being reviewed. Review of ASBCA decisions in the courts is likewise restricted to the issues raised under the contract. This is in contrast to adjudicatory proceedings in certain regulatory agencies (e.g., Interstate Commerce Commission, Federal Trade Commission) where intervention or investigation on behalf of the consumer interest could have a bearing upon the outcome of the matter to be decided.

Section 207(b) of the bill would authorize the Consumer Protection Agency to direct the Department of Defense to utilize its testing facilities and staff expertise to test products offered for sale or intended for sale by a manufacturer. This provision would adversely affect our capability for the timely testing of defense material and equipment for our armed forces. It is not believed that our test facilities and personnel should be utilized in the testing of consumer products.

Although the Department of Defense would cooperate with the consumer organizations, it would be advisable, in view of the functions of the military services, that they be excluded from the mandatory provisions of the bill.

I trust that the above information is responsive to your request. I am sorry that our misunderstanding concerning your initial request may have inconvenienced you.

Sincerely,

BARRY J. SHILLITO,
Assistant Secretary of Defense.

Mr. HOLIFIELD. Mr. Chairman, I reluctantly rise in opposition to the amendment offered by my friend, the gentleman from Missouri.

I understand and sympathize with the gentleman's intention, but I must oppose the amendment. I oppose it because other amendments seeking exceptions for one department or another could very easily be offered and I see no point in chipping away at a carefully structured bill.

Let me say to the gentleman from Missouri, where the Consumer Protection Agency would get involved in military defense functions that are listed in title 50 of the United States Code, I do not know.

Let me say that title 50 of the United States Code is no small book. Here it is right before us. A very large book.

All we are asking now is to take some action on this legislation which seeks to protect consumers. Without adequate knowledge of what is in title 50 and appendixes, we do not want to exclude any department in principle.

Mr. HALL. Will my friend yield at that point?

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

Mr. HALL. I have taken the trouble to peruse title 50 to which the gentleman has referred. I cannot understand—and, like the gentleman from California, I am not legally trained—what may be happening to the military, and I am sorely beset. I fail to understand how the gentleman can claim that this is a carefully structured bill if, indeed, he and his committee have not considered the devastating effect that the bill might have on just the few simple military functions I have listed.

Mr. HOLIFIELD. The gentleman knows my record of support of the defense of this country. He knows that it is a good record. He knows I have voted with him, I would say, on 98 percent of the votes cast to strengthen our country on military matters. In my district I have been labeled as a "hawk," and I suppose the gentleman has been, too. No one appreciates more than I do the gentleman's serious intent. But we cannot at this time take up this type of matter. We have not had an opportunity to study it. There is no doubt that many other proposals could be brought into this bill which neither the gentleman nor I have had an opportunity to study. The gentleman may have studied this matter thoroughly but I have been studying a lot of different things in this bill and not title 50 of the United States Code.

I do not want even to have a vote on the amendment if the gentleman would be kind enough to withdraw it. If the gentleman will give me the information he has, I shall transmit it to the other body, and if when they consider the matter they put it in the bill, I would consider it in conference on its merits. But I could not, in good faith, make a commitment to accept an amendment that I believe is so far reaching and perhaps dangerous to the welfare of the dependents of the military who are in this country, the majority of whom are in this country and will come under the protection of the Agency in everything that they buy.

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

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

Mr. HORTON. I believe it should be pointed out that we have thought about this problem. The bill is replete with examples of that. On pages 22 and 23 we set forth limitations with regard to disclosure of information. We do protect the disclosure of information from the Department of Defense, other national security interests, and the like. So that phase of it is covered.

The other phase that I think the gentleman from Missouri is worried about is covered in the Administrative Procedure Act in section 553, which has to do with rulemaking, and section 554, which has to do with adjudication. Rulemaking and adjudication are defined by the Administrative Procedure Act as those terms are used in this bill. Under "Rulemaking," section 553 states:

(a) This section applies, according to the provisions thereof, except to the extent that there is involved—

(1) a military or foreign affairs function of the United States;

Section 554. Adjudications:

(a) This section applies, according to the provisions thereof, in every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing, except to the extent that there is involved—

* * * * *

(4) the conduct of military or foreign affairs functions;

So those matters are excluded in the definition of "adjudication" and "rulemaking," and they are not involved in the matters in which the agency can intervene or participate.

Further, a careful analysis of the letter from the Assistant Secretary of Defense will reveal that his comments are directed at an older version of the bill. That bill reported to and now before the House contains many additional safeguards which I believe should meet most, if not all, of the concerns expressed in the letter regarding the intervention and testing authority of the Consumer Protection Agency.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman from Missouri consider withdrawing his amendment at this point? I do not even want to ask for a vote on it, if the gentleman will withdraw it. I know that is a great request to make.

Mr. HALL. Mr. Chairman, if the gentleman will yield, I see no occasion for withdrawing the amendment, and I full well appreciate his offer to take the material I have amassed and go with it to the other body or to conference and see that the military function and the defense function of the United States are protected.

Mr. HOLIFIELD. I cannot take it to conference unless the gentleman's amendment is adopted, but I will consider the information——

Mr. HALL. Which is exactly why I cannot agree to the gentleman's suggestion of withdrawing it. However, I will tell the gentleman I will not force a record vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. HALL).

The question was taken; and on a division (demanded by Mr. HALL) there were—ayes 58, noes 67.

So the amendment was rejected.

Mr. McCLOSKEY. Mr. Chairman, I will be unavoidably absent today during the votes on the amendments to the Consumer Protection Act of 1971 and passage of this act. I wholeheartedly support the amendment offered by my colleague Mr. MOORHEAD.

I strongly support consumer protection legislation and urge enactment of the pending bill.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in favor of the Moorhead amendment and urge my colleagues to pass the Consumer Protection Act of 1971 with this amendment intact.

This legislation is necessary for two very basic reasons. First, it is necessary if we are to meet the need for better coordination among the various existing Federal programs; and second, it is necessary in order to provide the American consumer with a strong voice capable of representing the consumers' interest in the administration of consumer protection laws.

The Consumer Protection Act has two major provisions. It would create an independent Consumer Protection Agency and it would provide statutory authority for a permanent Office of Consumer Affairs in the White House.

The bill, as reported out of committee, is certainly a step in the right direction. However, if we truly desire to provide the American consumer with the adequate protection which is so urgently needed, we must strengthen this bill by adopting the amendment now before us.

This amendment would broaden the Consumer Protection Agency's authority to intervene as a party in adjudicatory proceedings before Federal agencies.

The amendment would also give the Consumer Protection Agency the authority to conduct oversight of informal proceedings before Federal agencies and would permit the CPA to conduct oversight over the manner in which these proceedings are used to dispose of complaints affecting consumer affairs. Further, the amendment would provide the CPA with authority to require other Federal agencies to provide information in order to carry out these oversight responsibilities.

Mr. Chairman, despite the passage of the Fair Packaging and Labeling Act, the American consumer continues to be besieged with all types of advertising slogans and rhetoric which are not always completely true.

The American consumer is certainly entitled to something more than mere "false advertising" from the U.S. Congress. If the Consumer Protection Act is actually going to do what its title implies—protect the consumer—then it must be strengthened by adopting this amendment.

For these reasons, I urge adoption of this amendment and passage of this bill.

Mr. HARRINGTON. Mr. Chairman, on the floor today is one of the most important and far-reaching pieces of legislation ever to come before us—the Consumer Protection Act. Unfortunately, the bill reported out of the Government Operations Committee is completely inadequate. It is, in fact, an insult to every consumer in America.

For decades the consumers of America have been unprotected, either by their Government or by industry. No voice has promoted consumer interests within the

Government, except the Office of Consumer Affairs and we all know that office has no effective power. The work of consumer advocates outside of Government has been arduous, slow, and often sidetracked because Government and industry have failed to respond to legitimate complaints almost as a matter of course.

The American consumer demands and deserves a genuine and effective consumer protection act. He has waited long enough. Last year the action, or rather the inaction of the Rules Committee, in refusing to report out consumer legislation added to the alienation of citizens from Government. This irresponsibility is to be deplored. To rectify this situation it is imperative that Congress demonstrate its concern for the problems of the American people. To this end I support the Moorhead amendment to the proposed Consumer Protection Act of 1971 (H.R. 10835).

Clearly there is a need to provide the consumer with a strong voice. Existing consumer oriented agencies, such as Federal Trade Commission, Food and Drug Administration, and the National Commission on Product Safety, have not proved adequate for the protection of the consumer. Reports by a Commission of the American Bar Association, a 1969 internal study of FDA, reports issued by Subcommittee on Intergovernmental Relations of this committee, the final report of the National Commission on Product Safety, all testify to this gross inadequacy. Likewise, consumers readily testify to significant harms experienced in areas ranging from dangerous toys, inadequate or false-labeling information, flammable products, harmful preservatives added to foods, and vehicle defects. It is evident that a significant problem exists.

H.R. 10835 has been proposed to correct these harms. The basic concept of giving the consumer more of a voice is to be applauded. But while a voice is needed, that voice will not be effective unless the Moorhead amendment is adopted. The limitations in section 204 of the bill exclude the agency's participation in most of the adjudications before Federal agencies. When any Federal agency fails to act in the interest of the consumer on problems falling within the rulemaking or adjudicatory powers of the agency, the CPA should have the right to investigate such problems for the purpose of submitting information and recommendations to Congress.

The bill now before us would limit the Consumer Protection Agency's authority to represent consumers in adjucatory proceedings so as to exclude the Agency's participation in most of the adjudications before Federal agencies. Congressman MOORHEAD's amendment would provide that section 204 of the bill will apply only to "those parts of the proceedings relating directly to the decision to impose any criminal fine, penalty, or forfeiture."

When any Federal agency fails or refuses to take action in the interest of the consumer on problems falling within the rulemaking or adjudicatory powers of the agency, I believe that the Consumer Protection Agency should have the right to investigate such problems for the purpose of submitting information, findings, and recommendations to Congress.

If this Congress is to provide a genuine and effective means for the protection of the consumer interests of the Nation, these extensions in the authority of the Consumer Protection Agency must be made, at the very minimum.

It is not to be suggested that the CPA should be a superagency, only that it be an effective agency. In the President's consumer message to Congress in 1969 he announced a buyer's bill of rights to uphold the consumer's interests.

I believe that the buyer in America today has the right to make an intelligent choice among products and services.

The buyer has the right to accurate information on which to make his free choice.

The buyer has the right to expect that his health and safety is taken into account by those who seek his patronage.

The buyer has the right to register his dissatisfaction, and have his complaint heard and weighed, when his interests are badly served.

The Rosenthal-Moorhead amendment of H.R. 10835 is a reasonable extension of the Consumer Protection Agency's authority. With this reasonable extention of authority we can actuate the buyer's bill of rights.

Mr. BOLAND. Mr. Chairman, I rise in support of the Moorhead amendment. Without it, this legislation would fall short of its goal: broad and lasting protection of the American consumer's interests.

Idly gathering dust in the Congress for the past 10 years, the major provisions of the Consumer Protection Act now appear likely to become law. But the act's key provision—the one establishing a Consumer Protection Agency to act as the public's watchdog—has been weakened. In fact, it has been all but crippled. The committee bill would shut the CPA out of any agency's adjudicatory proceedings that meet this muddled criterion: "seeking primarily to impose a fine, penalty, or forfeiture."

Yet, virtually every consumer protection law in this country's statutory code provides explicitly for fines, penalties, or forfeitures. If they lack such legal sanctions, the laws would be meaningless—indeed, next to worthless. The committee provisions would bar the CPA from carrying out its mission as consumer advocate in fully 90 percent of the Government's rulemaking and decisionmaking proceedings.

Taking a far more rational approach, the Moorhead amendment would prevent the CPA from taking part in only those parts of a hearing—I emphasize the word "parts"—that are "related directly to the decision to impose fines, penalties, or forfeitures." The amendment, moreover, would empower the CPA to review any agency's policies to determine just how well consumers are being represented. The CPA, therefore, could expose to the Congress any shirking of responsibility it uncovers in Federal agencies charged with safeguarding consumers.

Still further, Mr. Chairman, Mr. Moorhead's amendment would require Federal agencies to give the CPA any information it might need in exercising its role of overseeing these agencies' activities.

The need for a strong Consumer Protection Agency is more than obvious. Even the most cursory glance at newspaper headlines tells why: soups that breed lethal toxins, toys that maim, meat tainted with processing chemicals, cars hastened through the assembly line so quickly and so heedlessly that major defects are commonplace.

Everyone, even the most mulishly stubborn opponents of consumer protection, knows what I am talking about here. The American consumer needs an advocate—a coordinated agency that can champion his interests in court, in a Federal agency, in a factory, before a council, even within the White House itself. American industry is already well represented through powerful lobbies and moneyed "institutes." But the consumer has little more than gadflies like Ralph Nader and the backing of an aroused public opinion.

Government agencies established to help protect the consumer are scattered widely throughout this country's bureaucracy. Three different agencies, for example, enforce the Fair Packaging and Labeling Act. And nine separate agencies—yes, nine—are charged with enforcing truth-in-lending laws.

As one of the original cosponsors of the Consumer Protection Act, I am keenly aware of the need for tough legislation rather than token legislation.

Again, I urge passage of the Moorhead amendment.

Mr. STOKES. Mr. Chairman, when I agreed to cosponsor the bill introduced by the gentleman from New York (Mr. ROSENTHAL), I did so in the hope that the agency to be created would become an expert, aggressive advocate for consumer interests in Federal agency proceedings.

I regret to say that the bill reported by the Committee on Government Operations is far weaker than the bill which so many of us supported originally.

The gentleman from Pennsylvania (Mr. MOORHEAD) has offered an amendment which will very substantially improve the committee bill and make it a piece of consumer legislation of which we can be proud. That amendment will give the Consumer Protection Agency, or CPA, the legal right to participate in adjudicatory proceedings in other agencies. The committee bill prevents that participation in the vast majority of adjudications. It prohibits CPA involvement in proceedings "seeking primarily to impose a fine, penalty, or forfeiture" which includes the great majority of adjudicatory proceedings. The Moorhead amendment simply limits CPA's participation to the nonpunitive aspects of the case. CPA, in other words, can intervene but cannot seek or urge the imposition of any penalty. Its role is to seek remedies like cease and desist orders which prevent future harm to the consuming public rather than to exact penalties for past actions.

A second weakness in the committee bill is the complete lack of any remedy for CPA in cases in which an agency refuses to initiate proceedings. CPA cannot, under that bill, intervene unless and until formal proceedings are begun. Unless it has some recourse with respect to informal proceedings, it will be helpless

with respect to a very high proportion of agency decisions. The Moorhead amendment permits CPA to act in cases in which the agency having authority refuses to initiate proceedings. CPA is not given the power of the agency to adjudicate or to engage in rulemaking but is able to conduct the same type of investigative proceeding. It could gather information just as the agency would, but, rather than making a rule or rendering a decision, it would report the facts to Congress. On the basis of such a report, Congress could study both the consumer problem involved and the performance of the agency which had refused to act.

We have heard comments to the effect that if consumers are given an advocate within the bureaucratic structure, other interest groups will demand such representation. My answer is that we are all consumers and we, as consumers, are largely unrepresented. Most of the other factions which have an interest in agency proceedings have advocates in the form of powerful, well-financed lobbies. Each of the lobbies claim to have the public interest at heart. Administrative proceedings are carefully supervised by trade associations, industry representatives, and highly skilled corporate attorneys, scientists, and other experts. These special interest advocates interact on a continuing basis with the agencies which affect their clients. If the Moorhead amendment is adopted, CPA will become a worthy adversary for the special interest advocates. It will assert the interests of all of us who consume products and services in opposition to the interests of the producers. It will fight vigorously for the rights of consumers to safe products and to delivery of full value for our money. I intend to vote for the Moorhead amendment and hope my colleagues will join me.

Mr. RARICK. Mr. Chairman, for 3 days we have listened to debate on H.R. 10835, the Consumer Protection Act of 1971. Seemingly, the bill is misnamed as consumer protection, since the majority of the discussion centers about helping and protecting the little man. Perhaps the bill should have been better named the "Poor People's Protection Act." I say this because everyone in the United States is a consumer; and if we are devising laws to protect consumers, the tenor of the legislation should be directed toward all buyers and users, not just the impoverished section of the consumers.

The bill is an insult to every man and woman in America because it tells them that they do not have enough commonsense to be able to shop or market for goods without a Federal "expert" telling them if it is wholesome or sound. Perhaps some laws controlling the cheap foreign imports would serve to protect our buyers more than creating another Federal bureaucracy.

Already our small businessmen and retailers complain that they are harassed with a myriad of reports, inspections, paperwork, and customer suits. To give the breath of life to another Federal bureaucracy can only serve to curb or destroy the growth of small businesses under the SBA programs. More Federal controls, more redtape, more standardization, and dictatorial control will only bring about more foreclosures and bankruptcies unless the same business people are free to bear the losses and additional expenses by passing them on to the consumer in the form of a new consumers' tax. In either event, the destruction of many of our small businesses or the increase in retail prices to compensate for the new cost burden to be borne by our retailers can only result in higher prices to the consumer and probably less competition and choice of goods.

One of the major complaints in socialist countries with no competitive free enterprise is that there is only the state store to buy from—there is little variety of brand names or styles from which to choose. In the long run, I fear that this bill will prove to hurt more than protect the consumer.

And is such a new bureaucracy really necessary, or is it being sold to this body as some kind of a last resort—not to solve anything—but to get the people off our backs? There are now 2,814 bureaus and agencies in our Federal Government. According to the committee's report on this bill, we are told that 10 years ago there were more than 100 activities for consumer interest carried out by 33 Federal departments and agencies. Since then, additional laws have been passed and today there are hundreds of consumer protection and information activities spread throughout the Federal establishment.

I include a portion of the Government Operations Committee report on H.R. 10835 at this point:

There are today hundreds of such activities spread throughout the Federal establishment. Some examples of the proliferation are: Responsibility for enforcing the Truth-in-Lending Act is vested in nine separate agencies; administration of the Fair Packaging and Labeling Act is divided among three agencies—The Federal Trade Commission, the Food and Drug Administration, and the Department of Commerce; no less than five Federal agencies are responsible for consumer protection of the poor; Flammable Fabrics Act jurisdiction is shared by the Department of Commerce, the Federal Trade Commission, and the Food and Drug Administration; responsibility for the wholesomeness of fish and fishery products falls both to the Food and Drug Administration and the Interior Department's Bureau of Commercial Fisheries.

Departments and agencies that conduct one or more consumer programs are:

Administration on Aging.
Agricultural Research Service.
Bureau of Federal Credit Unions.
Bureau of Labor Statistics.
Civil Aeronautics Board.
Consumer and Marketing Service.
Defense Department.
Environmental Control Administration.
Federal Aviation Administration.
Federal Communications Commission.
Federal Deposit Insurance Corporation.
Federal Extension Service.
Federal Home Loan Bank Board.
Federal Housing Administration.
Federal Power Commission.
Federal Reserve Board.
Federal Trade Commission.
Food and Drug Administration.
General Services Administration.
Government Printing Office.
Interior Department.
Interstate Commerce Commission.
Justice Department.
National Bureau of Standards.
National Commission on Product Safety.
National Commission on Consumer Finance.
National Highway Safety Bureau.
National Transportation Safety Board.
Office of Consumer Services.
Office of Economic Opportunity.
Office of Education.
Office of Renewal and Housing Assistance.
Post Office Department.
President's Committee on Consumer Interests.
Public Health Service.
Securities and Exchange Commission.
Transportation Department.
Treasury Department.
Veterans' Administration.

There may be merit in an argument for the need to combine these various consumer agencies under one head. But again, we have all seen what happens from unifying power and authority under one central agency. It grows and grows and creates unto itself more power and privileges than were ever intended by the bill that gave it birth. I am afraid that will be the primary result of this bill also.

I am not satisfied that this is a proper field for government to enter unless our goal is to destroy the free market and free enterprise. Because I feel that the risk far outweighs the benefits, I am constrained to cast my people's vote in opposition to this bill.

Mr. VANIK. Mr. Chairman, the interests of the American consumer have been inadequately represented and protected within the Federal Government. Today the "purchasing American" faces a difficult combination of technology and Madison Avenue ingenuity. He has been matched against whirling computers and psychological motivational experts. The typical consumer has been repeatedly tempted into the marketplace by promises of product perfection, only to be disappointed. The Congress has, to date, failed to protect the consumer, but the time has come for a change. The consumer needs and deserves to be protected, so that the great, free enterprise system does not prove to be an illusion. The free enterprise system with its give and take in the marketplace is essentially healthy and constructive, but the one-sided power of the seller must be tempered. A strong consumer protection agency is desperately needed. Unfortunately, the bill before us, H.R. 10835, the Consumer Protection Act of 1971 has been severely diluted from its original strength and intent.

When this legislation was originally initiated it generated substantial interest and overwhelming support from the consumer community and the public in general. If we produce legislation which falls short of the public's rightful expectations, the reality of congressional responsiveness to the needs of the people comes into question. At the beginning the Nixon administration opposed this legislation with all of the resources at its command. In the past 2 months the administration has succeeded in stripping the legislation of its potential for helping consumers. All that remains now is the shell of what was once an effective solution for abuse of the consumer. It may be that the administration's approach to consumer protection has been dictated more by a concern for the producers than for the massive abuse that has been dumped on the millions of consumers.

There are two major reasons why the Consumer Protection Agency should be given back its original strength. The 1971 Consumer Protection Act will be defenseless without section 204 being strengthened. First, producers have the financial resources to buy the best advocates to represent them in agency proceedings, while the consumer goes largely unrepresented. Second, the highly splintered authority for administering consumer laws has resulted in a lack of coordination among the various programs. The authority for administering our 200 consumer programs presently rests with 39 different agencies. Often responsibility for administering one law is split among several agencies. For example, truth and lending provisions are enforced by nine different agencies, and at least five Federal agencies are responsible for consumer protection programs for the poor. Without section 204 returned to its original potential, the Agency will be ineffective in attaining these consumer goals.

Section 204 prohibits the Consumer Protection Agency from participating, "as a matter of right," in the informal enforcement of the consumer protection statutes. For example, in 1970 the FTC disposed of over 250 flammability cases by the use of informal settlements, and only 25 through formal adjudication. This is an important area of consumer concern since approximately 900 children are burned to death every year as a result of ignition of their clothing. Therefore, the Consumer Protection Agency should be able to oversee and insure the protection of the consumer during informal enforcement process.

The informal disposition of complaints of the Civil Aeronautics Board is so frequent that the board has established an "Informal Legal Division" in its Bureau of Enforcement. In fiscal year 1971, the Civil Aeronautics Board instituted or concluded over 1,800 informal complaints against air carriers for violations of law. Only 231 complaints were settled formally during that same period.

During fiscal year 1970, the Interstate Commerce Commission conducted 805 informal proceedings on the question of motor carrier's operating rights—all without a hearing. The Interstate Commerce Commission also acted informally on 278 applications to deviate from the regular routes taken. Its Bureau of Enforcement handled, informally, during fiscal year 1970, 3,007 complaints against carriers. During all of these informal proceedings the consumer himself, or a representative, was not present to protect his interest.

The elimination of the right to participate in the informal enforcement proceedings has severely weakened the ability of the Consumer Protection Agency to do its job effectively.

Also in section 204 the Consumer Protection Agency is prohibited from any formal adjudications "seeking primarily to impose a fine, penalty, or forfeiture." We are tieing the hands of the CPA if we require it to undertake adjudications alleging the violation of consumer law, without allowing the agency to impose some form of sanctions. According to this self-defeating clause, the overwhelming majority of consumer related adjudications would not permit party intervention of the CPA.

Under section 204, the CPA is banned from partaking in any other agency's internal procedures. FTC investigation of possible Flammable Fabrics Act violations are cases in point. A recent FTC news release on flammable Japanese scarfs in California showed that the original FTC investigation took 3 months and failed to turn up all of the scarfs. A later FTC investigation found the new scarfs and outlets, but assistance by the CPA could have saved time and injuries. The following is a list of other investigations where the CPA would have been of invaluable service:

First, requiring the moving industry to comply with ICC rules governing interstate household movers.

Second, vehicle defect investigations.

Third, Civil Aeronautics Board passenger complaint surveys.

Fourth, USDA and FDA food contamination investigations.

Fifth, HEW's investigation of dangerous TV's and toys.

Sixth, encyclopedia sales investigations.

In a summary, the bill specifically limits the Consumer Protection Agency from intervening on behalf of the consumer in the following ways:

First, as was mentioned earlier the CPA could not intervene in adjudicatory proceedings if they are "seeking primarily to impose a fine, penalty, or a forfeiture."

Second, CPA could not intervene in proceedings or actions before State or local agencies and courts—except in capacity of a rather weak amicus curia with the permission of the State and local agencies.

Third, the CPA could not require industry to give it information concerning possible abuses of the consumer except through formal adjudication which someone else might initiate.

Fourth, the CPA could not intervene as a party in any preliminary Federal agency investigations.

In short, the bill as reported from committee is not strong enough to wage the battle for the consumer. In effect, the present section 204 of the committee bill would effectively prohibit the CPA from intervening "as a party" in over 90 percent of agency actions affecting the consumers. If the Congress is to provide a genuine and effective means for the protection of the consumer interests of the Nation it should adopt the amendment of the gentleman from Pennsylvania (Mr. MOORHEAD). This amendment would broaden CPA's authority to represent the consumer in proceedings of other Federal departments and agencies. The amendment would permit CPA intervention as a party in more adjudicatory proceedings than the committee bill; allow CPA to conduct oversights of certain informal agency proceedings, and permit CPA under certain conditions to get information from the private sector on consumer practices. The Moorhead amendment allows the Consumer Protection Agency to represent consumers when and where necessary as long as it does not break the practice and procedure of the host agency or the courts. This amendment is desperately needed so as to provide the Consumer Protection Agency the basic authority it needs to prevent fraud, injury, and deaths. The Consumer Protection Agency needs this authority to curb the sharp and unfair practices in the marketplace.

I received a letter from one of my constituents claiming she sent money for a magazine subscription but received no magazines. After a barrage of letters to the editor and no replies, she wrote to the Consumer Federation of America, Better Business Bureau, and the U.S. Postal Inspection Service. All of her efforts were of no avail in settling her problem. These are the type of consumer problems that should be directed to one Consumer Protection Agency with investigative and adjudicative powers to halt such consumer fraud.

I urge all the Members of this House to support H.R. 10835 with the strengthening amendment of the gentleman from Pennsylvania. This is a start in the protection of the American consumer. Much more progress is needed in order to fully protect the consumer from illicit business practices. This strengthened bill will help the honest businessman in rooting out those illicit businesses which hurt the competitive marketplace.

The consumers of America deserve and need to be protected. This bill, if strengthened, can do that job.

Mr. RANDALL. Mr. Chairman, I rise to support H.R. 10835 as reported by the committee without amendments. This bill, known as the Consumer Protection Act of 1971, has as its very central portion the creation of an agency which will be called the Consumer Protection Agency.

Now, I could not support the amendment offered by our colleague (Mr. FUQUA) because it would leave the new Consumer Protection Agency in no better position than provided in the committee bill and, in some cases, in a worse position.

The so-called amicus curiae provision would remove all effective tools from the new agency. It would make the new Consumer Protection Agency come sort of like a man hat in hand, before the old regulatory agencies to plead consumer cause without the rights of a party who would have the privilege for judicial review or to cross-examine witnesses or have the usual and ordinary privileges which would otherwise be accorded to a party in Federal administrative proceedings.

The amicus curiae amendment would merely permit the CPA or the new Consumer Protection Agency to appear as a kind of interested observer without the opportunity to participate fully or to challenge harmful decisions. If we adopt this kind of an amendment then we would weaken the new agency before it starts and further erode public confidence in government procedures.

Mr. Chairman, I shall support the committee version of this bill, without amendment, because I believe the consumer interests are the common interests for all 200 million Americans. By H.R. 10835 we have created a strong, responsible, and hopefully, a very effective bill.

To prove the point, let me enumerate just a few of the long list of powers the bill gives the new Consumer Protection Agency.

The new agency will have a right to participate as a party in rulemaking and adjudicatory proceedings. It will have broad access to the courts. It can obtain information from other agencies. It can request specific information from other agencies on behalf of consumers. It will have the right to demand justification of agencies refusal to act. It will have the right to be informed by all agencies of all action of any kind that affects consumers.

Just as I believe that it would be unwise to weaken the Consumer Protection Agency by the adoption of the Fuqua amendment it is equally dangerous to proceed into the dangers of dual prosecution proposed by the Moorhead amendment. The advocates of the Moorhead amendment sought to gain support by saying that the bill as written would exclude the Consumer Protection Agency from about 90 percent of agency adjudication. Some of the membership of the House may have believed this allegation, but it is erroneous, incorrect, and not the true facts. Take the case for instance of the Federal Trade Commission or the Food and Drug Administration. Neither can impose by their adjudications either fines, penalties, or forfeitures.

If the prime justification for the Moorhead amendment is that under the committee bill the Consumer Protection Agency is "excluded from adjudications" then we have not been provided an accurate presentation of the facts. The law allows only a court to impose fines or penalties. Since the proposed amendment affects only agency adjudications then the amendment would have no effect on the power to intervene in either the FTC or the FDA, notwithstanding the statements made in a letter sent out to accompany the amendment.

Most of you would agree we are legislating in a complicated area. We should also be able to agree that the bill as it came from committee measures up to the description that it is a carefully considered, well-balanced piece of legislation designed to serve consumer interests. We all owe a great debt of gratitude to the able chairman of the House Committee on Government Operations (Mr. HOLIFIELD), for his effective and illuminating explanation of the bill as he opened general debate.

The membership of this House owes a debt of gratitude to Chairman HOLIFIELD, and to ranking minority Member FLO DWYER, and the members of the subcommittee that worked weeks and weeks to bring to us the Consumer Protection Act of 1971. The bill has been long in its making because it draws upon many sources to make for a sensible and workable bill.

It makes the Office of Consumer Affairs at the presidential level a statutory office or a permanent office provided by law rather than one now established by Executive order of the President. The Office of Consumer Affairs will coordinate the various functions of Government bearing upon consumer interest.

The very heart of the bill is the Consumer Protection Agency. This is something new. A good way to describe the objective of H.R. 10835 is to say that the numerous functions and responsibilities of the Consumer Protection Agency can be classified into two major areas: informational responsibilities and representational responsibilities. Put differently, the Consumer Protection Agency as an independent agency in the executive branch has at least four separate functions: First, to represent consumers in Federal agency proceedings; second, to handle and follow up on consumer complaints; third, develop and disseminate information of interest to the consuming public; and fourth, to protect and advance consumer interests on a broad general front.

In our complex industrial society with its constant technological change which produces an endless variety of goods and services, the consumer needs accurate information and assistance which only the Government can provide.

The importance of this bill is that today consumer interests become a lot more than just economical purchasing or a question of fair dealing. It becomes a matter of consumer health and even his life. Thereby, it is not an overstatement to say that by enactment of this bill we are seeking to improve the health and life of the Nation at large.

From outside sources I have heard it argued this bill is not needed because we already have several Federal agencies that were created to protect the consumer. The question has been raised; Why should taxpayers pay for duplicate agencies, perhaps to fight one another? We hear the question raised whether the Consumer Protection Agency creates a kind of super status that might or could disrupt the older regulatory agencies. For those who choose to believe the foregoing allegations or arguments then the only course is to vote against this bill.

For my part I see in this bill a new and sincere effort to further protect our consumers and at the same time to protect business—legitimate business. The only kind of business this bill will hurt is the fly-by-night or quick-buck artists who should and ought to be run from the marketplace.

H.R. 10835 is a strong and effective bill, notwithstanding the campaign conducted to misrepresent the bill. It is carefully balanced to be sure that trade secrets will not be disclosed or that test data will not be misrepresented, and that duplicative work will be avoided, as much as possible.

For those who believe that consumer protection legislation should go further than provided in this bill, let me emphasize as strong as I can that a vote for the committee bill without amendments will not in any way lessen your stature as a strong consumer advocate. Those who support this bill affirm the proposition that the ancient doctrine of buyer beware is dead.

Those who vote for this bill are saying that they want this new agency to start out on a careful course rather than run wildly in all directions. We must proceed cautiously and judiciously with this new consumer agency because it is new. Remember the Congress is an institution of long standing. It will be here next year and the year after that to add strengthening amendments that may be dictated by time and experience. It is far better to improve this statute at some future date than have to come back and undo the damage by too much zeal and without any awareness of the consequences of being overzealous.

H.R. 10835 has been described by our distinguished chairman as a measure of justice for consumers. I would add that it is a fine example of the art of the possible. To support the Consumer Protection Act of 1971 is a vote for the best interests of the consumers of America.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. BOLAND, 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. 10835) to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes, pursuant to House Resolution 637, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment?

If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 345, nays 44, not voting 40, as follows:

[Roll No. 300]

YEAS—345

Abourezk	Blatnik	Celler
Abzug	Boggs	Chamberlain
Adams	Boland	Chisholm
Addabbo	Bolling	Clancy
Alexander	Bow	Clark
Anderson, Calif.	Brademas	Clay
	Brasco	Cleveland
Anderson, Ill.	Bray	Collins, Ill.
Andrews, Ala.	Brinkley	Conable
Andrews, N. Dak.	Brooks	Conte
	Broomfield	Conyers
Annunzio	Brotzman	Corman
Archer	Brown, Mich.	Cotter
Arends	Brown, Ohio	Coughlin
Ashley	Broyhill, N.C.	Culver
Aspin	Broyhill, Va.	Daniels, N.J.
Aspinall	Burke, Fla.	Danielson
Badillo	Burke, Mass.	Davis, Ga.
Baker	Burlison, Mo.	Davis, S.C.
Barrett	Burton	Davis, Wis.
Begich	Byrne, Pa.	Delaney
Belcher	Byrnes, Wis.	Dellenback
Bell	Byron	Dellums
Bennett	Caffery	Denholm
Bergland	Carey, N.Y.	Dent
Biaggi	Carney	Dingell
Biester	Carter	Donohue
Bingham	Casey, Tex.	Dow
Blanton	Cederberg	Downing

Drinan	Kemp	Rangel
Dulski	King	Rees
Duncan	Kluczynski	Reid, N.Y.
du Pont	Koch	Reuss
Dwyer	Kuykendall	Riegle
Eckhardt	Kyros	Roberts
Edmondson	Landrum	Robinson, Va.
Edwards, Calif.	Latta	Robison, N.Y.
Eilberg	Leggett	Rodino
Erlenborn	Lennon	Roe
Esch	Lent	Rogers
Eshleman	Link	Rooney, N.Y.
Evans, Colo.	Long, Md.	Rooney, Pa.
Evins, Tenn.	Lujan	Rostenkowski
Fascell	McClory	Roush
Findley	McCollister	Roy
Fish	McCormack	Roybal
Flood	McCulloch	Runnels
Flowers	McDade	Ruppe
Foley	McDonald, Mich.	Ruth
Ford, Gerald R.	McEwen	Ryan
Ford, William D.	McFall	St Germain
Forsythe	McKay	Sandman
Fountain	McKevitt	Sarbanes
Fraser	McKinney	Scheuer
Frelinghuysen	McMillan	Schneebeli
Frenzel	Macdonald, Mass.	Sebelius
Frey	Madden	Shipley
Galifianakis	Mahon	Shriver
Gallagher	Mann	Sisk
Garmatz	Martin	Skubitz
Gaydos	Mathias, Calif.	Smith, Calif.
Giaimo	Matsunaga	Smith, Iowa
Gibbons	Mayne	Smith, N.Y.
Goldwater	Mazzoli	Snyder
Gonzalez	Meeds	Staggers
Grasso	Melcher	Stanton, J. William
Gray	Metcalfe	Stanton, James V.
Green, Oreg.	Michel	Steed
Green, Pa.	Mikva	Steele
Griffin	Miller, Ohio	Steiger, Wis.
Griffiths	Mills, Md.	Stokes
Grover	Minish	Stratton
Gude	Mink	Stuckey
Hagan	Minshall	Sullivan
Hamilton	Mitchell	Symington
Hammer-schmidt	Mizell	Talcott
Hanley	Mollohan	Taylor
Hanna	Monagan	Teague, Calif.
Hansen, Idaho	Montgomery	Teague, Tex.
Hansen, Wash.	Moorhead	Terry
Harrington	Morse	Thompson, Ga.
Harsha	Mosher	Thomson, Wis.
Harvey	Moss	Thone
Hastings	Murphy, Ill.	Tiernan
Hathaway	Murphy, N.Y.	Udall
Hays	Myers	Ullman
Hébert	Natcher	Van Deerlin
Hechler, W. Va.	Nedzi	Vander Jagt
Heckler, Mass.	Nelsen	Vanik
Helstoski	Nichols	Veysey
Henderson	Nix	Vigorito
Hicks, Mass.	Obey	Wampler
Hicks, Wash.	O'Hara	Ware
Hillis	O'Konski	Whalen
Hogan	O'Neill	Whalley
Holifield	Patman	White
Horton	Patten	Whitehurst
Hosmer	Pepper	Whitten
Howard	Perkins	Widnall
Hull	Pettis	Wiggins
Hungate	Peyser	Williams
Hunt	Pickle	Wilson, Charles H.
Ichord	Pike	Winn
Jacobs	Pirnie	Wolff
Jarman	Podell	Wright
Johnson, Calif.	Poff	Wyatt
Johnson, Pa.	Powell	Wydler
Jonas	Preyer, N.C.	Wyman
Jones, Ala.	Price, Ill.	Yates
Jones, N.C.	Price, Tex.	Yatron
Jones, Tenn.	Pryor, Ark.	Young, Fla.
Karth	Pucinski	Young, Tex.
Kastenmeier	Quie	Zablocki
Kazen	Quillen	Zion
Keating	Railsback	Zwach
Keith	Randall	

NAYS—44

Abbitt	Dickinson	Purcell
Abernethy	Dorn	Rarick
Ashbrook	Dowdy	Roncalio
Betts	Edwards, Ala.	Rosenthal
Blackburn	Fisher	Rousselot
Buchanan	Flynt	Satterfield
Burleson, Tex.	Goodling	Scherle
Cabell	Gross	Schmitz
Camp	Haley	Scott
Clawson, Del	Hall	Spence
Collins, Tex.	Hutchinson	Steiger, Ariz.
Crane	Kyl	Waggonner
Daniel, Va.	Landgrebe	Wilson, Bob
Dennis	Passman	Wylie
Devine	Poage	

NOT VOTING—40

Anderson, Tenn.	Fuqua	Morgan
Baring	Gettys	Pelly
Bevill	Gubser	Rhodes
Chappell	Halpern	Saylor
Clausen, Don H.	Hawkins	Schwengel
Collier	Kee	Seiberling
Colmer	Lloyd	Shoup
de la Garza	Long, La.	Sikes
Derwinski	McCloskey	Slack
Diggs	McClure	Springer
Edwards, La.	Mailliard	Stephens
Fulton, Tenn.	Mathis, Ga.	Stubblefield
	Miller, Calif.	Thompson, N.J.
	Mills, Ark.	Waldie

So the bill was passed.

The Clerk announced the following pairs:

Mr. Sikes with Mr. Don H. Clausen.
Mr. Fuqua with Mr. Collier.
Mr. Chappell with Mr. Gubser.
Mr. Stubblefield with Mr. Lloyd.
Mr. Bevill with Mr. McClure
Mr. Slack with Mr. McCloskey.
Mr. de la Garza with Mr. Mailliard.
Mr. Fulton of Tennessee with Mr. Pelly.
Mr. Morgan with Mr. Saylor.
Mr. Thompson of New Jersey with Mr. Shoup.
Mr. Hawkins with Mr. Schwengel.
Mr. Diggs with Mr. Derwinski.
Mr. Miller of California with Mr. Springer.
Mr. Baring with Mr. Colmer.
Mr. Gettys with Mr. Waldie.
Mr. Kee with Mr. Stephens.
Mr. Anderson of Tennessee with Mr. Long of Louisiana.
Mr. Mills of Arkansas with Mr. Seiberling.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and to include extraneous material.

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

There was no objection.

HOLIFIELD'S 29 YEARS OF CONSUMER PROTECTION VOTES

(Mr. HOLIFIELD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HOLIFIELD. Mr. Speaker, I have been viciously attacked as an enemy of the consumer during the committee and House consideration of the Consumer Protection Act of 1971.

Mr. Speaker, a partial list of 89 major public laws dealing with consumer affairs have been passed by Congress since January 1943, when I began my service in the House of Representatives. Each of these laws deal with the safety, quality, purity, reliability and availability, cost, availability and choice of goods and services offered to consumers. These laws deal with housing, clothing, food, transportation, banking services, credit, insurance, hazardous substances, and many other items necessary for day-to-day living. Most of these laws have been amended several times since enactment.

I am proud to state that I cast affirmative votes for, or supported all of these measures. I opposed none of them. I now proudly add to the list H.R. 10835, the Consumer Protection Act of 1971 which I authored:

LIST OF PUBLIC LAWS—HOLIFIELD VOTE

Public Health Service Act of 1944: Yea Voice Vote.
Lea Act (Radio-Coercive Practices), 1946: Yea.
Federal Corrupt Practices Act, 1947: Yea.
Federal Insecticide, Fungicide, and Rodenticide Act, 1947: Yea.
Housing Act of 1948: Yea.
Housing Act of 1949: Yea.
Bureau of Standards Act, 1950, 1956: Yea Voice Vote.
Clayton Act (Anti-Trust Act), 1950: Yea.
Federal Deposit Insurance Act, 1950: Yea.
Defense Housing and Community Facilities and Services Act of 1951: Yea.
Fur Products Labeling Act, 1951: Yea.
Humphrey-Durham Act, 1951 (Misbranded Food): Yea.
Flammable Fabrics Act, 1953: Yea.
Voluntary Home Mortgage Credit Act, 1954: Yea.
Bank Holding Company Act of 1956: Yea.
Dollinger Act (Food and Drugs,) 1957: Yea Voice Vote.
Poultry Products Inspection Act, 1957: Yea Voice Vote.
Automobile Information Disclosure Act, 1958: Yea.
Food Additives Amendment of 1958: Yea.
Power Train Brakes Safety Appliance Act of 1958: Yea.
Textile Fiber Products Identification Act, 1958: Yea.
Nematocide, Plant Regulator, Defoliant, and Dessicant Amendment of 1959: Yea, voice vote.
Color Additive Amendments of 1960: Yea, voice vote.
Federal Hazardous Substances Labeling Act, 1960: Yea, voice vote.
Drug Amendments of 1962: Yea.
Senior Citizens Housing Act of 1962: Yea.
Urban Mass Transportation Act of 1964: Yea.
Food Stamp Act of 1964: Yea.
Housing Act of 1964: Yea.
Automotive Products Trade Act of 1965: Yea.
Department of Housing and Urban Development Act, 1965: Yea.
Federal Deposit Insurance Act, 1965: Yea.
Federal Food, Drug, and Cosmetic Act, 1965: Yea.
Health Insurance for the Aged Act, 1965: Yea.
High-Speed Ground Transportation Act, 1965: Yea.
Housing Act of 1949, Amendments: Yea.
Housing Act of 1950, Amendments: Yea.
Housing Act of 1957, Amendments: Yea.
Housing and Urban Development Act of 1965: Yea.
National Housing Act, 1965: Yea.
Standard Reference Data Act, 1965: Yea.
Textile Fiber Products Identification Act, 1965: Yea.
Child Protection Act of 1966: Yea.
Demonstration Cities and Metropolitan Development Act of 1966: Yea.
Federal Hazardous Substances Act, 1966: Yea.
Federal Home Loan Bank Act, 1966: Yea.
Fair Package and Labeling Act of 1966: Yea, voice vote.
Freedom of Information Act, 1966: Yea.
Highway Safety Act of 1966: Yea.
Federal Meat Inspection Act, 1967: Yea.
Flammable Fabrics Act, 1967: Yea.
Housing Act of 1956, Amendments: Yea.
Meat Inspection Act, 1967: Yea.
National Commission on Product Safety Act, 1967: Yea.
Public Broadcasting Act of 1967: Yea.
Wholesome Meat Act, 1967: Yea.
Consumer Credit Protection Act, 1968: Yea.
Federal Flood Insurance Act of 1956, Amendments: Yea.

Fire Research and Safety Act of 1968: Yea.
Flood Control Act of 1968: Announced for.
Housing and Urban Development Act of 1968: Yea.
National Flood Insurance Act of 1968: Yea.
Poultry Products Inspection Act, 1968: Yea.
Radiation Control for Health and Safety Act of 1968: Yea.
Truth in Lending Act, 1968: Yea.
Wholesome Poultry Products Act, 1968: Yea.
Child Protection and Toy Safety Act of 1969: Yea.
Credit Control Act, 1969: Yea.
Housing and Urban Development Act of 1969: Yea.
Consumer Credit Protection Act, Amendments, 1970: Yea.
Emergency Home Finance Act of 1970: yea.
Poison Prevention Packaging Act of 1970: Yea.
Emergency Home Finance Act of 1970: Yea.
Federal Food, Drug and Cosmetic Act, Amendment: Yea.
Federal Hazardous Substances Act, Amendments, 1970: Yea.
Federal Home Loan Mortgage Corporation Act, Amendment, 1970: Yea.
Federal Insecticide, Fungicide, and Rodenticide Act, Amendment 1970: Yea.
Federal National Mortgage Association Charter Act, Amendment 1970: Yea.
Federal Power Act, Amendment, 1970: Yea.
Federal Trade Commission Act, Amendment, 1970: Yea.
Housing Act of 1956, Amendment, 1970: Yea.
Housing Act of 1950, Amendment, 1970: Yea.
Housing Act of 1948, Amendment, 1970: Yea.
National Housing Act, Amendments, 1970: Yea.
Public Health Cigarette Smoking Act of 1969 Amendment, 1970: Yea.
Rail Passenger Service Act of 1970: Yea.
Truth in Lending Act Amendment, 1970: Yea.
Urban Mass Transportation Assistance Act of 1970: Yea.
Veterans Housing Act of 1970: Yea.

SUBSTITUTION OF CONFEREE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin (Mr. STEIGER) replace the gentleman from California (Mr. BELL) as a House conferee on the bill S. 2007, the Economic Opportunity Amendments of 1971.

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

There was no objection.

LEGISLATIVE PROGRAM FOR THE WEEK OF OCTOBER 18, 1971

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

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the rest of the week, if any, and the schedule for next week.

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

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

Mr. BOGGS. In response to the question asked by the distinguished minority leader, the program for this week has been completed. The program for next week is as follows:

Monday there will be the Consent Calendar, to be followed by four suspensions:

H.R. 9212, black lung benefits;

House Joint Resolution 923, school lunch and breakfast programs for needy children;

H.R. 10458, cooperative animal disease control; and

H.R. 8140, ports safety.

On Tuesday the first order of business will be the consideration of the Private Calendar, to be followed by:

H.R. 8687, the military procurement authorization. That is a motion to go to conference, and the announcement is made in order to inform Members that the motion will be made at that time.

Following that, H.R. 10367, Alaskan Natives land claims settlement will be considered under an open rule with 2 hours of debate.

H.R. 10670, armed services survivor benefit plan, to be considered under an open rule with 2 hours of debate.

H.R. 8293, International Coffee Agreement, under an open rule with 2 hours of debate. The rule has already been adopted. That bill had been originally scheduled for this week, as the gentleman knows.

House Resolution 597, ways and means investigation authority. That also had been scheduled for this week.

On Wednesday and Thursday:

H.R. 7248, the Higher Education Act, subject to a rule being granted;

H.R. 2, Uniform Services Health Professions Revitalization Act, under an open rule with 1 hour of debate;

H.R. 8787, Guam and Virgin Islands delegate, open rule, with 2 hours of debate; and

H.R. 10729, Environmental Pesticide Control Act, an open rule, with 2 hours of debate.

VETERANS DAY RECESS

On Monday, October 25, Veterans Day will be observed. According to announcements previously made, the Veterans Day recess will begin at the conclusion of business on Thursday, October 21, and last until noon on Tuesday, October 26.

There are several conference reports that will probably be ready for consideration next week, and they will also be called up.

Any further program will be announced later.

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

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

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding. I note there appears to be a rather light schedule on Monday. Is there some reason why one or more of these four bills listed for Tuesday is not brought up into Monday's schedule?

Mr. BOGGS. Mr. Speaker, if the gentleman will yield further, there are four suspensions scheduled plus the Consent Calendar. It may be we will conclude the suspensions early, but we found it difficult to schedule several of these bills due to the fact that some of the committee chairmen were not present or in some cases the ranking minority Member was not scheduled to be present.

If it is possible to move some of these bills up, we will do so.

Mr. GERALD R. FORD. I think it is fair to say in looking at the four bills on the whip notice that on two and maybe more we will have rollcalls, Mr. Speaker.

Mr. BOGGS. That is correct. That is why I do not consider it a light program. As a matter of fact, the schedule for next week is a rather heavy schedule.

Mr. GROSS. If the gentleman will yield, that is the point I was making, but I was not aware that there may be two rollcall votes on suspensions on Monday. I assume the first bill scheduled would have a rollcall, but I would not think on the other three bills there will be votes. It seems to me there is a light schedule if there are not two rollcalls.

Mr. BOGGS. As the gentleman knows, some of these bills were just recently reported, and only late this afternoon were rules granted, and in some cases, neither the committee chairmen nor the ranking minority Member was able to move ahead until next week as scheduled.

If it is possible to move these ahead, we will do so.

Mr. GROSS. If the gentleman will yield further, if that international coffee agreement never, never comes up, it will be too soon.

ADJOURNMENT OVER TO MONDAY, OCTOBER 18, 1971

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

PERSONAL EXPLANATION

Mr. COLMER. Mr. Speaker, much as I dislike the practice of post-mortem announcements about one's vote, or failure to vote, I take this time to announce that unavoidably I was detained in the Committee on Rules and returned to the floor too late to vote on the bill just passed, the Consumer Protection Act of 1971.

Had I been present, I would have voted for the bill.

MORE CHIEFS THAN INDIANS?

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

Mr. PIKE. Mr. Speaker, yesterday, a subcommittee of the House Armed Serv-

ices Committee revealed that our Military Establishment today has more sergeants than privates, more lieutenant colonels than second lieutenants.

Today the Secretary of the Army announced that the Army would release 65,000 officers and enlisted men from active duty by June 30, 1972, in order to "provide a more proper balance in the grade structure." I hope so, but according to the release, only 4,000 officers are being released against 61,000 enlisted men. The officers being released include low-ranking officers which we are short of and who get killed in the war, but not colonels—which we are glutted with.

In order that all Members may have access to the figures which show how our Military Establishment is shaped today, the following is the complete text of my opening statement on behalf of the subcommittee yesterday:

STATEMENT OF CHAIRMAN OTIS G. PIKE, OCTOBER 13, 1971

Today we open hearings on the overall subject of how the military uses its manpower. This Subcommittee, which was create by Chairman Hébert on September 16, 1971, is officially designated "The Special Subcommittee on the Utilization of Manpower in the Military". The things which we intend to look at might justify its being called by other names. It might be called a "Subcommittee on Fat and Fight" or a "Subcommittee on Chiefs and Indians". The jurisdiction of the Subcommittee as to how the military uses its manpower is very broad, and it seemed appropriate to start these hearings with testimony as to what our military manpower consists of: how many enlisted men we have for each officer and for each noncommissioned officer, what their rank is, where they are, and what they are doing.

In an effort to present some perspective about what our defense establishment consists of today, I have made some comparisons between what it consists of today and what it consisted of a generation ago. I have chosen the date of June 30, 1946, for a comparison with June 30, 1971, not merely because it represents a 25-year period but also because there are other similarities which make such a comparison valid. We were then, as we are now, reducing our military establishment after a wartime buildup. The total size of the military establishment on June 30, 1946 was approximately the same as it was on June 30, 1971—3,030,088 men in 1946 and 2,714,727 in 1971.

The shape of the Army at that time, however, was far different than it is today. Here I use the word "shape" solely in the sense of configuration and not in the sense of equipment, morale, or any other factor.

Our military officer personnel profile 25 years ago was roughly in the form of a pyramid with large numbers of Indians and smaller numbers of Chiefs. As an example, the Army at that time had about two majors for every three second-lieutenants, less than one lieutenant colonel for every two second-lieutenants. The Army Air Corps was more of a pyramid, with approximately one lieutenant colonel for every four second-lieutenants. The Navy had, in the corresponding rank, approximately one commander for every five ensigns. The Marine Corps had one lieutenant colonel for every three second lieutenants.

Today, believe it or not, our defense establishment has more officers in the rank of lieutenant colonel or commander than it has in the rank of second-lieutenant or ensign.

We find our officer corps shaped not like a pyramid but more like a balloon. Throughout our Department of Defense we have vastly increased our middle and upper-grade officers and vastly decreased our lower-grade officers.

While the ratio of officers to enlisted men remains about the same, the rank of the officers has changed drastically. For a total defense establishment of 315,000 men less than we had 25 years ago, we have today 26,000 more captains, 21,000 more majors, 15,000 more lieutenant colonels, and 4,000 more colonels. Each of those ranks include its Navy equivalent from lieutenant through captain. We have made it up by having 43,000 fewer second-lieutenants and 77,000 fewer first-lieutenants.

Among the enlisted ranks the transition from pyramid to balloon is even more obvious. On June 30, 1946, the Army had more E–1s than E–2s, more E–2s than E–3s, more E–3s than E–4s, and it had only one E–5 for every 6½ E–1s. The Air Force had one E–5 for every seven E–1s. The Marine Corps had one E–5 for every eight E–1s.

Today throughout the Department of Defense there are less E–1s than E–2s, less E–2s than E–3s, less E–3s than E–4s, and the balloon effect starts to taper off only at the E–5 level. The Army which 25 years ago had seven recruits for each sergeant, today has more sergeants than recruits. The Navy which was on approximately a one-to-one basis 25 years ago, today has eight E–5s for every E–1. The Marine Corps which 25 years ago was on an eight-to-one basis, is today on a one-to-one basis.

Twenty-five years ago more than half of our officers were below the grade of captain, today two-thirds of our officers are captains or better. Today we have more E–5s among our enlisted ranks than E–1s and E–2s combined.

The significance of all this is apparent in two areas—one pertaining to budget, the other pertaining to fighting strength.

Addressing the subject of the budget—first, let us assume that the new pay scales in effect today were applied to the grade and rank structure which was in effect in 1946. Omitting the warrant officers because there was a difference of only 23 between the two dates, we could at today's brand-new pay scale, but at 1946's rate structure, have 51,000 more officers and 315,000 more enlisted men in our armed forces for $760 million less. Or to put it another way, we could take today's total number of officers and today's total number of enlisted men, but spread them according to the grade structure of 1946, and the resulting cost would be $2,700,000,000 less. Obviously, it costs more to pay Chiefs than to pay Indians.

Even more fundamental than the budgetary consideration, however, is the question of how our men are used in combat. In 1945 the Department of Defense classified 24.1 percent of our enlisted men as ground combat troops. By 1967 that figure had dropped from 24 percent to 14 percent. While we have asked for later figures on the subject, we have not yet received them, but in 1967 figures showed that out of 100 enlisted men in all services, fewer than eight were in the infantry, three were in the artillery, one and a half were in armor, and 1.7 were combat engineers. For every combat infantryman, there was an electronics maintenance man; for every artilleryman there were more than three aircraft mechanics and repairmen; for every armored combat man, there were three automotive mechanics and repairmen.

This is the logistic "tail" which has led one former Army career man to refer to the Army as ". . . a dragon with a huge tail and tiny teeth."

Finally, of course, there is the question of who gets killed in a war. We have approximately one officer for every seven enlisted men but, as of December 31, of total combat deaths 4,502 had been officers, 39,737 had been enlisted men. Of that same total, 44,249 combat deaths, 29,803 had served in the military for less than two years, 14,983 for less than one year.

The Army and the Marines suffered most of the casualties in Vietnam. As of June 30th of this year, 68 percent of the dead of the Army were corporals or below, 87 percent of the Marine dead were corporals or below. An Army sergeant had a more than three times better chance of surviving than a private first class, a Marine sergeant an eight times better chance.

All of the foregoing are cold statistics. Whether our military has too many Chiefs and too few Indians, too much fat and not enough fight, too many colonels and not enough corporals are judgments we must each make for ourselves.

It is our intention during these hearings to provide for the Armed Services Committee, and for the Congress, hard facts on which to make these judgments. It is our hope that if new legislation is required, we will be able to recommend new legislation which will help to some degree. The grade structure which we will discuss today is to some extent the creature of Congress, and to some extent it is not.

Our first witness will be Lieutenant General Robert C. Taber, Principal Deputy Assistant Secretary to the Assistant Secretary for Manpower and Reserve Affairs, Department of Defense.

MILITARY PROCUREMENT BILL

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

Mr. BIAGGI. Mr. Speaker, the House and Senate will soon be in conference over the military procurement bill which includes a controversial provision permitting resumption of U.S. trade with Rhodesia in chrome ore. An amendment to that effect was approved by the Senate last week and should be agreed to by the House conferees.

Five years ago, the United States halted all trade with Rhodesia as part of the United Nations sanctions against that country's break with the United Kingdom. As a result this Nation has had to turn to the only other supplier of chrome ore—the Soviet Union.

The Soviets have been ruthlessly raising the prices on chrome ore as a result of their monopoly hold on the market. While our strategic stockpiles of chrome ore are substantial at the moment, it is ironic that we are dependent on one of our international antagonists for our supply of this essential metal.

The domestic policies of Rhodesia should not be our primary concern here. Rather we must consider the consequences of a foreign policy that makes a nation dependent on its enemies rather than its friends for strategic defense materials.

Moreover, the excessive prices we are paying for the chrome ore adds dollars to the coffers of the Soviet Union at a time when the U.S. monetary position is very weak.

Many will argue that the failure of Rhodesia's white minority to enfranchise the black majority is sufficient reason for continuing the sanction. Others will claim that removing the restrictions on even just chrome ore will further erode the United Nations' limited enforcement powers.

Both points, however, pale in the light of national security considerations and sound international relations.

We would be in a far better position to influence domestic policies in Rhodesia as a friend instead of an enemy. Addi-

tionally, our support of the colonial interests of the United Kingdom against the declaration of independence by Rhodesia is contrary to our American principles.

Certainly I would like to see a broader based electorate in Rhodesia, but I would remind my colleagues that this Nation had a very limited number of people enfranchised in its early days. Blacks, women, and people under 25 did not receive the right to vote for almost a century or longer after this Nation's founding.

The Senate amendment permitting resumption of trade in chrome ore with Rhodesia should be accepted by the House. I hope my colleagues will support this policy change and urge the House conferees to do the same.

TO PROHIBIT PCB'S

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

Mr. RYAN. Mr. Speaker, on behalf of 23 of my colleagues, yesterday I reintroduced my legislation to ban the distribution of polychlorinated biphenyls—PCB's—in interstate commerce.

H.R. 10085, which I originally introduced, and its companion with cosponsors (H.R. 11219) would provide the one step that is now essential to insure that our health and our environment are safeguarded from the hazards of this highly persistent, extremely toxic industrial chemical: prohibit PCB's totally.

In recent months we have witnessed a significant number of incidents of massive PCB contamination of our food supply—contamination that has infected milk, turkeys, chickens, fish, shell eggs, swine, catfish, broken egg products, and a wide variety of packaged foods.

Yet the real tragedy of these occurrences is that they could have been prevented. During the past 2 years, I have urged the appropriate Federal agencies to take administrative actions that would have forestalled such incidents of PCB-contamination and would have guaranteed the health and safety of the public. But in an almost unprecedented display of disregard for the public health and welfare, that action was not forthcoming.

Given the failure of the Federal Government to live up to its responsibilities to protect the well being of our citizens, the Congress must act now. And the only thing that will insure that future contamination from PCB's does not occur is to ban them completely—as proposed in the legislation I have introduced. Certainly this is not a very complex task, for there is one sole domestic manufacturer of polychlorinated biphenyls: The Monsanto Co.

A list of those joining me in sponsoring this legislation follows:

Mrs. Bella Abzug, of New York.
Mr. Jonathan Bingham, of New York.
Mr. Phillip Burton, of California.
Mr. Ronald Dellums, of California.
Mr. John Dow, of New York.
Mr. Joshua Eilberg, of Pennsylvania.
Mrs. Ella Grasso, of Connecticut.
Mr. Seymour Halpern, of New York.
Mr. Michael Harrington, of Massachusetts.
Mr. William Hathaway, of Maine.
Mr. Augustus Hawkins, of California.
Mr. Ken Hechler, of West Virginia.
Mr. Henry Helstoski, of New Jersey.
Mr. Edward Koch, of New York.
Mrs. Patsy Mink, of Hawaii.
Mr. Parren Mitchell, of Maryland.
Mr. Charles Rangel, of New York.
Mr. Robert Roe, of New Jersey.
Mr. Benjamin Rosenthal, of New York.
Mr. Paul Sarbanes, of Maryland.
Mr. James Scheuer, of New York.
Mr. Robert Steele, of Connecticut.
Mr. Gus Yatron, of Pennsylvania.

CONTRIBUTING FACTORS TO THE MORALE CRISIS IN THE ARMED SERVICES

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

Mr. ICHORD. Mr. Speaker, even though American involvement in the war in Vietnam seems now to be winding down and the number of troops stationed in Southeast Asia declines accordingly, we are being made increasingly aware of the deterioration of morale among members of the Armed Forces and the consequent problems this produces for the military's future in our Nation.

The House Armed Services Committee, of which I am a member, has been examining a number of the contributing factors to the morale crisis. Drug abuse, the desertion rate, reports of so-called fragging of officers and accounts of virtual mutiny in the ranks of some units reflect adversely upon the reputation and dependability of American fighting forces.

Very clearly, the divisiveness caused by the Vietnam war among the people of these United States is having its effect on many within the armed services. However, one aspect of this morale situation which has not been widely revealed or understood is the matter of attempted subversion of the men in uniform by militant extremists of the far left. These include, of course, those with Marxist-Leninist leanings who actually seek a Communist victory in Asia and hope to promote an American defeat or, at least, a humiliation of this country and its military forces.

There is reason to suspect that there is much exaggeration in what is being said and written about the plight of our Armed Forces in terms of morale but—at the same time—we know that where there is so much smoke there must be some fire. The House Committee on Internal Security, which I have the honor to Chair, became more knowledgeable of attempts to subvert the military during the extensive hearings the committee conducted in 1969 with respect to the Students for a Democratic Society. Some additional information along these lines came to light during our lengthy 1970 hearings on the Black Panther Party.

This year, as we turned our attention in hearings on the leadership of the National Peace Action Coalition and the Peoples Coalition for Peace and Justice—the organizations which coordinated and conducted the large antiwar demonstrations of last spring—even more evidence came to light showing that Marxists of the Communist Party U.S.A, variety and those of the Trotskyite variety were instrumental in developing ways to reach and try to undermine the morale and loyalty of America's fighting men.

To date, it appears, these efforts have had but limited success—an unquestioned credit to the fundamental character and good sense of the Nation's servicemen. But because of the insidious nature of the attempts and the great potential for harm the House Committee on Internal Security today agreed the subject merited closer scrutiny. To obviate any duplication of effort or conflict of jurisdiction, I have conferred with the distinguished chairman of the Armed Services Committee and the Honorable W. C. DANIEL who is chairman of the Armed Services Subcommittee on Recruitment and Retention. While we are each mindful of the mandate and responsibilities of our respective committees, we will closely coordinate in order to preclude overlap and duplication.

Mr. Speaker, I sincerely urge anyone wishing to be heard on this subject to contact the office of the Chief Counsel of the House Committee on Internal Security promptly for we are most interested in obtaining all information pertinent to our inquiry.

As our committee commences this probe, initial research shows that the "GI Movement" is the term used by the radical left to refer to that aspect of the antiwar movement directed against the military. There are numerous organizations involved in the GI Movement—ranging from those originated and promoted by the old left, such as the GI's United—backed by the Trotskyite Communist Socialist Workers Party—SWP—and its youth arm, the Young Socialist Alliance—YSA—to those which appea. to be simply against continued involvement in the Vietnam war, such as the Concerned Officers Movement. There are about six major groups in the movement and many small, localized groups.

The groups in the GI Movement which preliminary data indicates have revolutionary Marxists in leadership positions are:

GI's United;
U.S. Servicemen's Fund Projects;
Movement for a Democratic Military; and
American Servicemen's Union.

The Socialist Workers Party is the most active of the subversive organizations in the GI Movement.

The main propaganda theme of the GI Movement is that imperialist militarisms has instigated and perpetuated an illegal war and in the process has stripped the unwilling draftee of his constitutional rights. The GI Movement professes to have the objective of awakeing the soldier to the realization that induction has not deprived him of his rights—particularly the right to speak and write freely concerning real or imagined mistreatment. The more radical in the movement feel that the aroused GI perhaps can be then induced to refuse to participate—under the Nuremberg principle—in the allegedly "illegal" war. An obvious benefit to the revolutionary movement is that any radicalization of the GI may carry over into civilian life.

The available facts indicate that the GI movement exists primarily outside the military and is essentially a civilian movement. The phenomenon of the "underground" newspapers which have sprung up in the civilian world has carried over to the military world and so-called GI papers have proliferated. Most have merely an insolent, iconoclastic tone and seem to be simply the traditional soldierly gripes in printed form. Some GI papers, however, are known to have been originated by members of the Communist Party, USA—CPUSA, SWP, and the once pro-Peking Progressive Labor Party—PLP.

At many major military bases in the United States, GI coffeehouses and underground newspapers, reportedly financed and staffed by New Left activists have become commonplace. The coffeehouses serve as centers for radical organizing among servicemen.

Film actress, Jane Fonda, an active promoter of disruption in the military, declared at a University of Texas speech:

The GI Movement is the most important thing in the country right now. . . . We should be very proud of our new breed of soldier. They are not even performing the basic functions of a soldier.

According to the testimony of Army Chief of Staff Gen. William C. Westmoreland before the House Appropriations Committee in March of this year, deliberate attempts to disrupt the military by either joint civilian-soldier activity or solely troop dissidents can be traced to such radical groups as SWP/YSA, the Workers World Party—WWP, a splinter faction of SWP—but no less Marxist-Leninist in its revolutionary outlook, and its youth group, Youth Against War and Fascism—YAWF—and the closely-affiliated American Servicemen's Union—ASU.

Along with these groups are a number of "unaffiliated" radical groups who provide seemingly naive but useful fodder in the New Left anti-American, pro-Hanoi GI programs.

Although the various groups differ on the proper approach to radicalize and alienate our young men in uniform, their doctrinal justification for doing so is unanimously a throwback to the Marxist-Leninist past.

During World War I, the Russian Bolshevik Party under Lenin maintained a steady and multifaceted propaganda campaign based on the slogans "Peace, Land, and Freedom." History records the results—Tsarist Russia's army and navy, rife with chaos and rebellion, was rent asunder. Exploiting this success on an international scale after the Bolshevik victory, admission to the Comintern required each national party to agree to Lenin's "21 Conditions." Of special interest is article 4:

Persistent any systematic propaganda and agitation must be carried on among the armed forces, and Communist nuclei must be formed in every military unit. Mainly, Communists will have to carry out this work illegally, but abstention from such work . . . equivalent to betrayal of revolutionary duty . . . would be incompatible with membership in the Third International.

Some 9 years later, at the Sixth World Congress of the Comintern—attended, incidentally, by CPUSA—a resolution containing what many Soviet experts maintain is the doctrinal framework of modern Communist-manipulated antimilitarism was unanimously adopted. This resolution declared the following operational principles:

1. Revolutionary work in the armed forces of non-Communist nations "must be organized and openly advocated."

2. With respect to accepting or refusing service, Communists were instructed to encourage military service in order to "avail themselves of the opportunity to learn the use of arms, to carry on revolutionary work in the army, and at the proper moment to turn their weapons against the bourgeoisie."

3. "Democratic partial demands" for reform "must not be to democratize armies but to disintegrate them."

The resolution further declared:

The Communists must not boycott bourgeois armies but join them and take revolutionary control of this objective process of internal disintegration.

Like the current breed of radical GI programs, the implementing instructions emphasized that "a defeatist line be maintained" with reference to non-Communist states foreign policy and national defense. Again with a contemporary parallel, the instructions included demands for "Soldiers' Rights" to include "the right to organize trade unions," abolition of saluting and rank, and an end to "military punishments" and utilization of ethnic unrest to create dissension.

During the 1920's and 1930's American Communists faithfully carried out these antimilitary policies promulgated by Soviet authorities. Charges of "American imperialism" filled the air as U.S. Marines assisted the Nicaraguan Government against leftist guerrillas. America's defense preparedness became the Communists' excuse to shout "warmonger." Revolutionary cells within Army and Navy forces were organized, GI rights became legal subterfuges to permit Communists and other left-wing revolutionaries to continue their agitprop activities within the Armed Forces. Then, as now, anti-ROTC activities became the fashionable fad on campus. In the present period, we are confronted with the same old line with different trappings.

During the past 3 years, U.S. military authorities have identified nearly 100 GI coffeehouse projects and underground papers. Some are now defunct, and many have had brief tenures of existence. Since 1969, the U.S. Servicemen's Fund has subsidized over 50 of these coffeehouses and newspapers. Since 1970, through substantial contributions from its followers and admirers, USSF has organized and antiwar USO-styled entertainment troupe and has increased its legal defense activities in coordination with the GI Civil Liberties Defense Committee.

In the last few months, USSF has also put out the call for civilian recruits to staff its GI coffeehouses and papers on what it called a long-term basis. Recently, the USSF-sponsored "GI Office" here in the District of Columbia organized a week-long training course for these recruits. Its curriculum, ranging from courtmartial procedures to the legal aspects of desertion, offers an excellent example of the USSF's continued attempts to challenge the military by legalistic technicalities. Instruction on types of discharges and the methods to gain a conscientious objector classification was included. Finally, according to the proposed curriculum, the course was to be capped off by a topic entitled "Turning the Universal Code of Military Justice Around—Offensive Counseling."

Direct action revolutionary groups have also attempted to penetrate the Armed Forces The Progressive Labor Party, for example, issued a GI-oriented flyer asserting:

Our party has a program for fighting the bosses' armed forces from the inside. Support the rebellions in the stockade where the brass attempts to isolate the most militant GI's from the rest.

Another direct action type organization, the Black Panther Party, also has made attempts to woo black GI's to the revolutionary banner. The Black Panthers have, via their party paper, attempted to exploit racial tension among American forces in South Korea, while paying homage to Communist North Korea. In the December 14, 1970, issue of the Black Panther, BPP Communications Secretary Kathleen Cleaver—and wife of the fugitive from justice, Eldridge Cleaver—made this appeal to black GI's in Korea:

Right inside of the U.S. imperialist beast's army, you are strategically placed to begin the process of destroying him from within as the people's wars proceed to destroy him from without.

Her inflammatory rhetoric continued:

You don't have to wait until you get home to begin to fight, you can strike your first blow for freedom right where you stand because you stand there in chains of slavery . . . sabotage from within until you get in a position to destroy from without! We need you, your military skills, your military equipment and your courage for our own struggle. We need you to turn your guns against your true oppressors. . . . Fight on the side of your own Black people, for our true revolution. Turn your guns against your real enemy, destroy from within! Seize the Time!

When activists for the Students for a Democratic Society initiated a coffee house program in 1969 they declared:

For our revolution to come about in this country, the Army will have to be at least neutralized.

Another view, expressed by the Socialist Workers Party, asserts:

Many servicemen, as a result of their opposition to the war, have become much more open to socialist ideas, and many of these GI's can be recruited to our socialist perspective.

Such outlooks, coupled with exploitation of racial and GI rights issues, therefore can be expected to continue within the military after the Vietnam war is concluded. In the 1970's, therefore, the GI Movement will continue to be worthy of watching. For these reasons, the House Committee on Internal Security will conduct hearings, in line with a resolution adopted this past April 28, in order to better determine the true nature and extent of the GI Movement and its ties

with revolutionary groups of the new and old left. This resolution reads as follows:

RESOLUTION

(Research by Joseph Thach, Daniel Ferry and Robert Horner. Written by John F. Lewis. Reviewed by Thach, Ferry, Lewis, Horner, and Donald G. Sanders)

Be it resolved, That the Committee on Internal Security, or any subcommittee thereof appointed for such purpose, conduct investigation and hearings at such times and places as the chairman may determine, on the following subjects of inquiry: the extent, character, and objectives of organizations and groups within the United States, their members, agents, and affiliates which (a) counsel or solicit refusal of duty by members of the armed forces of the United States, (b) establish, organize, or assist in organizing centers and activities for the indoctrination and solicitation of said members of the armed forces in the commission of acts of disloyalty, insubordination, mutiny, desertion, and refusal of duty, (c) obstruct or endeavor to obstruct the recruitment or induction of military or civilian personnel for the armed forces or for civilian employment and services related to the defense of the United States, (d) incite, organize, or engage in acts of riot, arson, sabotage, murder, or other activities injurious to property, persons, or functions at military installations, or injurious to property and persons employed in defense activities, (e) participate in or promote organized propaganda activities in support of Communist regimes engaged in armed conflict with the military forces of the United States and for the purpose of advancing the policies and objectives of the world Communist movement generally, (f) incite or employ the use of force or any unlawful means to obstruct the movement of personnel or supplies of the armed forces of the United States, (g) solicit members of the armed forces to perform, promote, or facilitate activities in aid of Communist powers or forces engaged in armed conflict with the United States, (h) endeavor to indoctrinate, train, or enlist for support or use members of the armed forces of the United States and others in the application of techniques of guerrilla or revolutionary warfare to facilitate the forceful or unlawful seizure of the power of government in the United States by revolutionary organizations or groups, and all other questions in relation thereto, for the following legislative purposes:

(1) to provide factual information that would aid the Congress or any Committee of the House in any necessary remedial legislation in fulfillment of the mandate of House Rule XI, clause 11, enacted by House Resolution 5 of January 22, 1971;

(2) to assist the House in its analysis, appraisal, and evaluation of the application, administration, and execution of laws enacted by the Congress, including but not limited to the Internal Security Act of 1950 and Chapter 115 of Title 18, U.S. Code, relating to treason, sedition, and subversive activities;

(3) the evaluation and appraisal by the House of any need for constitutional amendment; and

(4) to assist this Committee in the disposition of bills pending or referred to it.

KEMP RESOLUTION ON THE RIGHT TO LEAVE ONE'S COUNTRY AND RETURN

The SPEAKER. Under a previous order of the House, the gentleman from New York, (Mr. KEMP) is recognized for 60 minutes.

Mr. KEMP. Mr. Speaker, next to the right of life, the right to leave one's country and return is probably the most important of human rights. However fettered in one's country a person's liberty might be and howsoever restricted his longing for self-identity, for spiritual and cultural fulfillment and for economic and social enhancement, opportunity to leave a country and seek a haven elsewhere can provide the basis for life and human integrity.

The right of all persons to emigrate from and also return to one's country is probably first among the human rights that define a free society. Only a free society grants its citizens the liberty to leave.

In the United States, we strongly believe that the right to leave and to return is the constituent element of personal liberty, and thus all Americans—except those under some kinds of legal due process—may leave and may return for good reason or bad or no reason at all.

It is significant to note that this concept is hardly one of recent origin. The right to leave is founded on natural law. Socrates regarded the right as an "attribute of personal liberty," and the Magna Carta in the year 1215 incorporated the right to leave for the first time into national law. The French Constitution of 1791 provided the same guarantee, and an act of the U.S. Congress declared in 1868 that:

> The right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness.

The right to leave must be recognized as a precedent for other rights. For example, if a person is restricted from leaving a country, he may thereby be prevented from observing or practicing the tenants of his religion; he may be frustrated in his efforts to marry or found a family; and he could be prevented from obtaining the kind of education that he desires.

Denial of the right can also be a precedent for the denial of other rights. Disregard of this right frequently gives rise to discrimination in respect of other human rights and fundamental freedoms, resulting at times in the complete denial of those rights and freedoms. I believe that for a man who is being persecuted, the denial of the right to leave may be tantamount to the total deprivation of liberty, if not life itself.

I am personally familiar with someone who has experienced the abuses I have just described. On a recent trip to Israel, I met with Rita Gluzman whose husband has been prevented from emigrating from Ukraine to join her and their infant son in Israel. I am sure that such regrettable instances are very common.

This view that next to the right of life, the right to leave one's country and return is probably the most important of human rights is sustained by international opinion as authoritatively expressed in a study compiled by the Subcommission on the Prevention of Discrimination and Protection of Minorities entitled, "Study of Discrimination in Respect of the Right of Everyone to Leave Any Country, Including His Own, and to Return to His Own Country." Published in 1963 after exhaustive research, it is considered to be the best expression of international opinion.

There already exists a body of international law on the subject which conforms to international opinion as authoritatively expressed in the aforementioned study.

Article 13/2 of the United Nations Declaration of Human Rights reads:

> "Anyone has the right to leave any country, including his own, and to return to his country." U Thant has called the Universal Declaration the "Magna Carta of Mankind". It is far more than a mere moral manifesto. According to leading international lawyers who had assembled in Montreal in March 1968, the Universal Declaration "constitutes an authoritative interpretation of the [UN] Charter of the highest order, and has over the years become a part of customary international law."

The second body of international law bearing on the subject is the International Convention on the Elimination of All Forms of Racial Discrimination. This treaty, which has been ratified by 46 nations, including the U.S.S.R., and is in force, "guarantees that the right of everyone" to enjoy, among various rights, "the right to leave any country, including his own, and to return to his country."

The third major international legal document is the International Covenant on Civil and Political Rights which reads:

> Everyone shall be free to leave any country, including his own.

Clearly then, both authoritative world opinion and international law consider the right to leave and to return as a fundamental human right binding on all governments.

I do recognize that there are universal reasons for refusal to grant an exit visa or reentry. But it is significant that the Soviet Union has assumed binding and even contractual obligations under international law to fulfill the right to leave and to return.

It proclaims itself to be a strong adherent to the Universal Declaration of Human Rights. The Soviet Union also actively endorsed a 1963 U.N. Declaration on Racial Discrimination which called upon "every state" to observe "fully and faithfully" the provisions of the Universal Declaration of Human Rights.

It has also voted for and signed two binding international treaties which carry specific reference to the right to leave—the International Convention on the Elimination of Racial Discrimination and the Covenant on Civil and Political Rights.

The act of signing a convention or covenant is indicative of a government's general agreement with and support of the provisions of the treaty as well as its intent to consider submitting the treaty to its appropriate domestic organ for ratification.

The Soviet Union has also obligated itself to observe the humanitarian principle that specific consideration be given to the reunion of families. In 1960, Mr. Khrushchev stated that:

> We do not object to the reunion of any persons if this is what they want.

In some instances, the Soviet Government goes beyond the principle of the reunion of families and endorses the principle of the reunion of entire ethnic

groups. Spaniards, Russo-Poles, and Greeks have been allowed to emigrate.

It is regrettable, however, to note that while the Soviet Government has been sympatheticaly disposed to the principle of reunion of families and to some ethnic groups, it has made an exception in the case of Soviet Jews. This inconsistency between general policy and their position with regard to Soviet Jews is certainly a cause for embarrassment to the Soviet Union.

We have a situation, then, in which the Soviet Union has obligated itself in a variety of ways to international standards which require it to give effect to the right to leave and return; and, it has accorded recognition to the humanitarian principle of reunion of families and even ethnic groups. Hence, it appears that people who seek to emigrate are merely seeking implementation of this legal and moral right.

Yet, in spite of these obligations, the Soviet Union's latest official pronouncement of October 6, 1971, relative to the right to leave is that emigration is a privilege, a decision to be made by the state, not a right of the individual.

Soviet physicist, Andrei Sakharov, has recently spoken out in favor of a free-emigration policy. Deploring the refusal to let Russians emigrate, Sakharov says that the right to leave must exist for those who wish to use it, because the existence of such a right is "an essential condition for spiritual freedom for everyone." And, he is right.

In this context, I think that the vengeful trial of Jews attempting to leave Leningrad, the plight of thousands like Rita Gluzman, the killing of approximately 65 people trying to flee East Berlin, and the brutal beating, recapture, and subsequent prosecution of the Lithuanian seaman on an American Coast Guard vessel, the expressed fear of Solzhenitsen that if he accepted the Nobel Prize in Stockholm, he would be barred forever from his Russian homeland are all evidence of how closed societies operate in terms of human and spiritual progress.

I think it is evident that only the political system confident of its own worthiness can rest its case with the individual citizen, allowing him to stay or go as he chooses.

Mr. Speaker, I am sure you are aware and it is evident from the examples contained in my resolution, all nations have not honored and adhered to this basic and internationally recognized human right. It is my feeling that these regretful actions should be brought to the attention of not only the people of the United States but the whole world at the U.N.

Hence, I am submitting this concurrent resolution which was drawn up with the concurrence of our Ambassador to the United Nations, George Bush. If passed, it will be indicative of the attitude of the American people in clear terms toward this important moral issue and will express the unequivocal desire of the Congress to have this issue brought before the U.N. General Assembly by Mr. Bush.

Mr. Speaker, I think it is appropriate at this point to mention that a group of young people from Buffalo and Erie County put together a petition drive which gathered more than 20,000 signatures protesting the treatment of Soviet Jews. This group is represented by three outstanding young people who have come to Washington today to help me lend support to this effort. Their names are as follows: Miss Michele Lombard, 16, of Sweet Home Central High School, representing the Machon chapter of B'nai B'rith; Miss Patricia Michel, 16, of Amherst Central High School, a Protestant, and Mr. Brian Schaefer, 16, of Bishop Turner High School, representing Catholic youth groups. They were accompanied by Rabbi Robert Bronstein of Temple Shaarey Zedek, Buffalo, chairman of the United Jewish Federation's Council on Soviet Jewry and Alan N. Gendler, assistant director of the United Jewish Federation of Buffalo.

I think it is significant that this petition drive though initiated by the Jewish community was given impetus by the wholehearted support of the Catholic youth organization and members of the youth of the National Conference of Christian and Jews. In fact, I am told by Mrs. Milton Kahn, one of the organizers, that on Friday evenings and Saturdays when the Jewish young people could not participate in the signature campaign their posts were manned by non-Jewish youths. It has been truly a grassroots, bipartisan, interfaith effort and reflects, I think, the high type young people that we have today, not only in western New York but around our country. I am very proud of them, Mr. Speaker, and hope that their example will bring about a greater understanding of the significant role that youth can play in helping solve the issues confronting our country.

Mr. Speaker, at this point I would like to insert a copy of an article by Morris B. Abram, the distinguished former president of Brandeis University who served as U.S. Representative on the U.N. Human Rights Commission:

[From the New York Times, Jan. 22, 1971]

THE RIGHT TO LEAVE

SOVIET UNION DEFIES BASIC HUMAN RIGHT ADOPTED BY THE U.N.

(By Morris B. Abram)

The recent vengeful trial of Jews attempting to leave Leningrad, the brutal beating and recapture of the Lithuanian seaman seeking asylum on an American Coast Guard vessel, the expressed fear of Solzhenitsyn that if he accepted a Nobel prize in Stockholm, he would be barred forever from his Russian homeland—all these events say something sad and significant about the Soviet Union fifty years after the Revolution.

The Soviet Government is afraid to honor a basic and internationally recognized human right, the right of everyone to leave any country and to return to his own country.

The principle is derived from natural law, was regarded by Socrates as an attribute to personal liberty, is upheld in Grotius's treatise on International Law and was guaranteed to Englishmen in the Magna Carta. Socrates, in his dialogue with Crito, stated the law of Athens and the reason: ". . . we further proclaim to any Athenian by the liberty which we allow him, that if he does not like us when he has become of age and has seen the ways of the city, and made our acquaintance, he may go where he pleases and take his goods with him."

During my five years of service in the United Nations, my Soviet colleagues were consistently hypersensitive to any discussion of the right to leave one's country. I knew, of course, that the Soviet Union had fought a last ditch fight against Article 13, finally proposing and losing an amendment to make the right conditional, "in accordance with the procedure laid down in the laws of that country."

Eventually, the Soviet Union abstained in the General Assembly vote. However, the force of the declaration was affirmed unanimously twenty years later in the Proclamation of Teheran that declared, "The Universal Declaration of Human Rights states the common understanding of the peoples of the world concerning the inalienable and inviolable rights of all members of the human family and constitutes an obligation for the members of the international community."

In 1963, the United Nations Subcommission for the Prevention of Discrimination and Protection of Minorities considered a study of discrimination on the right of everyone to leave any country, including his own, and to return to his own, prepared by the Philippine jurist, Jose D. Ingles. Judge Ingles proposed very explicit draft principles based on Article 13. The Soviet bloc opposed its publication, demanded the deletion of material from authoritative sources giving instances of denials by Soviet-bloc nations of the right to leave the bloc countries, and voted against the draft principles. The Soviet representatives contended at the same time that everyone was free to leave even the Soviet Union.

The Soviet Union is a great and powerful country, the bulk of whose citizens are as attached to that land as are citizens of other nations. Therefore, the Soviet unreasoning and unjustified fear of free exit perplexed me. One day at lunch with a man from one of the Soviet-bloc nations, I raised this question.

He acknowledged the Soviet fear and the shackles it had imposed on exits.

He explained: "The U.S.S.R. is a state of minorities, proclaimed by its leaders as the perfect society. If any one chooses to leave, this is a blot on the claim and a bad example to Soviet minorities, many of whom have compatriots outside the borders."

I asked his opinion as to how many people would actually leave the Soviet Union if the doors were opened. "Not many," he replied, "and many who would leave would return if there were no stigma or impediments on leaving or reprisals on returning."

He drew from the recent history of his own country, which had opened its doors after World War II. "Many left—several hundreds of thousands, but soon, I myself processed the visas for a great flow of return." Then he said: "Where the gates swing freely both ways, the flow soon establishes an equilibrium."

The Soviet Union, however, has been totally obstinate while hpyocritically contending that it has open doors. Only in the heat of debate when their guards are down do Soviet delegates tell the sad truth about the right to leave Russia and most Soviet-bloc countries today, for that matter.

The International Convention on the Elimination of all Forms of Racial Discrimination ratified by 46 nations, including the U.S.S.R. and the Ukraine, is now in force. Included among the rights enumerated is "the right of everyone to leave any country, including his own, and to return to his own country."

The cruel fact, however, is that the Soviet Union, for all of its successes and achievements, is still in some ways a frightened, primitive nation, not anything like as advanced as the Athens of Socrates.

COSPONSORS TO KEMP RESOLUTION

Representatives Lent, Goldwater, McDade, Brasco, Addabbo, Whitehurst, Thompson, Morse, Crane, Keating,

Halpern, Thone, Young, Frenzel, Koch, Rhodes, Eilberg, Rangel, Archer,

Blackburn, Terry, Bob Wilson, Wyatt, Railsback, Michel, Harrington, Derwinski, and Baker.

Mr. KEMP submitted the following concurrent resolution:

CONCURRENT RESOLUTION

Expressing the sense of Congress with respect to placing before the United Nations General Assembly the issue of the dual right of all persons to emigrate from and also return to one's country.

Whereas the Congress is concerned about the fact that some nations have not adhered to the United Nations Declaration of Human Rights which specifically recites that all people have a right to expatriate themselves—to pass freely from state to state, to remove themselves from a jurisdiction which they find destructive or offensive to their rights; and

Whereas the vengeful trial of Jews attempting to leave Leningrad, the plight of hundreds like Rita Gluzman whose husband has not been allowed to emigrate from Ukraine to join her and their baby son in Israel, the killing of approximately 65 people trying to flee East Berlin, the brutal beating, recapture, and subsequent prosecution of the Lithuanian seaman on an American Coast Guard vessel, the expressed fear of Solzhenitsen that if he accepted the Nobel Prize in Stockholm, he could be barred forever from his Russian homeland are all evidence of the fact that some nations have not honored the aforementioned basic and internationally recognized human right, the right of everyone to leave any country and return to his own country; and

Whereas the International Convention on the Elimination of All Forms of Racial Discrimination ratified by 46 nations is now in force, and included among the rights is the "right of everyone to leave any country, including his own, and to return to his own country"; and

Whereas this extremely important moral issue has never been brought before the United Nations General Assembly: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President, acting through the United Nations, should present to the United Nations General Assembly in fitting manner the issue of the right to emigrate from and also return to one's country.

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

Mr. KEMP. I shall be glad to yield to my colleague, the gentleman from Ohio (Mr. KEATING).

Mr. KEATING. Mr. Speaker, I would like to commend the gentleman from New York for the great leadership that he has provided the Members of the House in writing this resolution and for the great work he has done to help the cause of Soviet Jewry. I especially commend the gentleman for his visit to Israel and I would like to be associated with his remarks.

The time has come for the community of nations to speak up in protest of the Soviet policy of not allowing its citizens to travel freely. Their policy against Jewish citizens not only discriminates against them when they remain in Russia but it will not allow them to leave of their own free will. Perhaps the force of public opinion can change this policy.

Mr. KEMP. I thank my colleague for his remarks.

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

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

Mr. ARCHER. Mr. Speaker, I would like to join in support of the gentleman from New York in his effort to bring about the adoption of this resolution.

I commend the gentleman also for his statement and I would like to associate myself with the gentleman's remarks.

Mr. Speaker, I would like to also add that this summer I took my family to the United Nations and went on a tour of that body. I inquired specifically at that time as to whether there had been any official inquiry in the United Nations on behalf of the Jews in Russia. At that point, in the latter part of August, there had been no official inquiry. So I hope we will be able to see some action taken along this line while the U.N. is in session.

Mr. KEMP. I thank the gentleman for his contribution.

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

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

Mr. SMITH of New York. Mr. Speaker, I too want to commend the gentleman for bringing this matter and this great moral question to the attention of the House of Representatives, to the people of the United States, the General Assembly of the United Nations and, in fact, the people of the world.

Mr. Speaker, I think it goes without saying that one of the easiest tests of freedom and tyranny in this complex world of ours is whether a country will let its citizens leave freely and come back freely. Whenever one is in doubt of where any country stands, this easy test will produce a quick and perfect answer

I, too, commend the gentleman and I am proud to be one of the cosponsors of this concurrent resolution.

Mr. KEMP. I thank the gentleman for his comments.

Mr. Speaker, I would add that anyone, who hears the story of Mrs. Gluzman, the facts in her case and the circumstances with reference to the Jews who are in Soviet Russia and, indeed, people around the world who have this problem, will be deeply moved and anxious to bring this to the attention of the Congress, the United Nations, and the world.

Mr. KOCH. Mr. Speaker, I want to commend the gentleman from New York, our colleague, JACK KEMP, for undertaking this special order today so that we might discuss the plight of Soviet Jewry and for his efforts on behalf of that persecuted minority.

The Soviet Union is engaging in the cultural genocide of the Jewish people held captive in the U.S.S.R. While surely it is not easy to be religiously observant for anyone whether he be Christian, Moslem, or Jewish in the Soviet Union it is especially difficult by reason of the Soviet Government's harassment to practice the Jewish religion. The best illustration is the fact that while other religions are permitted to train their priests, the Jews are not permitted to maintain a seminary in the Soviet Union for the training of rabbis. The effect of this discriminatory action is easily seen when one visits the Soviet Union and finds that in the European part of the Soviet Union where most of the Jews reside there are only three rabbis, all aged, now able to minister to their congregations. In the capital city of Moscow where approximately 500,000 Jews live, there is only Rabbi Lehuva Levin who is 78 years of age, ill, and without a successor.

Culturally the Soviet Union again discriminates against Jews, a recognized nationality under the Soviet Union's constitution, by prohibiting the Jews from conducting schools where they could teach their children in Yiddish or Hebrew languages. Whereas, the Soviet Union encourages such language schools for every other nationality including smaller groups such as the Volga Deutsch which are numerically fewer than the Jews.

The Soviet Jews have made it dramatically clear by potests in the Soviet Union, leading to their arrests and imprisonment, that they wish to leave the Soviet Union and go to Israel. The Soviet Union has permitted a small trickle to leave, believing, most Western observers think, that by allowing what the Soviet Union characterizes as "troublemakers" to leave they will remove the problem. On the contrary however, the problem for the U.S.S.R. worsens in that as each so-called troublemaker leaves there are 10 to take his or her place. Future generations will look back on this era of Soviet persecution of the Jews and remember as heros and martyrs those Jews who have demonstrated courage beyond compare in the Soviet Union such as Ruth Alexandrovich, Lassal Kaminsky, Lev Yagman, Dr. Michael Zand, Boris L. Kochubiyevsky, Mikhail Shepshelovich, Lev and Mikhail Korenblit, and Lilya Ontman, to name just a few.

I fervently hope that President Nixon will use the opportunity which he will have when he goes to Moscow, as he announced he will do, to urge the leaders of the Soviet Union to allow the Jews to leave. Recently U.S. Attorney General John N. Mitchell announced, to his great credit, that any Soviet Jew permitted to leave the Soviet Union, if he desires, will be allowed to come into the United States without regard to quota restrictions. We know that most Jews given the opportunity to leave the Soviet Union will go to Israel, their eternal homeland, but it is to the eternal credit of the United States that it has shown its compassion by providing the opportunity for those Jews who wish to do so to come here.

GENERAL LEAVE

Mr. KEMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on this very important issue.

The SPEAKER pro tempore (Mr. BINGHAM). Is there objection to the request of the gentleman from New York?

There was no objection.

INTRODUCTION OF PRISON GUARD/FIREMAN BILL

The SPEAKER pro tempore (Mr. BINGHAM). Under a previous order of the House the gentleman from Delaware (Mr. DU PONT) is recognized for 10 minutes.

Mr. DU PONT. Mr. Speaker, today I am introducing a bill to extend $50,000 survivor benefits to the families of police officers, prison guards, and firemen killed in the line of duty. As I am sure my colleagues are aware, a gentleman from Virginia (Mr. POFF) has already introduced a bill, H.R. 9139, which extends $50,000 death benefits to police officers' families. I believe, however, my bill would enhance the goals of the original bill by extending coverage to additional public servants who must also engage in hazardous duty for the protection of others.

In addition, it is well established that this group of men have become the focal point of abuse by the violent, dissident elements of society. The policeman, the prison guard, and the fireman have in a sense become the visable symbol of public policy and authority. In turn many have met their deaths, not because they were individuals but because they were held to be symbols. I believe that it is too much to ask that the consequences and burdens of public policy be borne alone by these men and their families. The Federal Government should extend coverage to all these men to insure that their families do not indeed become the symbols of neglect.

With each successive year, the number of police officers and other law enforcement officers killed in the line of duty continues to rise, and continues to horrify each of us. In 1965, 53 police officers alone were killed in the line of duty. But by 1970, the number had nearly doubled to 100. And no one needs to be reminded of the alarming increase in prison guard deaths that has been sweeping the country.

Certainly, nothing is more tragic than seeing a family destroyed by the senseless killing of a law enforcement officer who has dedicated his life to protecting our families.

By providing these death benefits to the slain officer's family, I think that society can provide a small boost backup for the family, and demonstrate our appreciation for their dedication to a job where they risk their lives daily. I think that these men deserve to know that their families will be protected and cared for as they work each day.

I have sponsored this bill to make prison guards and firemen as well as regular law enforcement officials eligible for the compensation, in recognition that they too perform their jobs at substantial risk to their personal safety and well-being. They too are enforcing the law. And they too deserve to know that while they risk their lives every day, their families are protected if something should happen to them.

I hope the Judiciary Committee will have hearings on both of these bills in the near future, and report out the legislation during this Congress.

HON. WALTER R. BAYLIES

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, it is with a deep sense of sadness that I learned of the passing of a highly respected former elected official in Taunton, within my 10th Congressional District, former Representative Walter R. Baylies. Representative Baylies was a public servant of great distinction and character, and his long and outstanding career will be remembered for many, many years to come. A former secretary to Gov. Robert Bradford, of Massachusetts, and his deputy commissioner of administration and finance, he also served as acting commissioner of administration under Gov. Christian A. Herter. His passing is a great loss to his many friends, and I extend to his bereaved family my heartfelt sympathy. I would like to include at this point in the RECORD a tribute which appeared on October 6 in the Taunton Daily Gazette:

WALTER R. BAYLIES DIES AT 69

Walter R. Baylies, 69, a former state representative who was acting commissioner of administration under Gov. Christian A. Herter and who served for many years as deputy commissioner, died Tuesday after a long illness.

He was first elected to the legislature from Taunton in 1934 and served until 1942 when he resigned to enter the service as a captain in the Army's military government.

After D–Day he established governmental structures in many cities in France, Belgium and Germany. During this period he directed the liberation of several concentration camps.

Earlier he was a captain in the Mass. State Guard.

Baylies was appointed secretary to Gov. Robert F. Bradford in 1947 and the following year he was appointed Deputy Commissioner in Administration and Finance. He remained in the department until his retirement last year.

Born in Boston, son of Walter Cabot Baylies, a financier, he graduated from St. Mark's School and Harvard College with the class of 1924. He was a past chairman of the Community Chest appeal in Taunton and was former chairman of the Taunton Aeronautics Commission.

In April of last year a preservation list was made of Baylies memorabilia and the ownership of the Baylies Estate was conveyed to the city of Taunton.

Survivors include a son, Winthrop A. Baylies of Winchester: a daughter, Mrs. Bernat Rosner of Ordina, Calif.; two brothers, George U. Baylies of Scarsdale, N.Y., and Edmund Baylies of Southport, Conn., and two sisters, Mrs. Randall Clifford of Easton, Md., and Mrs. Ludwig Schulze of Locust Valley, L.I.

THE SHARPSTOWN FOLLIES—XLV

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, I have not for several days brought you up to date on the Sharpstown Follies, for the simple reason that I have been preoccupied with pressing duties of my committee, relating to the economic emergency. Let me assure you that my interest in Sharpstown has not flagged; indeed my concern is greater now than it ever was before. And let me assure you that I intend to continue speaking out about this outrage, until some semblance of justice is done.

That is the issue in this case, justice.

The operations of Frank Sharp and his associates resulted in the ruination of banks, insurance companies, realty companies and assorted other firms, and serious financial difficulties for firms that he dealt with—those that have not been forced to close their doors outright. In the case of National Bankers Life Insurance Co. alone, policyholders have been advised that the cash values of their policies now are only worth half their supposed value. It will be years, or never, before these damaged people recover their losses—innocent sheep shorn by Sharp and his pals. Moreover, the machinations of Sharp and his associates resulted in wholesale corruption, including the alleged bribery of Federal and State bank examiners and a whole host of legislators and other officials of the State of Texas. As a result of the corrupting influences of Frank Sharp and his gang, Federal and State bank examiners are under criminal indictments, as are the speaker of the Texas House and his speaker pro tempore and his assistants; and the shadow of suspicion is cast on the chairman of the state Democratic executive committee, even indeed the Governor himself.

No one knows how many people who had faith in Frank Sharp and the companies he looted have been ruined or damaged in one degree or another. There are depositors who had large amounts of money in the Sharpstown State Bank, who probably will never recover all their funds. There are people who simply bought insurance policies from National Bankers Life, only to find now that the reserves of the company are hardly half what they ought to be. There are people like the Jesuit Fathers of Houston, who have been damaged to the tune of $6 million. There are the stockholders of companies that Sharp controlled, who now hold worthless securities. There are lenders who advanced cash to Sharp and his gang on the basis of those same worthless securities. There are savings and loan associations that have been pumped full of worthless paper by Sharp and his pals. All of these and many, many more are the direct victims of Frank Sharp's ingenious thievery. And none of these will have the empty satisfaction of even knowing that Sharp will be punished for what he has done, because they all know the sad, the incredible, the devastating fact that Sharp has been given complete immunity for his crimes, in exchange for testimony that thus far seems as worthless as his companies and as empty as his bank. They find themselves damaged or ruined, while Frank Sharp plays golf at his club every day, free as the wind.

Justice is the issue.

Every person who plotted and schemed

with Frank Sharp, every person who aided and abetted his monstrous scheme, ought to be brought to trial. Those who were corrupted, and those who schemed and conspired to bring about corruption and fraud and deceit, ought to face trial in competent courts.

Justice is the issue. How could it be that the Department of Justice assented to give complete immunity to this scoundrel? How could it be that he was never even so much as required to face a grand jury? And how could it be that one of his principal associates, Will Wilson, is allowed to remain in the high post of Assistant Attorney General for the Criminal Division?

Mr. Wilson was closely involved in the Sharp empire, for 6 whole years. I have told of the crooked deals that he took part in and knew of, all at great length. I have argued that a man who had such a case of moral ineptitude ought not to be in the sensitive post he occupies, and in the alternative that, if a man worked so closely with Sharp and did not know what was going on, that he does not have the wits to be an assistant attorney general. And many have agreed with me. From the Department of Justice, however, there is only contemptible silence.

I have written letters to the Attorney General and the President outlining the case and raising the issues, but there has never been a substantive reply; only a little note from the White House saying my letter was received, and nothing at all from the Attorney General himself.

And yet the Attorney General has assured the distinguished chairman of the Judiciary Committee that he is interested and concerned, and wants to learn the facts. Beyond that assurance, though, I know of nothing substantial that has been said or done by Mr. Mitchell.

Indeed, his very assurances to the great chairman, the gentleman from New York, give rise to concern. For Mr. Mitchell has said that Assistant Attorney General Wilson had insisted on a prison sentence for Frank Sharp. Wilson himself has said that he feels sorry for Sharp, and moreover has said that he disqualified himself from the case from its very beginning, and has never had anything to do with any of the decisions that were made by the Justice Department in the Sharp case. I can only conclude that the Attorney General was not informed of the facts, or that Wilson was lying when he said he knew nothing about the conduct of the case. In neither case can I be comforted: If the Attorney General was misinformed it shows that he had made no effort to ascertain the facts, and if Wilson was lying in his public statements, I am only the more convinced that he has no business in high office.

Frank Sharp has testified, with the comfort of his immunity from prosecution, that Will Wilson was one of his principal advisers in the financing of the takeover of National Bankers Life Insurance Co., which Sharp accomplished using in large part the funds of that very company. Wilson has said that he knew nothing of the financial arrangements. Again, this raises serious questions. Sharp has no reason to lie, and every reason not to, since he is subject to perjury charges. He might have a defective memory, in which case one can only wonder at the incredible belief of the Justice Department that he is a key witness. Or Wilson could be lying. It seems to me a matter of paramount importance to learn who the liar is.

Justice is the issue.

It seems insulting even to the most simple mind that a highbinder like Sharp was never so much as brought to a grand jury, only tried on a couple of very minor crimes—minor for him—and given a suspended sentence, and complete immunity, when the Federal Government has obtained prison sentences for bankers who have committed lesser offenses, and pursued to the furthest letter of the law other bankers who have committed similar breaches of trust. It is incredible, and would be inconceivable to think, if I did not know it is true, that the same district attorney who let Sharp go could obtain a 3-year prison sentence for a simple chicken thief. It would almost seem that the penalty is greater as the crime is smaller; and that the biggest thieves, those who do infinitely greater damage to society, enjoy its fullest protections and pardon.

How can it be that a man who has stolen millions, even from priests, and who was the prime mover in a scheme to corrupt Federal and State bank examiners, legislators, and other officials, and who was responsible for the collapse of any number of firms, damaging any number of institutions, can be handed what amounts to congratulations from the Department of Justice? And yet this is what has happened.

And how can we have faith in justice, let alone in the Department of Justice, if we can never know why it all happened?

Justice is the issue, including faith in the integrity of the Department of Justice.

We know that the Assistant Attorney General worked closely with Frank Sharp for 6 years, and we know that he made a million dollars during that time. Yet the Department of Justice does not deign to tell us how Mr. Wilson earned all that money.

We know that crooked deals and schemes took place in the Sharp empire while Wilson had a key part in it; and yet the Department of Justice does not tell us what knowledge Wilson had of all this.

All we know is that Wilson's former client, the biggest fish in a school of predators, is free and enjoying full immunity, and indeed receiving regular pay as a witness for the Government.

And we know, too, that Wilson continues his personal financial ventures, such as required him to borrow $30,000 from Frank Sharp just last summer in 1970.

We are told that Wilson is noted by his absence from duty, by his devotion to his personal business, but not for his effectiveness as an Assistant Attorney General.

In light of all this it should not be any wonder that people question whether justice has been done in the matter of Frank Sharp, when the biggest fish of all in the Sharpstown school of sharks remains free; and in view of the strange, even contemptuous refusal of the Department of Justice to answer any of the questions I and others have raised, no one should be surprised when people ask if the Department of Justice is even interested in justice.

I raised the issues in a letter of September 22 to the Attorney General, a letter to which I have not even received the courtesy of an acknowledgment, and which I make part of the RECORD at this point:

SEPTEMBER 22, 1971.

Hon. JOHN MITCHELL,
Attorney General,
Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: On August 27, I wrote you a letter expressing my belief that Assistant Attorney General Will Wilson is unfit for office and should be asked to resign.

Since that time a number of prominent publications, including three nationally circulated magazines, have raised similar questions.

There is, for example, the record of a large number of questionable deals Mr. Wilson participated in, or had knowledge of, during his six year association with Mr. Frank Sharp, who may well be the biggest swindler of our time. Mr. Wilson has stated variously that these deals took place after he left Sharp, that he knew nothing of them, or that he was "a patsy." None of these explanations is adequate, and none dispels the doubt that has been cast over his integrity and fitness.

Mr. Wilson admits to having accepted a $30,000 loan from Mr. Sharp's interests at a time when Mr. Sharp was under investigation, an investigation which Mr. Wilson had every reason to know of, since it had been discussed with him by a Sharp associate.

Mr. Wilson admits to having paid a bill for the electronic surveillance of rooms used by Federal bank examiners at the Sharpstown State Bank, but claims that he did not know at the time that the bill was for that purpose. His professed ignorance is astonishing, in view of the fact that at the time this transaction took place, he had long known the Sharpstown bank was under increasing criticism from Federal bank examiners, and in view of his self-professed sharpness of wit.

Mr. Wilson admits that his brokerage account was used to buy stocks for a Federal bank examiner, an illegal transaction. He says that he did not know at the time who the examiner was, again astonishing, in view of Mr. Wilson's position in the bank hierarchy.

Mr. Wilson claims that he knew nothing about how Sharp financed the purchase of National Bankers Life Insurance Company, although he had negotiated the deal himself. Mr. Sharp claims that Wilson did advise him on this, and did so under oath. Since Sharp has been given total immunity by the government, he has no reason to lie. Either he is a reliable witness or not, and if he is not, he should not enjoy your continued protection. Naturally if he is telling the truth, Mr. Wilson is not. It seems important to me that you find out which man is the liar.

Reports indicate that Mr. Wilson has a very poor record of attendance in his office, poorest of all the Assistant Attorneys General. By his own account he maintains a very active investment program, which might well conflict with his official duties. Certainly while in elective office, he felt free to carry out any number of ventures, though he excoriated others who did likewise. I person-

ally feel that a public official has no business taking fliers in the stock market or otherwise undertaking ventures that have any possibility of raising a conflict of interest.

Any number of observers have commented on the situation involving Mr. Wilson. There have been editorial calls for his resignation. There is no doubt that a great many people besides myself have grave doubts about the fitness of Mr. Wilson to serve.

This entire situation calls into doubt the integrity of the Department of Justice. That is to me an intolerable situation. I would think that you would be sensitive to a growing scandal of this kind. Yet I have not received so much as an acknowledgment to my letter.

I think that the public is entitled to know the truth, even if you do not feel inclined to answer any questions. It seems to me that if you cannot or will not respond, I would be left with no alternative but to suggest impeachment proceedings, which would at least enable the truth to be fully known.

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

I have conveyed all of this to Chairman CELLER, and he has indicated his own interest and concern. I make my letter a part of the RECORD at this point. I can only wonder if the Justice Department will show the same contempt for Chairman CELLER as it has for me:

SEPTEMBER 24, 1971.

Hon. EMANUEL CELLER,
Chairman, Judiciary Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I appreciated your call yesterday, and am grateful for your interest and consideration.

Reflecting on our conversation, I cannot help but wonder whether the Attorney General was aware of all the facts when he spoke with you about the conduct of the government in the Frank Sharp case.

As I recall it, the Attorney General said to you that the Assistant Attorney General, Will Wilson, had insisted on a prison sentence for the defendant Sharp. This is most startling and contradictory, since Wilson has repeatedly said that he had disqualified himself from the case from the very beginning, and has had nothing to do with its conduct. Furthermore, the government made no recommendations to the judge at Sharp's sentencing, at least none that is reflected in the court proceedings. The government put on no witnesses, and indeed prosecuting attorneys said that it was not traditional to do so. The comments of the court indicate that the presentence investigation was very favorable to Mr. Sharp.

All of the foregoing flies in the face of what Mr. Mitchell told you. Either the Attorney General was not aware of the facts, or Mr. Wilson has been making false public statements.

There is no reason for me to repeat here my comments about the immunity statute, since you share my concern about its operation. However, I do feel that there is very serious ground for questioning the fitness of Mr. Will Wilson to serve as Assistant Attorney General. I feel so strongly about this that I have had drawn up a resolution of impeachment, but I would not proceed on this without your advice.

I would be most grateful for your consideration of the following facts, and your advice on how best to proceed to determine the fitness of Mr. Wilson to serve. I believe that you will agree with me that the man should resign, and failing his prompt resignation, the House should institute impeachment or inquiry proceedings.

The basic operations of Frank Sharp and his associates are explored in the court proceedings of *SEC* v. *National Bankers Life Insurance Company, et al.* decided a few days ago in the U.S. Court for the Northern District of Texas. The operations of Sharp and his associates resulted in the bankruptcy of a number of firms, the closing of a large bank, receivership of two insurance companies, and the need to reorganize at least two savings and loan associations, as well as the alleged corruption of a number of Texas state officials, some of whom are now under indictment.

Assistant Attorney General Wilson was in the private practice of law for six years, 1963–1969, during which time his principal client was Frank Sharp. As general counsel for Sharp's three principal enterprises, National Bankers Life, Sharpstown State Bank, and Sharpstown Realty—now in receivership, defunct and bankrupt respectively, Wilson had knowledge of and took part in schemes and swindles described in the SEC complaint and lawsuit noted above.

In addition, Wilson accepted a $30,000 unsecured loan from Sharp in August 1970 at a time when Sharp was under investigation, and Wilson had good reason to know that the man was under investigation. Previously, before coming to the Department of Justice, Wilson had borrowed about $300,000 from Sharp, some of which he repaid by performance of legal services. In the six years that he worked for Sharp, Wilson increased his net worth from about $500,000 to $1.3 million.

Among the "legal services" Wilson performed for Sharp was payment for a "construction job" at the Sharpstown State Bank. At the time, the bank was under close FDIC supervision, and the purpose of the supposed construction was to place surveillance devices in rooms used by FDIC examiners. Wilson says that he did not know what the bill was for, and that he was "a patsy" in that particular case.

In another incident, Wilson allowed Sharp to use his brokerage account to purchase securities for a Federal bank examiner, who has since resigned. This was an illegal transaction, but Wilson claims that he did not know who the Federal bank examiner was. To say the least, it strains the imagination to think that he would not know who was using his brokerage account. Wilson described this incident was "a favor for my client (Sharp)".

The typical operation of the Sharp empire involved switching assets around the various companies, manipulating their stock values, and in the words of the SEC, "systematically looting" them. Even though Wilson was for six years a part of the Sharp empire and had key positions in its three principal companies, and engaged in extensive deals with Sharp, he claims he know nothing about the swindling that was going on all around him.

For example, when Sharp bought control of the National Bankers Life Insurance Company, he needed $7.5 million in loans. He got $4 million of this by means of a loan from his Sharpstown State Bank—a loan which was incidentally $1 million more than the legal lending limit of that institution. The rest came out of National Bankers Life itself, via loans made immediately after the Sharp takeover. These loans would have been illegal, but for an odd interpretation of Texas insurance regulations, an interpretation that had been upheld by Wilson back in his days as a crime-busting Attorney General of Texas. The statute in question is a prohibition of conflicts of interests, but the Attorney General's ruling has been that insurance company officers are prohibited only from making loans to themselves—not to corporate entities that they happen to control. Thus Sharp was able to buy NBL using its own money. Wilson claims he know nothing of this, though Sharp has testified to the contrary.

Incidentally, to understand the scale of Sharp's self dealing, you have only to consider that close to two-thirds of the entire assets of Sharpstown State Bank consisted of loans to Sharp and his enterprises. Some two-thirds of the bank's deposits were in the form of brokered certificates of deposit, virtually all of which apparently was brought into the bank at Sharp's behest, to help feed his enterprises.

Wilson was handsomely rewarded for his efforts in behalf of Frank Sharp. He occupied key positions in Sharp's dubious enterprises. Yet he claims he knew nothing of the questionable deals, the looting of company assets, the self-dealing, and the outright swindling that was going on all around him.

Some writers have claimed that at the time Wilson came to office, one of the biggest activities of the Department of Justice was an investigation into mismanagement and swindling in the American National Insurance Company of Galveston, Texas, which is one of the biggest stock insurance companies in the United States. According to these reporters, Wilson promptly stopped the investigation on his entry in office. There are a number of lawsuits now underway in connection with the alleged mismanagement, but it is curious to think that Wilson would have quashed an investigation into a company in which he had displayed exceptional interest as Texas Attorney General, and which conceivably had links to organized crime, a subject Wilson is supposed to have keen interest in.

Other reporters have said that Wilson has displayed far more interest in his private business affairs than in his position as Assistant Attorney General, and that he has the worst absentee rate of any Assistant Attorney General. He has been characterized as naive, and has himself said he was "a patsy".

Wilson certainly had knowledge of the strange deals that were taking place about him while he worked for Frank Sharp. If that is so, he certainly is unfit for his present office. Even accepting Wilson's claims of innocence and ignorance, it is hard to see how he could qualify to continue in office—a man that naive has no business being the chief prosecutor of the United States.

Mr. Chairman, the conduct of the Department of Justice in the Sharp case is in itself disgraceful. Keeping in office a man who was central to the swindling deals of Sharp, and who has never explained his role, and who—judging from the conversation of the Attorney General with you—is a public liar, is incredible.

I sincerely hope that you will thoroughly investigate this matter. Though I believe that Wilson's case is enough to warrant impeachment, your judgment on this will be most sincerely appreciated.

Sincerely yours,

HENRY B. GONZALEZ,
Member of Congress.

REPRESENTATIVE WAGGONNER INTRODUCES LEGISLATION DEALING WITH TAX-EXEMPT STATUS OF CERTAIN ORGANIZATIONS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Louisiana (Mr. WAGGONNER) is recognized for 20 minutes.

Mr. WAGGONNER. Mr. Speaker, I have introduced a bill this week which deals with the tax-exempt status of certain organizations under the Internal Revenue Code of 1954. The tax laws exempt from income taxation a category of clubs, which includes social clubs and na-

tional organizations of college fraternities and sororities. The provision specifies that these clubs must be organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes with no part of the net earnings inuring to the benefit of any private shareholder. The regulations under this provision state that a club which engages in business is not organized and operated exclusively for nonprofitable purposes and, therefore, would not be exempt. The bill I have introduced removes the word "exclusively" in the statutory provision and is intended to allow the organizations under this exempt category to earn income from nonmember sources to a limited extent.

Before 1950, tax-exempt organizations were exempt from all Federal taxation even if they were engaged in commercial activity. Some of these exempt organizations, however, had begun to engage in business activities which presented unfair competition to nonexempt businesses, since the tax-free status of these organizations enabled them to use their entire profits to expand operations while their competitors could expand only with the profits remaining after income taxes. There were also a number of examples where tax-exempt organizations used their tax exemptions to acquire a business with little or no investment on their own part and paying for it in installments out of subsequent tax-free earnings.

For these reasons, Congress in the Revenue Act of 1950 imposed the corporate income tax on certain tax-exempt organizations, with respect to their income from active business enterprises which are unrelated to the exempt purposes of the organizations. The organizations subject to the tax on unrelated business income by the 1950 act included charitable, educational, and religious organizations other than churches; labor and agricultural organizations; chambers of commerce, business leagues, real estate boards, and similar organizations. Social clubs, national organizations of college fraternities and sororities, and certain other tax-exempt organizations were not subject to the unrelated business income tax imposed by the Revenue Act of 1950.

During the consideration of the Tax Reform Act in 1969, Congress became aware that many of the exempt organizations not subject to the unrelated business income tax were engaging in substantial commercial activity. Therefore, in the Tax Reform Act of 1969, Congress extended the unrelated business income tax to virtually all of the exempt organizations not already subject to that tax. This made social clubs and national organizations of college fraternities and sororities taxable on all of their income received from sources outside their membership. This includes a tax on their investment income; a tax which applies only to these organizations and employees' beneficiary associations and not to the other tax-exempt organizations.

In the case of social clubs, the Internal Revenue Service has generally denied or revoked a club's exempt status where more than an incidental amount of its outside income resulted from nonmembers, or in cases where the organizations operated outside businesses. The argument advanced is that the theory of the exemption for social clubs is, at least in part, that it allows individuals to join together to provide recreational or social facilities without tax consequences, so that the tax exemption operates properly only where the sources of income of the organization are limited to receipts from its membership. This was particularly true prior to 1969 when these organizations were not subject to any tax on income they may have received from outside sources. Since these organizations are now subject to an unrelated business income tax and a tax on their investment income, I believe it is advisable to allow these organizations to receive some income from outside sources without losing their tax-exempt status.

The bill I have introduced removes the word "exclusively" from the statutory language which is intended to allow these organizations to receive up to 25 percent of their income from sources outside of their membership without losing their tax-exempt status. Since this income from outside sources will continue to be subject to the unrelated business income tax as provided under present law, there is no tax avoidance even with respect to any income received under the 25-percent rule.

The effect of this bill on a social club, national organization of a college fraternity or sorority, or other organization exempt from tax under section 501(c)(7) of the Internal Revenue Code is that if it receives unrelated business income, which generally is income from sources outside of its membership or unrelated to the purposes for its exemption, the organization would be subject to the tax on that income and as long as this income is not more than 25 percent of its total income from all sources, it will not lose its tax-exempt status.

The unrelated business income that I have referred to, that this bill intends to permit these organizations to receive from outside sources within this 25-percent amount, would be from those activities they have traditionally carried on. However, where a club receives income from the sale of its clubhouse or similar facilities, that income would not be included in the formula; it would not be included in the total income of the club or in the 25-percent amount. The bill does not intend to permit these organizations to receive within the 25-percent amount, income from the active conduct of businesses not traditionally carried on by these organizations.

If the organization has outside income, including investment income, in excess of 25 percent, it will lose its exempt status for that year thereby subjecting all of its income, even that received from its membership, to tax in that year. Thus, in effect, the bill provides for a standard under which these organizations, newly subjected to the unrelated business income tax, may receive limited amounts of outside income subject to that tax and still maintain its tax-exempt status.

TRIBUTE TO THE FARMERS HOME ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from California (Mr. SISK) is recognized for 10 minutes.

Mr. SISK. Mr. Speaker, I request permission to read into the RECORD a letter from a sensitive and reliable observer of the California rural scene for over 31 years.

The letter, addressed to Chairman W. R. POAGE of the Agriculture Committee, in support of H.R. 10867 and H.R. 10671 is especially pertinent to this legislation because of the author's professional association with and interest in California agriculture.

The letter is from Mrs. Grace McDonald, the editor of the California Farmer Consumer Reporter of Santa Clara.

Mrs. McDonald's letter says:

MR. POAGE, MEMBERS OF THE COMMITTEE: In support of the concept of increasing appropriations for and expansion of services to the Farmers Home Administration to stimulate employment, housing, education and business in the presently economically depressed rural areas, for H.R. 10867 and H.R. 10671 and related House bills and Senate Bill 2223 . . .

With 31 years of experience in protecting producers of California's fruit, vegetable, nut crops, vineyardists and dairymen . . .

The Farmers Home Administration stands out as the fundamental Federal Agency providing low-cost credit to producers unable to finance their specialized and efficient operations through other means; make possible loans for purchase of land, housing improvements and or construction; guaranteed safe and sanitary water and sewage systems; offer incentives to small business establishments to locate in depressed rural areas; to the end that . . .

The out-migration of both unemployed and frustrated youth no less than adults be stemmed and a balance be maintained between our rural and urban population in economic stability, educational opportunities and environmental protection of open spaces, forest resources, streams, lakes and rivers; collection, and treatment of disposable wastes.

Adequate funding for the Farmers Home Administration is basic to accomplish this and related objectives providing sufficient staff, technical assistance; increasing the population to be served to at least 35,000 persons as a viable community, economically, for health and medical services, educational opportunities and cultural innovations . . . all of which make up incentives to hold people together and prevent mounting metropolitan ghettos and economic blind alleys in unmanageable cities.

The California Farmer Consumer Reporter of which I am editor and publisher, wishes to express its admiration for your joint efforts as embodied in the numerous measures before you to achieve long-range rural area development through an effective and adequately financed and staffed Farmers Home Administration.

MRS. GRACE MCDONALD,
Editor and Publisher, California Farmer Consumer Reporter.

FEDERAL RETIREMENT BILL

The SPEAKER pro tempore. Under a previous order of the House the gentleman from California (Mr. WALDIE) is recognized for 5 minutes.

Mr. WALDIE. Mr. Speaker, I am

pleased today to introduce an important piece of legislation together with my colleagues who serve on the Retirement, Insurance, and Health Benefits Subcommittee on Post Office and Civil Service.

This bill is aimed at improving the retirement benefits of the Federal employee so that the productivity and quality of his work are maintained.

Mr. Speaker, this bill contains the key provisions of several bills and is a result of the diligent efforts of Members of the subcommittee on both sides of the aisle.

I especially would like to call attention to the efforts of Representatives DOMINIC DANIELS and LARRY HOGAN, whose original bills became the basis of this legislation.

This bill will permit immediate retirement when the sum of years of credible service and age total at least 80 years.

The bill contains a provision supported by the administration which permits optional retirement during a major reduction-in-force when the employee has 25 years of service, or when he becomes 50 years of age with 20 years of credible service.

Additionally, the bill changes the formula for reduction in annuity of employees under age 55 from the present 2 to 1 percent for each year the employee is under 55 at the time of voluntary or involuntary retirement.

The bill also includes premium and overtime compensation as a part of base pay for deduction and computation purposes.

Finally, in order that the retirement fund remains actuarially sound, the bill would increase the employee and agency contributions by one-half percent each.

THE 1971 CAPTIVE NATIONS WEEK AND A SPECIAL COMMITTEE ON THE CAPTIVE NATIONS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, as every one with an objective sense well knows, the captive nations—27 of them—still are very much captive. This reality is not to be brushed under the rug, unless, of course, some choose to live in a fool's world. The resources of the captive nations are being exploited to advance the aims and designs of Soviet-Russian imperiocolonialism on practically every continent of our world. As I have stated often in the past, it is vitally important for us to concentrate our attention on the power source and fundamental energy to our national interest, namely Moscow.

This necessary concentration can best be facilitated by the establishment of a Special Committee on the Captive Nations. I have urged this for the past decade, and I shall continue to do so as long as the captive nations in the Red empire exist. There is no escape from this imposing reality. It is one that must be faced squarely and forthrightly. The House has had the distinction of select committees on the Katyn Forest massacre and investigations into Communist takeovers in Eastern Europe. It has another distinction before it, if it would only show similar foresight, namely in the captive nations in toto and particularly those in the Soviet Union itself. This is the time to score a third distinction when too many Americans are losing sight of the prime enemy to our country.

As in preceding years, the 1971 Captive Nations Week observance has successfully pointed out these truths for our fellow citizens to ponder and seriously consider for the period ahead. In foreign countries, as well as here, the observance, provided by the Congress itself, has again made its mark. As examples of the variety of action in the annual observance, I have the privilege of introducing the following:

First, proclamations by Governor Askew, of Florida, Mayor Charles B. Wheeler, of Kansas City, Mo., and Mayor Victor R. H. Yarnell, of Reading, Pa.; second an article on "West of the Wall" in the New Orleans periodical Action and a letter to the editor on "Captive Nations Week Marked" in Boston papers; third, addresses by Representative SAMUEL S. STRATTON, U.S. Ambassador McConaughy, and others at the Republic of China's observance; fourth, reports in America on the observances in Buffalo and Philadelphia; fifth, an address on "A Civilized World Cannot Accept Captive Nations," delivered at the Philadelphia rally; and sixth, an October Reader's Digest captive nations listing and three reviews of a book dealing with the captive nations:

STATE OF FLORIDA EXECUTIVE DEPARTMENT PROCLAMATION

Whereas, one of the tragedies of the human race is its slow progress toward the fulfillment of the ideal of Freedom and self determination for all peoples, and

Whereas, throughout history that progress has advanced rapidly during eras and centuries of enlightenment and then disappeared into the Kingdom of Darkness for long periods of time, and

Whereas, in modern times, the Soviet Union and the Republic of China stand as awesome and frightening barriers to the advancement of enlightenment and Freedom, and

Whereas, the attitude and might of the Soviet union is overpowering evidence of this terrible condition, and

Whereas, said condition is overwhelmingly demonstrated by the fact that 27 countries and millions of people are captive of Soviet domination and totalitarianism, and

Whereas, the ravishment and obliteration of enlightenment and Freedom in Czechoslovakia in 1968 is a tragic and conspicuous, episode in this massive movement to extinguish the light of Liberty all over the world, and

Whereas, when one man loses his Liberty, the Freedom of all men is diminished, and

Whereas, the Congress and the President of the United States have designated that "Captive Nations Week" be observed annually, and this year the week is July 18-24.

Now, therefore, I, Reubin O'D Askew, by virtue of the authority vested in me as Governor of the State of Florida, do hereby proclaim the period of July 18-24, 1971, as Captive Nations Week in the deep and abiding faith that the time will come when all peoples will be sustained and inspired by the flame of Freedom in their souls.

A PROCLAMATION OF CHARLES B. WHEELER, JR., MAYOR, CITY OF KANSAS CITY, MO.

Whereas, this Nation was founded upon the proposition that all men are created equal, and endowed by their Creator with certain inalienable rights, including the right to life, liberty and the pursuit of happiness, and that the proper and essentail function of government is to secure these rights to the governed; and

Whereas, Americans have traditionally regarded as sacred freedom of religion, freedom of speech, freedom of the press, freedom of peaceable assembly, and freedom of the people to change, by peaceful exercise of their political rights, the structure of their government; and

Whereas, the people of many nations around the world have been, and are being, deprived, by totalitarian governments operated in complete disregard of the will and consent of the governed, of the blessings of those freedoms which, as Americans, we tend to regard as inherent and universal rights; and

Whereas, the Congress of the United States has authorized and requested the President to issue a Proclamation designating the third week in July as "Captive Nations Week" each year until freedom and independence shall have been achieved for all of the captive nations of the world; *Now, Therefore.*

I, Charles B. Wheeler, Jr., Mayor of the City of Kansas City, by virtue of the powers vested in me as Mayor, hereby proclaim that the week beginning July 17, 1971 and ending July 24, 1971 be, and the same is hereby designated as "Captive Nations Week" and set aside as a special period during which the people of Kansas City are urged to manifest their continued concern over the plight of the millions of their fellow men who are currently denied the blessings of freedom and independence, and to rededicate their efforts to the preservation in America of the liberty for which Americans have shed their blood for nearly two centuries.

PROCLAMATION OF THE CITY OF READING, PA.

Whereas, the United States Congress in Public Law #86-90, has provided that the week of July 18 through July 24, 1971 be Captive Nations Week in our land; and

Whereas, this week gives Americans an opportunity to show their support for the disenfranchised people of the world; and

Whereas, many of the world's people lack our opportunities for critical dissent and the other freedoms necessary for the preservation of human dignity and democratic government; and

Whereas, Congress has declared that "it is vital to the national interest of the United States that the desire for liberty and independence on the part of the peoples of these conquered nations should be steadfastly kept alive";

Now, therefore, I, Victor R. H. Yarnell, Mayor, do hereby proclaim the week of July 18 through July 24, 1971 to be: Captive Nations Week in the City of Reading and do further urge all citizens to support the freedom of all peoples.

[From Action, July 20, 1971]

"WEST OF THE WALL"

(By Richard E. Warren)

Freedom Now! Freedom Now! Americanism & Defense Chairman. Have you heard this slogan before? Most of us who watch the news or read the papers are quite familiar with this slogan as we have heard it time and time again. No, it is not coming from behind the Iron or Bamboo Curtains. This slogan started in the United States on College Campuses,

as have so many others in recent years. "All power to the people" "Ho Ho Ho Chi-Minh—the NFL is going to Win"—"Kill the Pigs".

The idea of World Communism seems impossible to us, but to the communist leaders of the world, it is a natural evolution. However, to be sure, a preconditioning factor is added, i.e., Propaganda—Discontent—Civil Disobedience—Riots—Sabotage — Assassinations—Revolution—Natural Evolution. This formula has been very effective as every country in the World has experienced at least part of the above formula.

The outcome of those countries that have completed the formula is simple—"No Freedom". Because of this President Eisenhower in 1959 signed into Public Law—Bill 86–90, which proclaimed the week of July 18–24 as "Captive Nations Week".

As in previous years, this 13th Observance will be held across the country and internationally. In the U.S., Congress authorized the President to issue a proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world. Internationally, the observance has taken root in the Republic of China, South Korea, and the Philippines. In fact, the most outstanding single observance occurs year after year in Free China, where the entire Week is filled with a variety of activities dedicated to the freedom of all the captive nations.

The week has become an object of constant Red attack. It is not just a matter of their not liking it; they deeply fear it because of its enormous possibilities for psycho-political implementation. While many of our own people still have not grasped the meaning and significance of the Week, Communist leaders have, and by every available means they have sought its liquidation. Well aware of the strength of symbols and words, they see in the Week a moral symbol which works against both their tactics and strategy.

Presently, one third of humanity are still in the bondage of totalitarian Red Tyranny. Because of this, during Captive Nations Week, the National Captive Nations Committee led by Dr. Lev. E. Dobriansky, will emphasize (1) the largest captive nation of 700 million Chinese and the U.N. ineligibility of the unrepresentative Peking regime, (2) the need to expand Radio Free Europe and Liberty against Moscow's anti-American propaganda, (3) the Supplemental Statement of the Blue Ribbon Defense Panel on U.S. insecurity in the 70's, and (4) the creation of a Select House Committee on the Captive Nations. "Among other ends to symbolize our conscience toward the plight of one billion souls".

(NOTE: The following letter, highlighting 1971 Captive Nations Week, appeared in the Letters To The Editor column in the following Greater Boston newspapers on July 22, 1971: The Back Bay Ledger-Beacon Hill Times, the Brookline Chronicle, the Brighton-Allston Citizen-Item.

Orest Szczudluk, the author of the letter, is director of public relations of the Boston Chapter of the Ukrainian Congress Committee of America, Inc.)

CAPTIVE NATIONS WEEK MARKED

To the EDITOR:

The week of July 18–24 is observed as Captive Nations Week, according to Public Law 86–90 of 1959 and special proclamations issued by President Nixon and Governor Sargent. Its purpose is to publicize in every feasible way the fact Moscow is holding in captivity many once independent countries, such as: Ukraine (47.7 mil.), Armenia (2.306 mil.), Latvia (2,300 mil.), Lithuania (3,064 mil.); Estonia (1,304 mil.), Byelorussia (8,820 mil.), Georgia (4,659 mil.) and others. In fact, over 50 per cent of the population of the U.S.S.R. consists of non-Russian captive peoples. Moscow also controls several "satellite" countries, such as: Hungary, Poland, Czecho-Slovakia.

News from the captive countries indicate that these nations are the thorn in the Russian Communist empire. In Ukraine alone, thousands of Ukrainian writers, students, religious men, workers and peasants are tried in Communist "kangaroo" courts and sent to concentration camps for voicing protest against Moscow's planned destruction of Ukrainian culture and national heritage. The cases of Valentyn Moroz, Svyatoslav Karavansky, Ivan Dziuba, Vyacheslav Chronovil have received a world-wide attention. Similar acts of defiance against Moscow's oppression are taking place in Latvia, Lithuania, Estonia, Armenia and other captive countries. Moscow's persecution of Jews has also received a world-wide protest.

The Captive Nations Week provides immense opportunity to us for advancing the cause of freedom to all captive peoples. The U.N. Human Rights Committee must investigate Moscow's atrocities against captive peoples in the Soviet Union and elsewhere and implement the U.N. Universal Declaration on Human Rights. Concerned citizens are urged to write letters to the U.N. Human Rights Committee, requesting action on captive peoples.

O. SZCZUDLUK, *Boston.*

SAVE FREEDOM—ACT NOW!

(By Hwang Shao-tsu)

Two important anti-Communist activities are taking place this July, the week-long Captive Nations Week beginning on July 7, and the 5th WACL and 17th APACL Conferences opening in the Philippines on July 21 and concluding on July 25.

This year's Captive Nations Week begins with the call to "Protect Mankind's Freedom and Oppose Chinese Communist Entry into the United Nations". The theme of the WACL Conference is "Save Freedom—Act Now!", while that of APACL is "Free Asians Unite!" These themes are aimed at opposing the present counter-current of appeasement and at uplifting our anti-Communist fighting courage.

The present situation facing us is one in which the Communists are scheming to bury the free and democratic system and to enslave and oppress mankind. They have not altered in their wild ambitions, but rather have become even more violent in their actions. Meanwhile, the efforts of the free world in uniting its fighting spirit to counter the evil forces of Communism have failed to increase, and instead are on the decline. The Communists make use of negotiations for their own ends. More than once in history have men lowered their heads to tyranny, made concessions to despotism, sold out their allies, and made conciliations toward the enemy. The malicious influence of appeasement is spreading throughout certain areas of the free world, whetting the appetities of the Communists and tarnishing the luster of righteousness. Some persons lacking in sensitivity toward the people even prefer to disregard the basic spirit of the UN Chapter and the Declaration of Human Rights. The resolution branding the Peiping regime as an aggressor during the Korean War in 1951 is still in effect today. Nevertheless, some people advocate seating that regime in the U.N. and thus legalizing its tyrannical control over 700 million Chinese people. And now the Maoist regime, which has never made any secret of its insane plans to conquer the entire world, now boldly appears to have hopes of worming its way into the United Nations.

However, we must realize the fact that never before in history has appeasement been able to buy peace. This is especially true with the Communist aggressors, who utilize weaknesses in human nature and rely upon tyranny and struggle to fulfill their aims. Free mankind must clearly distinguish between right and wrong, maintain truth, stand firm, and unflinchingly unite in a common struggle to use the forces of righteousness in warding off aggression and the brillance of liberty to pierce through the Iron Curtain. All free men must be given the oportunity to protect their inherent right to freedom. Furthermore, those who have lost their freedom and are enslaved by Communism must be given the aid to break the shackles that bind them and restore the basic rights that are befitting modern man.

The flood of appeasement, of course, has its historic and contemporary origins. Nevertheless, all advocacies of appeasement cannot stand up to the test of history. Although some people believe that, as half the population of the entire world is under Communist control, those extensive and populous Communist regimes cannot be ignored, yet the multitudes of people locked behind the Iron Curtain and under heavy oppression are still proving their yearning for freedom through their actions. This gives evidence to the fact that their hopes rest with, and will always rest with, the anti-Communist ranks of democracy. The appeasers have made conciliations and have tried to improve relations with the Communists, but the results have been the exact opposite of what they hoped for. Although some people contend that world peace and the well-being of mankind depends upon peaceful co-existence between two different social systems, yet the Communists continue to prove by both their statements and their actions that they will never abandon their insane hopes of world revolution and final destruction of the free and democratic system. For this reason, from a historical viewpoint all advocacies and actions for appeasement are derived from a momentary cowardice in human nature and are merely a counter-current of chance phenomena in the development of history.

In facing the present situation, the most important mission of the Asian Peoples' Anti-Communist League rests upon increasing anti-Communist solidarity, maintaining the principles of truth, and bringing about a general awakening of the silent majority of the world, while standing firm as a pillar of strength to avert a calamity caused by the rampaging of appeasement, or at least to reduce that calamity to the lowest possible level, and thus bring on a brillant new era for mankind.

At the juncture of these two important activities held this month, the following points are worthy of consideration.

1. If the Maoist regime is allowed to represent seven hundred million mainland Chinese people in the United Nations, it would mean the destruction of the principles of freedom, and the death of truth and righteousness, while the United Nations itself, as the mainstay of international peace and order, would lose the significance and function for which it was created and exists. This is not merely a conflict of interests between the Republic of China and the Maoist regime, but a struggle of principles between freedom and slavery, justice and tyranny, and righteousness and evil.

2. Communist aggression have proven more deadly than any other enemy of freedom throughout history, for though at times it can feign a warm and genial smile, it is still by its very nature beastial and savage. As is well known, the most vicious part of Lenin's tactics was that of strategic retreat. He made no secret that retreat was for the purpose of gathering strength, creating favorable conditions, and launching an even more malicious attack. All those people who are presently being deceived by the Maoist smiling diplomacy should review this dogma of Lenin and

the experiences of nations which have established diplomatic relations with the Maoist regime during the past two decades. Great caution must be applied to avoid falling into the crafty trap of the Maoists and becoming a criminal in the eyes of history and the free world.

3. In a open letter to the Soviet Central Committee during the 1960's the Maoists publicly declared that they would not accept the three principles of peaceful co-existence, peaceful competition, and peaceful evolution. The Maoists frankly stated that their reason for opposing these three peaceful lines was based upon the weakness of the Communist system. in being unable to exist along with the free and democratic system. They stated: Up to the present time, there has not been a single free and democratic nation that has peacefully evolved into the Communist system, but there have been several Communist nations which have freely turned toward capitalism or are in the midst of turning. This statement in the war of theory of Maoist theoreticians against their Soviet counterparts serves as an extremely useful lesson for the rest of mankind. It reminds us that in all anti-Communist activities the most important mission is to uphold the outstanding points of the free and democratic system, and to build a free, peaceful, and prosperous society devoid of fear and want. This requires international economic and cultural cooperation, especially through aid and cooperation between advanced nations and developing nations. This type of international cooperation carries great significance in countering the Maoist plot of encirclement and destruction of the cities of the world by the rural areas.

4. Academic freedom and freedom of speech and the press are an indispensable part of democracy. Nevertheless, adherents of freedom must raise their vigilance to prevent planned and organized Communist infiltration by all methods into our ideology, intellectual circles, and public opinion. In this respect, in dealing with the present situation we must develop the latent forces of culture, further establish and participate in an anti-Communist ideological and academic system, and cultivate the ability of the people to distinguish between right and wrong, and truth and falsity, so as to deal a heavy blow to the deceit and trickery of Communist plots.

The Asian People's Anti-Communist League is an anti-Communist organization based upon a responsibility for self-awareness. During the past four years, it has made great contributions to the cause of freedom. However, the present era is a time in which the future of mankind is wavering between brilliance and darkness, and also a time when the conscience and intelligence of humanity are under heavy attack. We believe that all those who feel a sense of responsibility toward the history and the future of mankind will be moved by the seriousness of the present situation and will act now in the defense of freedom. The Support Captive Nations Week Movement has now come to a successful conclusion. We would like to take this opportunity to wish success to the WACL/APACL Conferences, so that through our efforts we may create a new favorable situation in the struggle against Communism.

PRESIDENT CHIANG KAI-SHEK'S MESSAGE TO THE MASS RALLY OF THE REPUBLIC OF CHINA SUPPORTING CAPTIVE NATIONS WEEK, SAFEGUARDING THE FREEDOM OF MANKIND AND OPPOSING THE ADMISSION OF THE CHINESE COMMUNISTS TO THE UNITED NATIONS, TAIPEI, REPUBLIC OF CHINA, JULY 9, 1971

"Safeguarding mankind's freedom and resistance to Communist enslavement" is the unequivocal banner raised by the movement to support Captive Nations Week. The flying of this banner coincides with the tides of the present and also points to the correct direction for the common struggle of free mankind. Once the U.S. Congress had made the initial proposal, the Republic of China rallied behind it and in 1961 took the lead in supporting the movement to help peoples of captive nations regain their independence and freedom. Enthusiastic support was subsequently forthcoming from all the other member states of the World Anti-Communist League. The movement has accelerated the pooling of anti-Communist strength wherever it is found. It also has reinforced the determination and courage of those enslaved by the Communists in their struggle for freedom and survival.

The rampancy of Communist enslavement and violence and the spreading countercurrents of international appeasement constitute serious threats to the freedom of mankind. Nevertheless, we have not the slightest doubt that enslavement and violence are like the flames of a fire and soon will be extinguished. Throughout history, there has not been a single tyrannical regime and enslaver of the people which was not overthrown by those who struggled against slavery. When faced with oppression and humiliation, even the cowardly advocate of appeasement will awake from bewilderment and turn from turbidity to lucidity and from flaccid inaction to bold action. Recently I told our compatriots that the National Revolution of the Republic of China is not merely a revolution for the independence and freedom of a single nation and that the anti-Communist struggle of the Chinese race is not merely an anti-Communist struggle for the survival and safety of a single race. We must strengthen our conviction of immutable victory over Communism, display our persevering spirit and raise up our morale in the unceasing effort to preserve freedom and justice. Internally, we must rally all who love freedom and justice throughout the world to join in our common struggle and thus assure history's most brilliant victory in the fight for the freedom of humankind.

The current smiling diplomatic offensive of the Maoists seeks to divide and confuse the free world, to smuggle the regime into the United Nations and to use the international organization as the base for the regime's international united front. If this conspiracy should succeed, the United Nations Charter would be emptied of worth and the noble spirit and great objectives of the United Nations would sink into decadence. In the end there would be division and the dissolution of the United Nations organization. Any concessions or appeasement to the intriguers could only encourage enslavement and assist aggression. The 700 million people on the Chinese mainland would be subjected to even more tyrannical persecution. Free countries of Asia and the rest of the world would face the calamity of increasingly serious infiltration and subversion. Endless catastrophe would be the lot of mankind. To crush this intrigue of the Chinese Communists, we must call upon the free peoples of all the world to build up their moral courage and rally all the forces of justice. We must urge the parliamentary organs, the governments, the civic bodies and the mass communications media of all countries to repeat and amplify our summons so that a great tide of the times will surge forward to oppose the enslavement and aggression of the Chinese Communists and prevent their admission to the United Nations. In so doing, we shall achieve the noble objective of safeguarding the United Nations and world peace. Humankind will be assured of immunity to Communist enslavement and guaranteed the enjoyment of freedom in perpetuity.

ADDRESSES: VICE PRESIDENT C. K. YEN'S MESSAGE TO THE MASS RALLY OF THE REPUBLIC OF CHINA SUPPORTING CAPTIVE NATIONS WEEK, SAFEGUARDING THE FREEDOM OF MANKIND AND OPPOSING THE ADMISSION OF THE CHINESE COMMUNISTS TO THE UNITED NATIONS, TAIPEI, REPUBLIC OF CHINA, JULY 9, 1971

Mr. Chairman, Honorable Guests, Freedom-Seekers, Ladies and Gentlemen:

The people of the Republic of China from all walks of life have been gathering once every year for a mass rally in support of Captive Nations Week. This year's rally is also held to endorse the righeous summons for the safeguarding of mankind's freedom and to oppose the admission of the Chinese Communists to the United Nations. I feel greatly honored to be invited to attend this rally.

The Captive Nations Week movement was initiated by the Congress of the United States 12 years ago and promptly received the backing of the free nations. It has become an international anti-Communist undertaking of just purpose and noble ideals. The Republic of China is the nation which has suffered the most from Communism and was also the first nation to stand up against the Communists. However, the Chinese mainland continues to be occupied by the totalitarian regime of the tyrannical Chinese Communists and our 700 million compatriots are suffering the misery of enslavement. We of the Republic of China have, therefore, a profound and poignant recognition of the meaning and purpose of Captive Nations Week and give our strongest possible support.

The war against Communism will conceivably be a protracted one, filled with hardships and difficulties, and will be complicated by a variety of factors. Unlike previous wars, this struggle requires continuous firmness, unswerving courage in the face of adversities and enduring high morale in order to defeat the enemy and win through to victory. We must also point to the current deplorable situation in which the world remains half free and half slave. More than a billion people are living under the new slave system imposed by Communist totalitarianism. Even in the half of the world which is free, there is a tendency for some people to lose their faith, abandon their position and go astray in their actions. A few shortsighted politicians are raising their voices in advocating appeasement and compromise. It has become increasingly clear that for the sake of short-term benefits, some countries would abandon the principles of righteousness and justice, and have compromised their position in order to please the aggressors. As President Chiang Kai-shek has said, "The rampant tendency toward appeasement has sparked voracious and spreading flames of violence, has brought about the ebb of moral strength, and has damped and dimmed moral faith and legal principles." This deplorable situation saddens friends and gladdens foes, and grievously threatens the security of the free world.

We are especially regretful that some of the free nations should have forgotten the history of the illegal occupation of the Chinese mainland by the Maoist rebels. These nations are either too ignorant to pay any attention to the facts or so deceived by their own illusions that they resort to subjective and wishful thinking and formulate new foreign and trade policies for dealing with the Chinese Communists. This trend is extremely dangerous, because it may not only give aid to tyrants but also invites the destruction of themselves. All the nations which hope to "build bridges" to or have trade with the Maoists apparently have forgotten that up to now the Maoist regime is still an aggressor

condemned by the United Nations and that it continues to be the principal instigator of the war in Indochina.

Because of its inherent nature, the Maoist regime has tried from its very beginning to enslave the Chinese people, to invade neighboring Asian countries and to subvert other free nations. These have been the Maoists' major tasks with their final goal to conquer the whole world. Their conspiracy has never changed. Recently they have become so arrogant as to urge "rebellion against whole mankind and revolutionizing of all the world." If such an evil and violent regime were to be admitted to the United Nations at the insistence of some misguided countries, what would become of the spirit of the United Nations and what would be the future of this world organization?

President Chiang has repeatedly told the people of the world that Communism is the source of all wars of aggression and that the Maoists are the chief perpetrators. He has also said that as long as the Chinese mainland continues to be occupied by the Maoists, there will be no peace in the world. This succinct but emphatic warning is born of bitter experience in our struggle against the Communists during the last several decades. If the free world should close its ears to this admonition, the Maoists would be further encouraged to carry out their plans for expansionism and would pose more and increasingly serious danger for mankind.

The government of the Republic of China has been elected through legal processes under a Constitution which was formulated by the will of all the Chinese people. This country is a founding member of the United Nations and its membership is specified in the Charter. Thus only the Government of the Republic of China can represent the Chinese people in the United Nations.

I want to explain once more to all the people of the world that the struggle of the Republic of China against Communism and for the recovery of the Chinese mainland is based on the will and has the trust of all the Chinese people. Our objective is not merely to win the freedom of a single nation, which is China, but also to eliminate the root of all evils and prevent further world holocausts. We are all familiar with the past tyrannical regimes in the history of China and other nations, and we all know that none of these ever escaped its destiny of destruction. The disregard of human nature and the oppression of the people by the Maoists have gone far beyond the worst records of their predecessors. So we can be certain that the Maoists will not escape the judgement of history; they will eventually collapse and be exterminated at the world tribunal of righteousness and justice.

In his message to the Captive Nations Week mass rally last year, President Chiang made points which can, in my opinion, serve as a permanent endorsement of the movement. I should like to quote him today. President Chiang said: "Peace cannot be had without toil and freedom must be gained with moral courage . . . A bright world of real peace can emerge only when the earth no longer has an iron curtain, and an international society of lasting security can emerge only when mankind is completely free from slavery."

ADDRESS BY DR. KU CHENG-KANG, CHAIRMAN OF THE "CAPTIVE NATIONS WEEK" RALLY, TAIPEI, REPUBLIC OF CHINA, JULY 9, 1971

Vice President Yen, Distinguished Guests, Ladies and Gentlemen:

The "Captive Nations Week" was started in 1959, as proposed by the House and Senate of the U.S. Congress and proclaimed by President Eisenhower. The objective was to help captive nations and their peoples gain freedom and attain a true status of liberation. The support that the Congress and Government of the United States gave to this anti-Communist movement of the people reflected the spirit of Eisenhower Administration's liberation policy and the profound understanding as well as the solemn sense of responsibility possessed by all the Americans with regard to their historic mission. For this reason, the movement has been enthusiastically responded to by the various circles of the Republic of China with "Captive Nations Week" activities each July. This and the Freedom Day Movement, that was first observed on January 23 of 1954, are now two bright banners leading the global fight to tear down the Iron Curtain and win victory for man's freedom.

Today, 12 years since the start of the "Captive Nations Week" movement, the evil Communist forces of enslavement obviously are still strong and the captive nations and peoples under the Communists still continue to suffer and face even more cruel oppression and rule of slavery. Because of Communist aggression and attempts at subversion, some free nations today are just a few steps to butchery and enslavement. This is a truly serious situation. Even so, a number of nations are now stepping back from the battlefront of fight to protect freedom and even showing signs to appease and make compromise with the international Communists. This is why the free world is at such an ebb tide today.

Compared with the Communist bloc, the freedom camp has truly righteous goals, lofty ideals and mighty power. But why is it that no swift victory has been possible in the fight against Communists in the last 20 years? My opinion is that we have been marching in a correct direction but not necessarily with right methods.

Firstly, the freedom camp has never made up its mind resolutely to destroy the Communist rule of slavery. This indecisiveness has been reflected in prolonged fighting without intention to win. Free world policies have been shaky, shifty and retreative; thereby permitting the Communists to grow bolder and increasingly fanatic.

Secondly, the freedom camp posture has been passive and defensive, very rarely offensive. There has never been really determined efforts toward a joint anti-Communist front. As a result,the freedom camp has often been in the predicament of only receiving blows.

Thirdly, there has been no anti-Communist fighting on any front except on military battlegrounds, and the freedom camp has never had any determination or action to take the struggle right into the enemy camp. No internal confusion of Communist rule has been utilized to the free world advantage. By underestimating the captive people's hidden strength against tyranny, the free world has missed many an opportunity to conquer the enemy.

Even in the face of the present difficult situation that has resulted from mistakes of the past, some free nations unfortunately are trying to run away by coupling retreat with compromises, when they actually should be endeavoring to overcome the difficulty with progressive spirit and correct approaches. As a result, the line between us and our enemy is now vague and confused and the anti-Communist fighting spirit of the free world as a whole is now even lower, allowing the reverse current of appeasement to rage everywhere.

But we finally believe that free man will never accept the fate of defeat and enslavement and will wake up in time from his mistaken dream of appeasement. We are particularly confident that the United States, with its outstanding long record of fight for freedom, will once again fully shoulder the responsibility to safeguard human freedom and protect international justice. The free world has hit a low mark but this is only for the time being. If only free people everywhere rise in time and unite for joint endeavors, the ebb tide of freedom will immediately turn into a high tide. We all are subjected to the test of times. We must stand through the test and endeavor continuously toward an era of victory for freedom.

The most serious realistic problem that now confronts us relentlessly is that of attempts to let the Peiping regime into the United Nations. That regime has brought scourges to the whole of China and destruction to all of Asia and is preparing to bring further threats and damage to the entire world. That regime is the mastermind of crimes and has been accused by the United Nations as an aggressor. Admission of that regime into the U.N., should that be unfortunately allowed to happen, would not only lead to the collapse and disintegration of the world body but also bring total confusion and disruption to the entire freedom camp. At this important juncture of history, we sincerely hope that all the free nations will bring forth their conscience and reasoning power, give full play to their courage and strength, and join hands to smash all attempts to introduce the Chinese Communists into the United Nations.

Recently we have been witnessing a rising tide of mass exodus from the Chinese mainland in addition to the continuous fighting of the mainland people against Communism and tyranny. More and more people are risking their lives and breaking out of the Iron Curtain. This shows all the more clearly that Peiping's rule is far from being stable and absolutely cannot represent the Chinese people's interests and viewpoints. This is one major reason why we are strongly opposed to that regime's entry into the U.N. Struggles against slavery and for freedom are indeed spreading everywhere behind the Iron Curtain. This being the case, I must say that another important guideline for free world endeavor is to give all the necessary spiritual encouragement and effective actual support to the Iron Curtain people's struggle for freedom.

The anti-Mao and anti-Communist revolution of the Chinese mainland people today, the current freedom and independence movements of East European peoples and the struggle against autocracy and tyranny now going on in Soviet Russia are all eloquent expressions of a surging revolutionary tide. With political and economic support from the free world, the Iron Curtain people will surely bring their anti-slavery struggle for freedom to a new climax. This not only will check and diminish the Communists' forces of external expansion but at the same time will permit freedom-fighters to hit the enemy from within the enemy camp. The Communist rule of slavery will be uprooted and destroyed in this way. The captive nations will regain their independence and the captive peoples will return to full freedom.

We feel very much honored to have with us today the Honorable Samuel S. Stratton of the U.S. House of Representatives. We heartily thank him and welcome him. As we all can see, even though the appeasers are rampant today, the righteous forces of the world also are rising in unity. In the United States, for example, the tide against appeasement has been rising recently in the Congress and in many sectors of society. We are sure that Mr. Stratton will bring back to his fellow Americans the Chinese people's voice of righteousness, firm stand and correct endeavors with regard to the present world situation. By doing so, Mr. Stratton will help bring about closer cooperation between the two great nations—the United States of

America and the Republic of China—for further unity of all the freedom-loving people of the world and for continuous common endeavors toward the final goal of victory for freedom. This way, we believe, the "Captive Nations Week" movement that was started by the U.S. Congress will write down a brilliant page in the history of man's struggle for freedom.

ADDRESS OF CONGRESSMAN SAMUEL S. STRATTON (D-N.Y.) BEFORE THE CAPTIVE NATIONS WEEK OBSERVANCE OF THE REPUBLIC OF CHINA, TAIPEI, JULY 9, 1971

Mr. Chairman, ladies and gentlemen of the conference:

It is a special pleasure to be able to return to the Republic of China today for my second visit here in little more than a year. I visited here a year ago in May as the acting chairman of a subcommittee of the House Armed Services Committee; and I am delighted to be back once again.

As one who served in the Pacific theater of war under General MacArthur during World War II, and was recalled for service during the Korean war, I have long had a deep and abiding interest in Asia. And I have been greatly impressed with the courage and determination of the people of the Republic of China, who, in spite of all the obstacles, have achieved such miracles of economic expansion and defense strength here on the island of Taiwan. We salute this great free Republic of China for what you have accomplished and for what we are confident you will continue to accomplish in the future.

I am also happy of course to have this unusual opportunity to join with the Captive Nations Committee of the Republic of China, and with your many friends and guests, to commemorate once again here in Asia our annual Captive Nations Week. In joining in these worldwide ceremonies we remind ourselves and the rest of the Asian world of our determination to continue the long and demanding struggle against the predatory and aggressive policies of the communist world. But more than that, on this occasion, as free men and women, we renew our solemn pledge to work together to speed the day when the blessings and privileges of freedom will once again be enjoyed by all those unhappy peoples, around the world, who love freedom, and who treasure a heritage of freedom, but who today, having been captured by the communist movement, are forced to live in bondage under the communist yoke.

I refer especially to those captive peoples here in Asia, the people of North Korea, the people of North Viet Nam, yes, and above all the people still existing under communist tyranny on the mainland of China. God speed the day when all these captive peoples shall once again walk in freedom and in hope.

My own interest in these annual Captive Nations observances is a very personal one, since, as a very new member of the United States Congress I was one of the original coauthors of the legislation which first established our official observance of Captive Nations Week in the United States back in 1960. And I will also tell you that I am one of those who is still pushing hard for the creation within the U.S. House of Representatives of a special Captive Nations Committee so that as a Congress we can focus our special attention on the urgency of continuing to work for the ultimate freedom of all captive peoples around the world.

I know the delegates to this great gathering will find encouragement and hope in the knowledge that in another week the people of the United States Congress, pursuant to official Presidential proclamation, will join in appropirate ceremonies to dramatize our own support for these goals of freedom and self-determination for all the peoples of the world, and our continued determination to work to hasten the day when all those peoples, whether behind the Iron Curtain in Europe or behind the various bamboo curtains here in Asia, who are still condemned to live under communism will again be free.

But ladies and gentlemen, I would be less than frank with you if I did not candidly acknowledge to the delegates of this great conference that as we meet here today the climate of broad public support within the United States for the basic philosophy and the basic goals and objectives of this annual observance of ours is more shaky and unpredictable than it has been at any time since these observances were first instituted some 11 years ago.

As I see it—and I think that the members of this conference should be perfectly clear about these facts—America stands today at the brink of a very significant watershed in our post-World War II policies towards the rest of the world. And—make no mistake about this either—nobody can tell you with assurance at this point just which way the United States of America is going to move. It may seem strange to you; but the fact is that suddenly the assumptions and the convictions that have guided our world leadership role, and especially our leadership in the fight against communist aggression and encroachment, since the end of World War II are no longer accepted by our people without challenge. For the first time in a generation we find ourselves perplexed, confused, and bitterly divided, as I am sure you realize over what it is we really want as a nation and where it is we really are headed, or ought to be headed.

Distinguished voices in the Congress—mostly in the United States Senate, to be sure, but increasingly also in the House of Representatives, I regret to say—are critical of the leadership role which America has exercised in the free world under the last six presidents of the United States and the various elected Congresses associated with them. Suddenly today we are being told that communism is no longer a threat to the peace and stability of the world; that the Cold War and its tensions have long since disappeared; that the Soviets and the Communist Chinese are at heart nice, quiet, peaceful nations, with not the slightest interest, really, in intruding on the territory or the affairs of their neighbors, except, of course, so we are being told, as a purely defensive reaction to the allegedly aggressive international policies and actions of the United States, now, incidentally, being run so we are also told, entirely by a sinister entity called "the industrial-military complex."

We hear it proclaimed that America must not continue any longer to serve as "the world's policeman." We must abandon our long-standing commitments around the world to freedom and to free nations, we are told, and return to the self-indulgent isolationism of the 1920's—cultivating our own particular gardens, and devoting our time, attention, and our dollars exclusively to such domestic problems as racial unrest, pollution, and the like.

I am not suggesting of course that this rather curious view of the contemporary world has become, at least not yet, the controlling point of view of the people of the United States or their elected government. It certainly hasn't. But the chilling fact is—and it is high time our friends and allies around the world were clearly aware of just what is happening—that these sentiments do reflect the views of an increasingly larger segment of the American people, particularly the more vocal leaders of its intellectual and academic communities, of an increasingly larger portion of the members of the United States Congress, including a number of leading candidates for the presidency in 1972, and finally and most disturbingly, of a clear-cut majority of the printed and electronic news media, whose leaders, as you know, control tremendous power to mould public opinion, and who—as we have just seen—are immune from any prior restraints in publishing the clear and exact verbatim texts of any of the nation's most sensitive and most highly classified secrets which they can somehow get their hands on or which someone else can steal for them.

I hardly need to underline for you the profound significance of this shift in sentiment in our country, and the tremendous impact that it is likely to have, not merely on the cause of the Captive Nations, but on our whole future role in leading the fight against still further communist aggression and still further efforts at enslavement in many other crucial areas of Europe and Asia.

The reasons for this very dramatic shift in American sentiment lie of course in the frustrations of our long, costly, and still somewhat indeterminate commitment against communist aggression in Southeast Asia. Without going into detail over the complex issues involved in the Viet Nam war, and the wisdom or lack of it in the ways in which we sought to discharge our obligations there, one thing is perfectly clear. We went into Viet Nam just as we went into Korea, simply to prevent armed communist aggression from succeeding in Asia. Although the invasion of South Viet Nam by North Viet Nam was cleverly masked as a domestic insurrection, as compared with the more conventional military invasion of South Korea, the basic elements of both situations were identical. And in both cases, incidentally, this aggression by a small communist country on its noncommunist neighbor was aided, abetted, and financed both by the Soviet Union and the Communist Chinese, and couldn't have lasted for a week without their help.

To be sure, the relative ratios of support between these two communist powers varied from time to time during both conflicts. And whatever may be the ideological or practical differences between the Russians and Communist China, and however much these differences may support the conclusion now being expounded by so many unthinking commentators that communism is no longer a threat because it is no longer monolithic, the obvious fact is that in both conflicts both communist powers worked together, sometimes even in competition, against the interests of freedom and against the efforts of the United States. So whether communism is or isn't a monolith today, either way there is scant ground for any hope or encouragement as far as the free peoples of the world are concerned.

Helping other free nations to resist aggressions of just this kind has been a cardinal principle of American foreign policy ever since 1947 and the Truman Doctrine. This was our commitment to the containment of communism, in Asia no less than in Europe. This was the same policy which was so eloquently restated by President Kennedy in his brilliant Inaugural address, as recently as 1961, which solemnly pledged that America would "pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to insure the success and survival of liberty."

So our decision in coming to the aid of the South Vietnamese was neither new nor surprising, even though South Viet Nam was admittedly a small country, was located a half a world away from the United States, and was situated in Asia instead of in Europe. But we had learned a long time ago—or some of us thought we had at least, after what happened to Czechoslovakia following Munich—that peace was indivisible, and that if military aggression can successfully make a captive of even a small and far

away nation, to that extent the security and the peace of all the rest of the world—including ourselves—is weakened and diminished.

But whatever the rationale for our assistance to Viet Nam, the truth is that the long, slow progress there, and especially the indecisiveness of our military operations, gradually took a heavy toll in public understanding and support, not only for Viet Nam, but also for our traditional worldwide posture against communist aggression.

So, where do we stand today on this critical issue in the United States of America? Well, first of all, let me say that there is no great difference of opinion over the desirability of ending our involvement in Indo-China as rapidly as we can practically do so, and turning over to the people of South Viet Nam and the other states of Indo-China the full burden of their own defense. Rather the crucial conflict today, and it is a remarkably bitter one, is whether we are going to be allowed to carry out that withdrawal under conditions that will give the South Vietnamese, once we leave, at least a reasonable chance to defend their own independence. If we can do that, then obviously, the basic objective of our long and costly commitment in South Viet Nam will have been largely achieved.

This, naturally, is the course which President Nixon is seeking to follow. The alternative, which the President's critics in the press and in Congress have been working hard to force upon him, would be to carry out that withdrawal from Viet Nam in a way that guarantees instead, once we have left, that the North Vietnamese communists will automatically take over control of South Viet Nam, something they of course have been fighting since 1956 to achieve. If we follow this alternative course we will, obviously, be insuring that everything for which our country has spent so much time and treasure, and for which more than 45,000 Americans have now given their lives to help secure, will have gone down the drain forever.

This, ladies and gentlemen, is the central issue we face today in the United States in our Asian policy. This is what all the shouting is about. This end result, this tragic surrender and repudiation of all we have worked so hard and so long to achieve, is what President Nixon has so far stubbornly and, I believe, courageously, striven to prevent. And I for one hope the President will have enough public support in America to continue to do just that.

I say this in spite of the fact that the President is a Republican and I am a Democrat. But I deeply believe that when it comes to foreign policy, to the fate of our nation beyond its own shores, we must be Americans first and foremost and Democrats and Republicans second. All the great achievements in our world leadership role these past 30 years have been carried out with bi-partisan support. That is the way I believe it should be. And that is the way which I for one, if I have anything to say about it, am going to continue to work to see that it remains.

But to be perfectly candid, and perfectly realistic, it must be acknowledged that at this particular point no one can predict the outcome with assurance. A very large body of public opinion as of now, I am convinced, would support our withdrawal from Viet Nam regardless of what might happen to the people of South Viet Nam once we leave. Perhaps a majority of the Senate would favor this position too, provided only that we first got our own prisoners of war back home safely. At this stage I believe a majority of the House of Representatives is still firmly behind the President, but in all candor I must admit the margin is shrinking, and time is fast running out. And there is no question but that the latest Viet Cong peace offer from Paris has played into the hands of those working against the President.

I hardly need to point out to this assembly that if the President's critics do prevail, then a very heavy blow will have been struck to the cause we have all joined here today to honor.

Nevertheless, I do believe that this Great Debate now under way in the United States over the specifics of our withdrawal from Viet Nam has served to pinpoint one major truth, and that is that in a very real sense the future of what we like to regard as the free world hinges today more on the decisions we are taking and will be taking here in Asia than on those we take with regard to Europe. Here in this part of the world and in the countries which today comprise what might properly be called the Pacific Community is where the shape of the future of our whole world is almost certain to be determined.

To that extent it is especially unfortunate, I believe, that so much of our time and energies in the United States should be concentrated today only on the question of how and when we are going to withdraw from Viet Nam, because in our preoccupation we have been largely neglecting the far more important question of the future of Asia and the size and the shape of America's own role in that post-Viet Nam Asia. Do we now decide, for example, to opt entirely out of Asia now, once we leave Viet Nam? Do we opt out of all positions of leadership and responsibility now in the Pacific—despite our heavy commitments here in World War II, in the Korean war, and in Southeast Asia? Or do we instead continue to play some continuing role here in the Pacific Community? And if so, what should it be?

Most Americans, I believe, if you were to ask them directly, would probably support the broad approach to the Pacific Community that has come to be known as the Nixon Doctrine, that we should continue to have an interest in Asia and should play a major role there, but at the same time should limit our aid to economic assistance and possibly, upon occasion, to naval and air support, but should henceforth look to the free nations of Asia themselves to undertake a much larger share of the burden of their own defense, particularly in supplying the ground combat troops needed for that defense.

I am well aware that over the past two years the enunciation of the Nixon Doctrine has caused some apprehension on the part of our Asian allies for what it may represent in terms of a reduced American commitment in the Pacific. But the far more significant feature of this new doctrine, and the one that is especially relevant to the current debate over our withdrawal from Viet Nam, is not that it reduces our Pacific commitment below what it has been in the past, but that it represents a determination—in spite of all the growing domestic pressures in the United States towards isolationism—to continue to play a significant and meaningful role in support of peace, stability, and economic progress in Asia.

At the very least such a commitment would require continued support and assistance to all of the non-communist countries of Asia with whom we are already associated, either through specific bi-lateral agreements or through the broader provisions of the Southeast Asia Treaty Organization. Communism is no less a threat in Asia than in Europe; and depending in part on the manner of our withdrawal from Viet Nam, the problem will be to keep it from becoming suddenly a far more explosive threat in Asia. Thus we can certainly do no less, and probably we shall have to do a lot more to build as firm a mutual security arrangement in the Pacific as now exists in Europe and the North Atlantic. In addition we shall also have to provide help and encouragement in expanding that purely military alliance, as has been done in Europe, into increasingly greater measures of area-wide economic and political cooperation. A start has been made on this in Asia, but much more remains to be done.

Yet even this limited kind of commitment will not come automatically from an American people wearied and disillusioned over earlier efforts to provide similar help in Southeast Asia. It is clear that those of us who share an interest in Asia and recognize the growing world importance of this region in terms of economic resources and productive manpower, must remain active and vigiant if we are to generate the level of public support necessary to underwrite the operations and funds needed to carry out even the reduced commitments of the Nixon Doctrine in Asia.

After all, consider the relatively narrow margin by which the United States Senate recently defeated the effort to dismantle our NATO alliance, although that alliance has been in existence longer than SEATO, and its record of success has been far less ambiguous. And only by a hair's breadth last year did Congress defeat a legislative rider to the defense appropriations bill that would have prevented us not merely from sending American ground troops into Laos and Cambodia, as we are already prevented from doing anyway, but also from providing weapons and military equipment on those free Asian countries seeking to defend themselves against communist invasion. Obviously, if we are to be prevented even from sending to Asian countries the same kind of military assistance we have long been sending to Greece, to Turkey, to Latin America, and even to Israel, then the Nixon Doctrine is dead in Asia even before it can get started.

The most difficult question of all for the American people at the moment concerns our relations with Communist China, and I should like to conclude with just a few thoughts on this most vital topic. Let me make it abundantly clear, by the way, that on this matter, as on the others I have discussed, I speak only for myself, as one member of the United States Congress, and not for the Nixon administration.

Like most Americans I support the effort to get better acquainted with the Red Chinese, an effort, by the way, that originated in the Johnson administration, you may recall, with periodic talks in Warsaw, which never produced results, however, because of the complete intransigence of the Chinese Communists. It has always been a wise maxim to know your enemy better. We have been expanding our contacts with the Soviets for many years, for example, including the "hot line" from Washington to Moscow, and the result has been that both of us know and understand each other a little bit better. It has undoubtedly given them a clearer idea of the size and power of our military deterrent force. But, needless to say, it has not eliminated the sharper differences, in policy and ideology, that still separate us.

Something of the same kind might result from greater exchanges with the Red Chinese, and perhaps the results might be even more beneficial, since all indications point to the fact that as far as the United States is concerned the Chinese communists are the prisoners of their own ideology. The more they actually see of America, and Americans, the less likely are they to make a serious miscalculation about our ability to defend ourselves.

But having said all that, let me quickly add that the moment we go beyond the simple, preliminary feelers and exchanges and begin to talk about diplomatic recognition of Red China and its admission into the United Nations, I see some very serious reservations.

There is really no reason for us to be mis-

led as to just where such actions are likely to lead. Only the other day Premier Chou En Lai made it perfectly clear in several newspaper interviews that in spite of all the excitement and hoopla surrounding the new ping-pong diplomacy, the Mao government has not changed its basic line. Their primary objective, he reminded us, is still the take-over of Taiwan, just as the primary objective of the North Vietnamese government, in spite of all the diplomatic accoutrements in Paris, is still the take-over of South Viet Nam. And in neither case, I might add, is diplomacy likely to change the issue in any significant degree.

So, if we want a rapprochement with Mao then we must be prepared to repudiate the Republic of China—in exactly the same way, again, as the desire for a negotiated settlement with Hanoi means ultimately the repudiation of the duly elected government of South Viet Nam.

Surely the United States has not yet come to the point where we are prepared to sacrifice our non-communist friends and allies in exchange for nothing more substantial than the appearance of smiles and friendship on the part of our communist enemies!

The lesson it seems to me is clear. So before we get ourselves in too deeply in this search for friendship and understanding on the mainland, let us reaffirm our continued policy of support, cooperation, and genuine friendship with the peoples and the government of the Republic of China.

And since these matters affecting our relations with the mainland have not yet been officially decided, it is all the more essential for those of us who believe as I do, both within Congress and outside, to speak out loud and clear against all these current efforts being made to persuade the administration this fall to switch our position at the United Nations and support the admission of Red China into the United Nations.

I believe that our government must continue to oppose the admission of Red China to the United Nations, and do so openly and actively until such time as it renounces its aggression against the UN and goes on record in support of the peaceful principles of the UN Charter.

Secondly, we must continue our American support for the proposition that seating Red China is still an "important" question, and still requires a two-thirds majority.

Third we must remind our own people as well as the members of the UN that the Republic of China is one of the founders of the UN, and one of the five permanent members of its Security Council. As such its exclusion from the UN, either directly or indirectly, is completely out of the question. It makes no more sense, in fact, than if one were to propose the expulsion of France or Great Britain, both likewise founders and permanent members of the Security Council, simply on the ground that neither country exercises today as decisive a role over world events as it did in the days preceding World War II, when the French Army was commonly regarded as the strongest in all Europe, and when the sun never set on the British Empire.

I just do not think that the United States can either duck or equivocate on any of these important issues. We must, I am convinced, take our stand firmly and openly, and we must seek actively once again this fall, as we have done so often in the past, to line up UN votes for our position, not just sit idly on the sidelines, as so many have lately been suggesting that we do.

Finally, if, in spite of all our efforts a two-thirds majority should appear to be shaping up in the Assembly for the admission of Peking, then I would propose we move immediately to defer all action on this question for a year, to give us time to see where the Viet Nam negotiations are headed, and to explore in much greater detail the full implications of the new ping-pong diplomacy—a term, by the way, that has captured the attention of the world's headline writers but which still, as the Prime Minister of Australia reminded us just the other day in connection with his own country's conversations with Peking, has so far yielded very, very little indeed in diplomatic substance.

This has been a sober picture which I have painted for this assembly, but I have only tried to present the facts about our situation in America as they really are. I know you would want it this way, and also I am myself firmly convinced that the more clearly and frankly we face up to our problems, the more effectively we are likely to be able to deal with them.

As one who has himself watched with considerable dismay the shifting course of American public sentiment on these great issues of national security these past few years, I think I know something of the perplexity which all of you must have felt as you have been reading the headlines from America.

The nation that has stood for years in the forefront of the struggle for peace, stability, and freedom, has now begun to question its own purposes and even to doubt its own resolve.

We never sought, of course, to be the world's policeman, and indeed we have never filled that role. But we recognized from the start that if a fight was to be made against the forces of blackmail and aggression—in Asia as well as in Europe—in the days following the end of World War II, only the United States of America possessed the vision and the power to mobilize and lead the forces of the free world. We recognized that if we didn't provide that leadership, no one else could do it. And so, without any hope of national gain, but only in the conviction that helping a neighbor to preserve his freedom we were in fact defending our own, we moved to take up the long and costly burden.

Yet, disturbing as the recent changes in American sentiment may be, I must say I still share the optimism and determinaion expressed by our President. America still possesses the power and resources; all that we need is the courage, and the heart, and the will.

And I am convinced we will find that courage and that will, because I believe, as I know you believe, that it is better to live in freedom than in captivity, that communism is basically wrong as a political and social philosophy, that it carries within itself the seeds of its own destruction, and that right and truth ultimately will pervail.

So we do have faith that those Captive Nations whose people we honor here this week will indeed some day be free again. And in working for that freedom we are doing not only what is desirable but what is right. And no greater assignment could any body of men and women have.

As President Kennedy expressed it in his Inaugural Address, "With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own."

And we can also take heart from the same stirring words that Winston Churchill used to rally the British people in the darkest days of World War II: "Lift up your hearts. All will come right. Out of the depths of sorrow and sacrifice will be born again the glory of mankind."

REMARKS BY AMBASSADOR MCCONAUGHY AT THE CAPTIVE NATIONS WEEK RALLY, TAIPEI, REPUBLIC OF CHINA, JULY 9, 1971

Mr. Vice President, Chairman Ku, Committee Members, Distinguished Guests, Ladies and Gentlemen:

It is a great honor for me again to participate in the annual Taipei observance of Captive Nations Week.

The most unfortunate of peoples are surely those who are prevented from enjoying man's inalienable rights of freedom and liberty. But this condition is not only unfortunate, it is also unnatural; for the natural, inextinguishable desire of the human spirit is for independence and basic human freedoms. So, while we sorrow for those who must continue to carry the yoke of oppression, we nevertheless remain confident that someday the human spirit will prevail and that someday each country will be governed by a leadership that respects freedom, liberty and justice.

The United States of America's War of Independence was fought to lift the yoke of oppression. Fortunately for America, we have not known the absence of liberty since that initial victory in 1783. Partly because our nation was born in a fight for freedom, Americans retain a special concern for the plight of those who are still denied their right to liberty, national independence, and justice. It was this American concern that resulted in the 1959 Joint Resolution of the Congress of the United States requesting the President to proclaim the third week in July each year as Captive Nations Week until such time as freedom and independence should have been achieved for all the captive nations of the world. It is appropriate that we rededicate ourselves here today with our friends and allies in the Republic of China who share with us these basic goals and ideals.

I must be candid: the twelve years since the Joint Resolution was passed have not been years of great progress toward ending the cruel injustice of a world partly enslaved. The path of freedom is not an easy road to follow. In fact it often seems easier to accept oppression than to resist it. In the long run, however, the modern oppressors are doomed to the same fate that has befallen all the oppressors that have gone before.

It is our fond hope that the day when we will no longer need to observe a Captive Nations Week is not too far in the future. That day will indeed be blessed for mankind everywhere. Until that day, however, it is proper that we pause at least once a year to remember those suffering from oppression, and to recall that the fate of our brothers is very much our own concern.

DECLARATION OF THE CAPTIVE NATIONS WEEK RALLY IN THE REPUBLIC OF CHINA, JULY 9, 1971

Sixty years ago, Chinese compatriots and patriotic youths attained a great unity, domestically and overseas, under the banner of national revolution and, by sacrificing their blood and lives, finally overthrew the tyranny of the Manchu dynasty and established the first democratic republic in Asia.

Today, when the Republic of China is sixty years old, Chinese compatriots and patriotic youths have again attained a great unity, domestically and overseas, in the cause of an anti-Mao and anti-Communist revolution which is directed to overthrow the barbarous Maoist regime and its slavery system and establish a modern China based on the Three People's Principles.

For the last twenty years, the Maoist gang has, domestically, enslaved the 700 million Chinese people on the Chinese mainland by terror and violence and, externally, adopted a belligerent and aggressive policy which has constituted an evil influence over the world and posed a great threat to Asia and the whole mankind. But their erroneous policy and aggressive lines have also aggravated internal contradictions and crises. The turbulence created by the "Great Cultural Revolution" was a reflection of these contradictions and crises. From the fact that the whole Chinese mainland after the "Great Cultural Revolution" still remains in a tumultuous state, we can realize that the Maoist regime has by no means overcome its difficulties. On the contrary, the situation has been worsening from day to day.

Present Chinese mainland situation indicates that the Maoist regime is far from able to stabilize its rule and it can only maintain its control over the people by military support. This is why, up to present, the regime is still unable to convene the "National People's Congress' and normalize its administrative system. The unceasing disturbances, including violent power-seizing struggles, armed factional strifes, warlords' militarism as well as people's revolts and flights are indications that more crises and turbulences are developing.

Nevertheless, international appeasers ignore these facts and say that the Chinese Communists have stabilized their rule over the Chinese mainland. Furthermore, they even try to introduce the illegal Maoist regime into international society. These absurdities have not only intensified the Chinese Communist tyrannous rule over the 700 million Chinese people, but also encouraged their aggression and subversion in Asia and increased their threat to the whole world.

Therefore, we solemnly appeal that, for the sake of the future of whole mankind, all justice and freedom forces should join together in the effort to stop the maneuvers of appeasement. The most urgent task in present stage is of course to defeat the plot of introducing the Chinese Communist regime into the United Nations. The Chinese Communist regime has ever had a growling animosity towards the United Nations and unalterably taken the enslavement of whole mankind as its primary goal. It is self-evident that to introduce the Chinese Communist regime into the United Nations would be of suicidal stupidity on the part of free nations.

We firmly believe that only when all justices and freedom forces are closely united, we can attain the goal of victory for freedom. We are glad to see that the great majority of American people have awakened to the danger of appeasement, Asian people's anti-Communists have grown much stronger than ever before, the silent majority of the people of free nations have been awakening, and the freedom struggle behind the Iron Curtain is in active development. All these convinced us that the force of freedom is irresistible. The Chinese people have been always in the utmost front of the struggle for freedom and against slavery. We should unflaggingly endeavor to march forward under the guidance of President Chiang: "Attain self-support with a solemn attitude, don't be afraid when encountering unexpected accidents, make sound judgment after careful deliberation, and hold fast on the principle of national independence." With these words in mind as our guiding principle, we are sure that we will overcome all difficulties in the way and achieve our final victory for freedom.

MESSAGE TO THE UNITED NATIONS—TAIPEI, REPUBLIC OF CHINA, JULY 9, 1971

To: The Secretary-General & Member Delegations at the U.N. c/o Embassy of the Republic of China, Washington, D.C.

The Captive Nations Week observance, started in the United States in 1959, has received enthusiastic response and support from the people of the Republic of China because of its complete accord with the U.N. stand for human rights and freedom. As we representatives from various circles of this nation are gathered here in Taipei today for another Captive Nations Week rally, we have fixed as our immediate goals of anti-slavery struggle the protection of man's freedom and strong objection to Chinese Communist entry into the United Nations.

To protect international peace and punish the Communists for their belligerent atrocities, the U.N. in 1951, in the course of the Korean conflict, labelled the Peiping regime as an aggressor. In the two decades since then, the Chinese Communists have continued to work for the "burial" of human freedom through their aggressive expansionist moves. They have supported the Vietnamese Communists' attacks on South Vietnam; kindled war fire in Laos and Khmer (Cambodia); instigated the Thai, Malaysian, Indian and Burmese Reds to carry out armed rebellion and subversion; and trained and supported the Red and pro-Red elements in Asia, Africa and the Americas for political infiltration and armed disturbances. Furthermore, Peiping has been operating a world-wide dope-trafficking network in an attempt to poison the bodies and minds of soldiers and other young people. On the Chinese mainland, the dictatorial and tyrannical regime has imposed on the 700 million populace an unprecedented form of slavery and oppression, preparing to sacrifice the people for the regime's fanatic "world revolution." The United Nations indeed should take severe punitive actions against these madly evil Chinese Communists instead of trying to admit them into the world family and help them spread their destructive flames.

Unfortunately, a number of U.N. member nations have time and again attempted to introduce the Peiping regime into the world body. Undoubtedly they have been influenced by Peiping's united front maneuvers and the international appeasers' fear of Communists. Their attempts seriously contradict the spirit of the U.N. Charter and may endanger the valuable existence of the U.N. itself.

Because of their unsurpassed tyrannical rule and allout drive toward world conquest, the Chinese Communists are now faced with strong opposition from the 700 million people at home and heavy pressure from the anti-Mao and anti-Communist forces abroad. Peiping's rule has never been stable and the regime's internal crisis is increasing in intensity. To tide over this turbulence, the regime is now resorting to a diplomatic offensive of smiles, hoping that enough support may be gained for its U.N. entry and assurance of its continued existence. However, membership in the U.N. would give Peiping a solid ground for perpetration of its scheme to bury the whole United Nations. All the statesmen of U.N. member nations should be fully aware of this Chinese Communist intention and heighten their vigilance accordingly.

The Republic of China, as a charter member of the U.N. and a permanent member of the Security Council, has fully accepted and carried out the obligations contained in the U.N. Charter, and has contributed importantly to the U.N. efforts to enhance world peace as well as to man's fight against the Communists' tyrannical rule of slavery. As we free Chinese are gathered today for this Captive Nations Week rally, we have unanimously decided to send this message to Your Excellency Secretary-General U Thant and to all the delegations of U.N. member nations, reiterating the determination of all the people of the Republic of China to safeguard the sacred U.N. Charter and resolutely oppose all attempts to introduce the Peiping regime to the U.N. We urge the whole United Nations to watch out for the Chinese Communists' dark schemes to bury the world body and bring scourges to all of mankind. We request the United Nations to uphold its solemn stand for human rights and against aggression. We ask that the Peiping regime be kept out of the United Nations forever. Furthermore, we hope that speedy and effective steps will be taken against the Chinese Communists' aggression, subversion, rule of slavery and narcotics offensive. Only in this way can the United Nations fulfill its historic mission to protect world peace and promote man's freedom and well-being.

Mass Rally of the Republic of China's Various Circles Supporting the Captive Nations Week Movement, Striving To Safeguard the Freedom of Mankind and Opposing Peiping's Entry Into the U.N.

MESSAGE TO HIS EXCELLENCY RICHARD M. NIXON, PRESIDENT OF THE UNITED STATES OF AMERICA, TAIPEI, REPUBLIC OF CHINA, JULY 9, 1971

H. E. RICHARD M. NIXON,
President of the United States of America, Washington, D.C., U.S.A.

YOUR EXCELLENCY: To observe the Captive Nations Week sponsored by the United States, a mass rally participated in by more than 2,000 representatives of civic organizations in the Republic of China is being held today at the City Auditorium of Taipei and a week-long observance program is also being carried out throughout this country. The Captive Nations Week, as proclaimed by President Eisenhower in 1958 when Your Excellency was Vice President, is a movement of epochal significance and would bear very important effects on the whole world. It is an endeavor which maneuvers for the support of the freedom struggle behind the Iron Curtain and has added luster to the American people's great heritage of righteousness. We consider that, under current world situation, it is imperative for all free people to uphold this movement with positive action. For this purpose, we are sending this message to express our respects for Your Excellency's leadership and request Your Excellency's continuous support of the Captive Nations Week movement in order that it can accomplish its great objectives to liberate the enslaved people behind the Iron Curtain and safeguard freedom for all mankind. We want to point out that any appeasement to international Communists would mean surrender to the Communist slavery system and that the people of the Republic of China are firmly opposed to any attempt to introduce the Chinese Communist regime into the United Nations and are also opposed to any so-called "two Chinas" arrangement. Thus, we earnestly call upon Your Excellency to maintain the just spirit of the United Nations Charter, and save the United Nations organization from being frustrated by a Communist plot. We appreciate the traditional friendship between the United States and the Republic of China as well as the common interests of the freedom camp. We also earnestly request that the United States as a leading nation of the free world continues to prevent the Chinese Communist regime from entering the United Nations, in order to eliminate the Communist slavery system, and carry out the positive aspect of the Nixon Doctrine to achieve the victory of human freedom in the 1970s.

Very truly yours,

Mass Rally of the Republic of China's Various Circles Supporting the Captive Nations Week Movement, Striving to Safeguard the Freedom of Mankind and Opposing Peiping's Entry Into the U.N.

MESSAGE TO THE GOVERNMENT AND PEOPLE OF THE REPUBLIC OF VIETNAM, TAIPEI, REPUBLIC OF CHINA, JULY 9, 1971

To: H.E. President Nguyen Van Thieu and the Patriotic Soldiers and Civilians of the Republic of Vietnam

In response to the "Captive Nations Week" Movement of the United States, representatives from various circles of the Republic of China have assembled today at the City Hall in Taipei for a rally to express our support for that movement and our determination to safeguard man's freedom and oppose the

Peiping regime's entry into the United Nations. We of this meeting wish to avail ourselves of this opportunity to express our highest respect to Your Excellency and the people of the Republic of Vietnam, military and civilian alike, who under your strong leadership have made great accomplishments in their resolute fight for Vietnam's independence and freedom in opposition to Communist aggressors, thereby setting a brilliant example for the other free Asian nations' anti-Communist struggle.

This meeting strongly advocates that the Charter of the United Nations must be protected and that all efforts must be exerted to keep out of the United Nations the aggressive Peiping regime that has been the source of scourges in Asia. The meeting also reiterates the determination of the military and civilian populace of the Republic of China to strive together with the people of the Republic of Vietnam in the fight to eliminate evil Communist forces and scourges from all of Asia. The Republic of China will stand firmly by the Republic of Vietnam for continuous joint efforts to establish a collective security organization for Asia and the Pacific, to put an end to Communist threats, to assure Asian security and to protect man's freedom. May the Republic of Vietnam continue to grow and prosper and Your Excellency continue to enjoy health and well-being.

Very truly yours,

Mass Rally of the Republic of China's Various Circles Supporting the Captive Nations Week Movement, Striving to Safeguard the Freedom of Mankind and Opposing Peiping's Entry Into the U.N.

MESSAGE TO THE PEOPLE OF CAPTIVE NATIONS, TAIPEI, REPUBLIC OF CHINA, JULY 9, 1971

DEAR FRIENDS BEHIND THE IRON CURTAIN: Since the start of Captive Nations Week observances in the United States in 1959 through Congressional decision and proclamation by President Eisenhower, we people in the Republic of China have enthusiastically responded to the call with mass rallies and other activities in July of each year. Furthermore, the movement has been expanded by the World Anti-Communist League into a massive campaign of all the free world nations supporting the U.S. policy to free the Iron Curtain people. The Captive Nations Week is now one of two major annual events of the world that stand for freedom and against slavery. The other event is the Freedom Day each January 23 that marks the choice of freedom made by more than 22,000 Communist prisoners-of-war of the Korean War 17 years ago. Today, to mark the 12th anniversary of the Captive Nations Week Movement, we people of the Republic of China are gathered here in Taipei for a mass rally in support of your continued struggle for freedom and independence in opposition to Communism and slavery. We are here to pledge that we will continue to fight with you against the Communists' evil rule so that the final victory will be ours and all the nations and individuals will be once again free.

The evil Communist rule is now faced with serious internal contradictions, difficulties and crises. But before their complete downfall the Communists will surely effect further cruel oppression and bring even more serious scourges to all the Iron Curtain people. On the other hand, however, the enslaved people will certainly react with anti-tyranny actions of unprecedented scale. The Polish people's anti-slavery campaign since last year is now leading to another climax in the Iron Curtain people's struggle for freedom. Far-reaching influences have been exerted throughout Eastern Europe. Particularly shocked are the Communist regimes of Czechoslovakia, Hungary and East Germany. Also noteworthy is the mounting opposition of the Russians, particularly the intellectuals against totalitarian autocracy, forcing the Kremlin to make certain concessions in regard to internal affairs. The international Communists' split and tendency toward disintegration are now all the more obvious following the 24th congress of the Russian Communist Party last March. The massing of stronger anto-Communist forces inside and outside the Iron Curtain and the severe internal conflicts of the Communist bloc are factors assuring a final victory for the people who long for freedom and stand against slavery. The fast-developing anti-Mao and anti-Communist struggle of the Chinese mainland people is now a brilliant forerunner of the Iron Curtain people's anti-tyranny revolution. Large numbers of people in various free nations are waking up to the truth and rising together against the Communists. The anti-Communist situation of the whole has been greatly enhanced. We all are of the opinion that freedom can be gained only through incessant struggle and that no pause can be allowed in the fight against slavery and for freedom. We are determined to continue our unremitting efforts and deal a timely fatal blow to the sinful rule of slavery. Together we shall speed up the arrival of victory for freedom following a total destruction of the Iron Curtain.

Dear friends behind the Iron Curtain, the Captive Nations Week Movement will continue to prompt the free world to supply you with spiritual and material strength for your fight against slavery and for freedom. Let us strive as one toward our common goal. Let us from different directions launch joint attacks at Communist tyranny. We all shall fight to the end for a complete elimination of Communist rule.

With our hearty wishes for the victory of our common endeavors,

Sincerely,

Mass Rally of the Republic of China's Various Circles Supporting the Captive Nations Week Movement, Striving to Safeguard the Freedom of Mankind and Opposing Peiping's Entry Into the U.N.

MESSAGE TO THE ALLIED FIGHTERS IN INDOCHINA TAIPEI, REPUBLIC OF CHINA, JULY 9, 1971

To: General Creighton Abrams in Saigon & All Allied Soldiers in Indochina

In response to the "Captive Nations Week" Movement of the United States, representatives from various circles of the Republic of China have assembled today at the City Hall in Taipei for a rally to express our support for that movement and our determination to safeguard man's freedom and oppose the Peiping regime's entry into the United Nations. In view of your heroic fighting on the battlefronts of Vietnam, Laos and Khmer and your great achievements in protecting the Republic of Vietnam's independence, in punishing the Communists for their violent aggression and in safeguarding human freedom and world peace, we of this meeting have unanimously decided to send to all of you fighters from free nations our highest respect and heart-felt concern.

As the allied forces are now in the process of adjusting their strategy in Indochina, the Chinese Communists are trying to take advantage of any available gap for massive attacks on allied positions together with the Vietnamese Communists and for further aggressive moves in all of Southeast Asia. To protect Asian peace and accelerate the downfall of the Chinese Communist regime that has been labelled as an aggressor by the United Nations, all the people of the Republic of China, military and civilian alike, will stand resolutely behind the allied forces in Indochina as we all continue to step up our struggles for the elimination of Asian Communist aggression, for the salvation of the Iron Curtain people and for a total victory over the Communists' tyrannical rule of slavery.

With our deep concern and sincere admiration, we are,

Very truly yours,

Mass Rally of the Republic of China's Various Circles Supporting the Captive Nations Week Movement, Striving to Safeguard the Freedom of Mankind and Opposing Peiping's Entry Into the U.N.

[From Ukrainian Catholic Daily American, Aug. 5, 1971]

"KIWANIS," UKRAINIAN ORGANIZATIONS MARK CAPTIVE NATIONS WEEK IN BUFFALO—LOCAL TV AND NEWS MEDIA STATIONS FEATURE UKRAINIAN SPEAKER

BUFFALO, N.Y.—The observance of "Captive Nations Week 1971" in Buffalo, N.Y. this year consisted of a "Captive Nations Week" luncheon, sponsored by the Kiwanis Club, the appearance of the guest speaker on local television and radio programs, and the signing of the "Captive Nations Week Proclamation" by the Hon. Frank Sedita, Mayor of Buffalo.

The "Captive Nations Week" luncheon was sponsored by the Kiwanis Club in cooperation of the Erie County Citizens Committee on Captive Nations, and was held on Wednesday, July 14, 1971 at the Kiwanis headquarters.

Participating in the observance were representatives of Ukrainian organizations of Buffalo, such as the UCCA, the Ukrainian Liberation Front (Organization for the Defense of Four Freedoms of Ukraine and SUMA), "Soyuz Ukrainok" and the local Ukrainian student hromada.

The principal speaker at the observance, who appeared on Channel 4's "Contact" and on local radio news broadcasts on Channels 2 and 7, was Dr. Walter Dushnyck, editor of The Ukrainian Quarterly, of New York.

Arrangements for his appearance were made by Athanas Kobryn, chairman of the Kiwanis Committee's "Operation Drug Alert" (ODA), and Andrew Diakun, Esq., a vice-chairman of the Buffalo Branch of the UCCA (who is a Lt. Colonel in the U.S. Army, and was at a special army seminar in Washington at the time of the observance).

The official luncheon meeting was opened by Jerome C. Bussmann, President, and the invocation by Rev. M. Pavlyshyn of the Ukrainian Orthodox parish, then Mr. Kobryn, who was Chairman of the Day, introduced the speaker.

Dr. Dushnyck spoke on "The Captive Nations: Our Unrecognized Allies against Communism," and dwelt upon the most recent developments in the captive lands. He stressed the Russification policies of Moscow in the non-Russian republics of the USSR, and the overall Soviet Russian domination in all other captive nations. He called on the American people to provide moral and political support of the oppressed nations, and warned that such developments as the extradition of the Lithuanian defector. Sinias Kudirka, to Soviet guards by our Coast Guard authorities, do not serve the cause of the Captive Nations. Dr. Dushnyck also sharply criticized Prime Minister of Canada Pierre E. Trudeau for his damaging statements to the effect that while in the USSR on an official visit "he did not see any evidence of persecution," and for his comparing the plight of Ukrainian intellectuals to the activities of the French terrorist organization in Quebec.

At the end of the meeting the speaker was presented with an "Eisenhower Captive Nations Medal" by Walter V. Choppy of the Erie County Citizens Committee on Captive Nations. An inspiring message in support of the captive nations from the Hon. Jack F. Kemp, member of the U.S. Congress from Buffalo, was read by his aide, Mr. Grutkowski.

Prior to his address at the Kiwanis Club, Dr. Dushnyck appeared as a special guest on TV Channel 4's "Contact," at which moderator John A. Corbett interviewed him for an hour (9:00 to 10:00 a.m.), covering such a wide range of topics as the captive nations, the attempts at withdrawal of U.S. troops from Europe and the reduction of NATO strength; Soviet penetration of the Mediterranean; our policy toward Red China; Soviet plans for Europe and the Middle East, and so forth. During his interview Dr. Dushnyck received calls from listeners with questions in reference to his statements, to which he provided replies.

Through the arrangement of Mr. Chopyk, Dr. Dushnyck was interviewed by Channels 2 and 7 on their TV radio news broadcasts, and his comments were carried on these stations Wednesday night.

Wednesday afternoon Dr. Dushnyck, accompanied by Mr. Kobryn, paid a courtesy visit to Mayor F. Sedita of Buffalo, whom he had met in New York some twelve years ago.

[From the Ukrainian Catholic Daily America, Aug. 5, 1971]

CAPTIVE NATIONS WEEK IN PHILADELPHIA

PHILADELPHIA, PA.—For the first time in twenty years the commemoration of Captive Nations Week in Philadelphia received first-page coverage in local newspapers. Included was a picture of the marchers holding signs, among them: "Stop poisoning of Ukrainian intellectuals in Russian prisons. The "Inquirer" particularly noted that the nationality groups expressed displeasure at Governor Shapp's negligence in proclaiming Captive Nations Week, as was proclaimed by President Nixon and Mayor James Tate.

As in previous years, commemoration activities were prepared by the local Committee of Captive Nations which is composed of representatives of ten nationality organizations and whose officers are: Prof. Austin App—chairman, Ignatius Billinsky—vice chairman, Mrs. Marguerita Rotla—secretary and Albert Beguiana—treasurer.

On Wednesday, July 14, at 7:30 p.m. marchers gathered at Kennedy Plaza and proceeded towards Independence Hall. Leading the marchers was UCCA Branch president Dr. Ivan Skalchuk and members of the Branch Executive Board. Girls dressed in native costumes distributed leaflets to passersby which explained the grave situation of nations under the yoke of the USSR. Some of the marchers carried symbolic lighted torches.

The program in front of Independence Hall was opened and conducted by the vice chairman of the Committee of Captive nations, Ignatius Billinsky. Among the speakers were noted author Prof. Austin App and the Democratic candidate for mayor, Frank Rizzo.

The 45-year-old Russian Orthodox Institute of Theology, St. Sergius of Paris, is currently housed in an old Lutheran church and is very dilapidated. Although there is an enrollment of 20 students, a campaign of 5 million francs is under way to build a new structure for 60 students. French Roman Catholics and Protestants have promised to contribute (the seminary has been regularly supported by the Anglican Church).

[From the Ukrainian Catholic Daily America, Aug. 5, 1971]

GOVERNOR SHAPP REFUSES TO RECOGNIZE THE CAPTIVE NATIONS CAUSE—HE DECREES "CAPTIVE NATIONS WEEK" LATE

PHILADELPHIA, PA.—Sharp criticism was leveled at Governor Shapp for his refusal to declare "Captive Nations Week" in Pennsylvania.

At the annual observance of Captive Nations Week held at Independence Hall, Philadelphia, Pa., July 14, 1971, Anthony W. Novasitis, Jr., a lawyer and active in Lithuanian-American affairs, told an audience of over 400 persons that Governor Shapp refused to issue a Proclamation observing Captive Nations Week. Both President Nixon and Mayor Tate have officially proclaimed July 18–24 Captive Nations Week. The Proclamations were read at the observance.

Mr. Novasitis charged Governor Shapp with "indifference and apathy to the millions of anguished people who have lost their freedom." For the first time in twelve years, Mr. Novasitis stated, the Chief Executive of Pennsylvania has refused to recognize the Captive Nations cause through the issuance of a Proclamation.

"Unfortunately," Novasitis said, "some of our elected public officials do not share our sense of urgency about freeing the captive nations."

"Tonight we meet here in the state where our American liberty was born without the support of that state's current administration for the cause of freedom in our ancestral lands."

The audience was told by Novasitis that a letter was written to Governor Shapp and to the Legislative Leaders in both Houses urging that they "join us in a strong statement of concern for the millions who do not share our blessed and priceless freedom." Following the urging of Novasitis that the audience and the Communities show their objections to the Governor, a mass demonstration was planned for the Capitol at Harrisburg protesting this outrage. Novasitis, by letter, informed the Governor of the outcry of the participants and the Communities.

Finally, the Governor has recognized this Cause by notifying the Captive Nations Committee and Novasitis that an appropriate Proclamation will be issued directed to the Citizens of the Commonwealth declaring July 18–24 as Captive Nations Week in Pennsylvania.

Anthony W. Novasitis, Jr., a Republican Candidate for City Councilman-at-large, is Vice-President of the National Lithuanian Cultural and Civic organization, Lithuanian-American Community of U.S.A., Inc. and a member of the Knights of Lithuania. Novasitis is also Co-Chairman of the Nationalities Division of the Republican City Committee and a member of the Republican Policy Committee.

A CIVILIZED WORLD CANNOT ACCEPT CAPTIVE NATIONS

(By Austin J. App, Ph.D., Chairman, Captive Nations Committee of Greater Philadelphia)

Greetings: Master of Ceremonies, Mr. Ignatius Billinsky; Guests of Honor, the Reverend Clergy, ladies and gentlemen:

I thank Mr. Billinsky, editor of the Ukrainian Daily Amerika and our executive Vice-chairman for his kind introduction.

As chairman of the Greater Philadelphia Captive Nations Committee, I warmly welcome all of you to our thirteenth Captive Nations Observance. In doing so we implement the Congressional Resolution of 1959 and also this year's proclamation by President Nixon and by our mayor James H. J. Tate.

This year our committee, as an experiment, transposed our annual Observance from Sunday afternoon or evening to Wednesday evening and included in it a torch light procession. We thank all of you for coming and hope you will find this Observance inspirational.

And indeed we all need inspiration and dedication to keep up our efforts to promote the liberation of the Captive Nations behind the Iron, Bamboo, and Sugar Curtains. So far our thirteen Observances have indeed kept the torch of liberty aglow—but have not persuaded Soviet Russia and the other Communist tyrannies to free a single nation. Indeed in the last few years, Soviet Russian tanks have aggravated their tyranny in Czechoslovakia and in Poland. And their threat to West Berlin has increased.

Nevertheless, our Captive Nations Observances must continue, must keep the torch of freedom lighted, and must inspire hope and encouragement in the enslaved nations.

They are also needed to remind the governments of the free countries, including our own, that we the people, we the grass roots of the free countries, we want our enslaved brethren behind communist barbed wires liberated. We do not accept the permanent coexistence of a world half free and half slave. We are not impressed by so-called realities which are founded on injustice and tyranny.

We say the only ultimate reality is liberty and justice. We also know that tyranny and slavery unchallenged in half the world endangers all the world. And we will not accept a cowardly coexistence which robs the captive nations of all hope and gives the communists a springboard for subverting what is left of the free world.

The Congressional Resolution of 1959 calls for such observances as ours tonight "until such time as freedom and independence shall have been achieved for all the captive nations of the world." That is our ideal, that is our dedication, we will ourselves, individually and in our organizations work for the liberation of our unfortunate enslaved brethren—and we call upon all the free governments of the world, including our own, to start talking and acting as if they really meant business in getting the captive nations freed. We want them to put a priority on such liberation. After that we trust that God the Lord of justice and the captive peoples themselves will make the dream of freedom come true. Thank you.

[From Reader's Digest, Oct. 1971]

WHO WILL BE NEXT?

Today the communists still pursue their 50-year policy of relentless expansion. And they still back that policy with merciless genocidal practices. This year we've seen the exposure of a communist plot to begin bloody revolution among our next-door neighbors in Mexico. And we've seen the Dalai Lama cry out to the world that the Reds ". . . launched a veritable reign of terror. Tibetans of all classes are beaten, humiliated, tortured, or killed. . . . *Who will be the next to fall?*

People or Nation:	*Year of Communist domination*
Armenia	1920
Azerbaijan	1920
Byelorussia	1920
Cossackia	1920
Georgia	1920
Idel-Ural	1920
North Caucasia	1920
Ukraine	1920
Far Eastern Republic	1922
Turkestan	1922
Mongolian People's Republic	1924
Estonia	1940
Latvia	1940
Lithuania	1940
Albania	1946
Bulgaria	1946
Serbia, Croatia, Slovenia, etc., in Yugoslavia	1946
Poland	1947
Rumania	1947
Czechoslovakia	1948
North Korea	1948
Hungary	1949
East Germany	1949
Mainland China	1949
Tibet	1951
North Vietnam	1954
Cuba	1960

KACE EDITORIAL

Here is today's KACE editorial. What can we do about today's greatest menace to the United States . . . the Soviet Union. Numerous solutions have been offered, most of them unfortunately along the lines of compromise, arguments about live and let live . . . as though the Kremlin will permit us to do that . . . and so on. One offering the most common-sense analysis and solution to the problem is Dr. Lev E. Dobriansky, a brilliant writer and analyst who is of Ukrainian origin, Professor of Economics at Georgetown University, Director of the Institute on Comparative Political and Economic Systems of Georgetown, a lecturer before the Naval War College and other armed forces institutions, and author of numerous articles and books on East Europe as well as author of the Captive Nations Week resolution, and president of the Ukrainian Congress Committee.

Dr. Dobriansky propounds his solution in his newest book entitled, The U.S.A. and the Soviet Myth. The Soviet myth he says is the common belief held widely in this country that the Soviet Union is a powerful nation of Russians. He says we have failed to recognize the real enemy, which he describes as a Soviet Russian "imperio-colonialism." Dr. Dobriansky points out that the Kremlin finds it useful to wear a mask of communism and to espouse what we label as "Marxist propaganda" when in actual fact they pursue the path of world empire, blocked only by the powerful United States. To that end, they foster illusions voiced by at least two United States presidents, that the U.S.S.R. is a nation of "two hundred million Russians" . . . according to another recent United States president: "The common interest of the peoples of Russia and the United States are many . . . and this I say to the people of the Soviet Union: 'There is no American interests in conflict with the Soviet peoples anywhere' ".

Dr. Dobriansky adds: "Whoever wrote this for the president should have been fired. Too much is at stake to tolerate such gross incompetence."

There are not two hundred million Russians in the universe, much less in Russia. Actually there are 120 million non-Russian peoples in the U.S.S.R., and most of these non-Russians want out, among them are the Ukrainians, the White Luthenians, the Georgians and other non-Russian nations held captive in the Red Empire. Dr. Dobriansky offers two solutions: One, a positive political trade policy which he calls "pol-trade", in which we offer to trade with our communist "friends" *only* in exchange for political concessions, and secondly, the dismemberment of the Soviet Union. He does not advocate war . . . and never has . . . no sensible man would do so in this atomic age.

Moreover the methods of encouraging non-Russian peoples to struggle for independence are numerous, and trade is one of them. Once the non-Russians within the Soviet Union achieve their independence, then we can discuss a European and an Asiatic Federation of free nations.

Dr. Dobriansky's book U.S.A. and the Soviet Myth is a welcome contribution to this subject. It should be must reading for every policymaker in Washington.

Any responsible views opposing those expressed in this editorial are welcome.

[From East West Digest, July 1971]

U.S.A. AND THE SOVIET MYTH

(By Lev E. Dobriansky)

Even today, years after the passing of the great African and Asian empires of the Western powers the very word "colonialism" can move many to a mood of angry indignation. Curiously enough, however, all their finely honed moral concern is conspicuous by its absence when the subject of present Soviet colonial subjugation of Ukrainians, Byelorussians, Georgians, and others arises. Indeed, it is rarely understood (or admitted, at any rate) here that the USSR is not a nation at all but is rather a colonial empire and nothing more. It is the great merit of Professor Dobriansky's brilliantly devastating analysis that it underscores the essentially imperio-colonialist character of the USSR.

While the more politically perceptive American will appreciate the true nature of the relationship of satellite countries of Central Europe to Moscow, he is perhaps less likely to comprehend that within the primary empire which is the USSR itself there is an even more oppressive imperial structure. He is even less likely to comprehend that it is partly an aggressive Russian expansionism, behind a facade of Communist ideology, that really threatens the Free World including the United States today. Professor Dobriansky clearly exposes the true nature of this expansionist menace with its roots deep in the dark soil of Tsarist times. He does not, as no doubt some misguided critics will charge, minimize or deny the role of Communist ideology here. To the contrary, he points up how it is very effectively exploited for expansionist purposes by the Machiavellian power clique in the Kremlin.

One other line of criticism (again mistaken) may perhaps be anticipated: that the author is possessed of a Russophobe bias originating in his Ukrainian antecedents and present organizational connections. An honest and careful reading of *USA and the Soviet Myth* sustains no such charge. Though he clearly shows that the majority of the so-called "Russia" people in the USSR are in reality non-Russians (Byelorussians, Georgians, Turkestani, Ukrainians, etc.) and very logically demonstrates that any effective Free World policy must therefore contemplate ultimate liberation not merely for satellite people like Czechs, Germans, Hungarians, and Poles, but also political self-determination within the USSR itself. He throughout distinguishes the pernicious structure of the expansionist Communist state from the Russian people. Indeed, one might well wish that everyone who had written about say Germany in the 1930's and 1940's had been so scrupulous about distinctions.

In conclusion, this is a truly indispensable book for anyone who would understand world affairs and particularly US–USSR relations today. The price of failure to understand here will be much too high. As the author himself expresses it: "In this struggle for keeps, lest we delude ourselves, the only alternative to victory over Soviet Russian imperio-colonialism . . . is disastrous defeat for ourselves."

[From New Guard, Sept. 1971]

A VIEW ON THE NATURE OF BOLSHEVISM

(By Royal M. Wharton)

At the time that Senator Muskie was touring the Soviet Union in a quest for mutual understanding, Professor Lev Dobriansky's *USA and the Soviet Myth* (Devin-Adair, 1971) was being published. The Senator would have been advised to stay home and read Dr. Dobriansky's latest book rather than continue his well publicized tour.

Dr. Lev E. Dobriansky, YAF national advisor and head of Captive Nations Committee, with this book continues his efforts to enlighten the American people as to the real nature of the Soviet Union, its ultimate goals and its fatal weaknesses.

The history of Russia he writes, is largely the history of the Russian empire. Even from the time of Muscovy, its rulers held the notion of state greatness, and followed a messianic mission of world redemption through world domination. Throughout its history Russian rule was typified by totalitarian despotism and tyranny, and even included the practice of leader worship. It was also characterized by an expanded bureaucracy and it followed a foreign policy of concessions when expedient. Russian Communism has proved to be just the third ideological rationale for Russian imperialism, building upon the legacy established by the "Third Rome" ideology and "Pan-Slavism." Communism, writes Dr. Dobriansky, has only magnified and refined the collectivist economic instruments for a more extensive state political control. He notes that even Karl Marx had referred to Russian foreign policy as changeless—a policy aimed towards world domination.

The USSR is today as in Tsarist times a multinational state which incorporates in itself at least twelve separate national entities. Lenin, prior to his successful coup had recognized this multi-national character and agitated for the independence of these nations. However, once in power, he quickly re-established the Russian empire by reconquering these nations, some of which had already been recognized by several western powers as well as by his own government.

It is these states that compose the Soviet Union's greatest strength and also its greatest weakness. The peoples of the captive nations now comprise 60% of the Soviet Union's total population. By language, history, culture and religion, these nations are as different from each other as, in Dr. Dobriansky's words, "the French are from the Germans or the Spanish, or the Chinese from the Japanese." Dr. Dobriansky stresses that the key to the destruction of the Soviet empire is the universal force of nationalism which, although presently held in check, is still felt in these captive nations as elsewhere.

He notes that it is through the economic exploitation of these captive areas that the USSR has been able to build an economy second only to the U.S. The Ukraine, the largest non-Russian nation both in Eastern Europe and in the Soviet Union, is a world leader in iron-ore and wheat. With a population of over 40 million people and a militantly anti-Russian history, Dr. Dobriansky looks to this captive nation as the primer for the nationalistic break-up of the Soviet empire. With its strategic location within the USSR, its importance would skyrocket with any direct conflict between the US and the Soviet Union.

THE SOVIET WORLD STRATEGY

Dr. Dobriansky views the policy of the Soviet Union as a global "troika strategy." Its three essential components are the continuance of a deceptive "peaceful coexistence" policy towards the West, allowing time for material, especially *The Vulnerable Russians* (Pageant, N.Y., 1967). It presents a strong case for a new policy directed towards the Soviet Union. *USA And The Soviet Myth* is a refreshing change from the literature of the detente and should be on the reading list of all those who seek a more realistic view of Soviet-American relations.

COMPLAINTS POUR IN ON PALMLAND HOMES

The SPEAKER. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, recently it came to my attention that purchasers of homes under the Federal interest subsidy program, known as section 235 of the Housing Act of 1968, were voicing complaints about the quality and the value of the homes that they had contracted to buy.

Many of the disclosures which led to my own strong conviction that a thorough investigation into the matter by the Congress would be required, resulted from a series of articles prepared by Mr.

Mark Hierholzer, a reporter with the South Dade News Leader, published in Homestead, Fla.

The articles prepared by Mr. Hierholzer reflected the convictions of many of the purchasers that the homes purchased were not of such quality as to be worth the value placed on them by the FHA appraisers, nor was there a strong probability that they would withstand the rigors of south Florida's climate, including hurricanes, during the life of the mortgage.

For the benefit of my colleagues in the House, the Department of Housing and Urban Development, and the American public, I am taking the liberty of inserting into the RECORD the articles prepared by Mr. Hierholzer. It is my sincere hope that full and open disclosure of the circumstances surrounding the operation of section 235 interest subsidy program will be helpful to the Congress in preparing legislation for the continuing operation of this well-intentioned program; and that it will further prove helpful to the Department of Housing and Urban Development in strengthening its own regulations and its conduct of financing under this subsidy program.

For my own part, I would like to now congratulate Mr. Hierholzer upon his thorough investigation and reporting. His work in this instance has been a credit to himself as well as his profession.

The articles follow:

COMPLAINTS POUR IN ON PALMLAND HOMES

(By Mark Hierholzer and Mary Kirkland)

South Dade is booming. From the end of the Palmetto Expressway to Key Largo the scene bustles with construction workers, heavy machinery, and stacks of building supplies. To drive for any length of time on US 1 without finding yourself on the heels of a dusty tractor-trailer or dump truck is an unusual experience.

The future of South Dade seems assured. The vast number of housing developments going up give evidence of a great population shift to this area.

Money is to be made here also. Right now, a variety of developers, builders, and contractors are securing their future in the preparation of South Dade's future. The quality of the work they do directly reflects the quality of the future of this area.

For the last year, and particularly the last few months, a growing number of complaints—some very serious—have arisen from people who are purchasing new homes. A certain amount of faulty work is always to be expected from new construction—we are all human. But the volume of the complaints and the seriousness of many of them call for some kind of clarification of the picture.

(With this series of articles the News Leader hopes to make some progress in this area. The first part follows.)

"I've lived here for many years and I have never seen anything like it. They're just throwing those houses together. They'll never stand up under a hurricane. They look like paste board houses." The woman, an elderly resident of South Dade, demanded over the phone that something be done. "You can see the houses from the corner of Avocado Drive and Kingman Road. Please send someone over there to take a look."

The houses the woman was referring to are part of a major development being constructed by Palmland Homes, Inc., just east of Kingman Road. This particular part consists of approximately 300 three and four bedroom frame homes built and sold under the FHA (Federal Housing Administration) 235 program, a federally subsidized program that permits lower income families to own their own homes.

A drive through the neighborhood reveals a typical development layout. The houses, of three basic types—three bedroom one bath, three bedroom two bath, and four bedroom two bath—are constructed on 75x100 feet lots, spaced evenly apart on either side of newly paved asphalt roads.

From the street they look like cinderblock construction. Closer inspection reveals wood construction, plywood or hardboard exteriors painted with weather paint. Each house has a sodded lawn, some shubbery, and a short, asphalt drive.

The plans for the houses submitted to FHA call for wood frame construction. These plans have been approved by FHA as meeting their minimum standards. The plans also have had to meet county approval. They have.

Each house has a cement foundation, a polished terrazzo floor of a type commonly found in this area, a basic two by four skeleton, around which is nailed ½" to ¾" plywood sheets (exterior). The roof is tar and rock. The interior of each house is finished with dry-wall and water based paint, except in the bathrooms and kitchen where an enamel paint is used. According to Palmland advertising, the houses range in price from $20,000 to $32,000.

The finished house gives one the impression of neatness and roominess. To the prospective buyer it must look good.

A poll of a cross-section of the families who are buying the houses revealed some surprising facts.

DYING GRASS

A young couple with two children has been ready to move into their Palmland frame house for two weeks. They've been living out of boxes in their old apartment, in which their landlord not too graciously allowed them to stay.

Tomorrow they will sign the final papers. Then they'll move in.

They're excited, but some things are bothering them.

The front lawn consists of a patch of dry brown, very dead grass. Patches of green are visible—but they're just tall weeds.

"They promised us a sodded front lawn, and look at it. They should have been able to keep it green for us," said the husband, a little worried. Walking out to the bare, dry mud between the sidewalk and the road he said that strip should have been sodded also. "The other side of the street is sodded," he complained. "It looks greener, too."

Then there was the doorbell, or rather, there wasn't a doorbell," said his wife. "Everyone else has a doorbell. Why don't we have a doorbell?"

"I'm just so anxious to move in I'm not going to say anything about this stuff," said the husband. "Once we're in I'll hit them with all these things."

"FALLING APART"

Mr. and Mrs. William E. Jordan, 15015 SW. 303d St., moved into a Palmland house two months ago. Since that time his list of complaints has been getting longer every day.

"The windows leaked," he began. "Then, when we filled the tub with hot and cold water, cold water would drip from the shower head.

"They fixed that," he said, "but they had to try twice."

Jordan is more concerned with construction faults such as roofs that are literally blowing away, and blacktop driveways that are falling apart.

"The rock on the roof isn't tarred down, so when the wind blows all the stones blow away," he said. "Pretty soon we'll be down to tarpaper."

He walked over to his new driveway. "The blacktop is coming up and weeds are growing up and between the cracks," he said, stooping to pull up one of them. Minus the weed, the slab supported another hole.

The yard looked dry—too dry, but Jordan didn't seem to mind that. "You should see this place when it rains," he said. "I've got a lake in my back yard. The puddle is so big it extends through the back yards of at least three houses up. The neighborhood kids play in it until their mothers drag them out."

The road in front of his house doesn't stay much dryer. One of the sewer drains is evidently stopped up. A Volkswagen parked near the drain was flooded out, with water coming into the car over the floorboard.

"The only reason I took the house was because it looked like a chance to get ahead," he said. "We've been renting since we were married, and we don't have anything to show for all that rent money. This way I thought we could at least sell the house in 10 or 15 years and get something back.

"For $21,000 we really didn't get much of a bargain."

"Go talk to my neighbor," he added smiling. "She can really tell you some stories."

JARFUL OF DEAD FLIES

Next door lived Mrs. Randy Macaluso, a small, very pretty Spaniard who came here from Spain seven years ago.

Her house looked as if it couldn't possibly have anything wrong with it. The walls were all a fresh white, a gold shag carpet covered the living room floor, setting off dark wood furniture. Long gold drapes hung from brass rods.

"We've got flies, fleas, crickets, mice and rats," she said. "I collect a jarful of dead flies every day. I can clean this rug and a few hours later it will be full of dead flies.

"My nine months old boy has been sick for two days from eating dead flies, and this morning I found a flea in his hair." The chubby little blond haired boy smiled. "I scrubbed him all over after I found that flea," she said.

"When my husband and I get up for breakfast, he'll walk around the kitchen table and the flies will rise up from underneath with a horrible buzzing sound. Everyone thinks I'm exaggerating, but I'm not.

"I call the office every day bugging them about it. If they won't send a fumigator I'm going to call the public health department. I don't know what else to do."

"Today, when I called they said they tell Jose. Jose's the foreman, what does he know about bugs?" she asked, voice alternating from angry to tearful.

Bugs aren't her only problem. "Everything that holds water leaks," she said. "The cabinet below the sink is rotting because so much water has gone into the wood."

The heaters leak water from the roof when it rains. "I found that out two days after we put the carpet in when it rained. My little boy was splashing in a pool below the heater, and I couldn't believe it.

All the doors are cracked, even the fiberglass bathtub is cracked. The toilet has an insecure feel. "If you lean on it, it feels like it will fall over," she said.

And the walls won't hold the drapes. "My drapes have fallen down three times," she said. "Nothing will hold. If my little boy just gives them a little yank, they'll be on top of his head.

"If you try to wash the wall, even with just a little water, the paint will all come off on the rag," she complained.

"One day my boy messed up a spot on one of the walls and I tried to clean it. I got down to the grey board, so then I had to get some paint to repaint the wall."

Jordan had the same problem, but he had another solution: "The best thing to do is leave it dirty," he said. "Otherwise you won't have any walls."

WOOD LOOKS ROTTEN

"We were so happy to have our own house. We bought a few things for it and were happy about it. We knew nothing would be wrong with our house.

"Now I think this is the worst built house around here. It was put together with saliva."

And then, the familiar line. "You should talk to my neighbor. She really has some stories."

Mr. and Mrs. Robert Edwards did have some stories.

"Our complaint started the day we signed the closing papers," said Mrs. Edwards. "They had told us all along that we would have to pay $300. So, while we were closing, they hit us with another $152. We were never told about it."

Her complaint was not an isolated case. Most of the people talked to who had bought under the 235 plan were presented with a second bill ranging from $150 to $200 on the day they signed the closing papers.

They went outdoors to examine the outside wooden trim. "Look at those rocks in the garden," said Mrs. Edwards disgustedly. "They're from the roof."

The trim defects were easily spotted. The wood looked as if it had withstood years of bad weather. But the Edwards have only lived in the new house about two months.

WINDOWS FALLING OUT

One couple who live on SW 149th Court complained bitterly about the windows. "They leak every time it rains. They're just put together sloppily. Look," they approached one of the windows from the outside, "you can get your fingers in between the window frame and the outside of the house."

Their list of complaints included towel racks coming out of the walls, outside panels cracking where they meet, and a spigot that came off in the wife's hands.

"The house is poorly constructed. The quality of the work is poor. After we bought the house and moved in, we received an exclusion notice. They will not replace outside paint that is weathered or damaged by water. (FHA requires a year's guarantee on all construction). We thought we were buying a good house. We didn't find any flaws until we moved in."

I KNEW IT WAS CHEAP

The couple next door, who did not want to be identified, approached the situation philosophically. "The house is built cheap. It's not worth $22,000. This kind of house in, say, Panama City would sell for $14,000 at the outside. I know, I owned a better one for that price. The workmanship is poor. Our electrical system is bad. We keep blowing fuses.

"I don't mind too much. I knew it was cheap when I bought it. I just can't afford anything else."

LIEN AGAINST HOUSE

Mr. and Mrs. Shantzek, 14982 SW 302nd Terrace, among other things, claim that after they had signed the papers for the house and moved in they received notice of a lien against their property.

FHA requires that the house be free and clear of any liens when it is sold by a builder to the buyer. For this reason the lien should not exist. But, according to legal sources, the lien, a Mechanic's Lien, is legally placed in accordance with Florida law. It is placed against 19 other houses, as well, by the supplier whose materials were used in the homes by one of Palmland's subcontractors.

The houses cannot be resold until the lien is satisfied.

[Second of a series]

WILL THEY LAST LONGER THAN BUYER?

(By Mark Hierholzer)

(In the first part of this series, presented on Friday, the complaints of people who are buying the houses in Palmland's development on Kingman Road were aired. Their complaints ranged from poor construction to liens placed on their property after they bought it. In this part the News Leader hopes to find some of the reasons behind the alleged poor construction.)

The offices of the president of Palmland Homes, Irving Rubin, are located in the Leisure City Shopping Center.

When asked about complaints, Walter Zsalva, second in command of Palmlands answered, "you're stepping on dangerous ground. You know, the government can stop funds for these houses at the snap of a finger. A lot of these people are buying houses who would not normally be able to get one."

The rest of the conversation went like this:

"Sir, what is the cost per lot of the development?"

"Don't think that's confidential?"

"Can you tell me the building cost of one unit?"

"I can't tell you that. Don't you think that's confidential? You're trying to find out what kind of profit I'm making, and don't you think that's confidential?"

"Can you tell me some details of how you would go about putting together a development like this, what problems you would run into?"

"We're just like any other developer. We have three basic problems. The rising costs of discounts (the amount a builder must pay to the mortgage company at closing with a 2–3–5 house), the rising cost of labor, and the rising cost of material."

"Can you give me any further details about how you would organize a development like Palmland?"

"Look, it took us six months to do this, do you expect me to tell you all the details in half an hour?"

"Can't you condense the operation into basic parts?"

"It would take a week to do that. Now, that's all I can tell you."

According to Jose Lopez, a foreman for Palmland, most of the construction is given to sub-contractors. This would include plumbing, electricity, roofing, paving, painting, etc. The quality of the work depends upon the quality of the sub-contractors. All are non-union.

"We interview each one before we hire him," said Lopez. "If he comes up to our standards we hire him."

Concerning the life of the houses, Lopez said, "they'll last as long as the buyer.'

One of the sub-contractors, Gene Lamb of Lamb, Inc., painters, believes "there's good material in these houses. Of course, it's not like you're buying a brick home, but for the price asked they're good. It's like a Volkswagen compared to a Cadillac. You get what you pay for. I don't think people are overcharged for the houses.

"The paint we use is the best. We use oil based paint in the kitchen and bathrooms. We use latex, vinyl—water base—paint in the rest of the house. It's the best."

But according to most of the people who are living in the houses, the paint is cheap. It washes off the walls.

"The average cost to build a house is around $14,000," said Lamb. "The only way he makes money is because of the volume. There's really no money." (The selling price of the houses ranges from $20,000 to $22,000.) Lamb looked at the house he was painting. "It's a good house. We do only good work."

Larry Hackel is the dry-wall contractor, putting up the interior walls of the houses. "A lot of the contractors don't want to do good work. They don't want to hire good people. Costs too much. There is a definite labor problem down here. You just don't have experienced people. There are good people up North, where I'm from, and out in the West—California—but not down here."

"Another problem is with the wood frame construction. A frame house is OK, but you have to have good materials. I don't know if we have them down here" (in South Florida). "The weather is bad for wood here, too. A lot of humidity makes wood warp. Frame house won't hold up.

"Wood construction requires more skill than block or brick. We just don't have the skill down here."

"The houses are good. Don't get me wrong. Personally I demand quality from the people who work for me.

"Mr. Rubin has a good project here. He offers more square footage for the price than anywhere else in South Florida.

"We're switching over to concrete block (CBS) construction. It will cost more, but we've just had too many problems with the frame houses."

When asked about the cost of the houses one of the roofing contractors with Hackel said, "he makes about $5,000 per house.

"These houses are cheaper and faster to make, but the life of the house is not good it won't last well . . ."

According to a local general contractor who is not working on the Palmland Homes and "wouldn't be caught dead doing it," the houses are "minimal; you could not build them in Homestead. For one thing they have Romex wiring in them. Homestead does not permit that within the city limits.

"I've seen the houses and taken a good look at them. We could build the same thing for $10,000 worth of construction costs.

"Those houses have a plywood exterior. They'll last a maximum of 10 years. A wood exterior is the first thing to go down here, with the humidity and temperature changes we have. The termites, despite spraying, will eat them up.

"The labor force is inexperienced over there. This is where most of the mistakes come from. It's where a lot of the cost is cut too.

"I have never seen anything built down here as shoddy as that."

"Sash windows are being used in the houses. That's minimum. Cheap. Dry wall construction is minimal. The only way to build down here is with plaster and CBS. It's the only thing that'll last. Those places look like an army barracks.

"The three bedroom one bath house in that development goes for $20,000. For that price I could build a three bedroom custom home using CBS, plaster, with central air and heat, and wall to wall carpeting. And do it in an established neighborhood with a lot that costs $3,500 with development—water, electricity and sewage. With the volume of houses turned out by Palmland the lots can't cost half that price. And with this they're charging $20,000. Somebody is making a good profit for a product that is minimal in cost and quality."

"It's really the government's fault. They're letting it happen. I guess they figure that because they're selling the houses to lower income families they deserve lower standards. It's too bad it's all happening down here. This place'll be a slum in 10 years."

[Third of a series]

CHANGING DADE BUILDING CODE BLAMED ON HIGH COSTS

(By Mark Hierholzer)

Buried deep in the dissatisfaction with Palmland Homes and other new housing developments on the part of many local real estate brokers, contractors, and residents of South Dade is a sense of disappointment and helplessness at the changes in the Dade County building code during recent years.

As one woman real estate salesman put it, "We used to have the best building code in the nation down here. None of this would be happening if the code hadn't been changed."

She is not alone. From the buyers of the new houses to the product control super-

visors in the Building and Zoning Department of Dade County, the feeling is the same.

They have had to stand by helplessly while powers beyond their control manipulated the code's standards.

ROMEX

Among the changes, two stand out. One is the revision to permit Romex electrical wiring. The other, to permit plastic piping.

Romex is a brand name for non-metallic sheathed cable, or wiring that is run through a house without benefit of metal tubes. Usually—as the old code demanded—electrical wiring is run through metal tubing between the walls of a house. That way, its advocates argue, it is protected from damage and the house is protected from electrical fire. Romex on the other hand is protected by a rubber sheath.

The differences in terms of costs are negligible, according to Felix A. Castillo, product Control Supervisor with Dade County Building and Zoning Department. But Romex is faster and easier to install.

An active opponent of Romex wiring is Paul Newman, a member of the International Brotherhood of Electrical Workers, an organization which fought to change to Romex during the County Commission hearings.

"It's cheaper, easier, and faster, true. But it is susceptible to damage and harder to repair or replace once a house is complete. You may find yourself tearing down walls to get to it. Conventional wiring need only be pulled from the pipes at one point and then threaded back through very easy.

Regarding the plastic pipes, one opponent of it stated that, "it will last until it has to be cleared with a metal snake."

There have been hundreds of changes in the building code, too many to itemize here. But the general consensus of opinions among qualified people is that the majority of the changes have been for the worse.

The reasons for the code changes fall into two basic categories. One is economic, the other, political.

ECONOMIC REASONS

Castillo of the Dade County Building and Zoning Department explained the economic factors this way.

"As the costs of building materials and labor goes up, the code is being changed to keep construction within the economic reach of the builders and consumers. That means cheaper materials and labor saving devices. The history of building down here bears this out.

"In the old days all the construction was of wood. But look at the material they used: Dade County pine, the toughest wood you'll find. Houses built 50 or 75 years ago are still around. Termites won't touch them. But you simply don't have it any more. It's gone.

"During the past 25 years the trend was to CBS construction. Concrete block and plaster. It lasts well down here and has been a big success. It was also economically feasible.

"Today, block and plaster are pricing themselves out of the market. So what we have is a conglomeration of experimental building materials and techniques to meet the economic requirements of the times.

"Examples of this are synthetic materials such as Styrofoam and cardboard honeycomb, and techniques such as making the house at the factory and putting it together at the lot—modular homes. All cut down on costs.

"Of course, if you carry this to its logical extreme you may end up with something like a paper mache house eventually. But then, that's not necessarily true either. Ultimately, what makes this progression possible is customer acceptance. If people are willing to buy it, there will always be someone around who will sell it. Especially if there's a buck in it.

"Of course a lot of this stuff is inadequate. I believe this. But what can I do? I don't make the code, as the old saying goes, I merely enforce it.

"The inspectors have control over two things: that the materials used and basic construction of the house meet the requirements of the code, and that there is nothing about the construction that is a threat to life or limb. Beyond that we are hamstrung. If the construction is kind of sloppy, but not outright dangerous, we can do nothing. We yell and scream where we can, but legally we are standing on water, as it were when it comes to workmanship.

"Another aspect of this problem is the mobility of people today. How long does the average American family stay in one place? Five years? A person who knows he won't be around to see the house fall apart doesn't care. He'll get rid of the house in a couple of years.

"Out-of-town builders present another aspect. They're here today and gone tomorrow. What do they care about a reputation? There you have it."

POLITICS

The second factor affecting the changes in the building code is political. President Nixon has committed himself to building 1.8 million new residential units by the end of 1971.

The agency created to carry out this commitment is the Housing and Urban Development Department (HUD) under the direction of George Romney. HUD is ultimately responsible for the FHA 235 program which is so active in South Dade.

Obviously, the same economic pressures which affect Dade County affect the department. In order to carry out Nixon's commitment it must find viable ways to build houses quickly and cheaply.

On top of this there is a time element, 1.8 million units must be completed by the end of 1971.

This dual pressure has spurred HUD to seek out experimental building materials and techniques. According to one source, HUD's answer is modular construction, along with such innovations as Romex wiring and plastic pipes both of which cut down on the skill and time needed for installation. In areas around Atlanta, Georgia it is claimed these techniques have been highly successful.

PRESSURE ON DADE

HUD's pressures have been felt in Dade County as well, aimed particularly at the Dade County Building Code. In order to complete the volume of housing needed to fill Nixon's commitment in Dade HUD determined that modifications in the building code were necessary to permit faster, cheaper construction.

HUD's determination came in the form of a letter to Ray Goode, County Manager, from Edward Baxter, Regional Administrator of HUD in Atlanta. The letter stated that HUD's programs would not be recertified in Dade County—a loss of perhaps $26 million in federal subsidies—unless the code was modified to meet HUD's needs.

Pressure was then put on the Dade County Commission by Ray Goode and Sidney Aronowitz, chairman of Dade County HUD Advisory Board, to implement changes, among which were Romex wiring and plastic pipes.

The effects of the code changes and HUD's pressures are literally cropping up all over Dade in the form of massive new housing developments which, because of the materials and techniques used, are angering and dismaying many local contractors, real estate brokers, building inspectors and residents.

"What is good for Atlanta is not good for Dade County," one inspector angrily stated. "Our environment is different. Those houses (referring to Palmland) are the shoddiest things I have ever seen in Dade County," claimed one general contractor. I wouldn't touch them with a 10 foot pole."

Even the sub contractors who are working on 235 houses in the area are dismayed. Several are cancelling their contracts.

"It's insane," said one long time real estate agent in Naranja.

The Leisure City Civic Association is circulating a petition to stop re-zoning in their area which would permit new building.

One citizen, who is actively working to influence the political figures who helped change the code, put it this way: "I want it stopped, I'll go to the White House if I have to."

An investigation of HUD is underway this week in Washington spearheaded by Rep. Ben Blackburn of Georgia. Soon, it is claimed, a panel will visit Miami to look into the complaints flowing out of Dade County.

It is the hope of many people in Dade that the investigation will "Return the control of our neighborhood development and building back to the people who live in them."

[Fourth of a series]

COMPLAINTS HEARD ON MODULAR HOMES

(By Mark Hierholzer)

Complaints about Allstate Modular Homes were examined in a 10 a.m. meeting called by FHA representative William Pelski this morning in the FHA Building in Coral Gables.

A petition circulated by Robert Scott, owner of one of the Allstate Modular Homes, and signed by 16 other modular home owners was sent to Dale Wissman, inspector for Consumer Protection Division of Trade Standards for Dade County.

The complaints say the company did not live up to statements made in a brochure or honor guarantees given at the time of closing.

Modular home buyers were told that each house would receive aluminum siding if buyer desired it. Owners allege that only plywood with weather paint was put on the homes.

"The house is just a shell and it isn't holding up," said David Hedrick, one of the modular home owners.

A number of the modular homes are located on SW 300th Street. Others are in Cutler Ridge.

FHA representatives questioned Allstate about their practice actually built. According to FHA regulations, before they can insure a loan they must inspect the house before closing.

"This is a highly unusual business," Pelski said.

The modular homeowners reported that when they complained to Allstate about the aluminum siding they were told by Allstate that the FHA had changed its mind.

"We don't change our mind on anything," Pelski said. "We process the application on the basis of aluminum siding."

Another complaint was that the builders had changed plans for the homes, which cost approximately $21,000, without any of the buyers consent.

The meeting was still in process as The News Leader went to press.

[Fifth of a series]

MATERIAL USED IN 235 HOUSING "UNACCEPTABLE"

(By Mark Hierholzer)

Tri-co-plex, the material used to weatherproof the plywood exteriors of FHA 235 frame and modular houses which include those in Palmland's Division 5, has been declared "deficient and unacceptable" by FHA director William Pelski at his offices in Coral Gables, Friday.

The announcement was made at a meeting called as a result of complaints by 19 modular home buyers against Allstate Modular Homes, Inc., supplier of their houses.

The complaints, which ranged from mis-

representation about promises to put up aluminum siding to leaking, cracking plywood exteriors, were aired for two hours in front of Pelski and other representatives of FHA and representatives of those who put up the buildings: the mortgagor, Southern Mortgage Associates, and the builder, Modular International Corp.

Pelski based his decision on the proven ineffectiveness of the material in protecting the plywood from weather deterioration. Many of the complaints from buyers present strengthened the validity of his decision.

"The color of the siding has faded so much in the past several months it looks like a 10-year-old house," said one irate woman.

Others complained about the plywood seams buckling and warping.

Besides the declaration concerning tri-co-plex, several facts about this particular modular operation came to light during the meeting.

Ed Rayduns, representative of Southern Mortgage, admitted to Pelski that many of the houses had been sold under FHA insurance before they were even built.

"This is a highly unusual business," declared Pelski.

"How can you do that?" asked Lewis Bain, another representative of FHA "we cannot approve a deal until the final inspection of the house has taken place. You're selling FHA 235 houses without a house!"

"It's hard to remember the exact procedure," answered Raduns.

"It's not customary to mortgage undeveloped or unimproved property like this, is it?" asked Pelski. "Don't you think you're taking a risk closing property before the inspection?"

"Yes, we are taking a risk—absolutely," Rayduns answered.

Later, Bian said he thought the practice was illegal.

Albert Rosenthal, vice president of Modular International said during the meeting he had difficulty correcting many of the complaints because they were the fault of Allstate Modular Homes which had recently filed for bankruptcy.

"We have had no cooperation from these people," he claimed, "they won't even answer our phone calls."

Stan Axelrod, president of Modular International, declared that he felt the deficiencies of the houses were the fault of Allstate. "We're a consumer just like the buyers of the houses. We bought a bad product."

The president of Allstate Modular Homes, W. Fridovich declined to come to the meeting to answer the complaints.

After declaring tri-co-plex "unacceptable", Pelski ordered the builder, Modular International, to correct all the faults of 11 of the 19 houses within 30 days.

"I am holding you, Rosenthal and Axelrod, responsible for this," he declared.

Pelski went on to say that his primary interest was in seeing that all the 235 homes were quality structures. "I consider myself on the side of the buyer," he said.

[From the South Dade News Leader, Aug. 25, 1971]

235 TRAGEDY

Two statements made during Friday's meeting at FHA about Allstate Modular Homes reveal subtle attitudes about the 235 program on the parts of builders and FHA representatives that have a lot to do with a 235 tragedy taking place in South Dade.

At one point during the meeting, Albert Rosenthal, vice president of International Modular, the company that installed the homes, said his company had no intention ever of putting up stone facings on the houses because "it would be impractical and too expensive for 235 houses."

At another point, William Pelski, director of the FHA offices in Coral Gables, said after his declaration of tri-co-plex as "deficient and unacceptable", he "felt that FHA had only passed this material on an experimental basis."

Both of these statements, one by a builder, and the other by FHA, belie a contemptuous attitude toward 235 building that is contributing more to its future failure than any other factor.

A local contractor claims he can build a custom CBS three bedroom, 1 bath house, with central air, carpeting and wood panelling for $17 a sq. foot, or $21,000. This would be on a conventional improved lot and the price includes a comfortable profit.

Yet, many 235 developments in this area are selling a ridiculously inferior house for the same price. Not only this, but the houses are being sold in developments planned on large tracts of land bought by the developer for almost nothing—tracts of land which are reaping fantastic profits in terms of lots alone.

Pelski's admission—although he personally had nothing to do with approving the material and has shown personal concern in rejecting it—that FHA accepted tri-co-plex in an experimental status for 235 homes reveals a contempt for the people who are buying these houses that pervades HUD.

That HUD would "experiment" with the money and aspirations of the families who bought those houses is an indictment of that department.

That the "experiment" has failed, and nothing seems to be in the offing to help the hundreds of families who bought—unawares—the "experiment", is a further indictment.

[From the South Dade News Leader, Sept. 22, 1971]

GREEN HILLS RESIDENTS GATHER TO PROTEST 236 DEVELOPMENT

(By Sharon Van Smith and Mary Kirkland)

ZONING APPEAL BEING FILED

One hundred citizens from the Green Hills Civic Association filed into the County Commission chambers this morning, protesting a low cost housing development going up in their community.

The civic association filed an appeal application, following their appearance before the Metro Commission.

The Commission voted to allow Thomas Graham, association attorney, to address the Commission, although he was not on the agenda.

Graham told the Commission that his group had been stymied in its attempt to appeal zoning which is allowing low cost housing to be constructed in a middle class suburb.

He said James Ross, a zoning department official, told him that he had to supply all the supporting data for his petition when he submitted it.

Commissioner Hardy Matheson, quizzed Robert Cook, zoning director, asking him what is required to file an appeal. Cook said that all that is required is the filing of an appeal petition. Cook said his office supplies the supporting date not the applicant.

Green Hills residents also requested a stop-order on current construction at the development site.

County attorney Stuart Simon said that the commission was not empowered to issue such a stop-order, but it is customary for the Building and Zoning Department to do so.

The commission made a motion ordering County Manager Ray Goode to expedite the matter, taking appropriate administrative action, as soon as he receives the appeal.

Before Graham was allowed to address the Commission, Simon cautioned the lawmakers that they should be careful not to draw any conclusions either individually or collectively on the Green Hills matter.

The Commission may end up considering the zoning matter when they sit as a final appeals board. Simon told the commissioners that they might be disqualified from hearing a final appeal of the case on the grounds of prejudice if they indicated any conclusions on the Green Hills question.

The complaint the Green Hills Civic Association is now bringing to the County Commission dates back a couple of years.

David Fleeman owned the entire tract of land from Richmond Drive to Eureka Drive back in 1968, and the land was zoned RU–3M, according to Tom Graham, attorney working with the Civic Association.

Fleeman had developed the Green Hills project, and then built Park West, both luxurious developments.

In 1968, Fleeman proposed another project on a tract of land running from SW 176th Street south to Eureka Drive and between 108th and 112th Avenues.

The Civic Association objected, and the zoning board and the zoning appeals board denied it, saying it wasn't compatible with what had already been built in the area, Graham said.

So, Fleeman took a model of his plan to a Green Hills Civic Association meeting, along with a batch of color photographs and drawings.

The citizens were impressed. His plans included five recreational areas, a pool, tennis court, the parking was nicely landscaped, there was a 150 foot setback from any existing home to any pavement in his project, and he was going to build a five foot privacy wall. Only one exit and one entry were to be built to reduce flow-through traffic. The citizens approved.

Then Fleeman took his plans to the County Commission to ask for a zoning variance, which was granted in December, 1968.

However, the County Commission put conditions on the variance they granted. It said the variance was granted only on the condition that what was built must be substantially in compliance with plans prepared by Joel Meyer, who prepared the plans for Fleeman and that this condition was binding on all succeeders to the title.

Nothing was built, and in January, 1969, Fleeman sold the tract with its new zoning variance, to Kanko Development Company. Advisory Inc., now Kanko Development Company. That company held the land until July of this year.

Then Joseph Kanter, a Miami Beach developer, proposed plans for East Green Hills Apartments Limited, and obtained the approval of the zoning department.

East Green Hills Apartments Limited, referred to as East Green Hills, is located at 17800 SW 107th Ave., the southern half of Kanko Development Company's 25 acres.

It is a federally funded, insured rent subsidized FHA 236 project, and the Green Hills Civic Association says it isn't compatible with their homes, and that it doesn't substantially concur with the original plans proposed by David Fleeman.

East Green Hills has over four entries and exits it does not include a recreation hall, there is no privacy wall or 150 foot setback and it is a low cost housing project, the opposite of the original plans.

[From the South Dade News Leader, Sept. 23, 1971]

PROBLEMS STILL STIR UNDER PALMLAND HOMES

(By Mark Hierholzer)

BUILDING CODE, REPAIRS STILL REMAIN ISSUES

Complaints "poured in on Palmland homes" a few months ago. The News Leader carried several stories on them. The complaints came from homeowners who felt the construction of their new 235 homes were shoddy. FHA and Dade County inspectors went out to take a look, agreed on some aspects, wrote their reports, and told Palmland to fix the flaws.

At one point FHA Director William Pelski, angry over the innumerable complaints about outside "weather proofing," spearheaded an inspection of the material and techniques used to cover the exteriors of plywood walls, and declared the material, tri-co-plex or kenitex, unacceptable in any application.

Cong. Ben Blackburn of Georgia got wind of the complaints in South Dade, heard arguments about the changing of the Dade County building codes by HUD, and started an investigation of his own. He will bring his panel to Miami on Oct. 8 to hear complaints and arguments about the situation.

MORE COMPLAINTS

Yesterday the News Leader checked back with several of the homeowners in Palmland's division five, where most of the complaints originated.

One elderly couple who lives in a frame house on SW 199th Avenue, and whose complaints about cracking and warping of the plywood exterior were termed "serious" by one Dade County inspector, says nothing has yet been done to correct the flaws.

"They haven't followed up on anything. All we get are promises.

"They have not come to see us. They know all about our house, we've told them, but they haven't come out even to look at it.

"We've sent two letters, one to Palmland and the other to FHA. Both replied that the job would be done in two weeks—that was a month ago.

"They keep asking us to wait."

Another woman, who lives on SW 302 Terrace, said some of her complaints were answered.

"When we notified FHA, and FHA notified Palmland, they came out and fixed our leaky windows. But that's all that's been done. When we complained to FHA again, they told us that they had received word that all the complaints were taken care of. But they're not.

"It's just a lot of little things that can't be let go. The house has been put together lousy. The front door doesn't close; there are cracks between the cabinets and wall in the kitchen.

"We have another FHA Inspector coming out next week."

Another woman, who lives on the same street, asked to be allowed to say something to the News Leader.

"I wish you had come and asked me what I had to say before. I want to give the other side to this whole story.

"I think all these complaints are sickening. They are the result of people being just too picky.

"My husband and I came from a $165 a month one bedroom apartment in Hialeah. We are now living in this three bedroom house for $180 a month. As far as I'm concerned, there is nothing to complain about. We are very glad to live here.

"It's not right for people to complain like they have. Most of the complainers are on the 235 Plan. The government pays some of their bill. We're not getting help, and we're perfectly happy. You'd think they especially would be thankful.

"I like this house. We had a little trouble at first. The sockets wouldn't work and we had sewer trouble, but they came out the first day and fixed it. We have had no trouble since.

"Considering what we had before, this is good. Many others feel the same way."

KENITEX

FHA considered complaints about cracking and warping exteriors serious enough to ban the use of kenitex and tri-coplex, the materials used to cover them.

According to Lewis Bain, assistant director at FHA's Coral Gables offices, Palmland is no longer building any of the frame houses. "It is my understanding," he said, "that Palmland has reverted back to CBS construction."

BUILDING CODE

Controversy over HUD's pressure to change the building codes in Dade County continues.

Cong. Blackburn's investigation has turned up several things that change the situation somewhat. For one thing, HUD's assistant director Eugene A. Gulledge, declares, with evident good reason, that HUD has a legal right to pressure changes in local building codes. A quote from a Sept. 13 statement follows:

"We note that one reporter alleges that HUD, by withholding Federal assistance funds, has forced Dade to alter its building code. The allegation apparently relates to the requirement that each community seeking Federal assistance for urban renewal must submit to the Secretary a Workable Program for Community Improvement. The submission of a Workable Program is a statutory requirement under Section 101(c) of the Housing Act of 1949, as amended.

"One of the Workable Program requirements is that the community have in effect an up-to-date building code which contains the latest published nationally recognized industry standards for materials and systems of construction. This requirement not only seeks uniformity in local codes but also elimination of unnecessary local code restrictions. The objective is to facilitate efficient production and in so doing restrain rising building costs without sacrificing desirable standards of quality.

"Dade County has complied with our Workable Program requirements as have all other communities which are receiving Federal assistance funds for urban renewal.

"Administration of the Workable Program is the responsibility of Assistant Secretary Samuel C. Jackson, Office of Community Planning and Management. In October, 1970, Mr. Jackson issued a statement of HUD policy regarding the adoption of codes and elimination of restrictive practices in local codes.

"Immediately following the recent publicity concerning alleged complaints and deficiencies in the Palmland Homes-subdivision, the Director of the Coral Gables Insuring Office, along with the Chief Architect and the Chief Inspector, conducted a comprehensive investigation.

"The houses are three and four bedroom homes, selling in the $19,000 to $22,750 price range and are constructed of wood frame. They are typical of South Florida style and finish, with tar and gravel roofs, aluminum windows and the exteriors are finished with a sprayed-on material called Kenitex. The Director and his assistants visited several homes that were completed and unoccupied and found the quality and finish to be excellent. They reviewed a home under construction and determined that all materials met FHA requirements and FHA minimum property standards.

"The Director and his assistants feel the builder is putting out quality homes, built with good material. (Ed note: Gulledge evidently has not received word of the ban of Kenitex yet.) There have been a few exceptions in which homeowners have reported defects. These, however, have not been attributable to inadequate minimum property standards but rather to faulty construction. Our Director reports that the builder is making satisfactory corrections in all cases.

Gulledge evidently feels that all is going well in South Dade now with 235 and 236 housing developments. Cong. Blackburn does not. Many residents here do not, including those who live in Green Hills, who yesterday gathered at the courthouse to file a zoning appeal.

Cong. Blackburn will be in Miami on Oct. 8. His investigation may do more to straighten these problems out than any thing else heretofore.

[From the South Dade News Leader, Sept. 30, 1971]

HOMEOWNER WAITS AND WAITS . . .

(By Mark Hierholzer)

The confusion and frustration following in the wake of Dade's FHA insured housing projects has victimized another home buyer.

Donald Scott, 41, is married and has two children. He bought an FHA insured house in Point Royal East. The plan under which the house was to be originally sold is 235, but Scott qualified and bought under 221. The difference between the two plans is basically in the money required for down payment and monthly payment.

The house is three bedroom, one bath, CBS construction, built by Carrol Sheppard of Paramount Builders, Inc.

Scott contacted the building company and told them. He spoke to Bud Johnson who, Scott claims, told him the company was not responsible for faulty windows. Since Scott bought the house, it was his responsibility, said Johnson.

The loan is FHA insured, and the builder is supposed to be responsible for any faults in construction for one year. Johnson denied this, claims Scott.

In desperate need of windows, Scott hired a private firm to install new ones. The cost was $255.

Later, he was told by FHA representatives since he paid for the installation of the windows, he could not be reimbursed.

This was only the beginning.

On Aug. 1, Scott sent a letter to Sheppard detailing complaints about the house construction. Among the complaints were.

1) a sloppy exterior paint job, streaks and splotches could be seen from the street.

2) the front step concrete was crumbling.

3) a sloppy interior paint job, with different shades of white used to patch over repaired holes in the wall.

4) lawn not fully sodded as required in the specifications submitted to FHA.

5) rear door of the house did not close.

6) public walk in front of house cracked and crumbling.

7) grass growing through asphalt drive not properly laid.

8) exterior stucco badly gouged and slopped at time of application.

9) trees and other shrubbery planted without being taken out of metal cans.

10) door jams for front door cracked and chipped.

Scott claims he has called the builder several—innumerable—times and has only managed to get the front step fixed.

On Sept. 17 he received a letter from FHA stating that the house has never passed final inspection, listing many of the above faults which had to be taken care of before FHA could OK the house.

Scott is not sure of his status right now. "I don't know what is going on. I can't get a hold of this Paramount Builders anymore. They never answer their phone."

According to one informed source, Scott's loan is insured. The builder cannot receive his money for the house, however, until he readies it to pass final inspection.

And Scott says he is getting tired of watching his house fall apart. He's seriously thinking of trying to sell it.

The builder could not be reached for comment.

[From the South Dade News Leader, Oct. 5, 1971]

CASE OF VANISHING REPAIRMEN

(By Mark Hierholzer)

Mr. and Mrs. James Morgan bought their "fancy home" on Feb. 26 at 703 NW 8th St., Homestead. Morgan is in the service and bought the dwelling under the FHA 235 program.

Ten days before he moved in he gave the builder, J. Benitoa of Benmuni Const. Corp.

a list of faults which Benitoa said would be fixed before the Morgans moved in.

The complaints were not fixed when they moved in. Morgan called and spoke with Benitoa's secretary several times trying to get them to come out and fix the faults. Each time he was told they would send someone over when they began to build the house next to him.

Five houses went up next to him. Still no repairmen.

On June 24 Morgan sent a letter with a list of complaints to William Pelski, director of FHA's Coral Gables offices. Another letter was sent to Benitoa.

Morgan's list of complaints included:

1) Failure to remove a dead tree from the front yard which threatened to fall on the house.

2) Carpet separated at seam in hallway.

3) Tile in kitchen and utility room uneven and generally rough.

4) Closet door in bedroom not hung properly—almost off hinges.

5) Vanity in bathroom not sealed to wall.

6) Input water pipe between water meter and house not buried below surface level.

7) Ceiling in living room and dining room not finished properly—dents and seams showing through sealant.

On August 19 Fernando Munilla, vice president of Benmuni, sent a letter to FHA stating most of the work had since been done. He claimed the dead tree in Morgan's yard was killed by Morgan after he moved in and the tree that was there before he moved in had already been removed.

Munilla blamed the carpet seam on Morgan's young child. All other complaints, stated Munilla, had been taken care of.

But this was not the end of a happy story. Morgan had not, he claims, seen any repairmen since his June 24 letter. None of the complaints had been looked at, let alone repaired. Regarding the dead tree, the job Munilla referred to was done to the house next door, not Morgan's. And the carpet seam was not ripped by his child since it was one of the complaints given Munilla ten days before the house was bought.

Munilla, claims Morgan, lied to FHA. He sent a letter to that effect to Pelski on the 30th of August. FHA responded by sending an inspector out to look at the house. The inspector agreed in substance with Morgan and listed eight faults that had to be repaired.

Among these were:

1) Repair in a satisfactory manner or replace carpeting in hallway.

2) Repair the vinyl tile in the kitchen and utility room. Repair poor finish on the slab and reinstall vinyl tile.

3) Correct the closet door opening which is out of alignment.

4) Caulk vanity top to the wall.

5) Bury the water service to the house a minimum of 8" to 12" below grade.

6) Fit the front door at the threshold.

7) Replace the kitchen base cabinet entirely.

8) Check thickness of all paneling. Should be at least ¼' thick, is only ⅛' now.

On Sept. 21 Morgan received notification of the inspector's conclusions. So did Munilla.

Morgan still hasn't seen any repairmen.

The News Leader spoke with Munilla on Monday. He said he received the list of complaints from Pelski's office and intended to fix them next week.

"We have asked Mr. Morgan to be patient," stated Munilla. "It will take time to fix some of his complaints. Some of the minor ones we asked him to wait on."

"We plan to fix all of them this week."

AMTRAK'S FINANCIAL CONDITION

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, recent news dispatches have reported that Amtrak, the new passenger rail service, will soon ask Congress for well over $100 million in additional funds. The chairman and president of Amtrak, Roger Lewis, has virtually admitted that losses are running at an annual rate of at least $150 million.

Congress originally appropriated $40 million directly for Amtrak, and guaranteed another $100 million in loans. For the privilege of giving up losses on their passenger trains, railroads paid Amtrak almost $200 million. But even the promise of monthly payments from railroads has not been enough to keep Amtrak in a solvent financial position.

When Amtrak took over intercity passenger service last May 1, it dropped many runs, stating that only the most profitable ones would be retained. It was dismaying, therefore, to learn that service to and through the northern plains, and from Washington, D.C. to West Virginia, was added. Apparently this was done only for the purpose of satisfying political needs, not because trains were necessary there any more than in south central Wisconsin, which is now completely without rail transportation.

Mr. Speaker, I believe that it is time to launch a full investigation into the reasons for the staggering losses which Amtrak is apparently experiencing. Particularly disturbing is the refusal of Amtrak to release information on performance of its trains, as well as the fact that no consumer representatives are represented on the Amtrak board.

I am today writing to Mr. Lewis, requesting a full explanation of Amtrak's sorry financial condition, and asking him to give Congress all the facts so that we might have an expanded and profitable rail system, and a more representative and open Amtrak board. If the Government is to continue financing this corporation, it is time that we have more accountability of Amtrak's current affairs than we have had up to now, so that Congress and the American people will better know how well this new and experimental transportation system is serving them.

PAKISTANI HOLOCAUST

(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, the holocaust visited upon millions of East Pakistani by their own government continues and the world sits silently by. A frustrated U.N. official in pointing out that no country had moved to place the explosive situation on the agenda of the Assembly and the Security Council is reported to have described the situation as follows:

It reminds me of the murder of that woman in Queens years ago (Kitty Genovese in 1964) when neighbors heard screams and didn't call the police, but pulled down window blinds.

At the present time reports show that atrocities continue to take place in East Pakistan and the latest news report is that the Pakistani Army has set up brothels reminiscent of what the German Wehrmacht and S.S. did in Nazi Germany only now it is not young Jewish women who are held in bondage and made into prostitutes but Hindu women who are treated in this bestial way.

Surely no matter what the diplomatic consequences would be, it is the obligation of at least the United States to file a complaint before the Security Council of the United Nations and raise the issue in the U.N. Assembly. Instead to our shame we have shipped arms to Pakistan. Those who sit by mute when atrocities take place before them, in the sight of God will surely be condemned.

Appended is a report which appeared in today's New York Times on these atrocities:

DACCA, PAKISTAN, October 10.—The horror of life in East Pakistan shows every sign of becoming permanently institutionalized, and most if not all the foreigners who came hoping to help are on the verge of despair.

In particular, the chances of reversing the tide of millions of destitute refugees who have fled to India seem remote. Most governments consider the refugee problem the main catalyst in the atmosphere of war prevailing on the subcontinent.

India charges that military terror in East Pakistan since the central Government moved against the Bengali separatists March 25 has driven nine million refugees across her borders. Those people, the Indians say, are an intolerable drain on already vastly overtaxed economic resources and a force that could result in a political catastrophe or internal warfare.

The New Delhi Government has hinted that as a last resort it might try to change the situation in East Pakistan by force to induce the refugees, whom Pakistan numbers at less than a third of the Indian figure, to leave India. Pakistan has hastened her own preparations for war. Major troop movements have been reported here and in India in the past few weeks.

The Soviet Union, China and the United States, among other nations, are deeply entangled in the feud. The United Nations and other international organizations have been working with great urgency to alleviate the misery and, especially, to prevent a war.

Dozens of governments have teams of experts, technicians and diplomats working in East Pakistan. The United Nations East Pakistan Relief Operation alone has 75 officials here.

There is some disagreement among the hundreds of foreign officials about the techniques by which the refugees could be repatriated. But there is apparent unanimity on one subject: that East Pakistan should overcome its reputation as a place of endless horror and suffering.

To that end many Governments, including that of the United States, have pressed the Pakistani Government at Islamabad for fundamental changes in East Pakistan, among them these:

NO REAL PROGRESS DISCERNED

The end of police and military terror directed against thousands of political suspects and millions of non-Moslem members of ethnic and religious minorities.

A reasonably representative government in Dacca, capable of restoring the faith of East Pakistan's population in the future of democracy.

A much more convincing effort by the central Government to relieve the physical suffering wrought on East Pakistan's predominantly Bengali population by flood, cyclone and war in the last year.

The consensus among the foreigners working here is that there has been no real progress in any of those areas.

Whispered conversations with Bengalis still have to do largely with alleged atrocities by the occupation army, which is largely

made up of West Pakistanis and is hated by most of the population.

One tale that is widely believed and seems to come from many different sources is that 563 women picked up by the army in March and April and held in military brothels are not being released because they are pregnant beyond the point at which abortions are possible.

A Government spokesman denied the report and challenged any accuser to name the place where the women are supposed to be held. On the other hand, a number of Bengali gynecologists are known to have been performing many abortions on girls held at army installations and released.

TWO OF THREE RELEASED

In a clandestine meeting elaborately arranged to elude military surveillance, a Bengali farmer told this correspondent about one such experience. Talking with great reticence and glancing around in fear that he had been led into a police trap, he said:

"The army came to the village on the night of April 11. One patrol led me away from my house to identify something, and when I got back I found my sister was missing. Another girl, the daughter of a neighbor, was gone, and there was a Hindu family whose girl was missing.

"In the middle of May they released my sister and the neighbor's daughter, but the Hindu girl is still gone. The two girls who came back are both pregnant and will have their babies. At the place where they were kept there were 200 or 300 girls doing the same thing. They had to wash clothing and to make love to soldiers two or three times a day."

"My sister doesn't know where she was kept," the farmer added.

Many Dacca residents, including foreigners, tell of having seen young women taken away by military policemen without even an identification check.

Other people, obscure and prominent, are also subject to arbitrary arrest, although President Agha Mohammed Yahya Khan proclaimed a general amnesty for political prisoners last month and his action was warmly applauded by foreign diplomats seeking political accommodation in East Pakistan.

The diplomats, who now say that the amnesty was purely cosmetic, report that the Government not only has failed to release any important prisoners but also has continued arresting politicians, professors, lawyers and others by the hundreds.

According to a number of reports, some from foreign observers, a number of persons under amnesty have been arrested and shot.

THE MOST PROMINENT PRISONER

The most prominent prisoner is Sheik Mujibur Rahman, universally acknowledged as the political and spiritual leader of East Bengal. Sheik Mujibur's Awami League party won a sweeping election victory last December for National Assembly seats allocated to East Pakistan and he had been scheduled to become Prime Minister of all of Pakistan.

Most diplomats and other foreigners believe that a resolution of the East Pakistani crisis can be found only if Sheik Mujib is permitted to exercise the role of leadership in East Pakistan to which he was elected. But he remains a prisoner undergoing a secret military trial and facing a possible death sentence.

Members of his family, while not accused of any crime, are held as virtual prisoners here.

Such political repression has extended not only to the banned Awami League but to any politician or group likely to embarrass the military regime.

The effect was dramatically underscored last week by a former chief of the air force, who decided to try running for public office in view of the Government's announced intention of moving toward democratic processes.

The officer, Mohammad Asghar Khan, a retired air marshal, is known throughout Pakistan as a patriot and political moderate. He commanded the air force in 1965 during Pakistan's brief but bloody war with India and has always insisted that Pakistan remain one country.

PROGRAM WAS CENSORED

Mr. Asghar Khan, a West Pakistani and a leader of the movement that brought about the collapse of President Mohammad Ayb Khan's Government in 1968, offered a conciliatory program calling for major development efforts in East Pakistan and genuine political freedom for its people, but it has been completely censored. On Friday he announced that no candidate could run unless he could reach the public through the press, so he was withdrawing.

"Today is a black day for democracy in Pakistan," he said, "when even I, with a mild program breaking no martial-law regulations, am frozen out."

When the army occupied East Pakistan and banned the Awami League, the election was, in effect, annulled. Some elected assemblymen were cleared by the army to take their seats, but most had fled to India or joined the guerrillas.

In July, President Yahya Khan announced that by-elections would be held to fill the seats.

Government-approved candidates and parties, most of them strongly right-wing and fundamentalist Moslems and all heavily escorted by troops, have begun giving speeches in East Pakistan, and are reported on at length in the controlled press. All have advocated a war to the finish against "miscreants" and "Indian agents"—words invariably used by the Government to describe the Bengali guerrillas.

Meanwhile, the anguish of war continues in the countryside.

The guerrillas are taking an increasing toll of the occupation army and medical circles report growing numbers of bodies of soldiers. The guerrillas are also said to be assassinating members of the local "peace committees," civilian groups made up mostly of non-Bengalis and assigned to carry out army administration of occupied areas.

When troops or peace committees are attacked, the army burns hamlets to the ground in reprisal, and local reports usually tell of heavy losses of life.

In the prevailing circumstances, according to most foreign observers stationed here, the refugee crisis and the other major problems are not susceptible of solution, however much foreign assistance is poured in. It is especially unlikely, they say, that East Pakistan's Hindu minority, about 10 per cent of the March population of 75 million, will ever return in any numbers.

The Hindus were particular targets of the soldiers. Hindu communities and shops burned out by the army stand deserted, their temples smashed. The Government has made it plain that Hinduism will no longer be tolerated in East Pakistan; to reinforce the point, the new civilian Governor, Dr. A. M. Malik, did not appoint a Hindu to his interim cabinet.

CENTERS NO LONGER VISITED

A foreign relief worker, reflecting the failure of the Government's amnesty, said: "We no longer bother to visit the Government's 60 or so refugee reception centers. It's obvious they aren't coming back in more than a tiny trickle—none in some areas."

"At one place," he added, "we discovered the Government had a staff of professional refugees that they brought out whenever visitors came to show that something was going on."

"The army authorities tell you there are 2,000 refugees at some camps," another expert related. "You go there and find a handful of people wandering around, and under continued questioning the authorities agree maybe there are only 200.

"After hearing as many deceptions as we do, it quickly reaches the point at which we cannot take the Pakistan Government's word for anything, however trivial."

There are universal complaints that even in the matter of humanitarian relief the army has commandeered all available trucks, cars, motor launches and boats—the only available means of moving food or supplies until foreign relief vehicles can be brought in.

BLAME PUT ON INDIA

The Government insists that all or most of the troubles would disappear if India would end her "provocations" and stop infiltrating men and arms into East Pakistan.

The Pakistanis say India's warlike actions are demonstrated by her unwillingness to allow United Nations or other foreign relief workers to enter the border zones near East Pakistan. Pakistan, on the other hand, has admitted relief teams.

Some diplomats believe that a partial solution would be the imposition by the United Nations of a military peace-keeping force between East Pakistan and India, through which refugees could move if they chose. It seems unlikely that either country would agree to such a move.

The pessimism among foreign observers is formidable.

"There is really nothing anyone with any amount of money can do for East Pakistan," a relief expert commented. "It seems to be an irredeemable land whose people are doomed from birth, and as the population of the subcontinent doubles every generation, it will only get worse."

"My own feeling," he added, "and I know lots of us share it, is that the outside world might just as well pull out now and let things here take their inevitable course."

SPECIAL REPORT ON ISRAEL

(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, during the congressional recess I visited Israel. Today I am issuing a report on that trip and some of the people I met with. In this newsletter I have also commented on the action taken by the Attorney General on September 30 in stating that he would use his parole authority, without regard to quota restrictions, to bring Soviet Jews into the United States should they be able to leave the Soviet Union. Also included is the response my colleague from New York (Mr. ROSENTHAL) and I made to Soviet Delegate Yakov Malik's anti-Semitic statement in the September 25 meeting of the United Nations Security Council. The original statement appeared in the CONGRESSIONAL RECORD of September 27.

With the thought that it might interest our colleagues, I include my report in full in the CONGRESSIONAL RECORD. The text follows:

A SPECIAL REPORT, OCTOBER 1971

(By Mr. EDWARD I. KOCH)

Dear Friend, during the Congressional recess I went to Israel. I was there from August 20th to September 5th—at my own expense. Like most Jews, I am very interested in what is happening in that small and valiant country. In addition, I had been to the Soviet Union in April where I had visited the wives

of two of the Jews, Lassal Kaminsky and Lev Yagman, who were then in a Leningrad jail awaiting trial for alleged anti-Soviet acts. During the course of that visit I met with a number of Jews who overwhelmingly expressed a desire to move to Israel where they could lead a Jewish life. In Israel, I was interested in speaking with some of the Russian Jews who had been successful in reaching their long sought after homeland.

Upon coming to Israel one is immediately struck by the pride of the people in their country and their confidence that they can withstand any assault that may be launched by the Arab states. The Israelis do not seem to have the same daily preoccupation that many of us have about Israel's survival. The alternatives are few for the Israelis—come what may, they will do what has to be done. What they say is *En Bererah* meaning "no other option." In the meantime, the Israelis are working hard to develop the country's resources and to build a state that is economically and socially strong as well as militarily capable. From what I saw they are succeeding magnificently with full employment, new and expanding industries, widespread construction, and even $100 million in exports this year to the Arab countries.

I was fortunate to have the opportunity to talk with a number of Israeli leaders including Prime Minister Golda Meir, Finance Minister Pinchas Sapir, President of the Supreme Court Dr. Shimon Agranat, Liberal Party Leader Joseph Sapir, and that living legendary patriarch, David Ben-Gurion. These and other appointments were made for me by the Israeli Ministry for Foreign Affairs. The Ministry's efforts on my behalf were very generous and included taking me to the far reaches of the country: the Suez Canal, the Golan Heights, and Sharm el-Sheikh, I am also very appreciative of the arrangements made by the Israel Office of the American Jewish Committee for me to meet with private persons active in the social and religious aspects of Israeli life.

Those with whom I spoke made an interesting point about Israel's current state of affairs. Prior to the Six Day War, Israel's relations with the Arab states rested on an armistice agreement signed in 1956. But the Israelis were subject to daily attacks across the borders. Furthermore, there was no commerce or travel between Israel and its Arab neighbors—and of course the Old City was barred to all Israelis.

This former state of "armistice" contrasts with the current state of war. The City of Jerusalem is united and open to Jews, Christians, and Moslems alike. People from all countries, including the Arab states, come freely to Jerusalem to pray at their holy places. Arab students living in Israel are able to go to the University in Cairo and 30,000 Arabs come from the West Bank and Gaza Strip to work in Israel. But most important for the people, the acts of terrorism for the most part have stopped. Paradoxically, the former state of armistice was in fact a state of war and the current state of war is an armistice.

To date Israel has deterred the Arabs with relatively few arms, particularly when compared to the missiles and superior planes Egypt is supplied by the Russians. For the future it is essential that the United States give (and not simply sell) Israel the jets and other military equipment it needs. A peaceful Middle East and the survival of Israel are in the United States' national interest—as well as being a source of pride and comfort for all tied by blood and heritage to the promised land.

JERUSALEM

The City of Jerusalem has prospered since the Six Day War. The barbed wire which once surrounded the Old City has been removed and the ancient walls have been repaired. It is a glorious feeling to be in today's Jerusalem that is once again united.

Under the leadership of a man who must be one of the most dynamic mayors of the world, Teddy Kollek, housing is being built for both Jews and Arabs in Jerusalem. In touring Jerusalem, I asked Mayor Kollek about the Jordanians' objections to the housing project and the settlement of Jews in East Jerusalem. Standing on the construction site he pointed to the Judean Hills to the north and said:

"You see those hills—barren and rocky. That is what this hill looked like. We didn't displace any Arabs—no one was living here and the land couldn't be cultivated. Furthermore, you can see that the project does not extend beyond the City's limits."

Some ancient Jewish burial crypts have been uncovered during the construction and are being preserved.

"You see, the Jews were here years ago. We are building next to a good Jewish cemetery."

Mayor Kollek shows his city to visitors with great pride. He has guided the construction of the new housing, the development of the green areas, the reconstruction of the Old Jewish Quarter, the revival of the Hadassah Hospital and University complex on Mt. Scopus, and the building of the Israeli Museum—all making Jerusalem a city of today's world while retaining the richness of her 4000 year heritage. What Teddy Kollek is probably most admired for, however, was his courage in immediately reuniting the City after the Six Day War. Reunification has provided a city in which Jews and Arabs live in their own neighborhoods, but in cooperation and harmony—a city in which full and equal opportunities are given to all religions.

On September 25th, Jordan brought a complaint against Israel before the United Nations Security Council because of the housing going up in the eastern part of the City. Shockingly, the United States joined in a unanimous vote of 14-0 in censuring Israel. This is part of a drive by the Arab states and their supporters to end the unification of Jerusalem. I talked with Arabs and Christian clergymen about this. They all praised the help and recognition given by the Israeli government to all religions, and they all rejected the idea that partition or internationalization would make for a better city.

THE ALIYA FROM RUSSIA BEGINS

Israel has several absorption centers where new immigrants live for their first four to six months, learn Hebrew, and receive help in finding homes and employment. I visited one of these centers, a beautiful building overlooking the Mediterranean at Ashdod. At the time of my visit 200 people representing 19 nationalities were living at the center.

Most of those with whom I spoke were Russian. One, Mrs. Rochel Shpunghin, an extraordinary woman of great courage and vitality, spoke English. Describing her own feelings for Israel she said it had been the source of hope and strength for her and her family while in Russia.

Mrs. Shpunghin had arrived three months before with her husband and two sons; four years ago she and her husband had decided to apply for an exit permit. She explained that any person asking to leave the Soviet Union must obtain a "recommendation" from his superior and a character reference from a committee of neighbors. Mr. Shpunghin's plant manager would not give him a recommendation and so Mr. Shpunghin, a chemist, had to take a lesser job in another factory where the manager was less hostile. Mrs. Shpunghin, a biology teacher, simply stopped working. And because the family had made application to leave, the elder son then 18, was not permitted by the government to go to the University.

She said:

"To notify the government that you want to leave is a critical decision. When you announce you want to leave you cut yourself off from your friends and the future. This decision is particularly hard when you have children, because you are doing it for them as well."

Months went by and they heard nothing, inquiries went without response, and even friends betrayed them.

"We never knew . . . we never knew what was going to happen. It got to be terrible, but there was no turning back. Finally, the word came and we had just a few days to leave."

Mrs. Shpunghin stressed that she had not come to Israel to secure greater material comforts.

"We lived very comfortably in Riga. In fact our apartment in Rehovot will be smaller than the one we had in Russia where we also had a cottage by the sea. But this does not matter.

"We wanted to come to Israel. We can feel at home only in Israel. I know it will be difficult at first. We have given ourselves two years for life to become normal. If things work out in less time, say in a year and a half, then we will have gained six months."

We gave Mrs. Shpunghin a ride back to Jerusalem where she was meeting some friends. Ironically, as we drove up the road to Jerusalem, we came up behind a truck laboring under the weight of a huge crate bearing the name and former address of someone who had recently arrived from Riga whom Mrs. Shpunghin knew. It was wonderful to see this "household" on its way to Jerusalem and while I never met that family I felt a kinship with them as I do for Mrs. Shpunghin.

H.R. 5606 TO ASSIST SOVIET JEWS

Jews around the world have won one battle in the struggle to ease the plight of Soviet Jews. For many months, I and many others have been attempting to have the United States make it absolutely clear that we are willing to accept any Soviet Jews allowed to emigrate. Toward this end, I introduced H.R. 5606 last March to provide 30,000 special refugee visas for Soviet Jews in the event they are allowed to leave the Soviet Union. H.R. 5606 gained the support of 123 House cosponsors, 34 Senate sponsors, and hundreds of thousands of Jews and non-Jews in the country.

On September 30th, Attorney General John Mitchell announced that he would use his parole authority, without regard to quota restrictions, to bring Soviet Jews into the United States should they be able to leave the Soviet Union. The Attorney General has done administratively what my bill would have done legislatively with one favorable addition—that no limitation is placed on the number of Soviet Jews who will be allowed to come into this country.

We must now press the Soviet Union even harder than before to allow the Jews to leave to reunite with their families in Israel or wherever they might be.

DR. MICHAEL ZAND

Dr. Michael Zand is a religious scholar and one of those protestors the Russian government allowed to go to Israel last spring in an effort to avoid any embarrassing demonstrations during the 24th Congress of the Communist Party.

Arrested twice, Dr. Zand engaged in a hunger strike during his second imprisonment. On the 12th day he was forced fed, not for medical reasons since he was to be released in three days, but in an effort by officials to "insult" him and break his spirit. The forced feeding brought on a heart attack, but it also strengthened his resolve to continue his protests and efforts to go to Israel.

When I expressed my admiration for his courage he said in his typically modest manner:

"Everyone talks about our courage. But there really is nothing else we can do—there is no alternative. One cannot live as a Jew in Russia and once you protest or ask to leave there is no turning back. You have to keep going."

I ask him if he had always worn such a decorative yarmulke.

"No I started to wear it several years ago as a symbol of my protest for all to see."

The newsletter also includes pictures of my meetings with Prime Minister Golda Meir; former Prime Minister and patriarch of Israel, David Ben-Gurion; mayor of Hebron, Sheik Mohammed Ali Ja'bari; Dr. Michael Zand; 2d Lt. Michal Ronen; and Russian immigrants. I am also pictured at the Western Wall in the Old City of Jerusalem. These pictures are encaptioned as follows:

Placing a prayer for Israel in the Western Wall.

At the Ashdod absorption center with Mrs. Rochel Shpunghin, and other Russian immigrants.

2nd Lt. Michael Ronen who at age 20 is Commander of the women at the Sharm El-Sheikh military base which I visited.

Meeting with Prime Minister Golda Meir at the Knesset during the debate on the devaluation of the Israeli pound.

Meeting with Sheik Mohammed Ali Ja'bari, Mayor of Hebron and the leading Arab official on the West Bank.

One of the most moving experiences was my meeting with David Ben-Gurion, a tiny man with the heart of a lion, who that evening was going to Moshe Dayan's moshav to celebrate the 50th anniversary of its founding.

PROJECT: POLE

(Mr. HELSTOSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HELSTOSKI. Mr. Speaker, prejudice is an insidious and contagious disease. It can easily be spread by remarks made in jest which have a cumulatively disastrous impact. No group, irrespective of cultural background, appreciates having its heritage denigrated.

An article by Greg Conderacci in the Wall Street Journal on October 12 described a worthwhile endeavor called Project: Pole. It is only unfortunate that such efforts have to be undertaken in our pluralistic society.

I include the article below for those of my colleagues who may not have seen it:

POLISH-AMERICANS HIT ETHNIC SLURS, PRAISE THEIR CULTURE IN ADS; WAS COPERNICUS TRYING TO TELL US SOMETHING? YES, AND IT'S FAR FROM A JOKING MATTER

(By Greg Conderacci)

ORCHARD LAKE, MICH.—Have you heard the story about the Polish millionaire who spent $500,000 to help stamp out Polish jokes?

It's no joke.

It's "Project Pole," an effort to place a half-million dollars worth of pro-Polish advertising in newspapers across the country.

"Polish jokes should set up in a man a determination to prove they're not true," says Edward J. Piszek, president of Mrs. Paul's Kitchens Inc. of Philadelphia and the man bankrolling the campaign. In a positive way, it's an answer to the jokes—instructively. You eliminate the opportunity to originate the joke by proving it's not true."

So today a pilot campaign, in the form of a half-page advertisement, will appear in Detroit newspapers with the headline: "The Polish astronomer Copernicus said in 1530 that the earth revolved around the sun. What was he trying to tell us?" The answer, Mr. Piszek says, is that Polish-Americans are every bit as good as any other Americans.

SECOND-CLASS CITIZENS?

Mr. Piszek's problem is not only that he has to convince the other Americans. He has to convince the Polish-Americans, too. Henry J. Dende, editor and publisher of the Polish-American Journal, a national newspaper based in Scranton, Pa., says Polish-Americans face such a publicity crisis that Project: Pole is "a necessity."

"You have to go through a daily newspaper with a magnifying glass to find anything with a Polish theme," he says, and because Polish-Americans don't read much about themselves "they relegate themselves to second-class citizens." He contrasts meager media coverage of Pulaski Day to coverage of Columbus Day and St. Patrick's Day. "We can't even get a big story in the paper when 250,000 Poles march in New York," he asserts.

To make matters worse, most Polish references in the media are bad, he says. "I watched a television program the other night in which the phrase 'dumb Polack' was used seven times. I counted them. I don't mind an ethnic joke now and again, but why do they have to beat us over the head with it?"

Poles who emigrated to the United States weren't representative of all Poles in Poland, says Project: Pole's director, Father Walter J. Ziemba. "The Polish peasant immigrant—poor, deprived, ambitious, independent, courageous—came from a dismembered nation with no political identity and without opportunity for education. All he knew were his prayers and his songs. When he came to this country he couldn't tell people about Poland's 1,000-year history. So now Project: Pole must tell him these things," he says.

The Copernicus ad is only the first of a series designed to educate Polish and other Americans in Polish history. Famous Poles—Joseph Conrad, Marie Curie, Chopin—are featured. One ad proclaims: "Before there was a United States there was a Poland."

Project: Pole is the first campaign of its kind, Father Ziemba says, adding that the campaign will be a sustained effort for "at least a year." In Detroit, at least 12 to 16 ads will run in daily papers. Washington, D.C.; Hartford, Conn.; Philadelphia, Buffalo, and Chicago, also will be targets of Project: Pole, he says, and about 29 Polish newspapers across the country will begin carrying Project: Pole ads this week.

ART AND IMAGINATION

Father Ziemba, the friendly, bespectacled president of Orchard Lake School here, a tiny private Catholic college and seminary he likes to call "the Polish Notre Dame," says he hopes people will read the Copernicus ad and say, "Hmmm. I didn't know Copernicus was Polish." He says he also hopes people will clip the ad's coupon and send for a) "Poland," a "magnificent art book" ($6), or b) "The Imagination of Poland," a "48-page colorful booklet" that details Polish achievements (50 cents), or c) a poster that "shows at a glance the great men and women of Poland" ($1).

The money goes to Mrs. Paul's, a frozen-food processor owned by Mr. Piszek's family, to defray some of the cost of the campaign. Mr. Piszek says he expects to get about $200,000 of his money back—"unless it turns out to be a total turkey."

Most Polish leaders are enthusiastic about Project: Pole, "I think the Polish-American community will welcome it," says Aloyius A. Mazewski of Chicago, president of the Polish-American Congress.

But not everybody is sold on Project: Pole. One prominent Polish-American, who asks not to be identified, says the project probably will fail "because you can't sell culture the way you sell fish. Project: Pole is just an attempt on the part of the Polish community to get something into the media that's favorable. The Negro has stopped the harassment of the media, but Rowan and Martin are still free to malign the Poles on television. I fervently hope Project: Pole works, but I'm not very confident of its success."

ADMINISTRATION'S TAX PACKAGE FOR ITS NEW ECONOMIC POLICY

(Mr. HELSTOSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HELSTOSKI. Mr. Speaker, last Wednesday, October 6, the House of Representatives approved by a voice vote H.R. 10947, a modified version of the administration's fiscal proposals. There are certain considerations about the $15.4 billion package which, I feel, should be borne in mind.

The approach taken in the bill was aimed at benefiting large corporate interests. It will benefit big business by the questionable combination of allowing depreciation acceleration and restoring the 7-percent investment tax credit—despite the fact it is widely acknowledged that 25 percent of current American industrial capacity is not being utilized. A precept of economic theory is that to encourage increased capital investment with no guarantee of increased and sustained consumer demand constitutes an extremely hazardous course of action. Many economists believe the excess capacity created during the investment boom of the 1960's has significantly contributed to our current economic problems.

Although the distinguished chairman of the House Committee on Ways and Means revised these proposals, the legislation still provides little assistance to middle and lower income taxpayers. If a family cannot afford a new car, it matters not that there is a 7-percent cut in automobile excise taxes. A tax cut of $22 this year only and $44 next year only for a family of four with an income of $15,000 will not suddenly mean that the family can make such large purchases.

In addition, while relief to business was granted permanently, relief to middle-income taxpayers is not applicable after 1973.

To assist a return to full employment, our economy requires fiscal adjustments. Yet, is would appear that middle- and lower-income taxpayers deserved more consideration in this legislation. A measure should have been devised to give the economy a strong stimulus without narrowing the Federal tax base. The bill should have been drafted to create more jobs—jobs that would endure, for there is a danger in H.R. 10947 that some companies may over *invest to take* advantage of the tax credit.

The bill passed by the House was far more advantageous to business than to consumers, and its benefits, such as they may be, can at best be relatively short-lived. In fact, this legislation could back-

fire. We will definitely suffer a long-term loss of tax revenues. We cannot afford legislation of this kind if it will engender cutbacks in vital social programs and ongoing inflationary pressure.

THE MANSFIELD AMENDMENT

(Mr. HELSTOSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HELSTOSKI. Mr. Speaker, as my colleagues know, another vote on the Mansfield amendment is expected on Tuesday next week when the conferees are appointed for the military procurement and R. & D. authorization for fiscal year 1972. It is my fervent hope the conferees will be instructed to support the 6-month deadline in the upcoming conference.

As an opponent of our involvement in the Southeast Asian war since coming to Congress in 1965, my views will come as no surprise to my fellow Members. It is our duty to represent the will of our constituents. The American people want us to withdraw. A declaration setting a date for the completion of our withdrawal is imperative.

No longer can the POW/MIA's be used as pawns. The North Vietnamese seven-point peace proposal of July 1 promised that if a date certain were announced, arrangements for the release of POW's would be made. The administration has effectively ignored this proposal. Many of the families of these men now realize that the administration has consistently misled them, and they support the Mansfield amendment. A case in point of the administration's lack of consideration for these families was the withholding of Sergeant Sexton's letter. For those of my colleagues who may not have read the accounts in the printed media or did not see Sergeant Sexton's father on television, Sergeant Sexton was released by the North Vietnamese last weekend. Seven days after he was captured in 1969, he wrote a letter "to whom it may concern," explaining that he had been injured but was alive and receiving adequate medical attention. Subsequently, the Pentagon requested samples of his handwriting from his family; however, his family was never informed that his communication existed. It was not until his father and mother went to the Pentagon last month that they learned of his letter. Of course, I am not attempting to ascribe blame for this terribly unfortunate oversight—assuming that it was an oversight—but I certainly hope it was an isolated incident.

The real issue at hand is the expressed desire of our citizens to terminate our involvement in the war. The amendment to the draft bill was so weak as to be virtually meaningless. To evade this opportunity to dissolve the deadlock at Paris would constitute poor judgment on the part of Federal representatives.

As the presidential referendum of October 3 in South Vietnam so clearly demonstrated, our presence there in no way guarantees a free and democratic government in that country—which was one of the original rationales for our remaining. Many opponents of the Mansfield amendment claim we must prove to the world we recognize our commitments. I shall not argue the strength of our original commitment to South Vietnam, but regardless of its degree, we have more than fulfilled it now. In continuing to support the regime in South Vietnam, we are only giving other nations an impression that we do not honor the ideals on which our country was founded. Unless we dissociate ourselves from the dictatorial Thieu government, we dishonor our beliefs as set forth in our Bill of Rights.

I cannot justify compromise in the face of monumental tragedy. We must reflect the will of American citizenry and declare it the policy of the United States that all American troops will be withdrawn by a date no later than 6 months hence.

FRENCH DRUG CONTROL EFFORTS

(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, the Postmaster General recently plunged into the delicate field of foreign relations and in a speech in Dallas called for a boycott of French goods to force the French Government to "crack down on the drug traffic."

I do not know what qualifications Mr. Blount has to speak on the delicate subject into which he has blundered. Certainly none have been apparent in his background or in the field in which he has served and it seems to me that it is highly desirable that the position he took in this speech be repudiated.

I am certainly unwilling to believe that his position represents that of the administration and unless there is further evidence to the contrary I would believe that he spoke only for himself rather than with the approval of the President or the Secretary of State or other officials of the executive branch charged with dealing with the international control of drugs.

"Boycotting the French" is an old routine and it has been suggested at various times in recent years and for various reasons.

It is particularly inappropriate to make the suggestion at the present time since the French authorities have been making an unprecedented halt of narcotics traffickers in the last 60 days and there should be a recognition of this increased commitment and cooperation on the part of the French Government and authorities.

This is not to say that all is perfect in this regard or that nothing further can be done, and in cases where there is clearly a lack of cooperation by foreign governments whose territory is involved in this traffic I favor the sternest measures as demonstrated by the Monagan amendment to the Foreign Assistance Act of 1971. More can be done and should be done. The fact is, however, that the top officials of the French Government are firmly and sincerely committed to following positive measures in dealing with the illegal narcotics traffic. It has taken some time for the same degree of commitment to be carried down to the local level. This transmittal, however, is beginning to take place as the recent arrests of high level criminal figures demonstrates. It is also obvious that there is increased cooperation between the U.S. officials who operate the drug control effort and their French counterparts. Thus on the basis of the record I believe that the Postmaster General's intervention was unwise and regret his foray with this unaccustomed sphere.

DEAN GOODERHAM ACHESON

(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, Dean Gooderham Acheson was one of the greatest Secretaries of State who ever served. His clarity of thought, capacity for perception and unyielding intellectual courage formed the ingredients of his greatness.

He was a Connecticut man, born in Middletown, 78 years ago. He added much luster to Connecticut's many contributions to national affairs. Dean Acheson served all Presidents from Franklin D. Roosevelt to Richard M. Nixon. He achieved his greatest distinction when he was Secretary of State in the administration of Harry S. Truman.

Some of his achievements included:

The Bretton Woods Agreement which led to establishment of the World Bank.

The Truman doctrine of assistance to Greece and Turkey.

Laying the groundwork for the Marshall plan for the rehabilitation of Europe after World War II.

The formation of atomic policy in conjunction with Senator Brian McMahon of Connecticut.

The North Atlantic Treaty Organization agreement.

The Japanese Peace Treaty.

Development of the diplomatic policy for the Korean conflict.

Bipartisanship in foreign policy generally.

The creation of West Germany and its rearmament.

Support for the government of Nationalist China and opposition to Communist China.

The list could be extended.

Dean Acheson was a gentleman in the truest sense of the word, an adornment to American civilization, the possessor of outstanding literary skills, and a personal friend.

PRISONS: COLLEGES FOR CRIME

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, for the

benefit of the many readers of the RECORD, I submit an article by Louis E. Wolfson of Miami entitled "Prisons: Colleges for Crime." The article appeared in this summer's issue of Dimensions magazine as part of a symposium, "Justice on Trial."

I am grateful to Rabbi Maurice N. Eisendrath, president of the Union of American Hebrew Congregations, for drawing my attention to it.

Mr. Wolfson's work is especially timely in light of the terrible events that unfolded at Attica State Prison in upper New York. While a delegation from the Select Committee on Crime went with me to that institution, I hardly need emphasize that our concern for the current state of the Nation's penal institutions did not begin and shall not end with an examination that specific disturbance.

Attica is a grim symptom of the failure of State and Federal authorities to provide effective rehabilitation programs for persons convicted of crime. It is ironic but nonetheless true that those institutions which are trying new and innovative approaches in dealing with prison populations are achieving dramatically better results than prisons which emphasize punishment and confinement.

As Mr. Wolfson states so clearly, society must realize that most of those we send to prison will one day be out on the streets again. We cannot afford to release them no better and in most cases more dangerous than when they entered. All of us in a way are responsible for what happened at Attica and all of us can contribute to doing what is necessary to prevent the reoccurrence of a like tragedy.

For insight into the scope of the problem I commend the following article written by Mr. Wolfson:

PRISONS: COLLEGES FOR CRIME

(By Louis E. Wolfson)

I have been speaking out as vigorously as is humanly possible against any and all types of injustices and discrimination for the past thirty years, throughout the forties, the fifties, the sixties, and now the seventies. I will continue to do so—regardless of threats—until I die.

Former Chief Justice of the U.S. Supreme Court, Earl Warren, recently stated that crime is the most serious problem in American life today. He also said that organized crime cannot exist unless corruption is prevalent within certain law enforcement agencies. Corruption and graft can be found in public office in every branch of government—executive, judicial, and legislative—and at federal, state, and local levels.

In every major city in America, two of every three arrests are among only 2 per cent of the population, practically all in the slum districts where life expectancy is ten years shorter than in other areas of the community. It is disgraceful and sickening to see in many cities that some civic leaders own these slum properties and do nothing toward stamping out this cancer in our society. Yet many of these slumlords are found on the front rows and the trustee boards of our churches and synagogues.

The penal system in our great nation is a convincing case of dismal failure, and this is confirmed by knowledgeable people in this field. This disheartening fact was recently accepted as a fact by the Nixon administration. The prisons are a proving ground for the breeding of an unlimited supply of criminals for the benefit of some corrupt people who will resist and oppose changes designed to reduce crime in America. In practically every prison, for a price one can obtain anything he wants—narcotics, liquor, you name it. On an average day, there are 400,000 people in prisons in America. Over 50 per cent are under 25 years of age. Fifty-two per cent are not yet even convicted in the city and county jails. Four out of five are eligible for bail but do not have the money to be released while awaiting trial. Many are kept in jail 9 to 18 months. Many who are acquitted are innocent; but their lives have been destroyed and stripped of human dignity. Many violent, chronic, dangerous criminals are released on bail, even with full knowledge that they will be found guilty. They are free then to commit more crimes to obtain money to pay their attorneys and bondsmen, who know quite well that this is the only way they will be able to pay their fees.

People committed to prison represent only one out of every ten crimes committed and reported, and only one out of every two are reported. They enter these deplorable places as frightened, insecure, hypersensitive people. Those who are first offenders and nonviolent are mixed with hardened, tough, violent criminals. They meet mean, sadistic people not only among the inmates but among the prison personnel as well; and destruction of these human beings commences very soon after entering these institutions.

Homosexual affairs within prisons are consummated without consent of both parties, rapes run rampant, and deals are made for special favors. As mentioned above, anything can be bought for a price—with narcotics high on the list. This could not possibly happen without the involvement of prison personnel; too much money is involved to stop it, and too many are participating in this corruption.

A subcommittee of a national psychiatric organization stated in its report that when you place a rat in a maze with no outlet, insanity results, and this leads to violence. If you confine a dog to your home for one year, then release it on the streets, it will go berserk. Yet we keep human beings locked up for years, then release them with only the clothes they are wearing, only $10 or $20 in cash—rarely more—and a bus ticket to their community. Jobs for these ex-convicts are rare, and when their money is gone they must resort to crime. The facts in the record clearly show this. People in authority are aware of these awful truths, but nothing is being done to change the situation. This is the principal reason why about 70 per cent of all inmates are recidivists (more commonly called repeaters). Eighty per cent of all serious crimes are committed by persons previously in prison and 25 per cent are mentally retarded. If a doctor lost 70 per cent of his patients through death or if an automobile manufacturer produced this percentage of defective cars, both the doctor and the manufacturer would soon be out of business; they would no longer be in practice. Not so with the prison system—it is growing larger and expanding and the profits increase for those corrupt people involved in operating these institutions. Many Americans do understand but are too apathetic regarding these disgraceful conditions. They do not realize that 5 per cent of the inmates are innocent.

The population of our penal institutions comes from all walks of life, and are of every color, creed, and national origin. Most are non-violent, such as tax evaders, moonshiners, those incarcerated by selective prosecutions, selective service violators, counterfeiters, embezzlers, bad check artists, those convicted for theft of motor vehicles, and many other such types of crimes. Very few members of organized crime, or people considered to be a menace to our nation will be found in prison. They apparently can reach, with money, those in authority at all levels, including the judiciary. In New York City, 90 per cent of all organized crime cases are tried among the same few judges and the decisions by the judges in many of these cases are unbelievable, amazing, shocking, and even contrasting and conflicting. The Bar Association, for reasons only known to its members, lacks the courage to speak out and demand the removal of unqualified or corrupt judges. Information has been published that judgeships are sold in New York at an average price of $80,000, which must be paid in currency.

Inmates soon discover the lack of uniform sentencing—sometimes by the same judges—for similar crimes. An inmate may be in prison for one year for stealing a car, his first offense, and another under the same conditions may be in for five years. One person on a marijuana charge may be imprisoned for one year while another is serving 30 years for the same violation.

The parole board will turn down some prisoners eligible for parole, yet grant parole to violent criminals with second, third, and fourth offenses on their records. Parole boards refuse to inform the prisoners of the reasons for denying parole so that applying inmates may correct their deficiencies before they again become eligible for consideration by the board. These two situations—the failure of the parole board to state the reasons for denial and the lack of uniform sentencing—make it very possible for corrupt authorities to receive payment for special treatment. These two factors bring about more anti-American feeling, bitterness, and hatred among inmates than anything else and cause them to seek revenge when they are released. More violent crimes then result!

Criminality originates in the mind and is a product of faulty learning or failure to learn. With criminality regarded as a learned behavior, our schools, our churches, parents, courts, and prisons are obviously failing; and our culture is seriously threatened unless the trend is reversed. Our future points to chaos when the record shows that 40 per cent of all male children will be arrested for nontraffic charges and it is only a matter of time until our free society is completely destroyed.

Remember that 19 out of every 20 persons who enter our prisons eventually *return to society* and a large number of persons who were once human beings have been turned into mad dogs who run loose in our society. Many of the youngsters of today are consciously or subconsciously signaling for help through their behavior, caused by pressures engendered by our complex society; and we close the door on them in many instances. This rising tide of crime is a social problem much like a cancerous sore, and we must understand that, like the cancerous sore, the problem has a tendency to spread and, if not treated in time, will destroy the total body of our society. So, we must treat the whole patient by getting to the root of the causes of these problems.

We design programs expending hundreds of billions of dollars for wars and, after we defeat our enemies in war, rehabilitation takes place. Yet we make little or no effort to provide a small fraction of this amount to rehabilitate our own people in solving some of our social and domestic problems. America has many serious problems, including pollution, but none can approach in its potential tragedy the pollution of the mind.

What our country needs is not retribution but therapy, based on this particularly violent state of our national madness which has developed into a society of punishers.

Some prison administrators institute a token rehabilitation program, although they regard protection as the principal function of a prison. All other functions or missions are relegated to a secondary role. Such concern leads to an almost unbelievable fanaticism with regard to security inside the prison. Obsession with security might be amusing were it not so annoying to the men inside who have to put up with frequent head counts, searches, many harassments, and continual surveillance. The extremely low escape rate (over a 30-year period only about 8 prisoners out of 700,000 escaped from the federal prison system) plus the existence of such a large number of unapprehended criminals not in prison, as well as the growing successful use of minimum security prison camps without walls proves how ridiculous this obsession is. Many prisoners are released despite the positive knowledge that they soon will be back in prison, as they are unprepared mentally, educationally, vocationally, or financially for life in our society. They are souls who have no hope or purpose in life and for whom no one cares.

On a long-term basis, then, prisons provide no real protection; escapes are presumably feared because of the bureaucratic problems they create, and because of possible negative reactions among the public. On a short-term basis, prisons may protect those outside the walls, but under present conditions they are unable to protect inmates from the crimes that flourish within the walls. The rapes, beatings, and sometimes murders very rarely become known to the public. These crimes committed against the inmate population by other inmates or guards are almost always neglected when considering the protective aspects of imprisonment.

Prisons are certainly no deterrent to crime. In fact, they are considered as a higher education in breeding and educating criminals—sort of "colleges for crime." Propaganda and political hogwash for votes mislead the American people into believing that stronger, harsher punishments dealt out in longer sentences will reduce crime; but the facts and records do not support this. Psychologists generally believe that rewarding desired behavior is more effective than punishing undesired behavior. Capital punishment has not deterred crimes of murder as opposed to long-term imprisonment. It seems likely that most crimes are not deterrable by imprisonment or any other form of punishment because the decision to commit them is not a rational one in which consequences are weighed in advance. In those cases where the decision to commit a crime is made rationally, certainty of punishment is likely to be a more important factor than the severity of punishment. Since most crimes are not cleared through arrest, most of those arrested are not convicted and most of those convicted initially are not imprisoned, certainty of punishment does not exist in our judicial system, nor is it possible to conceive of a judicial system consistent with civil liberties that could insure such certainty. There is a certain percentage of hardened, chronic, habitual criminals who will return to crime, regardless of the financial opportunities offered them—crime is a way of life for them. These people *must* be treated differently from the majority of prisoners. They are the teachers of serious, major crimes in our "colleges of crime." Many prisoners enter prison the first time for theft, then later for murder or more violent crimes as the prisons educate their inmates.

Sexual tensions and undercurrents of violence are found in most prisons. Most of the violence and murders in prison result from sexual activities and gambling. Conjugal visits, when earned by good behavior and work records, would reduce much violence. Also such visits may give these lost souls some purpose and hope before they are completely destroyed.

The punishment dealt by authorities in some prisons is as barbaric and inhuman as any ever devised by man. These "sadistic animals" should be removed as prison personnel and, if proven guilty, should be criminally prosecuted. By doing this, some changes would take place promptly. A prison Ombudsman to function in these matters would certainly expose such atrocities. When there are riots and violence by inmates, in most cases it is likely to have been triggered by prison personnel since most prisoners want to do their time in the easiest and best way without any trouble. They are usually frightened and helpless against any type of violence for they would be blamed and would receive punishment. The administrator will always accept the word of the guard—never the word of a prisoner. Many guards will be more prone to lie than prisoners. Most guards and certain other prison personnel are uneducated, underpaid, and could not get a job anywhere else; and they are not sufficiently trained in this very important field where human lives—not merchandise—are dealt with. If the humane society had jurisdiction over human lives in these prisons, they would certainly see that animals in their compounds could not withstand the mental and physical brutality so rampant in these institutions. One observes that human beings too often maim or kill their own fellow human beings, but animals *protect* their own—even though they may kill others. It is sometimes confusing as to which really are *humans* and which species are really *animals*.

Law enforcement officers in practically all our cities are so underpaid that they are forced to "moonlight" in order to live; or they are forced to accept payoffs and bribes. We place all the responsibility on them but much of the blame is ours. The responsibility should be ours to see that they are well trained, educated, and paid a living wage for their important, hazardous work.

Too many laws are unenforceable since they have loopholes placed there by corrupt politicians for the benefit of organized crime. People must accept their responsibilities to become involved in these problems, if crime is to be reduced in the future; if not, crime will continue to increase at such a rate that every family in America will be directly affected by a serious crime within the next ten years.

Regardless of the confusing, manipulated, slanted crime figures, crime is increasing and certain elements will lead to further increases. History will show that after every war crime increases among the boys returning home. We expect the approximately three million young men who have been trained to kill in Vietnam to return home to normal life when they are released. But this is not possible—you cannot train human beings to kill and then bring them back and tell them that they are no longer killers. Human minds and human beings cannot be turned on and off like a light switch.

Increased costs of living force some people to crime to meet their obligations. Many recipients of welfare cannot meet living requirements and the constant increase in welfare rolls has reached the danger level. Boston has one out of five people on welfare; New York and other cities, one out of seven. New York alone has 1,160,000 people on the roll receiving some type of welfare. The lack of legal and police protection against the strong-arm tactics of the bill collectors make many people resort to crime to avoid being roughed up and beaten by these characters. The expansion of gambling in many cities and states (in New York, offtrack betting on horses and a proposed gambling casino bill) will have a tendency to cause more crime. Drugs will continue to create serious crime problems since nothing apparently is being done toward the removal of the immunity of diplomats from our own country and those from foreign nations in the trafficking of drugs. Also, the immunity from certain due process of law still exists in our Armed Forces, which is responsible for the smuggling of unbelievable quantities of narcotics.

Some drastic, well-conceived program to take the profits out of drugs must be put into effect immediately. Additionally, with more than 100 million firearms in the hands of the American people, we need a strong gun control law. No other industrial, scientific nation in the world has as much violence and crime as our great nation.

A full disclosure law should be enacted that would require top echelon personnel of the Justice Department, members of the Parole and Probation Boards, and Bureau of Prisons personnel to file disclosure of their financial net worth, and their annual income and expenses, and make such disclosure available to the press and to the public. The full disclosure provision should be rigidly enforced and, if violated—and such violation proven—it should carry a provision for criminal prosecution, the automatic return of any monies, fees, or illegal compensation received; and, wherever applicable, the cancellation of pensions and other employee benefits.

There is nothing that would go farther in restoring the confidence and trust of the American people in our government and its officials.

I think the statements of two very knowledgeable persist can best explain the roots of some of these problems. U.S. Supreme Court Justice Robert Jackson in an address to a conference of U.S. Attorneys in 1940 stated: "A prosecutor has more control over life, liberty, and reputation than any other person in America. . . . He can choose defendant. . . . A prosecutor stands a fair chance of finding at least a technical violation of some act on the part of almost anyone." Famed criminal lawyer, F. Lee Bailey, August 23, 1968, stated,

The judicial system is not concerned with "truth." As I get older and as I get grayer, I'm less convinced that people are really interested in truth.

We're not separating the innocent from the guilty. We separate those against whom the evidence appears to weigh heavily from those against whom the evidence appears thin.

There are very, very few cases that lawyers could not settle as to the truth if they chose to do so. The cases that go to trial are the close, contentious cases, when the opportunities for error are myriad. Jury trials are too often a matter of Russian roulette.

I would like to believe that there still are many people willing to search their minds, hearts, and souls in caring for others and bring the American people back to their senses if we are to preserve the greatest form of government ever known to and devised by man, and if we are in fact to preserve the human race. We *must*, if we are to remain a free society with law and order, and with equal justice for all! We *must* eliminate double standards of justice! You will recall the lack of interest in new drug laws shown by many prominent people in our society, including governors, congressmen, business leaders and, others, until members of their own families were in danger of going to prison. Now they want to revise and change the laws. The youngsters of these prominent people were not imprisoned. Some were

placed on probation. Three cases taken at random (there are thousands of others) in which they showed no concern for those involved were: (1) The case of John Sinclair, the poet and political activist who received a ten-year sentence from possession of *two* marijuana cigarettes; (2) Lee Otis Johnson, a S.N.C.C. leader who received a thirty-year sentence for giving (*not selling*) one marijuana cigarette to an undercover agent; (3) William Baugher, who was picked up in Gainesville, Florida and put in jail for smoking a marijuana cigarette (he did not have any others in his possession). Shortly after being jailed, he was found dead in his cell, a victim of rape and beatings. The authorities reported his death a suicide, but a few people demanded a grand jury investigation. An indictment of an 18-year-old youth for the murder of Baugher followed.

The wisdom of George Bernard Shaw sums up the chaotic deplorable prison system in a short statement: "We have been judging and punishing ever since Jesus told us not to and I defy anyone to make a convincing case for believing that the world has been any better than it would have been if there had never been a judge, a prison, or a gallows in all that time."

THE NEED FOR A STRONG INDEPENDENT CONQUEST OF CANCER AGENCY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on Tuesday, October 5, former Senator Lister Hill of Alabama received the fourth annual Sidney Farber medical research award which honored him for his many years of leadership in the Congress in the fight against cancer. During my 14 years of service in the other body, Senator Hill and I worked together in sponsoring a number of pieces of legislation affecting the health of the American people. In 1937 Senator Hill, then a Member of the House of Representatives, cosponsored the legislation creating the National Cancer Institute which I cosponsored with former Senator Homer Bone of Washington.

In 1947 I was joined by Lister Hill who had come to the Senate in 1938, in the sponsorship of S. 93 which would have provided $100 million a year for support of research in the field of cancer.

When Senator Hill assumed the chairmanship of both the Senate Labor and Public Welfare Committee and the Senate Appropriations Subcommittee on Labor-HEW, the budget of the National Cancer Institute was only $21 million. Fourteen years later, when he retired from the Senate, the budget was $180 million.

In his remarks in accepting the Sidney Farber award, Senator Hill strongly endorsed the need for a strong, independent Conquest of Cancer Agency within the National Institutes of Health. Replying to the criticisms of those who state that such an independent agency will lead to the dismantling of the National Institutes of Health, Senator Hill stated that he did not share these feelings. He pointed out that since its establishment in 1948, the National Institutes of Health had been reorganized many times in order to establish new administrative structures and increased visibility for major offensive against disease. Referring specifically to the creation of the independent Conquest of Cancer Agency concept incorporated in S. 1828, Senator Hill told his audience that—

It is to my way of thinking a simple recognition of the fact that what was effective administratively when the National Cancer Institute was established 35 years ago with a budget of $500,000 is obviously not adequate to manage a massive cancer offensive which will hopefully reach a yearly level of approximately one billion dollars by 1976.

No one can accuse Lister Hill of supporting any measure which would in any way harm the National Institutes of Health. He and the late John Fogarty, who served in this body for 26 years, were the architects and builders of the National Institutes of Health.

I am proud and happy to be allied with my old friend Lister Hill in support of S. 1828. On September 16 of this year I appeared before the House Subcommittee on Public Health and the Environment which is chaired by my good friend and colleague from Florida, PAUL ROGERS. I testified that although there was considerable merit in the legislation—H.R. 10681—introduced by Mr. ROGERS, I felt that the Senate version was preferable since it gave the proposed Conquest of Cancer Agency the independence and visibility which it must have to carry on a billion dollar job. As Senator Hill notes in the Boston speech:

It would be a disservice to every American who is hoping and praying for an end to this scourge to appropriate these large sums of money and then see them dribble through six layers of bureaucracy before programs were activated.

On September 29, I, therefore, introduced H.R. 10972 which is identical with the version proposed by the administration and passed by the Senate by the overwhelming vote of 79 to 1.

Mr. Speaker, I know that my colleagues will want to review fully the reasons Lister Hill gives for supporting the Senate version of the legislation, and I, therefore, include at this point in my remarks the full text of his magnificant speech in accepting the Sidney Farber Medical Research Award:

THE NEED FOR A STRONG INDEPENDENT CONQUEST OF CANCER AGENCY

(Remarks by Senator Lister Hill)

Fourth Annual Sidney Farber Medical Research Award, Noon, Tuesday, October 5, 1971, Auditorium, Children's Cancer Research Foundation, Boston, Massachusetts

Dr. Farber and Distinguished Guests: Words cannot express the deep gratitude and appreciation I feel in accepting the Sidney Farber award.

The great physician Sir William Osler, whose elequent writings I first happened upon in the medical library of my surgeon father, summed up a lifetime of dedication to suffering patients in these words: "To have striven, to have been true to certain ideals, this alone is worth the struggle."

The man for whom this award is named is a perfect exemplar of the Osler dictum.

Thumbing through a medical dictionary just the other day I came across a definition of cancer, which comes from the Latin word meaning crab, as: "a progressive growth of tissue not adequately controlled by restraining forces within an individual's body, proceeding without regard to the needs of the body, leading ultimately, if unchecked, to the destruction of the individual in which it arose." I prefer a more vivid definition of cancer given on the floor of the United States Senate more than 30 years ago by the late Senator Matt Neeley of West Virginia, who died in 1958 of the very disease he had been fighting legislatively for more than three decades.

Referring to the description by Charles Dickens in "A Tale of Two Cities" of the horrors of the guillotine in revolutionary France, Matt Neely on May 18, 1928 stood on the floor of the Senate and uttered these prophetic words:

"I propose to speak of a monster that is more insatiate than the guillotine; more irresistible than the mightiest army that ever marched to battle; more terrifying than any other scourge that has ever threatened the existence of the human race. The name of this loathsome, deadly and insatiate monster is cancer. It is older than the human race. Evidence of cancer has been found in the fossil remains of a serpent that is supposed to have lived millions of years ago. Records made on papyri by the ancient Egyptians show that the cancer curse was known in the valley of the Nile more than 2,000 years before the birth of Christ."

It may seem incomprehensible to you today but it took almost three decades for the American people, and the Congress, to respond to the moving pleas of my good friend Matt Neely. In 1928, Senator Neely proposed an appropriation of $100,000 to the National Academy of Sciences to develop a blueprint for an offensive against this dread disease. The sum he proposed was cut to $50,000 and the report it financed was relegated to the library shelves. Almost two decades later, he introduced legislation to appropriate $100 million to be used over whatever period was needed to mount a large scale research effort against cancer. He noted that the entire $100 million appropriation sought in his bill was less than a half day's cost of our participation in World War II. In spite of his heroic efforts, the bill went down to defeat.

However, with the passage of the act creating the National Cancer Institute in 1937—which I had the honor to co-sponsor as a then member of the House of Representatives—we began the long, arduous struggle to give our research scientists the funds to move against mankind's deadliest foe. From 1937 to 1946, the budget of the National Cancer Institute was held at the munificent level of $500,000 a year. But from then on, hard won increases were slowly achieved. When I assumed the chairmanship of the Senate Labor and Public Welfare Committee in 1955, and also acquired a second and very useful position as chairman of the Senate Appropriations Subcommittee on Labor-H.E.W., the budget of the National Cancer Institute was only $21 million. We have moved somewhat more rapidly in recent years; the budget of the National Cancer Institute for the current fiscal year is approximately $335 million.

However, in light of the fact that cancer will eventually strike one in every four Americans, and that it costs our economy a minimum of $15 billion yearly in medical care expenses and lost productivity, $335 million is still only a down payment toward getting the big effort going. Our taxes provide $80 billion a year for the defense of our country; we devote only a miniscule percentage of this sum for defense against a foe which has killed more Americans than the number of lives lost in all of the wars we have fought since the American Revolution.

But the progress we have made would not have been possible without the service and sacrifice of such giants of medicine as Doctor Farber. In Boston, you know this kind and compassionate man for his teaching and research contributions at the Harvard Medical School, and for his even greater achievement in founding and developing the world renowned Children's Cancer Research Foundation.

In Washington, D.C. we know Dr. Farber as the gentle but persistent warrior who was, and still is, the single most potent and well informed source of scientific knowledge in the field of cancer. In all of my 14 years as chairman of the Senate Appropriations Subcommittee on Health Dr. Farber never missed the call to testify, despite the enormous pressures of his professional life. In all of that time, no witness before the Committee—and we heard hundreds each year—approached him not only in technical expertise but in bringing to the members of the Senate the deep conviction that every victim of cancer—no matter how lowly his station in life—was entitled to the very best care in the lonely, unrelenting struggle against ever-menacing death.

Time does not permit the detailing of the many additional services Dr. Farber performed for Presidents of the United States, for the members of both Houses of Congress, and for the American people. No doctor has had more impact upon the exciting growth and development of the National Cancer Institute; as the only American ever to serve three four-year terms as a member of the National Cancer Advisory Council, he spent countless days and nights shaping the program we now acclaim today. On occasions too numerous to mention, I called upon him to come to my office to counsel me out of the deep wellsprings of his wisdom and experience.

To list his many services on Presidential and Congressional commissions over the past two decades would carry me far into the afternoon. However, I remember with particular gratitude his tremendous contributions to the Committee of Consultants on Medical Research to the United States Senate in 1959–1960. Because all of its members were so busy, most of the meetings were held on weekends. I remember vividly one weekend meeting at the Marriott Hotel in nearby Virginia. The Committee met for some 16 hours on Friday and reconvened on Saturday. In the midst of its deliberations, Dr. Farber was called to the phone. He returned to the room and reported that he had to leave because one of his patients had suffered a sudden reverse. Knowing the critical nature of the Committee deliberations, several of his colleagues pleaded with him to stay, arguing that one of his very competent associates could probably handle the case.

"No", Dr. Farber replied in his quiet manner, "this is my patient and the family is upset. I must return to Boston."

In 1964, President Johnson appointed him to the President's Commission on Heart Disease, Cancer and Stroke. He was given the onerous responsibility of preparing the cancer section of the Report, and he did his usual beautiful job.

Most recently, he served as Co-chairman of the National Panel of Consultants on the Conquest of Cancer, appointed by the United States Senate in 1970. The historic Report of that Panel for the first time moved the field of cancer into the forefront of our national priorities and persuaded the President of the United States to propose legislation whose goal is the eventual conquest of the disease. The legislation passed the Senate by the overwhelming vote of 79 to 1, and action on it is expected shortly in the House of Representatives.

I am a constant and avid reader of medical journals, and I am aware of some alarm in the scientific community that singling out cancer for a direct Presidential initiative will somehow lead to the eventual dismantling of the National Institutes of Health. I do not share these feelings; for example, President Kennedy's focus upon mental retardation and the then unprecedented establishment of a Presidential Commission on Mental Retardation did not lead to the dissolution of the National Institutes of Health. In actual fact, it not only brought this hidden problem into the open, but it led to increased appropriations throughout the entire field of mental health.

There are many precedents for Presidential and Congressional initiatives in particular fields where American lives are at stake. Franklin Delano Roosevelt's singling out of polio eventually led to the Salk and Sabin vaccines, and to a special Congressional appropriation so that all children could receive the benefits of these vaccines. Over the years, both the House and the Senate have mandated many programs in heart disease, cancer, stroke, community mental health, drug addiction and alcoholism for special funding and, in many cases, have legislated new administrative structures for these accelerated programs. The National Institute of Mental Health, for example, was transferred out of the National Institutes of Health in 1966 because an independent organization with high visibility was needed as its program responsibilities escalated in the fields of community mental health, drug addiction and alcoholism.

In my 45 years in the Congress, no endeavor was more rewarding than my role in helping to build the National Institutes of Health into what is acknowledged to be the finest medical research enterprise in the world. I want to continue this pre-eminence, but I also want it to be responsive to the needs and wishes of the American people.

The Conquest of Cancer legislation proposed by the Administration—which establishes an independent agency within the National Institutes of Health headed by a Director appointed by the President with direct budgetary responsibility to him—is to my way of thinking a simple recognition of the fact that what was effective administratively when the National Cancer Institute was established 35 years ago with a budget of $500,000 is obviously not adequate to manage a massive cancer offensive which will hopefully reach a yearly level of approximately one billion dollars by 1976. In endorsing this legislation in testimony before both House and Senate committees, Dr. Farber and his distinguished associates on the National Panel of Consultants on the Conquest of Cancer have repeatedly made the cogent point that it would be a disservice to every American who is hoping and praying for an end to this scourge to appropriate these large sums of money and then see them dribble through six layers of bureaucracy before programs are activated.

We are at war with an insidious, relentless foe. As indicated in several recent public opinion polls, our people are willing to pay in taxes whatever it takes to win the final victory. But they rightly demand clear, decisive action—not endless committee meetings, interminable reviews and tired justifications of the status quo.

However the issue is resolved, I am confident that my dear friend Sidney Farber will be a crucial catalyst in the solution. Over the years, there has been no more eloquent spokesman for the National Institutes of Health than Dr. Farber.

Among his many engaging virtues, I find most admirable his unflagging optimism. He is one with the great engineer Charles Kettering, who once declared that "no disease is incurable; it only seems so because of the ignorance of man."

In proof of that assertion, I give you the following quotation from his testimony just a few months ago before Senator Kennedy's Subcommittee on Health:

"There is no question in my mind that if we make this effort today, and if we plan it, organize it, and fund it correctly, we will in a relatively short period of time make vast inroads on the cancer problem as we know it today, leading to the eventual control of cancer."

Dr. Farber, you have ennobled the profession of Medicine beyond any words that I can express. As the son of a doctor and one who has been surrounded by doctors all of his life, I can only employ the words of Dr. Harvey Cushing to characterize the sacred goal that has always been your life's mission:

"Dedication to people sick and distressed in the proudest possession of the doctor; it is the mark of the true physician."

THE WAR IN SOUTHEAST ASIA

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I have previously called the attention of the House to the holding of the courts that the Congress has met the constitutional requirements of a declaration of war in Southeast Asia by mutually participating with the Executive in the prosecution of the war. On October 12 the Supreme Court denied a petition for certiorari in the case of *Orlando* v. *Laird* and *Berk* v. *Laird*, 443 Fed. 2d 1039 (1971), from the U.S. Court of Appeals, Second Circuit. The headnote No. 3 in this case summarizes the action of the U.S. Court of Appeals for the Second Circuit, which I quote:

3. War and National Defense.

Congressional action, including the furnishing of manpower and materials of war for protracted military operations in Vietnam was sufficient, without an explicit declaration for making of war by the president, to authorize or ratify military activity in Vietnam, and thus executive officers did not exceed their constitutional authority by ordering servicemen to participate in war. U.S.C.A. Const. art. 1 § 8 cl. 11; Joint Resolution Aug. 10, 1964, 78 Stat. 384; Joint Resolution May 7, 1965, 79 Stat. 109; Act March 16, 1967, 81 Stat. 5.

The court further summarized its position as follows:

We held in the first Berk opinion that the constitutional delegation of the war-declaring power to the Congress contains a discoverable and manageable standard imposing on the Congress a duty of mutual participation in the prosecution of war. Judicial scrutiny of that duty, therefore, is not foreclosed by the political question doctrine. Baker v. Carr, supra; Powell v. McCormack, supra. As we see it, the test is whether there is any action by the Congress sufficient to authorize or ratify the military activity in question. The evidentiary materials produced at the hearings in the district court clearly disclose that this test is satisfied.

I include the whole opinion of the court in full at this point in the RECORD following my remarks:

[Nos. 477, 478, Dockets 35270, 35535]

UNITED STATES COURT OF APPEALS, SECOND CIRCUIT

Salvatore Orlando, Plaintiff-Appellant, v. Melvin Laird, individually and as Secretary of Defense of the United States; and Stanley R. Resor, individually and as Secretary of the Army of the United States, Defendants-Appellees.

Malcolm A. Berk, Plaintiff-Appellant, v. Melvin Laird, individually, and as Secretary of Defense of the United States, Stanley R. Resor, individually, and as Secretary of the Army of the United States, and Col. T. F. Spencer, individually, and as Chief of Staff, United States Army Engineers Center, Fort Belvoir, Defendants-Appellees.

Actions by servicemen to challenge constitutional sufficiency of authority of execu-

tive branch to wage war in Vietnam. After remand, 429 F.2d 302, the United States District Court for the Eastern District of New York, Orrin G. Judd, J., 317 F.Supp. 715, granted defendants' motion for summary judgment, and one of servicemen appealed. The United States District Court for the Eastern District of New York, John F. Dooling, J., 317 F.Supp. 1013, denied motion of other servicemen for a preliminary injunction, and that serviceman also appealed. The Court of Appeals, Anderson, Circuit Judge, held that congressional action, including the furnishing of manpower and materials of war for protracted military operations in Vietnam was sufficient, without an explicit declaration for making of war by the president, to authorize or ratify military activity in Vietnam, and thus executive officers did not exceed their constitutional authority by ordering servicemen to participate in war.

Affirmed.

Irving R. Kaufman, Circuit Judge, concured and filed opinion.

1. Constitutional Law—68(1).

Judicial scrutiny of Congress' duty of mutual participation in prosecution of war is not foreclosed by political question doctrine. U.S.C.A.Const. art. 1, § 8, cl. 11.

2. War and National Defense—37.

In determining constitutional sufficiency of authority of executive branch to wage war in Vietnam, test was whether there was any action by Congress sufficient to authorize or ratify the military activity in question. U.S.C.A.Const. art. 1, § 8, cl. 11; Joint Resolution Aug. 10, 1964, 78 Stat. 384.

3. War and National Defense—37.

Congressional action, including the furnishing of manpower and materials of war for protracted military operations in Vietnam was sufficient, without an explicit declaration for making of war by the president, to authorize or ratify military activity in Vietnam, and thus executive officers did not exceed their constitutional authority by ordering servicemen to participate in war. U.S.C.A.Const. art. 1, § 8 cl. 11; Joint Resolution Aug. 10, 1964, 78 Stat. 384; Joint Resolution May 7, 1965, 79 Stat. 109; Act March 16, 1967, 81 Stat. 5.

4. Constitutional Law—68(1), 70(3).

Constitutional propriety of means by which Congress has chosen to ratify and approve protracted military operations in Southeast Asia is a political question; the form which congressional authorization should take is one of policy, committed to the discretion of the Congress and outside the power and competency of the judiciary, because there are no intelligible and objectively manageable standards by which to judge such actions. U.S.C.A.Const. art. 1, § 8, cl. 11.

Leon Friedman, New York Civil Liberties Union, New York City (Burt Neuborne, Kunstler, Kunstler & Hyman, Norman Dorsen and Kay Ellen Hayes, New York City, on the brief), for plaintiff-appellant Salvatore Orlando.

Normal Dorsen, New York City (Leon Friedman, Burt Neuborne, New York Civil Liberties Union, Theodore C. Sorensen, Kay Ellen Hayes, and Marc Luxemberg, New York City, on the brief), for plaintiff-appellant Malcolm A. Berk.

Edward R. Neaher, U. S. Atty., E. D. New York (Robert A. Morse, Chief Asst. U. S. Atty., David G. Trager, Edward R. Korman, and James D. Porter, Jr., Asst. U. S. Attys., E. D. New York, on the brief) for defendants-appellees.

Before Lumbard, Chief Judge, and Kaufman and Anderson, Circuit Judges.

Anderson, Circuit Judge:

Shortly after receiving orders to report for transfer to Vietnam, Pfc. Malcolm A. Berk and Sp. E5 Salvatore Orlando, enlistees in the United States Army, commenced separate actions in June , 1970, seeking to enjoin the Secretary of Defense, the Secretary of the Army and the commanding officers, who signed their deployment orders, from enforcing them. The plaintiffs-appellants contended that these executive officers exceeded their constitutional authority by ordering them to participate in a war not properly authorized by Congress.

In Orlando's case the district court held in abeyance his motion for a preliminary injunction pending disposition in this court of Berk's expedited appeal from a denial of the same preliminary relief. On June 19, 1970 we affirmed the denial of a preliminary injunction in Berk v. Laird, 429 F.2d 302 (2 Cir. 1970), but held that Berk's claim that orders to fight must be authorized by joint executive-legislative action was justiciable. The case was remanded for a hearing on his application for a permanent injunction. We held that the war declaring power of Congress, enumerated in Article I, section 8, of the Constitution, contains a "discoverable standard calling for *some* mutual partcipation by Congress," and directed that Berk be given an opportunity "to provide a method for resolving the question of when specified joint legislative-executive action is sufficient to authorize various levels of military activity," and thereby escape application of the political queston doctrine to his claim that congressional participation has been in this instance, insufficient.

After a hearing on June 23, 1970, Judge Dooling in the district court denied Orlando's motion for a preliminary injunction on the ground that his deployment orders were constitutionally authorized, because Congress, by "appropriating the nation's treasure and conscripting its manpower," had "furnished forth the sinew of war" and because "the reality of the collaborative action of the executive and the legislative required by the Constitution has been present from the earliest stages." Orlando v. Laird, 317 F. Supp. 1013, 1019 (E.D. N.Y. 1970).

On remand of Berk's action, Judge Judd of the district court granted the appellees' motion for summary judgment. Finding that there had been joint action by the President and Congress, he ruled that the method of congressional collaboration was a political question. Berk v. Laird, 317 F. Supp. 715, 728 (E.D. N.Y. 1970).

The appellants contend that the respective rulings of the district court that congressional authorization could be expressed through appropriations and other supporting legislation misconstrue the war declaring clause, and alternatively, that congressional enactments relating to Vietnam were incorrectly interpreted.

It is the appellants' position that the sufficiency of congressional authorization is a matter within judicial competence because that question can be resolved by "judicially discoverable and manageable standards" dictated by the congressional power "to declare War." See Baker v. Carr, 369 U.S. 186, 217, 82 S. Ct. 691, 7 L. Ed. 2d 663 (1962); Powell v. McCormack, 395 U.S. 486, 89 S. Ct. 1944, 23 L. Ed. 2d 491 (1969). They interpret the constitutional provision to require an express and explicit congressional authorization of the Vietnam hostilities though not necessarily in the words, "We declare that the United States of America is at war with North Vietnam." In support of this construction they point out that the original intent of the clause was to place responsibility for the initiation of war upon the body most responsive to popular will and argue that historical developments have not altered the need for significant congressional participation in such commitments of national resources. They further assert that, without a requirement of express and explicit congressional authorization, developments committing the nation to war, as a *fait accompli*, became the inevitable adjuncts of presidential direction of foreign policy, and, because military appropriations and other war-implementing enactments lack an explicit authorization of particular hostilities, they cannot, as a matter of law, be considered sufficient.

Alternatively, appellants would have this court find that, because the President requested accelerating defense appropriations and extensions of the conscription laws after the war was well under way, Congress was, in effect, placed in a strait jacket and could not freely decide whether or not to enact this legislation, but rather was compelled to do so. For this reason appellants claim that such enactments cannot, as a factual matter, be considered sufficient congressional approval or ratification.

The Government on the other hand takes the position that the suits concern a nonjusticiable political question; that the military action in South Vietnam was authorized by Congress in the "Joint Resolution to Promote the Maintenance of Internal Peace and Security in Southeast Asia"[1] (the Tonkin Gulf Resolution) considered in connection with the Seato Treaty; and that the military action was authorized and ratified by congressional appropriations expressly designated for use in support of the military operations in Vietnam.

[1, 2] We held in the first *Berk* opinion that the constitutional delegation of the war-declaring power to the Congress contains a discoverable and manageable standard imposing on the Congress a duty of mutual participation in the prosecution of war. Judicial scrutiny of that duty, therefore, is not foreclosed by the political question doctrine. Baker v. Carr, *supra;* Powell v. McCormack, *supra.* As we see it, the test is whether there is any action by the Congress sufficient to authorize or ratify the military activity in question. The evidentiary materials produced at the hearings in the district court clearly disclose that this test is satisfied.

The Congress and the Executive have taken mutual and joint action in the prosecution and support of military operations in Southeast Asia from the beginning of those operations. The Tonkin Gulf Resolution, enacted August 10, 1964 (repealed December 31, 1970) was passed at the request of President Johnson and, though occasioned by specific naval incidents in the Gulf of Tonkin, was expressed in broad language which clearly showed the state of mind of the Congress and its intention fully to implement and support the military and naval actions taken by and planned to be taken by the President at that time in Southeast Asia, and as might be required in the future "to prevent further aggression." Congress has ratified the executive's initiatives by appropriating billions of dollars to carry out military operations in Southeast Asia[2] and by extending the Military Selective Service Act with full knowledge that persons conscripted under that Act had been, and would continue to be, sent to Vietnam. Moreover, it specifically conscripted manpower to fill "the substantial induction calls necessitated by the current Vietnam buildup."[3]

There is, therefore, no lack of clear evidence to support a conclusion that there was an abundance of continuing mutual participation in the prosecution of the war. Both branches collaborated in the endeavor, and neither could long maintain such a war without the concurrence and cooperation of the other.

[3] Although appellants do not contend that Congress can exercise its war-declaring power only through a formal declaration, they argue that congressional authorization cannot, as a matter of law, be inferred from military appropriations or other war-implementing legislation that does not contain an express and explicit authorization for the making of war by the President. Putting

aside for a moment the explicit authorization of the Tonkin Gulf Resolution, we disagree with appellants' interpretation of the declaration clause for neither the language nor the purpose underlying that provision prohibits an inference of the fact of authorization from such legislative action as we have in this instance. The framers' intent to vest the war power in Congress is in no way defeated by permitting an inference of authorization from legislative action furnishing the manpower and materials of war for the protracted military operation in Southeast Asia.

The choice, for example, between an explicit declaration on the one hand and a resolution and war-implementing legislation, on the other, as the medium for expression of congressional consent involves "the exercise of a discretion demonstrably committed to the * * * legislature," Baker v. Carr, *supra* 9 at 211, 82 S. Ct. at 707, and therefore, invokes the political question doctrine.

Such a choice involves an important area of decision making in which, through mutual influence and reciprocal action between the President and the Congress, policies governing the relationship between this country and other parts of the world are formulated in the best interests of the United States. If there can be nothing more than minor military operations conducted under any circumstances, short of an express and explicit declaration of war by Congress, then extended military operations could not be conducted even though both the Congress and the President were agreed that they were necessary and were also agreed that a formal declaration of war would place the nation in a posture in its international relations which would be against its best interests. For the judicial branch to enunciate and enforce such a standard would be not only extremely unwise but also would constitute a deep invasion of the political question domain. As the Government says, "* * * decisions regarding the form and substance of congressional enactments authorizing hostilities are determined by highly complex considerations of diplomacy, foreign policy and military strategy inappropriate to judicial inquiry." It would, indeed, destroy the flexibility of action which the executive and legislative branches must have in dealing with other sovereigns. What has been said and done by both the President and the Congress in their collaborative conduct of the military operations in Vietnam implies a consensus on the advisability of *not* making a formal declaration of war because it would be contrary to the interests of the United States to do so. The making of a policy decision of that kind is clearly within the constitutional domain of those two branches and is just as clearly not within the competency or power of the judiciary.

[4] Beyond determining that there has been *some* mutual participation between the Congress and the President, which unquestionably exists here, with action by the Congress sufficient to authorize or ratify the military activity at issue, it is clear that the constitutional propriety of the means by which Congress has chosen to ratify and approve the protracted military operations in Southeast Asia is a political question. The form which congressional authorization should take is one of policy, committed to the discretion of the Congress and outside the power and competency of the judiciary, because there are no intelligible and objectively manageable standards by which to judge such actions. Baker v. Carr, *supra*, 369 U.S at 217, 82 S.Ct. 691; Powell v. McCormack, *supra*, 395 U.S. at 517, 89 S.Ct. 1944.

The judgments of the district court are affirmed.

Irving R. Kaufman, Circuit Judge (concurring):

In light of the adoption by Congress of the Tonkin Gulf Resolution, and the clear evidence of continuing and distinctly expressed participation by the legislative branch in the prosecution of the war, I agree that the judgments below must be affirmed.

FOOTNOTES

[1] The two district judges differed over the significance of the Tonkin Gulf Resolution, Pub. Law 88-408, 78 Stat. 384, August 10, 1964, in the context of the entire course of the congressional action which related to Vietnam. Judge Judd relied in part on the Resolution as supplying the requisite congressional authorization; Judge Dooling found that its importance lay in its practical effect on the presidential initiative rather than its constitutional meaning.

Although the Senate repealed the Resolution on June 24, 1970, it remained in effect at the time appellants' deployment orders issued. Cong. Record S. 9670 (June 24, 1970); *see* Foreign Military Sales Act of 1971 § 12, P.L. 91-672 (January 12, 1971). The repeal was based on the proposition that the Resolution was no longer necessary and amounted to no more than a gesture on the part of the Congress at the time the executive had taken substantial steps to unwind the conflict, when the principal issue was the speed of deceleration and termination of the war.

[2] In response to the demands of the military operations the executive during the 1960s ordered more and more men and material into the war zone; and congressional appropriations have been commensurate with each new level of fighting. Until 1965, defense appropriations had not earmarked funds for Vietnam. In May of that year President Johnson asked Congress for an emergency supplemental appropriation "to provide our forces (then numbering 35,000) with the best and most modern supplies and equipment." 111 Cong. Rec. 9283 (May 4, 1965). Congress appropriated $700 million for use "upon determination by the President that such action is necessary in connection with military activities in Southeast Asia." Pub. L. 89-18, 79 Stat. 109 (1965). Appropriation acts in each subsequent year explicitly authorized expenditures for men and material sent to Vietnam. The 1967 appropriations act, for example, declared Congress' "firm intention to provide all necessary support for members of the Armed Forces of the United States fighting in Vietnam" and supported "the efforts being made by the President of the United States * * * to prevent an expansion of the war in Vietnam and to bring that conflict to an end through a negotiated settlement * * *." Pub. L. 90-5, 81 Stat. 5 (1967).

The district court opinion in Berk v. Laird, 317 F. Supp. 715 (E.D.N.Y. 1970), sets out relevant portions of each of these military appropriation acts and discusses their legislative history.

[3] In H. Rep. No. 267, 90th Cong., 1st Sess. 38 (1967), in addition to extending the conscription mechanism, Congress continued a suspension of the permanent ceiling on the active duty strength of the Armed Forces, fixed at 2 million men, and replaced it with a secondary ceiling of 5 million. The House Report recommending extension of the draft concluded that the permanent manpower limitations "are much lower than the currently required strength." The Report referred to President's Johnson's selective service message which said, "* * * that without the draft we cannot realistically expect to meet our present commitments or the requirements we can now foresee and that volunteers alone could be expected to man a force of little more than 2.0 million. The present number of personnel on active duty is about 3.3 million and it is scheduled to reach almost 3.5 million by June, 1968 if the present conflict is not concluded by then." H. Rep. No. 267, 90th Cong., 1st Sess. 38, 41 (1967).

It should be clearly understood, therefore, by the Members of this Congress that we are not bystanders in the conduct of this war. We are not simply standing aside and allowing the Executive to do what he thinks he should do. We are partners in the conduct of this war with the Executive and we are therefore responsible, as a partner is, who participates in a joint venture, for the war. If we are to discontinue to be responsible as a partner in the conduct of this war, we must withdraw our support from it.

I would like to see us get out soon, but at least we should adopt the Mansfield amendment, adopted by the Senate, expressing the determination of the Congress that our country should be totally disengaged from this war within 6 months from the date of the resolution.

NAOMI AND BARNET NOVER

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, in the same year I was first elected to the Congress, to serve in the other body, an outstanding American journalist came to Washington to begin a distinguished career which ultimately spanned three and a half decades in the Nation's Capital.

It was my privilege to get to know Barnet Nover and his gracious wife Naomi very well and to count them among the lasting friendships which Mrs. Pepper and I have shared over the years. My respect for the ability of the Novers and my warm personal feeling for both of them made it especially significant for me to note their retirement from one journalistic career and their launching of another, in partnership now as in the past.

Recently Barnet retired as chief of the Washington Bureau of the Denver Post and joined with his wife in beginning the Nover News Service. I am sure they will be highly successful and that the country will be fortunate to be able to continue to avail itself of their talents for news and information.

It is appropriate, I think, to include in this RECORD the following quick summary of a very distinguished career devoted to keeping the American people informed of the people's government:

ABOUT BARNET NOVER

Until recently and for 23 years Chief of the Washington Bureau of The Denver Post, Barnet Nover began his journalistic career with the Buffalo Evening News. This followed his graduation from Cornell University where he secured a bachelor's and master's degree and won honors in history and a Phi Beta Kappa key.

On the News he served first as a reporter and subsequently as associate editor and foreign affairs columnist. It was while with that newspaper and as a result of articles he sent from Japan and China in the course of a round-the-world trip that he won honorable mention for the Pulitzer prize.

During most of his years with the Buffalo Evening News Nover was also associated with the University of Buffalo as a professorial

lecturer on modern European history, international relations, and Far Eastern affairs.

In 1936, at the personal invitation of the late Eugene Meyer, publisher of The Washington Post, he joined that paper as associate editor and columnist, serving, in the words employed by the management in describing his activities as "The Post's own expert on foreign affairs." His column has appeared in newspapers across the country.

During World War II, as his personal contribution to the war effort for which he refused all financial compensation, he wrote weekly articles for the Office of War Information which was sent by short wave to enemy and neutral nations and broadcast in 35 languages. These articles were also distributed to more than 600 newspapers around the world. During the same period Nover did radio interviews with American and foreign celebrities. These were broadcast by stations from coast to coast.

In 1948 Nover joined the Denver Post as chief of its newly created Washington Bureau, an event signalized by a reception hosted by Palmer Hoyt, the editor and publisher, and attended by more than 500 top officials and members of the Washington press corps. The guest list included 52 Senators, seven members of the U.S. Supreme Court, seven Cabinet members, many from the House of Representatives and other high officials as well as bureau chiefs of leading newspapers.

As part of his duties with The Denver Post Nover covered all major national political conventions from 1948 through 1968 and the subsequent presidential campaigns.

He was the first to reveal the fact, up to then closely guarded, that the napalm used in the U.S. air raid which almost burned down Tokyo, had been made in Denver and, also, that nerve gas was being manufactured at the Rocky Mountain Arsenal. Among his other scoops was one predicting with remarkable accuracy and 36 hours before the document was officially revealed details of the censure of the late Sen. Joseph McCarthy agreed on by the Watkins Committee.

In 1948 Nover traveled with President Harry Truman on his now legendary "whistle stop" campaign and was sufficiently impressed by the campaign not to join the overwhelming majority of his colleagues and assuming, as certain, the defeat of Truman and the victory of his Republican rival, Gov. Thomas E. Dewey.

Earlier, Nover received what Time Magazine described as a "dream assignment," namely, the first exclusive interview given by President Truman to any journalist and which revealed, for the first time, that Truman had invited Joseph Stalin to come to the United States and, like Winston Churchill, to make a speech in Missouri. Truman offered to send the battleship "Missouri" to bring the Soviet dictator to our shores. Stalin declined for reasons of health.

In January, 1955, Nover was chosen one of 15 "Outstanding Buffalonians" honored at a Celebrities Homecoming dinner in Buffalo which was attended by 700 of the leading citizens of that city. He was part of a group of honorees that included the Rev. Dr. Harry Emerson Fosdick, noted preacher; Maj. Gen. William J. Donovan, head of the OSS (subsequently transformed into the present CIA); Rose Bampton of the Metropolitan Opera, Katherine Cornell, the famous stage star, and others.

As a newspaper reporter some of Nover's innumerable assignments have included attendance at many international conferences including the San Francisco Conference setting up the United Nations and the Paris peace conference of 1946. He was with Vice President Nixon in Moscow during the famous "kitchen" debate between Nixon and Nikita Khrushchev and reported other outstanding events of recent decades.

Nover is married to the former Naomi Goll of Buffalo who has been his journalistic partner for many years, working side by side with him on many assignments and whose column in The Denver Post, "Dateline Washington" was read throughout the Rocky Mountain region. Naomi was in charge of the Washington Bureau whenever Barnet was away covering out of town events or covering the travels of Presidents and presidential candidates. They have again joined forces in setting up the Nover News Service.

RESOLUTION FOR IRISH UNITY

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, with the cosponsorship of 19 of my colleagues in the House, I am today introducing a resolution calling on the Nixon administration to cooperate with the Irish Government in working toward a free and united Ireland. In specific, this resolution requests the U.S. Government to take steps, in consultation with the Irish Government, to put the situation in Northern Ireland on the agenda of the United Nations Security Council, and to ask the Security Council to send a peacekeeping force to Northern Ireland, as the Government of Ireland proposed in 1969.

Faced with mounting violence in Northern Ireland, the British Government keeps sending in more troops. This is no answer. It will only feed the flames.

Polls indicate the English people are sick and tired of having their boys getting killed in Northern Ireland, and want all British troops pulled out. Their instinct is sound, just as the instinct of the American people who want American troops pulled out of Vietnam is sound.

In the past, the United States has pussyfooted on these issues for fear of offending the British. Such a timid approach is neither needed nor justified. We have differed with the British before on colonial issues, and can and should do so again.

The rights of the matter are clear: The Irish are one people, and as such they should have the right of self-determination, as guaranteed by the U.N. Charter. By no stretch of the imagination can the population of Northern Ireland be considered a "people" separate from the rest of Ireland.

Ever since Oliver Cromwell began the despicable policy of giving Irish land to English Protestants, the British have sought to protect dispossessed Irish. The creation of the artificial state of Ulster in 1921 was a part of that policy. In recent years the British have supported the maintenance of cruel and discriminatory laws designed to keep the Catholics in an inferior and powerless position, including the intolerable present internment procedure. The British are responsible for these wrongs. They must now be held responsible by the United States and the world community for righting them.

If the U.N. Charter had been in effect in 1921, the world body would never have permitted England to carve out one segment of Ireland before giving the rest its independence.

The Protestants of Northern Ireland need have no fear that they would be discriminated against as citizens of a united Ireland. The record of the Government of Ireland in its treatment of religious minorities is impeccable. Everyone remembers Mayor Briscoe of Dublin, but few Americans know that his son is a Member of Ireland's Parliament. Protestants generally fare very well, indeed, in present-day Ireland. Of course, the fanatical Protestant leaders of Northern Ireland may be expected to resist the idea of being part of a mainly Catholic country. But this sort of bigotry, reminiscent of the Dark Ages, has no place in the modern age.

We are all disturbed by the continuing violence in Northern Ireland, and many of us are equally disturbed by the continuing injustices which are the root cause of that violence. The resolution my colleagues and I are introducing today takes the firm position that the long-run solution to the problem of Northern Ireland is a free and united Ireland, established in accordance with the principles of the United Nations Charter calling for the self-determination of peoples and the integrity of states. It further states that—

> The General Assembly (of the United Nations) should be asked to adopt a resolution condemning the continuing discrimination against the Catholic minority in Northern Ireland as a violation of the principles of the Charter and of the Universal Declaration of Human Rights.

Such a United Nations resolution should recommend that the people of all Ireland be given the opportunity in a referendum to determine whether Ireland shall continue to be partitioned or shall be free and united.

Mr. Speaker, I am pleased to announce that the following Members have so far joined me as cosponsors in introducing this resolution: Mr. O'NEILL, Mr. REUSS, Mr. GALLAGHER, Mr. BURKE of Massachusetts, Mrs. ABZUG, Mr. BADILLO, Mr. BEGICH, Mr. BYRNE of Pennsylvania, Mr. CAREY, Mr. DOW, Mr. DRINAN, Mr. FLOOD, Mr. GREEN, Mr. PRICE, Mr. RANGEL, Mr. SCHEUER, Mr. BARRETT, Mrs. HICKS of Massachusetts, and Mr. HANNA.

EXEMPT LOW-PAID WORKERS FROM WAGE FREEZE

(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 October 4 I introduced legislation—House Concurrent Resolution 414—to assure that low-paid workers are exempted from any wage freeze which may ensue following the end of the present freeze in November. Yesterday I reintroduced that legislation as House Concurrent Resolution 423 on behalf of 20 of my colleagues.

This concurrent resolution expresses the sense of Congress that individuals who earn substandard incomes, or who are among the working poor, shall be exempt from any wage freeze until such time as they rise out of these categories.

The need for this legislation is clear. Millions of families and individuals are earning far less than the meager $6,960 annually which the Federal Government has set as a lower budget for a family of four in an urban area. The President himself has acknowledged the plight of

the working poor in his espousal of the family assistance plan, which includes them within its coverage. Yet, the present wage freeze has locked these individuals in poverty and near poverty.

I say this cannot be. We must insure that in phase II of the administration's economic program the plight of the working poor must be recognized and their wages exempted from any freeze.

This step is very much consonant with past history. In 1952, the Defense Production Act—which created the Wage Stabilization Board—was amended to exempt from wage stabilization individuals earning $1 or less an hour. At that time, the minimum wage was 75 cents. That legislation applied solely to defense industry workers. However, this is a different day, and poverty—no matter what work the wage earner performs—is unacceptable.

Joining me in cosponsoring this resolution are: BELLA ABZUG of New York; HERMAN BADILLO of New York; NICK BEGICH of Alaska; JONATHAN BINGHAM of New York; JOHN BLATNIK of Minnesota; PHILLIP BURTON of California; JAMES BYRNE of Pennsylvania; SHIRLEY CHISHOLM of New York; GEORGE DANIELSON of California; RONALD DELLUMS of California; JOHN DOW of New York; ROBERT DRINAN of Massachusetts; WILLIAM FORD of Michigan; DONALD FRASER of Minnesota; ELLA GRASSO of Connecticut; MICHAEL HARRINGTON of Massachusetts; RALPH METCALFE of Illinois; PARREN MITCHELL of Maryland; CHARLES RANGEL of New York, and BENJAMIN ROSENTHAL of New York.

A TIGHTENING UP ON THE USE OF DIETHYLSTILBESTROL—DES—IS WISE DECISION

(Mr. MELCHER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MELCHER. Mr. Speaker, the joint announcement of the Department of Agriculture and the Food and Drug Administration on October 12 to tighten up the use of diethylstilbestrol, or DES, in livestock feeds is a welcome announcement.

Recent medical research with laboratory rodents that were fed DES developed cancer. This is alarming for two reasons: First, the drug is used by physicians for treatment of certain conditions in humans; and second, it is used widely in feed supplements for livestock. Medical researchers will continue to look at the possible consequences it might have on people. The effect that it may pose on the health of humans when the drug is present as residues in small amounts in the foods we consume is not clearly understood. Until we are sure just what the effect is and how great a danger DES poses, the requirement that the Food and Drug Administration has placed on it is correct. The tolerance they allow is zero—none whatsoever.

Before October 12, the restriction on the feeding of livestock required removal of it from the feeds given to animals at least 48 hours prior to their slaughter. Studies had shown that no residues would be present in the meat if this procedure were followed. Actually, 10 liver samples were recently found to be positive for DES. The samples were taken last spring and early in the summer, but the results were only confirmed within the past few days. As a result, of this, the joint announcement by the Department of Agriculture and the Food and Drug Administration on October 12 was to the effect that livestock feeders who are using DES in their feeds must withdraw that type of feed from the ration of the animals at least 7 days prior to slaughter rather than the previous 48-hour requirement.

This is a wise decision for both consumers and producers because, I can assure you, Mr. Speaker, that the producers and feeders of livestock are greatly concerned with the health of their friends the consumers, the buying public and their families. And that includes all the families of both producers and consumers in this country because we are all eating these choice meats, and we want to continue to have the utmost confidence in their wholesome, healthful, and nutritional values.

JUSTICE FOR ALASKAN NATIVES—AND FOR THE NATIONAL INTEREST, TOO

(Mr. UDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. UDALL. Mr. Speaker, today Representative JOHN SAYLOR and I are introducing a revised version of the Alaska Native land claims settlement bill (H.R. 10367), which was recently reported by the Committee on Interior and Insular Affairs. Our revision, in this new bill includes all of the details of the basic formula for the settlement of the Natives' claims, in the form worked out by the committee. But it also includes provisions which are designed to assure that the national interest in conservation in Alaska is cared for and that land planning and zoning processes will help guide the use of land in Alaska. When the House debates this matter—which I understand is scheduled for next week—we will attempt to amend the committee bill to make it conform with this substitute.

I am most sensitive to the equities of Alaska's Native peoples. I want to see a full, fair, and prompt settlement of their long unsatisfied land claims against the United States, and I want to see that settlement this year. I am joining our committee in urging that the Natives receive a total cash compensation of $925 million and that they receive title to 40 million acres of lands presently in Federal ownership, to be selected by them under the general formula provided in the committee bill.

PROTECTING THE NATIONAL INTEREST

The problem with the committee bill, H.R. 10367, is not in what it says—I am committed to that bill as far as it goes. The problem is in what the committee bill does not say: The fact that the bill provides no way to decide which Federal lands in Alaska are of such national significance that they should be studied for possible retention in Federal ownership serving the national interest. In the great Federal domain in Alaska are areas which are among the Nation's most scenic and naturally significant. Some of these may, as part of the Nation's heritage, belong in future national parks which Congress has yet to consider, such as the Gates of the Arctic area in the Brooks Range. Others may provide prime habitat for migratory birds, including waterfowl, and for species of wildlife, including caribou, moose, and wolves. Some of these lands may have a potential for inclusion in the National Wildlife Refuge System. Others may belong in wilderness reserves, in wild or scenic river designations, or perhaps they should be retained as part of the reserve of national resource lands administered by the Bureau of Land Management because they have high public multiple-use values.

Because Alaska is still a frontier land, field studies and surveys have not yet been done to determine with final precision where all of the national interest reservations should be. Congress, as the trustee of the public lands, has yet to give full deliberation to the specifics of these proposals. We simply do not believe that the opportunity to protect the national interest in Alaska should be lost merely because we have not yet completed these studies and scheduled congressional action. For this reason, our amendment would authorize the Secretary of the Interior to withdraw a limited number of such areas—not to exceed 50 million acres in total—and to designate these as "national interest study areas." The amendment would also designate five such study areas directly, these being areas which are already withdrawn from disposal in any case and which clearly need to be given further study in the national interest.

These national interest study areas are intended to give temporary, interim protection to areas of possible national interest until Congress has had an opportunity to deliberate their future status. But it is essential to understand that, while these areas would be withdrawn from the unreserved public domain, their withdrawal will in no way interfere with Native selection of their village lands as authorized in the committee bill.

As the second step in this process for protecting the national interest, the Secretary of the Interior is directed by our amendment to review each of the withdrawn national interest study areas and, within 5 years, to forward specific recommendations to Congress for the future status of these areas—either giving them permanent status as parks, refuges or the like, or vacating parts of the withdrawals and returning these areas to the status of unreserved public lands. In the meanwhile, in the event that a Native corporation or the State of Alaska wishes to select lands within withdrawn "national interest study areas," they can identify and select those areas, but the actual patent and title would not be transferred until Congress had chosen to relinquish the lands that had been withdrawn. This is entirely appropriate, inasmuch as the only lands withdrawn by the Secretary of the Interior—and I emphasize again that we limit this category to not more than 50 million acres in total—will be those that he finds have outstanding values that may well prove,

upon more detailed study, to be of overriding national interest.

FEDERAL-STATE PLANNING ESSENTIAL

Another major shortcoming in the committee's bill is the failure to provide a temporary land planning mechanism to help shape the process of parceling out the public domain. The Natives and the State of Alaska are given absolute priority to select lands from the unreserved public domain. The committee did write in restrictions on land entry by private parties, but this has nothing to do with the fact that under this bill and previous laws, fully one-third of the land in Alaska is to be transfered to the Natives and the State—40 million acres to the Natives and 104 million acres to the State. We are not suggesting that these selection rights be reduced by so much as a single acre. Under the amendment Mr. SAYLOR and I will propose the Natives will be assured of their full 40 million acres and the State will be assured of its full rights, granted in the Alaska Statehood Act, to selection of a total of 104 million acres from the unreserved public domain. We ask only two simple, and we believe, obviously desirable things: That lands with recognizably predominant national interest be protected until Congress can determine their best disposition and that this entire program of dividing up and developing the public domain in Alaska take place within a sensible framework of statewide planning.

That is the second element of our amendment, the establishment of a Temporary Joint Federal-State Natural Resources and Land Use Planning Commission for Alaska. This 14-member Commission—half appointed by the State and half by the Federal Government—would suggest which Federal lands should be disposed of and which should be retained, it would review and advise on applications for land selections by the Natives and the State, and it would prepare and promulgate land use plans for these lands. It is the express purpose of this Temporary Planning Commission to do a job that must be done immediately, but only as an interim measure until appropriate statewide and local zoning authorities can be constituted in Alaska.

This is, in short, the full purpose and intent of the amendment Mr. SAYLOR and I propose. The text of our amendment appears in our new bill as subsection 9 (g), replacing and building upon what little language the committee saw fit to approve to deal with the future of the Federal domain in Alaska. I ask to include the text of subsection 9(g) of our new bill at the conclusion of my remarks, as exhibit 1.

THREE MYTHS PUT TO REST

Mr. Speaker, the concerns which we have had about the weaknesses I have described in the committee bill are being increasingly discussed among Members of the House. You will be hearing much more about this amendment, I am sure. Thus, I believe it is essential that I put to rest here and now three myths about this amendment, myths that arise either out of misunderstandings or the opposition of certain vested interests who would rather have the public domain in Alaska thrown wide open.

The first two myths about our national interest amendment are closely related. Myth No. 1 is that our amendment is an attempt to deny justice to Alaska's Native peoples by trying to delay or kill the whole bill outright. Myth No. 2 is that we are out to deny justice to the Natives by interfering with their land selection rights granted by the committee bill.

On the first myth, I can be brief: Anyone who knows my record in this House will know that any thought that I would ally myself with any effort to kill a Native's justice bill, let alone lead such an effort, is ridiculous on its face.

The second myth is that if we do not hope to kill the bill, we seek somehow to interfere with the Natives' land selection rights under the bill. This is as false as the first. Under the committee bill, the Natives have 5 years to select the lands on which their villages are now located, together with lands surrounding those villages in accordance with a distribution formula based on the size of each village. All in all, the total Native selections under this provision amounts to about 18 million acres and must be completed by the end of the fifth year after enactment of the bill.

The amendment Mr. SAYLOR and I propose will have absolutely no effect, none whatsoever, on the selection of these village lands—all 18 million acres may still be selected just as under the committee bill and the choice of lands is entirely up to each village. The Temporary Planning Commission will have the right to advise the Natives as to the compatibility of these selections with statewide planning and to establish land-use controls, as it will for all lands to be selected from the Federal domain. This is not, incidentally, some cleverly crafted provision that hurts the Natives' interests through the back door; indeed, we adopted this provision directly from the proposal for such a Commission proposed by Alaska Senator MIKE GRAVEL, included in the Senate's Alaska Native claims bill approved by the Senate Interior Committee, and supported by action of the Alaska Legislature and Gov. William Egan. Native leaders and others with immediate interests in Alaska have told me repeatedly that they desire to be part of sensible land-use planning in Alaska and that is just what we provide.

Now, the second round of Native land selections, once they have selected their 18 million acres of village lands, is delayed, under the committee bill, until the State of Alaska completes its land selection rights as granted in the Alaska Statehood Act in 1959. Those rights end in 1984. So the second round of Native selections—those selections to be made not by the villages but by the Alaska Native Regional Corporations set up in the committee bill—will begin in 1984. These selections will amount to about 22 million acres, thus giving the Natives their total selection right of 40 million acres. Now, the amendment I am proposing does nothing to diminish these second-round selection rights either. It does say that these second-round Native selections may be made within "national interest study areas," but provides simply that actual title patenting to such selections will be delayed until Congress has decided whether those specific areas may best be continued in Federal title in the national interest. We provide that, if Congress decides not to reserve a national interest study area within which a Native regional corporation proposes a selection, then that selection may be patented as Native land. If Congress should decide to reserve the area for permanent Federal retention, then we explicitly provide that, regardless of any time limits or other provisions in the formula of the committee bill, the Natives may make an alternative selection of equal acreage anywhere else in the unreserved public domain.

Let me stress that this second round of Native selections does not commence until 1984, by which time it is certainly our hope that any national interest study areas will have been completely studied and their future fixed by congressional action, so that, in fact, there will be little if any conflict between them and any new Native land selection.

So, Mr. Speaker, as to the second myth that this amendment is in any way antithetical to the interests of Alaska's Natives, I simply deny it as ridiculous and unfounded to anyone who knows my record and to anyone who will read the provisions of this amendment with an open mind.

NO EFFECT ON PIPELINE

Myth No. 3 about our national interest amendment is equally insidious and equally unfounded on its face. This is the suggestion that our amendment is merely a high-sounding disguise for an effort to block the proposed trans-Alaska pipeline. So let me just say it clearly and quietly: this is not an antipipeline amendment. It has nothing to do with the Alaska pipeline, either by direct effect or by implication. No provision of this amendment says anything about the pipeline, and no withdrawal of lands authorized in this amendment will affect the planned routing of the pipeline in any way. It is neither in the spirit or wording of my amendment to in any way delay, harass, or otherwise interfere with the Secretary's decision on whether or not to construct the pipeline.

In fact, we have included in our amendment an explicit stipulation that the authority of the Secretary of the Interior "to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by the withdrawal" of lands under our amendment. That is a saving clause, assuring that no withdrawal of a national interest study area could prejudice the Secretary's free decision on any pipeline rights-of-way.

Now, it is true that my amendment will designate and withdraw five areas in Alaska as national interest study areas immediately. One of these is the so-called Central Brooks Range proposed classification, originally published in the Federal Register in 1970. This area lies astride the pipeline route currently under discussion and might appear to be a sneaking attempt to block the pipeline route. But look at the facts. The actual pipeline corridor was designated by the Department of the Interior early in 1970. The proposed Central Brooks Range area of which I speak was set aside later that year. In making this second withdrawal, would the Secretary of the Interior have

been so blind as to overlap his own previous pipeline corridor? Of course not, and that is not the case. Anyone who would like to confirm this is welcome to consult the two relevant notices of withdrawal published in the Federal Register: That for the pipeline appeared in January of 1970—35 Federal Regulations 16–17—that for the proposed Central Brooks Range classification in later in 1970—35 Federal Regulations 18003. You will find that they are fully compatible.

STATE WANTS LAND PLANNING

The amendment Mr. SAYLOR and I propose has to do with protecting something the American people—in my district and in your districts—believe very much in: their common heritage of natural wonders and scenic grandeur. It has to do with something else we are all interested in, too: learning from our past mistakes. That means that we ought to have enough good sense to plan as we open Alaska for appropriate development. Is that so extreme a desire? I think not. Is that irrelevant to the interests of the Natives and the settlement of their claims in this bill? I think not.

And let me just point out that apparently the State of Alaska and Alaska's own Senator MIKE GRAVEL feel the same way, for the planning machinery we propose in this amendment is modeled on the machinery Senator GRAVEL has worked hard to put into the Senate's Alaska Native claims bill, S. 35. And that machinery is fully compatible with a planning commission proposed by the State of Alaska to be jointly constituted from the State and the Federal governments.

Indeed, the Alaska Legislature has enacted its half of this commission, in an act passed in Juneau in May of this year and signed by Alaska's Governor, William Egan, on May 21, 1971, in which the Alaska Legislature says this—and I am quoting directly from section 1, the declaration of State policy, in the Alaska Legislature's act of May 21, 1971, "Relating to the Joint Federal-State Natural Resources and Land Use Planning Commission:

> The legislature determines that the efficient and provident development of Alaska demands a carefully coordinated approach to all natural resources and land-use planning. This demand can only be met if the United States and its agencies, as the state's largest landowners, cooperate and coordinate their planning with that of the state and its agencies. The legislature recognizes that the state must and should play a significant role in planning the future uses of the public land base, since a substantial part of the public land of the United States will belong to the state in the future.

And, Mr. Speaker, to continue, let me call special attention to the final sentence of the declared policy of the State of Alaska:

> The legislature accordingly invites the Congress of the United States to join with it in establishing a joint commission which will engage in natural resources and land-use planning for Alaska.

That, Mr. Speaker, is just what our amendment does—and just what the House committee bill fails to do. Such a provision will be in the Senate bill which goes to conference with whatever bill we enact on this subject. Thus, it is clear that if the House is to have any voice in the establishment of this Temporary Planning Commission—as we have been urged and invited by the State of Alaska to do—we have to do it here.

This is doubly appropriate, inasmuch as what we propose is strictly an interim measure, intended only to fill the gap until we can mesh Federal-State planning for Alaska into the framework of sound statewide and local planning and a national land-use planning policy. Legislation to enact such a national policy is before the Congress at the recommendation of the Nixon administration, and our committee has gone to some pains in its report on H.R. 10367 to make clear that it has conducted some hearings and proposes to give this legislation serious consideration.

In the interim, the Temporary Planning Commission Mr. SAYLOR and I propose will act as an incentive to generate sound local and statewide planning in Alaska at the earliest moment. It is essential that we do this, for, as the Alaska legislature reminds us, we are the largest landowner in Alaska. It clearly is not in our interests, as enlightened stewards of that great public domain, which we hold in trust for all the American people, to simply throw it open to haphazard development. I am immeasurably impressed and reassured to know that the State of Alaska believes so firmly in this need, as I do. I feel we are obligated to hold up our Federal end of the system they have already moved to establish.

Mr. Speaker, I hope this detail puts to rest, from the outset, these three myths about the national interest amendment Mr. SAYLOR and I are proposing. Now, I would like to reflect just briefly on the origins of this amendment.

As I have already noted, the Temporary Planning Commission element of our amendment builds from a concept put forward by members of the Alaska delegation and by the State of Alaska. It also builds on planning provisions strongly urged for this bill by witnesses at the time of hearings on the matter of Alaska Native claims. I think it is entirely accurate to say that every single major national conservation group has urged that we assure wise planning as an element of this bill, which could otherwise throw Alaska open to an unplanned scramble for lands.

I have been particularly impressed by the persuasive call for such provisions from the top planning professionals in this country, the American Institute of Planners, and from individuals in Alaska close to the problem at first hand. At the same time, both Mr. SAYLOR and I, from our long service on the National Parks and Recreation Subcommittee, have had a deep concern about those areas in Alaska which are so important to all the people that the national interest requires their careful stewardship and protection, perhaps as new national parks. We looked at what our colleagues in the Senate were putting into their Native claim bill on these two subjects, and we started to build our amendment from these concerns.

If you will look at the record, you will find that Mr. SAYLOR and I endeavored to have a more ambitious land planning provision written into this bill in committee. That amendment was, in many ways, an ideal proposal. It was a compilation of all of the best experience we have gained from lack of planning in the past, strengthened by our recognition that the Congress must play a role, as the Constitution vests in us—and only in us—the stewardship of the public domain. That amendment failed when we offered it in full committee, in favor of a substitute which is really not comprehensive planning at all, but merely a reassertion of the Secretary's authority to deal with only one element of the problem, that being private entry under the archaic public land laws.

That amendment in committee failed by a vote of 10 to 26, but it gave us encouragement to believe that if we developed a more finely balanced approach, making far clearer the extent—and the limits—of what we seek to do, that such an approach would find great favor with the membership of the House at large. We thought this was particularly so, when the alternative is simply to support the committee bill, whose deficiencies in the areas we are concerned with here are virtually complete.

Encouraged in this way, Mr. SAYLOR and I have worked closely and at length to prepare the amendment we now introduce in this substitute bill. It has not been altogether easy to do this, inasmuch as we have been constantly mindful to write provisions that achieve the public interest in a way that does no violence to the interests of other parties, most particularly to the interests of the Native peoples of Alaska. I believe we have succeeded.

As we finished the drafting of this amendment in its present form, we have consulted widely with the leaders and experts in the various national environmental and conservation organizations. At our request, they have analyzed this amendment and give it their enthusiastic support. It is not—by a long shot—all they had hoped for, I am certain, and I speak with the utmost respect for their collective concern and appreciation for the magnitude of the issue before us. Yet it is in my judgment and in that of the gentleman from Pennsylvania, a reasonable compromise. Our amendment does reach to the priority concerns of these groups, but lends those concerns no greater value than those of the Natives and the State. I am delighted to have their support for what we seek to accomplish and will include a letter we have received from these groups to be inserted in the RECORD as exhibit 3 at the conclusion of my remarks. The groups endorsing this amendment and urging its adoption include: National Audubon Society, National Wildlife Federation, Sierra Club, Wildlife Management Institute, Citizens Committee on Natural Resources, Environmental Action, American Institute of Planners, Friends of the Earth, Wilderness Society, Trout Unlimited, Alaska Action Committee, National Rifle Association, League of Conservation Voters, the Alaska Coalition, and Defenders of Wildlife.

THE PUBLIC'S SETTLEMENT, TOO

In summarizing the situation we are facing in this Native claims legislation, perhaps it is well to think of it, not as a

single question of settling the aboriginal claims of the Alaskan Natives, but as a matter of dealing with three kinds of settlements, none of which can be untangled from the others.

First and foremost, are the claims of the Natives. These we will settle in the cash grant to $925 million and the land grant of 40 million acres, neither of which are tampered with by our amendment whatsoever. By any measure, this is a generous settlement, well beyond the standard used by the Indian Claims Commission over the years in other cases and well beyond the settlement proposed in bills sent up as late as last year by the Interior Department. I am unreservedly for this settlement—this year.

The second intertwined, inseparable settlement we are effecting by this bill is that with the State of Alaska. In its Statehood Act, Alaska was granted right to select about 104 million acres of Federal lands to become its own and to do with as it pleased. That process of State selections has been held up in the past few years by the general land freeze effected in order to forestall impossible court entanglements with the unsettled Native claims. With the passage of this Native Claims Settlement Act, the State selection process will start up again. The State will continue and, by 1984 complete, its selection rights to 104 million acres—a generous statehood grant by any measure.

The final settlement is the forgotten one—the one forgotten completely in the committee bill. That is the settlement we are striking here with the American people, with the fellow in New Jersey and the housewife in Fort Worth and the bricklayer in Omaha, and the stockbroker in Chicago, and the truckdriver from San Diego—in short, with all of the people, and with generations of Americans who will share this land and Alaska when we are gone.

No one is passing legislation granting these people millions of acres—it is their public domain we are transferring to others. I do not say that to call into question the statehood grant or the Native grant we are making, but to put those in perspective. When you give out some of the Federal domain to this party and some more to that party and another huge area to that party over there, you are giving away what has heretofore belonged to someone else. In this case, Mr. Speaker, the someone else, the silent and perhaps not entirely willing party to all of this is the man in the street.

In granting each of the 55,000 Alaska Natives something like 700 acres apiece—which I favor—and in granting the State something like 350 acres apiece for every man, woman, and child in its population, including the Natives, we are being unassailably generous. But the man in the street is not in on the handout—his per capita share in the public domain is diminished.

I do not oppose that. But I do say that it ought to be done carefully, with planning, just out of a general decency to the public interest. And I do say that areas of identifiable great national interest should be protected for long enough to assure that they are fairly studied and their future wisely deliberated here in Congress before they, too, may be thrown up for disposition. That—and only that—is what we do in the amendment we are proposing.

Let us make the settlement with the Natives; yes. Let us honor our statehood grant to Alaska; yes to that, too. But let us also make some halfway reasonable settlement with the interests of everyone else—the people we all represent here in this House.

Mr. Speaker, Mr. SAYLOR and I intend to press this amendment when H.R. 10367 reaches the floor. We hope we will have the support of all who share our feelings on this issue, and we hope they will join us in seeking enactment of such a Native claims bill, if it is perfected by these amendments. We would welcome the cosponsorship of any other Members who may see the merit of what we propose to do.

The exhibits referred to follow:

EXHIBIT 1

TEXT OF SUBSECTION 9(G), THE PROPOSED UDALL-SAYLOR AMENDMENT TO H.R. 10367

(g) (1) Except as otherwise provided in this Act, all unreserved public lands in Alaska which have not been previously classified by the Secretary are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The Secretary is hereby authorized to classify, in the manner heretofore provided by the Classification and Multiple Use Act (78 Stat. 986), and to open, subject to the provisions of this subsection, to mineral leasing, entry, selection, location or disposal in accordance with applicable public land laws, lands which he determines are chiefly valuable for the purposes for by such laws: *Provided*, That nothing herein shall restrict the land selection rights of Native villages and Alaska Native Regional Corporations under this Act or of the State under the Alaska Statehood Act.

(2) The lands withdrawn under this subsection shall be subject to administration by the Secretary under applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by the withdrawal, except that rights-of-way under section 2477 of the Revised Statutes of the United States shall take effect only under such terms and conditions as the Secretary may establish.

(3) The Secretary is hereby authorized and directed to review all unreserved public lands in Alaska and to identify within such lands all areas which are generally suitable, under existing statutory and administrative criteria, for potential inclusion as recreation, wilderness or wildlife areas within the National Park System, the National Wild and Scenic Rivers System, and the National Wildlife Refuge System; for retention as National Resources Lands for Ferderal multiple use management (including for subsistence uses, including hunting and fishing, by Natives and for wilderness); and after consultation with the Secretary of Agriculture, for inclusion within the National Forest System for multiple use management. The Secretary shall, on the basis of such review and within six months of the date of this Act, withdraw and designate all such generally suitable areas, and especially those areas which have been heretofore inventoried in agency studies, as "national interest study areas", and shall advise the President and the Congress of the location and size of, and the potential national interest in, each such study area: *Provided*, That the total area of all such designations by the Secretary shall not exceed fifty million acres. In making the reviews and in designating national interest study areas as directed by this subsection, the Secretary shall consider areas recommended to him by the Temporary Planning Commission established pursuant to this subsection and by knowledgable and interested individuals and groups.

(4) The Congress finds and declares that the following lands are well identified, within previously defined boundaries, as having potential national interest for the purposes set forth in this subsection and they are therefore hereby withdrawn and designated as national interest study areas:

(A) the Copper River Classification (33 Fed. Reg. 19957) and the Iliamna Classification (32 Fed. Reg. 14971) as previously classified and the Central Brooks Range area as previously proposed for classification (35 Fed. Reg. 18003) by the Secretary under authority of the Classification and Multiple Use Act (78 STAT. 986);

(B) the Naval Petroleum Reserve Numbered 4; and

(C) the Rampart Power Site Withdrawal.

(5) Within five years of the designation of each national interest study area by or pursuant to this subsection, the Secretary shall, on the basis of further detailed studies and after consultation with the Temporary Planning Commission established pursuant to this subsection, report to the President and the Congress his recommendations as to the suitability or nonsuitability of such national interest study area or portion thereof, together with such adjacent areas as he may deem appropriate, for the purposes of inclusion as recreation, wilderness or wildlife areas within the National Park System, the National Wild and Scenic Rivers System and the National Wildlife Refuge System; for retention as National Resource Lands for Federal multiple use management (including for subsistence use, including hunting and fishing, by Natives and for wilderness); and, after consultation with the Secretary of Agriculture, for inclusion within the National Forest System for multiple use management; or for such other purposes as the Secretary may deem appropriate.

(6) Each national interest study area designated by or pursuant to this subsection shall remain withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, until the Secretary submits his recommendations pursuant to subsection (g)(5) of this section and until the future status and disposition of each such national interest study area is determined by Congress: *Provided*, That the authority of the Secretary to establish national wildlife refuges on the public lands under his jurisdiction, including within any national interest study area, shall not be diminished by this paragraph. Initial identification of lands desired to be selected by Alaska Native Regional Corporations pursuant to section 11(j) of this Act and by the State pursuant to the Alaskan Statehood Act may be made within any national interest study area, but such lands shall not be tentatively approved or patented unless and until the withdrawal of such areas pursuant to paragraphs (3) and (4) of this subsection is revoked by Act of Congress: *Provided, further*, That selection of lands by Native villages pursuant to this section and pursuant to section 13 of this Act shall not be affected by such withdrawal and such lands may be patented as authorized by section 11 of this Act. Notwithstanding any of the provisions of this subsection, the total amount of land that may be selected by Natives or by the State under the terms of this or any other Act shall not be lost or diminished by reasons of the provisions of this paragraph. In the event Congress determines that any area that the Natives or the State desire to select shall be permanently reserved for any of the purposes specified in subsection (g)(5) of this section, then other unreserved public lands shall be made available for alternative selections by the State and

Natives. Any time periods established by law for such selections shall be deemed to be extended to the extent that delays are caused by compliance with the provisions of this paragraph.

(7) The Congress finds and declares that the disposition of Federal lands in Alaska and the use of Federal, State, and other lands, including off-shore mineral resources development in Alaska, should be coordinated and planned so as to foster and promote the general welfare, create and maintain conditions in which man and nature can exist in sustained productive harmony, and fulfill the social, economic, cultural and other requirements of present and future generations of Americans. It is the purpose of this paragraph and paragraph (8) of this subsection to establish policies and procedures which will provide for planned and orderly economic development and conservation of lands in Alaska, including those Federal lands to be transferred to other ownerships, in a manner which is compatible with the social, economic and cultural well-being of Alaskans and all of the American people of present and future generations, with national and State environmental policies, and with the public interest in public lands and in existing and potential parks, forests, wilderness areas, wildlife refuges, and cultural, historical and natural sites.

(8)(A) There is hereby established the Temporary Joint Federal-State Natural Resources and Land Use Planning Commission for Alaska (hereinafter referred to as the "Temporary Planning Commission"), which shall continue in existence until such time as all administration of land use plans by the Commission is relinquished under the provisions of subsection (g)(8)(I)(ii) of this section or at a sooner time if superseded by subsequent Act of Congress.

(B) The Temporary Planning Commission shall be composed of fourteen members as follows—

(i) the Governor of the State of Alaska or his designated representative, who shall serve as the State co-chairman;

(ii) two members appointed by the Governor of Alaska to represent major departmental functions of the State of Alaska;

(iii) two members of the Alaska legislature: the chairman of the resources committee of the senate and the chairman of the resources committee of the house of representatives;

(iv) two members elected by the Alaska Native Regional Corporations organized under section 6 of this Act, each such corporation having one vote in such election: *Provided*, That the incorporators shall cast one such vote in the case of any corporation which shall not have been timely organized;

(v) a Federal co-chairman, appointed from the general public by the President, with the advice and consent of the Senate; and

(vi) six members from the Federal Government appointed as follows: one by the Secretary of the Interior, one by the Secretary of Agriculture, one by the Secretary of Housing and Urban Development, one by the Secretary of Transportation, one by the Secretary of Defense, and one by the Director of the National Science Foundation.

(C) The initial meeting of the Temporary Planning Commission shall be called by the co-chairmen. Nine members of the Temporary Planning Commission shall constitute a quorum. All decisions of the Temporary Planning Commission shall require a majority of those present and voting. Members shall serve at the pleasure of the appointing authority. A vacancy in the membership of the Temporary Planning Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(D)(i) Except to the extent otherwise provided in clause (ii) of this subparagraph, members of the Temporary Planning Commission shall receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties. All members of the Temporary Planning Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Temporary Planning Commission.

(ii) Any member of the Temporary Planning Commission who is designated or appointed from the Government of the United States or from the Government of the State of Alaska shall serve without compensation in addition to that received in his regular employment. The member of the Temporary Planning Commission appointed pursuant to subsection (g)(8)(B)(v) of this section shall be compensated as provided by the President at a rate not in excess of that provided for level V of the Executive Schedule in title 5, United States Code.

(E) Subject to such rules and regulations as may be adopted by the Temporary Planning Commission, the co-chairmen, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III in chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

(i) to appoint and fix the compensation of such staff personnel as they deem necessary, and

(ii) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

(F)(i) The Temporary Planning Commission or, on the authorization of the Temporary Planning Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this paragraph and paragraph (7) of this subsection, hold such hearings, take such testimony receive such evidence, print or otherwise reproduce and distribute so much of its proceedings and reports thereon, and sit and act at such times and places as the Temporary Planning Commission deems advisable. The co-chairmen, or any other member authorized by the Temporary Planning Commission, may administer oaths or affirmations to witnesses appearing before the Temporary Planning Commission, or any subcommittee or member thereof.

(ii) Each department, agency and instrumentality of the executive branch of the Government, including independent agencies, is authorized to furnish to the Temporary Planning Commission, upon request made by a co-chairman, such information as the Temporary Planning Commission deems necessary to carry out its functions under this section.

(G) The Temporary Planning Commission shall—

(i) undertake statewide land-use planning, including recommendation of areas for permanent reservation in Federal and State ownership and of Federal and State lands to be made available for disposal;

(ii) subject to the provisions of subparagraph (H) of this paragraph, make recommendations with respect to the proposed land selections by the State under the Alaska Statehood Act and by Native villages and Alaska Native Regional Corporations under this Act;

(iii) subject to the provisions of subparagraph (I) of this paragraph, promulgate land-use plans for lands selected by the Native villages and Alaska Native Regional Corporations under this Act, and by the State under the Alaska Statehood Act, whether or not such State selections have been tentatively approved on the date of this Act;

(iv) publish criteria for implementing the purposes and provisions of this paragraph and paragraph (7) of this subsection and establish procedures, including public hearings both in Alaska and in other States, for obtaining public views of statewide land-use planning;

(v) establish a committee of land-use advisers to the Temporary Planning Commission, made up of representatives of commercial and industrial land users in Alaska, recreational land users, wilderness users, national and State environmental groups, Alaska Natives and other citizens, and provide procedures for meetings of the advisory committee at least once every six months;

(vi) make recommendations to the President of the United States and the Governor of Alaska as to programs and budgets of the Federal and State agencies responsible for the administration of Federal and State public lands; and

(vii) make recommendations from time to time to the President of the United States, Congress, and the Governor and legislature of the State of Alaska as to changes in laws, policies, and programs that the Temporary Planning Commission determines are necessary or desirable to meet the policies and purposes set forth in paragraph (7) of this subsection.

(H) The following procedure shall be applicable to the functions of the Temporary Planning Commission pursuant to clause (ii) of subparagraph (G) of this paragraph with respect to proposed land selections by Native villages and Alaska Native Regional Corporations and by the State:

(i) Each Native village and Alaska Native Regional Corporation and the State shall, in writing, notify the Temporary Planning Commission of each proposed selection.

(ii) Within six months after receiving such a notice, the Temporary Planning Commission shall, in writing, advise the Native village and Alaska Native Regional Corporation or the State, as the case may be, with respect to the compatibility of the proposed selection with the policies and purposes set forth in paragraph (7) of this subsection and with land use plans promulgated by the Temporary Planning Commission.

(iii) Within six months thereafter, the Native village and Alaska Native Regional Corporation or the State, as the case may be, shall, in writing, notify the Temporary Planning Commission of its decision whether to retain the selection as originally proposed or to make an alternate selection.

(iv) No patent shall be issued or, in the case of a State selection, tentative approval given until the foregoing procedure has been followed.

(v) Notwithstanding any of the provisions of this or any other Act, no selection right shall be lost by reason of compliance with the time requirements established by this subparagraph. Any time periods established for selections shall be deemed to be extended to the extent appropriate for compliance with this subparagraph.

(I)(i) Uses of all lands selected by Native villages and Alaska Native Regional Corporations pursuant to this Act and by the State pursuant to the Alaska Statehood Act, whether or not such State selections have been tentatively approved on the date of this Act, shall be compatible with land-use plans promulgated with respect thereto from time to time after notice and opportunity for hearing by the Temporary Planning Commission. Such plans shall be applicable notwithstanding the issuance hereafter of patents for the lands affected. The United States District Court for the District of Alaska shall have jurisdiction, upon application of the Temporary Planning Commission or the Department of Justice, to issue such orders as may be appropriate to secure compliance with such land-use plans.

(ii) Land-use plans promulgated by the Temporary Planning Commission pursuant

to clause (1) of this subparagraph shall cease to be administered by the Temporary Planning Commission as to any area in which the Temporary Planning Commission determines, after notice and opportunity for hearing, that there are in effect Federal, State, or local zoning regulations and planning and enforcement provisions adequate to meet the policies and purposes set forth in paragraph (7) of this subsection.

(iii) In carrying out its functions pursuant to this subsection, the Temporary Planning Commission shall be deemed to be an "agency" for purposes of sections 500–509 and 701–706 of title 5, United States Code.

(J) (i) On or before January 31 of each year, the Temporary Planning Commission shall submit to the President of the United States, the Congress, and the Governor and legislature of the State of Alaska a written report with respect to its activities during the preceding calendar year, together with its recommendations for programs or other actions which it determines should be taken or carried out by the United States and the State of Alaska.

(ii) The Temporary Planning Commission shall keep and maintain accurate and complete records of its activities and transactions in carrying out its duties under this paragraph, and such records shall be available for public inspection.

(J) The principal office of the Temporary Planning Commission shall be located in the State of Alaska.

(K) (i) The United States shall be responsible for paying for any fiscal year not more than 50 per centum of the costs of carrying out the provisions of this paragraph for such fiscal year.

(ii) For purposes of meeting the responsibility of the United States in carrying out the provisions of this paragraph, there is authorized to be appropriated the sum of $1,500,000 for the fiscal year ending June 30, 1972, and for each succeeding fiscal year.

(iii) No Federal funds shall be expended for the provisions of this paragraph for any period unless prior to the commencement of such period the Secretary has received reasonable assurances that there will be provided from non-Federal sources amounts equal to 50 per centum of the total funds required to carry out such provisions for such period.

EXHIBIT 2

LAWS OF ALASKA: 1971

An act relating to the Joint State-Federal Natural Resources and Land Use Planning Commission; and providing for an effective date

Be it enacted by the Legislature of the State of Alaska:

Section 1. As 44.19 is amended by adding new sections to read:

ARTICLE 9D. THE JOINT STATE-FEDERAL NATURAL RESOURCES AND LAND USE PLANNING COMMISSION

Sec. 44.19.748. State policy. The legislature determines that the efficient and provident development of Alaska demands a carefully coordinated approach to all natural resources and land use planning. This demand can only be met if the United States and its agencies, as the state's largest land owners, cooperate and coordinate their planning with that of the state and its agencies. The legislature recognizes that the state must and should play a significant role in planning the future uses of public land base, since a substantial part of the public land of the United States will belong to the state in the future. The legislature accordingly invites the Congress of the United States to join with it in establishing a joint commission which will engage in natural resources and land use planning for Alaska.

Sec. 44.19.750. Joint State-Federal Natural Resources and Land Use Planning Commission. A Joint State-Federal Natural Resources and Land Use Planning Commission is established.

Sec. 44.19.752. State membership on the commission. (a) The state membership on the commission is composed of the governor and

(1) two members of the governor's cabinet or their designees; and

(2) two members of the Alaska legislature: the chairman of the resources committee of the senate and the chairman of the resources committee of the house of representatives; and

(3) two citizens of the state who are recognized as being knowledgeable in the area of natural resources management and who are not employed by the executive branch of the state or federal government.

(b) State members, other than legislators, shall be appointed by the governor and serve at his pleasure.

Sec. 44.19.753. Compensation and per diem. State members of the commission receive no salary for their service on the commission but are entitled to per diem and travel expenses authorized by law for commission.

Sec. 44.19.754. Duties. The commission shall formulate a coordinated land use policy governing the wise and beneficial use and management of natural resources and land in the state. In carrying out these duties, the commission shall

(1) be responsible for the preparation of a statewide natural resources and land use plan; provisions of the plan may include designation of areas planned for permanent reservation in federal ownership for parks or other purposes, designation of areas planned for fulfillment of the land grant provisions of the Alaska Statehood Act, designation of those areas of federal and state land which may be available for disposal, and designation of uses to be made of land remaining in federal and state ownership, including land which may be used in connection with a future transportation network; however, designation shall not preclude selections under provisions of the pending Native land claims settlement;

(2) review existing federal withdrawals and recommend modification as are considered desirable;

(3) establish a committee of land use advisors to the commission, made up of representatives of commercial, residential, industrial, recreational, environmental, wilderness, and other land users; and

(4) make recommendations to the President of the United States and Congress and to the governor and Alaska legislature as to change in laws, policies and programs that the commission determines are necessary or desirable to meet the duties of the commission set out in this section.

Sec. 44.19.755. Determinations by the Commission. (a) The director of the division of lands retains the authority to make and revise classifications of land under the authority of AS 38.05.300. However, any designation made by the commission and concurred in by the governor as to the most wise and beneficial use of land constitutes to that extent an establishment for the state of the use of that land. The commission may redesignate a use when it is in the public interest.

(b) A designation may identify included or excluded natural resources and land uses. No authority to dispose of or to manage land is granted by this section.

Sec. 44.19.756. Regulations. The commission may establish regulations to carry out its responsibilities.

Sec. 44.19.757. Hearings. The commission shall hold public hearings in Alaska, insofar as practicable in those areas directly affected, to obtain public views of proposed land use plans.

Sec. 44.19.758. Information for the commission. Each department, board, or commission of the state government is authorized to furnish information to the commission upon request from the governor.

Sec. 44.19.759. Statehood act land selections. Nothing in secs. 748–758 of this chapter shall be construed as an agreement by the state to surrender, waive, or condition any right granted to it by Public Law 85–508, 72 Stat. 339 to make selection of land owned by the United States.

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.

Approved by governor: May 20, 1971.

Actual effective date: May 21, 1971.

EXHIBIT 3

WASHINGTON, D.C.,
October 14, 1971.

DEAR MR. UDALL AND MR. SAYLOR: We appreciate your request for our views on the amendment to the Alaska Native Claims bill, H.R. 10367, which you are cosponsoring.

We believe that the phrase "national interest amendment" clearly indicates the purpose this amendment seeks—a purpose we view as essential. The reported version of H.R. 10367 fails to give real protection to areas of interest to the American people as a whole. Yet it is beyond dispute that areas exist in the public domain in Alaska which have outstanding values of immense national significance, but have yet to receive proper protection. Such areas need to be identified, studied and given appropriate forms of protection—as new national parks, forests, wildlife refuges, wild and scenic rivers, wilderness areas, and special management lands. Until studied, these special areas should be protected in the public interest from haphazard disposition and development; but, of course, without in any way interfering with Native village selections. Surely this is an obvious point, and a minimum condition necessary to protect the public interest.

Without such protection, the rapid disposal of the existing Federal estate in Alaska will leave the general public as the last group whose interests receive consideration. In an age of enormous public concern for the environment and nationwide support for the firm protection of the people's heritage of parks, wildlife refuges and public lands, to do otherwise than to guard these public interests would be unacceptable.

We recognize in your amendment, a reasonable and appropriate means of correcting this serious gap in the committee reported bill. It is clear from a reading of your language that you have balanced all interests in a way that will do violence to the interests of the Natives or of the people of the State of Alaska. Furthermore, as citizens of the nation, they too will have the same interest as the people in the other 49 states in recognizing and protecting these nationally significant areas in Alaska.

As important as is the matter of protecting nationally significant lands until their future is determined, is the need to assure that Federal lands and other lands in Alaska are well planned for in close cooperation with the State of Alaska. Your proposal for a Temporary Planning Commission, building on the concept suggested by Alaska representatives and supported by the State itself, has our full and enthusiastic support. This Temporary Commission will fill the essential need for interim planning mechanisms until such time as the government units in Alaska establish appropriate statewide and local zoning authority. The Commission will also have a key role in aiding the coordination of Federal and State plans for Alaskan development.

The problem of protecting the public interest as the future of Alaska is shaped is of the deepest concern to us, and we know it to be a central concern to conservation-minded citizens throughout the country today. With your amendment and the amendment of Mr. Dingell assuring the future of

present wildlife refuges, the Members of the House of Representatives can be assured of voting for a Native Claims bill that is desirable both as a just settlement of the claims of the Native peoples of Alaska and as a progressive step in public land policy that truly serves the interests of all of the American people of present and future generations.

In our view, the amendment you propose is, at this moment, of the highest priority to the conservation movement in America.

Sincerely,

Charles H. Callison, Executive Vice President, National Audubon Society; Thomas L. Kimball, Executive Director, National Wildlife Federation; J. Michael McCloskey, Executive Director, Sierra Club; Daniel A. Poole, President, Wildlife Management Institute; Dr. Spencer M. Smith, Jr., Secretary, Citizens Committee on Natural Resources; Miss Avery Taylor, Enironmental Action; Albert Massoni, Director of National Affairs, American Institute of Planners; George Alderson, Legislative Director, Friends of the Earth.

Stewart M. Brandborg, Executive Director, The Wilderness Society; Stephen G. Saltzman, Washington Representative, Trout Unlimited; Maxwell E. Rich, Executive Vice President, National Rifle Association; Mrs. Dorothy Brumm, Alaska Action Committee; Carl Pope, League of Conservation Voters; Miss Linda Billings, Coordinator, The Alaska Coalition; Miss Mary Hazel Harris, Executive Director and Editor, Defenders of Wildlife.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PATMAN, for 30 minutes, on Monday next, and to revise and extend his remarks and include extraneous matter.

Mr. BLACKBURN (at the request of Mr. KEATING), for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. ASPIN (at the request of Mr. MCKAY), for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. KEATING) to revise and extend their remarks and include extraneous matter:)

Mr. DU PONT, for 10 minutes today.

Mrs. HECKLER of Massachusetts, for 5 minutes, today.

(The following Members (at the request of Mr. MCKAY) to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. WAGGONNER, for 20 minutes, today.

Mr. SISK, for 10 minutes, today.

Mr. WALDIE, for 5 minutes, today.

Mr. FLOOD, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HOLIFIELD to include extraneous material during debate today on amendments to H.R. 10835.

Mr. BURKE of Massachusetts, immediately following the remarks of Mr. MOORHEAD prior to the teller vote on the Moorhead amendment.

Mr. ROONEY of New York and to include a newspaper article.

Mr. MATSUNAGA to extend his remarks during debate on H.R. 10835, immediately prior to vote on Moorhead amendment.

Mr. HALL to include pertinent extraneous matter with his remarks made today in the Committee of the Whole on H.R. 10835, the national defense exemption amendment, title III.

(The following Members (at the request of Mr. KEATING) and to include extraneous matter:)

Mr. BURKE of Florida in two instances.
Mr. SPENCE.
Mr. WHITEHURST.
Mr. WYMAN in two instances.
Mr. NELSEN in two instances.
Mr. HOSMER in two instances.
Mr. STEIGER of Wisconsin.
Mr. DUNCAN in two instances.
Mr. BOB WILSON in four instances.
Mr. KUYKENDALL.
Mrs. HECKLER of Massachusetts in three instances.
Mr. LANDGREBE.
Mr. BROOMFIELD in two instances.
Mr. ROBISON of New York.
Mr. PRICE of Texas in two instances.
Mr. LUJAN in two instances.
Mr. COLLINS of Texas.
Mr. MCDONALD of Michigan.
Mr. FINDLEY.
Mr. VEYSEY.
Mr. BOW in six instances.
Mr. SCHMITZ in three instances.
Mr. BAKER.

(The following Members (at the request of Mr. MCKAY) and to include extraneous matter:)

Mr. FRASER in three instances.
Mr. ROSTENKOWSKI in two instances.
Mr. CELLER in two instances.
Mr. MAZZOLI.
Mr. HAMILTON.
Mrs. HANSEN of Washington.
Mr. MITCHELL.
Mr. DIGGS.
Mr. GONZALEZ in two instances.
Mr. ALEXANDER in six instances.
Mrs. GRIFFITHS in two instances.
Mr. JONES of Tennessee.
Mr. DELANEY.
Mr. SEIBERLING in 10 instances.
Mr. RARICK in three instances.
Mr. REUSS in six instances.
Mr. FLOOD.
Mr. ASHLEY.
Mr. WALDIE in five instances.
Mr. THOMPSON of New Jersey in three instances.
Mr. GAYDOS in five instances.
Mr. HUNGATE in two instances.
Mr. SHIPLEY.
Mr. DANIELS of New Jersey in two instances.
Mr. WILLIAM D. FORD in three instances.
Mr. CORMAN.
Mr. CULVER in five instances.
Mr. ASPIN in 11 instances.
Mr. ANDERSON of California in two instances.
Mr. ECKHARDT in two instances.
Mr. BLANTON in two instances.
Mr. HAGAN in three instances.
Mr. HELSTOSKI in two instances.
Mr. MOORHEAD in four instances.
Mr. JACOBS.
Mr. RYAN in three instances.
Mr. KARTH.
Mr. RODINO in three instances.
Mr. O'NEILL in two instances.
Mr. DOWNING in two instance.
Mr. DOW in three instances.
Mr. JOHNSON of California in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2042. An act to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission and for other purposes; to the Committee on Interior and Insular Affairs.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 6915. An act to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.

ADJOURNMENT

Mr. MCKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until Monday, October 18, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1208. A letter from the Director of Civil Defense, Department of the Army, transmitting a report on property acquisitions of emergency supplies and equipment, covering the quarter ended September 30, 1971, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1209. A letter from the Chairman, Indian Claims Commission, transmitting a report on the final determination of the Commission in docket No. 293, Swinomish Tribal Community, Plaintiff, *v.* The United States of America, pursuant to 25 U.S.C. 70(t); to the Committee on Interior and Insular Affairs.

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. ZABLOCKI: Committee on Foreign Affairs. House Resolution 632. Resolution directing the Secretary of State to furnish to the House of Representatives certain information concerning the role of our Government in the events leading to an uncontested presidential election in South Vietnam on October 3, 1971 (Rept. No. 92–567). Referred to the House Calendar.

Mr. ZABLOCKI: Committee on Foreign Affairs. House Resolution 638. Resolution directing the Secretary of State to furnish to the House of Representatives certain information concerning the role of our Government in the events leading to an uncontested presidential election in South Vietnam on October 3, 1971 (Rept. No. 92–568). Referred to the House Calendar.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 1682. A bill to provide for deferment of construction

charges payable by Westlands Water District attributable to lands of the Naval Air Station, Lemoore, Calif., included in said district, and for other purposes; with amendments (Rept. No. 92–569). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 2299. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation relative to the North Side Pumping Division Extension, Minidoka project; with amendments (Rept. No. 92–570). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 7854. A bill to amend the Small Reclamation Projects Act of 1956, as amended; with amendments (Rept. No. 92–571). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. House Joint Resolution 923. Joint resolution to assure that every needy schoolchild will receive a free or reduced-price lunch as required by section 9 of the National School Lunch Act; with amendments (Rept. No. 92–572). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 644. Resolution providing for the consideration of H.R. 2. A bill to establish a Uniformed Services University of the Health Sciences (Rept. No. 92–573). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 645. Resolution providing for the consideration of H.R. 10367. A bill to provide for the settlement of certain land claims of Alaska natives, and for other purposes; (Rept. No. 92–574). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY (for himself and Mr. FRASER):

H.R. 11235. A bill to further achievement of the national housing goal by providing a source of credit for home improvement loans within the financial means of families of middle income; to the Committee on Banking and Currency.

By Mr. BADILLO (for himself, Mr. MATHIS of Georgia, Mr. NICHOLS, Mr. PREYER of North Carolina, and Mr. ROE):

H.R. 11236. A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped; to the Committee on Education and Labor.

By Mr. BURLESON of Texas:

H.R. 11237. A bill to amend section 103 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 11238. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

By Mr. GONZALEZ (for himself, Mr. DENT, and Mr. BURKE of Massachusetts):

H.R. 11239. A bill to amend the Internal Revenue Code of 1954 to disallow deductions from gross income for salary paid to aliens illegally employed in the United States; to the Committee on Ways and Means.

By Mr. HAMMERSCHMIDT:

H.R. 11240. A bill to authorize the construction of a bridge on lock and dam No. 3 on the Arkansas River near Fort Smith; to the Committee on Public Works.

By Mr. HARVEY:

H.R. 11241. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. HARVEY (for himself and Mr. MICHEL):

H.R. 11242. A bill to amend the Railway Labor Act to provide more effective means for protecting the public interest in national emergency disputes involving the railroad and airline transportation industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Tennessee:

H.R. 11243. A bill to amend title 10 of the United States Code so as to permit members of the Reserve and the National Guard to receive retired pay at age 55 for non-Regular service under chapter 67 of that title; to the Committee on Armed Services.

By Mr. KOCH (for himself and Mr. ROE):

H.R. 11244. A bill to amend title V of the Social Security Act to extend for F years (until June 30, 1977) the period within which certain special project grants may be made thereunder; to the Committee on Ways and Means.

By Mr. MIKVA:

H.R. 11245. A bill to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age; to the Committee on the Judiciary.

By Mr. MONAGAN (for himself and Mrs. GRASSO):

H.R. 11246. A bill to authorize the Secretary of Housing and Urban Development to make grants to certain local public bodies or agencies to finance the development costs of certain connecting sewer facilities; to the Committee on Banking and Currency.

H.R. 11247. A bill to require the Corps of Engineers to replace or repair certain sewage systems or facilities damaged in the course of the work of the Corps of Engineers; to the Committee on Public Works.

By Mr. OBEY (for himself, Mr. BOLLING, Mr. BADILLO, Mrs. MINK, Mr. RAILSBACK, Mr. DULSKI, Mr. RYAN, Mr. HICKS of Washington, Mrs. HECKLER of Massachusetts, Mr. WOLFF, Mr. CAREY of New York, Mr. STOKES, Mr. BIESTER, Mr. CORMAN, and Mr. DELANEY):

H.R. 11248. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. OBEY (for himself, Mr. MAZZOLI, Mr. BEVILL, Mr. HATHAWAY, Mr. HELSTOSKI, Mr. MINSHALL, Mr. FASCELL, Mr. GREEN of Pennsylvania, Mr. CHARLES H. WILSON, Mrs. ABZUG, Mr. ROONEY of Pennsylvania, Mr. ROY, Mr. WILLIAM D. FORD, and Mr. BROWN of Michigan):

H.R. 11249. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. FRASER, Mr. HELSTOSKI, and Mr. ROE):

H.R. 11250. A bill to promote the public welfare; to the Committee on Rules.

By Mr. RANGEL (for himself, Mrs. CHISHOLM, Mr. CLAY, Mr. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. FAUNTROY, Mr. HAWKINS, Mr. METCALFE, Mr. MITCHELL, Mr. NIX, Mr. STOKES, Mr. BIAGGI, Mr. BURTON, Mr. QUIE, and Mr. MCCORMACK):

H.R. 11251. A bill making a supplemental appropriation for the Secretary of Health, Education, and Welfare for detection and treatment of, and research on, sickle cell anemia; to the Committee on Appropriations.

By Mr. RANGEL (for himself, Mrs. CHISHOLM, Mr. CLAY, Mr. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. FAUNTROY, Mr. HAWKINS, Mr. METCALFE, Mr. MITCHELL, Mr. NIX, Mr. STOKES, Mr. BIAGGI, Mr. BURTON, and Mr. MCCORMACK):

H.R. 11252. A bill making supplemental appropriations to carry out the lead-based paint poisoning prevention program for the fiscal year ending June 30, 1972; to the Committee on Appropriations.

By Mr. SCHERLE (for himself, Mr. PRICE of Texas, and Mr. CRANE):

H.R. 11253. A bill to require the National Railroad Passenger Corp. to provide free or reduced-rate railroad transportation to retired railroad employees and their dependents on the same basis that such transportation was available to such employees and dependents on the date of enactment of the Rail Passenger Service Act of 1970; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL (for himself and Mr. SAYLOR):

H.R. 11254. A bill to provide for the settlement of certain land claims of Alaska Natives, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WALDIE (for himself, Mr. DULSKI, Mr. DANIELS of New Jersey, Mr. WHITE, Mr. BRASCO, Mr. HILLIS, Mr. SCOTT, and Mr. HOGAN):

H.R. 11255. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WIDNALL:

H.R. 11256. A bill to authorize programs in the District of Columbia to combat and control the diseases known as sickle cell anemia; to the Committee on the District of Columbia.

H.R. 11257. A bill to provide for the prevention of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. BOB WILSON:

H.R. 11258. A bill to further amend the Federal Civil Defense Act of 1950, as amended, to authorize establishment of national standards for threads and couplings of firehoses, and for other purposes; to the Committee on Armed Services.

By Mrs. ABZUG (for herself, Mr. ADDABBO, Mr. BINGHAM, Mr. BURTON, Mrs. CHISHOLM, Mr. COLLINS of Illinois, Mr. DELLUMS, Mr. EILBERG, Mr. GUDE, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. PEPPER, Mr. PIKE, Mr. PODELL, Mr. RANGEL, Mr. ROE, Mr. ROSENTHAL, Mr. RYAN, and Mr. SCHEUER):

H.R. 11259. A bill to amend the Urban Mass Transportation Act of 1964 to authorize grants and loans to private nonprofit organizations to assist them in providing transportation service meeting the special needs of elderly and handicapped persons; to the Committee on Banking and Currency.

By Mr. BYRNE of Pennsylvania (for himself, Mr. COUGHLIN, Mr. EILBERG, and Mr. WILLIAMS):

H.R. 11260. A bill to amend the act of June 28, 1948, to provide for the addition of certain property in Philadelphia, Pa., to Independence National Historical Park; to the Committee on Interior and Insular Affairs.

By Mr. CLANCY:

H.R. 11261. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. DU PONT:

H.R. 11262. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers, prison guards, and firemen killed in the line of duty; to the Committee on the Judiciary.

By Mr. FISH:

H.R. 11263. A bill to provide one additional permanent district judgeship for the northern district of New York; to the Committee on the Judiciary.

By Mr. FOLEY:

H.R. 11264. A bill to amend the Economic Stabilization Act of 1970 to permit the maintenance of price, rents, wages, and salaries at levels contracted for prior to August 15, 1971; to the Committee on Banking and Currency.

H.R. 11265. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN (for himself, Mr. BRASCO, Mr. BUCHANAN, Mr. CLEVELAND, Mrs. GRASSO, Mr. HALPERN, Mr. KEMP, Mr. MIKVA, Mr. SEIBERLING, and Mr. STEELE):

H.R. 11266. A bill to provide a system for the regulation of the distribution and use of toxic chemicals, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSEN:

H.R. 11267. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mr. NELSEN (for himself, Mr. O'KONSKI, Mr. HARSHA, Mr. BROYHILL of Virginia, Mr. LANDGREBE, and Mr. SMITH of New York):

H.R. 11268. A bill to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. PRICE of Texas:

H.R. 11269. A bill to amend the Agricultural Act of 1949; to the Committee on Agriculture.

By Mr. ROE:

H.R. 11270. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11271. A bill to increase the contribution by the Federal Government to the costs of employees' group life and health benefits insurance; to the Committee on Post Office and Civil Service.

By Mr. ST GERMAIN:

H.R. 11272. A bill to provide for orderly trade in iron and steel products; to the Committee on Ways and Means.

By Mr. WARE:

H.R. 11273. A bill to amend the Disaster Relief Act of 1970 to increase the forgiveness advantage contained in sections 231 and 232 of such act; to the Committee on Public Works.

By Mr. BINGHAM (for himself, Mrs. ABZUG, Mr. BADILLO, Mr. BEGICH, Mr. BYRNE of Pennsylvania, Mr. CAREY of New York, Mr. DOW, Mr. DRINAN, Mr. FLOOD, Mr. GALLAGHER, Mr. GREEN of Pennsylvania, Mr. PRICE of Illinois, Mr. RANGEL, Mr. REUSS, Mr. SCHEUER, Mr. O'NEILL, Mr. BURKE of Massachusetts, Mr. BARRETT, Mrs. HICKS of Massachusetts, and Mr. HANNA):

H. Con. Res. 424. Concurrent resolution calling for a free and united Ireland; to the Committee on Foreign Affairs.

By Mr. KEMP (for himself, Mr. LENT, Mr. GOLDWATER, Mr. MCDADE, Mr. BRASCO, Mr. ADDABBO, Mr. WHITEHURST, Mr. THOMPSON of Georgia, Mr. MORSE, Mr. CRANE, Mr. KEATING, Mr. HALPERN, Mr. THONE, Mr. YOUNG of Florida, Mr. FRENZEL, Mr. KOCH, Mr. RHODES, Mr. EILBERG, Mr. RANGEL, Mr. ARCHER, Mr. BLACKBURN, Mr. TERRY, Mr. BOB WILSON, Mr. WYATT, and Mr. RAILSBACK):

H. Con. Res. 425. Concurrent resolution expressing the sense of Congress with respect to placing before the United Nations General Assembly the issue of the dual right of all persons to emigrate from and also return to one's country; to the Committee on Foreign Affairs.

By Mr. KEMP (for himself, Mr. MICHEL, Mr. HARRINGTON, Mr. DERWINSKI, and Mr. BAKER):

H. Con. Res. 426. Concurrent resolution expressing the sense of Congress with respect to placing before the United Nations General Assembly the issue of the dual right of all persons to emigrate from and also return to one's country; to the Committee on Foreign Affairs.

By Mr. WINN (for himself, Mr. HOSMER, Mr. THONE, Mr. HICKS of Washington, Mr. BOLAND, Mr. STEELE, Mr. BEVILL, Mrs. HANSEN of Washington, Mr. FLOWERS, Mr. RUNNELS, Mr. PEPPER, Mr. DERWINSKI, Mr. FORSYTHE, Mr. REES, Mr. HALPERN, Mrs. HECKLER of Massachusetts, Mr. BELL, Mr. HORTON, Mr. WAMPLER, Mr. SHRIVER, Mr. SEBELIUS, Mr. BIESTER, Mr. MYERS, Mr. SCOTT, and Mr. ROBINSON of Virginia):

H. Con. Res. 427. Concurrent resolution expressing the sense of the Congress with respect to the designation of the years 1973 through 1978 as the World Environmental Quinquennium to involve all nations of the world in a global environmental research program of both national and international scope; to the Committee on Foreign Affairs.

By Mr. WINN (for himself, Mr. MCCOLLISTER, Mr. RANDALL, Mr. KEATING, Mr. MAZZOLI, Mr. GIBBONS, Mr. FRENZEL, Mr. ROE, Mr. HASTINGS, Mr. STEIGER of Arizona, Mr. BROOMFIELD, Mr. PETTIS, Mr. CAMP, Mr. HUNT, Mr. MCKEVITT, Mrs. ABZUG, Mr. VEYSEY, Mr. BAKER, Mr. MCDONALD of MICHIGAN, Mr. ANDERSON of ILLINOIS, Mr. MANN, Mr. VANDER JAGT, Mr. MILLER of Ohio, Mr. HARRINGTON, and Mr. PRICE of Texas):

H. Con. Res. 428. Concurrent resolution expressing the sense of the Congress with respect to the designation of the years 1973 through 1978 as the World Environmental Quinquennium to involve all nations of the world in a global environmental research program of both national and international scope; to the Committee on Foreign Affairs.

By Mr. HOWARD:

H. Res. 643. Resolution establishing the Select Committee on Privacy, Human Values, and Democratic Institutions; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

276. The SPEAKER presented a memorial of the Legislature of the State of Alabama, relative to the issuance of a commemorative postage stamp in honor of the United Spanish War Veterans, which was referred to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. GRASSO:

H.R. 11274. A bill for the relief of Carson Laboratories, Inc.; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 11275. A bill for the relief of Sylvia Pamela Allen White; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

LEGISLATION AUTHORIZING THE ESTABLISHMENT OF NATIONAL STANDARDS FOR THREADS AND COUPLINGS OF FIREHOSES

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1971

Mr. BOB WILSON. Mr. Speaker, I am today introducing legislation which would authorize the establishment of national standards for threads and couplings of firehoses.

A civil defense need exists for standardization. In any large-scale nuclear attack on the Nation, the fire problem will be one of the major threats to life and property from weapon drops. Prompt handling of large fires and fire hazards will be essential to effective lifesaving civil defense measures.

The problem of standardization is not, however, confined to civil defense needs. An immediate peacetime dividend would result from standardization. In handling many large fires, local fire departments must call on other fire departments to assist them. Obviously if the equipment of the assisting fire department is not compatible with the equipment of the local fire department, assistance is hindered, if not prevented. There are a great many situations where this incompatibility exists, and it has contributed to fire losses. For example, in the loss in New York Harbor of the *Normandie* by fire, a contributing factor was lack of interchangeability of hoses. This also occurred in the fire aboard the aircraft carrier *Constellation*. Forty-nine workmen lost their lives in that fire. Lack of interchangeability has hindered firefighting in connection with forest fires.