

At 10:45 a.m. tomorrow a vote will occur on the Dominick amendment. No amendments in the second degree to that amendment will be in order after today.

May I ask the Chair if the yeas and nays have been ordered on the Dominick amendment?

The PRESIDING OFFICER. It is automatic under the existing circumstances.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer. So there will be a rollcall vote on the amendment by Mr. DOMINICK, as amended—and it has already been amended—tomorrow at 10:45 a.m.

ADJOURNMENT UNTIL 9:45 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in ac-

cordance with the previous order, that the Senate stand in adjournment until 9:45 a.m. tomorrow.

The motion was agreed to; and (at 4:31 p.m.) the Senate adjourned until tomorrow, Wednesday, January 26, 1972, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate January 25, 1972:

DEPARTMENT OF DEFENSE

Kenneth Rush, of New York, to be Deputy Secretary of Defense, vice David Packard, resigned.

Eberhardt Rechtin of Maryland to be an Assistant Secretary of Defense; new position.

PAY BOARD

George H. Boldt, of Washington, to be Chairman of the Pay Board.

PRICE COMMISSION

C. Jackson Grayson, Jr., of Texas, to be Chairman of the Price Commission.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

I. H. Hammerman II, of Maryland, to be a member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1974, vice Peter John Bertoglio, term expired.

SECURITIES INVESTOR PROTECTION CORPORATION

Henry W. Meers, of Illinois, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1974, vice Andrew J. Melton, Jr., term expired.

OFFICE OF ECONOMIC OPPORTUNITY

Bert A. Gallegos, of Colorado, to be an Assistant Director of the Office of Economic Opportunity, vice Donald S. Lowitz, resigned.

HOUSE OF REPRESENTATIVES—Tuesday, January 25, 1972

The House met at 12 o'clock noon.

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

O come, let us worship and bow down: Let us kneel before the Lord our Maker.—Psalm 95: 6.

Almighty and Eternal God, at this noon hour of a new day we reverently turn our hearts unto Thee in the mood of prayer. Grant that we may always realize our dependence upon Thee and acknowledge that only with Thee can we live nobly, plan wisely, and act courageously on behalf of our beloved country.

May Thy grace so permeate the Halls of Congress and Thy love so pervade the offices of Congressmen, that united in spirit we may ever work for peace on earth and good will among men.

In the spirit of Christ we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

PLANNED DEFICIT FOR NEXT FISCAL YEAR

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

Mr. EDWARDS of Alabama. Mr. Speaker, there is no way I can justify a planned \$25.5 billion deficit for the next fiscal year on top of a \$38.8 billion deficit for the current fiscal year on top of a \$23 billion deficit for the last fiscal year. That amounts to \$87.3 billion in deficits in 3 years. And, based on past experience, next year's expected budget will probably go over \$25.5 billion. This is an economic nightmare. I am extremely disappointed that the President seems to be following the old Democrat theory that excessive Government spending is the way to cure the country's ills.

Having said this, however, I must remind my colleagues that the President cannot spend one thin dime if the Congress does not authorize and appropriate the money.

Now, more than ever before, we in the Congress must bow up our backs, sharpen our pencils, and get about the business of cutting the budget. It is easy to attack the President, but friends, the burden is on us. As Harry Truman used to say, "The buck stops here."

U.S. VESSEL ON LOAN AGAIN USED BY ECUADOR TO SEIZE AMERICANS

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

Mr. PELLY. Mr. Speaker, Ecuador has seized seven U.S. fishing boats during the month of January alone, fining the American boatowners \$455,380. These seizures took place in what international law considers to be the high seas. Of course, Ecuador claims jurisdiction over a 200-mile zone off her coastline.

But, again to add insult to fiscal injury, Ecuador has been using a former U.S. naval vessel for these seizures. On January 8, at 7 a.m., the *Western King* was seized by the *Manabi*, the ex-U.S. PCE 874, the *Pascagoula*, furnished to Ecuador under the military assistance program in 1960.

On January 9, the *Anna Maria*, was seized on the high seas, again by this U.S. vessel. On January 14, the *A. K. Strom* was taken by, you guessed it, the same U.S. ship; January 15, the *City of Lisbon*, nabbed by the *Manabi*, January 15, *Puritan*, also seized by this U.S. vessel given to Ecuador; and January 17, the *Blue Meridian* was taken into port by this former U.S. ship.

Mr. Speaker, the *Manabi* was given to Ecuador by the United States. We have no claim on her, despite the purpose for which she is being used. However, Ecuador still has several other U.S. vessels on loan which also have been used for the illegal seizure of U.S. fishermen, and our State Department has refused to take any

steps to get these vessels back, although I believe, they have every legal and moral reason for so doing.

Mr. Speaker, I hope this Congress will stand firm in cutting off foreign aid to Ecuador for so long as she insists on seizing American citizens off the high seas, and to me it is a black mark on the United States when our own State Department continues its policy of appeasement and allows Ecuador to possess U.S. vessels which she is using against U.S. fishermen.

INTEGRATED BIOLOGICAL CONTROL METHODS TO DEAL WITH AGRICULTURAL AND FOREST PESTS

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

Mr. GUDE. Mr. Speaker, I recently introduced legislation (H.R. 12338) to authorize and earmark funds for a pilot field research project by the Department of Agriculture and the National Science Foundation to develop integrated biological control methods to deal with agricultural and forest pests. Similar legislation has been sponsored in the House by the Honorable DAVID OBEY and others and in the Senate by Senator GAYLORD NELSON. The thrust of this legislation is to eliminate once and for all the current heavy reliance on highly toxic and persistent chemical pesticides and at the same time maintain the high agricultural productivity so essential for our national welfare.

Secretary of Agriculture Butz recently announced that his Department plans to expand its research in this important area. The Department will allocate \$2.25 million in fiscal year 1972 for expanded research directed toward cotton crop pests. Secretary Butz and the administration are to be congratulated for this wise move to halt the further degradation of our Nation's lands and waters by these chemical pesticides.

It is important that additional research be done on the broad spectrum of

agricultural and forest pests, and to that end, I am hopeful that we will soon have hearings on the legislation introduced to achieve this end, namely H.R. 8159, H.R. 12338, and S. 1794.

PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT ON S. 2819, FOREIGN ASSISTANCE ACT OF 1971

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 765 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 765

Resolved, That upon the adoption of this resolution it shall be in order to consider the conference report on the bill (S. 2819) to provide foreign military and related assistance authorizations for fiscal year 1972, and for other purposes, and all points of order against the conference report for failure to comply with the provisions of clause 3, rule XXVIII are hereby waived.

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

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

Mr. Speaker, this rule waives points of order which might lie under the provisions of clause 3, rule XXVIII, to the conference report on the foreign aid bill. This rule is the rule that deals with germaneness. It also deals with the point regarding this rule the language of which I will read: That the conference report shall not include matter not committed to the conference committee by either House.

The problem that we confront which we are trying to resolve with this rule, as I understand it from the testimony of the chairman of the Committee on Foreign Affairs, is that technically the matter we are considering goes beyond the one bill, S. 2819, because this is a total conference report on the two Senate bills and the one bill that the House passed. The situation results from the proceeding that we pursued in order to get to conference on the full subject matter, and really the necessity for the rule, as I understood it from the chairman of the Committee on Foreign Affairs, was the technical fact that we were dealing with S. 2819, the title of which was only foreign military assistance, whereas we are actually dealing with the subject matter of both S. 2819 and a companion Senate bill which dealt with foreign assistance other than military. That is the reason for the waiver of points of order.

I will be glad to yield to my friend from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

No matter how tortured the reasoning for a rule of this kind, here we are opening this second session of the 92d Congress with a rule waiving all points of order.

Mr. BOLLING. Actually—

Mr. GROSS. The gentleman shakes his head.

Mr. BOLLING. Actually, the rule spec-

ifies we are waiving very specific points of order that have to do with clause 3 in rule XXVIII. The gentleman is correct that it does waive points of order that in the opinion of the committee need to be waived, but it does not waive all points of order.

We narrowed the waiver down to a specific section of the rule.

Mr. GROSS. Well, that is a pretty inclusive section.

Mr. BOLLING. It is pretty inclusive, but we are not waiving all points of order.

Mr. GROSS. The fact remains that the House is confronted here with the first rule on important business it considers in this session of Congress and it waives points of order. Apparently this is going to be the pattern for the balance of the session. It was indulged in times without number in the last session. Almost every bill that came before this House contained some kind of a waiver of point of order, some kind of a raping of the rules of the House.

I certainly am not going to support this rule and I would hope the House would defeat it.

Mr. BOLLING. I would only reply to the gentleman that no rule reported by the Rules Committee does anything in itself. The only thing that does anything about waiving points of order is the action by the House on that rule. If the House chooses to turn down the rule, it does. If it chooses to go along with it, it does.

The position of the Rules Committee, and more particularly on this extremely difficult problem of foreign aid, has been to make it possible for the House to make the decisions as a body without being encumbered by some of the parliamentary maneuvering that is taking place in other places on Capitol Hill.

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

Mr. BOLLING. I would be glad to yield to the distinguished majority leader.

Mr. BOGGS. If my memory is correct, if it had not been for the rule that we previously adopted that came out of the Rules Committee, the House bill that had been enacted in the House would not have been in order and, therefore, we would not have had an expression of the will of the House on that bill.

Mr. BOLLING. That is for all practical purposes the situation that would have existed if we had not had the rule.

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

Mr. BOLLING. I yield to the distinguished chairman of the Committee on Appropriations.

Mr. MAHON. I would like to make a statement and ask a question of the gentleman from Missouri.

In the conference report, on page 13, there is the following provision:

"SEC. 658. LIMITATION ON USE OF FUNDS.—(a) Except as otherwise provided in this section, none of the funds appropriated to carry out the provisions of this Act or the Foreign Military Sales Act shall be obligated or expended until the Comptroller General of the United States certifies to the Congress that all funds previously appropriated and thereafter impounded during the fiscal

year 1971 for programs and activities administered by or under the direction of the Department of Agriculture, the Department of Housing and Urban Development, and the Department of Health, Education and Welfare have been released for obligation and expenditure.

The provisions of this section shall not apply—

"(1) to funds being withheld in accordance with specific requirements of law; and
"(2) to appropriations obligated or expended prior to April 30, 1972."

This seems to me to be one of the most indefensible provisions that has ever appeared in legislation before the Congress. Clearly, it is wholly irrelevant to the subject matter of foreign aid.

Does the pending rule provide for waiving of any point of order that might be raised against this section 658?

Mr. BOLLING. The gentleman from Missouri now speaking does not believe that the rule does. In other words, we had no intention of waiving any point of order that might lie on this subject. The items that were pointed out to us were other than these, but I would ask the chairman of the Committee on Foreign Affairs to comment on that.

Mr. BOLLING. Would the gentleman from Pennsylvania (Mr. MORGAN) care to comment on that question?

Mr. MORGAN. Of course, we did not consider this provision to be subject to a point of order and did not ask for a waiver with it in mind. I do not think it is subject to a point of order. As the gentleman knows, it was in the Senate bill but it was not in the House bill. The conference did not accept the Senate amendment. It was much more conclusive. The compromise agreed to applied only to funds impounded for the Department of Agriculture, the Department of Housing and Urban Development, and the Department of Health, Education, and Welfare.

The House did not buy that language in the Senate bill and we did bring back a much more limited compromise. From my contact indirectly with some of the members of the executive branch it is my opinion that this is not going to be too restrictive an amendment.

Mr. MAHON. Mr. Speaker, if the gentleman will yield further, I want to say that I for one dislike being placed in a position like this. This is an irresponsible provision. It has no place in a bill dealing with foreign assistance. It is certainly not the time and place to consider what shall be done about funds for certain agriculture, housing, urban development, and health, education, and welfare programs. It just seems wholly out of place for the committee of conference to try to say what shall be done about all of these other matters in a bill relating to the foreign aid program.

More importantly, Mr. Speaker, may I add that the provision constitutes in effect a breach of the Antideficiency Act of 1950. Congress passed the Antideficiency Act requiring that appropriations be apportioned on a basis to insure that agencies will not enter into commitments in excess of the amounts appropriated.

Congress strengthened the act in 1950 to improve the management of appropriations by the executive branch by in-

cluding limited authority to establish reserves under certain circumstances to provide for contingencies and for savings when savings are made possible by changes in requirements, greater efficiency of operations, or other developments subsequent to the date when the appropriation was made available.

This limited authority to establish reserves is essential if we are to have efficient and prudent use of the appropriations which are provided by Congress. Many circumstances arise subsequent to the passage of appropriations which make it essential that there be a degree of flexibility to the administration in the allocation and expenditure of the funds.

Mr. Speaker, I think this sort of provision, especially in a bill dealing with an entirely separate subject, is unwise and a very undesirable precedent.

I am not condemning the gentleman from Pennsylvania because the gentleman is not the author of this proposal.

Mr. MORGAN. Mr. Speaker, if the gentleman will yield further, this was in a Senate bill and the Senate has different rules as to germaneness. The foreign aid bill unfortunately seems to attract non-germane amendments in the other body.

The gentleman is absolutely right. The House conferees, including the chairman of the committee, were strongly opposed to this amendment. I can assure the gentleman that in my own opinion this language, even though it is bothersome, is not going to hurt the executive branch too seriously in the administration of the foreign aid program.

Mr. BOLLING. Mr. Speaker, does the gentleman from Iowa desire me to yield further?

Mr. GROSS. I would certainly appreciate it.

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

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

I do not see how anyone can assure the House that this is a meaningless provision, this section 658. It is certainly a section that is explicit in its language.

Mr. MORGAN. Mr. Speaker, if the gentleman will yield further, I am not saying it is a meaningless provision. It could have been a lot worse. And I want to assure the gentleman from Iowa that it is possible that if an amendment of this kind, had it been offered to the bill in the House last August, if it had been ruled to be germane in the House it might have passed because it has great appeal to many people. It might have appealed to the gentleman from Iowa, because it might have brought about the end of foreign aid. I would think maybe the gentleman from Iowa would be an enthusiastic supporter of this kind of language.

Mr. GROSS. If this would be the means of killing foreign aid I would be for it, but I am opposed to this amendment because I know differently.

This is a delegation of power that is absolutely unconscionable, a delegation of power to the Comptroller General's office. I have the highest regard for the Comptroller General, but Congress ought

to be competent to say where and when money shall be spent.

This holds in hostage funds appropriated for purposes that have no relation whatever to expenditures in the foreign aid bill. I do not like delegations of power of this kind. These powers ought to be retained by the Congress as the gentleman from Texas stated a few moments ago. This is a far-reaching provision and ought to be eliminated from this conference report.

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

Mr. Speaker, this has been a long and involved subject that we have been dealing with during this 92d Congress and probably from a parliamentary standpoint it is about as confusing and difficult as any we have had to face.

By way of review, Mr. Speaker, may I set the record in order by stating that the House originally passed H.R. 9910 on August 3, 1971. That bill failed to pass the Senate on October 29, 1971, and thereafter the Senate passed two bills on the same subject, namely, S. 2819 which had to do with the foreign military assistance and S. 2820 which had to do with foreign economic aid.

When those came back to the House, we had the problem of how to handle the situation.

The Committee on Rules brought a resolution to the floor of the House which struck out everything after the enacting clause in both of the Senate bills and then inserted therein the language of the House passed bill, H.R. 9910, which at that time was dead because it was defeated in the Senate.

That was the only way we could get to conference. That action was taken by the House on November 18, 1971. Then, Mr. Speaker, once again we ran into the obstacle of the so-called Mansfield amendment which has been offered to a number of bills and which was offered on the Senate side to this particular bill. As I understand it, the argument seemed to resolve itself on getting an actual vote up or down in the House on the so-called Mansfield amendment to set a termination date of the war.

On December 16, as I recall, a motion was made to instruct the conferees to return to conference and accept the so-called Mansfield language. A motion was made immediately to table that particular motion and the tabling motion prevailed by a vote of 130 to 101 and the distinguished majority leader of the Senate then permitted the conference report to come out. There are at least three instances and they appear on pages 16 and 17 I believe where the language in the conference report was not in either the House-passed bill or the Senate-passed bill—and not being in any bill passed, it was entirely removed from the consideration of the conferees according to clause 3, rule XXVIII of the House rules.

In order to bring this to a head today so this conference report can be discussed, the Committee on Rules is bringing this particular resolution to the floor, House Resolution 765, to waive points of order in one particular instance under clause 3, rule XXVIII, so we can proceed

to the consideration of the conference report and vote it up or down. Although I have never supported foreign aid, I do intend to support House Resolution 765. I make the same statement now as on November 18 when we brought the other rule to the floor. I think Members have a right to consider this measure and accordingly I support the resolution to bring it to the floor of the House even though I personally am opposed to foreign aid and will vote against the conference report.

Mr. Speaker, I urge the adoption of the pending resolution, House Resolution 765.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

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

Mr. ANDERSON of Illinois. Mr. Speaker, the budget message for fiscal year 1973 that the President sent up yesterday is a balanced, responsible document designed both to speed the economy along its current path toward recovery and full prosperity, and to continue the trend toward peacetime priorities begun by the Nixon administration in fiscal year 1970. To be sure, the deficits of \$38.8 billion projected for fiscal year 1972 and \$25.5 billion for fiscal year 1973 are not welcome news; but they are necessary and responsible in light of the current slack in the economy, and the President is to be applauded for his determination to keep the economy moving toward full recovery with this expansionary budget.

While all the critics of the President have not yet filed their dissents, I note that two charges have already been leveled against the fiscal year 1973 fiscal program, neither of which can be sustained. The first is that \$6.3 billion increase in new defense obligational authority requested in the budget is unwarranted and represents a choice in favor of defense spending at the expense of domestic problems. In fact, this year's defense budget is a 23-year low as a percentage of Federal outlays and a 22-year low as a percentage of GNP. The process of reversing the share of the budget devoted to human resources as opposed to defense spending has continued so that in fiscal year 1973, 45 percent will be devoted to human resources and 32 percent to defense, the exact opposite of the shares allocated to these two categories in the 1968 budget. Moreover, two-thirds of the increase in defense spending is for higher military pay, an increase that is essential if we are to meet the goal of an all-volunteer defense force by 1973.

The other charge being made by some economists who favor the other party is that the budget does not provide enough stimulus. This criticism may have had some merit were the economy still in the uncertain state of last spring and summer. But the fact is, fourth quarter statistics indicate a vigorous expansion is underway. Real GNP was up by 6.1 percent—a 2-year high—with the critical areas of capital spending and inventory investment making especially healthy gains. If we project this pace of recovery through 1972, it is possible that by early next year much of the slack currently in

the economy will have been taken up and that excessive fiscal stimulation at that point could well have a strong inflationary impact. Thus, by limiting the budget to a small, full-employment surplus and reducing the size of the deficit by about one-third, the President has chosen a prudent fiscal course that will help insure that a renewed surge of demand-inflation is not touched off as we approach a full-employment economy.

Finally, Mr. Speaker, I want to express my strong support for the President's request for an ironclad spending ceiling. For the reasons I mentioned a moment ago, it would be dangerous to incur a full-employment deficit in the coming fiscal year. Yet, if the past is any guide, there will be an enormous temptation in this election year to increase the appropriations for a whole host of programs in order to please special interest groups. By placing a tight ceiling on the appropriations level, we can remove that temptation before the pressures begin to mount. I strongly urge that my colleagues on both sides of the aisle give serious consideration to speedily complying with the President's request.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution. The previous question was ordered.

The SPEAKER. The question is on the resolution.

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

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 247, nays 123, not voting 61, as follows:

[Roll No. 5]
YEAS—247

Abbott	Cederberg	Foley
Abourezk	Chamberlain	Ford, Gerald R.
Abzug	Clark	Forsythe
Adams	Clawson, Del.	Fountain
Addabbo	Clay	Fraser
Anderson	Cleveland	Frelinghuysen
Calif.	Collins, Ill.	Frenzel
Anderson, Ill.	Colmer	Fulton
Anderson, Tenn.	Conable	Fuqua
Andrews	Conte	Garmatz
Arends	Conyers	Gettys
Aspinall	Cotter	Glatmo
Begich	Coughlin	Gonzalez
Bergland	Culver	Gray
Blaggi	Curlin	Green, Pa.
Blester	Daniels, N.J.	Griffiths
Bingham	Danielson	Gude
Blatnik	Dellenback	Halpern
Boggs	Denholm	Hamilton
Boland	Dennis	Hanley
Bolling	Dent	Hanna
Brademas	Dickinson	Hansen, Idaho
Brasco	Dingell	Hansen, Wash.
Broomfield	Donchue	Harrington
Brotzman	Dow	Hastings
Brown, Mich.	Drinan	Hathaway
Brown, Ohio	Dulski	Hawkins
Buchanan	du Pont	Hays
Burke, Mass.	Eckhardt	Hochler, W. Va.
Burlison, Mo.	Edmondson	Helstoski
Burton	Edwards, Calif.	Hicks, Mass.
Byrne, Pa.	Erlenborn	Hicks, Wash.
Byrnes, Wis.	Evans, Colo.	Hogan
Byron	Fascell	Holifield
Caffery	Findley	Horton
Carey, N.Y.	Fish	Hosmer
Carney	Flood	Howard
Casey, Tex.	Flowers	Jacobs
		Johnson, Calif.

Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Latta
Leggett
Lent
Link
Lloyd
McClary
McCloskey
McClure
McCormack
McCulloch
McDade
McDonald,
Mich.
McEwen
McFall
McKevitt
McKinney
Macdonald,
Mass.
Madden
Maillard
Mallory
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills, Md.
Minish
Mink

Minshall
Mitchell
Molloy
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Patten
Pelly
Pepper
Perkins
Peyser
Pike
Pirnie
Poage
Podel
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Quile
Randall
Rangel
Rees
Reid
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Roybal
Ruppe
Ryan

NAYS—123

Abernethy
Acher
Baker
Belcher
Bennett
Betts
Bevill
Bray
Brinkley
Brooks
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Cabell
Camp
Carter
Chappell
Clancy
Clausen,
Don H.
Collier
Collins, Tex.
Crane
Daniel, Va.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Devine
Dorn
Duncan
Edwards, Ala.
Fisher
Frey
Gibbons
Goodling
Grasso
Griffin
Gross
Grover
Hagan

Alexander
Annunzio
Ashbrook
Ashley
Aspin
Badillo
Baring
Barrett
Bell
Blackburn
Blanton
Bow
Celler
Chisholm
Corman

Sarbanes
Saylor
Scheuer
Schneebell
Schwengel
Sebellus
Seiberling
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Staggers
Stanton,
James V.
Steele
Steiger, Wis.
Stokes
Stratton
Stubblefield
Sullivan
Symington
Teague, Calif.
Thompson, N.J.
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Ware
Whalen
Whalley
Widnall
Wiggins
Williams
Wilson,
Charles H.
Wright
Wyder
Yates
Yatron
Young, Tex.
Zablocki

Robinson, Va.
Rogers
Rooney, N.Y.
Roush
Rousset
Roy
Runnels
Ruth
Sandman
Satterfield
Scherle
Schmitz
Scott
Shipley
Shoup
Shriver
Sikes
Skubitz
Snyder
Spence
Steiger, Ariz.
Stuckey
Talcott
Taylor
Terry
Thomson, Wis.
Thone
Van Deerlin
Veysey
Wampler
White
Whitehurst
Whitten
Wilson, Bob
Winn
Wyatt
Wyllie
Wyman
Young, Fla.
Zion
Zwach

NOT VOTING—61

Davis, Ga.
Dellums
Derwinski
Diggs
Dowdy
Downing
Dwyer
Edwards, La.
Esch
Eshleman
Evins, Tenn.
Flynt
Ford,
William D.
Gallagher
Gaydos
Goldwater
Green, Oreg.
Gubser
Harvey
Hébert
Heckler, Mass.
Heinz
Landgrebe
Lennon
Long, La.
McKay
Martin
Mills, Ark.

Nelsen
O'Konski
Patman
Pickle
Pucinski
Rhodes
Rostenkowski
St Germain
Sisk
Stanton,
J. William
Steed
Stephens
Teague, Tex.
Thompson, Ga.
Tiernan
Waldie
Wolff

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Annunzio for, with Mr. Long of Louisiana against.

Mr. Wolff for, with Mr. Baring against.

Mr. Teague of Texas for, with Mr. Blanton against.

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

Mr. Rostenkowski for, with Mr. Dowdy against.

Mr. Gallagher for, with Mr. Flynt against.
Mr. William D. Ford for, with Mr. Galifianakis against.

Mr. Diggs for, with Mr. Lennon against.

Mr. Badillo for, with Mr. Stephens against.

Mr. Celler for, with Mr. Steed against.

Mr. Bell for, with Mr. Ashbrook against.

Mr. Rhodes for, with Mr. Blackburn against.

Mrs. Dwyer for, with Mr. Eshleman against.

Mr. Esch for, with Mr. Goldwater against.

Mrs. Heckler of Massachusetts for, with Mr. Landgrebe against.

Mr. J. William Stanton for, with Mr. Martin against.

Mr. Halpern for, with Mr. O'Konski against.

Mr. Sisk for, with Mr. Thompson of Georgia against.

Until further notice:

Mr. Barrett with Mr. Bow.

Mr. Alexander with Mr. Nelsen.

Mr. Ashley with Mr. Derwinski.

Mr. Hébert with Mr. Harvey.

Mr. Aspin with Mr. Mills of Arkansas.

Mr. Corman with Mr. Patman.

Mr. Gaydos with Mrs. Green of Oregon.

Mr. Pickle with Mr. St Germain.

Mr. Pucinski with Mr. Dellums.

Mr. McKay with Mr. Waldie.

Mr. Downing with Mr. Evins of Tennessee.

Messrs. JACOBS and CULVER changed their votes from "nay" to "yea."

Messrs. LONG of Maryland, WYATT, and MATHIAS of California changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF THE TAKING OF THE OFFICIAL PICTURES OF THE HOUSE TOMORROW, JANUARY 26, AT 3 P.M.

The SPEAKER. The Chair desires to make an announcement, which the chair feels the Members of the House would like to hear. Pursuant to the provisions of House Resolution 761, the Chair wishes to advise the Members that the official pictures of the House will be taken at approximately 3 o'clock p.m. on tomorrow, Wednesday, January 26.

CONFERENCE REPORT ON S. 2189, FOREIGN ASSISTANCE ACT OF 1971

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Mr. Speaker, I desire to make a point of order against consideration of the conference report at the proper time.

The SPEAKER. After the conference report is read, a point of order may be made. If the statement of the managers is read in lieu of the report, the point of order should be made before the start of the reading of the statement.

Mr. MORGAN. Mr. Speaker, I call up the conference report on the bill (S. 2189) to provide foreign military and related assistance authorizations for fiscal year 1972 and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

POINT OF ORDER

Mr. GROSS. Mr. Speaker, I desire to make a point of order against the consideration of the conference report.

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

Mr. GROSS. Mr. Speaker, I make a point of order on the grounds that certain provisions of the bill are not germane and exceed the authority of the conference. I point specifically, Mr. Speaker, to the language to be found on page 13 of the report, section 658:

SEC. 658. LIMITATION ON USE OF FUNDS.—
(a) Except as otherwise provided in this section, none of the funds appropriated to carry out the provisions of this Act or the Foreign Military Sales Act shall be obligated or expended until the Comptroller General of the United States certifies to the Congress that all funds previously appropriated and thereafter impounded during the fiscal year 1971 for programs and activities administered by or under the direction of the Department of Agriculture, the Department of Housing and Urban Development, and the Department of Health, Education and Welfare have been released for obligation and expenditure.

Mr. Speaker, I contend that this language goes far beyond the scope of the legislation, far beyond any intent of the Congress. It is neither germane nor does it come within the scope of the legislation.

The SPEAKER. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. MORGAN. I do, Mr. Speaker. The rule is broad and covers the objections made by the gentleman from Iowa. Last November the House sent to conference two foreign aid bills, one economic and one military, which passed the Senate. At that time the House struck out all after the enacting clauses of both bills and inserted in lieu thereof the complete text of H.R. 9910, which had passed the House last August.

All the provisions of both the House and Senate bills that were in disagreement were considered in conference. The House having adopted a rule to send these two Senate bills to conference therefore the amendments to which the gentleman from Iowa has objected automatically became House amendments and the provisions from the Senate bill are no longer subject to a point of order.

The SPEAKER. The Chair is ready to rule.

The gentleman from Iowa has raised a point of order against the conference

report on the ground that the House conferees have exceeded their authority by including in the conference report provisions not germane or not in either the Senate bill or the House amendment and agreed to an appropriation in violation of clause 2, rule XX. That rule provides in relevant part:

No amendment of the Senate . . . providing for an appropriation upon any bill other than a general appropriation bill, shall be agreed to by the managers on the part of the House.

The Chair would point out that it was a Senate bill which was sent to conference, with a House amendment thereto. The rule is restricted in its application to Senate amendments, and thus is not applicable in the present situation.

The Chair also points out that the resolution under which this conference report is being considered specifically waives points of order under clause 3, rule XXVIII.

The action of the conferees in adding the language in section 658 of the conference report is protected by this waiver of points of order.

For these reasons, the Chair overrules the point of order.

The Clerk will read the statement.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 17, 1971.)

Mr. MORGAN (during the reading). Mr. Speaker, as both the conference report and statement of the managers were printed in the RECORD on December 17, I ask unanimous consent to dispense with further reading.

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

There was no objection.

Mr. MORGAN. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, the conference report on the foreign assistance authorization bill represents, I believe, an acceptable compromise between the House and the Senate versions of this legislation.

That compromise was difficult to achieve for a number of reasons:

There was, first, an unusual parliamentary situation which saw two separate Senate bills amended by the same House amendment. This meant that the managers on the part of the two Houses had to arrive at an agreement on all issues. Otherwise, there would have been no conference report.

There were, second, some 94 differences between the two versions of this legislation. Some of the substantive differences were very serious and difficult to compromise.

And, finally, there was a substantial spread between the amounts proposed to be authorized by the two Houses.

The committee on conference met on nine occasions and worked long hours to produce a report. This, as you will recall, we succeeded in doing just before the Congress adjourned for the Christmas recess. The other body approved the conference report on December 17, 1971.

Now before I describe the detailed provisions of the conference report, I want to highlight the major accomplishments of the conference.

First, with respect to the key issues of substance, the committee on conference, after prolonged and difficult negotiations, largely upheld the positions of this House.

On several substantive issues, including the Mansfield amendment, the proposed revision of the Hickenlooper amendment and immediate termination of concessional development lending—through interest rate increases—the Senate ultimately receded.

On a number of others, including limitations on U.S. involvement in Cambodia and the proposed move from bilateral to multilateral lending, we worked out acceptable compromises.

Second, with respect to dollar amounts, the committee on conference agreed to authorize substantially less aid than the amount approved by the House on August 3.

As I mentioned to the House on November 18, when we were directed to take this legislation to the conference, the President's new economic policy announcement of August 15 directed a 10-percent reduction in foreign aid. The conference committee went about 10 percent beyond that.

Now as to amounts—the legislation approved by the House on August 3 carried fiscal 1972 authorization of \$3.4 billion—\$1.4 billion for economic aid and \$2 billion for security assistance.

The two bills subsequently approved by the Senate contained fiscal 1972 authorizations amounting to \$2.6 billion—\$1.1 billion for economic aid and \$1.5 billion for military and supporting assistance.

The conference report largely adopts the lower Senate amounts—but accepts the House-approved 2-year authorization for economic aid.

With respect to fiscal 1972, the conference report would authorize appropriations and new obligations of \$2.7 billion—\$1.2 billion for economic aid and \$1.5 billion for security assistance.

This is \$105 million more than the original Senate amounts—but nearly \$700 million—\$691 million, to be exact—less than approved by the House on August 3.

In addition, the legislation carries \$984 million in economic aid authorizations for fiscal 1973.

The third major accomplishment of the conference consisted of surmounting the very complicated and difficult parliamentary situation which developed in the course of this year's consideration of foreign aid legislation.

Faced with two separate Senate bills, each carrying a single House amendment, the committee on conference, after lengthy deliberations, agreed to report back the Senate bill S. 2819 with House provisions attached to it.

This, in essence, preserves the House policy of keeping both military and economic aid issues in a single bill.

While the procedure under which the House has considered foreign aid this year has been somewhat unorthodox, this could not be helped. The important thing to remember is that this procedure does not violate either the rules or the policies of this House. As a matter of fact, it was necessary to resort to this procedure in order to assure that the positions of

the House would receive every consideration possible in the conference.

I will now describe the specific provisions of the conference report in more detail.

AUTHORIZATION LEVELS

A. ECONOMIC AID FOR FISCAL YEAR 1972 AND FISCAL YEAR 1973

Beginning with economic aid, the conference report authorizes appropriations of \$250 million for worldwide development lending; \$175 million for worldwide technical assistance; and \$295 million for the Alliance for Progress—\$206.5 million in loans and \$88.5 million in grants.

In addition, the report carries \$140 million—including \$1 million in Egyptian pounds—for international organizations and programs; \$15 million for the Indus Basin project; \$30 million for American hospitals and schools abroad; \$30 million for the President's contingency fund; \$250 million for Pakistan refugees; \$10 million—in Egyptian pounds—for the reopening of the Suez Canal; and \$50 million for administrative expenses.

This adds up to \$1,234,000,000 for economic assistance in fiscal year 1972—and \$984 million for the same programs in fiscal year 1973.

B. MILITARY ASSISTANCE LEVELS

On the military side, the conference report provides new obligational authority of \$1,518 million, as follows: \$500 million for military assistance; \$618 million for security supporting assistance; and \$400 million for military credit sales.

In the security supporting assistance authorization, \$50 million is specifically earmarked for Israel.

Of the \$400 million in military credit sales, \$300 million is also earmarked for necessary jet aircraft.

The total amount in the conference report on the military side, is \$497 million less than originally proposed by the House, and \$15 million more than approved by the other body.

OTHER SUBSTANTIVE ISSUES

In addition to authorizing new appropriations, the legislation before us—as I mentioned at the outset—contains a number of significant substantive amendments: some changing the existing law and some modifying its application.

On the economic side, the conference report—

Recommends a gradual reduction of bilateral development lending to a \$100 million level by 1975;

Provides for closer congressional control over the Department of State and the U.S. Information Agency through periodic authorizations;

Restricts the Executive authority to change aid allocations;

Requires a comprehensive, annual report to the Congress on all kinds of types of foreign assistance;

Earmarks \$125 million annually for population programs;

Provides new authority and a congressional mandate to the President to bring about international control of illicit narcotics trade;

Permits OPIC to expand its operations to Yugoslavia and Rumania;

Urges the President to work for a reduction in the U.S. assessment to the United Nations—from 31.5 percent at present to 25 percent; and

Requires the President to release over \$2 billion in impounded funds for domestic programs—for housing, urban development, agriculture, education, and health—by April 30, 1972, before new funds can be spent on foreign aid.

On the military side, the conference report sustains the reforms enacted earlier by the House is separating security from economic development assistance and in providing the initial impetus and authority for the centralization of executive civilian control over all aspects of international security programs.

In addition, the conference report—

Sets new, lower ceilings on military aid to Latin America;

Requires a reduction of 15 percent in the size of military assistance advisory groups in the next 12 months;

Calls for a return of military aid authorizations for Thailand from defense to foreign aid;

Requires countries receiving military assistance to establish local currency funds for paying the cost of certain United States and bilateral undertakings;

Prohibits the furnishing of aid to Greece;

Suspends both military and economic aid to Pakistan;

Limits the President's power to use certain special and waiver authorities;

Places monetary and personnel ceilings on U.S. assistance to Cambodia;

And requires that every consideration be given to the domestic employment situation in the United States before approval is given for the licensed or co-production of military hardware abroad.

In addition, the conference report contains a number of less prominent provisions which are described fully in the statement of the managers on the part of the House that was read earlier into the RECORD.

CONCLUSION

Mr. Speaker, as I said at the outset, the conference report sustains the positions of the House on the major substantive issues and suggests workable compromises in other instances.

At the same time, it recommends a much more modest program than that which was approved by the House on August 3.

For these reasons, I believe that the report should be adopted—and I urge the House to do so.

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

Mr. MORGAN. I am glad to yield to my friend from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I understand this came from conference as a 2-year program?

Mr. MORGAN. For the economic aid only.

Mr. GROSS. For economic aid only?

Mr. MORGAN. Yes. It provides a 2-year program for economic aid with a much smaller program for the second year. Economic aid in this bill is approximately \$1.2 billion. The amount authorized for fiscal year 1973 is \$984 million.

Essentially it is much lower for the next fiscal year than it is in this, because it does not contain a second year authorization for Pakistan relief.

Mr. GROSS. The gentleman speaks of Pakistan relief. Does he mean for the Government of West Pakistan or Bangladesh?

Mr. MORGAN. The gentleman knows, and I am sure everybody in the House knows, that during the discussion in the House on August 3 and back in November and December when these bills were under consideration in the other body that the war between Pakistan and India had not reached the termination stage. The bill provides funds for the relief of refugees whether they are in India or have returned to East Pakistan. It provides nothing for West Pakistan.

The SPEAKER. The time of the gentleman has expired.

Mr. MORGAN. Mr. Speaker, I yield myself 1 additional minute.

I yield to the gentleman from Iowa.

Mr. GROSS. Then, by Pakistan relief the gentleman means East Pakistan, now known as Bangladesh?

Mr. MORGAN. The bill does not provide funds for West Pakistan. The money is to aid the people of East Pakistan.

Mr. GROSS. I thank the gentleman.

Mr. MAILLIARD. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this conference is a product of as difficult and complex a conference as I have ever experienced.

Our chairman explained the report quite fully, and I certainly do not intend to go over the same ground now.

We went into this conference with the full knowledge that very difficult negotiations lay ahead. There were more than 90 points of difference between the House position and the position of the Senate. Some were dollar amounts and technical points, and others represented almost irreconcilable points of view on the conduct of foreign policy and executive-legislative relations.

Of the seven Senate conferees, for example, four, including the chairman, voted against the Senate's own military assistance bill.

One of the amendments which has been discussed here today dealing with impounded funds for domestic programs did not belong in the bill at all, in my opinion. It was opposed by all of the House Republican conferees, but the majority of the House conferees did agree to a modified version of the provisions of the Senate bill.

The conferees, under the very strong leadership of Chairman MORGAN, in a series of meetings beginning November 19 made exhaustive efforts to resolve these extremely difficult issues. In some areas we were forced to compromise. Frequently I was not too happy with some of the compromises, but the impasse over the most difficult issue, the Mansfield amendment, which would have set a date for the withdrawal of our forces from Indochina subject to the release of prisoners of war, was settled just before adjournment by the House vote which in effect refused to instruct the conferees to accept the amendment. The Senate conferees

agreed to delete this, breaking the impasse on the bill and making it possible to reach the compromise which is now before us.

This bill achieves the very desirable objective of providing a 2-year authorization for economic and humanitarian foreign assistance, although I might point out that 2 years has now shrunk to about 17 months since we are more than half way through the first year.

I regret the authorization for the security supporting assistance as well was limited to 1 year. So we will need to bring another bill before us in the very near future in order to continue this program into the next fiscal year.

The Senate bill would have forced an end to the bilateral loan program by June of 1975. The compromise provision will allow the Congress to review thoroughly the President's recommendations for a revised and revitalized aid program, and to make such adjustments in bilateral lending as we believe are in the best interests of the United States at that time.

We accepted a reduction of \$691,350,000 from the figure originally approved by the House for fiscal year 1972. The reduction left an authorization of \$2,752 million which we felt was the minimum amount necessary to operate the program in its present form pending consideration of the President's reorganization proposals. In some areas I think the reductions are excessive, but I am convinced that we made the best compromise possible under the circumstances. We did prevail in retaining the House figure of \$30 million for assistance to American schools and hospitals abroad, which the Senate version would have cut in half. We succeeded in retaining the House provision for a Coordinator for Security Assistance in the State Department, along the lines of the President's recommendations for separating security assistance from development and humanitarian assistance.

I urge my colleagues to support this bill. It preserves for the President certain flexibility in conducting foreign affairs, which the Senate bill would have denied him. It affords a reasonable amount of time for reexamination of the foreign assistance program. It will enable our friends and allies around the world to continue to strengthen their economies and enhance their ability to protect and defend themselves. With all its problems, this bill remains the one vehicle for the programs in economic and military assistance which I feel so strongly are important to our own country's long-term interests and security.

So we bring this conference report before you today, and I urge its approval.

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

Mr. MAILLIARD. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Mr. Speaker, mention has been made several times about the length of the program that will be authorized. I would simply like to express my concern at the length of time that Congress has already

taken to come up with some kind of a program and, of course, the legislative process is still incomplete. Part of this authorization calls for a 2-year program, but the fact is that the first year authorized ends this coming June 30.

It does seem to me inadvisable, and difficult for those operating the foreign aid program—both military and economic aid—when they do not know, perhaps, until 7 to 8 months into the fiscal year, how much is going to be available for that fiscal year.

I would hope, if we could, that Congress henceforth would come up with an earlier decision as to how much is going to be made available. We are now in the 7th month of the current fiscal year, and as yet Congress has still not made a decision regarding how much, if any, aid should be provided.

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

Mr. MAILLIARD. Mr. Speaker, I yield myself 1 additional minute.

Mr. FRELINGHUYSEN. Mr. Speaker, if the gentleman will yield further, it also should be recognized that the cutbacks in the amounts requested by the President are very substantial, and the Appropriations Committee may well cut further the amounts suggested in this authorization. If this should happen, adequate military assistance, for example, may not be available to our allies, allies who need this assistance. I am convinced that it is in our own interest to grant such assistance. I am thinking particularly of Korea and Turkey. If the result would be the necessity for still further drastic reductions in programs which will allow such allies as Turkey and Korea to modernize their forces, it would seem to me against our own interest to cut back in this area.

I hope we are aware of the fact that the cuts proposed are very substantial, and that any further cuts might very well be against our national interest.

I thank the gentleman for yielding.

Mr. MORGAN. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I rise today in support of the conference report on the Foreign Assistance Act now pending before the House of Representatives. I believe that it is a landmark piece of legislation since, for the first time, it provides a cutoff of foreign assistance to those countries that are actively engaged in the international trafficking of drugs.

We have given this power to the President, knowing that in many parts of the world people are accepting the American dollar and still not respecting the fact that the drug problem has now hit epidemic proportions and threatens the life of every youth in this country.

Mr. Speaker, I think this is the beginning of a series of steps that we are going to have to take. We will need additional appropriations so that we will be able to give the President of the United States the power to police and follow through to determine, once and for all, whether or not these nations that are

receiving foreign aid are actually making a commitment to stop the international traffic in drugs.

There will have to be money necessary for crop substitution assistance for those nations which have been involved in the legal and illegal growth of opium poppies. Also, there is the necessity to train narcotics agents, both here and abroad, in order to make certain that those wrongdoers, with or without the cooperation of the foreign government, are detected so that our President may take lawful action.

This also would afford us the opportunity in the future, since the door is now open, for the Congress of the United States to provide that watchdog activity required to make certain that those who hold out their hands and say that they are allies assist us. Otherwise we must use our power through the Comptroller General to determine and report to the U.S. Congress activities in the illegal trafficking in drugs that are being committed by those very nations which the U.S. Congress today will see fit to give foreign aid to.

It is the kind of open door policy that we can use to take a look at our law-enforcement agents in this country to see whether or not we are funding a variety of law-enforcement agencies which are not cooperating with each other. Soon the President of the United States must determine whether or not the Commissioner of Customs and the Commissioner of the Bureau of Narcotics and Dangerous Drugs can work together, not only to stop the domestic trafficking in drugs, but also to make certain that the international aspects of this are reported to the Congress of the United States.

We have an opportunity to support the Drug Abuse Commission of the United Nations, as well as to make certain that all of the trade agreements that we have with other nations include the same type of provision that we have in this Foreign Assistance Act.

I also suspect that soon the Committee on Ways and Means will be studying ways in which we can do business with those nations that are now involved in the Common Market. It seems to me that it will do the people of the United States well to make certain that every time we start to do business or to trade with any nation, we have the power to execute diplomatic, economic and trade sanctions with those countries that violate international law by continuing to grow opium and manufacture heroin.

So, Mr. Speaker, I can conclude by saying that I support this conference report. I think it is an historic day when the U.S. Congress has seen fit to go on record to give the President additional power to cut aid to those countries that are not concerned with our commitment to fight drug abuse.

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

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

Mr. RYAN. Mr. Speaker, I should like to take this opportunity to commend very strongly our colleague, the gentleman

from New York (Mr. RANGEL) for his very valuable contribution in focusing public attention and the attention of the Congress on the international traffic in narcotic drugs. The conference bill, which is now before us, incorporates a provision requiring the President to cut off economic and military assistance to any country which fails to take adequate steps to prevent illicit drugs from entering the United States illegally. That is the action which our colleague has called for—using the foreign aid program as a lever to attack the international drug traffic. Furthermore, the bill makes funds available to help other countries control and, hopefully, eliminate the production of opium and its derivatives, including heroin.

I further commend the gentleman from New York for the initiatives that he has taken on this serious problem. He has followed through by visits to foreign countries where he has urged the appropriate officials to take necessary action.

We must now make sure that our Government uses this authority to the fullest extent.

The SPEAKER. The time of the gentleman has expired.

Mr. MORGAN. Mr. Speaker, I yield 3 additional minutes to the gentleman from New York.

Mr. Speaker, will the gentleman yield?

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

Mr. MORGAN. Mr. Speaker, I, too, want to commend the gentleman from New York (Mr. RANGEL) on his presentation. I remember that during the debate on the foreign aid bill in the House on August 3 the gentleman offered what I felt was a very good amendment to the House bill. I want to assure the gentleman that his amendment was offered in the other body, and it was considered by the conference. The House conferees brought back the House amendment. We were there to defend the House position, but I want to assure the gentleman, that his amendment had a lot of merit. I know he made a long and detailed study in working out his amendment. His amendment limited the amount of money to a specified figure, and the House amendment did not set a money limitation. I think this may have influenced the conferees. I want to assure the gentleman from New York that we appreciate his good work in trying to bring the production and sale of narcotics in foreign countries under control.

Mr. RANGEL. Mr. Speaker, I thank the gentleman.

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

Mr. RANGEL. I yield to the gentleman.

Mr. MATSUNAGA. Mr. Speaker, I would not want to miss this opportunity to commend the gentleman in the well, Mr. RANGEL, for the leadership he has shown in the area of drug control. It has been my pleasure and privilege to join him in his effort. The people of his district, his State, and the Nation owe him a debt of gratitude for his untiring efforts in striking at the source of drug abuse. For the people whom I represent and as a concerned father of five young-

sters I thank him and commend the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. I thank my colleague very much.

Mr. MORGAN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I just want to point out that we started considering the foreign aid legislation back in May of last year. This authorization has had more consideration by the appropriate committees in both branches of the Congress, and in the conference, than perhaps any other piece of legislation that I know of.

I would add also, Mr. Speaker, that this foreign aid authorization reflects considerable input on the part of the Congress. This conference report demonstrates that individual Members can have their concepts considered in committee, considered on the floor of the House, and ultimately written into the policy of the United States. This is more evident here than perhaps in any other legislation.

I think I can say with some modesty that a great deal of attention is given to the opinions and the thinking of the individual Members of this body in the writing of this legislation. I think, therefore, that for these reasons this conference report is perhaps more important than the decisions with respect to the amounts of money involved, and we know how difficult those decisions are.

So in the consideration of the complex piece of legislation, Mr. Speaker, we have reached, via the long hard road of the democratic process some very vital and substantive decisions; and we have had the opportunity to debate perhaps more thoroughly than at any other time in our history, the foreign policy of our country. I think that this is a major accomplishment for the Committee on Foreign Affairs and for this body.

Mr. Speaker as a member of the Committee of Conference, I would like to pay my respects to my colleagues, particularly the chairman of the Foreign Affairs Committee and the committee's ranking minority member, for the work they have done in this very, very difficult conference, for having resolved some very complex and delicate foreign policy issues, and for bringing back to this body a conference report which substantially upholds the positions of this House.

Mr. Speaker, besides limiting the amounts of money that may be authorized and spent, we have generally tightened up and will continue to tighten up our foreign policy operations.

For example, as a result of the conference committee's work on this bill, we have revived the concept of periodic authorizations both for the Department of State and the USIO. We have also required that an annual report be submitted to the Congress of all foreign operations—not just on part of them.

More and more, all Members of the Congress are getting involved in the complex issues of our national foreign policy; it is imperative, therefore, that all Members get the knowledge and information necessary so they can best make their judgments on these matters.

We have also imposed ceilings in this bill—not only on the financial aspects of the program, but on personnel as well.

We also have a provision here, that some people may disagree with, but which nevertheless indicates the concern of the Congress with respect to progress on our domestic programs. This provision requires the expenditure of fiscal 1971 funds appropriated by Congress for our domestic programs before money is expended on foreign operations.

In similar ways, we have paved the way for a complete review and overhaul of the program next year.

Mr. Speaker, I believe that there are major accomplishments and I urge adoption of the conference report.

Mr. THOMPSON of New Jersey. Mr. Speaker, the conference report on the authorization for foreign aid takes several steps in the right direction. It limits expenditures and the number of U.S. personnel in Cambodia. It prohibits aid to Greece unless the President finds that reasons of national security require it. It places a ceiling on military aid to Latin America. It requires the President to notify the Congress of how much aid of what kind is to be supplied to each foreign country and international organization. These and other provisions in the conference report move toward channeling economic and humanitarian aid through multinational and international organizations, deemphasizing military aid, placing limits on presidential discretion, and increasing the accountability of the executive branch.

The report also contains important aid earmarked for Israel to help maintain the balance of power and the peace in the Middle East, and for the United Nations.

On the other hand, the conference report is seriously flawed by the absence of the Mansfield amendment establishing a policy of terminating all U.S. military operations in Indochina and withdrawing all U.S. military forces within 6 months, subject to the release of American prisoners of war. The positive steps in the conference report are also for the most part timid and hesitant, and they are hedged by a variety of waiver responsibilities, exemptions, and deferrals. The report is still too much of a bilateral aid bill, with excessive emphasis on military aid, and insufficient limits on presidential discretion.

While I have deep reservations about this report and would fervently hope that we can do better in the future, I have concluded that a vote for the conference report does on balance further the legitimate interests of the United States and the cause of world peace.

Mr. COTTER. Mr. Speaker, I rise in support of the conference. This legislation represents a reasonable bill and I compliment the conferees, ably led by Chairman MORGAN, for their diligence and persistence in securing this legislation.

I am especially pleased, Mr. Speaker, that an amendment that I introduced was included in the conference report. This amendment is designed simply to protect American jobs from being

shipped overseas at the taxpayer's expense.

The circumstances that drew my attention to this problem are easily understood. Early in my first term I learned that extensive negotiations were taking place to build an M-16 plant in Korea. This plant was to be constructed with \$42 million in U.S. military assistance credits. The M-16 rifle is made by Colt's Firearms in my district and Colt's has laid off over 900 workers there. I believe that we should assist our allies but we should produce the equipment ourselves. With over 6 percent of our work force unemployed, I cannot justify using taxpayers' dollars to build plants overseas.

This amendment requires that the executive branch inform Congress before it commits U.S. taxpayers' dollars to build military coproduction plants overseas. Therefore, neither U.S. grants, loans, nor guarantees can be committed for these plants without first informing Congress. Congress now will be able to scrutinize each agreement analyzing the U.S. jobs that will be lost.

Thus, this amendment provides more adequate job protection for the American worker. No longer will the executive branch use secret agreements in this area to commit U.S. taxpayers' dollars to ship needed U.S. jobs overseas without informing Congress.

Mr. RANDALL. Mr. Speaker, I voted for the rule on S. 2819 although I have consistently opposed foreign aid since coming to the Congress. I knew of the explanation of so-called section 658 as contained in the report at page 13 accompanying S. 2819. This provided that none of the funds for foreign military sales should be obligated or expended until all the funds previously appropriated and which had thereafter been impounded for programs under the Departments of Agriculture; Housing and Urban Development; and Health, Education, and Welfare have been released for obligation and expenditure.

My judgment of this kind of a stipulation is that it was not the best way for the Congress to express its will. We all need more funding for water supply projects and sewer projects. We all need more housing for the elderly. There are countless other projects which have been authorized and appropriated, but which cannot be carried forward because the money has been impounded.

Accordingly, my vote for the rule was not intended to be a vote to tie the hands of our Chief Executive in the area of foreign military assistance until we had forced him to release all these impounded funds, even as badly as they are needed. Rather, I voted for the rule because I have long followed the course of supporting nearly every rule or resolution which brings a measure to the floor, on the premise that the membership should have the opportunity to listen to the debate. After the adoption of each rule there is nearly always a chance to express ourselves either for or against a proposition on its merits. Most usually there is an opportunity to be recorded on a rollcall vote on final passage. It is for these reasons that I supported the rule which brought the conference report on S. 2819 to the floor.

Mr. Speaker, I opposed the conference report on its final passage this year with some reluctance. I have always been against foreign aid. However, this year the authorization carried a ratio of \$1.2 billion in economic assistance to \$1.5 billion military assistance. Heretofore there has not always been this kind of an almost even balance or distribution between these two elements. In the past much more has been authorized for economic aid.

It has been my recent privilege to serve as chairman of the House Armed Services Subcommittee on NATO Commitments. For that reason I think I know something of the importance of the role of our military assistance program and also something of the value or importance of our military credit sales. Earlier this month, in company with the members of this subcommittee, we visited the north littoral of the Mediterranean. There we saw firsthand the vital importance of our military assistance programs in Greece and Turkey as well as other areas of the northern rim of the Mediterranean.

That is why it is so difficult to vote against the final passage of the conference report on S. 2819; yet this report does contain \$1.2 billion earmarked for economic assistance, which means we continue an economic aid program that has again and again proven not only wasteful because of its operation, but worse, it has proven detrimental to our national interest. Faced with such a choice there is only one course to take and that is to continue to express opposition to the economic aid program.

Who can forget that night in the United Nations when those whom we had supported with our economic aid year after year voted to expel Nationalist China, and then voted to admit Red China to the United Nations? I thought we had proceeded in the past upon the premise that the objective of foreign economic assistance is to cultivate and perpetuate friends among other nations in the world. Surely we must have failed to achieve that objective. That night in the United Nations should be enough to prove that billions in foreign economic assistance was not productive of very much friendship for our country.

Mr. Speaker, last fall the Senate separated military from economic assistance, and proceeded to make separate authorizations. The House last August passed both economic and military assistance in one package. For a long while it has been my view that military and economic assistance should be separated and considered in separate bills.

I have never been able to understand why it is that the Foreign Affairs Committee should have jurisdiction over the authorization for military assistance. Rather, it should be in the Armed Services Committees of both bodies of the Congress. Certainly those who deal with defense matters day in and day out ought to be more knowledgeable of the operation of our military assistance program than those who concern themselves only infrequently and incidentally with this kind of an authorization.

Yes, there are many Members in this House, in my judgment, that could and

would support military assistance as the best way to send dollars instead of men to improve our defense posture and strengthen our national security. Perhaps the time may come in the future that we will be given the privilege to consider military assistance separate and apart from economic aid. As it is today, when these two remain wrapped up in the same package, I cannot with good conscience support a foreign economic aid program which continues on no better today than it has been in the past. Because military assistance is involved, I oppose the conference report on S. 2819 reluctantly. I sincerely hope the time may come when the membership will not continue to be faced with the dilemma we face today.

Mr. MORGAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

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

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 204, nays 179, not voting 48, as follows:

[Roll No. 6]

YEAS—204

Abzug	Evans, Colo.	Kyl
Adams	Fascell	Kyros
Addabbo	Findley	Leggett
Anderson, Ill.	Fish	Lent
Anderson, Tenn.	Flood	Link
Arends	Foley	Lloyd
Ashley	Ford, Gerald R.	McClary
Aspinall	Forsythe	McCloskey
Badillo	Fraser	McCormack
Bergland	Frelinghuysen	McCulloch
Biaggi	Frenzel	McDade
Blester	Fulton	McDonald,
Bingham	Gallagher	Mich.
Blatnik	Garmatz	McEwen
Boggs	Gialmo	McFall
Boland	Gonzalez	McKay
Brademas	Grasso	McKevitt
Brasco	Gray	McKinney
Brooks	Green, Pa.	Madden
Broomfield	Griffiths	Mailliard
Brotzman	Gubser	Mallory
Buchanan	Gude	Mathias, Calif.
Burke, Mass.	Halpern	Matsunaga
Burton	Hamilton	Mayne
Byrne, Pa.	Hanley	Mazzoli
Carey, N.Y.	Hanna	Meeds
Carney	Hansen, Idaho	Melcher
Celler	Hansen, Wash.	Metcalfe
Chisholm	Harrington	Mikva
Clark	Hastings	Miller, Calif.
Clay	Hathaway	Minish
Collins, Ill.	Hawkins	Mink
Conable	Hays	Mitchell
Conte	Hébert	Molichan
Cotter	Heckler, Mass.	Monagan
Coughlin	Heinz	Moorhead
Culver	Helstoski	Morgan
Daniels, N.J.	Hicks, Mass.	Morse
Danielson	Hicks, Wash.	Murphy, Ill.
Dellenback	Hollifield	Murphy, N.Y.
Dennis	Horton	Nedzi
Dent	Hosmer	Nix
Dingell	Howard	O'Hara
Donohue	Johnson, Calif.	O'Neill
Drinan	Johnson, Pa.	Patten
du Pont	Jones, Ala.	Pelly
Eckhardt	Karth	Perkins
Edmondson	Kazen	Peyser
Edwards, Calif.	Keating	Pickle
Elberg	Kee	Pike
Erlenborn	Keith	Pirnie
Esch	Kluczynski	Podell
	Koch	Preyer, N.C.

Price, Ill.	Schneebell	Udall
Quile	Schwengel	Ullman
Railsback	Seiberling	Van Deerlin
Rangel	Smith, Iowa	Vander Jagt
Rees	Smith, N.Y.	Vanik
Reid	Springer	Vigorito
Reuss	Stanton,	Ware
Riegle	James V.	Whalen
Robison, N.Y.	Steele	Widnall
Rodino	Steiger, Wis.	Wiggins
Rooney, Pa.	Stokes	Wright
Rosenthal	Stratton	Wylder
Roybal	Sullivan	Yates
Ryan	Symington	Yatron
Sarbanes	Teague, Calif.	Young, Tex.
Scheuer	Thompson, N.J.	Zablocki

NAYS—179

Abbt	Gettys	Purcell
Abernethy	Gibbons	Quillen
Abourezk	Goldwater	Randall
Anderson,	Goodling	Rarick
Calif.	Griffin	Roberts
Andrews	Gross	Robinson, Va.
Archer	Grover	Roe
Baker	Hagan	Rogers
Begich	Haley	Roncalio
Belcher	Hall	Rooney, N.Y.
Bennett	Hammer-	Roush
Betts	schmidt	Rousselot
Bevill	Harsha	Roy
Bray	Hechler, W. Va.	Runnels
Brinkley	Henderson	Ruppe
Brown, Mich.	Hillis	Ruth
Brown, Ohio	Hogan	Sandman
Broyhill, N.C.	Hull	Satterfield
Broyhill, Va.	Hungate	Saylor
Burke, Fla.	Hunt	Scherle
Burleson, Tex.	Hutchinson	Schmitz
Burlison, Mo.	Ichord	Scott
Byrnes, Wis.	Jarman	Sebelius
Byron	Jonas	Shipley
Cabell	Jones, N.C.	Shoup
Caffery	Jones, Tenn.	Shriver
Camp	Kastenmeier	Sikes
Carter	Kemp	Skubitz
Casey, Tex.	King	Slack
Cederberg	Kuykendall	Smith, Calif.
Chamberlain	Landrum	Snyder
Chappell	Latta	Spence
Clancy	Long, Md.	Staggers
Clausen,	Lujan	Steiger, Ariz.
Don H.	McClure	Stubblefield
Clawson, Del.	McCollister	Stuckey
Cleveland	McMillan	Talcott
Collier	Macdonald,	Taylor
Collins, Tex.	Mass.	Terry
Colmer	Mahon	Thompson, Ga.
Conyers	Mann	Thomson, Wis.
Crane	Mathis, Ga.	Thone
Curlin	Michel	Veysey
Daniel, Va.	Miller, Ohio	Waggonner
Davis, Ga.	Mills, Md.	Wampler
Davis, S.C.	Minshall	Whalley
Davis, Wis.	Mizell	White
de la Garza	Montgomery	Whitehurst
Delaney	Mosher	Whitten
Dellums	Moss	Williams
Denholm	Myers	Wilson, Bob
Devine	Natcher	Wilson,
Dickinson	Nichols	Charles H.
Dulski	Obey	Winn
Duncan	Passman	Wyatt
Edwards, Ala.	Patman	Wylie
Fisher	Pettis	Wyman
Flowers	Poage	Young, Fla.
Fountain	Poff	Zion
Frey	Powell	Zwach
Fuqua	Price, Tex.	
	Pryor, Ark.	

NOT VOTING—48

Alexander	Dwyer	Nelsen
Annunzio	Edwards, La.	O'Konski
Ashbrook	Eshleman	Pepper
Aspin	Evins, Tenn.	Pucinski
Baring	Flynt	Rhodes
Barrett	Ford,	Rostenkowski
Bell	William D.	St Germain
Blackburn	Gallafanakis	Sisk
Blanton	Gaydos	Stanton,
Bolling	Green, Oreg.	J. William
Bow	Harvey	Steed
Corman	Jacobs	Stephens
Derwinski	Landgrebe	Teague, Tex.
Diggs	Lennon	Tiernan
Dorn	Long, La.	Waldie
Dowdy	Martin	Wolff
Downing	Mills, Ark.	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Annunzio for, with Mr. Long of Louisiana against.

Mr. Wolff for, with Mr. Baring against.

Mr. Rostenkowski for, with Mr. Dowdy against.

Mr. Teague of Texas for, with Mr. Blanton against.

Mr. Tiernan for, with Mr. Flynt against.

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

Mr. Diggs for, with Mr. Lennon against.

Mr. Sisk for, with Mr. Steed against.

Mr. Barrett for, with Mr. Stephens against.

Mr. Bell for, with Mr. Ashbrook against.

Mrs. Dwyer for, with Mr. Blackburn against.

Mr. Rhodes for, with Mr. Eshleman against.

Mr. J. William Stanton for, with Mr. Landgrebe against.

Mr. Harvey for, with Mr. Martin against.

Mr. Nelsen for, with Mr. O'Konski against.

Mr. St Germain for, with Mr. Dorn against.

Mr. Pucinski for, with Mr. Evins of Tennessee against.

Until further notice:

Mr. Mills of Arkansas with Mr. Bow.

Mr. Aspin with Mr. Derwinski.

Mr. Downing with Mr. Waldie.

Mr. Alexander with Mr. Pucinski.

Mr. Pepper with Mrs. Green of Oregon.

Mr. LONG of Maryland changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ARMY'S POLICY OF ALLOWING PROSTITUTES ON BASES IN VIETNAM

(Mrs. GRASSO asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GRASSO. Mr. Speaker, I was shocked and deeply disappointed to read a published account of the Army's new policy of allowing prostitutes on bases in Vietnam. This demeaning and even sinister action by the Army—promulgated by the desperate attempts of top officers to ease the declining morale of young Americans still at war—is a further reflection of the disastrous policies which have marked our presence in Vietnam.

It would be of far more comfort and solace to our men in Vietnam, as well as to the Nation as a whole, if we at long last terminated our part in the war. Rather than adding insult to injury in the Army's treatment of its men, our policy should finally be reversed from one of moral decay to a policy of moral rejuvenation by bringing American men home—now.

This appalling situation certainly can-

not be permitted to continue. Today, I am writing to Secretary of Defense Melvin Laird requesting clarification of the Army's policy.

For the interest of my colleagues, a United Press International article, which appeared in the Hartford Times on January 24, follows:

U.S. ARMY OPENS ITS BASES TO VIETNAMESE PROSTITUTES

QUI NHON, VIETNAM.—The U.S. Army has opened its gates to Vietnamese prostitutes at several bases in South Vietnam and an Army spokesman said such a thing is apparently all right by current regulations.

But, officers said there are considerable security risks and a strong possibility of narcotics smuggling. Many said they support in practice anyway to keep peace within increasingly disgruntled ranks of the Americans still left in Vietnam.

Spokesmen at U.S. Army headquarters in Long Binh outside Saigon said they were unable to say whether the practice is being followed all over Vietnam. However, they did cite a far more restrictive regulation permitting "local national guests" to enter Long Binh itself. That was issued two weeks ago.

So far, the allowing of prostitutes on bases has been limited to bases along South Vietnam's central coast. The gates of military posts in Bin Dinh province 250 miles north east of Saigon, were opened to such "guests" several weeks ago. No one at Qui Nhon is either able or willing to provide a specific date, but the new practice came more than a year after all towns in the area were put off limits to soldiers except on official business.

PROPOSED LEGISLATION TO ALLEVIATE PRESENT SERIOUS NATURAL GAS SUPPLY SHORTAGE

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

Mr. COLLINS of Texas. Mr. Speaker, it is good news that the administration has thrown its strength behind H.R. 2513, a bill designed to move the Nation toward alleviation of the present serious natural gas supply shortage.

H.R. 2513 is a bipartisan measure in every sense of the term. It was introduced last year by the gentleman from New York (Mr. MURPHY) with a number of bipartisan sponsors. And now support for the measure has been strongly expressed in reports to the chairman of the Committee on Interstate and Foreign Commerce from key departments of the executive branch.

The Department of the Interior sees H.R. 2513 as "an important step to alleviating the current natural gas shortage facing the Nation, and, just as important, helping to prevent this situation from occurring again."

The Department of Commerce supports H.R. 2513 "as a bipartisan step toward restoring the economics of natural gas supply to a viable state within the present system of regulation." Such legislation, says the Department's report, "will contribute significantly to correction of the present gas shortage and attendant misallocation of energy resources."

A report by the Office of Management and Budget fully concurs in the views

expressed by the Interior and Commerce Departments. It further recommends favorable consideration by Congress of H.R. 2513 as being "consistent with the administration's objectives."

Mr. Speaker, the gas supply shortage has developed because gas producers and investors have lost much of their economic incentive to search for and develop new reserves.

"Lost" is perhaps the wrong word. In fact, this incentive has been taken from them by Federal regulatory policies.

These policies not only have held the price of gas destined for interstate movement to an artificially low level, they also have created an atmosphere of paralyzing uncertainty by denying the producer assurance that the terms of his contract with an interstate pipeline, even though they have received Commission approval, will remain in effect for the duration of the contract.

Natural gas sales contracts between producers and interstate pipelines are literally without validity. Provisions governing the price paid to the producer for his gas, the amount of gas he must deliver, and the period of time during which he must continue to make deliveries, although once approved, can be changed by subsequent order of the Commission—can be and have been.

Under these circumstances, it is inevitable that gas producers and investors should be hesitant to undertake the costly and hazardous business of searching for new gas fields. This is the slowdown that has contributed to the present shortage.

H.R. 2513 offers Congress the opportunity to take an important step toward removing some of the elements of uncertainty which now hamper the gas producer.

H.R. 2513 does not propose decontrol of gas production. Under its provisions, all major new sales contracts between interstate producers and pipelines must continue to be submitted to the Federal Power Commission. The Commission can approve a contract as submitted, approve it subject to stated conditions, or disapprove it.

The bill provides that once the Commission has approved a contract covering new gas production, the terms, conditions, and rate levels of that contract become firm and final. This sanctity of contract provision is the basic element of H.R. 2513.

The bill exempts from Commission control small new producer contracts which call for delivery of 10,000 mcf per day or less. This provision, by substantially cutting down the Commission's workload, would help to expedite action of the major contracts submitted to it.

H.R. 2513 does away with the utility-type cost-of-service method of determining producer prices for what is in reality a commodity. Instead, the Commission would be required to give consideration to present and future supplies and rate levels necessary to elicit supplies sufficient to meet requirements. Other relevant cost and economic trends also would enter into price determinations.

Comprehensive hearings on H.R. 2513 were held in September by the Com-

munications and Power Subcommittee of the House Committee on Interstate and Foreign Commerce. Witnesses, including representatives from all segments of the gas industry, Federal and State regulatory agencies, the financial community, and labor endorsed H.R. 2513. Their testimony showed beyond any doubt that the gas supply shortage exists now and is extremely serious.

Mr. Speaker, I am pleased that the administration is supporting this wise and necessary legislation. Its enactment by Congress will at least advance us toward the beginning of a solution to a grave national problem. We need to make this beginning as soon as possible.

Enactment of H.R. 2513 should be given a high priority in the business of this session of Congress.

LOS ANGELES COUNTY SUPERVISORS OPT FOR CLEAN AIR

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

Mr. REES. Mr. Speaker, on January 13 and 14 of this year a western White House Conference on air pollution was held at San Clemente, Calif. At this closed-door 2-day meeting, representatives of the automotive industry and some—but not all—manufacturers of pollution abatement devices concluded that it will not be possible to meet the standards for clean air this body mandated when we passed the Clean Air Act Amendments of 1970. As a consequence of the importunings of the automotive industry, the suggestion was made that the California congressional delegation take a "new look" at the standards with a view toward relaxing them.

I oppose such a proposal. My 11 years of experience in the California Legislature as principal author of most of the air pollution legislation has taught me that the response of the automotive industry to national health and welfare is characterized by recalcitrance and plain old-fashioned foot dragging. That, I fear, is the case today. One of the major auto manufacturers has already petitioned the Environmental Protection Agency for a 1-year postponement of the 1975 emissions standards.

These, as you know, form the threshold from which we can look forward to a measurable improvement in the air we breathe; and this, of course, is of paramount concern to those of us in the Los Angeles basin. We have had to live longer than anyone else with the problems of dirty air and the fact that auto makers have literally flaunted their reluctance to improve the atmospheric pollution they created. This, to put it charitably, is hardly in keeping with the "can do" philosophy that these enterprises loudly proclaim when it comes to bigger engines, costly but frivolous extras, and all the other minutiae that consume millions in advertising dollars.

It was General Motors that asked a year's grace in a letter to the EPA dated January 12. I am happy to note that EPA Administrator William D. Ruckelshaus,

by letter dated January 19, and in a news conference, rejected this plea. Nevertheless the door has been left open for General Motors to apply again.

It is apparent to those of us who have devoted a great deal of time and effort to this problem that the automotive industry is using the closed-door meeting at San Clemente and the recent semi-annual report of the National Academy of Science to the EPA to launch an all-out effort to at least delay, if not try to cancel altogether, its obligation toward a cleaner environment. Although, at the San Clemente conference, the Los Angeles County air pollution control officer was quoted as saying that—

The Federal emissions standards were impossible to achieve and not substantiated by the best health data.

His position is countered by his own governing board, the Los Angeles County Board of Supervisors.

On January 20, 1972, after the San Clemente conference, the Los Angeles County Board of Supervisors unanimously adopted the following resolution which asked that the recommendation of the Committee on Motor Vehicle Emissions of the National Academy of Sciences should be rejected and that any request by the automobile manufacturers for a 1-year suspension of the 1975 vehicle emissions standards under the Clean Air Act be denied by the Administrator of the Environmental Protection Agency:

On motion of Supervisor Hahn, unanimously carried, the following resolution was adopted:

Whereas, air pollution has been defiling the environment of Los Angeles County for more than 25 years and still lingers as a most urgent and sensitive problem; and

Whereas, the Board of Supervisors is responsible for the health and welfare of over seven million residents of Los Angeles County; and

Whereas, medical science has accumulated epidemiological, experimental, and clinical evidence that levels of air pollution in Los Angeles County affect significantly the breathing of normal subjects during high exposure periods and constitute a hazard to the health and welfare of the people in the County; and

Whereas, the Los Angeles County Medical Association has affirmed repeatedly that air pollution constitutes a hazard to the health of persons living in this County and, because of air pollution, a comprehensive School and Health Smog Warning System has been implemented by this Board of Supervisors, in accordance with the county medical association's recommendations, to protect the health of the students and people of this County; and

Whereas, the Federal air quality standards are exceeded for nitrogen dioxide and hydrocarbons in Los Angeles County, and the standard for photochemical oxidant is exceeded on 250 days per year (and every day in the summertime), and in addition the standards for carbon monoxide are exceeded on 200 days per year; and

Whereas, virtually the only contaminants for which air quality standards are often exceeded are those emitted by motor vehicles, or created by photochemical reactions of contaminants emitted by motor vehicles; and

Whereas, these motor vehicles emissions will prevent Los Angeles County from complying with the Federal air quality standards by 1975, as required by the Clean Air Act; and

Whereas, further delays in compliance with 1975 vehicular emission standards will delay still further the date when compliance with the air quality standards can be attained; and

Whereas, such further delay will subject the residents of Los Angeles County to additional exposure to these harmful contaminants; and

Whereas, this Board of Supervisors as the Air Pollution Control Board of the Los Angeles County Air Pollution Control District has enacted and enforced the most stringent Rules and Regulations for stationary sources in effect anywhere in the world; and

Whereas, local agencies have no jurisdiction over control of vehicular emissions and are restricted to control of stationary sources; and

Whereas, emissions from stationary sources under this program are now more than 80% controlled; and

Whereas, emissions from motor vehicles contribute more than 90% of the total pollution in this County and constitute its only inadequately controlled source of emissions; and

Whereas, this Board of Supervisors has, since 1953, by repeated communications, strongly informed and constantly reminded the automobile manufacturers of the urgent need to control motor vehicle emissions at the earliest possible date; and

Whereas, the automobile manufacturers, through procrastination, agreement, and other dilatory tactics, have failed and refused to comply with emission standards except when they were forced to do so; and

Whereas, the Committee on Motor Vehicle Emissions of the National Academy of Sciences has recommended to the Environmental Protection Agency that enforcement of the requirements of the Clean Air Act for 1975 vehicles be deferred until 1976,

Now, therefore, be it resolved that the recommendation of the Committee on Motor Vehicle Emissions of the National Academy of Sciences should be rejected, and that any request by any automobile manufacturer for a one-year suspension of the 1975 Vehicle Emission Standards under the Clean Air Act be denied by the Administrator of the Environmental Protection Agency; and

Be it further resolved that any program, procedure, or attempt to delay effective control of exhaust emissions from motor vehicles is unacceptable to the County of Los Angeles; and

Be it further resolved that copies of this resolution shall be sent to the President, each member of Congress from California, and to the Administrator of the Environmental Protection Agency.

While the National Academy's report did indicate that a year's delay may be necessary, it is important to note that the Environmental Protection Agency—in its response to the publication of this document—read the fine print, so to speak, and concluded that—

The achievement of the 1975 automotive emission standards remains a distinct possibility.

EPA also called attention to the observation by the National Academy that—

The Clean Air Act Amendments of 1970 have had the effect of accelerating progress by automobile manufacturers in emission control.

In fact, the National Academy's report makes it quite clear that whatever progress we have had or will get in abating automotive air pollution will result directly from such far-reaching legislation as the Clean Air Act. Here is exactly what the Academy said on page 10 of its report:

As a result of the Federal Emission Control Program, commencing in 1968, considerable emission control on new vehicles has already been achieved by engine modifications and improvements in engine design. It is unfortunate that the automobile industry did not seriously undertake such a program on its own volition until subject to this governmental pressure and general recognition of the role of automobile emissions in the generation of smog in California. This long lag period together with the growth in automobile sales gave rise to the sense of urgency expressed in the Clean Air Act Amendments.

Now I, for one, am unwilling to excuse the automotive manufacturers from an obligation that they incurred. I do not want to take a "new look" at the Clean Air Act of 1970. Rather, I want the automotive industry to take a "new look" at their obligation to clean up the air their vehicles pollute. For the industry to do less is to render another in a long list of disservices—such as we have also seen in the area of auto safety—that require legislative redress. With regard to the growth of sales that the National Academy referred to, I should like to point out that the auto industry is remarkably shortsighted if it expects to continue to enjoy such growth without a concurrent commitment to health and welfare. Even now plans are on drawing boards to limit automotive traffic in larger cities and urban areas. In other words, if the automotive industry is unwilling to clean up its cars, it may well be confronted with a shrinking market for them and all that this implies for their workers, their investors, and our economy.

Therefore, Mr. Speaker, I would like to call your attention and that of our colleagues to the hearings that the able Member from Florida (Mr. ROGERS) will conduct Wednesday and Thursday. In a similar vein, the able Senator from Maine, Mr. MUSKIE, plans oversight hearings on the Clean Air Act amendment early next month. Clearly, we are at a critical point in time as far as clean air is concerned, and it is within this framework that we must judge the extent to which the industry is willing to discharge its obligations toward the creation of a healthy environment in the years immediately before us. The hearings here and in the other body will give us an opportunity to learn firsthand if the automotive industry is willing to join with us in cleaning up the air, or if it will continue to insist that we take a new look at a law whose intent they have barely considered.

THE LATE HONORABLE GEORGE W. ANDREWS

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. JONES) is recognized for 1 hour.

Mr. JONES of Alabama. Mr. Speaker, recently it was my sad duty to announce to the House that our beloved colleague and dear friend, GEORGE WILLIAM ANDREWS, of the Third District of Alabama, passed away on December 25, 1971.

GEORGE ANDREWS, the dean of the Alabama delegation in the House, had served in the Congress for nearly 28 years and

was a ranking member of the Appropriations Committee where he engaged his keen intellect to the service of his country as a champion of fiscal responsibility in Government.

His open and friendly manner with his colleagues won him countless friends from every section of the Nation. His wit and intelligence were well known. I fully expect him to be in the cloakroom of Heaven on vigil for you and for me and others of his esteemed colleagues.

As dean of the Alabama delegation, GEORGE ANDREWS was held in particular regard and affection by all Members from our State on both sides of the aisle. We counted on his experience and knowledge for guidance in many affairs.

GEORGE ANDREWS was a particularly noted authority on the legislative branch of the Government and exercised his considerable knowledge in this area as chairman of the Subcommittee on Legislative Appropriations.

His great compassion and his skills as a legislator were outstanding.

He was held in unusually high regard by the people of the district he represented. He was first elected to the Congress in absentia while serving in the Pacific in the Navy during World War II. His subsequent elections were without serious challenge.

GEORGE was truly dedicated. He had a well-deserved reputation for always being on the job and for getting results. He was always available and anxious to be of aid to any request which came to his office.

His service extended well beyond the district he represented. He was well known in all parts of the State for his help in guiding requests for funding through the appropriations process. He never limited his interest to the boundaries of the district he represented.

GEORGE ANDREWS was a willing and sympathetic listener to petitions for proper funding of programs to build and strengthen this Nation. He was especially well known for advancing programs to enhance the internal development of the country and provide for a strong defense effort.

Our Republic has lost a dedicated, skillful, and successful statesman.

He will long be remembered for the high mark his service has left in our State and Nation. His loss will be long felt.

More than that, I have lost a warm, considerate friend.

To his wife, Elizabeth, and to his two children, Jane and George, I extend my most heartfelt sympathy.

Mr. SIKES. Mr. Speaker, will my distinguished friend, the gentleman from Alabama yield?

Mr. JONES of Alabama. I yield to the distinguished gentleman from Florida.

Mr. SIKES. Mr. Speaker, I am most grateful to my friend, the gentleman from Alabama, for sharing this time with me.

Mr. Speaker, in the death of the late Honorable GEORGE ANDREWS, the Nation has lost one of its ablest and most dedicated Congressmen and Alabama has lost one of its most outstanding sons. I knew him very well and counted him one of my dearest friends. It was with

sorrow and shock that I learned of his passing. I was very close to him for many years. He came to Congress very soon after I did and we quickly formed a warm and close friendship and we worked constantly together on matters of mutual interest to our respective States and to our Nation. The fact that our districts adjoin and have many common interests provided an additional tie. Our work on the Committee on Appropriations and particularly on the Defense Subcommittee brought us in daily contact. He was one of the most outspoken in Congress for a strong and adequate national defense, for improvements to our Nation's waterways and ports, and for economy in Government. I recall very well the great contributions he made to the Chattahoochee-Flint-Apalachicola waterways system. It was he more than any other who made possible the dam at Columbia, Ala., which is an essential part of that waterway system. I remarked at the time of its dedication that it should bear the name of GEORGE ANDREWS and I am glad again to join in the proposal that this designation be made as a further token of respect and appreciation for his efforts and achievements.

GEORGE ANDREWS was a native son of Alabama. After receiving his law degree in 1928 and beginning his practice in Union Springs, Ala., Representative ANDREWS served as circuit solicitor for the Third Judicial Circuit of Alabama from 1931 to 1943, and as a lieutenant in the Naval Reserves at Pearl Harbor until his election to the 78th Congress in 1944.

He was a true and proud son of the South who served his district, his party, his State, and the Nation faithfully and well. In him we have lost a great orator, a loyal friend, an outstanding statesman, and a fine human being.

By virtue of long and able service in the House, he was one of the senior Members of Congress and of the House Appropriations Committee, and because of his work he was a valued and respected member of the committee and of the Congress.

GEORGE ANDREWS was outspoken and courageous in his work. His strong voice made him a man to be listened to and respected. This veteran lawmaker who left a lasting imprint on the work of the Congress is not a man to be easily replaced. During his lifetime of public service, he set an example of patriotism and dedication that will be remembered with respect and admiration by all who knew him. Few men have contributed more toward the building of the strong national defense forces that have made America the shield of the free world, or toward eliminating waste and mismanagement in the Federal Government. He will be sorely missed. His passing leaves a great void in the work for good government.

Mrs. Sikes and I have spent many happy hours with GEORGE and his beloved wife, Elizabeth. To Mrs. Andrews and to their son, George, and their daughter, Jane, and to all other members of the family, we extend our deep and earnest sympathy in their great bereavement.

Mr. JONES of Alabama. Mr. Speaker,

at this time I yield to the gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. Mr. Speaker, this is indeed a sad occasion as I join with other members of our Alabama delegation and respected colleagues to mourn the passing of the dean of our Alabama delegation, GEORGE ANDREWS.

His 28 years of outstanding service to his State and his country was recognized and appreciated by his constituents and they returned him to speak for them for 14 consecutive terms in the U.S. Congress, usually without opposition.

This service in the Congress was characterized by his dedication to the task of honorably representing his district. He loved Alabama and her people and spent much time in response to his constituents who had entrusted the affairs of this office to him.

His service to America as a ranking member of the House Committee on Appropriations is well documented both in the committee record and in his strong arguments in the well of this House. He was a recognized champion of conservative government and his leadership was constantly sought to eliminate waste in Federal spending.

His long service in the Congress was further highlighted by his love for his country and his dedication toward maintaining a strong defense was always in evidence in his forceful speeches in the well of this House.

GEORGE ANDREWS was a true friend of the U.S. servicemen, having been elected to Congress in 1944 while serving as a naval officer in the Pacific in World War II. In numerous speeches before the Congress, he vigorously campaigned against a "no-win policy" in Southeast Asia and I predict that history will record the wisdom of his arguments.

It was my great privilege to serve with my respected friend, GEORGE ANDREWS, for some 5 years and I shall always remember how helpful he was to me as a new Member. In memory's eye, I go back to my visit in his home in Union Springs, Ala., following my election to his body. I well recall the sound advice he gave me on matters relating to office staff and committee assignments. He invited me to join him and Mrs. Andrews for lunch in his lovely home, exemplifying his cordial Southern hospitality so dominant in his native Bullock County, Ala.

Congressman ANDREWS maintained a deep and abiding love for his family. He especially enjoyed his visits with his daughter in North Carolina and often expressed to those in the Alabama delegation his hopes that he might return home and practice law with his son, George Andrews, Jr.

His untimely passing is a personal loss to this Member for our dean was always available to help in congressional duties. His death leaves a void in leadership and representation in the U.S. Congress, for GEORGE ANDREWS was a statesman in every sense of the word.

I wish to express my deepest sympathy to Mrs. Andrews, his devoted wife; to Jane, his lovely daughter; and to George, Jr., his son and namesake.

Mr. JONES of Alabama. Mr. Speaker,

I yield to the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. I thank the gentleman very much.

Mr. Speaker, 1 month ago today—on Christmas Day—the people of the Third District of Alabama lost the services of an able Congressman in the death of Representative GEORGE ANDREWS.

The dean of Alabama's congressional delegation was a Member of this body for almost three decades. He was elected to the 78th Congress on March 14, 1944; re-elected to 14 succeeding Congresses.

For over 18 years he was my personal Congressman. Before I moved to Montgomery, Ala., I lived at Opelika, and he served us well. I worked for him. I was a Democrat at the time. I worked for him in his campaign.

I know of no man who stood higher in the esteem of the people of Alabama than did GEORGE ANDREWS.

When I decided to run for Congress I talked with him, even though I was running as a Republican at the time. I sought his advice and counsel.

Mr. ANDREWS was an influential, respected, and most effective Member of the House of Representatives. He was third ranking member of the Appropriations Committee where he served as chairman, Legislative Subcommittee, in addition to sitting on the Department of Defense Subcommittee and the Public Works Subcommittee.

Mr. Speaker, GEORGE ANDREWS will be sorely missed by his colleagues in this Chamber for he was a man of wit and charm; he was intelligent, personable and generous; but more important, he was always a true southern gentleman—a man of character.

Because GEORGE ANDREWS did his job well and with a minimum of fanfare, it is more fitting that we remember him today for those good works. He did a good job for his district, State, and Nation. Now, he is missed by his loved ones and many friends. But, his achievements will endure and his accomplishments are a living memorial to a man who worked long and hard for the people he represented.

I feel a very deep personal loss in the death of GEORGE. I should like to extend my sympathy to his lovely wife and most gracious lady Elizabeth, and to his family, and I wish to join with all of those assembled in the Chamber today in saying we are the losers for GEORGE's having gone to his ultimate reward. We miss him, and we certainly want to offer our condolences to his family.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, joyous occasions are not infrequently edged with sadness. Christmas Day, 1971, was such an occasion when word came of the passing of our late distinguished and beloved colleague, GEORGE ANDREWS.

Today, the Subcommittee on Defense Appropriations convened for the first hearing of the second session of the 92d Congress. Those of us on the Defense Subcommittee left vacant the chair which had been occupied for so many

years by GEORGE ANDREWS. It was a sad experience to miss this devoted man and to see his chair vacant today.

GEORGE ANDREWS was one of the most beloved Members ever to serve in the House of Representatives and for an abundance of good reasons. He combined great compassion for his fellow man with strong convictions about what he thought was right for America. Rugged devotion to God and country was his path through thick and thin. He was by every measure as solid as a rock, as dependable as the changing of the tide, a champion of the old-fashioned and unchanging virtues of self-reliance and discipline and restraint.

The Apostle Paul observed that it is required of stewards that they be found faithful. He measured up. His contributions to the Nation's best interests will stand with time. They were considerable, for he was a man of great ability and dedication. He was a leading light for a strong national defense, believing that survival is our first national priority. GEORGE ANDREWS thought the preservation and the survival of the country was the most important thing, just as some of the rest of us think. He was so happy to make his contribution in this field. His contribution over the years was tremendous.

He served with high distinction and perseverance and persuasively on a number of subcommittees of the Committee on Appropriations for a quarter of a century, ranking third in tenure on the committee at the time of his untimely passing. He served a number of years on the Independent Offices Subcommittee and as chairman of the Subcommittee on Commerce and General Governmental Matters and chairman of the Subcommittee on Legislative Appropriations.

I have not the slightest doubt that he lost many a night's rest tossing and turning over the tide of national events. He held deeply to the conviction that the Nation was heading for troubled waters because of its unbridled appetite for spending beyond sustainable levels and the relentless pervasiveness of central government.

Yes, Mr. Speaker, GEORGE ANDREWS will be missed for added reasons. A peerless storyteller and homespun philosopher, he kept his perspective and good humor—and I suspect helped many others to do so—by telling a timely anecdote or story. He was blessed with an abundance of personal warmth and charm and kindness, affable on even the most serious occasions.

It is so tragic that we have lost his counsel, his advice, and his good humor. However, we can remember the principles which dominated his life, wherein he tried to make ours better. We can try to carry on the work of preserving and upholding the strength and dignity of this Nation which was so close to his heart.

He was my good and always helpful friend, a pillar of strength, a soldier in the ranks.

We shall all miss him greatly in the days to come. So, Mr. Speaker, my wife and I join all the friends of GEORGE ANDREWS here today in these words of praise

and sympathy and recognition, and with words of sympathy to Elizabeth, his wife, and to his two children.

May the Lord bless his memory.

I thank the gentleman from Alabama for yielding to me.

Mr. Speaker, a very close personal friendship existed between our late friend GEORGE ANDREWS and Adm. Hyman Rickover, the world-famous spokesman for a nuclear navy. Admiral Rickover has requested that I place in the RECORD this letter to me in regard to his late-departed friend, GEORGE ANDREWS:

ATOMIC ENERGY COMMISSION,
Washington, D.C., January 24, 1972.

HON. GEORGE H. MAHON,
Chairman, House Committee on Appropriations.

DEAR MR. MAHON: It is my understanding that members of the House of Representatives are planning to include in the Record comments concerning the distinguished service Congressman George W. Andrews gave his country during his 28 years as a member of the House. If it is appropriate, I would appreciate it greatly if you could include this letter.

I have known and respected Congressman Andrews for more than 25 years, and it is with deep sorrow that I learned of his death. All of us in the naval program who have been in any way associated with him, as well as many others, have reason to regret his death.

Over the many years that I have been responsible for the Navy's nuclear propulsion program, my respect for this distinguished American has continuously grown. He was always available when I asked to visit with him. No matter how pressed he was for time he befriended and helped me. It was a comfort to be able to go to him for his wisdom, his objectivity, and his kindly advice. I am proud to have been associated with so fine a gentleman and patriot who did such honor to his country and to his state.

I speak from personal experience when I say that the support he unfailingly gave as a member of the House Appropriations Committee contributed immeasurably to our nuclear Navy—which is today a major factor in preserving peace. He was a wise man, a good friend; kind and warmhearted. His accomplishments will be better understood in the future.

As you know, I have the deepest respect for and faith in our Congress and the democratic principles upon which it is based. In testimony before committees of Congress I have frequently expressed concern over the continuous erosion of the power and authority of the Legislative Branch that has taken place in recent years. Congressman ANDREWS, through his position on the House Appropriations Committee, was one of those who consistently spoke and fought for what he believed to be right. It is only through the intelligent efforts of men such as he that our form of government will be preserved.

I sincerely regret his death. I can only hope that others who follow him will by his example guide their own efforts in strengthening the Legislative Branch—the only way to ensure that sovereignty continues to reside in our people.

Expressions of condolence always sound hollow and inadequate. But Congressman ANDREWS was so unusual a man in every respect that I can't help writing to say that I feel his death as a personal loss.

Respectfully,

H. G. RICKOVER.

Mr. JONES of Alabama. I now yield to the distinguished Speaker of the House.

Mr. ALBERT. Mr. Speaker, it was a sad Christmas morning last month when our former colleague, Armistead Selden,

called me to advise me that our distinguished friend and colleague GEORGE ANDREWS had died in Birmingham. It was a shock to me and it was a loss to this country and to this House.

When I first came to Congress in 1947, GEORGE was already a hard-working respected Member, and I have relied heavily on his judgment and friendship through all the years since. GEORGE ANDREWS was a member of the powerful Appropriations Committee from the beginning of his career in the House in March of 1944, and it was as the third-ranking member of the committee that he earned his reputation as a great public servant. Respect for GEORGE ANDREWS extended far beyond the House Chamber, and all of official Washington knew him as a man of principle, responsibility, and commonsense. He believed in a strong national defense, and he was a potent advocate of sound fiscal policy for the Nation. Both as dean of the Alabama congressional delegation and as a knowledgeable, hard-working fiscal watchdog, GEORGE ANDREWS was one of the most influential men in the U.S. Congress.

As is true with every successful Congressman, GEORGE's first love was his country and the people he represented for 28 years. His roots were in the community, and his dedication to his duties sprang from his deep concern for the welfare of the Third Congressional District of Alabama. He was elected to Congress while still serving in the U.S. Navy. But GEORGE's election in absentia was no surprise, for he had served the people of his part of Alabama as circuit solicitor since 1931 until answering his country's call to duty in World War II.

GEORGE ANDREWS thus devoted 40 years of unbroken service to the people of Alabama and America. He will be missed. His wisdom, eloquence, humor, and friendship were deeply important to the entire House of Representatives. My sympathy goes out to his wife Elizabeth and to his son and daughter. The loss is one we share with them. May the knowledge that GEORGE ANDREWS will be remembered for his exemplary public service and his great personal contribution to America sustain them in their grief.

Mr. JONES of Alabama. I thank the distinguished Speaker for those kind remarks.

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

Mr. JONES of Alabama. I yield to the gentleman from Alabama (Mr. BEVILL).

Mr. BEVILL. Mr. Speaker, it is with considerable sorrow and a sense of personal grief that I join with my colleagues in the House today in paying tribute to the memory of our beloved colleague, GEORGE W. ANDREWS, who passed away recently.

GEORGE ANDREWS was many things—husband, father, lawyer, legislator, expert in finance—and everything he did, he did well.

At the time of his death he was a veteran of 28 years' service in the House and third-ranking member of the Appropriations Committee. No Member of the House, to my knowledge, had more friends than he; and no wonder, for he was, indeed, an honorable and good man.

GEORGE ANDREWS received his law degree from the University of Alabama and practiced law in Union Springs. When America entered the Second World War, he received a commission in the Naval Reserve and served at Pearl Harbor until elected to the 78th Congress, in 1944. He was reelected 13 times without a defeat.

As a Member of the House, GEORGE ANDREWS supported fiscal responsibility in Government and strength in national defense. He was an ardent defender of our vital defense programs against the arguments of those who sought to compromise the military posture of the country in the name of economy.

As dean of the Alabama delegation, chairman of the Legislative Subcommittee of the Appropriations Committee, and a member of the Department of Defense and Public Works Subcommittees, he had considerable prestige, in addition to ability, and his counsel and advice were sought by Members on both sides of the aisle.

I would like at this time to express my high regard for the memory of this most remarkable man, and to extend my deepest sympathy to his wife and family.

In the death of GEORGE W. ANDREWS, the country has sustained a tragic loss.

Mr. JONES of Alabama. I thank my colleague from Alabama for his kind remarks.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

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

Mr. EDWARDS of Alabama. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I join with my colleagues in the House today in paying tribute to the life and service of Congressman GEORGE WILLIAM ANDREWS, of Alabama.

Among those who knew him well, and I consider myself fortunate to be included in this group, he elicited a deep and continuing friendship. These friendships were marked by great warmth and loyalty which transcended differences in age and political affiliation.

The beloved dean of the Alabama congressional delegation was a most worthy advocate—dedicated, energetic—committing all of his strength to the end of achieving the objectives which he had concluded were for the good of his Third District, Alabama, and the Nation.

When I first came to Congress, GEORGE was always available for advice and, through the following years as senior member of our delegation, he was a constant source of strength for all of us.

Especially this was true for me as I was privileged to serve with him on the House Appropriations Committee where he was the third-ranking member.

Representative ANDREWS always supported fiscal responsibility in government and strength in national defense as he worked for his country while serving as chairman of the Legislative Subcommittee and as a member of the Subcommittees for the Department of Defense and Public Works of the Appropriations Committee.

Our good friend will long be remembered for his energy, devotion, enter-

taining personality, and booming voice that always brought respect and an attentive ear. We will long cherish and remember his many stories and anecdotes about life and history for these brought so much pleasure to so many.

He was born in Clayton, Ala., on December 12, 1906, and he received his law degree from the University of Alabama in 1928. Soon thereafter he entered the practice of law in Union Springs, Ala.

Prior to his distinguished career of 28 years in the House of Representatives, Mr. ANDREWS served as circuit solicitor for the Third Judicial Circuit of Alabama from 1931 to 1943.

In World War II, he served as a lieutenant junior grade in the Naval Reserve at Pearl Harbor until his election to the 78th Congress. His election to Congress was quite a tribute to his character and record as a young man for he was elected while still serving his people in the U.S. Navy.

Mr. Speaker, it was with deep personal sadness that my wife, Jolane, and I learned of the tragic and sudden loss of our esteemed friend. We will miss him greatly, as will his lovely wife, Elizabeth Bullock Andrews; his son, Navy Lt. George W. Andrews, Jr.; his daughter, Mrs. Thomas Martin Hinds; his grandchildren and his many, many friends and admirers.

At this time, Mr. Speaker, I would like to include in this RECORD the following editorial which was published in the December 30, 1971, edition of the Mobile Register:

CONGRESSMAN ANDREWS

Not the people of his own Third District alone, but all Alabamians have lost the services of an able congressman in the death of Rep. George W. Andrews.

First elected in March 1944, Mr. Andrews served in the U.S. House for almost three decades.

More unassuming than conspicuous throughout his congressional career, he became an influential and effective member of the House. Dean of the Alabama delegation in the House, he was third ranking member of the Appropriation Committee and was one of three congressmen to serve on three major appropriations subcommittees—defense, public works and legislative.

He did a good job for his district, state and nation with a minimum of fanfare.

Mr. JONES of Alabama. Mr. Speaker, I now yield to our distinguished majority leader, the gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Speaker, there is little that I can add to the beautiful tributes which have been paid to one of our very distinguished Members, the late GEORGE ANDREWS from the great State of Alabama.

I know of no man who has commanded more affection among his colleagues than GEORGE ANDREWS. There is a reason for that, and it is not hard to explain. First, all of us respected his sense of dedication, his loyalty, his devotion to his district, his State and his country. I might say that I as well as anyone knew how very diligently he labored as a representative of the people. He came to the sessions of the House early, and he stayed until they were concluded, so he probably knew more Members well and intimately than any other Member.

Among his other attributes was his keen sense of humor. He was able, even in the most stressful situations, to see a bit of comedy in events, and often-times relieved tensions by recounting a story, usually about his days as a young lawyer in Alabama.

God in his wisdom takes us at his will and one never knows why or how. It is always difficult when a man as healthy and active as George was to be suddenly called away.

Every now and then he used to talk about retirement, but I do not really believe he was serious about it.

I had the sad duty to attend his funeral in his home city in Alabama on that beautiful December day. I went to his home and spoke with his lovely wife, Elizabeth, and his son and daughter. I was deeply moved by that magnificent and beautiful Alabama countryside where he had built his home. How nice it would have been had he been able to spend some of the later years of his life there. Yet, knowing our colleague, I think he was happier in the middle of the conflict serving his people, his country, and his State.

So we have indeed, Mr. Speaker, lost one of our ablest colleagues. He shall indeed live in the hearts and minds of all of us who have been privileged to have known him and loved him.

My wife was particularly close to his wife, Elizabeth. We feel we have not only lost a colleague but we have lost a very, very dear friend, almost a member of the family. To his family, my family expresses our deepest sorrow and condolence.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Alabama (Mr. FLOWERS).

Mr. FLOWERS. Mr. Speaker, I deeply regret the occasion for today's tribute to our departed colleague GEORGE ANDREWS.

We all regret this just as I do because we have lost a dear and treasured friend—all of us.

It was my good fortune to know him well these last 3 years since I have had the privilege of serving in the Congress.

It was my misfortune and my personal loss that I did not have the opportunity of knowing him a whole lot longer. He and his wonderful wife, Elizabeth, have befriended me and helped me in more ways than I could ever say.

GEORGE ANDREWS was a man who always made you feel better just to be around. He had a great capacity for love and friendship and good humor. He was a great and distinguished Member of this body for many years and will be sorely missed.

In Alabama he was widely known and loved as has already been shown. He believed in his State and he believed in his Nation. He believed a strong America was essential to order in this world that we all live in. GEORGE ANDREWS had strong convictions and was unwavering in those convictions. He was indeed what you could term a great American patriot. In addition, he was a rare and warm human being and a great friend to more people than almost anyone I have ever known.

We have all heard the saying—"They do not make them like that any more." I am not sure about that, Mr. Speaker, but I am sure that they do not make enough of them like GEORGE ANDREWS.

To his lovely lady, Elizabeth, and to his children and grandchildren and other loved ones, I would extend my deepest sympathy. We will all miss him deeply.

Mr. JONES of Alabama. Mr. Speaker, I yield to my colleague, the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Speaker, as the tributes of the Members here today have indicated, the loss sustained by the family of the late dean of the Alabama delegation, GEORGE ANDREWS, is shared by his colleagues here in the Congress and by the people throughout his beloved State of Alabama.

His service, his influence and his reputation went far beyond the bounds of his own congressional district. He was loved, respected and cherished by people throughout our State for his eloquence, his humor, his devotion to the people, his deep sense of patriotism, his responsible concern for the welfare of his country and for the service that he rendered not just to his own district but to his State and his country as well.

Within the last year of his life he rendered great service to the people of my city, of our State, and of our entire region in the work he did and the influence he extended toward the future funding of the Lurleen Wallace Memorial Cancer Institute in my city—but one example of many such acts of service to the people that mark the life of his legislative career.

To his family, on behalf of many of the people of my congressional district as well as my own family, I would express our heartfelt sympathy and our deep gratitude for the life of our distinguished former colleague.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from New York (Mr. ROONEY).

Mr. ROONEY of New York. Mr. Speaker, I was deeply shocked and profoundly saddened to learn of the passing of the Honorable GEORGE W. ANDREWS, a longtime colleague and friend. GEORGE and I came to the House of Representatives in the same year; in fact, he preceded me in taking the oath of office by just 2 months. For most of the subsequent 15 terms that he so ably served here, we were together on the House Committee on Appropriations and over those years there were few if any who surpassed GEORGE ANDREWS in ability, hard work, and devotion to ideals. He was a man of conviction, a man of honor, a man to whom all who knew him willingly gave admiration, respect and friendship. He was a man I was proud to call a colleague and above all a friend. We spent many a pleasant hour together over the many years and sometimes even discussed his home town of Union Springs, Ala. My longtime secretary, the late George Buchheister, was married to a girl from Union Springs whose father, the late Henry Steagall, was GEORGE's predecessor here in the House of Representatives.

Mr. Speaker, GEORGE ANDREWS was a warm, wonderful man and we shall all miss him dearly. To his lovely wife Elizabeth and his family I extend the Rooney's deepest sympathy on their great loss.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. I thank my colleague from Alabama, and wish to join at this time in the words that have been spoken here today.

Most of us feel so deeply in this instance that it is hard to put into words just how close and how dear GEORGE ANDREWS was to so many of us.

It was my privilege to serve in a seat beside him in the Committee on Appropriations. I left that seat a few moments ago while the committee was conducting defense appropriation hearings. To know a fellow all day long nearly every day in the year, or a big part of the year, is to know his character, and there never was a moment that the wonderful character of GEORGE ANDREWS was not clearly to be seen.

We have been hearing the wonderful qualities he had for leadership, as a husband, and as a father, and as an outstanding Alabamian in the field of public service. But beneath it all and with it all, he was a great man.

It has been said that those who leave us here in the Congress frequently are those whom we can least afford to give up. With GEORGE ANDREWS' untimely passing, we are losing one of the stronger voices in what he believed to be right—and many of us agreed with him.

One thing that he had that everybody does not have was the attribute that one never had to wonder where GEORGE stood. He let you know. Most of the time he was on the cooperative side with the powers that be in trying to make this country run. But when he was not, he made his position known, too.

I was in the committee some years ago when a chairman of the Committee on Appropriations and the ranking Republican member took GEORGE ANDREWS on, because that is the way it was. There was a project in Alabama that GEORGE believed in and had worked for, and it was opposed by the leaders on the Appropriations Committee of both parties.

GEORGE upset those leaders and won that victory by 18 to 17. There were not many of us who knew anything about the project except that GEORGE ANDREWS said it was right, and the majority of that committee voted with him against the leadership of both sides.

I am glad to know, as I mentioned earlier, that my colleague, the gentleman from Alabama, who has the floor today is sponsoring along with his colleagues, including me, the naming of this dam, which was such a signal victory, one of many for GEORGE W. ANDREWS.

To his wife, Elizabeth, and George, Jr., destined to be one of the fine young lawyers of Alabama, now in the Navy as was his father, and to his daughter, Jane, and the rest of his family, we express our deepest sympathy. We say that the works of GEORGE ANDREWS and the influence he had on the rest of us will

always live. He will always be remembered.

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

Mr. JONES of Alabama. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Speaker, I should like to associate myself with the remarks that have already been made today, and particularly the remarks of the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON), as well as the remarks of the gentleman from New York (Mr. ROONEY) and those just spoken by the gentleman from Mississippi (Mr. WHITTEN), because all of us have served on the Appropriations Committee with GEORGE ANDREWS for many, many years. These men have spoken eloquently today of the dedicated and devoted service GEORGE ANDREWS rendered his district, his State, and his Nation in working on that committee to eliminate unnecessary spending and for fiscal responsibility. I concur in all the remarks that have been made about the outstanding service GEORGE ANDREWS rendered as a member of that important committee.

But it is with a sad heart that I rise today to join my colleagues in paying tribute to the memory of this distinguished statesman and my longtime personal friend. I could hardly believe the news when I heard over the radio that he had passed away. We all knew, of course, that he had not been well over the holidays and preceding the holidays and that he had undergone surgery in Alabama. I had kept in close touch with his office staff and was encouraged to believe he was showing progress, and I had begun to look forward to the reopening of Congress in January hoping to see him back in good form as he was the last day I saw him here. So his sudden and untimely passing came as a distinct shock to me.

The friendship I formed with GEORGE began in 1954 when, upon my arrival in Congress, I was assigned to serve on the Appropriations Committee and on the subcommittee which handled the appropriations for the independent offices and agencies of the Government. GEORGE was on that committee, and I turned to him for advice and counsel and he always gave it freely. One cannot sit in a committee room for 5 hours a day 5 days a week for 2 or 3 months hand running without acquiring a close affection for the members who serve with one on that side of the table.

I spent many a pleasant hour following the hearings chewing the fat, so to speak, with GEORGE, reminiscing about our problems at home and our experiences. I, too, enjoyed his keen wit and his humor and his ability to tell an anecdote that would illustrate any point he might care to make. That friendship which began in 1954 extended itself outside the Halls of Congress and our families became close friends. His beloved wife, Elizabeth, and my wife have had a friendship down through the years that equaled the friendship which GEORGE and I enjoyed.

We spent many a social hour together, and visited back and forth with each

other. I had such a close feeling of friendship with GEORGE that his passing affected me almost as if he were a member of my own family.

But aside from this sense of personal loss, Mr. Speaker, I am thinking today of the loss which has been sustained by the people GEORGE represented here in Congress and of the loss sustained by the Nation. It is a tragedy that one so able and so distinguished in his service to his district, his State, and his Nation should be stricken down at a time when he still had so much to offer his country. It will not be easy to fill his shoes.

I am also thinking today, Mr. Speaker, of the sadness that has come to his beloved wife and family, and particularly his children. As great as is our loss and the loss to the Nation, it cannot begin to compare with theirs, although I hope and pray that they will gain some consolation in the knowledge that a host of friends have been mourning with them over his passing.

So farewell, GEORGE: dear friend, devoted husband and father, faithful public servant, effective Representative, patriot and statesman. You have left a monument more lasting than brass.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Louisiana (Mr. PASSMAN).

Mr. PASSMAN. Mr. Speaker, I would like to join my colleagues in paying tribute to my very dear personal friend, GEORGE W. ANDREWS, with whom I had the honor of serving many long and pleasant years on the Committee on Appropriations.

Throughout my long association with GEORGE ANDREWS I was not only impressed with his profound knowledge, but I was equally impressed with his true humility and concern for his fellow man. He was a wise man and a good Christian man. GEORGE always could find the time to advise with and counsel his colleagues and other friends; he always seemed to enjoy extending a helping hand whenever it was needed. It was for this profound and rare reason that he was not only my friend, but also, my treasured adviser. He was a great, unselfish soul, and I miss him greatly. I miss his counsel, his wisdom; I miss his personality, and it is with true sorrow that I now stand in this House knowing that he has passed on.

GEORGE ANDREWS will be greatly missed by his colleagues in the Congress and on the Committee on Appropriations. I am grieved by the loss of a loyal and true friend, and I should like to extend my heartfelt sympathy to his devoted wife and their two children.

Those of us closely associated with our departed colleague know that this world is a better place to live by his having lived in it.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Ohio (Mr. MINSHALL).

Mr. MINSHALL. I thank the gentleman for yielding.

Mr. Speaker, a shadow fell over the recess period for all of us when we learned of the untimely, unexpected death on Christmas Day of our colleague, the Honorable GEORGE W. ANDREWS, of Alabama.

As dean of the Alabama delegation, he was "Mr. Alabama" himself to many. Alabama-born and educated, he loved the people of his State and he served them with dignity, charm, and great and tireless ability. The third district elected and reelected him to Congress 14 times, recognizing that in GEORGE ANDREWS they had a wise and forceful Representative not only deeply devoted to their regional interests, but who shared their faith in, and was willing to fight for, constitutional government, a strong national defense, and sound fiscal policies.

His friendship and influence in the House of Representatives extended across political and ideological lines. I not only had the honor to count myself one of his host of friends, but had the additional privilege of working with him on the Defense Appropriations Subcommittee. I know first hand how well he served not only the people of Alabama, but the Nation as a whole, in providing this Nation with a strong defense and in acting as a watchdog on expenditures. His counsel was invaluable, he was a Member who commanded confidence and respect from all, a man of great character and principles.

Just as remarkable, after more than a quarter century in the Congress, during war and peace, depression and prosperity, turbulent times and calm, GEORGE ANDREWS' personality remained as engaging and charismatic as the first day he came to Washington. His wonderful sense of humor was sometimes subtle—sometimes direct; but it lifted our hearts even at the most somber moments.

The committees, the Congress, the entire country will miss this great American. We salute his memory today, and I wish to extend my deepest condolences to his lovely wife, Elizabeth, his daughter, Mrs. Jane Hinds, and his son, George W. Andrews III, a lieutenant junior grade in the Navy.

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

Mr. JONES of Alabama. I yield to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, like my other colleagues, I was extremely saddened to hear that one of our most esteemed colleagues, GEORGE W. ANDREWS, of Alabama, passed away last Christmas Day.

GEORGE ANDREWS was a good friend of mine—a close friend, even though we differed quite frequently on issues. We served together on the Appropriations Committee for over 20 years. We served together on two subcommittees and during that time I learned that GEORGE ANDREWS was a man of conviction and courage and unfailing good spirits. His candor and his sometimes blunt language were often instrumental in moving legislation that might otherwise have been the subject of a needlessly extended discussion. He took the floor only when he had something to say. And he said it well for he was a gifted speaker.

GEORGE ANDREWS was an able man. In his service on the Defense and Public Works Subcommittee and his chairmanship of the Legislative Subcommittee he carried out superlatively the duty of a Congressman in reviewing the operations

of the executive branch. He was conscientious, he was fair, he was critical. He used his considerable influence with restraint and discretion. Members would look to him for leadership because he was a man of good commonsense. He was a good lawyer and he brought honor to his profession. His stories of his trials as a prosecutor all held our interest.

All of us here will miss his down-home anecdotes and his special brand of humor which enlivened so many of our moments together. House Members are sometimes inclined toward taking themselves too seriously—an inclination which GEORGE ANDREWS deflated with great regularity. He loved his family. He was so proud of his son, particularly when he decided to become a lawyer.

Mr. Speaker, GEORGE ANDREWS leaves us a heritage rich in memories and public service. Truly his service in the Congress was a bright moment in its history.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Speaker, I would like to join my colleagues in expressing my profound grief for the death of our friend and distinguished associate, GEORGE ANDREWS. For 26 years he served his district, the State of Alabama, and the Nation faithfully and brilliantly. He was a man universally liked and respected by his colleagues, across party lines and sectional differences, for his loyalty, high principles, and patriotism. His achievements on the Appropriations Committee, where I had the privilege of working with him for many years, were an outstanding contribution to the building and maintenance of the strong national defense forces which protect our Nation and the free world today, and to fiscal responsibility in the management of the Federal Government. As chairman of the Legislative Subcommittee, he was the architect of many of the improvements in recent years in congressional staffing and facilities.

No man's life can be contained in a few short paragraphs of appreciation, but GEORGE ANDREWS will be sorely missed. In these days of confusion and rapid social change his unwavering patriotism and dedication to public service were an inspiration to all of us.

Mr. Speaker, as you know I generally sit to the Speaker's right in the last seat in the last row. Day after day GEORGE ANDREWS would come to me, touch me on the elbow and he would tell me a story in that wonderful rich baritone voice, type casting himself as "Mr. District Attorney."

Mr. Speaker, we would sit in the cloak room and he would tell us of these trials, his cross-examinations, the stories of his State and his people and his life. And, you know, nobody enjoyed one of GEORGE ANDREWS' stories more than did GEORGE ANDREWS. Halfway through he would start to laugh and his belly would bounce up and down—remember—and he would chuckle and chortle and smile and he would start all over again. We enjoyed that as much as the story itself.

GEORGE ANDREWS came here the term before I did. I came in 1945 and went on the Appropriations Committee. As you

have heard our colleagues say, Mr. Speaker, imagine that I sat next to him—not across the table, not on the other side—I sat alongside of him day after day, month after month, year after year for all these years, Mr. Speaker. My knee would touch his. We would whisper to each other jokes about admirals and comments about generals and we would say, "Oh, Mr. Secretary," or "General so and so," and "we have seen generals and secretaries and assistant secretaries come and go across this table like Greyhound buses, GEORGE would say."

So, Mr. Speaker, where am I going to get my peanuts now? I will not get any more peanuts. Peanuts from Alabama. I will not get any more smoked ham.

Mr. Speaker, I will not have to call again and say that I am going to a chamber of commerce dinner, will you tell me a joke to tell back in my district. He would tell me two or three jokes. Then, I would occasionally say in the hearing to some fellow who was a good witness—one occasion which I remember that GEORGE enjoyed so much—this I said to the witness "You are a gentleman and a scholar. There are only a few of us left." Well, ANDREWS collapsed on that one and for years he assured me every time he appeared anywhere to introduce anyone that he always told about FLOOD's story that he enjoyed so very, very much.

Then, we moved to the Congressional Hotel together. You have heard about Elizabeth. Mrs. Flood's name is Catherine. It was "Catherine and Elizabeth." He would come to our apartment. Sometimes Elizabeth would not come because she would be at home in Alabama, but he would come up and knock on the door. He always brought his own drink with him. As a rule he walked in the door with one in his hand. We would sit there, and we took care of the world and all of its problems.

Mr. Speaker, I could go on because he is listening; he is listening. He had big ears and a great heart. I will not recite the shock when the telephone rang, Mr. Speaker, and I answered the call.

It was that day, and I wondered—in my corner here for a couple of weeks, and I finally said, "Where is GEORGE?" He was here every day, you know. Every day, the first man to arrive and probably the last man to leave the Hall. Finally I said to somebody, "Where is ANDREWS?," and somebody said, "Don't you know? He is ill."

I tried to reach him on the phone, and I could not, but I sent him a wire because, as you know, 10 years ago I nearly died with a serious operation. He remembered, and he was in touch with me all the time, and every day ever since he would say, "How are you?" And I practically was considered the House invalid, you see, for the past 10 years.

So I sent a wire to GEORGE because I could not get him on the phone in the hospital. I said in the wire, "What are you trying to do? Queer my act?"

Elizabeth was there, and she laughed very much. She told me who the surgeon was—and I talked to him later—and the nurse, and two or three other people were in the room, and GEORGE, with that deep belly laugh and voice, got the biggest kick

in the world out of that, the night before he was operated on.

Remember, GEORGE?

He is laughing now.

Of course he is.

Well, there are so many things—but, Mr. Speaker:

He is not dead, as we that are left shall die. Age shall not weary him, nor the years condemn.

At the going down of the sun and in the morning

We will remember him.

And I will remember him.

Mr. JONES of Alabama. Mr. Speaker, I now yield to the gentleman from New Hampshire (Mr. WYMAN).

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

I might say it is a difficult time for all of us, but it is particularly difficult to follow the touching tribute just made by the distinguished gentleman from Pennsylvania (Mr. FLOOD).

Mr. Speaker, I rise in profound sorrow that this occasion should have come to pass, for our late lamented good friend and distinguished colleague GEORGE ANDREWS was a truly great American. More than this he was a dedicated senior member of the House Appropriations Committee whose steadfast devotion to the cause of national defense was reflected in his diligence on the Defense Appropriations Subcommittee to see that our military resources remained as unimpaired as possible in the midst of continuing pressures for increased domestic spending.

GEORGE ANDREWS was especially kind and gracious to me as a junior colleague ever since I came to Congress. Always with a thoughtful suggestion and a cheery smile, he was truly a great man. His service to America in the Congress was in the highest tradition of representative government. He could always be counted on to stand up for this Nation against the specious claims of the grandstanders seeking to curry favor with domestic pressure groups by calling for more money for special interests at the expense of deterrence of aggression upon the United States.

It is indeed a tragedy for America that the good Lord has seen fit to call GEORGE on high so early. He will be sorely missed for his ability, devotion, and courage is unequalled in the annals of the legislative branch. I join with his many thousands of friends and admirers in expressing deepest sympathy from myself and Virginia to Mrs. Andrews and the family of GEORGE. May God keep him in loving arms for he was a fine man and an outstanding American.

Mr. PEPPER. Mr. Speaker, like the other Members of this House and like many on the other side of the Capitol and many throughout this city and the country, I was immeasurably shocked and saddened when I heard of the untimely passing of GEORGE ANDREWS.

My distinguished friend, the gentleman from Pennsylvania, a while ago referred to himself quite naturally as GEORGE ANDREWS' closest friend on this floor, I think almost everyone of us had the feeling that we individually were his closest friend. Somehow he had that

quality about him that gave you that sort of feeling of intimacy. I know I felt especially close to GEORGE—maybe because we came from the same State—perhaps because he represented the area in which I was born and reared in east Alabama.

We often talked about my relatives and our common friends there and the places that meant so much to both of us.

When I came to this House, he seemed more than anybody else here to want to make me feel at home. I remember one day he asked me to sit down over there just on this side of the middle aisle right under the emblem on the ceiling "E Pluribus Unum."

He said, "I want you to look up there and see those words 'E Pluribus Unum.'" He said it does not mean in this House what it means on our great seal and on our currency. It is generally understood to mean "One from many." But in this House it means "One among many."

He said, "I want you to tell me after a while how you feel you like this body." He said, "It is a great body."

"There is great warmth of heart and lots of ability in this House and deep dedication."

I spent many, many happy hours in conversation with him on the floor here and at dinners and functions. I think he was one of the strong men of the House and we all, I believe, felt that he was. He was a man of great ability. He must have been a most effective prosecuting attorney. I certainly would have hated to be a defendant in his court because when he got through with the jury, the probabilities were that I would have been sent up for a long time if not hanged by the neck if I had been guilty of any serious crime in his court.

He was an eloquent man. He had a rich vocabulary and a great imagery and moving sentiment and deep feeling. He had all the characteristics and the qualities of a great orator. He loved the spoken word and he liked to hear it and to speak it himself. He was a man who was knowledgeable in what he spoke about on this floor. He did his homework and he spoke with deep conviction and moving persuasion when he spoke to us, his colleagues, on any matter which was the subject of his concern.

Mr. Speaker, in the passing of GEORGE ANDREWS this House has lost one of its most illustrious and distinguished Members; his family has lost a man of devotion unmatched; his district—an advocate unparalleled; his State—a great champion and lover; and every friend of his has lost a cherished friend.

My wife and I want to extend our deepest sympathy to his loved ones.

In concluding, Mr. Speaker, there comes to my mind the words in the refrain of an old hymn, and I speak them now about GEORGE:

Father, to Thy gracious keeping.
Leave we now our servant sleeping.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Texas (Mr. CASEY).

Mr. CASEY of Texas. Mr. Speaker, it is with sadness that I join my colleagues today, but it is also with pride that I

have the privilege of publicly proclaiming that I have been honored by the friendship of GEORGE ANDREWS.

When I first came to the floor of this House 13 years ago, one of the first to congratulate me and welcome me to this Chamber outside of my own delegation was GEORGE ANDREWS. When I met GEORGE and felt his hand clasp and looked him in the eye, I said "Here is a man who can be my friend, one I can depend upon and one who is going to help me learn and get through the trials and tribulations of joining this great body." GEORGE had great pride in this House and in being a Member of this House. He wanted to see it function to its best and to reflect a credit on this Nation's type of government.

We have heard many here today say how long they had known GEORGE, and it is a tribute to him that each wanted to let the world know how close he was to him and what a friend he was. But, you know, you did not have to know GEORGE very long in years or months to really know GEORGE ANDREWS the man, because he was not a complicated man. He had no farce about him. There was no sham about GEORGE ANDREWS. GEORGE ANDREWS was a man who, the minute you were around him any length of time, you knew you could depend upon. He was no halfway friend. He was not halfway in his dedication to his country, his family, his State, or his constituents. He was a man who made no effort to conceal anything, particularly with reference to his feelings for this body and this country.

He loved young people. My oldest son, who has now been practicing law for a little better than 6 years, visited here while he was in law school at the University of Texas, and I had the privilege of catching GEORGE in the hall one day and introducing him to Bob, Jr. He invited Bob, Jr. to his office and they visited all afternoon. Of course, GEORGE told his experiences. Now, the stories that GEORGE used to tell were not, if you will stop and think of some of them, simple stories. There was many a moral in his stories. There was a lesson in them. They were educational. They told of psychology. They told of rules of law. My son came back as a dedicated "GEORGE ANDREWS" man. When he heard of GEORGE's death, I think he mourned his passing just as much as some of our friends here on the floor.

I had the privilege of serving on the Legislative Appropriations Committee with GEORGE as my chairman for the past 6 years. That is not a glamorous committee. It is a work committee. It has work that has to be done. You make no hay at home with your constituents, and the committee membership has rotated rather rapidly. Many members of the committee like to get off that committee because they cannot make any political hay. But it is work that has to be done. As the process goes, many ahead of me left for other committees, and this past year I have been sitting right next to GEORGE. He kidded me. He said:

Bob, I am going to quit and give this thing to you and you will have the headache.

I said:

You wouldn't dare.

Mr. Speaker, I wish GEORGE was still my chairman. No one wants a chairmanship like that. When you have spent, day after day, more time with a man than you have with your own wife and family, you get to know him intimately, and I say to his beloved wife, son and daughter, please know that we share this sorrow in his passing.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Speaker, we are all acquainted with the Christmas hymn, "I heard the bells on Christmas Day." On Christmas 1971, they tolled for our distinguished and able colleague, GEORGE ANDREWS, of Alabama.

I do not know that I ever saw GEORGE ANDREWS when he was without a kind, courteous, friendly greeting. His speech was rich in the history of the House and he knew how to illuminate a difficult problem with a witty story. He was a man who would tell you a joke you had told him previously. He did this to me on more than one occasion, and once within a few months of his death, but when GEORGE got done with your story it was refurbished, remodeled, and improved so much that you realized it had been a mistake for anyone but GEORGE to tell the story in the first place.

Historically, I shall never forget his comments on the privilege it is to serve and work in the House of Representatives. As I have heard him state on several occasions:

You can become President of the United States without being elected. Many a Vice President has become President on the death of the incumbent of that office. You may become the governor of a state without being elected governor, going from lieutenant governor to governor on the death or resignation of a state's governor. You may enter the United States Senate by the appointment of your governor, and many have served there without facing the electorate. In fact, some are retired from that body by the electorate without ever having been elected to the body. The Supreme Court judges serve by appointment with no requirement of being elected, but the people's legislature is the House of Representatives. You can't take the oath of office as a Congressman unless the people have elected you. No one can appoint you to this body.

This is a bit of history GEORGE ANDREWS emphasized and all of us should keep it in mind.

One of GEORGE's opponents offered criticism that we all have heard. Speaking to a large political gathering he inquired:

When is the last time you saw your Congressman? When is the last time he was in your home or at your business? He's gone to Washington and forgotten us. He doesn't know you any more. Elect me and I won't forget you.

GEORGE told how he arose and said:

I ask all of you people to do me a favor, and I know it's not easy to do, but it won't take long, and I'll certainly appreciate it. Just look right here at me for a while.

GEORGE took out his watch and let it tick off 60 seconds. He said:

Now, when someone asks you when was the last time you saw your Congressman, you can say, "at 7:30 p.m., May 14, 1961, in 'Opalachatcha,' Alabama."

Now each of you wonder why I don't visit

as often as I used to do, in the days when I would drop in and drink a Coke with you at the drug store or stop at the feed store for a checker game. Well, I don't do that now. You've elected me, you've hired me as your representative in Washington. That job is in Washington, D.C. I'm busy attending committee meetings there, important votes, debating legislation on your behalf. As long as I bear that responsibility you will understand why you don't see me doing the social things that I would enjoy as we did before.

I particularly enjoyed many of GEORGE ANDREWS' stories because he had served many years in Congress with my predecessor, Clarence Cannon, chairman of the Appropriations Committee. I have heard GEORGE tell how Mr. Cannon appointed him to the Subcommittee of Appropriations on Foreign Aid. George said he told the chairman that he would accept the appointment but Mr. Cannon should know that he had never supported foreign aid and had always opposed it and voted against it. To which he said Mr. Cannon replied:

I knew the gentleman would vote his conscience.

It was GEORGE ANDREWS who related to me the story about Clarence Cannon and Champ Clark which GEORGE said Clarence had told upon himself. It involved the 1912 Democratic Convention in Baltimore where Champ Clark had a majority for number of ballots, but in those days the Democratic Convention required a two-thirds majority. The convention remained deadlocked, no one able to get the two-thirds majority. It was being held in Baltimore and when the weekend came they recessed over until Monday, and the men from Washington took the train up here as Clarence did. He then took the streetcar from the train station headed for his apartment. He was carrying, of course, his briefcase, and in his briefcase he had the Texas delegation. By that he had the background on all the members of the delegation from Texas to the national convention getting them to support Mr. Clark. Such interesting background information that might be imagined as to who owed money and who had different people employed in different places or various romantic interests.

Anyway, Mr. Cannon got off the streetcar at his apartment and realized that he had left his briefcase on the streetcar. It was never recovered. When they went back to Baltimore Monday, he was without the briefcase, the background on the Texas delegation. The Texas delegation went for the opposition and Mr. Clark, of course, lost the nomination in 1912. This is a story that GEORGE said he had heard Mr. Cannon tell several times, and that he said Mr. Clark never became angry with him, at least not visibly, over the loss.

GEORGE also told the story of public works appropriations and what must have been a day long removed from now. I may not have his figures exactly right, but I have the percentages he used correct. In those days the public works bill, as I recall GEORGE saying, was about \$1.7 billion, the total bill. And, he recalled Mr. Cannon saying, when he came into a committee meeting to mark up the bill:

I never knew I had so many friends until

the Public Works Appropriation comes up, then they all gather around me. They slap me on the back, they shake my hand, tell me what a great man I am and say, "put my project in." Then I say, "Well, if I do, that will raise the budget, raise our expenditures, and we've got these other projects that are quite important." The man will then say, "Ah, yes, I know. Take his project out, and put my project in."

So, on this particular day Mr. Cannon opened the meeting as chairman and said the Chair had one amendment to the bill. On line so-and-so, page so-and-so, change the figure \$1.7 billion to \$17 billion. He had put in all the public works requests that anybody had asked him for. Then he asked the clerk to call the roll. Of course, they started out, Cannon—aye, Mahon—no, Kirwan—no, and so forth. And all the votes were no, all the Democrats and all the Republicans voting no—except Mr. Cannon who cast his vote "aye." And, then he gave the report.

The ayes are 1, the nays are 37, the amendment failed. Then remarking:

Ah, I couldn't help my friends, but I tried.

GEORGE added that, of course, Mr. Cannon knew the amendment had no chance of passing; that he had been tempted to vote yes just to watch the reaction, but feared he would give Mr. Cannon a heart attack.

Alabama has produced many outstanding public servants from the days of William R. King through the present time. Oscar W. Underwood, William Bankhead, Lister Hill, GEORGE ANDREWS' service met the highest traditions of Alabamians in Government.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Georgia (Mr. BRINKLEY).

Mr. BRINKLEY. Mr. Speaker, it is with sadness that I join the dean of the Alabama delegation in paying my respects to my late and dear colleague GEORGE ANDREWS.

The Third District of Alabama stretches along the eastern portion of the State of Alabama, along the Chattahoochee River, which divides Congressman ANDREWS' district from mine, the Third District of Georgia. The twin cities of Phenix City, Ala., and Columbus, Ga., are there. Thus there was a great deal of mutuality of interest for GEORGE and me in that area—interest in projects on the river, in Fort Benning, and the people there.

Even predating that, my wife's family, the T. J. Kite, Jr. family, lived at Fort Mitchell, Ala., in Russell County. On many occasions I have heard Mr. Kite, my father-in-law, refer to GEORGE ANDREWS and his brother, and the greatness which was theirs, and the fact that the people loved them with a love which was deep and true. So I learned to respect him, and when I came to this body I found him to be everything he was said to have been.

We spoke together many times, reminiscing about the profession to which we both belonged, the lawyers we both knew, and the judges in Columbus before whom we had practiced.

At the end of every year we would go back home and make a TV report to the people. GEORGE ANDREWS was the star of the program. I carried his books, and I was proud to do so.

He was the frank, affable gentleman. In his gravelly, deep voice he would re-stress the values in which we all believed, and somehow there would be a sense of renewal at the end of every year, and the people would relate to him.

Late last year Dr. Avery from Oswichee Baptist Church, Fort Mitchell, Russell County, Ala., was chaplain of the day here. At that time I saw perhaps the zenith of the character of GEORGE ANDREWS. We were together with Dr. Avery and it was a mountain-top experience to be with him, Dr. Avery and his family.

I ate with GEORGE downstairs. I sat with him over there. We visited in his district. I remember very well the splendor of his story about the taxi driver. All of you have heard that touching account.

I have seen his pushing his grandchild in a stroller out behind the Longworth Building. I have felt his concern for Mrs. Andrews during her air travel.

So my memories of GEORGE ANDREWS will be memories of gratitude, that I knew him and that his way has become a part of me.

My wife, Lois, and I express our genuine, deep sorrow to the GEORGE ANDREWS' family.

Mr. KEE. Mr. Speaker, I thank the distinguished gentleman in the well for yielding.

Mr. Speaker, I think we shall all commend Mr. JONES of Alabama for giving us this opportunity in our inadequate and humble way to express our admiration and our respect for GEORGE ANDREWS.

I will not take much time, Mr. Speaker, but let me say that I was fortunate enough to have Mr. ANDREWS call me a friend. On several occasions I had problems affecting State matters and I would talk to him about it and he would look into it. Mr. Speaker, never once did he fail to follow through when he could do it.

Mr. Speaker, GEORGE ANDREWS can never be replaced to his family. All the money in the world could never replace the loss that is felt by his constituents, his State, our Congress, and the people of America.

In conclusion, Mr. Speaker, the best expression I know to use adequately to describe GEORGE ANDREWS is this—and I have to take the words of Shakespeare to do it—"This was a man."

Thank you very much.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Speaker, I join my colleagues in the House in expressing deep sorrow over the passing of an outstanding legislator, a great American and a personal friend, GEORGE W. ANDREWS.

When I first came to the Congress in 1963, GEORGE ANDREWS was already beginning his 11th term in the House. He was extremely proud of the fact, and rightfully so, that he was first elected to the Congress in absentia while serving his country as a young naval officer at Pearl Harbor in my home State of Hawaii during the World War II. His constituents had such great confidence in him that he was continuously reelected, so that at the time of his death, he was the 17th ranking Member of Congress in

years of service and the second ranking member of the House Appropriations Committee.

During those long years of dedicated service to the people of his district and the Nation, GEORGE ANDREWS remained true to his convictions. He measured each legislative proposal against his own principles, and voted accordingly.

Despite the fact that he and I often reached different judgments about various issues, I always knew that his position was the result of a thoughtful consideration of the arguments presented. He had a way of disagreeing with you without being disagreeable. On one occasion when I asked him for his vote on one of my bills he pleasantly declined by saying:

Well, SPARKY, I figured it out this way; a no vote is not going to hurt your wonderful pineapples one bit.

But once GEORGE ANDREWS had committed himself, one could be sure of the firmness of that commitment.

Mr. Speaker, we of the House of Representatives who were fortunate to know GEORGE ANDREWS have been enriched by his friendship and will miss him dearly. I extend to his lovely widow and children my deepest sympathy in their bereavement and ask that God's blessings be upon them.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. I thank the dean of the Alabama delegation for yielding to me at this time.

Mr. Speaker, I would like to join with everyone today in extending tribute to the family of Congressman ANDREWS and to the memory of our good friend GEORGE.

Mr. Speaker, I would like to just make one brief statement with reference to an incident which occurred to me which, I think, fairly illustrates what all of our colleagues today have been saying about Congressman ANDREWS.

Mr. Speaker, we have heard today about the influence which the Congressman had in his district; we have heard today with great eloquence the effect he had upon our country, upon the free world and certainly upon the people gathered in this House today and many who are not with us. However, I thought I would perhaps insert a word concerning the effect that GEORGE ANDREWS had on a 10-year-old boy named Michael and an 8-year-old girl named Andrea.

It happens, Mr. Speaker, that these two are my children.

On January 21, 1971, which was the swearing-in day, if my memory serves me correctly, because of the panic which attends dressing little children and getting them ready for a big event, I was late coming to the floor of the House, and as a result thereof most of the chairs were taken. I came in the door with the two children in tow. We walked in I am sure looking thoroughly befuddled and slightly bewildered by the effect of being sworn in, and amid all of the confusion we wandered up the aisle looking for seats, but there were none.

However, back in that seat slightly behind the gentleman from Georgia, (Mr. BRINKLEY) sat Congressman ANDREWS, a

man whom I had seen but to whom I had never talked. Without any prompting from me Congressman ANDREWS anticipated my quandary and very graciously and in a very courtly manner, which was his way, gave his seat to me so that my children, Michael and Andrea, might sit and view what was for us certainly a most memorable day.

It was, therefore, Mr. Speaker, my terribly sad duty to report to my family, and my children of Congressman ANDREWS' untimely death. Much as it affected the son of the gentleman from Texas (Mr. CASEY), Congressman ANDREWS' death affected my son, particularly because of his age, and my daughter as well.

Mr. Speaker, I would certainly like to take this opportunity which has been so graciously yielded to me, one who was not a long-time colleague of Congressman ANDREWS, nor a member of his committee, nor of his State delegation, to extend my deepest sympathy and that of my family to Mrs. Andrews and to the surviving children as well as to all the family members.

I thank the gentleman from Alabama very much for yielding to me.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON of California. Mr. Speaker, I rise at this time to pay tribute to our late colleague, GEORGE ANDREWS of Alabama.

Congressman ANDREWS was first elected to the House of Representatives while on Navy duty in Pearl Harbor in 1944 and for 25 years served the people of Alabama and the people of the United States in the House of Representatives.

I first came to know GEORGE in January 1969—I, as a freshman Congressman, and he, as an experienced subcommittee chairman. He was always kind, always considerate, and always willing to offer advice and counsel on individual problems.

But, I first came to know why he was so admired by the Members of Congress—from the most senior committee chairman to the newest freshman—when I contacted GEORGE regarding a project of utmost importance to me and to the future development of the Port of Los Angeles.

In order to meet the future needs of shipping the west coast to ports in the Pacific and the Far East, the Port of Los Angeles must expand its facilities. But before the port can expand, it must receive a permit from the Corps of Engineers. The corps cannot issue a permit until after a study has been completed.

I presented this problem to GEORGE and I presented the overwhelming evidence in support of the port study and the expansion project. GEORGE was convinced, and through his efforts we were able to convince the Congress to add \$250,000 to the President's budget in order to begin the Corps of Engineers study.

Universally recognized for his fiscal responsibility in Government, GEORGE was a valued ally in the effort to add funds to the budget—a task not easily undertaken, even by the most senior Member of Congress.

For the next 3 years, GEORGE pushed

this project as if it were his own. He advised me of the intricate maneuvers, the pitfalls, the friends and the foes of the project. He sheltered me from the critics and he provided me data from which to better defend the port expansion project.

GEORGE was effective because he was experienced and intelligent, but he was most persuasive, because his concern was so obviously genuine and sincere.

Mr. Speaker, we have lost a dedicated Member of Congress and the Nation has lost a great statesman.

Mrs. Anderson joins me in expressing our deepest sympathy to Mrs. Andrews, their son, George, Jr., their daughter, Mrs. Thomas Hinds, and their two grandchildren.

Mr. JONES of Alabama. Mr. Speaker, I now yield to the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, it has been a distinct pleasure for me to have served with GEORGE ANDREWS for nearly a decade. He was a man dedicated to his Nation, to his State, to his constituency, and to his family. A dependable colleague, he was a diligent innovator in the Appropriations Committee, serving as chairman of the Legislative Subcommittee.

I remember GEORGE ANDREWS as a man of great wit, a man of great dedication, and a man deeply concerned with the problems of this Nation. Affable and congenial, he was not only admired by all Members on both sides of the aisle, but he was also adored by the employees of the House as well. He loved this body, in which he served for 28 years. Perhaps one could say his highest personal fulfillment was service as a Representative from Alabama in Congress.

I remember GEORGE ANDREWS as the presiding officer over the ad hoc sessions in the Democratic cloakroom, entertaining us with stories about his years as district attorney in his own State. His great wit and delightfully enjoyable anecdotes are unmatched.

We will sadly miss GEORGE ANDREWS in the House of Representatives. I join my distinguished colleagues in mourning the loss of a great friend, outstanding Congressman, and fine American.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Speaker, I regret very much that I did not know of this special order because there are so many wonderful things I would like to have been better prepared to say about our wonderful friend, GEORGE ANDREWS. Words are really inadequate to relate one's deep personal feelings about a friend who has left us and surely gone to the Great Beyond.

Mrs. Fountain and I were shocked beyond words when we belatedly learned of George's untimely death.

Mr. Speaker, the mere thought that GEORGE ANDREWS will no longer be with us in body as well as in mind is a painful thought. Of course, like most of us, my wife and I came in contact with GEORGE and Mrs. Andrews at a variety of places and on a number of occasions. They are wonderful people to know and to visit with. Because of these and other contacts, Mrs. Fountain feels particularly close to Mrs. Andrews.

I cannot avoid reminiscing a little by just thinking of the many pleasant chats I have had with GEORGE ANDREWS behind that rail at the rear of this hall of the House, at times in jovial conversations but more often discussing seriously the problems of this Nation. We quite often exchanged views with one another before casting our votes in this body. We talked of family and friends. GEORGE felt close to my own great State of North Carolina not only because of his longstanding friendship with those of us who have been here in the House from North Carolina down through the years but also because he has a lovely daughter who with her husband has been in North Carolina for many years. So those of us in the North Carolina delegation are very close to GEORGE ANDREWS and his family for so many good reasons. Mrs. Fountain has spoken so often of the wonderful qualities of Mrs. Andrews with whom she has been and still is associated in the Congressional Club.

GEORGE ANDREWS was one of the most conscientious and dedicated men I have ever known. His convictions, when they were firm, were irreversible. He loved his country and behind those rails we shared together mutual expressions of concern about its future destiny. Whenever GEORGE ANDREWS cast a vote in this body on an important matter, he did so with conviction and without hesitation.

I did not have the privilege of serving on any Committee with GEORGE but I appeared before his subcommittee on several occasions. He was always courteous and kind. Whether in or outside this body he was a warm and genuine human being. He was not only an outstanding Congressman, but he was a dedicated one—dedicated not only to his country but to his fellow man.

GEORGE ANDREWS was a man who gave unselfishly of his time and great talents to the people of his district and State in the development of this great Nation. If ever a man was responsive to the wishes and needs of the people he served, GEORGE ANDREWS was. Of course, we in this House have lost a dear lovable friend, but the State of Alabama and this Nation have sustained a greater loss. Naturally his lovely widow, Mrs. Andrews, and the family have sustained a tremendous personal loss. If Mrs. Fountain were here with me today, I am sure she would say as I do now that we share with Mrs. Andrews her great loss. Together we will always cherish the memory of his friendship and our association with him.

Only those of us who really loved GEORGE ANDREWS know how difficult it is to even pay our personal tributes. This House will not be the same for some time to come because of his absence. But I can tell you this with confidence: His spirit—his immortal spirit—will remain with us. As long as I am here, I will feel the warmth of his presence behind that rail in the rear of this body. And I know I speak for both Mrs. Fountain and myself when I say that our deepest sympathy and our thoughts and our prayers are with Mrs. Andrews and all of her family during their hours of sorrow.

Mr. JONES of Alabama. Mr. Speaker,

I now yield to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Speaker, I am here this afternoon to join in this eulogy because I admired and respected GEORGE ANDREWS. Even if this had slipped my mind, my staff would have reminded me because GEORGE, in going from the northwest corner of the fourth floor of the Rayburn Building over to the southeast corner to go down the elevator to go over to the Congressional Hotel where he lived, on an average of two or three times a week would stop in the office around 6 o'clock in the evening or afterward. He would always have a story for those of the staff who were still there. They looked forward to those evening visits because his stories were not just entertaining—each of them carried a message worth remembering. And so this afternoon my staff said to me, "You be over there on the floor."

The same was true on Saturday mornings. When GEORGE came by on Saturdays it sort of lessened the pain of the staff to have to work, knowing that GEORGE would stop by the office, either on the way to his office or on his way back to the hotel.

In preaching the memorial services for our distinguished and beloved colleague, the Chaplain of this House, Edward G. Latch, down in the little church in Union Springs, Ala., said that GEORGE was born in Alabama, educated in Alabama, loved the people of his community, the people of his district, and the people of Alabama.

Reverend Latch could have gone much further than that and pointed out that he loved his colleagues here in this House and he loved everyone he ever knew. I am sure GEORGE had no enemies. He never entertained any grudges or grievances.

If we try to characterize a man by what we remember, my best recollection of GEORGE would be of one who would take the well and speak his mind, leaving no doubt where he stood. He said what he meant and meant what he said. I particularly recall one of his very eloquent speeches about our sad conflict in Vietnam. He told the House exactly where we stood. His eloquence was so great that the result belied the comment we hear so frequently that very few votes are ever changed from a Member speaking on the floor.

I know I have heard our colleagues say, "Well, GEORGE has just about convinced me why we should follow his lead."

Like my colleague who spoke just a few moments ago, I feel inadequate today because I have not had an opportunity to draft into words remarks fitting to this eulogy.

GEORGE was always willing to assist his colleagues. He was always thoroughly well informed concerning the business before the House, to whose service he was entirely dedicated. As a Member of Congress, he was a compassionate and understanding student of his fellow man and of his country's national issues.

His public career spanned 40 years of devoted service. After obtaining a law degree from the University of Alabama, he sought and won election in 1931 to the office of circuit solicitor—now that of

district attorney—which he held until he entered his country's naval service during World War II. He was elected to Congress while still on active duty in 1944 and reelected continuously thereafter. In all, he won 14 consecutive terms and was never seriously opposed, so profound was the respect and fondness in which he was held by the people of his district. For his first election, he was not even present to campaign, but nevertheless he was overwhelmingly elected in absentia; in one of the counties of his district during that election, he received every vote but one.

In time he became the able chairman of the House Appropriations Committee's legislative subcommittee and a distinguished member of its Defense and Public Works Subcommittees. His long service on the Appropriations Committee was marked by arduous and insightful dedication to the complexities of the appropriations process.

In sum, he well served his country, his State, and his district. He inspired confidence and respect in his constituents and his colleagues. The memory of this great man will remain forever fresh in the recollections of all who had the honor and pleasure of associating with him.

At this time, all of us extend our deepest personal sympathy to his widow, Elizabeth Bullock, to his son, George W. Andrews 3d, who I understand is now in the Navy, and to his daughter, Jane Andrews Hinds, in their terrible loss.

I am sure they can take comfort and consolation in the knowledge that all of the respect and affection we have expressed here today for their late husband and father was merited and everyone of his colleagues loved GEORGE.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from South Dakota (Mr. DENHOLM).

Mr. DENHOLM. Mr. Speaker, on an occasion and at a time and by an author I do not recall, certain words were written to explain the despair of men. Those words were in part a philosophy expressed—fashioned something like this.

"I sought my God and he eluded me.
I sought my Soul and that I could not see.
I sought my Brother, and I found all three."

I was not privileged to know GEORGE W. ANDREWS for the years that you gentlemen knew him. I served in this Assembly with him for less than 1 year. I do not know all the other things that he was during his life—but I knew him to be a gentleman. I knew him to be a scholar. I believed him to be a statesman. But I found him to be more than that—I found him to be in his social conduct toward me as a brother—a brother not only in this Assembly and as a colleague, but a brother in the sense that he understood the problems of others. He gave a lifetime of service to others in his private affairs and in his public responsibilities.

It is in this way that I shall remember him. Yes, and in a commonly accepted traditional sense we know that GEORGE W. ANDREWS is dead. In another way I believe he lives—for life is time and time is life. We can measure life in years or in deeds. I will remember my colleague as a man of deeds—and in that respect he lives. His works are marked on the

annals of history—his tributes are not mere tombstones of the dead but rather his life is a memory of a tower of deeds for the good of all men. He was my neighbor, he was my friend—I shall miss him.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from South Carolina (Mr. McMILLAN).

Mr. McMILLAN. Mr. Speaker, I want to join my colleagues in paying tribute to our late colleague, GEORGE ANDREWS. I was distressed to learn of Congressman ANDREWS' passing.

I do not know of a single enemy that GEORGE ANDREWS had on the floor of the House, and he was a great entertainer during the long hours of debate when we had some leisure time in the cloakrooms. I talked with GEORGE before he left for Alabama, and he did not even mention he was contemplating having a check-up at the hospital.

Our Nation and the entire world is certainly a better place to live by having GEORGE ANDREWS serve as a Member of this body. He was a great believer in solvent government, and a great protector of the Constitution. I do not know of any man that had more first-hand information on the courts in the United States and especially the courts in the State of Alabama. He was a great leader and a great statesman, and I am certain he will go down in history as one of our finest lawmakers.

Mrs. McMillan joins me in expressing our deepest sympathy to Mrs. Andrews and the children.

Mr. JONES of Alabama. Mr. Speaker, I yield to the gentleman from Washington (Mr. HICKS).

Mr. HICKS of Washington. I thank the gentleman for yielding.

Mr. Speaker, virtually all who have spoken here today are far more eloquent than I, and it is not necessary to stand here and say what a great man GEORGE ANDREWS was for GEORGE himself, for he knows how all of us feel, I am sure; but for those who are left behind we have the eulogies, and I just want his widow and family to know that one Member of this House who comes from the far northwest, the State of Washington, felt himself extremely privileged to be able to call GEORGE ANDREWS a friend.

I did not know him as long as many of you, not nearly as long as I would like to have known him. But I got acquainted with GEORGE on Saturdays, because he was generally around here and I was here. I would pass him, too, occasionally in the morning as he walked down C Street to the Rayburn Building as I was on my way to the Longworth Building. We stopped, particularly in fine weather, and chatted for a few minutes. I learned a great deal from GEORGE ANDREWS about how business here in the House should be conducted.

The country is the poorer for his passing.

Thank you for letting me say these few words.

Mr. EVINS of Tennessee. Mr. Speaker, I want to take this means of joining with the delegation from Alabama and other Members in paying a brief but sincere tribute to the memory of our late and be-

loved colleague, Congressman GEORGE ANDREWS of Alabama.

I was deeply shocked and saddened to learn of the tragic and untimely passing of our colleague with whom I served for a number of years on the Committee on Appropriations and with whom I had a deep, close, and personal association during our period of service together.

GEORGE ANDREWS was the third ranking member of the Committee on Appropriations and not only did he serve on the Subcommittee on Defense Appropriations, he served on the Subcommittee on Atomic Energy Commission and Public Works Appropriations which I am honored to serve as chairman. He also served as chairman of the Subcommittee on Legislative Branch Appropriations.

He was vitally interested in the development of public works and water resource projects throughout the Nation and in the development of nuclear power for defense and peace.

GEORGE ANDREWS was not only an able legislator, he was highly respected and esteemed by his colleagues. He served his district ably and well, and his State and the Nation with fidelity and patriotism.

In addition, he was a warm and genial gentleman—a great human being, a personable, considerate man, and a great raconteur who had a wealth of anecdotes and enjoyed telling his wholesome stories to his colleagues and constituents.

He was forceful and effective in debate, and had at his command a wealth of knowledge concerning budgetary and fiscal matters.

He had an outstanding career of public service, beginning with his service as a circuit solicitor in Alabama.

GEORGE ANDREWS will be greatly missed and my wife joins me in extending our deepest and most heartfelt sympathy to Mrs. Andrews and members of the family in their loss and bereavement.

Mr. SISK. Mr. Speaker, I should like to join with my colleagues in honoring the memory of our much beloved colleague, the Honorable GEORGE W. ANDREWS, who so unfortunately and suddenly departed this life on Christmas Day last.

I had known GEORGE well for the past 17 years and held him in the highest respect and affection. In addition to his qualities of personality and humanity, he was a most able legislator.

Some of my committee assignments bring me in close contact with the house-keeping chores of the House itself, and as chairman of the Legislative Appropriation Subcommittee, GEORGE always saw to it that expenditures of the House on its own operations were adequate to do the job, but always kept an eye on economies to avoid extravagance.

His life and works will long be remembered by us here, the people of the Nation, and especially the grateful people of the Third District of Alabama. Mrs. Sisk and I join in expressing our sorrow to Elizabeth and the children.

Mr. WAGGONER. Mr. Speaker, I was deeply saddened to learn of the passing of my close friend and colleague, GEORGE W. ANDREWS, on Christmas Day. As tinsel and carols brightened most hearthside, tears dimmed the eyes of

those close to this man devoted to his family and his people of Alabama.

GEORGE was dean of the Alabama delegation and a ranking member of the Appropriations Committee. During his nearly 28 years in office, he developed an all-encompassing knowledge that we all will sorely miss.

The Nation has lost a truly dedicated public servant. Alabama has lost an outstanding statesman and citizen. My deepest sympathy goes out to his loved ones at this trying and difficult time.

Mr. SLACK. Mr. Speaker, I join today with the many other Members who speak in tribute to our late colleague, Congressman GEORGE ANDREWS of Alabama.

For over 10 years it was my privilege to serve with him on the Committee on Appropriations, and during the 89th Congress I was a member of the Legislative Appropriations Subcommittee of which he was chairman. Of all the Members it has been my privilege to know during my seven terms in the House, GEORGE ANDREWS perhaps came closest to typifying the quiet but steadfast American—quiet humor, quiet determination, and quiet insistence that responsibilities be discharged in the public interest.

Our country will never have too many men, and the Congress will never have too many Members, like GEORGE ANDREWS. They stand in public life like the great trees of our forests, and when they are cut down there are no ready replacements. But they leave behind a standard of rectitude and public responsibility toward which our system can model replacements.

My association with GEORGE ANDREWS will always be one of the high points of my years of service in Congress. This was a man of substance, and we are all the poorer for his untimely passing.

Mr. MORGAN. Mr. Speaker, I want to join with my colleagues in expressing my sadness at the passing of GEORGE W. ANDREWS and my awareness of the loss that our country and the House of Representatives has suffered because he can no longer continue the responsibilities that we have come to depend on him to carry.

GEORGE had been in Congress a few months before I came here in 1945 at the beginning of the 79th Congress, and we served together for these many years.

I remember talking to him here, on the floor, during the last days of the last session. It is difficult to realize that he is no longer with us.

GEORGE won the respect of the House for his hard work and penetrating analysis, particularly as a member of the Committee on Appropriations.

Although I did not see eye to eye with him on foreign aid, and occasionally on other matters, I always welcomed his views; and his knowledge of the facts and presentation of the issues involved made a valuable contribution to the work of the House.

All of us are aware that the passing of GEORGE ANDREWS is a serious loss to the Committee on Appropriations of which he was a senior member. He was a diligent worker and a wise counselor. It will take a long time for that committee to make the readjustments necessary for it to carry on.

I want particularly to extend my sympathy to his family. They may derive comfort from the fact that GEORGE ANDREWS rendered distinguished service to his country and that he was held in the greatest esteem by his colleagues in the Congress.

Mr. DULSKI. Mr. Speaker, all of us were saddened to learn of the passing on Christmas morning of the Honorable GEORGE ANDREWS of Alabama.

I am proud to have been able to count GEORGE ANDREWS among my best friends in the Congress. He had been here 14 years when I came to Congress, and already had gained high respect among his colleagues.

He literally shunned the limelight, but he compiled a distinguished career as a legislator and dedicated public servant. GEORGE ANDREWS was serving as a circuit solicitor in Alabama's Third Judicial Circuit when he joined the Navy in 1943. He was on duty at Pearl Harbor the next year when he won a special election to fill a congressional vacancy.

He soon received appointment to the all-powerful Appropriations Committee, working his way up the ladder to third ranking Democrat and chairman of a subcommittee.

GEORGE ANDREWS was outspoken in favor of constitutional government and fiscal responsibility. He devoted many hours of every working day wrestling with our Federal budget, looking not alone at the figures, but rather weighing as well the use of the funds to aid those in need and to protect our Nation's military posture.

I recall very well that day about 3 years ago when he invited me to his office to meet a visitor from Alabama. It was the new President's nominee-to-be for Postmaster General, Winton M. Blount.

With typical thoughtfulness, GEORGE ANDREWS simply thought I should be one of the first to meet the Cabinet-Member-to-be with whom I would be dealing very closely in my committee work.

GEORGE ANDREWS was a great friend and a true gentleman. He is greatly missed as we convene for the second session and I take this opportunity to extend my deepest sympathy to his lovely wife and family.

Mr. PREYER of North Carolina. Mr. Speaker, serving in the House of Representatives will not be as much pleasure in the future because of the absence of GEORGE ANDREWS. We are all diminished by his loss. He was one of nature's gentlemen and it made you feel like a better man just to be associated with him.

As a relatively new Member of the House, I particularly appreciated his kindness and thoughtfulness to the new Members. He expressed this to those of us who were grappling with the confusions of beginning to serve in Congress not just through generalities or courtesy, but also through very practical and hard-headed advice.

GEORGE was beyond any doubt the best raconteur in the House. Many of us urged him to put in writing his recollections and stories accumulated through the years of service in the House. He was a repository of anecdotes and wisdom going back through the years. We will all be the poorer for losing his knowledge

and experience and his marvelous sense of humor.

I extend my sympathy to his wife, Elizabeth, and to Jane and Tom and George, Jr.

Mr. ABERNETHY. Mr. Speaker, the passing of my colleague and warm personal friend, GEORGE ANDREWS, left me in a state of deep sadness. We came here together in the 78th Congress. Throughout these many years we have been close friends.

GEORGE was not only one of the strong and powerful Members of this body, he was one of the most effective. Blessed with a strong, powerful, resonant voice, and beautiful control of the English language, he was unsurpassed as a debater. He was also blessed with a most attractive sense of humor. He loved to tell humorous stories and reflect on interesting experiences of his life as a lawyer and a State prosecutor.

As a strong constitutionalist, he was always found to be standing firm against moves which tended to stretch and twist the clear and plain meaning of our fundamental law, the Constitution of the United States.

The people of the great State of Alabama were proud of GEORGE ANDREWS. Although he represented a district in the far southeast corner of the State, he was as well known, as highly respected and as beloved in one section as in any other. And he rightly should have been, because he did so much for his native State and district which honored him with 15 terms in this body.

GEORGE ANDREWS loved this country. He was a patriot and a statesman of the highest order. He wore the uniform of and fought for his country in time of war and served it well in time of peace.

Finally, Mr. Speaker, GEORGE ANDREWS was a gentleman—a clean, honorable, and scrupulous man. He was also a devoted husband and a kind father. I sympathize deeply with his wonderful wife, Elizabeth, and two fine children. Their loss is great; and so is that of this body and this Nation.

The benefits of the life of public service rendered by GEORGE ANDREWS will last for years and he will be long remembered as a man among men.

Mr. FISHER. Mr. Speaker, the late GEORGE ANDREWS was one of the most able and respected Members who has served in this body during the time I have been here. He was a sincere, dedicated patriot in every sense of the word. It has been said that a politician is one who thinks and acts in terms of the present, and a statesman is one who thinks and acts not only in terms of the present but also in the context of the future. In that respect GEORGE ANDREWS was every bit a statesman.

As a chairman of a Subcommittee on Appropriations, GEORGE provided leadership and direction, based upon sound judgment and expert knowledge.

GEORGE ANDREWS always voted his convictions. Any form of demagoguery was repulsive to his nature. Consequently, his voting record in the Congress was among the best.

Our departed friend was affable and friendly. In all things he practiced

modesty and restraint. He was universally admired and respected by all who knew him. His record here speaks for itself. In all things he put the best interests of the country ahead of partisanship and expediency. His influence and his example will be recognized and applauded for many years to come.

To me I have lost a valued friend. To his State of Alabama, and to the entire Nation, the loss is indeed severe. I extend my deepest sympathy to Mrs. Andrews and the entire family.

Mr. JONES of North Carolina. Mr. Speaker, there are a few chosen people in this world who during their lifetime bring joy and happiness with whomever they come in contact. Certainly the late GEORGE ANDREWS was in this special group.

In addition to being a dedicated public servant and having served the people of Alabama and this Nation in many capacities, he kept the most important traits of all, that of warmth and humor. As we all know, he was considered one of the most popular Members of the U.S. House of Representatives.

It would not be enough to remind ourselves of his friendly personality and not refer to his influence and dedication to duty which he displayed at all times as a Member of the Congress. It was a pleasure to see him in action on the House floor as he would present the appropriations bills out of his Legislative Committee on Appropriations which he served so ably as chairman, as well as his participation in public works legislation.

Certainly the State of Alabama has lost a valuable public servant, but all of us here in the House feel a sense of loss and extend our condolences and best wishes to his family.

Mr. FLYNT. Mr. Speaker, I join the Alabama delegation and others in paying tribute to Hon. GEORGE W. ANDREWS, late a Representative from Alabama. GEORGE ANDREWS departed this life on Saturday, December 25, 1971, at the University Hospital in Birmingham, Ala., following surgery.

Representative ANDREWS will be especially missed by the people of the Third District of Alabama, but he will also be missed by the people of the State of Alabama and of the United States. He was a valuable Member of the House of Representatives. He was a devoted Representative of his district and State. He was a good friend who will be missed by all of us who were fortunate to have been included among his friends.

He and I represented adjoining districts and as such we frequently participated in the community and civic affairs of the Chattahoochee Valley area which lies astride the Georgia-Alabama boundary. The Chattahoochee Valley community stretches from West Point, in Troup County, Ga., into Alabama and includes the Alabama communities of Lanett, Shawmut, Fairfax, and Riverside. This community shares a common interest and is closely knit in its economic, social, political, and cultural ties. He and I frequently joined the other, both in the Georgia segment or in one of the Alabama segments of the valley, and for 17½ years we worked very closely together on

matters which were of interest, concern, and importance to the people of this area.

During this period of time we worked together on the authorization and the obtaining of appropriations for the West Point Dam and Reservoir on the Chattahoochee River. We both attended the ground-breaking ceremonies for this project. Several years later we attended the ceremony at which the first concrete was poured, and less than 2 months ago, we began making plans for our joint participation in the formal dedication exercises for this project which is now nearing final completion. When this formal dedication takes place, GEORGE ANDREWS will not be with us. Although he will be physically absent, the thousands of people present will remember his devoted and untiring efforts in behalf of this project and of the entire valley. His memory will be strong and fresh in the hearts and minds of those who will be present. I am personally grateful to GEORGE ANDREWS for his encouragement, advice, and valuable assistance which he gave to me during the time we served in Congress together.

I did not know GEORGE ANDREWS until the decade of the 1950's, but I distinctly remember reading that he was elected to Congress on March 14, 1944, to fill the vacancy caused by the death of the late Henry B. Steagall. I was serving with the U.S. Army in the European Theater of Operations at that time, and GEORGE ANDREWS was serving on active duty with the U.S. Navy at the time of his election to Congress. He completed the unexpired term of the late Representative Steagall and was subsequently reelected for 14 full terms.

GEORGE ANDREWS and I formed a warm and lasting friendship immediately after my own election to Congress in 1954. His wife, Elizabeth, and my own wife, Patricia, have also been good friends during this period of time. His son, George Andrews III, and my son, John III, have been good friends since they were each about 9 years old, and both of whom are now practicing lawyers in Alabama and Georgia respectively.

In my opinion, GEORGE ANDREWS was one of the most able Members of the House of Representatives and of the Committee on Appropriations. His ability, his judgment, and his good commonsense will be sorely missed by this body and by this Nation.

On Monday, December 27, 1971, Mrs. Flynt and I drove from our home in Griffin to Union Springs, Ala., to join with GEORGE ANDREWS' loved ones and friends in paying our respects and our solemn tribute to him. I am glad that we were able to be present to express our affection for the Andrews family and to pay our homage and respect to a departed friend. GEORGE ANDREWS leaves a legacy of outstanding service in war and peace to his country, his State, and the people of both.

Mrs. Flynt and our children join me in our sympathy, affection, and condolences to Elizabeth, to their daughter Jane, and their son George. We share their loss.

Requiescat in pace.

Mr. FULTON. Mr. Speaker, the death 1 month ago today of GEORGE ANDREWS,

dean of Alabama's House delegation and one of this body's most respected Members, must serve as a source of regret to every House colleague.

Mr. ANDREWS, working for his country and fellow citizens as a lawyer and Naval Reserve officer prior to his election to Congress in 1944, rendered a yeoman's first-term service to the Committee on Expenditures in Executive Departments, the Roads Committee, and the Committee on World War Veterans' Legislation. Subsequent terms found GEORGE ANDREWS gaining in knowledge and in House responsibilities until, at the time of his death, he had risen to the chairmanship of the Appropriations Committee's Legislative Subcommittee, and attained ranking memberships on the Appropriations' Defense and Public Works Subcommittees.

My deepest sympathies go now to the Andrews family. Surely, each of us who knew GEORGE ANDREWS, worked with him, and watched him in action recognizes that our House body has lost a vital Member. Each of us also recognizes that with the death of GEORGE ANDREWS, we lost a colleague for whom the terms honorable, distinguished, and friend most certainly applied.

Mr. BURLESON of Texas. Mr. Speaker, I join with my other colleagues in calling to our fresh memory our esteemed and faithful associate in this House for many years, GEORGE ANDREWS. As has already been said by a number of you, there has never been a more able, more dedicated Member of this body than was GEORGE ANDREWS. He earned the respect held for him by his ability, his fairness, his loyalty to friends, but most of all, his complete devotion to duty.

GEORGE ANDREWS will be missed here in the Congress. His passing from the scene is not only a loss to the people whom he represented, but to the State of Alabama and to the Nation.

I extend my sympathy to his wife, Elizabeth and pray for her comfort and well-being in her great loss.

Mr. HALEY. Mr. Speaker, when the House of Representatives convened last week, many of us were saddened with the thought that GEORGE W. ANDREWS would not return. His sudden passing on Christmas Day was a shock to the Members of this House of Representatives. His presence will be missed not only by his Alabama colleagues for whom he served as dean of the delegation, but by all Members who had had the opportunity to know the compassion and the humor of this fine man.

It was my privilege to serve with GEORGE ANDREWS for 19 years. He was a friend for whom I had the deepest respect and admiration as a man and as a legislator. He gave long and distinguished service to his district, State, and Nation. He was a true conservative in the finest sense of the word. We need more men of his character and his ability in the Congress.

GEORGE ANDREWS was a kind and gentle man. During the busy days and nights of this session, GEORGE ANDREWS' absence will be felt by many, because it was he who so often lightened our load and made the long hours a little shorter with

his good humor. As a storyteller none was his master.

His leadership will be missed in the Alabama delegation. All of us who knew him well will miss his wise counsel and his warm fellowship.

Mrs. Haley joins me in extending to Mrs. Andrews and her family our deepest sympathy and kindest thoughts.

Mr. BRASCO. Mr. Speaker, it was my privilege to serve in this Chamber with GEORGE ANDREWS of Alabama for almost three terms. As a new Member of this body, I found him warm, open, understanding, and willing to pay more than just a minimum amount of attention to a new Member from a part of our country far removed from his own congressional district.

That kindness was repeated often and has not been forgotten. As an outstanding member of the strategic Appropriations Committee, he was in a position to exercise far more leverage than he actually chose to in fact utilize. If a Member had some difficulty with a critical piece of legislation, GEORGE ANDREWS always had a ready ear and a willingness to understand what the actual situation really was. Again, it was a rare combination of character traits that this thoroughly decent man possessed.

Never in my experience here and my service with him did I find a closed ear or heart. He chose to work quietly and with discretion on behalf of his district, State, and country.

Over the years, he made a series of significantly important tangible contributions to this body, his State, and our Nation. Men like him are altogether too rare these days, and it is all America's loss that this is in fact the case.

Most Members of this House know well how fine a person he really was. All of them mourn him with a fine appreciation of the vacuum his departure leaves.

I shall miss him very much and extend at this time the heartfelt sympathy of Mrs. Brasco and myself to his bereaved family.

Mr. HOLIFIELD. Mr. Speaker, with the passing of my old and good friend, the Honorable GEORGE W. ANDREWS, on December 25, 1971, I felt a deep sense of personal loss.

GEORGE and I took our seats as freshmen in the 78th Congress. We held neighboring offices in the Rayburn Building for several years. He never failed to stop and exchange pleasantries with Mrs. Holifield and me, often passing on one of his countless humorous stories.

GEORGE ANDREWS was a great American and an able legislator. He always spoke and voted according to his personal principles, with meticulous courtesy and without bitterness. The House of Representatives will miss him, the Committee on Appropriations will miss him, and Mrs. Holifield and I will miss his friendship and ready wit.

Mr. MONTGOMERY. Mr. Speaker, I would like to commend my colleague, Congressman JONES, and other members of the Alabama delegation for securing this time to pay tribute to the late GEORGE W. ANDREWS. As dean of the Alabama delegation, I am sure he was a guiding light in their decisions on

policy. I know he provided much guidance to Members of the Southern caucus in the House. He was most helpful to me when I began my first term in the Congress 5 years ago.

I was particularly impressed with GEORGE ANDREWS, because he always had the time to talk with you and readily gave of his assistance and counsel when it was sought. GEORGE spent a considerable amount of his time on the House floor when we were in session making him one of the most knowledgeable Members on legislation.

In less serious times, the late Congressman ANDREWS could not be surpassed for his storytelling ability. He was a man of extraordinary wit that had the ability to make one's daily problems seem less burdensome by sharing an amusing anecdote with you.

Mr. Speaker, GEORGE ANDREWS will be sorely missed in this Chamber and by those people whom he represented in Alabama's Third Congressional District. But by the same token, I am thankful that his native State and this Nation had the benefit of his untiring service for almost 30 years.

Mr. RHODES. Mr. Speaker, by the death of GEORGE ANDREWS, Congress has lost one of its finest Members. In his 27 years as Representative of the Third District of Alabama, he stood not only for the highest ideals and principles of service to his constituents, but to all the citizens of the United States. He was a gentleman, a patriot, an outstanding legislator, a warm and loyal friend. I will miss GEORGE, but will always be grateful for the opportunity I had to work with him and will value our years of association.

He is the third-ranking member of the House Appropriations Committee, where his knowledge and wisdom were instrumental in making the final decisions on many weighty matters. He was the chairman of the Legislative Subcommittee, as well as a member of Defense and Public Works Subcommittees and, since I was fortunate to be a member of these subcommittees also, I know well his honesty, integrity, devotion to duty, and wise understanding. Congress and its Members are the better for GEORGE's years with us.

Mrs. Rhodes and I extend our heartfelt sympathy to his dear wife, Elizabeth, and their family in their bereavement. And, like all GEORGE's friends and associates, we share their loss.

Mr. JOHNSON of California. Mr. Speaker, it is with a great deal of sadness that I rise to pay tribute to our late colleague, the Honorable GEORGE WILLIAM ANDREWS.

Since he was first elected to the Congress, and his service began on March 14, 1944, the Third District of Alabama, the State of Alabama, and the Nation have benefited from his dedicated performance of his duties, as a Member of the U.S. House of Representatives.

As a member of the Public Works and Defense Appropriations Subcommittees, he has been most helpful to all of his colleagues through his guidance and leadership on the many issues involved. Without his assistance, many worth-

while projects would not have gone beyond the drafting table. His accomplishments were many and those of us who were privileged to know and work with him will miss his guidance and counsel.

Mrs. Johnson joins me in extending deepest sympathy to Mrs. Andrews and their children, May God, in His infinite wisdom, watch over them during these dark and lonely hours.

Mr. PICKLE. Mr. Speaker, the memory of the hard-working Congressman from Alabama, GEORGE W. ANDREWS, will long stay with this House and with his constituents back home.

The long hours and constant dedication this man gave to his job for nearly three decades remain a steadfast example and inspiration we here cannot soon forget. His slot will not be an easy one to fill.

Congressman ANDREWS characterized his service in the house not only with attention to the needs of his constituents but with leadership among his colleagues here. He was a steady source of wise and able advice, and he was always ready to lend a helping hand where it was needed.

He was a man of high principle who long ago won the honor and trust of this body. It is fitting and right that we should stand in honor of his memory and say for history to record that here was a good man, a good Congressman, and a good citizen of this great land of ours.

Mr. Speaker, it has always been said that a man in public office ought to "say what he means, and mean what he says." That description fit GEORGE ANDREWS perfectly. He always spoke his mind—sometimes gruffly, sometimes bluntly. But speak it he did—in private and on the floor of the House—and no one ever doubted his sincerity or his resolve to back up his words with appropriate action or vote. He pulled no punches. He indulged in no deceit. He left no doubt to his feelings. He was strong for America—to keep us strong militarily, and to protest our "no win" policy as he called it. He was a hard-nosed, hard-hat type of legislator who took second place to no one in their dedication for the United States.

GEORGE ANDREWS also was one of the warmest men I ever knew. His long service in the House, and his great experience gained over 30 years of service, gave him an insight and appreciation of "men in office." He understood the Democratic process; he knew and understood people, and never lost touch with the little man of America. GEORGE was full of remembrances which he passed on to those of us who recognized his great sense of humor. GEORGE ANDREWS was the dean of the cloak room—the unchallenged spokesman for House Members who retired from the floor during long debate to listen to the wisdom and delight of the wonderful gentleman—GEORGE ANDREWS of Alabama. His stories of political life and his humorous anecdotes made him easily the favorite of all Congressmen. He added color, purpose and great humor to our daily life. How we will miss his keen insight to human affairs. He was the greatest storyteller—in its finest sense of the word—that the Congress has ever had.

From a personal standpoint, he was my dear and beloved friend. He helped me in many respects—in advice and in inestimable assistance, to gain approval of important public works project in my district. I can never say thank you enough to the memory of GEORGE ANDREWS. I loved that man and the House loved him. And, America loved him for he was a giant of a patriot.

We shall miss him greatly. For many of us, the House will never be the same. We have lost a friend, a brother, a patriot.

Mr. EVANS of Colorado. Mr. Speaker, all of us here in the House of Representatives have lost a friend. The distinguished gentlemen from the Third District of Alabama, GEORGE ANDREWS, is no longer with us. We shall remember him well, but we shall also miss him very much.

When I think of GEORGE ANDREWS I first think of a man who was gentle. Next, I remember the courtesy with which he treated all of us, whether we were Democrats or Republicans, and whether or not we agreed with his political philosophies. Next I think of the many times he went out of his way to be helpful to me as a person and as a Representative of my Third District in Colorado.

In remembering GEORGE none of us can forget his delightful and entertaining sense of humor. When breaks would come in legislation on the floor, or during a few moments of relaxation in a committee hearing, GEORGE's humorous stories and recollection of his campaigns of the past and years spent as a prosecuting attorney always caused us to cease our conversations in order to listen carefully and be thoroughly entertained by his sparkling stories of wit and humor.

The Third District of Alabama has been most fortunate over these past many years to have had GEORGE ANDREWS as their Representative in this House. He has served well the people of his district, his State, and the people of these United States. We shall remember him, we shall miss him.

Mr. BARING. Mr. Speaker, I pay tribute to one of the finest Members of the House of Representatives with whom I had the honor of serving with for 22 years in Congress.

Congressman GEORGE W. ANDREWS of Alabama was a gentleman, scholar, and a statesman; and to his family I extend my sympathies on this day that we pay tribute to the man whose recent death saddens all of us and is such a great loss to his State and the Nation's people.

He dealt honestly and fairly with all matters which came before him and his role as a member of the House Appropriations Committee made him worthy of being called one of the greatest of public servants and legislators. He will be missed in the Halls of Congress. You could always depend on the word of the man who was from Alabama, a conservative and the dean of the Alabama delegation in the House.

Congressman ANDREWS' fine record of service in the House was built by the man's character and sincerity. I had many personal conversations with him

and learned by his words and actions that he was a steadfast believer in the true American way of life as begun by the Founding Fathers of this country. As a patriot for strong constitutional government, Congressman ANDREWS had my full support and admiration.

I am very sorry he will not be with us to help guide and shape our Nation's future.

GEORGE ANDREWS was my friend.

Mr. MCCLORY. Mr. Speaker, it is always a sad task to participate in proceedings in which we pay final tribute to a deceased colleague. In expressing respect and sadness during these eulogies to our late colleague, Congressman GEORGE ANDREWS of Alabama, I offer a personal tribute based upon my individual experiences with him and his lovely wife, Elizabeth Andrews.

Mr. Speaker, Congressman ANDREWS enjoyed many years of seniority in this Chamber, and his voice, as well as his considered views, commanded the respect and attention of all with whom he came in contact.

Mr. Speaker, there was never any doubt about the love and intimate attachment which GEORGE ANDREWS held for this body. Whenever there was any challenge to the authority of the House, or disrespect of its role or prerogatives, Congressman ANDREWS was one of the first to speak up in defense of this body and its Members.

Mr. Speaker, there can be no question of the loyalty of the Members of this body to our Nation. However, GEORGE ANDREWS was capable of articulating his love of country in a manner which inspired the most patriotic attitudes—and the greatest pride in our flag and our Nation's institutions.

Mr. Speaker, it was the privilege of my wife, Doris, and me to be in the company of GEORGE and Elizabeth ANDREWS on the congressional visit last year to New York. We were in their company for several days and we all became personally acquainted in a way which does not seem possible when we are meeting regularly during sessions of the Congress. We came to appreciate GEORGE ANDREWS as a private individual—as an enthusiastic personality who sparkled with engaging conversation and genuine humor. Accordingly, it is in tribute to a man whom I regard both as a distinguished fellow legislator, and also as a personal friend, that I join today in this expression of mourning and respect for the dean of the Alabama delegation in the House of Representatives—Congressman GEORGE W. ANDREWS.

In communicating my feelings, I wish to include my wife, Doris, who joins in extending affection and deep sympathy to Mrs. Elizabeth Andrews and to other members of the late GEORGE ANDREWS' family.

Mr. STEED. Mr. Speaker, as we join in mourning the passing of our great friend and colleague, GEORGE ANDREWS, we are reminded that there is no experience for us to endure which brings more sadness than the loss of a coworker who stood among us so tall and with such companionship.

The service GEORGE ANDREWS rendered here covered such a long tenure and in-

cluded so much outstanding achievement that to recount it would require volumes. He participated in some of the most important and historic times in the life of our Nation.

But in addition to the talent, the statesmanship, the courage, and the integrity he brought to this Chamber, he was a warm and kind human being who made all who associated with him better for the experience.

I am one of those who had the privilege of serving on the Appropriations Committee with him and thus had a closer association than otherwise could have been possible. And our families became close and cherished friends, which widened and deepened the affection that grew through this association.

Perhaps as important as the fine public service he performed was the great humanitarianism that GEORGE ANDREWS brought wherever he worked.

A man of deep conviction and great courage, like all who work in a democratic legislative endeavor such as ours, he often found himself espousing different views from some of his fellow workers. Yet, he became a master at one of the finest of the legislative arts—how to disagree without being disagreeable.

One of his finest virtues was a rare and unusual sense of humor. He had the ability not only to understand human nature but to observe the humorous side of the foibles of mankind. Also, he could bring these chuckles to others because of his gift of word-picture painting.

I believe he knew more of our House employees personally than almost any other Member. He was their friend and benefactor. They knew and loved him. I know that if these employees could enjoy the privilege of speaking from this forum today, from charwoman to the highest officers of the House they would join with us to express their love for him in his lifetime and their great sorrow in his passing.

He will be greatly missed by all who knew him because his warm personality leaves such a wide gap. His State has lost one of its most powerful and effective sons, his Nation a great servant and statesman, and I have lost one of my warmest and most cherished friends. My wife joins me in extending our heartfelt sympathy to Mrs. Andrews and to her family.

Mr. CARNEY. Mr. Speaker, I share the sorrow of my colleagues in this House at the passing of the late GEORGE W. ANDREWS, Democratic Representative from Alabama's Third District and a Member of Congress for 28 years. At the time of his death, Mr. ANDREWS was third-ranking member of the House Appropriations Committee and senior Alabama Representative.

Born in Clayton, Ala., in 1906, Representative ANDREWS received his law degree from the University of Alabama in 1928; he served as circuit solicitor from 1931 to 1943 in a four-county region of southeastern Alabama.

He served in the Navy during the Second World War, and was a lieutenant in the Naval Reserve at Pearl Harbor at the time of his election to the 78th Congress in 1944, filling the vacancy caused by the death of Henry B. Steagal. Subsequently

he was reelected to 14 consecutive terms in the House, an impressive tribute to the respect and high regard in which his constituents held him through the years.

Fiscal responsibility in Government and a strong national defense posture—these were the hallmarks of his service in Congress and to the country. As chairman of the Legislature Subcommittee of the Appropriations Committee and as a member of both its Department of Defense and Public Works Subcommittees, he was in a unique position to bring his views to bear on public policy.

He was a man of strong convictions, fearless and outspoken in his expression, yet gracious and courteous to all. His long experience in the House had given him insight into the legislative process. His passionate love and loyalty for America ever distinguished his career.

To his widow, the former Elizabeth Bullock; his son, Lt. George Andrews, Jr., San Diego, Calif.; his daughter, Mrs. Thomas M. Hinds, of Greensboro, N.C., and to all his family and many friends I extend my sympathy.

Mr. HATHAWAY. Mr. Speaker, I was deeply saddened by the passing of our esteemed colleague, the Honorable GEORGE W. ANDREWS, dean of the Alabama delegation.

I was privileged to serve with him on the Appropriations Committee and as a member of his Legislative Subcommittee. He was very helpful to me during my first year on the committee, and I benefited greatly from his guidance and experience. GEORGE was a very able and dedicated Member of the House, and his presence here will be sorely missed.

To his family I extend my heartfelt condolences.

Mr. MANN. Mr. Speaker, permit me to pay tribute to a man who shared his wisdom with us over a consecutive period of 28 years. I refer to the well-beloved gentleman from Alabama, the Honorable GEORGE W. ANDREWS, who departed this life on Christmas Day in the year of our Lord, 1971.

We shall long miss this good man who knew so well the value of a good story to relieve the tension of an awkward moment. We shall miss his many kindnesses and his consideration for his colleagues here in the Congress where he spent so many years of his life. I shall miss his rich voice, in the melody of the Alabama accent, that rose above the parochial viewpoint to speak in behalf of the needs of a nation.

I do not think I have to mention to you his posture toward keeping the military might of America in a foremost position; or of his work in the development of the Chattahoochee River Valley which is so important to the ecological and economic interests of the Nation. His record is better written in the laws of the land. Indeed, that record is written for all time in the history of this country while yet it lives. We must acknowledge that whether he backed his thoughts with humorous analogy, or in the cold light of analytical reasoning, he was an effective man who got things done. He fought the good fight; and was sufficiently believed in by his constituency, and sufficiently beloved by them, to be returned again and again to fight yet another day

for the things in which he believed. It is amply apparent, through his reelection to the Congress over a period of 28 years by his fellow Americans, that he was true to the trust they placed in him. And we in the Congress who worked with him in the day by day duty to perform, had equal reason for such trust.

As I consider the acts of this good man among us, of the things in which he believed, I am reminded of one of his statements, illustrative of his directness.

GEORGE ANDREWS—citizen—Congressman—American, said:

During my years in the Congress, I have dedicated myself to eliminating waste in the Federal Government, and that includes the Defense Department. Wasteful spending is one thing, but necessary spending to keep our Nation militarily strong and superior to the Soviet Union is quite another. Those in the Congress who are willing to build a Welfare State by using funds that should underwrite our national defense are, through their own shortsightedness, writing the Nation's obituary. History, alone, should be warning enough that the Soviets are basically aggressive and seek world domination. Her leaders may come and go, but her goals of world communism remain the same. Senator Edward Kennedy said recently that he would have "crawled" to the North Vietnamese and Viet Cong at the Paris Peace Talks to get our prisoners of war released. If we follow the policies advocated by the Senator from Massachusetts and those like him, he may see the day when the United States "crawls" to the Soviet Union to prevent our total destruction.

In a recent interview with Joseph McCaffrey which was broadcast over WMAL in Washington, Congressman ANDREWS said:

The isolationists of this war have not learned a thing from history. Their reluctance to have this Nation play a successful role in the events of Southeast Asia simply means that one day we will be forced to do so closer to home, and the odds for our success then are not likely to be as good as they are today. If the United States shows itself to be a paper tiger in Indo-China, it can expect its enemies to find new courage and become far more adventuresome.

During the course of that interview Mr. ANDREWS said:

In a nutshell, I believe strongly in fiscal responsibility in Government, and that means an end to deficit spending; a return to constitutional government, and that means guaranteeing the rights of the several States; and a strong national defense posture, and that means always being able to rapidly put our troops in the field when necessary and supporting them once we put them in the fields.

GEORGE ANDREWS' first congressional race was run by his brother during World War II while GEORGE was serving in the U.S. Navy. It was during his service at Pearl Harbor that he was elected to serve the Third Congressional District. He loved the Navy and he loved his Nation. The part of the Nation he loved most was his home at Union Springs, Ala., and he has returned there now to rest. To my friend GEORGE ANDREWS I would say:

This be the verse you grave for me:
Here he lies where he longed to be;
Home is the sailor, home from the sea,
And the hunter, home from the hill.

Mr. ANNUNZIO. Mr. Speaker, it is with a deep sense of loss that I join

today in mourning the passing of our distinguished colleague from Alabama, the Honorable GEORGE WILLIAM ANDREWS.

During the 8 years that I have served in the Congress, I had the opportunity to get to know GEORGE well. He was a dedicated and devoted American, and a Congressman of outstanding ability, deep compassion, and courage. These qualities not only earned the respect of his colleagues, but endeared him to his constituents of the Third Alabama District as well.

He was first elected to the 78th Congress, and was reelected to every succeeding Congress until the present 92d Congress. His outstanding service in the House of Representatives spans 30 years, and as chairman of the Legislative Subcommittee of the House Appropriations Subcommittee, his skillful leadership was apparent to all who were privileged to work with him.

The Alabama delegation has suffered a great loss, and all of us in the Congress shall miss him.

Mrs. Annunzio joins me in extending our heartfelt sympathy to his devoted wife and family.

Mrs. HANSEN of Washington. Mr. Speaker, the death of the Honorable GEORGE ANDREWS is a great loss to Congress, the Third Congressional District of Alabama, and to the Nation. For the past 8 years I have had the honor and the pleasure of working with the late GEORGE ANDREWS on the House Appropriations Committee. During these years I have observed him as a distinguished gentleman, an able legislator, and a man who continually devoted hard work to represent to the utmost of his capability those who chose him for public office. The Nation has been fortunate in having GEORGE ANDREWS as chairman of the Legislative Appropriations Subcommittee and as a member of the Defense Appropriations Subcommittee. His guidance in legislative appropriations has been instrumental in the smooth operation of the legislative branch of Government. His judgment has been critical in defense appropriations. He has played a key role in formulating the direction of our foreign policy. It was to my good friend and colleague, the dean of the Alabama delegation, that many Members of Congress looked for leadership and example. His imprint on the U.S. House of Representatives has become indelible during his 28 years as a Member and his presence among us will be sorely missed.

Mr. EDWARDS of California. Mr. Speaker, it is with a deep sense of personal loss that we in the House mourn the death of Congressman GEORGE ANDREWS of Alabama.

GEORGE ANDREWS served during the terms of six Presidents. He served in difficult times, when there were swift changes in the world and he always upheld the highest tradition of public service. He was known for his dedication to the well-being of his constituents. He worked tirelessly in their behalf. He will be missed not only by his colleagues in the House of Representatives, but also by all the people whom he served so well, by his lovely wife and fine family. I

would like to extend my sympathy to his family and to the people of Alabama.

Mr. LONG of Maryland. Mr. Speaker, I was deeply distressed by the death of my dear friend and colleague from Alabama, GEORGE ANDREWS.

I had the privilege of serving on the Appropriations Committee with Mr. ANDREWS since 1965. I always paid close attention to his remarks. He was a believer in fiscal responsibility in Government—a view which I endorse. In February of last year, Mr. ANDREWS noted that the administration's budget figures for fiscal 1972 were based on the assumption that we would have full employment and a GNP of \$1.065 trillion. It now appears that the GNP for calendar 1971 will fall short of that estimate by almost \$20 billion. Mr. ANDREWS' doubts have been borne out.

Mr. ANDREWS also fought in the committee for adequate appropriations to maintain the strength of our national defense. In a speech in this Chamber shortly before his death he pointed out that—

Eighty percent of the ships in our fleet are more than 20 years old . . . and 20 years is the life expectancy of a ship. On the other hand, 80 percent of the ships in the Russian fleet today are less than 10 years old. "It's later than you think."

Mr. ANDREWS saw the need for tax reform. He summed up the feelings of many of us in saying:

The middle income taxpayer will not long continue to pay his part, that of the wealthy, and that of the welfare loafer.

GEORGE ANDREWS did not shout his accomplishments, but in his quiet way he succeeded in getting things done for the people he represented and for the United States. America has lost an intelligent and warm-hearted Congressman. I mourn, as you do, his sudden death.

Mr. SHRIVER. Mr. Speaker, it is with deep sadness that I join with my colleagues today in honoring the memory of GEORGE ANDREWS. A congressional vacancy for the State of Alabama will, of course, be filled, but GEORGE ANDREWS cannot be replaced.

GEORGE was a hard-working and eminently effective member of the Appropriations Committee. Against intense pressures to do otherwise, he never abandoned the philosophy of fiscal responsibility for our Nation. I recall with gratitude his strong assistance on the floor of the House to those of us on other appropriations subcommittees when amendments were offered to vastly overspend Federal revenues.

GEORGE ANDREWS represented his constituents in the true sense of the title "Representative." His State and the entire South have lost a potent advocate. His popularity was reflected in his overwhelming election and reelection for 15 consecutive terms. Elected in absentia in 1944 while on active duty at Pearl Harbor, GEORGE faced only token opposition if any in subsequent campaigns. His voting record and his incomparable service to his constituents through the years obviously met with approval in the Third District of Alabama, and that is what the House of Representatives is all about.

GEORGE ANDREWS always had a smile and a friendly greeting for his colleagues. His humor was a joy for all. I have been in the district he represented so long, and I know he was loved and highly respected.

On behalf of Mrs. Shriver and myself, I extend deepest sympathy to GEORGE's wife, Mrs. Elizabeth Andrews, and to their son and daughter. We all share their loss.

Mr. ADDABBO. Mr. Speaker, the loss of our distinguished colleague GEORGE W. ANDREWS, is one which we all feel in a personal and practical way. This fine gentleman from Alabama set an example for all of us to follow in his sincere and dedicated approach to the issues before the Congress. It was a privilege for me to serve with him on the House Appropriations Committee and to witness his untiring efforts to protect the public from unnecessary expenditures of tax dollars.

GEORGE ANDREWS served his country well and as dean of the Alabama delegation was an effective leader. As a ranking member of the Appropriations Committee, Congressman ANDREWS won the respect of Members on both sides of the aisle for his work. He was a man we shall not forget in this Chamber. I shall long remember his wit and his deep understanding of and feeling for all.

I join with my colleagues in this tribute to an outstanding American, GEORGE ANDREWS, and in expressing our sympathies to his family and pray that perhaps the burden of their loss will be lightened, knowing it is shared by so many.

Mr. BROOKS. Mr. Speaker, it was my honor and privilege to serve in this House for almost 20 years with a distinguished and able Member from Alabama, the Honorable GEORGE ANDREWS. I valued him as a friend, as well as a colleague.

GEORGE ANDREWS was a dedicated and respected Member of Congress for nearly 28 years. He was a Member's Member. As the chairman of the Legislative Appropriations Subcommittee, he was acutely familiar with every activity and expenditure of the Congress. We in the Congress were better able to perform our function during those years, thanks to his untiring efforts to keep the legislative machinery running properly.

The loss of GEORGE ANDREWS is a loss not only to his family and friends, but a loss to the people of Alabama whom he served for so long and to the Members of the U.S. Congress.

Mr. GIBBONS. Mr. Speaker, I want to reaffirm what has been said here today about GEORGE ANDREWS. He was a fine Member of Congress. All of us will miss him.

In addition to the tributes that have been said about GEORGE, I would like to add a word about his style and personality.

GEORGE was a lovable person—he had a great knack of being able to win his point in debate by illustrating it with a humorous story. He was a friendly man and often went out of his way to befriend others that he came in contact with.

Mrs. Gibbons and our three sons—all

of whom knew him—join me in saying that we will miss GEORGE ANDREWS.

Mr. STUBBLEFIELD. Mr. Speaker, the Congress and the Nation has lost a great legislator and statesman with the death of our friend and colleague, GEORGE ANDREWS. The passing of someone with whom you have worked and shared the burdens and sense of accomplishment of daily legislative endeavor toward common goals always comes as a tragic shock, and this is especially true in the case of GEORGE ANDREWS. His passing is a double loss—of a unique and wonderful friend, and of an admired and respected colleague whose wisdom and dedicated service to the public will be greatly missed by all of us.

Representative ANDREWS spent his entire adult life in service to his community, his State, and his country. The third-ranking member of the House Appropriations Committee, he brought wisdom, tact, and dedication to his work, serving as chairman of the Legislative Subcommittee and member of Defense and Public Works Subcommittees. Few men have worked harder or contributed more to the cause of fiscal responsibility in Government and the building of a strong national defense.

Representative ANDREWS' constituents in Alabama will miss him terribly, for during his 28 years in Congress he served their interests loyally and brilliantly. The many projects and improvements he achieved for his district and his State earned for him the lasting gratitude and admiration of the people of Alabama, who returned him to office for 14 consecutive terms in the House following his first election in 1944.

It is a painful loss to the Nation when a fine man and great public servant like GEORGE ANDREWS passes away. But in his lifetime he set an example of devotion to public service and leadership which inspired those around him to finer efforts and others, perhaps, to follow in his path. Our country can truly take pride in the kind of citizenship that he demonstrated, for it was in the tradition that has made this the greatest Nation in the world.

To Representative ANDREWS' bereaved family, I extend my deepest sympathy. Their grief and sorrow are shared by all who knew him.

Mr. CARTER. Mr. Speaker, when we suffer the loss of a friend, we pause from our duties and reflect. My colleagues and I have lost a beloved fellow Member of Congress; so let us now pause and remember our good friend from the State of Alabama, GEORGE W. ANDREWS, a devoted Member of this historic body for nearly 28 years and the dean of his State's delegation.

A warm and friendly man. GEORGE ANDREWS will always remain alive in the minds and hearts of those who are fortunate to have known him. His courtesy, great dedication to duty, devotion to his country, his State, and to his constituents, kindness toward his colleagues, and his high standards of integrity are but a few of his many fine qualities which will linger in the halls of Congress for years to come.

I was greatly saddened by the passing of GEORGE ANDREWS. I wish to join my col-

leagues in expressing my deepest sympathy to his family.

Mr. MILLER of Ohio. Mr. Speaker, I want to take this opportunity to express my deepest sympathy to the family of my late colleague, the Honorable GEORGE ANDREWS of Alabama's Third Congressional District.

When I first came to Congress, GEORGE ANDREWS was serving his 12th term of office as the representative of the third district. Elected to the 78th Congress in March, 1944, to fill the vacancy caused by the death of former Congressman Harry Steagall, GEORGE ANDREWS proved himself a capable legislator and fully worthy of the trust and confidence of his constituents.

This admiration for his leadership was not confined to the citizens of Alabama. He was respected by every Member of Congress.

I know that my colleagues join with me today in expressing a sense of loss that will be evident for years. America has lost a great American.

Mrs. ABZUG. Mr. Speaker, southeastern Alabama and Manhattan are about as different from one another as two places in the United States can be. In terms of political viewpoint, GEORGE ANDREWS and I could hardly have been further apart. But even when we disagreed most vigorously, he was always kind and pleasant to me, and I considered him a friend.

We shall all miss him here in the House, and it is good to know that his memory will be perpetuated by the renaming of the Columbia Dam, on the Chattahoochee River in Alabama, as the George W. Andrews Dam.

Mr. DERWINSKI. Mr. Speaker, I am proud to join my colleagues in honoring the memory of my friend and colleague, the late Honorable GEORGE W. ANDREWS of Union Springs, Ala.

During his nearly 28 years as a Member of Congress, Representative ANDREWS was an outstanding, dedicated, and hard-working legislator. He had all the qualities and talents that are essential to the makeup of an effective legislator, and handled the demanding responsibilities of his congressional committee assignments with intelligence and insight.

As dean of the Alabama delegation, GEORGE ANDREWS made a lasting contribution, not only to his party, but to the entire State of Alabama. As a member of the Appropriations Committee, he was highly respected by his colleagues because he could be relied upon to exercise his judgment in behalf of the interests of the whole country.

He was wholeheartedly responsive to the needs of his country and his statements on the floor of the House were well reasoned and factual. He kept in mind not only the security and welfare of the Nation today, but also the welfare of future generations of Americans.

Mr. Speaker, we have lost the services of a respected and dedicated colleague, one who had acquired many, many friends through his long years in this body.

Mrs. Derwinski joins me in extending our deepest and sincere sympathy to

members of his family in their loss and bereavement.

Mr. KAZEN. Mr. Speaker, I join my colleagues in the feeling that the passing of Representative GEORGE ANDREWS is a loss to us all.

It was not without reason that the Founding Fathers chose for this body the term "the House of Representatives." GEORGE ANDREWS, in his 27 years in the Congress, never forgot that he was representing his constituency in southeast Alabama. Nor did he ever forget that he was a Member of this House.

He served his constituency with zeal. He served this House and the Nation as an important member of the House Appropriations Committee and its Defense Appropriations Subcommittee and watched over important administrative functions as chairman of the Legislative Appropriations Subcommittee. I submit that there was another important segment of his service for which he bore no official title. He was a friend and counselor to his fellow Members of this House.

Many of us have known the vigor of his participation in floor debate on appropriations, and his constant concern about the financial integrity of this Nation. That contribution could also be viewed by the news media people in the galleries and the citizens who came to listen.

Only those of us who were his fellow Members, though, knew how often conversations in the cloakroom enabled us to benefit from GEORGE ANDREWS' wisdom and experience. He was one of the great Members of the House of Representatives. I speak for many Members as I voice sympathy to his family and gratitude to the constituency which sent him here.

Mr. GRIFFIN. Mr. Speaker, in taking the measure of a man, we look to his achievements, both personal and professional. We look to the role he played in his particular sphere, his reaction to his times and to his circumstances. By any standard, GEORGE ANDREWS deserves all the esteem and honor this House can bestow on one of its fallen Members.

I have known a great many men in this House whom I have the privilege to call a friend, and GEORGE ANDREWS was one of them.

What distinguished GEORGE ANDREWS was the profound sense of public responsibility and integrity he possessed. He could be counted on for rational, always concerned council on matters of great import, and he spoke out on issues.

GEORGE's sense of humor was legendary and he enlivened debate with his wit.

To list the scope of his work would be impossible, but he was a man we all cherished for his wisdom, his compassion, and for the dedication he possessed. His loss will be keenly felt.

For those of us fortunate enough to have known him well, GEORGE ANDREWS will remain deep in our memories and hearts. He was a good man, a true American, an outstanding Member of Congress, and a gentleman.

Mrs. Griffin joins me in extending heartfelt sympathy to the charming Mrs. Andrews.

Mr. GROSS. Mr. Speaker, I want to join the many other Members of the House here this afternoon in paying tribute to our late colleague, the Honorable GEORGE W. ANDREWS.

GEORGE and I were friends. For years we occupied seats on the House floor just across the aisle from each other. As a Democrat, he preferred to sit on the Democrat side of the aisle. As a Republican, I preferred to sit on the Republican side. That was the only concession we made to politics in our work, for invariably our votes were the same.

GEORGE ANDREWS was one of the most dedicated conservatives I will ever know. But he was first of all a dedicated American. As a legislator he was capable, courageous, and one of the most constant in attendance.

In his untimely death, the House of Representatives has lost one of its ablest Members, the State of Alabama has lost one of its most distinguished citizens, and I have lost a warm and personal friend.

To the members of his family I extend heartfelt sympathy.

Mr. MONAGAN. Mr. Speaker, on Christmas Day the House of Representatives lost a respected and capable colleague with the untimely death of the Honorable GEORGE W. ANDREWS. Dean of the Alabama delegation, GEORGE ANDREWS had been a Member of the House of Representatives for 14 consecutive terms, during which time he became the 17th ranking Member in seniority in the House and the 10th in seniority among the House Democrats.

GEORGE ANDREWS had devoted his life to public service since his election to the position of circuit solicitor of the third judicial district of Alabama in 1931, where he served until he joined the Navy in 1943. He had attended the undergraduate and law school of the University of Alabama and, upon being admitted to the bar in 1928, began practice in Union Springs where he resided. After the death of the Honorable Henry B. Steagall, he was elected to the vacant seat while serving in the Navy as a lieutenant junior grade at Pearl Harbor, Hawaii.

This husky-voiced orator has been a faithful representative of the constituents of the Third Congressional District and he has addressed himself to the issues according to his strong convictions of the right course of action. His policy had been to answer every letter he received from his constituents on the same day on which it arrived at the office. His consistent reelection without substantial opposition is evidence of the full support and confidence he received from the Third Congressional District.

GEORGE ANDREWS was the third ranking member of the House Committee on Appropriations and chairman of the Legislative Subcommittee. He was also a member of the Subcommittee on Defense and Public Works. While a member of the Committee on Appropriations he supported fiscal responsibility in Government and strength in national defense.

Mr. Speaker, I am certain that I speak for all the Members of the House of Representatives when I say that, although GEORGE W. ANDREWS has died, his memory will linger in our hearts and minds. His years of service and dedication for

the people of Alabama and the Nation in the House will not be easily forgotten by this assembly or those he so ably represented. His warm and genial personality is unforgettable and I shall always remember the relaxed moments we spent in the Democratic sitting room listening to his tall stories and enjoying his rollicking humor. I considered him a personal friend and shall miss his presence in the House.

Mr. MICHEL. Mr. Speaker, it was certainly with a great deal of sadness that we heard the news of our good friend, GEORGE ANDREWS' passing on Christmas Day when we were all back home in our respective districts. We had heard before adjourning that he was to undergo serious surgery in the hospital in Alabama, but little did we realize that it would be so serious. We are certainly going to miss him on our committee and I personally am going to miss the very jovial and cordial greeting we exchanged on so many occasions around the breakfast table in the Longworth House Office Building.

GEORGE was as solid as the Rock of Gibraltar when it came to some really difficult decisions on our Appropriations Committee. He was a southern gentleman to the core. He was always looking out for his district and the State of Alabama, but moreover, his primary interest was for the country's well-being. GEORGE ANDREWS has certainly left his mark and impression here in the Congress these past 28 years, and I have known him personally for just about 20 of those years, so it is with a heavy heart and a great deal of sadness that we mourn the passing of another dear friend and colleague.

Mr. Speaker, those of us who have known GEORGE so well for so long want the family to know that we share their great burden of loss.

Mr. GIAIMO. Mr. Speaker, the unexpected death of the Honorable GEORGE W. ANDREWS of Alabama saddens all who had the privilege to be his friend, colleague and constituent.

I considered GEORGE ANDREWS a good friend and a great congressman. He knew how to translate experience into wisdom and to communicate so effectively that both Members of Congress and the Federal Government often adopted his views. I will miss his friendship and his inspiring legislative skills.

GEORGE ANDREWS served his district, the Congress, and the Nation during the most decisive legislative years in the history of America. His actions have eased our conversion from war to peace. He was always a leader in this Nation's drive from recession to prosperity.

A Member of Congress for 27 years, he was first elected in absentia in 1944 while serving as an officer in the Navy, and it is said that in one large county of his district he received every vote but one. This alone depicts the respect and love his constituents have always had for him.

Specifically, Alabama will remember him as the key man in building that State's fine navigable waterways network. He fought hard to keep Fort Rucker and Fort McClellan alive, and today these military reservations play a major role in our national defense structure.

GEORGE ANDREWS served on three sub-

committees of the House Committee on Appropriations—Defense, Public Works, and the Legislative Subcommittee of which he became the distinguished chairman. As a committee member and as a chairman, he had extraordinary talent for splitting and dissolving the excess fat from alternative solutions, arriving at those lean, hard legislative proposals which serve the public interest at an optimum level. His power and his ability to persuade were not born out of egotistical need, but from the respect he won for his wisdom and the obvious selflessness of his motives.

GEORGE ANDREWS provided an example of leadership, purpose, understanding, and skill. His presence remains in the lessons he so clearly and patiently presented to his colleagues. His numerous legislative achievements will continue to serve as bedrock for strong national defense and sound fiscal policy.

I served on the Appropriations Committee with GEORGE ANDREWS. I will always be grateful that I had an opportunity to learn and share not only many of his theories and sentiments, but also some warm moments of friendship.

I wish to state publicly that I consider his departure a personal loss. To his widow, Mrs. Elizabeth Andrews, and to his son, Navy Lt. (j.g.) George Andrews III, and to his daughter, Mrs. Jane Hinds, I wish to express, along with Mrs. Giaimo, deepest sympathy.

Mr. FASCELL. Mr. Speaker, all of us who had the privilege of serving with him, join together in paying final tribute to our friend and colleague, GEORGE WILLIAM ANDREWS.

GEORGE ANDREWS, whose sudden passing on Christmas morning shocked and saddened all of us, left us with an outstanding example of public service. He began his career in 1931 upon his election to the office of circuit solicitor of the Third District Judicial District of Alabama, and served in that capacity until 1943 when he reported to active duty as a Naval Reserve officer. During World War II, he was stationed at Pearl Harbor. In 1944 while on duty there, GEORGE ANDREWS was elected to the U.S. House of Representatives to serve in the 78th Congress.

Relected to 14 consecutive terms by the people of the Third District of Alabama, GEORGE ANDREWS was the dean of the Alabama delegation and a ranking member of the House Appropriations Committee, where he gained a reputation for being a watchdog of Federal finances.

His leadership in the House of Representatives will be missed, for GEORGE ANDREWS was truly a statesman. The people of Alabama can be justifiably proud of his service and thankful that they had the benefit of GEORGE ANDREWS' wisdom and experience.

Mr. Speaker, I extend very deepest sympathy to the family of GEORGE ANDREWS.

Mr. FUQUA. Mr. Speaker, if there were one thing that I think I will always remember GEORGE ANDREWS for it would be his ability to spin a good yarn. He had a natural wit that made any tale he was telling vibrant and alive.

I can say without fear of contradiction that Congressman GEORGE ANDREWS

of Alabama was one of the most popular men ever to serve in the U.S. House of Representatives. He was outgoing and affable, and, while he had the courage of his convictions, he would listen attentively and sincerely to those who had opposing views.

His passing comes as a particular loss to me. His district adjoins my own and I remember very well the occasion when we made a joint appearance to discuss a session of the Congress on a Dothan, Ala., television station.

My home town is a little south of the border of his district, and, therefore, I knew of GEORGE ANDREWS long before it became my privilege to serve with him. For that opportunity, I am deeply grateful.

He was never too busy to help a young Member with a difficult problem—never too busy to say a kind word when he knew a colleague was having a difficult time. GEORGE ANDREWS was very much a kind and considerate human being.

The people of his district recognized that fact in having elected him to Congress 12 times.

As a ranking member of the Appropriations Committee, GEORGE ANDREWS had a powerful voice in the direction of the Nation. Those of us who serve in the Congress knew that here was a powerful individual who exercised keen judgment in all of his deliberations.

Alabama, and this Nation, have lost a great statesman. I have lost a dear friend.

To his beloved wife and family, I extend my deepest sympathy.

GEORGE ANDREWS will be deeply missed within the Halls of Congress.

Mr. ZABLOCKI. Mr. Speaker, I wish to join my colleagues in expressing sorrow and paying tribute to the late GEORGE W. ANDREWS of the Third District, Alabama.

It was my privilege to serve in the House with Congressman ANDREWS. He represented his district, his State, and the Nation with dedication and devotion. His outstanding work as a ranking member of the Appropriations Committee is well known. After 28 years of service in the House, his presence in this legislative body will be missed. My wife joins me in expressing deep sympathy to his wife and his children. May they derive some small consolation from the knowledge that their loss is shared by his many friends.

Mr. SCOTT. Mr. Speaker, I am told our late colleague the deeply respected and beloved Congressman GEORGE W. ANDREWS of Alabama, continued to represent his third district for more than a quarter century because his constituents knew they could count on GEORGE ANDREWS.

In my relatively brief 5 years of association with him in the Congress, I have learned to appreciate the consistency of judgment, the unflinching stand for constitutional government and fiscal responsibility, and the concern for the welfare of his constituents. That, as much as his seniority, made GEORGE ANDREWS truly one of the leaders of this legislative body. Their can be few stronger testimonials to the broad appeal and influence of the man than that

he received more votes than any other Alabama Congressman when he ran at large during the early 1960's because the legislature had failed to redistrict the State to reflect a reduction of districts.

A number of GEORGE ANDREWS' colleagues in the House and Senate have fully enumerated the many invaluable services he performed for his district, his State, and the region during his 40 years in public office. More than that, however, he served the abiding interests of America and worked diligently to keep it strong and free. In the words of his hometown newspaper, the Union Springs Herald:

He was one of the outstanding conservative stalwarts on Capitol Hill. At a time when many of his colleagues were supporting free-wheeling big federal spending and were in favor of treaties with Communist nations which would weaken our defense posture, he never changed his political philosophy.

I wish to extend my respect and deep sympathy to his family.

Mr. BENNETT. Mr. Speaker, Congress and our country suffered a great and tragic loss when our beloved colleague, GEORGE ANDREWS, failed to recover after major surgery weeks ago.

We all remember him with affection; for to know him was to love him. He had the sincere respect of every Member of the House.

He had the unusual gift of being able to size up in a debate the core of a problem and reduce it to its fundamental merits in a few, well chosen words.

I believe we can all recall particular times when he went to the well of the House and spoke briefly and to the point to carry an effective thrust for the legislative effort he was making. He had many talents, but this one was outstanding.

Mr. Speaker, all of us express our deepest sympathy to his beloved and lovely widow and their children. We all hope that the knowledge they have of the great works of Congressman ANDREWS for his country, his district, and State, may be of comfort to them in their grief.

Mr. RODINO. Mr. Speaker, I join in expressing my deep sorrow over the unexpected passing of my long time colleague and friend, the Honorable GEORGE W. ANDREWS. His many dedicated years of service in the Congress will continually stand as a testament of his contributions to the Nation and of his concern for the people of Alabama's Third District. I was recently privileged to cosponsor H.R. 12510, a bill to designate the Columbia Lock and Dam on the Chatahoochee River as the George W. Andrews Lock and Dam. I was pleased to have had the opportunity to honor our late colleague in this positive and significant manner. I offer my words of comfort to his wife, son, and daughter.

Mr. STRATTON. Mr. Speaker, I too want to join in expressing my sadness at the loss of our distinguished colleague and friend, GEORGE ANDREWS of Alabama.

I came to know GEORGE ANDREWS especially closely because of my personal interest in the future of the Capitol's west front. He was chairman of the Appropriations Subcommittee which dealt with legislative matters, including funds for

the Architect of the Capitol. And I, as I know my colleagues are aware, have steadily opposed the proposed extension of this west front. Although GEORGE ANDREWS supported the extension and did not agree with my point of view, he was at all times and in every respect a perfect gentleman and a splendidly fair opponent. He went out of his way to keep me posted on the progress of discussion on this item within his subcommittee and invited me to be on hand when the matter was under review.

Not only that, but when a new technical report on the feasibility of restoring instead of extending the Capitol was proposed GEORGE ANDREWS was strongly in favor of having such a survey made; and when it resulted in a conclusion which differed from his own views he nevertheless accepted that conclusion. This was one of the finest examples of legislative sportsmanship I have ever seen.

GEORGE ANDREWS came to Congress fresh from uniformed service in the Navy in World War II. Throughout his tenure here he was a staunch friend and supporter of the armed services. They knew they had in him a strong and sympathetic friend. He may not have always agreed with the military, particularly on some of the aspects of the conduct of the Vietnam war—though his differences stemmed more, I believe, from the political leadership of the military rather than the actions of the professional military staff itself—but the welfare of the services and the maintenance of a strong defense remained two of his most important priorities as a Member of this House.

Mr. Speaker, we will miss the humor and the strong and sympathetic leadership which GEORGE ANDREWS provided to this body. To his widow and his family I extend my deepest sympathy.

Mr. ASPINALL. Mr. Speaker, I, too, wish to thank our colleague, the gentleman from Alabama (Mr. JONES) for his part in having the leadership of the House set aside this time so that all of us who desire to do so can pay our respects to the memory and work of our late beloved colleague, GEORGE WILLIAM ANDREWS, who so ably for so long a time represented his congressional district in the Federal House of Representatives.

The death of our colleagues always leaves a most meaningful void in the daily lives of all of us. The passing of our close colleague, GEORGE ANDREWS, has undoubtedly left a greater void than that which we usually sustain.

GEORGE ANDREWS had been a Member of this House of Representatives for almost 5 years before I was privileged to become a Member. He had already established a reputation for hard, effective, and constructive work and genial relations with his colleagues when I took the oath of office. He was to continue that effective and constructive leadership throughout his remaining years. His work as one of the senior members of the Committee on Appropriations was recognized by all as being exceptional and outstanding. Seldom ever was his judgment questioned on the floor of the House. He was invariably successful with the bills which he handled. In his work in his subcommittee, his outlook was national, extending far beyond the district

and the State which he had the honor to represent. Such dedication is hard to come by even in this House of talented Members, and we shall miss him sorely in the days ahead.

In addition to his contribution of congressional labors, he gave to all of us of himself by sharing his pleasing personality and his life's experiences. In relating the latter, I know of no one who could hold the attention of his hearers better than GEORGE. He was a fine student of human relations and he had that ability to cause one who was listening to feel he was living the experience along with the narrator. His presence at a social gathering, in the cloakroom, in his office or on the floor of the House were always pleasant moments for those who were privileged to enjoy his companionship.

Yes, we shall miss him, but, in missing him, we shall have those beautiful moments of yesterday which make life so worth while for those who are fortunate enough to remain.

As so often, it is true that words are wanting to commend so great a narrator, a legislator, and a friend.

Mrs. Aspinall joins with me in extending to GEORGE's wonderful companion and helpmate for so many years, Elizabeth, and the children, our heartfelt sympathy in their sorrow and bereavement.

Mr. LEGGETT. Mr. Speaker, on this date in the Congress of the United States, I mourn with my colleagues the passing of my distinguished friend and neighbor in the Rayburn Halls, GEORGE ANDREWS of Alabama.

GEORGE had no peer in his concern for the welfare of our great Nation. Though we disagreed on many social issues, we did have complete agreement that the method of management of the war in Southeast Asia was not in our national interest.

I will miss GEORGE ANDREWS as a friend, as a fighter for the people of his home State of Alabama, and as an outstanding Member of the Congress of the United States. To his wife and family, my deepest and sincerest condolences.

Mr. SMITH of Iowa. Mr. Speaker, it is difficult to adequately eulogize a man like GEORGE ANDREWS. He will certainly be missed greatly not only by Members like myself who served with him on the Appropriations Committee but also by his wide range of friends in the House of Representatives. He was a man of conviction who stated what he thought and when he talked other Members listened. While he was good natured and respected the right of other people who disagreed, he was forceful and effective in stating his opinion. As one of the senior and respected Members of the House of Representatives, to say that he will be missed is undoubtedly inadequate and I want to join all those who are expressing our condolences to his wife and family. While we have all lost by his untimely death, we are all better for having known and worked with GEORGE ANDREWS. He has left behind him a legacy for his State, his country and the Congress for which we will forever be indebted to him.

Mr. MURPHY of New York. Mr. Speaker, it is with a sense of great loss

that I offer these few words in behalf of my dear colleague, the dean of the Alabama delegation, the Honorable GEORGE W. ANDREWS. This master parliamentarian has left a legacy to the Congress of the United States and to the people of Alabama which will never be forgotten. I had the profound honor of serving with him on many different occasions, but I particularly remember the hours we spent together working on the Committee of the Whole on legislation which came from his legislative subcommittee of the Appropriations Committee. His diligence and effective labors in connection with the management of this country's funds in behalf of the House of Representatives and other Government branches are well known.

GEORGE ANDREWS was one of the most influential Members of Congress during his 27 years on Capitol Hill. He was the third-ranking member of the House Appropriations Committee which handles all of the money bills and is one of the most powerful committees in Congress. He was also a member of the Defense Appropriations Subcommittee which oversees the largest portion of the Federal budget each year.

Most important of all, Congressman ANDREWS was loved by his constituents who were always his first, middle, and last order of business. They came before all other congressional duties. And that is why they returned him to the House of Representatives for 15 consecutive Congresses.

Mr. DORN. Mr. Speaker, I was deeply saddened to hear the sad news announcing the passing on Christmas Day of my dear friend and beloved colleague, GEORGE ANDREWS of Alabama. Soon after I came to the House as a Member of the 80th Congress, I learned to respect and admire GEORGE ANDREWS. He was a Congressman's Congressman. And often over the years we have relied on his wise counsel and sound judgment.

It was a privilege over the years for me to address several gatherings in GEORGE ANDREWS' district. I know of the esteem in which he was held by our veterans. He was himself a veteran and was elected to Congress while still in service. Recently I visited Camp Rucker and addressed a large gathering of Army personnel, distinguished officers and ladies. I shall never forget the tremendous applause that greeted the mention of the name of GEORGE ANDREWS. The military respected, admired, and appreciated GEORGE ANDREWS. GEORGE ANDREWS' heart was always with those men and women dedicated to the defense of our country. He was loved by the people of his district. He was truly a great and good American. He not only championed the cause of his great State of Alabama and his beloved Southland but he was devoted to the national glory of the United States. This is a greater Nation because of the unselfish service and devotion of GEORGE ANDREWS. He had faith in the destiny of America.

GEORGE ANDREWS was a Christian who loved God and in dealing with his fellowman he lived by the Golden Rule. Every Sunday that I can recall attending Calvary Baptist Church here in Washington GEORGE ANDREWS was there, and we often discussed the following week the sermon

of Dr. Clarence Cranford, whom he greatly admired.

GEORGE ANDREWS believed in America. He believed in a strong America. As a member of the great Appropriations Committee he was deeply involved in building a strong national defense. He served too on the Appropriations Subcommittee on Public Works, and it was most "fitting and proper" that just this morning our Public Works Committee approved a bill which would change the name of the Columbia Lock and Dam, on the Chattahoochee River, to the "GEORGE W. ANDREWS Lock and Dam." His vision for the development of all the resources of the Nation was unsurpassed. As dean of the Alabama House delegation and as a true national statesman, GEORGE ANDREWS served his people with honor and distinction. The Nation will miss him. Millie joins me in extending to his beloved Elizabeth, to his lovely daughter, to George W. Andrews III, and to the people of Alabama our heartfelt sympathy and deepest respect.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise with a great sadness in my heart to join in mourning the loss of GEORGE ANDREWS of Alabama.

GEORGE ANDREWS was truly an "All-American" Congressman. There can be a tendency for a Member of Congress to reflect geographical considerations but GEORGE always thought of his country first.

He was courageous in the most constructive sense of that word. He was always in attendance on the floor to participate in debate and he would always state loud and clear how he felt about an issue.

Many is the time I have seen GEORGE rise to enter the debate in this Chamber and he would begin before he had even reached the microphone. His big, hearty bass voice made a microphone unnecessary and his position perfectly clear.

His great and enjoyable sense of humor was so important when he was the floor manager for a piece of legislation. When he would be chided, in jest, for his views by his colleagues in the House, he would always rise to the occasion and his quick-witted responses brought a sense of liveliness and enjoyment to otherwise serious debate.

GEORGE was always approachable. It made no difference to which party a man belonged, GEORGE ANDREWS considered every Member of the House a personal friend. A feeling, I am certain, that was fully reciprocated.

I will particularly remember GEORGE for his strong support for the security of our Nation. He was unwavering in his commitment to a strong defense.

While GEORGE ANDREWS has departed, his eloquent and resonant voice, much like the late Everett Dirksen's, will ring in the ears and reflect in the minds of the Members of the House who were privileged to serve with this great "Southern Gentleman."

GEORGE ANDREWS has made my life much richer for his friendship. He gave so much of himself for his constituents, in his district and for all Americans throughout the country, that it will and can be said, "Congressman GEORGE ANDREWS gave his life to his people and to the country he loved so much."

His family and countless friends can take great pride in his many and extraordinary contributions to the benefit of all mankind.

Mr. RARICK. Mr. Speaker, I thank the gentleman for yielding and would commend him for calling the attention of this House and this Nation to the distinguished career of the late Honorable GEORGE WILLIAM ANDREWS, the former dean of the Alabama delegation—a man who was a credit to the people of his district and State, and an outstanding American in the great tradition of individual liberty.

The people of Alabama have lost a true friend; this House has lost one of its most outstanding Members; this Nation has been deprived of a great patriot and I have lost a close personal friend.

GEORGE ANDREWS thought of himself as his constituents' lawyer in dealing with the Federal Government. He maintained throughout his 27 years of service as Representative of the people of the Third District of Alabama the standing rule that constituent inquiries receive immediate attention and prompt and courteous consideration. Freshmen Congressmen may read book after book about service to the people; they would do well simply to emulate the career of GEORGE ANDREWS, a true Representative of the people of his district and the State of Alabama.

GEORGE ANDREWS served this House well; he was one of its most distinguished and most powerful Members. The third-ranking member of the Appropriations Committee, he served his country well, sitting on the Defense Appropriations Subcommittee and the Legislative Appropriations Subcommittee, which he chaired at the time of his death. In his post as chairman of the Legislative Appropriations Subcommittee, GEORGE ANDREWS directed appropriations for the operation of Congress, the Government Printing Office, Library of Congress, and General Accounting Office. GEORGE ANDREWS had his fingers on the very pulse of the Congress—he, in effect, regulated its life, its very existence from his post as chairman of this powerful subcommittee.

GEORGE ANDREWS was an outstanding American in the great tradition of the Founding Fathers. He was a firm believer in individual liberty and rights of the people in the local communities to maintain control over their daily lives. He looked with disfavor on the continued Federal encroachment into the areas originally reserved to the States and to the people. Those of us who still believe in the sanctity of the Constitution and the integrity of the individual have lost a colleague and a friend. America has lost a great patriot.

GEORGE WILLIAM ANDREWS was a true southern gentleman of the highest caliber—a credit to his people, his State and his country.

Mr. Speaker, Mrs. Rarick and I join with the people of the Sixth District of Louisiana in offering our heartfelt sympathy to his wife and family in their bereavement.

Mr. COLMER. Mr. Speaker, I should like to join with other friends of our late

colleague, Congressman GEORGE ANDREWS of Alabama, who was suddenly taken from our midst a few weeks ago, in paying my tribute to a dedicated statesman. In doing so, I do not feel that I can add much, if anything, to what has already been said about this former dedicated Member of this body.

However, because of the close personal friendship that existed between GEORGE and myself, I do not want this opportunity to pass without my humble personal tribute to this statesman from my neighboring State of Alabama.

As has already been pointed out here, GEORGE was elected to the Congress during the late conflict, World War II, when and while he was still serving his country in the European Theater of that unfortunate strife. This unusual elevation to the Congress in itself attests to the high esteem in which he was held by his fellow citizens of the great State of Alabama. Thereafter, because of the splendid quality of his service to his people and his Nation, his constituency repeatedly reelected him to this body.

My friendship and intimate association with GEORGE ANDREWS was due to his conservative philosophy of government as well as his fine human qualities as a man. GEORGE ANDREWS believed in America, and he was dedicated to the perpetuation of the young Republic and the things for which it stands.

Mr. Speaker, while it may be trite to say that we miss and will continue to miss GEORGE ANDREWS and his influence in this House, I repeat it nevertheless. Mrs. Colmer joins me in extending our sympathy to his beloved wife and the other members of his family to whom he was so greatly devoted.

Mr. HÉBERT. Mr. Speaker, the House of Representatives has lost one of its most colorful and able legislators with the untimely death of GEORGE ANDREWS of Alabama.

For me, it is a deep personal loss because we have been close friends for 30 years, ever since he came to Congress.

He was a man of convictions who fought for the position of his constituents regardless of the consequences, and whether you agreed with him or not, you had to admire his dedication to his duties and his people.

I know of no one who could take the well of the House and immediately bring silence to the often noisy Chamber with his booming voice and familiar southern accent.

GEORGE ANDREWS was of the old school, a breed all their own, which unfortunately is fast fading from our political scene. During his many years of service to his district, State, and country, he brought humor, commonsense, and remarkable ability to the job of Congressman.

I will miss my fine southern gentleman friend as I know all his colleagues will, and I offer my heartfelt sympathy to his lovely wife and family.

Mr. BYRON. Mr. Speaker, I would like to join my colleagues in expressing my sorrow on the passing of the late Honorable GEORGE W. ANDREWS of Alabama.

Although I knew him for only a short period of time, he commanded my utmost

respect. As a senior Member, he set an example that I, as a freshman Member, will strive to emulate. GEORGE ANDREWS possessed integrity, personal independence, and a strong desire to help others. He always demonstrated professional competence in every endeavor he undertook.

GEORGE ANDREWS devoted his life to the service of the public. Starting in 1931 as an Alabama circuit solicitor, he was elected to Congress in 1944. At the time of his death he had been in Congress nearly 28 years. During that tenure, he was dedicated to his constituents and the service of his country; no constituent problem was too small for his consideration. His constituents benefited greatly from his long years of service; yet, his service extended beyond his district to the State of Alabama and the Nation as a whole.

As a ranking member of the Appropriations Committee, GEORGE ANDREWS used his position wisely. He believed in a strong national defense posture, fiscal responsibility, and the justice of constitutional government. In his position on his committee, he was able to exercise his personal pursuit of these goals.

It was Christmas Day that death took GEORGE ANDREWS from his family, friends, and the House of Representatives. On this day of peace and celebration, GEORGE ANDREWS' struggle to serve mankind was ended. On that day, this body lost one of its ablest and most distinguished Members.

Mr. BOLAND. Mr. Speaker, I want to join my colleagues in paying tribute to GEORGE W. ANDREWS—dean of Alabama's delegation to the House and one of the ablest men ever to serve here.

Elected to the Congress in 1944, while still a naval lieutenant at Pearl Harbor, GEORGE quickly mastered his new job in Washington. Even as a freshman he earned a reputation for his keen intellect and deft hand in dealing with legislative matters. And, at the time of his death, he was among the most powerful and most respected Members of the Congress. GEORGE was a top ranking member of the Appropriations Committee, just a few rungs down the ladder from the chairmanship itself. He chaired the Legislative Subcommittee, dividing the rest of his responsibilities on Appropriations between the Subcommittees on Public Works and Defense.

I served with GEORGE on the committee, Mr. Speaker, and I can testify personally to his skill.

GEORGE's service to his constituents in Alabama's Third District hardly merits mention here: his election record—he was elected to 14 successive Congresses—is testimony enough.

He was a remarkable man, Mr. Speaker, and he will be missed here.

I offer my deepest sympathy to his wife, Elizabeth, and to his son and daughter.

Mr. ROGERS. Mr. Speaker, I join with my colleagues in expressing my sorrow at the death of our colleague from Alabama, GEORGE ANDREWS.

In his 27 years in the Congress, he proved to be a man dedicated to the principles on which our Nation was founded

and worked hard to preserve those principles.

I know that all those who knew and admired his dedication, were comforted by his warm and genial personality. He always had a story to relate to brighten the day, but when he was serious, he was a most forceful speaker.

The dean of the Alabama delegation was well known as a hard worker, one who paid special attention to the problems of the people of his district. His conservative philosophy on fiscal matters helped keep the Nation from even larger Federal spending programs than we see now.

As a member of the Military Construction Subcommittee of the Appropriations Committee, he was always mindful of what effect the various items considered had on the national defense and was always an advocate of a strong defense. Because of this, his decisions played an important role in shaping our defense policy.

My wife, Becky, and I offer our sympathy to Mrs. Andrews, his son George III, and daughter Jane.

Mr. NEDZI. Mr. Speaker, one of the best aspects of serving in this House is the comradeship that one shares with one's colleagues. It builds up year by year, imperceptibly but surely.

You become accustomed to seeing your colleagues here—perhaps some more than others. And this is true regardless of political or philosophical differences.

GEORGE ANDREWS was one of the favorites. In addition to his gruff friendliness and engaging manner, he had the smell of permanence about him. You simply did not think of him as a man nearing the end of a career. It is particularly startling and sad, therefore, to realize that GEORGE ANDREWS is no longer with us.

His career in Congress spanned 27 years, and these were years of great advances as well as great turbulence for our Nation. The 17th ranking Member of Congress in terms of service, he had seen far more of the great events of recent history than the average Member. His work on the Appropriations Committee enabled him to strongly influence the course of Congress and the Nation. He was, moreover, of that relatively small number of men who could command the attention of his colleagues when he rose to speak.

GEORGE ANDREWS' constituents thought so much of him that they returned him over and over and over again. They will miss him, and so will we.

Mr. NATCHER. Mr. Speaker, I rise to pay humble tribute to the memory of my friend GEORGE ANDREWS.

For over 17 years I served on the Committee on Appropriations with GEORGE ANDREWS. He was one of the able members of our committee and recognized as such by every member on the committee.

Honor, ability, and integrity were the hallmarks of GEORGE ANDREWS' long career in the House of Representatives. With his unsurpassed knowledge and understanding of the House of Representatives and its rules, he was a commanding figure throughout his long tenure.

He was a brilliant defender of our mili-

tary services and was a close observer and student of all matters pertaining to the budget of our Government. History will record the fact that GEORGE ANDREWS has been good for the House of Representatives and his service on the Committee on Appropriations will be recorded in history as dedicated service of an outstanding American. On our committee we admired him for his brilliance, warm humanity, and congeniality.

Mr. Speaker, we will all miss our friend GEORGE ANDREWS. I extend my deepest sympathy to the members of his family.

Mr. PATMAN. Mr. Speaker, may I add my voice in tribute to one of the great Members of the House, the most distinguished dean of the Alabama delegation, the Honorable GEORGE W. ANDREWS, whose death is a severe loss to our entire Nation. GEORGE ANDREWS was in all respects a statesman of the Old South. His vigorous intelligence, his parliamentary skill, and his great learning were all enhanced by an oratorical excellence seldom if ever equaled on the floor of this Chamber.

GEORGE ANDREWS was a great American and a courageous patriot. He served his Nation during World War II both as a naval officer and as a Member of Congress. For more than a quarter of a century I had the privilege to know GEORGE both as a friend and colleague. I came to learn the full stature of this remarkable statesman who worked tirelessly on behalf of his country, his State, and his District. No one could ask for a more loyal friend, a stronger ally, or a more dedicated Representative than GEORGE ANDREWS. He was truly a man of deep conviction and fearless integrity. As a ranking member of the important Appropriations Committee and as a participant in debates here in this Chamber, GEORGE ANDREWS left a constructive imprint on much of the legislation that has emerged from the House over the years.

Mr. Speaker, GEORGE ANDREWS can never be replaced, and we will all sorely miss this eloquent statesman from Alabama. Mrs. Patman and I extend our heartfelt sympathy and our prayers to his bereaved family.

Mr. HULL. Mr. Speaker, I want to join my colleagues in paying tribute to the memory of our late colleague GEORGE W. ANDREWS. GEORGE was truly a remarkable individual of whom the citizens of the Third District of Alabama can be proud. He was consistently and completely dedicated to good government and the best interests of his constituents.

I consider myself privileged to have had the opportunity to serve with GEORGE as a Member of the House and more recently to have had the experience of working with him as a member of the Appropriations Committee. His interest in the legislative branch and the improvement of its operations was abundantly clear through his work as chairman of the Legislative Appropriations Subcommittee.

GEORGE will sincerely be missed by all who have had occasion to work with or associate with him. To his wife and family I extend my deepest sympathy at this sad and difficult time.

Mr. DICKINSON. Mr. Speaker, Red Blount and GEORGE ANDREWS were close

friends for many years. Their families were closely associated as well. The former Postmaster General has most eloquently expressed his deep and personal feelings on the loss of Congressman ANDREWS.

At this time, Mr. Speaker, I would like to include in the RECORD Winton M. Blount's fine tribute to the late Congressman ANDREWS of Alabama's Third District:

GEORGE W. ANDREWS

I was born and raised in Union Springs, the hometown of George Andrews, and some of my earliest memories are of him.

In my boyhood, he was a fiery young circuit solicitor and when court was in session, I sometimes played hooky in order to go to court and hear him argue cases. He had great ability as a lawyer, and I particularly admired the drama and intensity he conveyed. Right up until his death, he remained a stirring orator.

Our families were closely associated. My mother taught George in the seventh grade. Then in 1943, when George was serving in the U.S. Navy at Pearl Harbor, my father secured his permission to enter his name in the Democratic primary for Congress. My father managed the campaign and, while still serving in the Pacific, George Andrews was elected to his first term in Congress.

Several years after the death of my father, my mother went to Washington and worked in George's office for a number of years.

George Andrews loved his District and he was without peer in representing his constituents. He was an eloquent spokesman for conservative causes, and he made countless contributions to his native state and his nation, particularly in development of waterways and military installations.

He loved his family and was a great husband and father. His lovely wife Elizabeth was a constant source of support to him in his life's work.

While I was Postmaster General, I could count on George Andrews for wise counsel and support. He made many contributions to postal legislation, particularly the Postal Reorganization Act of 1970.

George Andrews will be missed as a warm and human man, as a concerned individual, and an outstanding Congressman. He left his home district, his State and his Nation better places because of his long and dedicated service.

Mr. TAYLOR. Mr. Speaker, with a feeling of sadness I join my colleagues in paying tribute to GEORGE ANDREWS. This House has lost a valuable Member. I have lost a friend. But even more sad is the fact that a dedicated and able public servant in the highest sense of these terms is lost to the Nation.

It has been my pleasure to serve with GEORGE ANDREWS during seven congressional terms, and I have gained from his 30 years' experience, his good judgment, and his wise counsel.

GEORGE ANDREWS could walk with kings, yet he never lost the common touch. He loved people and people loved him. He was kind and gentle and thoughtful. He was the best joke teller and the warmest personality in any Capitol cloakroom discussion. His sense of humor made him a source of delight. Life for him and with him was a joy. He brought smiles and relaxation and laughter into our daily lives and into this world at a time when such is badly needed. GEORGE ANDREWS will be a legend among Members of Congress and will be quoted often.

We will miss our friend for many rea-

sons, but we can take consolation in the fact that GEORGE ANDREWS' life was a fruitful one. His ambitions were converted into effective action, and his energy and ability were transformed into constructive achievements.

Our personal sadness at his passing cannot be diminished, but it is somewhat assuaged by the knowledge that his contribution to life and to the well-being of his fellowmen will endure.

Mrs. Taylor joins me in extending sincere sympathy and best wishes to GEORGE's wife, Elizabeth, and to their daughter and son.

Mr. CRANE. Mr. Speaker, the passing of one of our colleagues inevitably leads to a questioning about the meaning of our own lives. Are we, in fact, leading the kind of lives which we will look back upon proudly, feeling that as legislators and as representatives of the people we did everything within our power to advance what we honestly believed to be in the best interests of the men and women who elected us? Hopefully, we will be able to answer in the affirmative.

Equally affirmative, I think, would be the answer of the colleague whom we mourn today. GEORGE ANDREWS served in the House for 28 years and was dean of the legislative delegation from Alabama. As third ranking member of the House Appropriations Committee, he was one of three Members of the House who served on major appropriations subcommittees: defense, public works, and legislative, the latter of which he was chairman.

GEORGE ANDREWS had little sympathy with the idea expressed so often in recent days that America might permit its strength to deteriorate and at the same time maintain a peaceful and stable world. In his position on the Defense Appropriations Subcommittee his was a voice for a firm national defense, based upon a deeply felt view that the way to maintain peace was through strength and not through weakness.

In his position on the House Appropriations Committee GEORGE ANDREWS was also a strong voice for fiscal responsibility. He did not understand the complex economic formula which permitted government to continue each year to spend more money than it received. He believed in balanced budgets and he was suspicious of public men who were liberal in distributing the hard earned dollars of the taxpayers.

In these and other of his views, GEORGE ANDREWS remained firm, even in the face of opposing trends within the society at large and within the Congress. His views were not the views of too many in American politics today, views determined only after studying the latest public opinion polls. GEORGE ANDREWS' views were consistent over a lifetime, and were based upon his own assessment of what was in the national interest.

It is with sadness that we meet here today to commemorate the passing of a noted colleague. But beyond sadness we must have a feeling of well-being for the Republic to know that in each generation men of ability and honor have risen to positions of public responsibility. GEORGE ANDREWS was one of these, and in this sense he will be missed by all.

Mr. PELLY. Mr. Speaker, the measure of a man's success many times is based on his personality. GEORGE ANDREWS was a man whose warmth and friendliness immediately attracted most everyone he met, and I am one of them.

His lifetime accomplishments are part of our American history as they are etched in the records of the U.S. Congress. But, as much as his legislative abilities will be missed, so will his warm humor. In the many hours of tension that develop in our deliberative process, GEORGE ANDREWS remained a strength for us all with his calm and engaging manner.

Mr. Speaker, GEORGE ANDREWS is and will continue to be missed in the House of Representatives by those who were fortunate enough to have been here to serve with him.

Mr. ICHORD. Mr. Speaker, at the time of his unexpected and untimely death, GEORGE ANDREWS ranked among the top 20 Members of this House in seniority. He held equally high rank of respect and affection among those of us who were so fortunate as to be his colleagues and acquaintances.

GEORGE ANDREWS exemplified all the virtues that made this country great: courage, honor, hard work, selfless devotion to family, country, and State.

As chairman of the Appropriations Committee's Legislative Subcommittee, he watched over the taxpayer's money as carefully as if it had been his own, a trait that I wish were more prevalent in Government these days.

His contributions to national security as a tireless worker in behalf of a strong defense posture are literally countless. If it were not for GEORGE ANDREWS and those like him we would not enjoy the freedoms so many of us take for granted in this country.

GEORGE ANDREWS has been taken from us to his heavenly home. We can ill afford to lose him and we shall sorely miss him.

Let us not forget the example he set for us; I pray that all of us in this House forever strive to live up to the code left behind by GEORGE ANDREWS as an undying legacy.

GEORGE ANDREWS may be gone, but I do not believe he will ever be forgotten by those of us who served with him.

Mr. WILLIAM D. FORD. Mr. Speaker, I want to join with my colleagues today in paying tribute to the memory of our late colleague, GEORGE W. ANDREWS.

Throughout his long career in the House of Representatives, GEORGE ANDREWS continually demonstrated a deep commitment both to the people of the Third District of Alabama and to the Nation. As a ranking member of the House Appropriations Committee, he will be remembered as a devoted and dedicated legislator. But to those of us in the House who knew and worked with him, he will be especially remembered for his enjoyable wit and for the warmth and friendliness of his personality. His death has deprived Congress and the State of Alabama of an able and valuable public servant.

I want to extend my deepest sympathy to his family and hope that in their grief they may be comforted by the fact that

he lived a very meaningful and productive life.

Mr. MATHIS of Georgia. Mr. Speaker, I thank the distinguished gentleman from Alabama (Mr. JONES) for yielding to me for the purpose of eulogizing the late Honorable GEORGE W. ANDREWS. Many tributes have been made to our departed colleague on the floor of the House today. Many words have been spoken about his outstanding service to his congressional district and to his Nation. There is no question but that GEORGE W. ANDREWS will be sorely missed in this legislative body. I had the privilege of meeting GEORGE ANDREWS shortly after my arrival in Washington and immediately I was impressed with his knowledge and intelligence and his devotion to the job he was doing. Another thing that impressed me about GEORGE ANDREWS was that he was never too busy to stop and listen to the problems of a freshman Congressman and to offer his assistance in any way that he could be of help. And this was not just a perfunctory, routine thing with GEORGE ANDREWS; he was sincerely concerned about the problems that a new Member of this body faces. He was very helpful to me. I am indeed sorry that I could not have had the opportunity to serve with such a great American for a longer period of time.

Mr. Speaker, GEORGE W. ANDREWS will be sorely missed in this House as I have said and others have said. He will be missed too by the people of his congressional district and by the people of mine. GEORGE ANDREWS labored long and hard for the orderly progressive development of the tririver system involving the States of Georgia, Florida, and, of course, his native and beloved Alabama. Credit for much of the development thus far on the Chattahoochee, the Flint, and the Apalachicola Rivers must go to GEORGE ANDREWS, who along with the distinguished gentleman from Florida (Mr. SIKES) have been at the forefront of this fight to bring economic justice to our part of the South. A resolution has been introduced in this body which would rename the Columbia lock and dam on the Chattahoochee River in honor of the late GEORGE W. ANDREWS, and I feel this is entirely befitting this great man.

Mr. Speaker, another thing stood out about GEORGE ANDREWS. He always had a story for every occasion and a great sense of humor even in the face of adversity. Mrs. Mathis and I enjoyed his company and the company of his lovely wife, and she joins me in extending our sincere and heartfelt condolences to all members of the Andrews family.

Mr. ROBISON of New York. Mr. Speaker, it was a privilege to have known and worked with GEORGE ANDREWS, of Alabama, these past 14 years and to have been closely associated with him these past 7 years, as fellow members of the Committee on Appropriations.

GEORGE was, I suppose it could be said, a "gentleman of the old school," in numerous ways, but he was, first and foremost, a gentleman in every good sense of that sometimes overused word. He had strong opinions—as who around here does not—but he was always a "gentleman" in asserting those opinions and, if

one happened to disagree with him, that fact did not change his mind, but neither did it change his attitude toward and respect for those who disagreed.

He was—as so many others have noted—⁴thus a delight to work with. Salty in his language, sometimes outwardly gruff and growly, but always underneath that seemingly forbidding exterior lay the heart of a true humanist, for I am sure we agree that GEORGE was about as “human” a man as any we have ever known, with a wide capacity for an innate understanding of the fact that all men are, and must be, brothers.

Then, too, as we have all remarked, there was always within GEORGE his wonderful sense of humor, an irrepressible sense of humor ever bubbling and breaking forth at times of tension or strain—and not just in relaxed moments. His was a brand of humor that was both earthy and pointed, but never unkind—the kind of humor that, somehow, reminded one of the late, beloved Will Rogers with whom GEORGE, even now, may be swapping stories. If that, somehow, should be the case, I am sure that GEORGE is more than holding up his end—and what a great pair those two would be to listen to, and enjoy.

And, yet, GEORGE was far more than humanist and humorist. For he was a dedicated representative of his people—whom he served so well and so long—and a patriot, too, in the almost-forgotten, well-rounded meaning of that word. Surely, Mr. Speaker, he is missed—and we, and the Nation, are the lesser for his passing.

Mr. ANDERSON of Tennessee. Mr. Speaker, on Christmas day last, the world celebrated the birth of the Son of God. But, on that auspicious day, this Nation lost one of its most revered sons—GEORGE WILLIAM ANDREWS.

It was a personal honor for me to know this distinguished leader from Alabama. In January of 1965, when I assumed my duties in this House, he was among the first to extend his hand in sincere friendship—a hand of friendship which remained extended until 1 month ago today.

Never will I, as I am sure all who knew him, forget his constant cheerfulness and his vibrant personality. He was a true man and a great leader in the legislative process. Dedication was his trademark and complete service to his fellow man his goal.

It gives me added pleasure to have known this gentleman. When GEORGE ANDREWS was first elected to this House he was serving as an officer in the U.S. Navy. He served his Nation well then in time of war as he has served it since, in time of peace.

Now he is gone. My deep sympathies go to his widow and children for their sorrow and bereavement.

As a fellow naval officer, I salute you GEORGE WILLIAM ANDREWS, Godspeed and a well done for your service to God and country.

Mr. HAGAN. Mr. Speaker, GEORGE ANDREWS will always be remembered by me for he was tremendously helpful in my days as a neophyte Member of Congress and in the years that followed.

I am sure the people of Alabama share

my own sentiments for there is no doubt but that he served them ably and well. He was responsive to his people's needs and it appears obvious that such efforts were not only recognized but deeply appreciated.

His was a long distinguished tenure of office. I personally enjoyed serving with GEORGE ANDREWS in Congress. In having known this fine southern gentleman and public servant, I fully realize all too well that he will be sorely missed in the difficult days ahead.

Mr. DENNIS. Mr. Speaker, I should like to join my colleagues in expressing my sincere regret at the recent passing of our colleague the gentleman from Alabama, the Honorable GEORGE W. ANDREWS.

It was not my privilege to know Mr. ANDREWS so long or so well as many other Members did; but in my acquaintance with him I conceived a high opinion of the basic soundness of his views, his fundamental kindness as an individual, and his good Americanism.

Mr. ANDREWS, as a lawyer, was good enough to say some complimentary things about my own professional competence—which I cherish because of their source—and the last time I had occasion to speak with him was due to his hospitality in inviting me to attend a briefing by Admiral Zumwalt, the Chief of Naval Operations, which Mr. ANDREWS arranged shortly before the close of the first session of the 92d Congress.

Mr. ANDREWS was a southern gentleman, and an American patriot of the old school, and we shall miss him in the Congress of the United States.

Mr. JONES of Alabama. Mr. Speaker, the large number of our colleagues who have paid tribute to the memory of the late Honorable GEORGE W. ANDREWS is an indication of the very high regard in which he was held in the House.

He was also viewed with a special kind of affection by those who worked with him in his office.

These, too, were his colleagues and associates. They knew him well. The people who shared his work have prepared a statement concerning his extended service. It is appropriate to include their views among the other tributes to his life. Their comments follow:

STATEMENT

George Andrews was many things to many people. To his constituents in Southeast Alabama, he was a solver of problems, a benefactor of pet projects, an unofficial guide for visits to the Nation's Capital, and a ready listener on 24-hour call.

To his Congressional friends and colleagues in the House of Representatives—there is a difference, although he converted most of the latter into the former over a span of 28 years—he was an important contact on the Appropriations Committee, a ready ally for conservative causes, an able and willing counselor on matters legal and political, and more.

To all, he was a virtuoso teller of stories, mostly of vintage years spent in courtrooms in Alabama's old Third Judicial Circuit, well before he came to Washington. They were yarns spun with the dramatic flair of William Jennings Bryan, interrupted more than once with a patented Andrews chuckle, filled with enthralling characters, who, believe it or not, really existed.

To those of us who were fortunate enough

to be on his staff, he was simply “the Boss”. We were the lucky ones. We saw first-hand what he meant to his constituents and what his constituents meant to him. They were strictly first priority, their letters, to be answered immediately; their problems to be handled and solved, if possible, quickly; and their visits, to be welcomed and met with courtesy and the best in Southern hospitality.

He was as close to every person in the Third District as the telephone, he would often say. He meant it, and many took him up on it, late at night and in the wee hours of the morning. When his people called, he acted, and when he acted, he got action.

George Andrews always had a friendly smile, a pleasant greeting in deep baritone, and a quick strong handshake for those he met, but his ire was quickly aroused when a constituent was not getting his just due from a Federal Government he considered altogether too large and too involved where it should not be.

He thoroughly enjoyed visits from the “folks back home”, and we knew, without asking, to roll out the red carpet for them. They were all very special to “the Boss”.

George Andrews was a conservative and proud of it. He was as forthright with his conservatism as he was with any other matter. He spoke conservatism and he lived it. He guarded the taxpayers' money as though it were his own, and that is truly exceptional on Capitol Hill.

To say that George Andrews was conservative, however, was not to say that he was satisfied with the way things are in this world today. He was a man of great compassion for those truly in need. He anguished at the continued loss of life on the battlefields of Vietnam.

“The Boss” was clearly a story-teller of few equals. The stories he told to others we heard more than once, and they did, in fact, become better with age.

We shall dearly miss those evenings when at the end of a long work day, he would pause before leaving the office and treat us to some of his finest stories. We all enjoyed hearing them, and he did so enjoy telling them.

George Andrews worked long and hard for the Third District. His work day started at about 8 a.m. and never ended before 6 p.m., and usually he stayed on the job longer than that—not to mention his availability for late hour calls and emergencies. He worked six days a week without fail, and many a Sunday afternoon would find him at his desk.

He attended committee meetings religiously, managing to cover most sessions of the three subcommittees on which he served with such great pride. When he went to the floor of the House, he was there for the duration of the day, and night if need be.

He was attentive to the business of the House, listened to the important and unimportant speeches that crowded each day's agenda in the House chamber, and charmed attentive audiences in the cloakrooms nearby.

“The Boss” did very little playing and no “playing around,” as the saying goes. He adhered to a strict moral code, which ruled out impropriety or the appearance of impropriety in all of his actions, be they business, political, or social. Every Sunday morning would find him in a pew at Washington's Calvary Baptist Church.

Never a more devoted husband and father existed than George Andrews. When it came to love for his family, he was the world's greatest liberal.

And we were his “other family,” of whom he characterized as the finest and most loyal staff on Capitol Hill. If this were so, he made it so, for it was a pleasure—no, it was fun—working for “the Boss.”

It was no picnic, for while he was certainly no tyrant, he was demanding, and to him, any job worth doing was worth doing right.

We respected him for the standards he set and the fairness with which he demanded their maintenance.

George Andrews is gone, and he will be missed by those who knew him and by those who did not, but benefited from his tireless efforts on their behalf for 28 years.

None shall miss him more than we, save his family. He touched our lives and for that we are grateful. Christmas Day will always bring pleasant memories, with just a touch of sadness, of our coveted years with "the Boss."

Eva Hammond, Boots Jebels, Marie Heacock, Ruth Parker, Tom Gilbert, George Noblin, Forrest Tate, Bobby Turner, Phil White.

Mr. MOORHEAD. Mr. Speaker, it was with great personal sadness that I learned of the death of my colleague, the gentleman from Alabama, GEORGE WILLIAM ANDREWS.

GEORGE ANDREWS earned the respect of us all for his dedication to public service. He was willing to take the time and effort needed to master the complexities of the appropriations process. And as chairman of the Legislative Subcommittee on the House Committee on Appropriations and as third-ranking member of the full committee, he had many responsibilities which were not glamorous but were, nevertheless, extremely important. His diligence in fulfilling his responsibilities was admired by all who understand the magnitude of that committee's responsibilities.

I admired GEORGE ANDREWS for other qualities which were the mark not just of a successful public figure, but of a remarkable human being. He was a gentleman who treated even those who disagreed with his position with courtesy and consideration. He had integrity. He followed his course of public duty as he saw it. You could count on his word. He had wit and humor which made contact with him enjoyable as well as informative. I recently had the good fortune to obtain an office adjacent to his which gave me increased opportunity to enjoy the warmth of his personality.

Just as he took his duties as committee member and chairman and his commitments to colleagues seriously, GEORGE ANDREWS took great effort to truly serve his constituents. They responded, returning his affection and respect by electing him to 14 consecutive terms. They will miss his careful concern for their problems and interests.

My colleagues, the residents of the Third District of Alabama and I have all suffered a loss. I join my colleagues in extending my deepest sympathy to the ANDREWS family.

Mr. WHALEN. Mr. Speaker, my tenure in the House has been relatively short compared to the nearly 28 years in which GEORGE ANDREWS served in this Chamber. During my 5 years here, I did not serve on any committees with him. However, one need have been a Member for only a little while in order to come to know the warmth of his friendship and to enjoy his humor.

I think it is particularly fitting that in paying tribute to GEORGE ANDREWS many Members have commented in this vein while at the same time acclaiming his legislative accomplishments. As Washington Irving wrote:

An inexhaustible good nature is one of the most precious gifts of heaven, spreading itself like oil over the troubled sea of thought, keeping the mind smooth and equable in the roughest weather.

Certainly, the wit of GEORGE ANDREWS calmed many heated debates in this body.

Mrs. Whalen joins me in extending our sympathy to the family of GEORGE ANDREWS. May he rest in peace.

Mr. BURKE of Massachusetts. Mr. Speaker, before any more time goes by, I did want to rise and spend a moment or two of this House's time to express the condolences of myself and Mrs. Burke to the family of our late beloved colleague, the distinguished Congressman from Alabama, GEORGE W. ANDREWS. Perhaps there is even merit in waiting awhile to reminisce and pay tribute to a departed colleague. With the passing of time, in some ways one realizes one's loss all that much more keenly than in the first few hours that follow such a tragic loss as we have all experienced this past month. Doubtless, part of my own feeling of great pain at the loss of so dear a friend as GEORGE ANDREWS can be explained by the suddenness of it all. No one expected such a loss. No one was in any way prepared to hear such an announcement on the news—if indeed one can ever be prepared for such news. Now that we have been back together as a body for a few weeks and have been about our daily business in committee and on the floor, I think I am speaking for every Member here, regardless of party affiliation or ideological persuasion in saying that his passing has left a vacuum that in all likelihood will never be filled. Ever the complete representative of his people, he was also ever the comrade of his colleagues in the institution he loved so dearly, the U.S. House of Representatives. His sense of humor, his sense of history, his sense of continuing tradition and participation in the whole fabric of representative Government, which he had beyond compare, nobody can afford to lose or be without. And so I feel that GEORGE would like to know that time has not yet fogged our memories. We still remember him and sorely miss him and his humor, his companionship, his cooperation, and above all, his complete integrity. It seems incredible to think that just a few weeks ago, he was in there fighting on a matter that he need not have involved himself in, whether to go ahead with the annex to the Library of Congress or to build yet another House Office Building. And yet, it is both typical of and a tribute to the man that this should have been one of his last great fights, involving as it did the character of the Nation's Capital and the Congress, both of which he loved and knew so well. I could go on and relate numerous other instances of his attention to detail and what might strike others as unimportant in their efforts to represent their particular districts and yet, I think the point has already been made that when the House loses a good Member in every sense of the word, then the whole Nation loses a dedicated public servant. Such a man was GEORGE W. ANDREWS.

Mr. BIAGGI. Mr. Speaker, I should

like to join my colleagues in expressing my sincere regret at the recent passing of our colleague, the gentleman from Alabama, the Honorable GEORGE W. ANDREWS.

GEORGE ANDREWS was a dedicated representative of his people whom he served so well and so long. Among his many achievements over the years, he will surely be remembered for his long and untiring labors devoted to the orderly and progressive development of the tririver system involving the States of Georgia, Florida, and, of course, his beloved Alabama.

There has been a resolution introduced in this body which would rename the Columbia lock and dam on the Chattahoochee River in honor of the late GEORGE W. ANDREWS. I cannot think of a more fitting tribute to this fine gentleman from Alabama. For many years he was a dedicated representative of his people and recognized as a true patriot.

It has been a privilege to have known and worked with GEORGE ANDREWS.

I know my colleagues join me in extending our sincere and heartfelt condolences to all members of the Andrews family.

GENERAL LEAVE

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Mr. NICHOLS). Is there objection to the request of the gentleman from Alabama?

There was no objection.

DEPARTMENT OF PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, everyone of us is vitally concerned about the subject of peace. I cannot conceive in this day and age of anything that is more important to any American citizen than the question of securing peace throughout the world.

It is tragic that mankind—so successful in developing the most intricate technological devices, in discovering the most obscure and complex secrets of nature, in conquering vast new worlds through space exploration—has failed so miserably at the task of living peacefully with his fellow man. We have achieved several trips to the moon, Mr. Speaker. Has not the time come to achieve the adventure of a peaceful earth?

Surely we share the conviction that there is no easy road to peace and security. We must reevaluate our concepts of the true meaning of peace and place it in a positive frame of reference.

It is for this reason and to take a step in that direction, that I am today introducing a bill to establish a Department of Peace, with a Secretary of Peace at its head, and to create a Joint Committee on Peace and International Cooperation in the Congress. I have been joined in the

sponsorship of this legislation by 56 colleagues in the House:

LIST OF SPONSORS

Bella Abzug (D-N.Y.), Joseph Addabbo (D-N.Y.), Glenn Anderson (D-Calif.), Herman Badillo (D-N.Y.), Mario Biaggi (D-N.Y.), John Blatnik (D-Minn.), Edward Boland (D-Mass.), Frank Brasco (D-N.Y.), James Burke (D-Mass.).

Phillip Burton (D-Calif.), Shirley Chisholm (D-N.Y.), George Collins (D-Ill.), Silvio Conte (R-Mass.), John Conyers, Jr. (D-Mich.), James Corman (D-Calif.), John Delenback (R-Oreg.), Charles Diggs (D-Mich.), Harold Donohue (D-Mass.).

Robert Drinan (D-Mass.), Thaddeus Dulski (D-N.Y.), Florence Dwyer (R-N.J.), Don Edwards (D-Calif.), Paul Findley (R-Ill.), Donald Fraser (D-Minn.), Kenneth Gray (D-Ill.), Michael Harrington (D-Mass.), Augustus Hawkins (D-Calif.).

Margaret Heckler (R-Mass.), Henry Helstoski (D-N.J.), Louise Day Hicks (D-Mass.), Frank Horton (R-N.Y.), Andrew Jacobs, Jr. (D-Ind.), Joseph Karth (D-Minn.), Edward Koch (D-N.Y.), Spark Matsunaga (D-Hawaii), Paul McCloskey (R-Calif.).

Abner Mikva (D-Ill.), John E. Moss (D-Calif.), Robert Nix (D-Pa.), Claude Pepper (D-Fla.), Bertram Podell (D-N.Y.), Charles Rangel (D-N.Y.), Thomas Rees (D-Calif.), Henry Reuss (D-Wis.), Don Riegle, Jr. (D-Mich.).

Peter Rodino, Jr. (D-N.J.), Ben Rosenthal (D-N.Y.), Ed Roybal (D-Calif.), William Ryan (D-N.Y.), James Scheuer (D-N.Y.), John Seiberling (D-Ohio), Robert Steele (R-Conn.), Olin Teague (D-Tex.), Charles Vanik (D-Ohio), Jerome Waldie (D-Calif.), Charles Wilson (D-Calif.).

The bill transfers to the Department of Peace certain existing agencies and functions of our Government and establishes new concepts for the resolution of international conflict.

The Peace Corps, the Agency for International Development, and the Arms Control and Disarmament Agency will be transferred to the Department, as well as those functions of the State Department that pertain to the specialized agencies of the United Nations.

The bill also gives the Secretary of Peace jurisdiction over the International Agricultural Development Service, now in the Department of Agriculture. In addition, this measure will establish the International Peace Academy under the Secretary of Peace.

The purpose of the Department shall be to promote the cause and advancement of peace by this Nation throughout the world. The Secretary will develop and recommend to the President appropriate plans, policies, and programs designed to foster peace. He will coordinate all activities of our Government affecting the preservation or promotion of peace. The Secretary will cooperate with the governments of other nations in research and planning for the peaceful resolution of international conflict, and he would encourage similar action by private institutions. He would also encourage and assist the interchange of ideas and persons between private institutions and groups in the United States and those in other countries. Further, he would encourage the work of private institutions and groups aimed at the resolution of international conflict.

The purpose of the International Peace Academy is to furnish training and instruction to prepare citizens of the

United States for service relating to the field of promoting international understanding and peace. This will operate much like the military service academies except that its graduates will be trained for employment by the Department of Peace, by international organizations, or private agencies whose activities are related to peace.

The Joint Committee on Peace and International Cooperation which the bill creates in the Congress will study matters relating to the Department of Peace, coordinate programs, and guide the several committees of Congress dealing with relevant legislation. This committee would be comprised of seven members each from the Senate and House.

The idea of a Peace Office in the executive branch is not new. In fact, we can trace the beginnings of this movement back to the early 1790's when two distinguished Americans—one black and one white—set forth similar proposals. In the fall of 1792 in the first edition of "Baneker's Almanac and Ephemeris of the Year of Our Lord 1793," Benjamin Baneker, a surveyor, mathematician, and astronomer who was sometimes called the Black Ben Franklin, included an essay proposing a Peace Department.

And, in 1799, Dr. Benjamin Rush, a signer of the Declaration of Independence, wrote "A Plan for a Peace Office for the United States." He advocated a Secretary of Peace to balance the Secretary of War role in the President's Cabinet.

Similar proposals were echoed during the course of the 19th century by various publicists and legislators but none of these efforts led to constructive action. There were several initiatives in the 20th century taken in the U.S. Congress to establish varying forms of a peace agency.

As recently as 1955, President Eisenhower took a step in this direction, creating, by Executive order, a special Peace Office within the State Department, headed by a special Presidential assistant with Cabinet rank.

The President noted at that time:

The massive resources required for modern armaments, the huge diversions of materials and of energy, the heavy burdens of taxation, the demands for years of service of vast numbers of men, the unprecedented destructive power of new weapons and the international tensions which powerful armaments aggravate, have been of deep concern for many years.

Since then, Congress established the Peace Corps; it created the Arms Control and Disarmament Agency; it extended the foreign aid programs and established the Agency for International Development.

Despite these steps, however, there is today in the Government of the United States no one actually in charge of peace. There is no Cabinet-level department working at the problem full time to the exclusion of other responsibilities.

Peace is everyone's concern and no one's job, a situation which probably explains why, despite repeated expressions of determination, we have failed to convert a peacekeeping intent into a peacekeeping capability.

We must recognize that the State Department is not, and can never properly be, a peace office. Every Secretary of State since Thomas Jefferson has seen his duty as Jefferson saw it: to handle foreign affairs to the best interest and advantage of the United States. And that is as it should be.

The Department of Peace, as we envisage it, will define and advance our larger interests with new techniques and new energy. It will extend to the area of foreign affairs the philosophy of checks and balances which has worked so well with our Federal system of government.

The bill I am introducing is broad in its scope, for it develops new concepts, blends them with existing programs, and attempts at long last to redefine our national purpose as one dedicated toward peace. It will reassure and encourage rational people everywhere, for truth slips through barbed wires and climbs over great walls.

THE FEDERAL JUDICIAL CENTER 1971 ANNUAL REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. POFF) is recognized for 5 minutes.

Mr. POFF. Mr. Speaker, nothing is more crucial to the cause of justice than the intelligent administration and implementation of the judicial process.

The Federal Judicial Center is dedicated to the goal of excellence in that process. The center was established under Public Law 90-210, December 20, 1967. It is supervised by a board of seven members including the Chief Justice of the United States, permanent chairman, the Director of the Administrative Office of the U.S. Courts, permanent member, and five members elected from time to time by the Judicial Conference. Two of the latter are judges of the circuit courts of appeal and three are U.S. district judges.

The statutory mandate of the center is, first, to conduct research concerning the operation of the courts of the United States; second, to make recommendations to the judicial conference for improvement of the administration and management of the courts; third, to conduct programs for the education and training of judicial personnel; and fourth, to provide staff and other assistance to the Judicial Conference.

The work of the Judicial Center was launched by its first director, Mr. Justice Tom Clark. Under his active leadership, the center laid a foundation and erected a framework admirably suited to the discharge of its mission. Its second director, Judge Alfred P. Murrah, senior judge of the 10th Circuit Court of Appeals, has been a most worthy successor to Mr. Justice Clark. He brings broad experience and great talent to the task. I am much impressed by what the center has already achieved and the prospects for future achievement. The story is well told in succinct language in the 1971 annual report of the Federal Judicial Center which I am pleased to quote in full:

FEDERAL JUDICIAL CENTER—ANNUAL REPORT
1971

During its fourth year, the Federal Judicial Center continued to expand its basic activities of research, innovation, and training, but at the same time began to place increasing emphasis upon problems related to the mechanics of improving judicial administration. The principal questions involved are:

1. How should a program for improving judicial administration be conceived and developed?

2. How can resources available for such a program be used most effectively?

3. How can necessary or salutary changes be implemented?

None of these questions is new; and it is unlikely that any is susceptible of a single or final answer. But the Center's attention to these questions, coupled with its experience of the past few years, has led to several developments in its approach to its responsibilities.

Program. The existence and broad mission of the Center have presented a rare opportunity to mount comprehensive assaults upon problems of judicial administration in specified areas of the federal judicial process and system. Comprehensiveness is possible on two levels. One is scope. In developing a program on the administration of appellate litigation, for example, one can attempt to deal with both long-range problems, such as the appropriate structure and function of the appellate courts under the anticipated case load of the 1980's and immediate problems, such as the appropriate and effective use of supporting personnel and ways of coping with the mounting number of printed opinions. On another level, a comprehensive approach can be taken with respect to the methods to be employed for attacking the problem. Empirical research can be integrated with the advice solicited from experts assembled in conference and with experimentation. During the past year, the Center's varied activities have coalesced into comprehensive programs of this kind. The principal ones under way are in the areas of appellate litigation and criminal litigation in the trial courts, which are discussed in more detail below.

Resources. The comprehensive program approach described above not only facilitates the fixing of priorities and coordinating projects but also permits ready identification of matters in need of attention which are of concern to the state judicial system as well as the federal system. With respect to such matters, the Federal Judicial Center has the choice of playing one of many different roles, depending upon the matter or project involved and what is judged to be the most effective use of Center and national resources: partner, stimulator, advisor, coordinator, monitor, or student. During the past year, the Center's role as a center for activity directed toward improving judicial administration increased significantly, including the lending of major assistance in the establishment of the National Center for State Courts and in planning and participating in projects of mutual federal-state concern, as more fully described below.

Implementation. The problem of translating knowledge and promising ideas into action has always confounded judicial reformers. Although it is not within the power of the Center directly to implement change, the Center can facilitate implementation not only through training and education, but also through experimentation with techniques which, if determined to have enduring value, can ultimately be utilized by others on an on-going basis. Accordingly, during the past year, the Center attempted to deal with the solution of old problems with varying new methods. For example, rather than merely transmit to existing

court personnel a new formula for effective utilization of jurors, the Center supported the technique, used in the business world, of placing a consultant in particular courts to work out the details of the changes necessary to make the formula effective. New approaches are also being tried in attacking the problem of avoidable delay in the processing of criminal cases, as is more fully discussed below.

The principal activities and developments at the Center during its fourth year were as follows:

I. ORGANIZATION OF THE CENTER

A. Personnel. The addition of key personnel during the spring of 1971 greatly enhanced the capacity of the Center and contributed significantly to the expansion of its program and activities. The Center engaged its first Deputy Director, Richard A. Green; appointed a new Director of Education and Training, Kenneth C. Crawford; and established a new position of Director of Administration, filled by Frank M. Hepler. The absorption by the Center of the program of the Administrative Office in training and education of probation officers resulted in the addition to the permanent staff of the Center the experienced Deputy Director of that program, Harry W. Schloetter. In addition, the Center established the position of Senior Fellow to be filled annually by a scholar in judicial administration. The first to occupy this position is Professor John Daniel Reaves, on leave from the University of Georgia School of Law.

B. Budget. The Center requested, and the Congress granted in full, an appropriation for Fiscal Year 1972 in the amount of \$1,255,000. This represented an increase over the appropriation for Fiscal Year 1971 in the amount of \$555,000. Of that increase, however, \$117,000 represents the sum previously used by the Administrative Office for probation officer training which in effect was merely transferred from the Administrative Office budget to the Federal Judicial Center budget. Consolidation of this former Administrative Office function with the training and education activities of the Center will shortly result in economies with respect to the permanent staff required for administration of the program.

C. Housing. Expansion of Center activities and staff over the past year resulted in severe overcrowding of the facilities available in the Dolley Madison House. This housing problem has been solved with the generous cooperation of the Administrative Office, which is now in the process of vacating for use by the Center the last of the four floors which it occupied in the adjacent building, the former Cosmos Club. It may be worthy of note that these premises are probably among the most highly utilized of those devoted to the activities of the federal judiciary. During more than half of the weekends between October 1, 1970 and October 1, 1971 some form of scheduled activity relating to judicial administration—committee and board meetings, conferences, seminars, short courses—was taking place at the Dolley Madison House.

II. PROGRAM ON APPELLATE LITIGATION

A. Geographic Reorganization of the Circuits. As reported earlier, the Center has developed data and computer programs to assist in devising and evaluating wide-ranging alternative realignments of the geographic jurisdiction of courts of appeals. Such assistance can be quickly rendered whenever requested by the Judicial Conference, the Congress or any commission created by the Congress, as recommended by the Conference. At the direction of the Board of the Center, and as requested by the House Committee on the Judiciary, the Center has circulated a questionnaire to all active federal judges eliciting their views on the

fundamental considerations that should be taken into account in developing alternatives and in settling upon a reorganization plan. Some of the issues addressed are: number of circuits, number of judges per circuit, number of states in a circuit and optimum workload.

B. Circuit Judges' Time Study. At the request and with the cooperation of all the active judges of the Third Circuit Court of Appeals, a study is underway regarding the allocation of working time of the judges and their supporting personnel. The information and analysis produced by the study will enable the judges of the Third Circuit to assess the time burdens resulting from each of their various responsibilities and to evaluate the potential impact of proposed revisions in their procedures. The study began August 15, 1971 and will continue through August 15, 1972.

Because of the Center's experience with the district judges' time study, it was possible to respond to the Third Circuit's request and launch this effort in a matter of a few weeks. The Center stands ready to provide similar assistance to other courts of appeal.

C. Supporting Personnel in the Courts of Appeals. A proposal has been developed to experiment with, and evaluate, several innovations in the operation of intermediate appellate courts. The features of the proposal include experimentation with standing panels, utilization of staff attorneys, concentration by panels and staff in certain substantive areas for limited periods of time, a special focus on direct criminal appeals and experiment with rules accelerating the time for preparation of appeals for hearing.

The proposal calls for phased introduction of different features according to the needs of specific courts and the resources available. It is hoped that certain portions of the plan can be undertaken in the Fifth Circuit by late fall of this year. Meantime, the National Center for State Courts and the Law Enforcement Assistance Administration (LEAA) are reviewing the plan with a view toward parallel experimentation in state courts to begin as soon as possible.

D. Printing and Publication of Opinions. There appears to be widespread consensus that too many opinions are being printed and published or otherwise disseminated. While an opinion may be needed to advise the parties of the reasons for the outcome of the case or to complete the record for possible appeals, many of these opinions do not require nor deserve publication. There is not, however, any consensus about how to limit publication to those opinions that serve the general needs of the law and the public. In an effort to stimulate and assist an attack on this problem, the Center has begun compiling information on the various rules, procedures and techniques that are being followed in state and federal courts to limit the printing and publication of opinions. In addition, the Center will be gathering information about how these procedures have worked.

E. Comparison of Internal Operating Procedures of Courts of Appeals. The U.S. Courts of Appeals, as collegial bodies interested in their own efficiency constitute in effect 11 committees of experts continually concerned with improving judicial administration. To date knowledge of what they have developed and effected on a comparative basis is incomplete. Practices are not always fully documented in the published local rules and the local rules are not always followed in actual practice. In order to make this knowledge available to other courts, and possibly to aid a court in the accurate perception of its own practices, the Center has launched an in-depth, comparative study of the internal operating procedures of all 11 Courts of Appeals. This project should be completed in

early 1972. One of the objectives of the project is the development of an instrument by which the knowledge can be kept current with a minimum effort. This project will be coordinated with a similar one being conducted jointly by the Appellate Judges Conference and American Bar Foundation, primarily concerned with state courts.

F. Structure and Function of Appellate Courts of the Future. The Center recently played a supportive and planning role in the formation of an Advisory Council for Appellate Justice by a diverse group of scholars, judges and lawyers who have evinced special interest and expertise in the changes being wrought on the appellate process by the increasing volume of appeals and the critical problems such volume poses for the future (if they are not already upon us). A major purpose of the Council will be to evaluate the need of, and proposals for, fundamental changes in the structure and function of appellate courts. At the same time it will attempt to identify matters concerning which immediate action should be taken. The principal feature of the group is its purpose to render assistance to the Federal Judicial Center, National Center for State Courts and others interested in judicial administration, while retaining its free-lance character. A possible outgrowth of its work, in which it will be assisted by the staffs of the two centers, is the convening of a National Conference on Appellate Justice to provide a basis for consensus on directions for the future.

G. Transcription of Records. A comparative study of court-reporting systems, sponsored jointly by the Center and LEAA and conducted by the National Bureau of Standards, has been completed and the final report is due on November 1, 1971. The primary purpose of the study was to compare the speed, accuracy and cost of conventional stenotype reporting and transcription with stenotype reporting connected with a computer for transcription purposes. Included in the comparison was the speed and cost of audio (electronic) recording and transcription directly therefrom. An experiment was conducted for three weeks in the NBS laboratories and for two weeks in the courtrooms of the Philadelphia Court of Common Pleas.

Preliminary findings indicate that the computer can prepare a draft of a transcript in $\frac{1}{10}$ th the time required by conventional methods, but that the time required for current editing procedures can cancel out the advantages. Although affirming its feasibility, the report will indicate the need for further evaluation of the process based upon steps to be recommended by NBS to reduce errors and editing time to an acceptable rate, including appropriate programming, "tuning" reporters to the system and editing procedures. The report will not recommend the present adoption of one system to the exclusion of all others, but will suggest the use of the system appropriate to the needs of the particular court and will present detailed formulae for making the necessary evaluation.

The NBS report is expected to lead to further development and demonstration of alternative recording and transcribing techniques, e.g., the development of recording equipment designed specifically for court use. The Center expects to assist in, and monitor, further activity in this area for which substantial funds appear to be available from sources other than the Center budget.

III. PROGRAM ON TRIAL COURT LITIGATION (General)

A. Juror Utilization. The Center, under the sponsorship of the Committee on the Operation of the Jury System, has completed studies aimed at improving juror utilization in the U.S. District Courts for the Southern and Eastern Districts of New York. This project,

which was performed by the Institute of Judicial Administration under contract to the Center, had as its objective the development of specific guidelines and procedures which result in significant reductions in petit juror expenses without increasing the workload of the clerk's office or creating any significant problems of delay in starting jury trials. Guidelines, and a system for implementing the improved techniques, have been recommended to both courts. Their implementation should result in cost savings of \$300,000 per year in New York Southern and over \$250,000 in New York Eastern, with a very small risk of delay in the starting time of any trials.

Based on these studies, plus studies conducted by the clerks' offices in California Central, Illinois Northern, the District of Columbia and independent research conducted under an LEAA grant, a report covering general principles and methods for reducing juror costs in district courts will be published by the Center.

One of the objectives of the studies in New York Southern and Eastern was to experiment with methods of implementing proposed reforms. A consultant was placed in particular courts in order to observe their actual operating conditions and practices and to be able to recommend the precise changes required to put the reforms into effect, rather than to leave the problems involved to the courts to solve on their own. Although actual implementation still requires a decision by the judges involved, it is believed that use of a consultant in this manner has contributed significantly to bringing the reforms to this posture.

B. Calendaring Practices. During the past decade, there has been increasing support for the individual calendar among the courts of the federal system. Change, however, had been extremely slow and erratic. When the Center was established, the master calendar was followed in eight of the 20 largest courts. These eight courts had 28.5 per cent of the filings in all district courts. Today, all but one large district court have converted in whole or in part to the individual calendar. The Center continues to devote substantial portions of its seminars for judges and clerks to the efficient operation of the individual calendar. Along with the Administrative Office, the Center continues to provide special assistance to individual courts to facilitate the transition to the new calendaring methods. Assistance has also been extended by collecting information necessary to evaluate the impact of the changes.

C. District Court Time Study. The final report on the district court time study has been completed. A summary of the major results of the study has been disseminated through The Third Branch. Complete findings and recommendations concerning the weighted caseload index have been delivered to the Subcommittee on Judicial Statistics of the Committee on Court Administration, and to the Administrative Office.

A major result of this study, however, is the contribution that it has made and will continue to make in efforts to deploy judicial resources with maximum efficiency. Analysis of the judge time required for disposition of criminal cases has been developed for each of the district courts participating in the Center's conferences dealing with avoidable delay. This enables the judges to evaluate, in concrete terms, the impact that can be expected from tightening and accelerating various segments of the litigation procedures. Further analysis, in more specific terms, is being prepared to respond to the questions developing in this series of conferences.

As mentioned earlier, the district court time study has enabled the Center to quickly develop study designs and procedures for similar analyses of the courts of appeals. A full step-by-step documentation of the district court time study has also been provided

to several state agencies interested in conducting such studies in state trial courts. At least two state studies have already been launched.

D. Court Management Information Systems. The Center and the Administrative Office are jointly planning the design and implementation of improved statistical and information systems for the courts. On a planning level, the Center is engaged in drafting the outline of a comprehensive information system for the federal courts. We expect to proceed very carefully and cautiously through the planning stage to be certain that the resources which such a system will ultimately require are appropriately expended. By emphasizing the total picture, the Center should be able to articulate the discreet steps which are required to move toward the long-range goal. Several current projects are representative of some of the building blocks which will become part of the system of the future. These are:

1. Using funds allocated by LEAA for the purpose of designing a model criminal justice statistics system for use in both state and federal courts, the Center is working with the Administrative Office in designing steps necessary to create a vastly improved system within the next two years. The major work on this project will be conducted by the Administrative Office with planning and developmental assistance provided on a coordinated basis by the Center.

2. The first phase of an experimental criminal case management information system, using automatic data processing, has been operating in the U.S. District Court for the District of Columbia for the past year. The Center has now completed the systems design for Phase II and is proceeding with the computer programming necessary to implement the system in January of 1972. The Phase II system will represent a significant improvement and will provide detailed information on the status of each case and the elapsed time for each stage of the criminal process for each defendant in order to meet speedy trial objectives. One significant feature of the system will be the capability for a district court to set local time limits for each criminal case stage. The computer system will then keep track of the status of each defendant and provide notification on any cases which are exceeding the established goals.

A major problem in the courts is the accuracy of presently existing manual records. One of the accomplishments to date has been the establishment of computer files which have proved, after evaluation, to exceed the accuracy of any of the existing manual records. In addition, it is possible to eliminate the preparation of several manual reports with cost savings to the court.

The Phase I version of the system will be implemented in the District Court for the Northern District of Illinois during November and December of 1971. This implementation will provide a valuable test of the flexibility of the system to accommodate the needs of different district courts. As part of the information systems planning, the developments of this project will be integrated with Administrative Office developments to achieve a coherent, consolidated, operational system which contains the data required by the Administrative Office and provides special additional information for local court day-to-day operational requirements.

(Criminal)

E. Delay in Criminal Cases. In view of the existence of the number of current studies of general problems in the administration of criminal justice, e.g., ABA Standards for Criminal Justice, the Center has sought to attack delay in the processing of criminal cases by focusing attention on the specific considerations and practices of federal courts. This past August it convened the first of a series of conferences of the chief judges

of 17 districts through which flow approximately 50 per cent of the criminal cases in the federal courts. Rather than beginning with nostrums and panaceas, the conference consisted largely of discussion by the judges of what occurred in their courts between succeeding events in the process and of an attempt to identify avoidable delay wherever it may occur and regardless of the amount of time involved. At the same time, there was a preliminary exchange of views regarding responses by various courts to particular problems. It is expected that future conferences will deal with problems which require joint discussion, e.g., with the Department of Justice and U.S. Attorneys, for solution.

In support of these conferences, the Center has prepared extensive data reflecting disposition patterns, delay intervals and judicial time distribution for the courts represented. For the second conference, the Center will have computer analyses of the variations in time lapse between major events in the criminal process, i.e., (1) from offense to indictment, (2) from indictment to the end of pre-trial motions and hearings, (3) from end of pre-trial motions to beginning of trial, (4) from beginning of trial to verdict, (5) from verdict to sentencing.

It is anticipated that the conference will contribute significantly to speeding the processing of federal criminal cases merely from their generation of commitment by, and communication between, the chief judge regarding that goal. In addition, it is hoped that the convergence of hard experience and hard data will enable the judges and the Center to fashion a realistic and coherent attack on the problems identified.

(Civil)

F. Multidistrict Litigation. The Center has contracted with the former staff director of the Multidistrict Litigation Panel for a report on the development of the procedures used in that project. In addition to capturing the history of one of the most successful experiments in federal judicial administration, the report is expected to be provocative of ideas with respect to dealing with other kinds of civil litigation.

G. Video Taping of Depositions. During the past year, the Center sponsored experimental use of video tape equipment in the U.S. District Court for the Western District of Pennsylvania for the purpose of preserving the testimony of expert witnesses. A report is being prepared for publication.

IV. PROGRAM ON SENTENCING AND PROBATION

A. Probation Case-Aide Project: This project was designed to test the usefulness of non-professional case aides for federal probation officers and to develop programs for training and utilizing such aides. The District Court for the Northern District of Illinois and the University of Chicago have cooperated to carry out the experiments envisioned by the project. The action phase of the project has been completed in which approximately 40 case aides were recruited, trained and employed in the investigative and supervisory activities of the probation office.

All of the analysis of information and data generated by this project will require additional time to complete. However, the court and the probation office in the Northern District of Illinois are firmly convinced by the experience of the project and the preliminary reports that provision should be made at the earliest possible moment for career slots for non-professional case aides. The Center and the National Institute of Mental Health are continuing to support the efforts to develop a clear delineation of the responsibilities, qualification and training for these assistants.

B. Sentencing Outcome Data. The judge and the probation officer are constantly faced with repetitive patterns of criminal behavior requiring them to reach decisions on correctional approaches. Unfortunately, there has been no thorough analysis of their prior

decisions, correlated with the outcome of the decisions, to offer guidance for the future. While considerable data for such analysis has been amassed in the Administrative Office, the resources for study and report have never been made available. This has been a source of major concern to the bench, to the Administrative Office and to the Center. Currently, LEAA is considering a proposed study of persons under supervision by the federal probation staff. Data has been developed by the Administrative Office. Analysis would be performed at the Institute of Contemporary Corrections and the Behavioral Sciences at Sam Houston University in Texas. The Center has consulted with all three organizations as the proposed project has developed and would continue to serve as a resource, and possibly as a source of support, to see the project through. The study would analyze five years of histories of persons released to supervision on probation, on parole and on mandatory release from prison. The final report would provide evaluation of particular types of supervision for identified types of offenders.

V. PROGRAM ON GOVERNANCE OF THE JUDICIAL SYSTEM

A. Implementation of Circuit Executive Act. The Center has been engaged in sponsoring and conducting studies with a view to providing guidelines for the effective and appropriate functioning of circuit executives, high-level positions within the federal judicial system, created by an Act of Congress in January 1971 and to be filled, in the discretion of each Circuit Council, from a list to be certified by a Board of Certification. Since the statute provides that the circuit executive shall perform such duties as are assigned to him by the Circuit Council, the guidelines will in effect deal with the management role of the Circuit Councils and distribution of responsibility within the federal judicial system.

VI. INTERJUDICIAL AFFAIRS

A. National Center for State Courts. Since last March, the Federal Judicial Center has, upon request, assisted the efforts of the Provisional Committee and the Board of the State Center. Alice O'Donnell, the Center's coordinator for Inter-Judicial Affairs established a temporary office for this new organization and has attended meetings with the Acting Director, the Provisional Committee and the recently constituted Board. The Federal Judicial Center has proffered continued assistance through its staff and the use of temporary offices for the State Center Director who assumed office October 1st. The two centers are developing a working relationship on projects of joint interest, initially in the area of appellate litigation.

B. State-Federal Relations. Forty-four state-federal councils have been established in the states, many with the assistance of this office, through consultations and the distribution of helpful material. Though constituted in a variety of ways, the councils generally are made up of the chief judge of the district court and the state chief justice. To maintain a continuing level of interest, all reports on state-federal activities are reported in *The Third Branch*. Programs on the subject were organized by the Center, as requested, for several circuit judicial conferences.

Several state-federal conferences have been held, many of them resulting from the two State-Federal Appellate Judges' Conferences sponsored by the Center (November 1970 and April 1971). Miss O'Donnell represented the Center at the Louisiana Conference on Criminal Law held at Louisiana State University in September.

C. Steering Committee. An eight-member committee representing various organizations concerned with improving judicial administration, including the Center, continues to meet quarterly to exchange information

and coordinate programs. This affords continuous liaison with the American Bar Association, American Judicature Society, Institute of Judicial Administration, the Institute for Court Management, the National Council on Crime and Delinquency, the National College of State Trial Judges and the new National Center for State Courts. A meeting of this group was held on September 13-14, 1971.

D. Publication. The Third Branch continues to be published monthly. In addition to current information on Center activities, short reports are given on any other programs or projects of interest to the federal judges and their supporting personnel. Its most recent issue was used as a vehicle for disseminating information on the results of the district court time study. In addition to the federal judiciary, the bulletin is sent to all chief justices, the ABA House of Delegates and members of organizations functioning in the field of judicial administration. Six thousand copies are printed each month.

VII. EDUCATION AND TRAINING

Education and training continue to be major activities of the Center. Since July 1, 1971, the program for probation personnel and referees in bankruptcy formerly carried on by the Administrative Office have become a Center function.

A. Seminars and Short Courses, October 1, 1970–October 1, 1971. Newly Appointed District Court Judges, Washington, D.C., February 27–March 6, 1971—36 participants; March 27–April 3, 1971—35 participants.

Topics covered. General Principles of Judicial Administration; Management of the Civil Case Flow; The Civil Jury Trial; The Civil Non-Jury Trial; The Criminal Case—Arraignment, Plea and Bail; The Criminal Case—Pretrial Motions, Discovery, and Omnibus hearing; Purposes and Philosophy of Sentencing; Sentencing Alternatives; The Federal Correctional System; Sentencing the Tax Offender; Unruly Trials; Complex and Multidistrict Litigation; Post Conviction Problems; Plea-Bargaining; Special Problems in Anti-Trust Admiralty and Patent-Copyright Cases; Role of the Judge in the Settlement Process; Use of Computers and Systems Analysis in Judicial Administration; Use of Parajudicial Personnel; The Magistrates' Program; Judicial Activities and Ethics; Use of the Probation Officer.

United States District Court Clerks, Washington, D.C., October 15-17, 1970—36 participants; December 2-5, 1970—36 participants.

Topics covered. The Clerk's Role as Manager; Management of the Clerk's Office; Personnel Management, Personnel Procedures and Training; General Impact of Rules, Orders, and Statutes on the Clerk's Role as Manager; Some Local Rules are an Impediment; Some Local Rules are an Aid; The Clerk's Role in Calendar Management Under the Individual Assignment System; Taxation of Costs; Techniques of Calendar Management; Operating Procedures Under the Jury Selection Act, Manual and Automated Systems; Use of Computers in the Courts; Clerk's Role in the Implementation of the Magistrates Act.

United States Magistrates, Washington, D.C., May 1-5, 1971—30 participants; June 5-9, 1971—34 participants; September 27-30, 1971—30 participants.

Topics covered. Search Warrants; The Complaint and Arrest Warrant Initial Appearance; Bail and Commitment; Conducting the Full Preliminary Hearing; Trial of the Minor Offense; Pretrial in Criminal Cases and the Omnibus Hearing; Forfeiture of Collateral System; Civil Cases—Pretrial Discovery and Pretrial Conference; Special Assignments; Screening Prisoner Petitions; Office Organization and Management; Ethics and Conflicts of Interest.

Courtroom Deputy Clerks, Regional, September 13-16, 1971—36 participants.

Topics covered. Modern Concept of the

Management of Litigation; Role of the Clerk's Office in the Management of Litigation; Courtroom Duties and Responsibilities—General; Desirability of Total Communication; Organizational Structure, Functions and Management of a Clerk's Office as it Relates to the Courtroom Deputy; Management Implication of Statutes, Rules and Order; Individual Calendar Control—General; Individual Calendar Control—Civil and Criminal; Management of the Case Flow in a Small, Non-Metropolitan Court.

Federal Public Defenders. Washington, D.C., August 10-13, 1971—25 participants.

Topics covered. The Federal Public Defender Program and the Judicial Conference; Budget Formulation and Execution; The Collection and Publication of Data for the Federal Judiciary; Personnel Administration in the U.S. Court System; Payroll Procedures; Procurement, Travel and Property Management; Space and Communications; Recent Constitutional Developments in Criminal Procedure; Internal Operation and Record-Keeping; Organization of a Community Defender Office; Modern Management Techniques; The Public Defender, The Probation Officer and the Offender; Administrative Problems in Establishing and Operating a Public Defender Office.

Federal Probation Officers. Western Regional, September 19-22, 1971—100 participants.

Topics covered. The Role of the Federal Judicial Center; The Federal Bureau of Prisons; The United States Board of Parole; Legal Problems Confronting Federal Probation Officers; Modern Management Techniques; The Indian Offender; Developing Community Resources; Differential Treatment Techniques; An Overview of the NARA Aftercare Program; New Aspects of Federal Criminal Justice; What's Ahead in Federal Probation.

B. Planned Seminars and Short Courses. Plans for the coming year include:

Two seminars for newly-appointed district judges (one scheduled for early October 1971);

Five more seminars for courtroom deputy clerks;

One more seminar for magistrates;

Five two-day institutes for referees in bankruptcy;

Eight training courses for probation officers.

C. Publications. Publication of edited versions of papers delivered at various seminars has been completed or is in progress with respect to the following: magistrates, district clerks and newly-appointed district judges.

Future Plans. It is expected that the need for specific studies will emerge from a number of the projects now in progress, particularly the work with the chief judges of the larger district courts regarding delay in criminal cases, the comparative study of the internal operating procedures of the courts of appeal and the matters to be considered by the Advisory Council for Appellate Justice. In addition, the Center is giving attention to several matters regarding which it is hoped that definite programs will soon be commenced. These include: a study and recommendations concerning admission to the bar of federal courts, and disciplinary and disbarment procedures; preparation of programs for use at the various annual circuit judicial conferences as a permanent Center activity; and analysis of factors affecting the size of the federal court caseload.

Respectfully submitted,

ALFRED P. MURRAH,

Director, The Federal Judicial Center.

WEST COAST DOCK STRIKE MUST END

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from California (Mr. DON H. CLAUSEN) is recognized for 15 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise briefly to urge the Congress to take immediate action to end the west coast dock strike.

The strike is an intolerable burden on the west coast and on the entire Nation. Already it has dragged on for 6 months and cost the American economy billions of dollars.

Unless the Congress acts soon irreparable harm will result and there are no legal remedies available to halt it. The resources of the Taft-Hartley Act have been fully exhausted and the Government, as the representative of the Nation's consumers, has no further recourse under present law.

The Congress was never intended to be a labor mediation board and must not be placed in the position of having to intervene in individual cases of work stoppages. I do not favor the past congressional practice of dealing with these problems on an individual basis.

It is entirely unfair to the Nation's people that we have not already approved a method of preventing the harm to the economy that can come from a breakdown in labor-management relations in transportation industries.

It is evident that the congressional leadership and, in particular committee leadership, must accept the blame for the failure to meet this issue. The Congress and its committees must work with the executive branch to enact general legislation to prevent an impasse in labor negotiations from imperiling the national economy and the health and safety of millions of Americans.

We must act now to approve general legislation similar to that I have already introduced with a number of our colleagues that would solve the problem for industries not under the jurisdiction of the Taft-Hartley Act. That legislation must be adopted and similar legislation covering Taft-Hartley transportation industries must be enacted—now.

The essence of the general approach is that an arbitration panel would be constituted to consider final offer required to be made by both management and labor in instances where negotiations have stalled, and all other legal remedies have been used.

The panel would not mediate these offers but would be required to select one of the offers as binding. This would force the final offers to be reasonable and encourage negotiated settlements.

This kind of transportation-related work stoppage will continue to grow in number and extremely adverse impact until the Congress acts reasonably and responsibly to protect American citizens.

SEPARATE SEATING FOR NON-SMOKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Speaker, the recent finding by the U.S. Surgeon General that tobacco fumes could be dangerous to nonsmokers who inhale

them demonstrates the urgent need for action on H.R. 4776, the Nonsmokers Relief Act I introduced last February 22. Millions of nonsmoking Americans must at least be provided the protection of separate seating while traveling aboard airliners, trains, and buses.

For this reason, I have today asked Chairman HARLEY STAGGERS of the Interstate and Foreign Commerce Committee to conduct hearings as soon as possible on H.R. 4776.

The Interstate Commerce Commission recently adopted a rule requiring separate seating for smokers and nonsmokers aboard buses. Now the Surgeon General has reported that the health of a nonsmoker may be affected if he is forced, while sitting in the confined space of a plane, train, or bus, to inhale the noxious fumes coming from someone else's cigarette or cigar.

A local newspaper reported Sunday that a Government study found 43 percent of all airline passengers think smokers should be separated from nonsmokers. This sizable group included a great many smokers as well as almost all of the nonsmokers—and the survey results are confirmed by the thousands of letters which have poured into my office in support of the Nonsmokers Relief Act.

This bill would place no burden on the smoker, but would protect the rights and health of those who chose not to smoke. Everyone should have the right to breathe clean, unpolluted air; no one should be forced to have his health placed in jeopardy.

ENDING THE WEST COAST DOCK STRIKE: A BETTER IDEA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 5 minutes.

Mr. MATSUNAGA. Mr. Speaker, as all of my colleagues are aware, the west coast dock strike, which gravely threatened the national welfare for 100 days in 1971, has resumed. Congress has been asked by President Nixon to enact ad hoc legislation to deal with this emergency, and I am confident that Congress will respond with an appropriate measure to bring that crippling tieup to an end. In the hope that I might provide some assistance to my colleagues in formulating the best solution to a most serious and delicate problem, I introduced yesterday a bill which I think offers the best answer.

The potential consequences of the resumption of the strike are as devastating as those suffered last year, perhaps more so, with the people of the State of Hawaii being particularly hard hit by the stoppage. As I have pointed out on many occasions, when surface ships and barges cannot reach Hawaii from the west coast, the effect is as damaging to Hawaii as that of a total embargo on all land transportation into a landlocked State on the mainland. When ocean commerce shuts down for any reason, it is as if a Midwestern State were suddenly deprived of truck, train, and auto transit simultaneously. That is, in effect, what happened to Hawaii during the 1971 strike. It cannot be permitted to recur, and as Ha-

wali's Representative to Congress I appreciate Mr. Nixon's recognition of the urgency of the situation.

However, the President's specific proposal, that the dispute be submitted to compulsory arbitration, is, in my judgment, a grave error. It is my understanding that the International Longshoremen's and Warehousemen's Union—ILWU—and the Pacific Maritime Association—PMA—were extremely close to agreement when the walkout resumed last week. One of the principles was quoted by the press as saying that an agreement would have been reached had the parties not "run out of time."

When Senator JAVITS, the distinguished Republican from New York, joined in introducing the President's proposal last Friday, he stated that he was unconvinced "that the terms of this bill are the most appropriate way to resolve this dispute." Sharing the Senator's misgivings, Mr. Speaker, I am providing in my joint resolution a 30-day extension of time for continued negotiations between the ILWU and the PMA, during which period both strikes and lockouts would be prohibited. I believe that the parties should be able to reach an agreement within this additional 30-day period. In similar circumstances in 1967, parties to a railroad dispute reached agreement during an extension of negotiating time under the provisions of the Railway Labor Act.

If, for some reason, agreement could not be reached during the 30-day extension, my resolution then provides that the strike would be settled through use of the "final offer selector" process.

Most of the Members of the House are well acquainted with this process, Mr. Speaker. It is part of President Nixon's own proposal for permanent legislation dealing with transportation disputes.

In fact, the final offer selection process and an additional cooling-off period were among the alternatives asked for by the President in his own legislation. In view of this, and in view of the expressed preference of Labor Secretary James Hodgson for final offer selection over compulsory arbitration, I cannot understand why Mr. Nixon chose last Friday to propose neither an extension of bargaining time, nor final offer selection, nor partial operation of the industry, the third alternative sought by the President in his earlier proposed legislation.

My bill provides for the appointment of an impartial three-member panel by the Secretary of Labor and an additional 30 days for the panel to operate. The panel would select the last best offer made by either of the parties to the dispute and inform the Secretary of its selection. The Secretary would then inform the parties of the panel's selection and order the parties to agree to the selected last best offer as the final contract. The final offer selector process, including the issuance of the order by the Secretary of Labor, must be completed within 30 days after the expiration of the 30-day moratorium. All lockouts and strikes would be banned during the entire period until the new contract for a term of not less than 18 months is signed by all parties.

Mr. Speaker, I recognize that the final

offer selector process has its compulsory feature, but it has one major advantage over the President's proposed compulsory arbitration, as pointed out repeatedly by Secretary Hodgson himself: each party involved in the dispute would be encouraged to make reasonable offers in the hope that its offer will be the one selected by the panel as the best and most reasonable offer. Under compulsory arbitration, on the other hand, each party is induced to adopt an extreme position, knowing that the arbitrators will impose a settlement that is somewhere between the two opposing positions.

My bill has the further advantage over President Nixon's proposal in that he assumes that the collective bargaining process has failed completely, whereas my measure would provide a 30-day breathing space in which the parties could continue to negotiate a settlement between themselves. During that period, the knowledge that the final offer selector process would be invoked automatically if they could not agree would have a healthy effect on the parties in assessing their own bargaining positions.

It is, of course, regrettable that Congress must act to resolve a dispute that is better left to disposition by the parties directly involved. But the health, safety and economic well-being of the people of the country, and particularly the people of Hawaii, have been endangered too long by this dispute, and we cannot permit its continuation. Having reached that conclusion, however, we must seek the legislative solution that adequately deals with the crisis at hand and does the least damage to the free bargaining process, which everyone recognizes as the most desirable method for settling labor disputes. I submit that the bill I introduced yesterday responds to these twin objectives and offers a better idea than that proposed by the President.

I include at this point the text of my resolution:

H.J. RES. 1023

Joint resolution to provide a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain steamship companies and associated employers and certain employees

Whereas there is a dispute between employers (or associations by which such employers are represented in collective-bargaining conferences) who are (1) steamship companies operating ships or employed as agents for ships engaged in service from or to Pacific coast or Hawaiian ports of the United States, (2) contracting stevedores, (3) contracting marine carpenters, (4) lighterage operators, or (5) other employers engaged in related or associated pier activities for ships engaged in service from or to Pacific coast or Hawaiian ports of the United States (hereafter called "employers"), and certain of the employees of such employers represented by the International Longshoremen's and Warehousemen's Union (hereafter called "Longshoremen's Union"); and

Whereas the order enjoining a strike in this dispute granted by the United States District Court, Northern District of California, in United States versus International Longshoremen's and Warehousemen's Union et al., docket numbered C-17-1935-WTS, October 6, 1971, expired on December 25, 1971, pursuant to the Labor-Management Relations Act of 1947, as amended (29 U.S.C. 176-178); and

Whereas all procedures for resolving such

dispute provided for in the Labor-Management Relations Act, 1947, have been exhausted and have not resulted in settlement of the dispute; and

Whereas a settlement has not been reached despite intensive mediation efforts; and

Whereas there is a dispute, involving members of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (hereafter called the Teamsters Union) employed by some of the above employers and by other employers engaged in activities related to the maritime, stevedoring, and pier work described above, concerning the assignment and performance of such work; and

Whereas a dispute in Hawaii, involving certain employers engaged in activities related to maritime, stevedoring, and pier work described above and certain of their employees represented by the Longshoremen's Union and the Teamsters Union, threatens to disrupt essential transportation services for that State and to endanger the health and safety of its citizens; and

Whereas these disputes are closely related to and a portion of the dispute on the Pacific coast; and

Whereas it is vital to the national interest, including the national health and safety, that essential transportation services be maintained; and

Whereas the Congress finds that emergency measures are essential to continuity of essential transportation services affected by this dispute: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That immediately upon the enactment of this resolution the Attorney General shall petition any district court of the United States having jurisdiction of the parties to enjoin the continuation of any strike or lockout arising out of a dispute between the Pacific Maritime Association and the International Longshoremen's and Warehousemen's Union. The court shall have jurisdiction to issue such an injunction, and to make such other orders as may be appropriate, if it determines such strike or lockout meets the criteria set forth in section 208(a) (1) and (11) of the Labor-Management Relations Act, 1947. Such injunction may be issued for a period not to exceed thirty days. Upon the settlement of such dispute, the Attorney General shall move the court to discharge the injunction, which motion shall then be granted and the injunction discharged.

Sec. 2. If no settlement is reached prior to the twenty-fifth day after the issuance of an injunction obtained pursuant to section 1 of this resolution, the Attorney General shall petition the district court involved to extend the injunction then in effect for an additional thirty days following its original expiration date. Upon settlement of the dispute, the Attorney General shall move the court to discharge the injunction, which motion shall then be granted and the injunction discharged.

Sec. 3. (a) (1) If no settlement has been reached by the thirty-first day following the issuance of the original injunction, the Secretary of Labor shall direct each party to submit a final offer to him within three days. Each party may at the same time submit one alternative offer. The Secretary shall transmit the offers to the other parties simultaneously.

(2) If a party or parties refuse to submit a final offer, the last offer made by such party or parties during previous bargaining shall be deemed that party's or parties' final offer.

(3) Any offer submitted by a party pursuant to this section must constitute a complete collective-bargaining agreement and resolve all the issues involved in the dispute, and must propose a contract period of not less than eighteen months' duration.

(b) The parties shall bargain for a period of five consecutive days after they receive the other party's final offer. The Secretary may act as mediator during the period of the final offer selection proceedings.

(c) If no settlement has been reached before the end of the period described in subsection (b) of this section, the Secretary shall appoint a special panel of three impartial members to act as the final offer selector.

(d) No person who has a pecuniary or other interest in any organization of employees or employers or employers' organizations which are involved in the dispute shall be appointed to such panel.

(e) If a settlement is reached by the parties to the dispute at any time prior to the panel's selection of a final offer as prescribed below, the panel shall adjourn its proceedings and report to the Secretary within five days the fact that a settlement has been reached and the terms of such settlement.

(f) The panel shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed by this section.

(g) From the time of appointment by the Secretary until such time as the panel makes its selection, there shall be no communication by the members of the panel with third parties concerning recommendations for settlement of the dispute.

(h) Beginning with the direction of the Secretary to submit final offers and until the panel makes its selection and the final agreement is signed, there shall be no change, except by agreement of the parties, in the terms and conditions of employment. In no instance shall such period exceed thirty days.

(i) The panel shall not comprise or alter the final offer that it selects. Selection of a final offer shall be based on the content of the final offer and no consideration shall be given to, nor shall any evidence be received concerning, the collective bargaining in this dispute including offers of settlement not contained in the final offers.

(j) The panel shall select the most reasonable, in its judgment, of the final offers submitted by the parties. The panel may take into account the following factors:

(1) past collective-bargaining contracts between the parties including the bargaining that led up to such contracts;

(2) comparison of wages, hours, and conditions of employment of the employees involved, with wages, hours, and conditions of employment of other employees doing comparable work, giving consideration to factors peculiar to the industry involved;

(3) comparison of wages, hours, and conditions of employment as reflected in industries in general, and in the same or similar industry;

(4) security and tenure of employment with due regard for the effect of technological changes on manning practices or on the utilization of particular occupations; and

(5) the public interest, and any other factors normally considered in the determination of wages, hours, and conditions of employment.

(k) The final offer selected by the panel shall be transmitted immediately to the Secretary, who shall issue an order requiring the parties to agree to such offer as the final agreement between the parties. The Secretary shall immediately inform the parties of his order.

(l) The determination by the panel shall be conclusive unless found arbitrary and capricious by the district court which granted the injunction pursuant to section 1 of this resolution.

(m) If a party or parties do not sign the final agreement as selected by the panel within twenty-four hours of the issuance of the Secretary's order, the Attorney General shall immediately petition the district court

which issued the injunction pursuant to section 1 of this resolution, to enjoin the further refusal by the party or parties to sign the agreement as provided in the Secretary's order. The court shall have jurisdiction to issue such an injunction, if it determines that the strike or lockout still meets the criteria set forth in section 208(a) (1) and (ii) of the Labor-Management Relations Act of 1947.

(n) The following rules of procedures shall be applicable to the panel's functions under this subsection:

(1) NOTICE OF HEARING.—Upon appointment by the Secretary, the panel shall promptly notify and inform the parties of the time, place, and nature of the hearings, and the matters to be covered therein.

(2) HEARING TO BE PUBLIC.—The panel shall hold public meetings, unless it determines private hearings are necessary in the interest of national security, or unless the parties agree to present their positions in writing. The record made at such hearings shall include all documents, statements, exhibits, and briefs which may be submitted, together with the stenographic record. The panel shall have authority for the conduct of an orderly public hearing. The panel may exclude persons other than the parties at any time when in its judgment the expeditious inquiry into the dispute so requires.

(3) PARTICIPATION BY THE PANEL IN THE HEARING.—The panel, or any member thereof, may, on its own initiative at such hearing, call witnesses and introduce documentary evidence, and may participate in the examination of witnesses for the purpose of expediting the hearing of eliciting material facts.

(4) PARTICIPATION BY THE PARTIES IN HEARING.—The parties or their representatives shall be given reasonable opportunity (A) to be present in person at every stage of the hearing; (B) to be represented adequately; (C) to present orally or otherwise any material evidence relevant to the issues; (D) to ask questions of the opposing party or witness relating to evidence offered or statements made by the party or witness at the hearing, unless it is clear that the questions have no material bearing on the credibility of that party or witness on the issues in the case; and (E) to present to the panel oral or written argument on the issues.

(5) STENOGRAPHIC RECORDS.—An official stenographic record of the proceedings shall be made. A copy of the record shall be available for inspection by the parties.

(6) RULES OF EVIDENCE.—The hearing may be conducted informally. The receipt of evidence at the hearing need not be governed by the common law rules of evidence.

(7) REQUESTS FOR THE PRODUCTION OF EVIDENCE.—The panel shall have the power to subpoena. It shall request the parties to produce any evidence it deems relevant to the issues. Such evidence should be obtained through the voluntary compliance of the parties, if possible.

SEC. 4. (a) The panel established under section 3 of this resolution may act by majority vote.

(b) A vacancy on the panel shall not impair the right of the remaining members to exercise all of the powers of the panel. In case of a vacancy due to death or resignation, the Secretary may appoint a successor to fill such vacancy.

(c) Members of the panel shall receive compensation at a rate of up to the per diem equivalent of the rate for GS-18 when engaged in the work of the panel as prescribed by this resolution, including travel time, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Federal Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(d) For the purposes of carrying out its functions under this resolution the panel is

authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Federal Government service employed intermittently, while so employed.

SEC. 5. DEFINITIONS.—(a) The term "Secretary" when used in this resolution refers to the Secretary of Labor.

(b) The term "parties" wherever used in this resolution shall mean the parties who were under the jurisdiction of the United States District Court, Northern District of California, in United States versus International Longshoremen's and Warehousemen's Union, et al., docket numbered C-17-1935-WTS, October 6, 1971, who have not settled their dispute prior to the enactment of this resolution.

SEC. 6. APPROPRIATIONS.—There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 7. SEPARABILITY.—If any provision of this resolution, or the application of such provision to any person or circumstance, shall be held invalid, then the remainder of this resolution, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, but shall remain valid and in full force.

SEC. 8. EFFECTIVE DATE.—This resolution shall take effect immediately upon its enactment and the legality of any action authorized herein and taken thereafter shall be governed by the Act regardless of when such action is initiated.

PROPOSED AMENDMENT TO DISTILLED SPIRITS PLANT PROVISIONS OF INTERNAL REVENUE CODE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today, I have introduced for myself, Mr. LANDRUM, Mr. COLLIER, and Mr. BROYHILL of Virginia, a bill to amend the distilled spirits plant provisions of the Internal Revenue Code in order to remove certain restrictions that are presently incorporated in the code. This legislation would remove restrictions that are not necessary for effective enforcement of the revenue and regulatory aspects of the law. Removal of these provisions would also have the effect of facilitating and encouraging exports. These provisions would have no adverse effect on the amount of revenue that would be collected by the Internal Revenue Service.

I would like to insert in the RECORD at this point a brief explanation of the various sections of this legislation:

SECTION-BY-SECTION ANALYSIS

SECTION 1. NAME OF DISTILLER ON LABEL OF GIN AND VODKA BOTTLED IN BOND FOR EXPORT

Section 1 of the bill would eliminate the requirement of showing, on the label of gin and vodka bottled in bond for export, the name of the distiller. Such information serves no useful purpose, and since gin and vodka are produced from neutral spirits, compliance with the statute means showing the distiller of the neutral spirits which may be a person different from the producer of the gin or vodka; the showing of such distil-

ler on the label could even be deceptive to the consumer.

SECTION 2. DRAWBACK FOR BULK IMPORTED GOODS BOTTLED IN UNITED STATES

Section 2 of the bill would authorize allowance of drawback of tax on bulk imported goods which are bottled in the United States and exported therefrom. Because of the limitation to goods "manufactured or produced in the United States" in existing law, imported distilled spirits are not subject to drawback under section 5062(b). However, by virtue of section 5523, IRC, reduction in proof and bottling or packaging are deemed to constitute manufacturing under section 311 of the Tariff Act of 1930. (19 U.S.C. 1311). This amendment would make the export standards of Sec. 5062(b) consistent with those in Sec. 311.

SECTION 3. DISTILLED SPIRITS DELIVERED TO THE ARMED FORCES FOR EXPORTATION

Section 3 of the bill would provide that distilled spirits delivered to the armed forces for exportation will be deemed to be exported at the time of delivery to the armed forces.

Under current procedures alcoholic beverages sold to the armed forces for shipment and use abroad are delivered to an armed services transportation officer at the port of exportation. Thereafter, custody and control of the merchandise is entirely with the service involved. However, in several recent cases sizable quantities of distilled spirits were stolen while temporarily stored by the Air Force at the port of exportation. The Treasury Department assessed and collected from the distillers the tax on the merchandise so stolen while in the possession, ownership and control of the Air Force, and the Air Force refused to reimburse the distillers for such tax.

As a matter of equity, it would appear that when custody and control of alcoholic beverages are delivered to the armed forces for exportation, the vendor should not be liable for the tax in the event of loss or destruction prior to actual exportation.

SECTION 4. DISTILLED SPIRITS RETURNED TO BONDED PREMISES

Section 4 of the bill would permit the bottler or packager to return to an export storage facility on bonded premises distilled spirits which would be eligible for drawback under Section 5062(b). The return of the spirits must be solely for the purpose of storage pending withdrawal for export, or other withdrawal without payment of tax authorized under Section 5214(a), or free of tax under Section 7510.

This section also permits the bottler to return to appropriate storage facilities on the bonded premises distilled spirits which he had bottled in bond after tax determination. Such spirits may be withdrawn for any purpose for which distilled spirits bottled in bond before tax determination may be withdrawn from bonded premises.

Appropriate amendments are made to provide for the remission, abatement, credit, or refund of tax on spirits returned to bonded premises under this section.

The amendments made by this section are designed to simplify and encourage export transactions.

SECTION 5. WITHDRAWALS TO CUSTOMS BONDED WAREHOUSES

Section 5 of the bill would authorize withdrawal of distilled spirits from bonded premises without payment of tax for transfer to any customs bonded warehouse. This provision applies to spirits bottled in bond for export and to spirits returned to bonded premises under section 5215(b). The amendment is designed to simplify and encourage export transactions.

SECTION 6. REMOVAL OF SAMPLES FOR RESEARCH, DEVELOPMENT, OR TESTING

Section 6 of the bill would make a reasonable extension of the purposes for which

samples may be removed without payment of tax to include plant research in addition to laboratory analysis. This amendment is similar to the recent amendment to Section 5053 relating to beer.

SECTION 7. MINGLING AND BLENDING OF DISTILLED SPIRITS

Section 7 of the bill would permit distilled spirits plant proprietors to commingle distilled spirits within 20 years of the date of original entry rather than the existing 8 years. The section also eliminates the requirements of existing law that the mingled spirits be placed in the same barrels and that the mingling must be for further storage in bond. Proper administration of the distilled spirits tax and regulatory provisions does not require the limitations on commingling to 8 years or the return of the distilled spirits to bonded storage. From a practical standpoint, the use of the same package is an unnecessary restriction.

SECTION 8. USE OF JUNIPER OILS IN PRODUCTION OF GIN

Section 8 of the bill would authorize the use of the extracted oils of juniper berries and other aromatics in the production of gin without incurrance of the rectification tax in addition to the present system of redistillation of a pure spirit over juniper berries and other aromatics. This amendment will permit production of gin with greater uniformity and without loss in quality.

SECTION 9. EFFECTIVE DATE

The Act would become effective on the first day of the first calendar month which begins more than 90 days after enactment. This will give the Treasury Department and the distilling industry sufficient time to modify procedures under the statutes amended.

SPACE SHUTTLE—WE MUST GO FORWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CHARLES H. WILSON) is recognized for 5 minutes.

Mr. CHARLES H. WILSON. Mr. Speaker, this country, like any assembly of intelligent, imaginative, and progressive people has an abiding urge to progress, to go forward, to explore, and thereby make life better and more satisfying. This has been the history of mankind, and most certainly the history of our own country.

The newest and most exciting manifestation of this urge is the announcement that we will begin the second part of our exploration—and discovery—of the space that surrounds our earth. I speak, of course, of the space shuttle program.

To me—and I think I speak for the majority of Americans—it is nothing short of unthinkable that we should allow the momentum that we have gained in the space program to be dissipated in a lack of interest in all of the things that still remain to be discovered. We have taken the first giant step into space through the Apollo program. Is there some logical, some understandable reason that we should not now take additional steps? Has this country ever before made an advance and recognized it as an advance and hasn't continued on to take the next step? I speak this way because there are intimations already that public funds could better be spent on other programs, that expenditures in space have some stigma attached to them, as though such expenditures represented something unneeded or perhaps even unworthy. I have no doubt of the

sincerity of those who have and will in the future express themselves in this way. I will have the charity, I sincerely hope, to think of those who speak in this fame as shortsighted, as unimaginative. I will say they are wrong.

The question that must be answered by the Government of this country generally, and by the Congress very specifically, is not an either/or question: With the "either" being a space program and the "or" being other programs of a different nature. We are not presented with the space shuttle program as an alternative to all other progressive programs that we must engage in. Quite the contrary, the space shuttle program is one program that must go forward along with many other programs.

There is a tendency to think that if the money that will be necessary for the space shuttle were not spent in this fashion that it would be immediately available for other social advances that have the appearance of being much more immediate and much more necessary to the well-being of our people. This, to my mind, is poor thinking. The space shuttle program does not contemplate the encapsulation of several hundred million dollars in a vehicle which is then projected into space never to return. The space shuttle program is one that will be engaged in by people, who are anxious that we advance toward the betterment of our life through the considered and very deliberate observation of what lies outside our immediate environment. The space shuttle program is one that provides very serious workers with very serious work. And one engaged in this work needs little or no other help from his Government because he is providing for himself, he is earning a wage and has the knowledge that he is engaging in an important venture. We are not faced here with a this-or-that kind of idea. Real progress and real dignity is achieved by engagement in productive activity, and I can think of no more truly productive activity than that of finding out who and what we are and how we can improve the circumstances under which we live.

I have no easy answers to all the questions that face this country but of one thing I am certain and that is that I would be proud to be able to say that I in some way worked in or contributed to the progress of our people in a fashion that I visualize will be the result of the space shuttle program. It is my intention to support it.

INTRODUCTION OF AN AMENDMENT TO GRANT EXCLUSIVE INVESTIGATORY POWER OF ILLICIT DRUG TRAFFIC TO THE BUREAU OF NARCOTICS AND DANGEROUS DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 10 minutes.

Mr. MURPHY of New York. Mr. Speaker, I introduce for appropriate reference a bill that will eliminate one of the major current obstacles to the enforcement of our narcotic laws, the conflict that arises because of jurisdictional disputes between our two narcotic law

enforcement agencies, the Bureau of Narcotics and Dangerous Drugs and the Bureau of Customs of the Treasury Department. The bill stipulates that the Department of the Treasury, acting through the customs service, shall not engage in any investigation or other activity outside the borders of the United States which may lead to any criminal prosecution or civil action against any person under any law of the United States relating to narcotic drugs—as defined in section 102(16) of the controlled substances Act—and any such investigation or other activity shall be conducted on behalf of the United States by the Department of Justice acting through the Bureau of Narcotics and Dangerous Drugs.

Mr. Speaker, the jurisdictional dispute between the Justice Department's Bureau of Narcotics and Dangerous Drugs and the Treasury Department's Bureau of Customs concerning responsibility for dealing with the international traffic in narcotics has been a matter of concern for many years. The BNDD is the investigative, enforcement, and regulatory arm of the Justice Department for the control of drugs, while the Customs Bureau is responsible for preventing the smuggling of narcotics and dangerous drugs into the country. Frequently these activities overlap.

The dispute between the two agencies over jurisdictional boundaries reached serious proportions late in 1969 when each competed bitterly for authority in overseas enforcement of drug laws. The Customs Bureau argued that it is entitled by law to deal with foreign police in narcotics cases and to follow up its investigations within the United States. BNDD contended that drug abuse must be viewed in its overall implications, including supply and demand, eradication of drugs at the source, and the suppression of traffic in the United States. Because of this bureaucratic feud, relations between the two agencies deteriorated to such a point that they failed to coordinate enforcement activities or to exchange information, and in many instances duplicated efforts.

In an attempt to resolve the dispute, the two departments agreed to try to draft guidelines concerning jurisdictional boundaries for each. However, they were unable to agree on terms, and in late 1969, President Nixon turned the matter over to the Advisory Council on Executive Organization. After receiving the Council's report, the President issued a memorandum, in February 1970, in which he stated that BNDD should be the accredited agency representing the Nation "in dealing with foreign law enforcement officials on narcotics questions. Customs should not represent the United States in this area, except when authorized by BNDD." The memorandum further directed BNDD to control "all investigations involving violations of the laws of the United States relating to narcotics, marihuana and dangerous drugs, both within the United States and beyond its borders." The Customs Bureau was to remain mostly a port surveillance agency to support BNDD's efforts to eliminate the flow of narcotics into the country.

The President also provided that future disagreements between the two agencies "shall be resolved in writing by the Attorney General."

Despite these guidelines, more than a year and a half later the differences remain unresolved. This became quite clear during the fiscal 1972 appropriations hearings when Treasury Secretary John Connally testified before a subcommittee of the House Committee on Appropriations that he had heard considerable rumblings that all was not going well, and that the cooperation anticipated is not quite being realized. Attempts by the agencies to establish formal guidelines to implement the President's directive have been unsuccessful.

The results have been to seriously weaken this country's efforts to put major dope peddlers behind bars. Federal officials have informed me that during the last 12 months, many major foreign trafficking cases handled by the two agencies have been seriously affected—in effect blown—because of the problems arising out of jurisdictional conflicts. Some of the side effects of this dispute include:

Threat of premature arrests.—Out of country cases that have been initiated and developed by the Bureau of Narcotics and Dangerous Drugs are sometimes "taken over" by duress of customs agents when the drug shipment crosses the U.S. border. While the Justice Department would prefer to follow the shipment to its ultimate destination; that is, the traffickers in Chicago or New York, in BNDD developed cases customs agents have threatened to arrest the violator at the border unless they take over the case.

A border seizure means the Customs Bureau can claim credit for the case. In one recent case BNDD agents without prior notification to customs seized a large quantity of marihuana on a boat entering the United States. Customs agents were so perturbed by the fact that BNDD had retained jurisdiction that they proceeded to seize the vessel for failing to clear the port properly even though the entry was made at the direction of BNDD.

Keystone Cop situations.—The rivalry can reach dangerous if not comic-opera proportions to the detriment of enforcement efforts. On more than one occasion, because customs agents so jealously guarded their cases and entered into surveillances in cities that were not familiar to them, the investigations have not been brought to a successful conclusion. In one case about 2 years ago along the Mexican border, BNDD agents were working a case without customs participation, so customs agents decided to place the BNDD agents and the informant under surveillance. Just as the defendant was about to deliver some heroin to a BNDD undercover agent, customs agents decided to enter the investigation and came charging into the area with sirens blaring ready to snatch the case away from BNDD. It is still a mystery why the defendant still made the delivery. I have been informed that there have been similar cases of harassment of BNDD agents by customs agents at ports and borders.

This lack of coordination may even reach the point where, after an arrest, customs officers find they netted a BNDD informant trying to make a purchase from a customs informant. When BNDD informants or undercover agents are looking for suppliers of drugs by pretending to be purchasers, and customs informants are seeking out persons who initiate smuggling demands, the potential rivalry can be extremely dangerous when agents of the two services proceed with drawn guns to make the arrests. This type of embarrassment is so likely that customs finally began informing BNDD when and where they were bringing a convoy through from the border just in case another Federal officer happened to be the purchaser—but they will not allow the Justice Department to assume investigative jurisdiction in the case even though customs agents may not be acquainted with the streets and areas where the surveillance will take place.

No prosecutions.—Cases against traffickers have fallen apart because of a lack of complete coordination between the two agencies which resulted in an inability to make a case or even an arrest. And while contraband drugs were seized in such cases, there were no prosecutions and the traffickers were not brought to justice. The situation is so deplorable that it is affecting our good relations with foreign law enforcement officers, particularly in France where the highest degree of cooperation is required if we are to do anything about shutting down the clandestine heroin laboratories in that country. The feuding has become so notorious that the Chief of INTERPOL recently made an appeal before a United Nations drug commission for all drug enforcement agencies to discard their jealous attitudes, to stop fighting among themselves and to find way of cooperating.

Although it seems that many efforts have been made during the past 20 years to stop the interagency rivalry in drug enforcement, the jealousy and competition run deep at the agent level. Even though the Treasury Department and the Justice Department have tried time and again by threatening disciplinary action against those who cause trouble, I have been informed by Justice officials that customs agents continually fail to furnish intelligence data to BNDD, and, in fact, often furnish it to State or local officers instead. Even worse, whether real or imagined, there is an unhealthy belief held among many BNDD agents that customs agents would rather see a case "blown" than to have BNDD take the credit for making a seizure.

I would like to emphasize at this point that I am not indicting the agents of the Bureau of Customs. I know many of them personally and I know that they are dedicated, hardworking Federal officers. The is not meant to point the finger of criticism at any person or group of persons. This rivalry has been going on for many years even when both bureaus were under the same department.

As long as 13 years ago, this situation was described as "a good old-fashioned rivalry." However, results such as the

above preclude the continuation of this duality of leadership. The purpose of my bill is to guarantee that in the end there will be one man in charge of national and international investigations and that the net result will be more dope pushers put behind bars than ever before.

In recent talks with customs agents, they admit the enormity of the job of seizing the vast amounts of contraband drugs flowing across the borders. This bill would not take anything away from customs. There is enough work for all in the narcotic enforcement field. However, something must be done to end the uncertainty, rivalry and inefficiency that has been allowed to go on through many administrations. Clear jurisdictional lines must be drawn, and since both the President's guidelines and the attempts by the agencies involved have failed to firmly establish these, it is proper that Congress should take the role of the final arbiter.

If confusion, fragmentation and duplication of effort are to be avoided, both foreign and domestic law enforcement agencies must be able to deal with a single agency having the authority to represent the U.S. Government in the area of drug control and enforcement. Clearly this single agency must be the Bureau of Narcotics and Dangerous Drugs. When the former Bureau of Narcotics was created in 1931 under the Treasury Department, it was established for the specific purpose of complying with international treaties into which the United States entered for the control of narcotics.

When the Bureau was transferred to the Justice Department, it was established for the specific purpose of complying with international treaties into which the United States entered for the control of narcotics. When the Bureau was transferred to the Justice Department by the Reorganization Plan No. 1 of 1968, it was clearly the intent of the President and the Congress that all the responsibilities of the Bureau, and all the responsibilities of the Secretary of the Treasury with regard to the Bureau, were also to be transferred to the new special agency within the Justice Department. The Bureau of Narcotics and Dangerous Drugs was to be the sole agency having primary responsibility for the control of illicit drug traffic on both the international and national levels.

The amendment to the Comprehensive Drug Abuse Prevention and Control Act which I am proposing would clearly and by statute vest the Bureau of Narcotics and Dangerous Drugs, through the Attorney General, with this exclusive jurisdiction.

A copy of the bill I introduce today is as follows:

H.R. 12618

A bill to amend the Comprehensive Drug Abuse Prevention and Control Act To Vest Primary Law Enforcement Jurisdiction in the Attorney General

Be it enacted by the Senate and the House of Representatives of the United States in Congress assembled, That Section 1016 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 966) is amended to read as follows:

"SEC. 1016. Nothing in this Act shall derogate from the authority of the Secretary of the Treasury under the customs and related laws at the ports and borders of the United States and, *Provided*, That in the event of a dispute with respect to jurisdiction, conduct of an inspection, investigation, or disposition, the decision of the Attorney General shall be final."

WITHDRAWAL OFFER MUST HAVE NO GIMMICKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LEGGETT) is recognized for 5 minutes.

Mr. LEGGETT. Mr. Speaker, the news reports that the President is planning to offer the North Vietnamese and the NLF a trade of withdrawal for prisoners of war are most encouraging. This is what many of us have been urging for years. It is a practical and feasible way to end the war; in fact, it may be the only practical and feasible way. It is at the same time the most we can ask for and the least we can accept. We have given the Thieu government much more than a fair start; now it must do its own fighting, in the air as well as on the ground.

Mr. Speaker, I desperately hope the offer will be sincere, and not a propaganda gimmick. I hope it will not be loaded with deceptive conditions designed to insure rejection.

A fair offer would consist of the following:

Complete withdrawal of all American military personnel—land, sea, and air, combat, logistics, and advisory—from Vietnam, Cambodia, and Laos within 6 months or less, in exchange for guarantee of the safety of the withdrawing troops and release of all American prisoners—period.

This is the offer the President should make. Any additional conditions would be undesirable, unwise, inconsistent with the will of the American people, and even more unreasonable than a demand from the other side that we cut off aid from the Thieu government.

A TRIBUTE TO AN INNOVATOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to call attention of my colleagues in this body to an article which recently appeared in the Boston Herald Traveler on December 7, 1971. I think it is a fitting tribute to a tireless, dedicated worker in the nursing home field. Those of us such as myself who have known her over the years and have followed her career from Boston to Washington have always taken pride in knowing such a fine person. As any of my colleagues will readily testify, national organizations in this city are no more effective, demonstrate no more concern for quality of service and the national good than do the people who make up that organization. In this case, the American Nursing Home Association is indeed fortunate in possessing at this time in the history of nursing homes as developing

institutions the services of such a skilled and innovative administrator as Miss Cahill. That the field of nursing home administration is a growing, challenging, increasingly technical and scientific field is becoming increasingly obvious to all concerned. I do not think it goes too far to say that Miss Cahill's career and continuing education points the way to the future and she deserves our recognition for the original contribution she is making.

I think it is particularly appropriate that the article is by Mr. Wendell Coltin, a man who has devoted his professional career to concentrating on the problems and aspirations of the elderly in our society. What better tribute for any professional in a field so closely related to the elderly and their problems as nursing home administration than to be cited for a special tribute by an acknowledged expert and highly regarded critic in the field. It only remains for me to point out that Mr. Coltin interviewed Miss Cahill at the Nursing Home Convention in Anaheim, Calif., while there to receive that association's highest award for the remarkable quality of his reporting.

A DYNAMIC WORKER

(By Wendell Coltin)

"Pat" Cahill's job took her from working with children as a school teacher in Newton (1960-1964), to being a dynamic worker to better the life of the elderly, through educational services to nursing home people affiliated with the America Nursing Home Association. She's the ANHA educational director.

We talked with Miss Cahill, daughter of Mr. and Mrs. E. J. Cahill of 26 Creighton St., Jamaica Plain, in Anaheim, Calif., at the 22nd annual convention of the ANHA. Prior to becoming associated with ANHA, she was special projects officer in the Staff Development and Training office of the Job Corps Program in Washington and an independent consultant.

Now, she conducts the total education program of the ANHA and it was in that light we saw her—and talked with her at Anaheim. She can make a class interesting—and, ultimately, if her lessons are learned well, patients in nursing homes will benefit from knowledge acquired by her "students."

She designs and conducts programs for the ANHA administrators and supportive personnel in the nursing home facility. The fact there is such a program may surprise many people.

Miss Cahill reviews new texts, audio-visual materials and programs available for nursing home personnel in a bimonthly publication she edits, "Get Smart."

Recently, she added a new service of informative audio tapes on various topics of interest to nursing home personnel. The education information service is provided to state nursing home associations, including the Massachusetts Federation of Nursing Homes.

Her programs are coordinated with government agencies interested in educational programs for nursing home personnel and with academic institutions, "in order to provide the best educational experience for nursing home personnel, ensuring the best patient care possible for nursing home patients."

Miss Cahill is one of the new breed of young persons who have become identified with nursing homes, either in administrative capacities or through work in the ANHA and state associations. The average age of administrators, we were told at the ANHA convention, has dropped from 50 to 40 in recent years, and college-educated administrators are taking their places in the nursing homes.

We learned, for example, from Miss Cahill that the University of Rhode Island, some months ago, requested information on positions available in health care facilities for its recent graduates. For the most part, the graduates were sociology majors interested in social service careers.

Observation: "Pat" Cahill's program of continuing education is further evidence of the constant—and growing aim—of responsible nursing home people and their associations to improve the quality of their personnel and nursing homes. You can be sure these individuals—and associations—are as concerned about any lemons in their midst as the most concerned person and want to see them rooted out of the industry, while striving to upgrade sub-standard facilities and have, as President Nixon hopes, the outstanding facilities of today be the typical homes of tomorrow.

TOBACCO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. FOUNTAIN) is recognized for 10 minutes.

Mr. FOUNTAIN. Mr. Speaker, a lot of words have been written and spoken about tobacco in our country in recent years—many of them scare words based on shaky logic.

I am afraid some people have lost their sense of proportion about this important agricultural product, which brings so much pleasure to so many. However, a recent newspaper column on the subject goes a long way toward putting the situation in proper perspective.

The column, which recently appeared in the Southern Pines, N.C., Pilot, was written by a distinguished citizen of the Second Congressional District of North Carolina, which I have the honor to represent.

He is Mr. Thad Stem, Jr., noted author and historian of Oxford, N.C., whose latest book is "Entries from Oxford," published by Moore Publishing Co., Durham, N.C. His nine earlier books are works of fiction, nonfiction, and poetry.

Entitled "Paeon to Tobacco," Mr. Stem's column is as follows:

Even aside from the proponents and the opponents of phosphates in detergents, America is plagued with two macabre apostles of doom. One is the so-called reformed smoker who goes around among contented smokers as if he were preaching the virtues of lock-jaw in a region riddled by famine. Every time you take a drag of blue-magic in his presence you are supposed to feel as if you were an active party to the Benedict Arnold-Major Andre plot. But, frequently, when this woe-begone minister of harassment has exhausted his stock of horrifying epithets, he says, quivering, "Lemme bum a smoke. I quit 'em cold three weeks ago."

Even more menacing is the fellow who can't light a cigarette without making a speech about why he shouldn't be smoking. He keeps blowing smoke but he makes you feel you ought to denounce all pleasure as original sin and trade your new suit in for a set of old sack-cloth and smokeless ashes.

If one wants to smoke, he should smoke and enjoy it, without apo'ogy of extenuation, and if he can't let others smoke in peace, then he should follow the injunction of an old, sacred hymn and go straight to hell. As yet, tobacco is not illegal, and its use by an individual requires no more defense than a preference for boiled potatoes for supper or tomato soup for breakfast. People smoke for

pleasure, exclusively. Using tobacco is comparable to making-out: it isn't supposed to make you wiser, taller, or prettier. It will not make your in-laws more palatable, nor will it keep civic club caterers from serving up creamed chicken and green peas.

And there's a lot of unmitigated jazz about tars and nicotine. Albeit, some whimsical manufacturer may come up with a completely benign cigarette, but if he does it will taste like hot air drawn through a soda straw. The flavor comes from tars and nicotine, chiefly, from good smoking tobacco and all of the wondrous weed's tasty ingredients. So, to make a cigarette bereft of tars and nicotine is similar to making whiskey without alcohol, bread without flour, and love without people.

Obviously, this is a pro-tobacco piece. We love to smoke and we believe in all of the splendid things the tobacco industry has done for American society. And as we light up we remind ourselves that had it not been for tobacco, the American colonies probably would not have survived. But, again, we may be exceptional because our parents imbued us with an active sense of loyalty and appreciation for high services rendered.

Years ago, when all pleasure didn't entail some automatic, abject apology, we marked a passage in Charles Kingsley's famous book, "Westward Ho." We like the passage so well, we copy it out now:

"Tobacco is a lone man's companion, a bachelor's friend, a hungry man's food, a sad man's cordial, a wakeful man's sleep, and a chilly man's fire. There's no herb like unto it under the canopy of heaven."

EMERGENCY CRIME CONTROL ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 15 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, I am today reintroducing with cosponsors the Emergency Crime Control Act. In our effort to increase the amount of Federal anticrime funds going to the cities and to speed the flow of these funds, my distinguished colleague, Congressman JOHN SEIBERLING, and I have been joined by 21 of our colleagues, and I am grateful for their support.

While the recently announced administration program to grant \$120 million in crime fighting funds to eight large cities is commendable as far as it goes, it can hardly be thought of as going far enough. That program makes even more apparent, in fact, the need for enactment of proposals embodied in the Emergency Crime Control Act. First of all, by proposing such a program, the administration—which had been vigorously defending the Law Enforcement Assistance Administration and proclaiming many victories in the war on crime—has now in effect admitted that the existing programs simply have failed to reduce the level of crime in our large cities.

Second, while the need for a new approach to the crime problem is thus obvious, a comparison of the provisions of the administration's high impact crime program and the Emergency Crime Control Act will show that the approach embodied in our legislation is much more comprehensive. The most obvious flaw in the administration program is that it covers only eight cities. I am delighted that my city of Cleveland is one of the "lucky eight," but I believe that the crime problem in each of the 56 cities with populations in excess of 250,000 is

so pressing that none of the 48 others should be ignored. Residents of all of these cities have for many years been subjected to a crime rate several times greater than the rate for rural areas, and I do not feel that any of them should be made to wait a moment longer for relief.

As to how the anticrime funds are to be used in the urban areas, once again the administration approach is deficient. The grants under the administration program go to the city governments, which control only one element of the criminal justice system, the police forces. In most cases the courts and corrections systems are a part of the county governments. Because only the eight municipal governments are to receive funds from the administration the needs of these other vitally important institutions are being overlooked. Such an approach may perpetuate a situation in which, as was stated in a Cleveland Press editorial on the high impact crime program:

... the neglected areas of law enforcement have been the courts. The need is for faster and more effective prosecution of cases and better probation and parole services.

Similarly, the administration program is less comprehensive in regard to geographic coverage in the metropolitan areas. The thrust of its program and the Emergency Crime Control Act is in the large cities—where it should be. But under our legislation, the suburbs surrounding each large city also would participate in formulating and implementing the anticrime program. Urban area crime rates are the most serious of all and should receive the most attention, but this fact does not mean that we should ignore the increasingly serious crime problem in the suburbs.

In addition, the Emergency Crime Control Act offers more money to the high crime urban areas. For example, whereas the administration program would give the city of Cleveland \$20 million over the next 3 years, under our legislation, the Cleveland area would receive \$12 million annually.

Yet another drawback in the administrations program is that it will be effected through the existing system in which Federal and State officials have a measure of control over the funds allotted to the local areas. Not only does their participation in the policymaking process result in delay in expenditure of funds, but also it diffuses responsibility so that no one can be held directly accountable for the success or failure of the program. Under the Emergency Crime Control Act the local officials, who are the most knowledgeable about their area's law enforcement needs, will be responsible for drawing up a crime-fighting program and will quickly receive the money to implement it. In contrast to the administration program, in which the participating cities still do not know exactly how much they will receive, my legislation will give them a predictable amount which will permit them to prepare their budgets in an orderly manner. There would be no political considerations in the granting of this money, for it would be distributed under a formula which takes into account popula-

tion and the crime rate. Should the local officials fail to use this money effectively, they and they alone would be held responsible.

For these reasons, I shall continue to work for the passage of the Emergency Crime Control legislation. In this regard, I urge the Judiciary Committee to begin consideration of this very important piece of legislation.

I would at this point like to append a New York Times article and a Cleveland Press editorial concerning the high impact crime program, and a list of the cosponsors of the Emergency Crime Control Act.

AID FOR FIGHTING CRIME

The new federal program to reduce street crime by spending \$160 million in eight major cities, including Cleveland is likely to be well received.

Certainly the \$20 million apiece promised to Cleveland, Denver, Dallas, Baltimore, St. Louis, Atlanta, Newark and Portland, Ore., over the next 24 months can buy more police protection in those cities than now exists.

The slaying of a Baltimore newspaper photographer as he sat in his car reading a book last week accentuates the need for as much on-the-street protection as possible.

But the "high impact" anti-crime program would be more convincing if the cities involved had been required to submit specific proposals before they were chosen for federal funds.

Most of the mayors who gathered in Washington for the announcement the other day seemed genuinely surprised by their selection, and few of them had given much thought to how they expect to spend the money.

It would be unfortunate if some of the cities bought expensive hardware instead of trying to head off street crimes at the source by concentrating on chronic troublemakers and cracking down on the drug traffic.

Hiring more policemen and teaching citizens how to use locks and burglar alarms are a necessary part of any crime prevention program, and some of the new money could be used for those purposes.

But the neglected areas of law enforcement have been the courts. The need is for faster and more effective prosecution of cases and better probation and parole services.

The mayor of Denver said he hopes to use part of his grant to help reduce juvenile crime. Considering that the repeater rate among young offenders is three out of four, this would be money well spent.

Mayor Perk says he plans to triple the size of the city's anti-narcotics unit. This too makes sense because a high percentage of street crime is drug-connected.

The question now is whether the eight cities will have the savvy and imagination to spend the money where it will do the most good. If the answer is yes, the new program could become a useful weapon in the fight against crime.

AGNEW AND MITCHELL SURPRISE EIGHT MAYORS WITH \$160 MILLION PROGRAM TO FIGHT CRIME

WASHINGTON.—The Nixon administration, its eye on the fall election, trotted out its sternest "law and order" symbols to launch an eight-city campaign against street crime and burglaries.

Attorney General John Mitchell introduced Vice President Spiro Agnew, who announced the \$160 million program at a news conference. Then, both apostles of the "law and order" doctrine departed quickly, leaving the chore of answering questions to others.

The political nature of the announcement was dramatized by the surprise of the recipients: The mayors of Newark, N.J., Baltimore,

Atlanta, Cleveland, Dallas, Denver, St. Louis, and Portland, Ore. Seated at the dais, each mayor commended the Nixon administration for its action, but confessed that he hadn't any specific program ready in which to invest the newly awarded money. Each mayor expressed total surprise at the announcement.

Mayor Kenneth Gibson of Newark was typical. "We can use the money," he told reporters, but he couldn't offer any details. Mayor Gibson said he received a telegram Tuesday directing him to be in Washington yesterday for the announcement.

The new program, called the High Impact Anti-Crime program, is designed to reduce street crimes and burglaries by 20% in each of the eight cities over the next five years. These have been the fastest-rising types of urban crimes.

Vice President Agnew said the choice of the eight cities, selected both because they are medium-size and have high crime rates, was a "beginning." He said the program will be expanded to as many as 10 other cities soon, and added: "Ultimately, we hope it will be in operation in virtually every city in the nation with a significant crime problem."

During the next 24 months, each of the chosen eight cities will be allocated up to \$20 million in special impact funds, mostly from the Justice Department's Law Enforcement Assistance Administration, to beef up and improve their law enforcement efforts.

Though details will vary from city to city, Mr. Agnew outlined these broad program goals:

An across-the-board attack on street crimes (robbery, mugging, assault, rape) and burglaries, the types of crimes that are most prevalent and most feared.

Involvement of every portion of the criminal justice system in each city, and the community-at-large as well.

The reduction of street crimes and burglaries by 5% in two years and as much as 20% in five years in each of the cities.

A public-education program to inform citizens on how they can better protect themselves and their property, including new research into effective systems of locks and alarms.

Enhanced anticrime patrols by police, which could include more policemen, plus better equipment, tactics and training.

Increased stress on apprehension of offenders; new equipment might include helicopters and improved radio systems to get police to the crime scene faster.

Special programs to prosecute street crime and burglary offenders, meaning both more effective and larger staffs of prosecutors and special court dockets for these offenses.

Special projects in each city to attempt to rehabilitate street crime and burglary offenders and prevent them from returning to lives of crime.

COSPONSORS OF THE EMERGENCY CRIME CONTROL ACT

Les Aspin.
Frank Clark.
George Collins.
James Corman.
Joshua Ellberg.
Donald Fraser.
Sam Gibbons.
Ella Grasso.
Seymour Halpern.
Henry Helstoski.
Romano Mazzoli.
Ralph Metcalfe.
Abner Mikva.
Parren Mitchell.
Brad Morse.
Morgan Murphy.
Charles Rangel.
William Roy.
Charles Sandman.
John Seiberling.
James Symington.
Charles Vanik.

THE PETERSON REPORT ON TRADE

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

Mr. FISHER. Mr. Speaker, recently Mr. Peter G. Peterson, who is Assistant to the President for International Economic Affairs, issued a report entitled "A Foreign Economic Perspective." The report itself was supported by 70-odd pages of text and a similar number of charts.

The Peterson report has been regarded as something of a blueprint of the administration's anticipated trade legislation proposal. It is therefore of more than passing interest.

I have received a copy of a commentary on this report prepared by Mr. O. R. Strackbein, who is known to many of us as the president of the Nation-Wide Committee on Import-Export Policy which speaks for many industries and agricultural groups that are concerned over the inroads of imports in the domestic market.

Mr. Strackbein's comments on the Peterson report I think are incisive and to the point. I commend them to all who are concerned with the kind of trade legislation we may soon be asked to consider. Under leave to extend my remarks, I include the paper referred to:

THE PETERSON REPORT ON TRADE

(By O. R. Strackbein, President, the Nation-Wide Committee on Import-Export Policy, Jan. 19, 1972)

The Peterson Report "A Foreign Economic Perspective" casts its fortunes on the side of "comparative advantage" in the allocation of this country's productive resources in a world setting. This means simply that we should produce those goods for which we are best fitted while importing goods that other countries produce more cheaply.

On page 34 of the Report Mr. Peterson says:

"In the international division of labor, the U.S. has many comparative advantages, but the most obvious are in agriculture, management, capital goods, and advanced technology."

On the following page he observes: "One reason our workers earn higher income than any in the world is because the machinery they know how to use enables them to be the most productive."

Elsewhere (p. 14) he says we could choose the route advocated by some of erecting new trade restrictions. He replies by saying:

"However, I believe this to be a prescription for defeat and admission of failure. Our preferred alternative is to meet head-on the essential—if demanding—task of improving our productivity and our competitiveness in an increasingly competitive world."

He asserts that "by 1980, full employment will require jobs for almost 100 million Americans, about 20 million more than today's level."

He expects to reach or reasonably approach this objective by liberalizing our trade and seeking more liberal treatment of our exports abroad.

THE PETERSON DIAGNOSIS

In the supporting document of 73 pages and 72 charts entitled *The United States in the Changing World Economy* may be found many data that will bring into question the adequacy or the timeliness of the prescription contained in the Report itself. Quite clearly the diagnosis, while not complete,

was much better than the proposed remedy.

The diagnosis, however, followed standard practice, proceeding on the uncritical assumption that the American economy is surrounded by, and operates in, a world of homogeneous competitive forces. That is why the prescription falls short of the need.

"There is an increasing need to increase the productivity and therefore the competitiveness of our substantial manufacturing sector," says Mr. Peterson. In other words, we must enter into an efficiency race with our competitors! This proposal smacks of an armaments race and comes at a bad time.

The drive for endlessly higher productivity now faces questions of ecology that previously were not recognized. Beyond that, as the Report itself concedes, other countries have demonstrated their capacity to increase their own productivity with modern technological equipment. In fact, as the charts of the supporting document shows, they have outdone us in the productivity race in recent years, albeit not as strikingly as the statistics indicate, since they have been in the posture of catching up with us. In that process they could achieve impressive percentage gains, newly equipped with our technology and coming up as they did from a much lower base than ours. They could in some instances indeed double or triple their output per man-hour without coming abreast of us, even though our pace appeared turtle-like by comparison. A 10% annual increase in productivity, spread over several years, measured from a relatively low level, might still leave a gap, as it has in a number of instances, between the newly attained level and that of this country.

NEED FOR A BROADER DIAGNOSIS

To compare the present-day American economy and productive system with that of the remainder of the world as if the two had not only a common genesis but had developed and grown up together is to court extremely misleading conclusions. To clarify this assertion requires a brief historical excursion.

During the latter decades of the 19th century the economy of this country embarked on a path that marked a far-reaching departure from that followed by our economic ancestors in Europe. From them (especially England) we inherited our governmental and legal systems no less than our commercial methods.

The need for mechanical invention pressed more acutely on us than on them because of the rawness of the land we undertook to subjugate with such few hands and the great distances that lay all about us. In any event we found ways of increasing the productivity of the hands we did have and came on the threshold of massive output a few decades after the Civil War. We came into an area of no recognizable guide-posts furnished by our cousins across the Atlantic. However, we had become accustomed to moving pioneering fashion onto new ground where there were no roads. We then planted our own markers and signposts.

What was probably the first great signpost we erected was the Sherman Anti-Trust Act of 1890. Here was grave evidence of appreciation of an exceedingly important principle if the nascent new system was to develop as it did, into a phenomenally productive machine. (We had almost providentially written into our Constitution the basis for a national market by prohibiting the States from levying duties on the products of one another.)

Without the necessary history that would have given us a clue or academic economists, farm and labor leaders and political spokesmen of the late-19th century, recognized the link between fair competition and relative price levels, on the one hand, and the benefits of mass-production to the people, on the other. Monopoly practices would have strangled mass production at the outset by

preferring high-cost, high-profit, and low levels of production to the high-volume, low-cost and small unit-profit form of production that would bring the benefits of mass production to more and more people.

Later, by way of breaking up, hobbling or preventing the formation of monopolies, we followed with the Clayton Act, the Federal Trade Commission and Federal Reserve Legislation and yet later with the Robinson-Patman Act. We were erecting pillars for a system, the nature of which we had not yet fully comprehended; for there was a missing element, without which we would have continued a pedestrian pace after the manner of our European forebears. This was the perception of the dependence of mass production on mass consumption. The most readily recognizable mile post in that perception was the \$5 per day wage instituted by Henry Ford who, in the absence of a rival for the honor, may be regarded as the lantern-bearer in our march into the land of material plenty. He saw and acted on the identity of the worker with mass consumer purchasing power. If the income of the worker in response to his higher productivity, underwritten in turn by improved technology, moved upward so did market demand for useful and acceptable and sometimes prestigious, if non-essential, products also rise.

This was the formula of the American system of production, and it was very different from the European. There wages continued to be regarded as a necessary evil, as they had been in this country, to be kept as low as possible.

It was some decades indeed before the function of wages in the economy was fully appreciated in this country and embedded in legislation. If there have been or if there are excesses today as some allege, it is not the fault of the formula. In this country about 80% of the corporate cost of production consists of employee compensation. Essentially this is the market at which our mass production is aimed.

A high level of mass consumption is obviously not the function of a massive population as such. The most heavily populated areas of the world are among the most destitute in terms of effective market demand. What this country taught the owners of the productive systems of the world (communist countries aside) was that the worker was not only worthy of his hire but that he in turn would reward the producers handsomely if they give him his appropriately higher share of the pie as productivity climbs.

TRANSFER OF THE AMERICAN SYSTEM ABROAD

It was only after World War II that the other capitalistic countries became convinced by our example that they should adopt our system. They were eager and we helped them with generous infusion of economic aid. We guided thousands of foreign productivity teams through our factories. They learned the magic of cost-reduction as the key to mass market development. They also saw the dependence of increased output on the installation of sophisticated machinery. They should have observed further the mushrooming of demand for new products if these were attractive to the consumer and if the price was dropped lower and lower, as yet more productive machinery was installed and higher output was attained per worker. Possibly not all of this became clear. In any case it is not evident that they saw higher wages as the fertilizing agent; or that they saw the futility of mass production in the absence of a mass market supported by good wages. They readily saw and appreciated the first half of our formula, namely, highly productive machinery, but bridled at the second half of the equation, namely, rising employee compensation commensurate with higher productivity. This failure increased their dependence on exports.

OUTFLOW OF AMERICAN CAPITAL

In a decade after the end of the War American manufacturers were faced with a challenge. The technological advancement of other countries and their lagging wages soon converted them into formidable competitors. To hold foreign markets more and more of our manufacturers built plants abroad and employed labor at the lower foreign rates. Capital, like water, flows to the lower levels. In this country we once witnessed the migration of the New England textile industry to the South—at a much slower pace, to be sure, but for the same reason.

Then began the rise in imports in this country fostered by lower foreign costs derived from modernized technology. The effect was distressful to important segments of our economy for reasons that were readily grasped. A number of industries felt keenly the impact of rising imports. Exports with few exceptions either lost their dynamism or actually shrank, as in the case of steel, textiles, and other products. This development was all but concealed by two phenomena: (1) the great boom in our exports of machinery and transport equipment, including aircraft, and (2) the statistical practice of our Department of Commerce by which our true export surplus was grossly exaggerated year after year, and our developing deficit wholly concealed until it broke through beyond further concealment.

During the first eleven months of 1971 no less than 46% of all our exports consisted of machinery and transport equipment, including automobiles and parts which themselves registered a deficit of over \$1 billion. Over a quarter (27%) of all our exports consisted of machinery alone (\$10.4 billion). *This was 1½ times as high as our total exports of all agricultural products, and also 1½ times as high as our exports of all other manufactured products.* Thus was the poor showing of nonmachinery exports hidden from view.

The other source of concealment came from the tabulation of our imports on the basis of their foreign value and not on their actual cost delivered to this country. The undervaluation was some 10%. Beyond that we unjustifiably treated as exports our foreign aid shipments. This twin practice deluded us into believing we were powerful competitively while we are in fact competitively defeated.

The topheavy bias of our exports in favor of machinery has gone almost unobserved and little is made of it. Yet it represents the very story of our trade discomfiture. In the trade in other manufactured goods we incurred a deficit in the magnitude of \$7 billion during the first eleven months of 1971. This deficit was \$2 billion higher than our surplus in the export of machinery and transport equipment.

Lost to view as a result was the extent to which the potential industrial growth in this country flowed abroad during the magnitude of some \$75 billion. This meant a vast build-up of foreign production capacity and productivity that became a major source of the flood of imports that struck our industries.

Yet the attempt to measure the impact of imports on our employment has been confined to efforts at totaling the displacement of workers by imports. For example, imports of, say, 15 million tons of steel meant the displacement of so many thousands of steel workers who would have been required to produce that much steel.

We can be sure that it was not the direct displacement of labor alone in our plants that brought on our distress and higher unemployment. It was the millions who were not hired because of the gloomy industrial outlook that depressed employment. If only half of the investment that went abroad had been invested in this country, as it would have been had the ominous clouds of im-

ports on the horizon not posed market attrition or stagnation, employment would have grown here rather than so feverishly abroad.

Beyond that blighting effect, another negative influence has been overlooked by our economists and publicists. The American economic system has depended heavily and perhaps even vitally for employment expansion on the discovery or invention, development and marketing of either new products or the sharp reduction of costs of established products by new technological devices. In either case new or additional consumer markets opened up and employment expanded in many directions. This indeed was the story of our economy of the first half of the Twentieth Century. Even if workers were displaced the reduced costs soon buoyed consumption sufficiently to lead to higher employment than before.

Now that door has been all but closed. Foreign plants, whether native or owned by American capital, are not only ready, thanks to patent licensing or actual ownership (as in the case of American capital invested abroad), but in a position to take the market for new or radically improved lower-cost products that formerly awaited us, away from us. They can beat us to the lower levels of consumer income that constitutes our mass market, by their lower production costs and so capture the bonanza that was formerly the mainstay of our high employment levels. The result is that now when we displace workers in a competitive race we are left with the unemployment because imports fill the expanded market.

Here there is no mystery. It needs no Ph. D. in economics or subsoil intellectual plowing to comprehend what has happened. Indeed, economic theory has in no sense been violated. It has been confirmed. What has been at fault has been the persistently errant economic thought, nurtured and held in place, not only by the obscurity already mentioned but also by implanted ideas and emotional fixations that are highly resistant to the meaning of economic change.

Perception of developing facts was further obscured by certain obsolete ideas, such as the notion that import competition is needed to stimulate our entrepreneurs. It is safe to say that virtually all our heavy employing industries have been developed in this country from the beginning. For example, we needed no import competition to develop the automobile and to generate a mass market for it. Indeed, there was no import competition. The same may be said of motion pictures, radio, television, the telephone, household appliances and innumerable other products which we pioneered. If we did make use of foreign ideas or patents, this country was the only one that knew how to develop a mass market and how in fact to accomplish it repeatedly.

It is not too much to say that if the pioneers of our system had faced the same situation as our industry faces today *vis-à-vis* foreign producers, i.e., had the latter been armed with our technology and wages $\frac{1}{2}$ to $\frac{1}{3}$ of ours, our system would not have been launched.

We had adequate competition within this country; the needed motivation was provided by the vision of a mass market in terms of millions of customers—a vision that became well tested in time. We had only to bring down sharply the cost and the price of desirable goods that enjoyed an elastic demand. Henry Ford would rather have sold a million cars at a profit of \$50 per car than 100,000 cars at a profit of \$200 per car. The one operation would have brought him \$50 million, the latter \$20 million.

Should he try this formula today he would find that when he had brought the cost down to \$1000 per car (on the long-ago base), thus widening his market compared with his earlier cost of, say, \$1500, foreign manufacturers could offer a comparable product at \$500 or \$750. His visioned bonanza

would be transformed into a mirage. The electronic industry can enter testimony on these premises; and others as well; and what industry, we may ask, is now *not* being born because of the despoliation of the market landscape? What numbers of newcomers on the labor market stand jobless and will be so next year because our system has been undercut and deranged by its own offspring?

MR. PETERSON'S FORMULA

The Peterson Report has not addressed itself to these harsh realities. His prescription is therefore beside the point, irrelevant. It bears further airing:

"Our preferred alternative is to meet head-on the essential—if demanding—task of improving productivity and our competitiveness in an increasingly competitive world, to seize the initiative in designing a new, comprehensive program designed to build on American strength, and to encourage a competitive world trading system with the confidence that comes from having a sense of our future."

Brave words!

A few highly obstructive clichés must first be dispelled. One is that foreign competition is of the same stimulative value as the domestic variety. The textile industry's migration may even be cited as evidence that we have overcome challenges from within our own market more serious than those posed by imports. What is overlooked is that the textile migration was spread over 75 years. Moreover, the differences between Northern and Southern wages were not nearly as wide as the differential that separates us from many of our overseas competitors. Also, the move to the South was timed according to events and circumstances. On the other hand our competitive confrontation postwar with the remainder of the world came up almost overnight by comparison and the foreign competitor chose the time.

Because the facts in the premiss were concealed, both deliberately and by the nature of the case, as already noted, there was an element of surprise.

Secondly, the free-trade character of our domestic economy is held up as a blessing; and so it is. It laid the foundation for mass production and mass consumption. However, to extrapolate this blessing to cover the world does not follow. The extrapolation came two generations too late to be acceptable as a present solution. To repeat, if the other countries had come with us in our new departure some sixty years ago the world could have grown into a common mass market together, as did the States in this country. However, that was not to be. Now, suddenly (in economic tempo) we are to expose our economy to foreign competitive forces that have not yet fully recognized the very quintessence of our system, which is to equate consumer purchasing power through adequate employee compensation as an absorbent with mass production.

Until that is done we may indeed hit "head-on" into a double play that will surrender our hitherto unique system to its undoing. Unless the foreign competitive forces, with the wage-cost advantage, are contained for a suitable period—not merely by currency realignment and similar measures, somewhat helpful as these may be, the wide advantages of lower unit cost of production abroad will continue to drain our economy and derange it. The twenty million additional workers we are to employ by 1980 will face a nightmare, and it will not be a happy one for the country.

EQUITABLE PENSION PROGRAM FOR VETERANS OF AMERICA'S WARS

(Mr. QUILLEN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. QUILLEN. Mr. Speaker, the purpose of the bill that I have introduced today is to provide a more equitable pension program for the veterans of America's wars. Our present veteran benefit laws are, with one exception, the best that have been devised by any nation. The exception is concerning the veterans of the war of 1917-18, commonly referred to as World War I.

It was during this war our expansion as a world power really began. Our industry expanded until we changed from an importer to an exporter; from a borrower of finances to a lender; from a nation of isolation to a nation whose interests were worldwide.

From the birth of this Republic, the United States of America held the conception that our Nation owed its existence to those who fought, and some gave their lives to bring it into being, and gave them special recognition in the form of tangible benefits.

From the Revolutionary War, through the war with Mexico, the Civil War with Spain, benefits including land grants, and a general pension was awarded the men who fought in those wars to preserve this Nation, recognizing them for special consideration.

At the close of World War I, our Nation expanded so rapidly within and without, that the recognition accorded the veterans of previous wars was lost in the growth from a nation of isolation to a world power, as soon as the parades of the heroes of the battles of Chateau Thierry, Verdun, and the months of life in the trenches were over, they were soon forgotten.

As a benevolent nation we began to help our allies in that war. Instead of the spirit of previous wars prevailing, instead of rewarding the veterans of that war as had previously been done, we began to feed and clothe the nations of the world, and forgot the veterans whose service won the war, a situation comparable to a man who clothed and fed his neighbors' children, and let his own go ragged and hungry.

It took another world conflict to arouse the conscience of our Nation so that at the close of World War II an awakened people aroused to the reality, that without those who made the contribution to the winning of the war on the battlefield, we would have no nation. Laws were passed providing benefits superior to any in previous wars.

The returning troops were provided unemployment compensation of \$20 per week for 52 weeks.

Educational opportunities for a college education was accorded all who chose to avail themselves of the privilege. Then after rehabilitation, hospital benefits, and other benefits including compensation and pension were provided, creating the most adequate veterans benefits program of any nation with the exception of those of veterans of World War I.

It is this gap in an otherwise outstanding veterans benefits program this bill attempts to correct. Some special consideration for the veterans of World War I.

At the close of that war there were more than 4,700,000 veterans. Today, there are less than 1,400,000 whose age is 76.6 years of age.

At the close of this war the only war America has fought where no special consideration was given the veterans of that war. No general pension was authorized as had been in previous wars.

There was no unemployment benefits provided as was provided the veterans of World War II.

There was no educational act providing a college education or technical on-the-job training as was afforded World War II and subsequent war veterans.

There was no authorization to enable the veteran to buy a home as was the case in World War II and subsequent wars.

The only special benefits the World War I veteran received was the Adjusted Service Compensation Act, designed to pay the veteran \$1.00 per day for service in the States, and \$1.25 per day for service overseas. So designed to partially compensate the veteran the difference between his service pay, and what he would have received had he remained in civilian employment at home. This was awarded in certificates, payable in 20 years, and averaged about \$800.00 per veteran. Later the law was amended authorizing the certificates to be paid at 50 percent on the dollar.

The majority of the veterans were broke and many were on soup lines, and they cashed their certificates in order to survive. Instead of receiving \$800.00 they thus only received \$400.00 so any difference from the \$400.00 and the amounts charged to the U.S. Treasury went to the banks who handled the certificates.

This is the exception, this is the gap in our pension benefits this bill attempts to correct.

At the time of their life when the expenses are heavier than at any time, these aged veterans find themselves living in a poverty classification and seek and deserve special consideration. Mr. Speaker, I urge the appropriate committee to take speedy action on this bill.

STRONG SUPPORT FOR MONAGAN DRUG BILL

(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 Special Subcommittee on Drug Abuse of the House Armed Services Committee has completed hearings on drug problems in the military, and has begun the markup of remedial legislation. The subcommittee should soon have a clean bill for the full committee to consider, and shortly thereafter, the House will be able to take the first vital legislative step in helping the GI addict on the road to rehabilitation.

In my own testimony on this subject, I urged the subcommittee to reject the primary bill under consideration, H.R. 9503, as inherently unworkable, and I also urge the House to reject the approach in this bill.

My basic objection to H.R. 9503, which is the administration bill, is that it relies primarily on voluntarism as a means of treating drug abuse. The bill would give the GI 30 days of mandatory treatment

beyond his scheduled discharge, but it would then turn him over to a Veterans' Administration hospital on a strictly voluntary basis.

Experience has shown that this simply will not work. The addict will not report for treatment unless he is compelled to. He will look not for a VA facility, but for a fix.

In his recent testimony before the Special Subcommittee on Drug Abuse, Dr. Richard S. Wilbur, Assistant Secretary of Defense for Health and Environment, himself acknowledged the failure of voluntarism. He stated that while many GI drug users are transferred to VA hospitals before they are discharged, very few of them have agreed to stay for further treatment after discharge. Dr. Wilbur stated that at present time, few Vietnam returnees are going through an extended period of drug treatment following their discharge.

The drug program which H.R. 9503 would establish would merely perpetuate this situation. The hard core addict would certainly not be rehabilitated after 30 days of mandatory treatment. He would simply be turned back into civilian society free of legal control. He would be able to continue his habit, and even spread it. The practical effect of H.R. 9503 is that it would shift the burden of drug abuse in the military to civilian society.

I have recommended instead an approach which would provide mandatory treatment until rehabilitation was complete. I have introduced legislation—H.R. 8216—which would require that no addicted serviceman be discharged from the military until he was judged free of his habitual dependence. This bill would not depend on voluntarism to cure the hard core addict, as H.R. 9503 would do. My bill would give the addict complete rehabilitation in the service, where he is more easily identifiable and controllable. It would protect the individual addict by providing him proper treatment. It would protect society by relieving it of the burden of absorbing large numbers of discharged addicts, most of whom will not take treatment voluntarily.

I have received much editorial support for this approach of dealing with drug abuse in the military. I should like to include at the close of my remarks excellent editorials from the Waterbury, Conn., American, the Danbury, Conn., News-Times, and the Bridgeport, Conn., Post on this subject. I also include an article by Associated Press writer John T. Wheeler in the Bridgeport Sunday Post which gives an up-to-date overview of the entire GI drug situation.

[From the Waterbury Republican, Dec. 22, 1971]

MONAGAN AND GI ADDICTS

The failure of the U.S. military to deal firmly and effectively with drug-addicted GIs in Vietnam and elsewhere demands legislation to stem the flow of discharged heroin users from the armed forces until after rehabilitation. Such legislation is being spearheaded by Rep. John Monagan in an effort to put teeth in an administration-backed bill calling for the release of an addicted serviceman after only 30 days of rehabilitation beyond his regular release date.

Monagan maintains that the administration's bill provides an inadequate period for

treatment and help for the hard-core addict, and would result in sending addicts back into society "to become a greater burden to themselves and to their fellow citizens."

The truth of Monagan's complaint is underscored by an official report that between 1,000 and 2,000 GIs are being discharged each month after having been twice certified as heroin users and after their commanding officers have asserted that the men have not made an effort to break the habit.

The Army's failure to provide effective drug rehabilitation for addicted servicemen is in opposition to pledges by President Nixon and the Pentagon to keep addicts in the Army for special help and treatment. The administration-backed bill, in addition to providing too short a period for positive cure, depends heavily on the GI addict's voluntary continuation of treatment after his discharge. This according to Monagan, is statistically unrealistic, since few discharged GI addicts avail themselves of treatment available at Veterans Administration hospitals.

Monagan's bill would require the military to retain the addicted servicemen beyond their release dates for mandatory treatment until rehabilitation was complete. In its effort to force the armed forces to deal with GI addicts till cured as well as protect the civilian sector of society from the burden of absorbing a large number of discharged hard-core addicts, the Monagan legislation deserves support and implementation.

[From the Danbury News-Times, Dec. 27, 1971]

ARMY PASSES THE BUCK ON DRUG PROBLEMS

The Army is playing a game of pass the buck when it comes to its handling of drug problems among servicemen in Vietnam.

That's the clear implication of statements by Army officers in Saigon, who say the Army is playing a numbers game designed to make the Army look good, rather than treating addicted servicemen before they are returned to the mainland for discharge.

Their comments do not square with the rather rosy report the assistant secretary of defense for health and education issued, saying that a heroin epidemic in South Vietnam has been "successfully reversed" by the Army.

He said the percentage of servicemen leaving Vietnam who use heroin has dropped from 5.5 in August to about 3.5. But officers in the field are not impressed because the tests the Army is using can be circumvented by an addict intent on doing so.

Addicts not treated successfully while in the Army are going to wind up as problems in civil society back home. The buck is passed to the local community.

The administration's own legislation to control drug abuse in the military also contributes to buck-passing, a situation which has aroused the ire of Fifth District Congressman John S. Monagan.

A subcommittee of the House Armed Services Committee has been conducting hearings on the administration bill, H.R. 9503. It is much weaker than a bill Rep. Monagan has introduced on the same subject, H.R. 8216.

The administration bill relies on a voluntary approach which has already been a failure when tried by the military. According to the Waterbury congressman, it's "entirely inadequate" for the hard core addict.

The committee should heed the Monagan warning, for failure of the Army to treat its own addicts and adoption of the half-hearted, half-way measures advanced by the administration will only put the problem onto those who can least afford it, the local communities.

FULL TREATMENT NEEDED

Congress is moving in its own slow and deliberate way to control drug abuse in the

Armed Forces. This is a job which must be done—and with a sense of urgency. Congressman John S. Monagan of Waterbury leads a substantial bloc of lawmakers which wants to make certain the task is done properly. Mr. Monagan has introduced legislation which would keep the addicts in the military for mandatory treatment until they are cured. If enacted this would help thousands of young men resume a normal life.

There is a school of thought, however, which leans toward a different approach to the problem. This group of congressmen, with the backing of the White House, also proposes mandatory help for addicts. The catch is the assistance would not last for more than 30 days beyond the man's regular date of discharge.

After that the individual would be free to seek additional help on a voluntary basis or—to put matters bluntly—go back to the needle.

Every shred of evidence shows conclusively that rehabilitation is a lengthy process. There is no such thing as a 30-day wonder cure. Mr. Monagan is convinced the voluntary approach simply will not work for the vast majority of victims.

Speaking at committee hearings on the subject, he stated that only six servicemen have requested admission to the Veterans Hospital in West Haven for drug treatment. Yet it is believed several hundred GI addicts now live in Connecticut.

Mr. Monagan cited an Army study which showed that of the 4,440 soldiers found using hard drugs during a 10-week period this year, only 23 volunteered for even short-term attention.

The conclusion should be apparent. Mr. Monagan's belief that any treatment must be mandatory, and for as long as needed, is based on facts.

When it comes to curing the users of hard drugs, anything less than an all-out effort is next to useless.

[From the Bridgeport Sunday Post,
Jan. 2, 1972]

DRUG ADDICTION: THE TOUGHEST WAR ENCOUNTERED BY U.S. MILITARY TO DATE

(By John T. Wheeler)

WASHINGTON.—President Nixon's declared war—the one to rid GIs and veterans of dangerous drug habits—is winding up rapidly. So far, many worried officials say, there is little if any light at the end of the tunnel.

A senior Pentagon source, who looks on the optimistic side of the problem, says more than 500 heroin users and addicts are discharged each month by the Army, the center of the drug epidemic in the military. Other estimates place the figure closer to 1,000 to 1,500, counting Navy, Air Force and Marine discharges.

NO EXACT FIGURE

Although hard figures are impossible to come by, estimates that addicts and users in the military or discharged in the past few years have pushed the nation's heroin-dependent population up by 50 per cent are not hard to come by.

An Associated Press survey of drug problems among GIs and ex-GIs and what is being done for them turned up these other major points:

DRUG ABUSE DEATHS

With American combat dwindling as the U.S. hot war diminishes in Vietnam, deaths from confirmed and clinically diagnosed drug abuse may soon overtake casualties inflicted by the Viet Cong and North Vietnamese.

Addicts and users being discharged are receiving only "band aid" treatment before re-entering civilian life, a senior Veterans Administration official says.

Only a comparative handful of veterans from Vietnam, the worst drug crisis area, are seeking help, and some VA sources say it

may be years before most do. A key reason appears to be that these addicts are among the most anti-establishment and alienated of the young in uniform.

AMNESTY PROGRAM

The amnesty program to encourage addicts still in the service to turn themselves in for treatment with no punitive action has proved a statistical success but, officials say, may be largely meaningless in terms of permanent cures.

Known users of heroin and other dangerous drugs still are being drafted and sent to Vietnam despite what sources concede are serious risks such men may become hardcore addicts. Any other policy, officials say, would allow any who claimed drug usage to escape service or Vietnam duty and lead to chaos in the military.

Officials in the military, and out, fear returning GIs and discharged vets will spread their addiction among their friends, not only for profit to support their own habits but to spread their own euphoria and sense of guilt.

SMALL CURE RATE

"Cure rates outside the controversial methadone maintenance program are depressingly small," VA and military sources report. For the most part, a senior VA doctor says, about 70 to 80 per cent of hardened heroin addicts may never lead a totally drug free life again.

Both the military and the VA are searching desperately and so far inconclusively, for better cure methods. "We definitely have hard narcotics, but we just as definitely have no hard answers for ending this problem," one source said.

SOARING CRIME RATE

Reports of soaring crime rates at military bases here and overseas, due in large part to the drug problem, bode ill for another of the President's wars—the one on crime—as addicts and users return to civilian life.

Addicts hooked on Vietnam's nearly pure heroin bring back incredibly expensive habits. They may spend \$2,500 to \$3,000 saved in the war zone during the first month home.

The drug problem in the military has grown so serious in the Army that a senior source said military police and investigators have little time for seeking addicts and users but must devote virtually all their efforts to trapping pushers.

DRUG WAR APPROPRIATIONS

The administration so far has authorized the Defense Department to spend \$34.2 million and the VA an extra \$17 million on the drug war. Some at the operating level are not sure the amount is nearly enough.

NO RACIAL LINES

Drug abuse, originally conceived popularly as a problem of poor blacks, has proved to cut fairly evenly across racial and economic lines in the military. A company commander who said he canvassed his unit and found 65 per cent had or were using and experimenting with drugs, said: "Once I thought it was a Negro problem. Then I decided it was a ghetto problem. Now I know it is just a problem."

The military and especially the Veterans Administration have started a massive campaign against drug abuse. Current programs, some officials believe, will be further expanded as the true extent of the problem becomes known. A Pentagon source noted wryly, "This is the first popular war we've had in a long time."

FIRST RULE OF WAR

A first rule of war is to know the enemy, but in this case the Pentagon has several—first and foremost heroin, followed by amphetamines, barbiturates and other dangerous drugs. The old enemy marijuana almost is forgotten in view of the new and far graver threat.

Hard facts on the enemy's conquests are almost impossible to find. A senior Army official says his service has now, or has discharged recently, some 60,000 heroin users and addicts, a total he said leaves the Army "quite pleased" because it feared the situation was far worse. Reports from the field suggest a far higher but unproven figure.

ARRESTS TRIPLE

There are some hard statistics, especially on Vietnam, where national attention has been riveted on the drug problem. In the first six months of 1971, drug-related deaths were running 64 percent higher than the previous year and arrests on charges involving hard narcotics had tripled.

Pentagon sources caution that arrest figures especially may not present a true picture since a year ago the military scarcely realized it had a problem.

The Army has set up or will soon open 81 halfway houses at bases in the United States. Thirteen more operate in Vietnam. These are treatment centers for those who volunteer to try to escape their drug habits. No over-all figures are available for the number of men taking part in the stateside program. Each base's anti-drug program is built locally around loose Pentagon guidelines.

EX-ADDICT THERAPISTS

Ex-addicts are recruited as "therapists" because they are available and have insights non-drug users may not have no matter how extensive their training.

The Army is attacking its problem base by base. The Navy and Air Force have tried to concentrate their efforts in one installation apiece. This is possible, they say, because their problems are numerically and proportionately smaller. However, in at least one case, Air Force drug abusers have been farmed out to the Army because Lackland Air Force Base, that service's center, could not handle them.

The three services' programs are about the same. Detoxify, counsel and return a man to his unit as rapidly as possible. Most of those under treatment may not even spend any time assigned to a halfway house. Others work with counselors as outpatients after a short, "inhouse," detoxification period. The most serious cases may spend weeks in halfway houses or return for prolonged stays if they fall back into the drug life.

SCREENING MEN

Screening to spot drug users began in Vietnam and now has spread to other Southeast Asian bases. Men in this area are given urine tests to determine whether they have been using heroin, amphetamines or barbiturates. Those who flunk and are returning home are held for seven days to "dry them out" before they are flown back to the United States where they are encouraged to get into drug treatment programs. Most don't. The holding period soon will be two weeks and a bill pending in Congress would extend a man's tour for up to 30 days for treatment. This would be done in a VA hospital.

What the ultimate cost of the drug war will be, none can envision. The military says it cannot predict how large the problem will be in the future and because so little is known about treatment, how long a man will need treatment and how intensive, and thus costly, it will be. The VA says hard cases will take about a month of hospitalization, at an average of \$30 a day, and then years of outpatient treatment. It, too, says it is too early to forecast costs in terms of manpower needs and facilities needed for outpatients.

DISCHARGING PROBLEM

Brig. Gen. Robert Gard Jr., head of the Army's Alcohol and Drug Abuse Program, recently noted President Nixon "emphasized informally to Department of Defense officials that the military services must not discharge drug-dependent servicemen into our already

crime-ridden streets without treatment and attempts to rehabilitation."

The spirit and, in some cases, the letter of that order are not being carried out, some officials concede privately. A general following the situation closely said: "There is no question we are turning junkies into the civilian society. We can dry them out and try to take care of the guy staying in the Army. But the VA has got to carry the ball on the veterans."

The military has provided a bare minimum of counseling and referred departing veterans to VA hospitals. A majority of the time they simply don't show up. The Pentagon plans to order heavy users to VA hospitals for discharge in hopes they will take advantage of the VA drug programs. But once a man's service is over, no one under present laws can force him to submit to treatment.

SHORT TERM TREATMENT

Dr. Samuel C. Kaim, director of the VA's alcohol and drug abuse program staff, said of the short term treatment given by the military: "Hopefully it will orientate the man to his problem. It is not a real treatment. But hopefully it may bring the man to the point where he is ready to be treated."

A major problem is that veterans, especially those who served in Vietnam, are generally in no mood for treatment. Dr. Brian B. Doyle of the Army's drug abuse control division said of Vietnam GI addicts:

"The overwhelming majority express either no interest or antagonism toward further treatment."

ROCK BOTTOM POINT

Where then are the Vietnam addicts which officials felt certain would flood the VA system? Addicts and ex-addicts in and out of the military predict these men will not seek help until they "hit bottom" perhaps, a year or more from now.

"The day they get up and have to hit before they can brush their teeth, when they can't stand the sight of what happened to the face in the mirror, when they know their whole life is chasing the bag, then they may come in," said one addict being treated in a methadone ward by the VA.

"We may find the exclusively American tragedy of Vietnam will be measured in the long run as much by the lives destroyed by drugs as by American blood lost and treasure spent," a VA official said.

MANY DROPOUTS

Although thousands of GIs have sought amnesty in return for attempts to treat their habits, many more thousands have not. And many drop out of programs to fall back into that demiworld of addiction and euphoria.

"The heroin addict is likely to be the most anti-Establishment of his peers," a VA source said and Pentagon officials agree. "Their habit aside, they want nothing from us," one said.

Another reason the men may have for not seeking help is that those caught in the drug culture often are as aware as physicians and drug treatment experts of the small chance for complete cures.

Defense and VA officials say past experience indicates only 7 to 13 per cent of those who turn themselves in will ultimately lead a permanently drug-free life unless they are put on methadone, a "highless" heroin substitute when used by addicts. The cure rate with methadone, too, is relatively small.

The VA's Dr. Kaim says he does not even like the term "cure rate" when applied to addicts.

SUCCESSFUL REHABILITATION

"Abstinence is not the only criteria. Successful rehabilitation does not mean many in the program will not take an occasional hit. I don't get uptight about the occasional trippers. If a man gets a job, goes to school, functions in society and at work, we consider it successful. In these terms I think we can

rehabilitate 80 per cent although it may require long periods of treatment, a period of years."

Carl, an addict of 11 years and now "clean" and a VA drug counselor, says, "It takes about three days to get the heroin out of your body. It takes years to get it out of your head." It is for this reason that some doctors term the present military system for handling soon-to-be-discharged men only weak first aid that will prevent but few men from falling deeper into the drug world.

To some, there are frightening implications of what veteran drug users may mean in terms of civil crime.

Tony, another ex-addict on the VA's payroll said: "They (the Vietnam veterans) come home with a pocket full of money and it goes snap, snap, snap while they try to find a high like they got in Vietnam. They can't, man. All they get is garbage here."

The 95 per cent pure heroin of Vietnam compares to about 5 per cent doses available at U.S. bases and cities.

John, 20, who won a combat infantryman's badge and other decorations as a member of an Army reconnaissance unit, saved nearly \$2,500 while "chasing through the bush in 'Nam." It was gone in a month. A habit that cost him \$16 a day in Vietnam now demanded a "quarter piece" a day, the equivalent of sixty \$2 bags of heroin in the U.S. market. "I just couldn't steal that much in the States," he said by way of partial explanation why he turned himself in at Ft. Dix under the amnesty program.

ADDICTION COSTS

President Nixon estimated drug addiction in the United States costs \$2 billion annually with individual addicts paying from \$10,000 to \$36,000 a year. Few can afford this without turning to some sort of crime.

Looking to the future when thousands of as yet unhooked or unidentified addicts will come to the surface, both the VA and the military say they have a hard master plan to cure them. An Army general said, "Everything works and nothing works. What goes in one place with one unit won't work somewhere else. What works with one individual fails with the next."

The VA feels it can reach addicts in a way the military never can simply because it has no need to maintain the discipline necessary in any organization dedicated to waging war.

FUNDAMENTAL QUESTION

A fundamental question often asked by the public is, do heroin addicts really want to be saved, should an effort be made or should they simply be jailed or otherwise written off by society?

Experts reply that when an addict hits bottom, there usually is a powerful urge for survival. They cite statistics and case histories to prove their point.

One Army addict summed up his view in a poem.

"Teaspoon, teaspoon, teaspoon, give me back my brain.

"Hello reflection. Ooh, you don't look like the same.

"And good morning sweet companion.

"Pardon me if I've forgotten your name."

The addict had died of his habit at 24.

FHA FORECLOSURES ZOOMING

(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, there is a growing interest in the country in the pressing problem posed by the rising volume of inner city housing foreclosed and acquired by the Department of Housing and Urban Development.

The Subcommittee on Legal and Monetary Affairs, which I have the honor to chair, has been making studies and conducting hearings in this area. The January 3 edition of U.S. News & World Report contains an excellent in-depth article, "Why So Many Mortgages Are Being Foreclosed," on one facet of the problem. In an effort to keep my colleagues informed of developments in this field, I direct attention to the article to which I have referred.

WHY SO MANY MORTGAGES ARE BEING FORECLOSED

A crisis is growing in Government efforts to house low-income families in the inner cities.

Foreclosures are skyrocketing on houses in such areas bought with Federal Housing Administration guarantees, despite hefty subsidies given to ease home-ownership burdens in many cases.

Delinquency rates, foreshadowing possible future foreclosures, rose sharply in the third quarter of 1971, primarily on home purchases backed by FHA or the Veterans Administration.

A survey by the Mortgage Bankers Association warns:

"The slow progress of economic recovery, coupled with the expanded emphasis through federal programs to house lower and middle-income families regardless of their credit-worthiness, is likely to cause the near-term trend of delinquencies and loans in process of foreclosure to continue upward."

One result: Thousands of rundown houses in decaying neighborhoods are ending up in Government hands.

Critics of the federal programs say speculators have sold shoddy, tumbledown houses to poor families with the help of false FHA appraisals. At one point in early 1971, George Romney, Secretary of Housing and Urban Development, halted all sales of existing houses in one subsidy program for a full-scale investigation and overhaul of operating procedures.

Officials warn that another big problem is brewing in rental housing, where soaring operating costs are pressing many subsidized projects toward bankruptcy.

BUILDING RATE ON RISE

All this comes at a time when housing for low and moderate-income families is being produced at record rates. An estimated 600,000 units will be built in the fiscal year ending next June 30. That accounts for about 2 out of every 7 homes being built for sale or rent in the current housing boom.

What is happening, experts say, is that decisions made after the riots of the mid-1960s are beginning to have repercussions. There was great pressure on HUD then to provide inner-city housing. As a result, the FHA, which had shunned the inner cities because of the risk involved, became more active in promoting new construction and the refurbishing and purchase of older homes in shabby or deteriorating areas.

With this shift, speculators in some cities reportedly began buying rundown houses at bargain rates, making minor repairs and selling them to poor families under Government programs for enormous profits. HUD officials agree these houses often were overpriced.

WELFARE HOMEOWNERS

Even when there was no inflation in the price, sometimes the families selected to buy the homes would be unable to keep up payments for one reason or another. In some cities, numerous welfare families were placed in the home-ownership programs.

Says Eugene Gullledge, Assistant HUD Secretary for Housing Production:

"Given the pressures of the day, I can't find any fault with the instructions given at the time. I can find fault with the inter-

pretation at local levels. They relaxed standards as ordered, but nobody from here told them to relax them that much. As a result, we insured many houses we shouldn't have."

Another factor causing problems, Mr. Gullledge explains, is the change in attitudes toward living in the center city:

"Nobody foresaw the abandonment of whole areas of the city. Since the riots of 1966-67, people have been leaving many of these areas, just abandoning property. Nobody wants to live there. We didn't recognize this until fairly recently. Most of these troublesome mortgages were written in 1968-69—before this problem surfaced."

DETROIT'S TROUBLE

Recent hearings in Detroit by a House subcommittee headed by Representative John S. Monagan (Dem.), of Connecticut, dramatized the situation.

Testimony showed that FHA foreclosures in Detroit rose from an average of 96 a month in 1968 to 381 a month in 1971, with the agency taking possession. Where 810 properties were held by the FHA on Sept. 30, 1969, nearly 5,300 were held on the same day two years later. Most foreclosures came from non-subsidized mortgages insured after standards were relaxed.

Officials say that many of the houses are in neighborhoods where homes are being abandoned in large numbers because nobody wants to live there. Because of this, HUD expects great difficulty in disposing of its holdings. The average loss per house is forecast at about \$10,000, three times the loss on the usual single-family foreclosure.

Defaults also have tripled on multi-family rental projects in the last year.

Estimates are the losses on presently held properties in that city could run as high as 26.5 million dollars, with eventual costs to HUD on future foreclosures raising the total to as much as 200 million dollars.

THE MAIN OFFENDERS

Most of the home-ownership problems involve existing houses, or rehabilitated houses. Mr. Gullledge says they account for about 10 per cent of the subsidized units.

"In new construction," he contends, "the plan is a tremendous success. Hundreds of thousands of families have been enabled to buy a house by this program. The trouble area is the inner city. There is little or no trouble with new construction in the suburbs."

Norman Watson, Assistant HUD Secretary for Housing Management, says:

"We are building a great volume of subsidized housing, much of it in the tough inner-city areas. We are serving low-income people in these troubled areas. There are problems with rising taxes and other costs. There is a lack of expertise in managing this type of housing—lack of management know-how is perhaps the biggest problem. And our people at HUD are still learning how to run these programs, begun in 1968 for the most part. It isn't surprising that there are difficulties."

As with the single-family subsidies, the difficulties with apartments also focus on the inner city.

Very often, says Mr. Watson, taxes have risen faster than the ability of the landlord to collect higher rents. In addition, the plans often run into trouble because operating costs are underestimated, or projects are built in the wrong places. He explains:

"In order to make such projects succeed, you need a good income mix. When you locate in a very poor area, you are swamped by the very poor, who can just barely get in."

"If you underestimate operating expenses, as frequently happens, and have to boost rents, these people move out. But there is no one to replace them but families as badly off as they are. If you get loaded up with families paying 35 per cent to 40 per cent of their income on housing, you have no room to raise rents."

Mr. Watson says these programs are not planned to take care of the poorest families. Public housing, with a much larger subsidy, is designed for families on the bottom rung of the income ladder. The newer subsidy programs are expected to aid families with incomes above public-housing levels.

BLEAK FUTURE

The HUD official says the problems in rental projects arise mainly because not enough of the tenants have incomes at the top levels eligible for subsidies. Unless this can be changed, he says, it may mean substantial foreclosures in the future.

When there are foreclosures, the FHA resells the property, after making any necessary repairs. Nearly always a loss is involved. This loss comes from the FHA loan-insurance fund, which backs billions in other home mortgages.

So far, officials say, there is no threat to this fund. It is financed by fees charged at the time of the sale of an FHA-insured house—a half of 1 per cent charge on the mortgage—plus income from investment of the reserves.

Because of the current housing boom, income to the fund far exceeds expenses to date, including the recent losses.

What HUD officials are trying to do now is head off future defaults that might become serious.

COUNSELING PROGRAM

One major effort is to improve the management of rental projects. Another is to counsel families in the home-ownership plan.

HUD has only a limited amount of money for counseling, and its main efforts have been directed at coaching families to handle their finances more effectively. Some successful programs have counseled buyers on how to make home repairs and trained housewives on home care, decoration and appliances.

While trying to make existing programs work better, HUD is also studying possible alternatives. One is a housing allowance that would help a family to find its own housing, pay rent in any apartment or house of its choice. This contrasts with present subsidies which are, in effect, paid to the mortgage holder or landlord. A two-year test of the new approach is just beginning.

Another possibility is an operating subsidy for rental projects. Payments of this kind are already being made to local public housing authorities.

"We are going to have to do something to help our rental programs," says Mr. Watson.

"We don't want the Government to have to keep taking these projects back. We are looking at the idea of extra help, somehow, to make them solvent."

"If this gets out of hand across the country, it could be very serious. Housing in the ghetto is no different than anything else in the ghetto. The city itself is in trouble."

MAYHEM IN PARADISE

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, of the many articles written on the destruction and devastation caused by strip mining, one of the best was penned by Wendell Berry. Mr. Berry's article, which appeared in the January 23, 1972, issue of the Louisville Courier Journal, follows:

MAYHEM IN PARADISE

(By Wendell Berry)

(Wendell Berry, of Port Royal, Ky., is a professor of English at the University of Kentucky. His latest book is *The Unforeseen*

Wilderness, an essay on Kentucky's Red River Gorge, with photographs by Gene Meatyard.)

I have just spent two days flying over the coal fields of both Eastern and Western Kentucky, looking at the works of the strip miners. Several times before, I had driven and walked to look at strip mines, mainly in the eastern part of the state, but those earlier ground-level experiences did not prepare me at all for what I saw from the air. In scale and desolation—and, I am afraid in duration—this industrial vandalism can be compared only with the desert badlands of the West. The damage has no human scale. It is a geologic upheaval. In some Eastern Kentucky counties, for mile after mile after mile, the land has been literally hacked to pieces. Whole mountain tops have been torn off and cast into the valleys. And the ruin of human life and possibility is commensurate with the ruin of the land. It is a scene from the Book of Revelation. It is a domestic Vietnam.

So far as I know, there are only two philosophies of land use. One holds that the earth is the Lord's or it holds that the earth belongs to those yet to be born as well as to those now living. The present owners, according to this view, only have the land in trust, both for all the living who are dependent on it now, and for the unborn who will be dependent on it in time to come. The model of this sort of use is a good farm—a farm that, by the return of wastes and by other safeguards, preserves the land in production without diminishing its ability to produce. The standard of this sort of land use is fertility, which preserves the interest of the future.

The other philosophy is that of exploitation, which holds that the interest of the present owner is the only interest to be considered. The standard, according to this view, is profit, and it is assumed that whatever is profitable is good. The most fanatical believers in the rule of profit are the strip miners. The earth, these people would have us believe, is not the Lord's, nor do the unborn have any share in it. It belongs, instead, to rich organizations with names like Peabody, Kentucky River Coal, Elkhorn Coal, National Steel, Bethlehem Steel, Occidental Petroleum, The Berwind Corporation, Tennessee Valley Authority, Chesapeake & Ohio, Ford Motor Company, and many others. And the earth, they would say, is theirs not just for a time, but forever, and in proof of their claim they do not hesitate to destroy it forever—that is, if it is profitable to do so, and earth-destruction has so far been exceedingly profitable to these organizations.

The gospel of the strip miners is the "broad-form deed," under which vast acreages of coal rights were bought up for as little as 25 and 50 cents an acre before modern strip-mine technology ever had been conceived. The broad-form deed holds that the coal may be taken out "... in any and every manner that may be deemed necessary or convenient for mining..." Kentucky is one of the few coal states that still honor the broad-form deed. In Kentucky, under the sanction of this deed, strip miners continue to ravage other people's private property.

They have overturned or covered up thousands of acres of farm and forest land; they have destroyed the homes and the burials grounds of the people; they have polluted thousands of miles of streams with silt and mine acid; they have cast the overburden of the mines into the water courses and into the public roads. Their limits are technological, not moral. They have made it plain that they will stop at nothing to secure the profit which is their only motive. And in Kentucky they have been aided and abetted at every turn by lawmakers, judges and other public officials who are too cowardly or too greedy to act in the interest of those they are sworn to protect. Though the violations of the inadequate strip-mine regulations passed by the legislature have been

numerous and well publicized, the regulations have been weakly enforced.

If the model of good land use is to be found in a good farm, then it is a strange sort of farming indeed that is practiced by these strip miners, whose herds are not cattle eating grass, but machines devouring the earth. That sounds fantastical, but then strip mining is an industry based upon fantasy. It proceeds upon the assumption that there is no law of gravity, that no heavy rains will fall, that water and mud and rock will not move downhill, that money is as fertile as topsoil, that the wealthy do not ultimately share the same dependences and the same fate as the poor, that the oppressed do not turn against their oppressors—that, in other words, there are no natural or moral or social consequences. Such are the luxuries that our society affords to the warlords of the exploitive industries.

People who live nearer to the results of strip mining know better. Those whose homes and belongings have been destroyed, or who live beneath the spoil banks, or who inhabit the flood plains of mutilated streams and rivers, or who have been driven into ruin and exile—and there are now many thousands of them—they know that the costs are inconceivably greater than any shown on the coal-company ledgers, and they are keeping their own accounts. They know that the figment of legality that sanctions strip mining is contrary to the laws of nature and of morality and of history. And they know that in such a contradiction is the seed of social catastrophe.

The most vicious fantasy of all is the endlessly publicized notion that the net profit of the coal companies somehow represents the net profit of the whole society. Historically, however, the enrichment of the coal interests in Kentucky has always involved the impoverishment of the people of the mining regions. And of all methods of mining, strip mining is the most enriching to the rich and the most impoverishing to the poor; it has fewer employees and more victims. The net profit is net only to the coal companies, only on the basis of an annual accounting. The corporate profit is reckoned on so short a term. But the public expenditure that supports this private profit is long-term; the end of it is not now foreseeable. By the time all the reclaimable mined lands are reclaimed, and all the social and environmental damages accounted for, strip mining will be found to have been the most extravagantly subsidized adventure ever undertaken.

An estimate of the public meaning of strip-mine profits may be made from the following sentences by James Branscome, director of Save Our Kentucky (SOK), Inc., in the New York Times Magazine: "The Corps of Engineers has estimated . . . that it would cost the public \$26 million to restore the extensively strip-mined Coal River watershed in West Virginia. This is an amount approximately equal to the private profit taken by the mining companies from the watershed." But even this may be too limited an accounting. It does not consider the environmental damage, or the property damage, that may have occurred outside the boundaries of the immediate watershed between the opening of the coal seam and the completion of reclamation. It does not attempt to compute the cost of what may have been the permanent degradation of the appearance and the fertility of the land. Nor does it consider the economic consequences of the social upheaval that must always accompany an upheaval of the environment. There is, then, every reason to believe that the large net profit of a strip-mine company will prove to be a large net loss to society.

This, as all Kentuckians should be aware, is largely the responsibility of absentee owners. Of the 33 largest owners of mineral rights in the Kentucky coalfields, listed re-

cently by The Courier-Journal, only two are based in the state. But even those owners who live in the state are absentee owners in the strict sense of the term: that is, they do not live with the consequences of what they do. As exploitive industrialists have done from the beginning, they live apart, in enclaves of the well-to-do, where they are neither offended nor immediately threatened by the ugliness and the dangers that they so willingly impose upon others. It is safe, I think, to say that not many coal company executives and stockholders are living on the slopes beneath the spoil banks of their mines; not many of them have had their timber uprooted and their farms buried by avalanches of overburden; not many of them have had their water supply polluted by mine acid, or had their houses torn from the foundations by man-made landslides; not many of them see from their doorsteps the death of the land of their forefathers and the wreckage of their own birthright; not many of them see in the faces of their wives and children the want and the grief and the despair with which the local people subsidize the profits of strip mining. On the contrary, the worries of the coal companies are limited strictly to coal. When the coal is gone they do not care what is left. The inescapable conclusion is that Kentucky has been made a colony of the coal companies, who practice here a mercantilism as heartless and greedy as any in history.

In this new year the state's lawmakers have once again assembled in Frankfort. Again they have the opportunity to put a stop to this awful destruction, and to assure to the state the benefits of its own wealth, and to give to the people of the coal fields the same protections of the law that are enjoyed by people everywhere else. If the men in power will do these things that are so clearly right and just, they will earn the gratitude of the living and of the unborn. If they will not do them, they will be infamous, and will be unworthy of the respect of any honest citizen.

Remembering the new deserts of this once bountiful and beautiful land, my mind has gone back repeatedly to those Bible passages that are haunted by the memory of good land laid waste, and by fear of the human suffering that such destruction has always caused. Our own time has come to be haunted by the same thoughts, the same sense of a fertile homeland held in the contempt of greed, sold out, and destroyed. Jeremiah would find this evil of ours bitterly familiar:

I brought you into a fruitful land to enjoy its fruit and the goodness of it; but when you entered upon it you defiled it and made the home I gave you loathsome.

The damages of strip mining are justified in the name of electrical power. We need electrical power, the argument goes, to run our factories, to heat and light and air-condition our homes to run our household appliances, our TV sets, our children's toys, and our mechanical toothbrushes. And we must have more and more electricity because we are going to have more and more gadgets which will make us more and more comfortable. This, of course, is the reasoning of a man eating himself to death. We have to begin to distinguish between the uses that are necessary and those that are frivolous. Though it is the last remedy that would occur to a glutton or a coal company, we must cut down on our consumption—that is, our destruction—of the essential energies of our planet. We must use these energies less and with much greater care. We must see the difference between the necessity of warmth in winter and the luxury of air-conditioning in the summer, between light to read or work by and those "security lights" with which we are attempting to light the whole outdoors, between an electric

sewing machine and an electric toothbrush. Immediate comfort, we must say to the glutton, is no guarantee of a long life; too much now is, rather a guarantee of too little later on. Our comfort will be paid for by someone else's distress. "We dig coal to light your tree," said a recent advertisement of the coal industry. That, we must realize, is not a Christmas greeting, but a warning of our implication in an inmitigable evil.

In the name of Paradise, Kentucky, and in its desecration by the strip miners, there is no shallow irony. It was named Paradise because, like all of Kentucky in the early days, it was recognized as a garden, fertile and abounding and lovely; some pioneer saw that it was good. ("Heaven," said one of the frontier preachers, "is a Kentucky of a place.") But the strip miners have harrowed Paradise, as they would harrow heaven itself were they to find coal there. Where the little town once stood in the shade of its trees by the river bank, there is now a blackened desert. We have despised our greatest gift, the inheritance of a fruitful land. And for such despoilment—for the destruction of Paradise—there will be Hell to pay.

FREE MEN: THE STRUGGLE TO PROTECT THE RIGHTS OF COAL MINERS

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, over the course of the past 2 years, I have discussed on the floor of the House the struggle to reform the United Mine Workers of America. I have done this for a number of reasons. First, I believe that the people of the State of West Virginia—the largest coal-producing State in the Nation—would benefit greatly if the UMWA were reformed and if the union served as a force for progressive social change in the communities where its members reside and work. Second, I have done so in the hope that the executive branch of the Federal Government, notably the Department of Labor and the Bureau of Mines, would at last accept their statutory responsibilities and protect the rights of coal miners to decent working conditions and to union democracy. Third, I have done so because it is my belief that the struggle in the mining communities presages a growing movement in this country for more responsive institutions—both governmental and private.

Today, I am reporting some recent developments in this struggle for the rights of the people whom I am proud to represent. I cannot say that over these years the Government has been responsive to the needs and problems of the coal miners, but the courts have been. I wish to add to the Record three recent court decisions and a reprint from Georgia Law Review.

WELFARE AND RETIREMENT FUND

The first case, Blankenship against Boyle et al., decided in the District of Columbia on January 7, 1972, holds the National Bank of Washington, the UMWA, Josephine Roche, and Barnum Colton liable to the bituminous welfare fund for \$1.5 million in damages. The court held that the welfare and retirement trust fund was mismanaged by its

trustees for the benefit of the UMWA and its bank, the National Bank of Washington; and the \$11.5 million damage figure represents money the fund would have earned had the trustees not failed to invest the large sums of money which they maintained in interest-free accounts at the bank. The award is based upon the assumed investment of this money in tax-free municipals. Earlier, on April 28, 1971, the court found that the trustees had violated their fiduciary responsibilities to the fund's beneficiaries by, inter alia, conspiring with the bank to maintain excessive cash balances in the fund's account at the bank in order to benefit the bank and to enhance the UMWA's economic power in disregard of the needs of the beneficiaries of the fund. As a result of this earlier finding, Josephine Roche, the neutral trustee of the fund, and UMWA president, W. A. "Tony" Boyle, were removed from their positions on the fund. Judge Gesell found that Boyle had violated his duty as a trustee of the fund in several particulars. His actions in forcing through the pension increase, particularly by misrepresentation, in haste and without consulting the neutral trustee, reflect an insensitivity to fiduciary standards.

In the January 7, 1972, opinion where he set the damage figure, Judge Gesell made clear that W. A. Boyle, John L. Lewis' replacement as the union trustee, and True Davis, Barnum Colton's replacement as president of the National Bank of Washington, continued the breach of trust which had been begun by their predecessors:

There is ample evidence that excessive funds remained on deposit at the Bank following Mr. Lewis' death and that whatever Mr. Boyle's intentions may have been, excessive sums were on deposit at the Bank throughout the litigation and indeed until April 28, 1971, when the Court filed its findings of fact and conclusions of law as to the merits. (Footnote omitted.) The fact of the matter is that the breach of trust was deeply engrained by a long continuous course of improper dealing, and the momentum of the violation was never arrested by the affirmative action of any of the conspirators before the Court. Neither the retirement of Mr. Colton in January 1970, nor the earlier death of Mr. Lewis terminated the breach of trust in which each had participated. Until April 1971, when the Court filed its findings of fact and conclusions of law, none of the four conspirators engaged in actions sufficiently affirmative and explicit to be considered an effective termination or withdrawal from the conspiracy. It was only when the Court entered its Order on May 21, 1971, decreeing various remedial changes in the administration of the Fund, that sufficient affirmative action was thrust upon the conspirators to constitute a termination of the conspiracy."

THE FIGHT TO REFORM THE UMWA LEADERSHIP

The second case, noteworthy for its significance in this fight to reform the UMWA, was the U.S. Court of Appeals for the District of Columbia Circuit's decision on November 24, 1971, in *Yablonski, et al. against UMWA*, removing the UMWA's general counsel, Edward L. Carey, and all of his staff from continuing to represent the UMWA, a nominal defendant, in a suit brought by the late Joseph A. Yablonski and other members of the UMWA for an accounting and restitution of funds allegedly mispent and

misappropriated by the UMWA's international officers, Boyle, Titler, and Owens. Earlier, the law firm of Williams & Connolly served as counsel for the UMWA because the court of appeals agreed with the plaintiffs that their continued representation of the UMWA in this suit and the individual officers in other litigation involved that firm in a potential conflict of interest. Quoting from its earlier decision the court held:

[H]ouse counsel as a group do not fit the specifications we previously laid down for those who would undertake representation of the UMWA in this cause. They simply are not "unquestionably independent new counsel" whose contemplated appearance would enable resolution of the issues "in a context which is as free as possible from the appearance of any potential for conflict of interests in the representation of the union itself."

The UMWA's house staff, Edward L. Carey, Willard Owens and Harrison Combs moved the court of appeals for a stay of further proceedings and for a rehearing. Both motions were denied.

CHALLENGE TO THE DEPARTMENT OF LABOR

The third case, I am inserting in the RECORD is the Supreme Court's January 17, 1972, decision in *Trbovich against United Mine Workers of America, et al.* This is a landmark decision for union reform in which the Court held that a union member who initiated the entire enforcement proceeding under Landrum-Griffin can intervene in a postelection suit brought by the Secretary of Labor. Notably, the Court held for the first time that union reformers may have a valid complaint about the Secretary of Labor, suggesting that he had not been protecting adequately their interests in such litigation. The Court held—

[W]e think it clear in this case there is sufficient doubt about the adequacy of representation to warrant intervention.

Finally, I wish to include in the RECORD an article written by Joseph L. Rauh, Jr. for the Georgia Law Review, entitled "LMRDA—Enforce It or Repeal It" in which Mr. Rauh states that despite the UMWA reform movement's uniform success in the courts, the judicial role in such matters is limited and that only the Department of Labor has the resources and authority to assure fair and democratic union elections, and that unfortunately the Department has not seen fit to carry out this assigned task.

I sincerely hope that the Department's attitude to these considerable problems will change for the better and that the courts will, at least, continue to support claimants seeking democratic and honest union administration. For the implications of the UMWA's tyrannical leadership and corrupt practices carry far into my State and into the Nation as a whole. The material follows:

[In the U.S. District Court for the District of Columbia]

FINDINGS OF FACT AND CONCLUSIONS OF LAW ON DAMAGE AND RELATED ISSUES

(Willie Ray Blankenship, et al., plaintiffs, v. W. A. (Tony) Boyle, et al., defendants—Civil Action No. 2186-69)

The Court now has before it the amount of damages to be assessed and the legal fees to be awarded plaintiffs by reason of the breaches of trust found to have existed.

Blankenship v. Boyle, 329 F. Supp. 1089 (1971). Four defendants are involved in this phase of the case: United Mine Workers of America, The National Bank of Washington, Josephine Roche, and Barnum Colton. All counsel have cooperated in extensive pretrial discovery, exchanging various computations and deposing different experts, following which the Court heard three days of testimony and received numerous exhibits. The matter was then orally argued to the Court and supplemental briefs filed. A number of matters must be considered to conclude this phase of the proceedings and they will be discussed *seriatim* under appropriate headings.

A. DAMAGES RESULTING FROM FAILURE TO INVEST EXCESSIVE SUMS HELD, INTEREST-FREE, AT THE BANK

The Court has already determined that these damages shall run from a period commencing August 4, 1966, and shall be compensatory only. 329 F. Supp. at 1112. At issue is the period of time that should be considered for computing damages subsequent to this date; the extent, if any, to which the award should take into account various tax aspects of the Fund's operations; and, finally, the factors to be weighed in fixing the sum to be awarded.

(1) Period.

Plaintiffs urge that excessive sums remained on deposit at the Bank until September, 1971, when the account was removed from the Bank as directed by this Court's Order. The defendants, on the other hand, contend that the period for fixing damages should run only until June 30, 1969, on the theory that the conspiracy in breach of trust terminated when Mr. Boyle replaced Mr. Lewis as the trustee representing the Union and Mr. Davis replaced Mr. Judy as the trustee representing the operators. The Court has determined that it will not accept either of these suggested terminal dates.

There is ample evidence that excessive funds remained on deposit at the Bank following Mr. Lewis' death and that whatever Mr. Boyle's intentions may have been, excessive sums were on deposit at the Bank throughout the litigation and indeed until April 7, 1971, when the Court filed its findings of fact and conclusions of law as to the merits.¹ The fact of the matter is that the breach of trust was deeply engrained by a long continuous course of improper dealing, and the momentum of the violation was never arrested by the affirmative conduct of any of the conspirators before the Court. Neither the retirement of Mr. Colton in January, 1970, nor the earlier death of Mr. Lewis terminated the breach of trust in which each had participated. Until April, 1971, when the Court filed its findings of fact and conclusions of law, none of the four conspirators engaged in actions sufficiently affirmative and explicit to be considered an effective termination or withdrawal from the conspiracy. It was only when the Court entered its Order on April 28, 1971, decreeing various remedial changes in the administration of the Fund, that sufficient affirmative action was thrust upon the conspirators to constitute a termination of the conspiracy. See *Hyde v. United States*, 225 U.S. 347, 369 (1912); *South-East Coal Co. v. Consolidated Coal Co.*, 434 F.2d 767, 784 (6th Cir. 1970).

(11) Taxes.

A more complicated and difficult issue is presented by tax considerations which are brought forward with varying emphasis by

¹ In April, the Fund's books alone still showed some 14 million uninvested. In fact, there were excessive sums at the Bank and at the Fund after this date but since the decision directed a procedure for eliminating these sums, the Court feels the defendants were relieved by carrying out these directions promptly thereafter.

the parties. Damages awarded will be paid to the Fund for eventual distribution to the beneficiaries. The Fund is required to pay income tax on all taxable investment income which exceeds the Fund's administrative expenses. Plaintiffs urged that the award should not be reduced by any possible year-to-year tax liability and that the Fund should be assumed to have reinvested and cumulated income assumed to have been received from investment of the excessive sums without tax adjustment. Plaintiffs point to the fact that it is impossible to ascertain whether the Fund will or will not be required to pay taxes and, if so, what the amount of such taxes will be. They point to complicated accounting questions necessarily involved and to other tax uncertainties. Defendants, on the other hand, urge that payment of taxes would have reduced the amount of income available for reinvestment and that a damage claim that fails to recognize this is unrealistic. Thus plaintiffs complain of the possibility of double taxation if allowance is made for taxes in the Court's award of damages and then the award itself is subsequently taxed, and defendants contend that some tax adjustment is necessary in the interest of fairness.

The Court has concluded that the possible but by no means certain application of some kind of tax to the award should be ignored and that the award should be made without allowing any opportunity to reopen the matter if any adverse tax consequences eventuate.

This determination is strongly reinforced by an aspect of the decision which has been uppermost in the Court's mind throughout the proceedings relating to damages. The record thoroughly establishes that the trustees were always extremely tax conscious. A damage computation in this case must recognize that the trustees, functioning as prudent individuals, absent the conspiracy to breach trust, would have conducted the affairs of the Fund in a manner to minimize or avoid taxes. Accordingly, the Court will compute damages on the assumption that the excessive funds would all have been invested only in tax-free municipals. This is consistent not only with the reality of the Fund's tax situation, but wholly consistent with investments made by the Fund during the period under review.

Thus the award of damages to be made is an award of damages in the form of reconstructed income from an investment in tax-free municipals and the reinvestment of any interest obtained on such municipals again into tax-free municipals.

(iii) The damages.

This brings the Court then to a determination of the amount of the award. Before discussing the evidence in more detail it may be appropriate to indicate the standard to which the defendants responsible in damages must be held. The award must be of an amount representing what prudent trustees attempting to maximize tax-free income absent a conspiracy could reasonably be expected to have earned for the beneficiaries. Plaintiffs apparently accept this standard, but they have offered computations which the Court believes are inconsistent with its proper application.

From August 4, 1966, until April 28, 1971, the average daily balance on the Fund's books averaged around \$50 million, reaching a peak of \$87 million in May, 1968, and decreasing to about \$20 million in early 1971. During this same period, the average daily float, or the difference between the average daily balance as shown on the Bank's books as compared with the average daily balance as shown on the Fund's books, ranged, month-to-month, from \$2.9 million to \$8.8 million. Following the Court's opinion in April, 1971, The Riggs National Bank won the competitive bidding for the Fund's account with a draft system which required

a daily balance on the Bank's books of only a little over \$1 million to compensate the Bank for its services. During the damage period, funds that actually were invested by the Fund performed at an overall yield of 5.39%.

Plaintiffs estimate the damages due to the excessive sums kept in demand deposits in the Bank to be at somewhat above \$17 million. In support of this claim, plaintiffs presented the testimony of Dr. Roger Murray, an extremely experienced, informed, sophisticated money manager. The techniques used by Dr. Murray presented a comprehensive investment plan. He assumed that the Fund would maintain a minimal balance of \$1,000 on its books and aided by the advantage of hindsight he reconstructed a sophisticated investment program which assumed different amounts in various types of balances and different types of investments with varying levels of yield for each separate balance.² His computations contemplate immediate reinvestment of interest on a continuing month-by-month basis in desirable types of Government securities. Overall, Dr. Murray's reconstructed investment program would have resulted in an average yield of 5.85%.

The Court has no doubt the techniques used by Dr. Murray were available, albeit highly specialized, and that a result such as he has reconstructed might have been achieved under proper techniques of money management. But the Court is unwilling to accept this approach since it reflects a higher level of investment conduct than could reasonably be expected of a prudent trustee responsible for this particular Fund at the time. The Court has concluded that it would be prudent and within the permissible legal standard for the trustees to maintain a larger balance uninvested on the Fund's books pending periodic meetings of the trustees, and that it would be entirely prudent to place all of the funds in municipals, without establishing different balances for different types of investment,³ rather than to seek the higher returns available by placing substantial sums in longer term taxable government obligations. The Fund was already diversified to some extent, holding certificates of deposit, utility securities, and some long-term United States governments.

Various computations based on money shown available on the Fund's books have been presented in addition to the analysis prepared by plaintiffs' expert. The Court has before it figures which disclose the amount of interest that would be earned at various yields assuming various uninvested balances. The effect of different underlying procedures for ascertaining and cumulating interest available for reinvestment have been measured. The Court also has available information indicating rates of return that were earned by various unnamed pension funds, by the life insurance industry, by the

life insurance industry, by the Teachers Insurance Annuity Association, by the New York State Retirement System, and of course full information as to the actual earnings by the Fund itself on money that was invested by the Fund. The final judgment must take these and other factors, many of them imponderable, into account.

There was also considerable proof directed to the size of cash balances the Fund might reasonably be expected to keep uninvested as per its books. Various balances were suggested by relating the suggested amounts to average monthly disbursements. These computations contrasted with the experience of money managers that no balance is actually necessary where an effort is seriously made to maximize income. The Court has sharply discounted the need to adjust for this factor because of the highly liquid nature of the Fund's portfolio and the steady repetitive character of its receipts.

After the most thorough examination and re-examination of all of the materials, the Court has arrived at a damage award of \$11.5 million as of April 7, 1971, using as general guidelines an assumed investment in tax-free municipals, a rate of return of approximately five percent, with allowance for retaining uninvested on the books of the Fund a cushion in the range of \$3-\$5 million.

B. DAMAGES RESULTING FROM CERTAIN UTILITY STOCK INVESTMENTS

A further claim for compensatory damages relates not to the maintenance of excessive sums at the Bank but to losses allegedly arising from the Fund's investment in securities of Kansas City Power & Light Company and Cleveland Electric Illuminating Company. The impropriety underlying these investments was discussed in the prior opinion, 329 F. Supp. at 1105, 1106.

Plaintiff's theory of computing damages, which on this aspect of the case would be assessed only against Miss Roche and the Union, is to reject the investments as of August 4, 1966, the Court-imposed cut-off date for damages, and to reinvest the sums involved in three- to five-year governments. By this method, which attempts to take advantage of the three-year statute of limitations, plaintiffs arrive at a damage figure in the neighborhood of \$2 million. This approach is inconsistent with established theories of damages in cases of this kind. The investment must be rejected at the time of purchase, not at an artificial statute of limitations cut-off date. Then a comparison should be made of dividends received and increase in fair market value of the securities, with the legal rate of interest during the entire period the stock was held. 3 *Scott on Trusts*, § 210 (3d ed. 1967). On this basis, in fact, the Fund did substantially better than it would have done if the investment had been treated as rejected from the time of purchase.

It would be inequitable and improper to permit plaintiffs to accept the investment up to the start of the three-year period while the fair market value was increasing and then to reject the investment only when the fair market value began to go down. The plaintiffs cannot have it both ways. The Court's three-year limitation period cannot be utilized to provide an undeserved bonus. Accordingly, no damages will be awarded on this aspect of the case.

C. ATTORNEYS' FEES

As to the matter of attorneys' fees, the Court after hearing argument and considering briefs has concluded that inasmuch as this action is in the nature of a derivative action, attorneys' fees should be assessed against the Fund for the recovery accomplished, which is in the interest of all the beneficiaries. Plaintiffs' counsel have maintained elaborate, careful records of time logged and expenses incurred and have presented these by appropriate applications

² The basic elements of Dr. Murray's investment scheme were as follows: All of the sums available for investment, less \$1,000, would be invested in U.S. Treasury obligations. From \$6 million to \$10 million, equal to 50 percent of monthly disbursements, would be invested in 90-day Treasury bills, available on half-hour notice to cover the fluctuation in cash needs. To cover the possibility of a work interruption causing a decline or delay in royalty payments, \$6 million would be invested in nine- to twelve-month Treasury obligations spaced to adjust cash flow. All the remaining amounts would be invested in Treasury obligations with three- to five-year maturities with appropriately spaced maturity dates.

³ It is generally agreed by all the parties and the Court concurs that under the circumstances of this trust fund a diverse common stock portfolio would not have been attempted in this period by a prudent trustee.

which have been thoroughly reviewed. Since the fees are to be awarded against the Fund, no objection is raised by the Union or the Bank to the amount claimed. The records have been reviewed by counsel for the Fund. The Fund does not question the amount of time logged, the reasonableness of the time charges used or the propriety of the disbursements. The Court is also entirely satisfied as to the reasonableness and accuracy of these figures.

The Court has been informed that disbursements for expenses have amounted to \$94,304 and there is no doubt these disbursements were reasonably and necessarily made. Plaintiffs are only entitled to their taxable costs, however, and no award for disbursements will be made beyond such costs, which in this instance shall include cost of transcripts for all depositions and trial, witness and process fees, filing fees, and reasonable travel costs and disbursements to attend depositions scheduled by any defendant. As for attorneys' fees, 14,886 hours were logged which at time charges applied amounts to legal fees of \$661,000, or about \$45 per hour. Plaintiffs believe that regular time charges would not be equitable because of the monetary and equitable benefits obtained and the complex and somewhat novel issues of this case. The Court agrees. Counsel have shown skill and diligence and time charges are but one measure of the reasonableness of a fee. Since time logged on the equitable phases of this case was intimately related to the damage recovery and since the recovery was substantial, the Court has fixed a reasonable fee at \$825,000 for services performed to date. These fees are to be paid when the damages here assessed are paid to the Fund. A larger award could easily be justified by applying standards that have been used in comparable situations. The fact of the matter is that plaintiffs' counsel have not sought to profit unduly by their undertaking, which has gone forward in an effort to assist a widely scattered group of pensioners and other beneficiaries, none of whom are shown to have any financial substance. This approach to the fee question is commendable.

D. FORM OF JUDGMENT

The form of the judgment must now be considered. Counsel for Miss Roche points to various findings of the Court to the effect that Miss Roche did not profit personally from the breach of trust and suggests that the Court should limit her liability to a specific sum, giving consideration to various equities in the situation, including her age and present health. It is of course obvious that where individuals and large entities engage collusively in a breach of trust the impact of any judgment may be far more severe on an individual than it is on an entity such as the Bank or the Union. Some of the considerations advanced with respect to Miss Roche have lesser but still pertinent application to Mr. Colton.

Miss Roche was directly involved in the breach from the outset. By throwing her vote as neutral trustee on the side of the Union, she enabled the Union and the Union's Bank to profit to the detriment of the beneficiaries. Mr. Colton was also personally involved as the findings show. The United Mine Workers of America moved on November 5, 1971, to amend its answer to set forth a claim for contribution against defendants Colton, Roche and National Bank of Washington. These three latter parties have indicated similar cross-claims will be filed against the Union and the other damage defendants. The Union's cross-claim may be filed but no answer will be required and all parties are granted leave to cross-claim against others for contribution by a date to be set following appellate review of this damage judgment.

There is no authority which authorizes

the Court at this stage to apportion in variable amounts the damages among the four participants. Nor is it proper for the Court to attempt to resolve at this time the intricacies of the law of contribution as it may apply to various facets of this case. The judgment must be entered jointly and severally as to each and will be entered in this form with provision for simple interest at the rate of six percent.

At the time defendants asked for a stay of the equitable relief previously ordered, the Court in refusing the stay indicated that different considerations would prevail as far as a stay of money judgment is concerned. The equitable relief has been allowed to stand preliminarily by the Court of Appeals and a comprehensive compliance report has since been filed by the trustees. But there is no reason in this instance, given the solvency of the Union and the Bank, not to stay the money judgment, without bond, if this is desired, so long as it is clearly understood that simple interest will continue to run.

Accordingly, an appropriate form of order consistent with these findings and conclusions shall be submitted within five days. Plaintiffs shall have their costs.

GERHARD A. GESELL,
U.S. District Judge.

JANUARY 7, 1972.

[Orders of the Supreme Court of the
United States, 79 LRRM]

BLANKENSHIP V. BOYLE

(U.S. District Court, District of Columbia—
Blankenship, et al. v. Boyle, et al., No.
2186-69, January 7, 1972)

WELFARE PLANS

Mismanagement of trust fund—Damages—
116.404.

Welfare and retirement trust fund which was mismanaged by trustees for benefit of union and union-owned bank is entitled to recover \$11.5 million in damages for failure to invest excessive sums held on interest-free basis at bank; award is based upon assumed investment in tax-free municipal bonds, rate of return of approximately five percent, and allowance for retaining uninvested on books of fund a cushion in range of \$3-5 million. However, fund is not entitled to recover damages for certain improper utility stock investments.

Supplemental proceeding for assessment of damages resulting from mismanagement of welfare and retirement trust fund. Damages and fees awarded in accordance with opinion.

See 77 LRRM 214, 329 F. Supp. 1089.

See also 77 LRRM 2733.

Harry Huge, Edgar H. Brenner, and Thomas J. McGrew (Arnold & Porter), Washington, D.C., for plaintiffs.

Paul R. Connolly and Paul M. Wolff (Williams, Connolly & Califano), Washington, D.C., for defendants United Mine Workers of America and W. A. Boyle.

John J. Wilson and John V. Morgan, Jr. (Whiteford, Hart, Carmody & Wilson), Washington, D.C., for defendants National Bank of Washington and Barnum L. Colton.

Fred M. Vinson, Jr. (Reasoner, Davis & Vinson), Washington, D.C., for defendant UMW Welfare and Retirement Fund.

James F. Reilly, Washington, D.C., for defendant Josephine Roche.

* See, generally, *Nordstrom v. District of Columbia*, 213 F. Supp. 315 (D.D.C. 1963), affirmed, 327 F.2d 863, 117 U.S. App. D.C. 165; *Martello v. Hawley*, 300 F.2d 721, 112 U.S. App. D.C. 129 (1962); 16 Am. Jur. 2d § 48; 18 Am. Jur. 2d § 38.

[U.S. Court of Appeals for the District of
Columbia Circuit—No. 24,945]

PETITION FOR FURTHER RELIEF TO ENFORCE THIS COURT'S PRIOR OPINION AND MANDATE

(Joseph A. Yablonski, et al., Appellants v.
United Mine Workers of America)
Decided November 24, 1971

Messrs. Joseph L. Rauh, Jr., John Silard, Elliott C. Lichtman, Joseph A. Yablonski and Mrs. Clarice R. Feldman were on the petition for appellants.

Mr. J. Gordon Forester, Jr., was on the opposition to the petition for appellees Boyle, Titler and Owens.

Messrs. Edward L. Carey, Harrison Combs, Willards P. Owens, Charles L. Widman, and Walter E. Gillcrist were on the opposition to the petition for appellee United Mine Workers of America.

Before MCGOWAN, ROBINSON and WILKEY,
Circuit Judges.

PER CURIAM: Last July 21 we held that a law firm retained by the United Mine Workers of America (UMWA) could not continue as its counsel in this case.¹ We did so because we found, in the firm's past and ongoing representation of UMWA's president in other litigation, the potential for conflict with obligations owing UMWA in this litigation.² In due course our mandate³ issued to vacate the District Court's denial of a motion to disqualify the firm, and to remand the case for further proceedings in accordance with our opinion.⁴

Thereupon, the firm promptly withdrew, and UMWA's general counsel and all four members of his staff entered appearances on behalf of UMWA. Appellants immediately moved the District Court for an order disqualifying them, and the motion was denied. Appellants return here on a petition for further relief, characterizing the District Court's ruling as a failure to give full effect to the mandate.⁵ We agree, and accordingly grant the petition.

I

We confront, at the outset, appellees' objection that we lack jurisdiction to consider the petition. It is contended that the District Court's order refusing disqualification of UMWA house counsel was interlocutory and, as such, nonappealable,⁶ and the record, it is argued, does not show a clear and indisputable right to extraordinary relief under the All Writs Act.⁷ Appellants, on the other hand, charge that the order files in the face of our earlier mandate, and that mandamus is available to correct the asserted departures.⁸

We think the order now challenged was appealable, just as we felt its predecessor was on the prior appeal where, indeed, our jurisdiction was not seriously questioned.⁹ The present situation differs, however, from the former because the instant order has not been subjected to an appeal.¹⁰ Instead, appellants seek summary relief, allegedly needed to exact compliance with the mandate, and the quest is valid if its underlying premise is. A trial court "is without power to do anything which is contrary to either the letter or spirit of the mandate construed in the light of the opinion of [the] court deciding the case,"¹¹ and it is well settled that mandamus lies to rectify a deviation.¹² That approach may appropriately be utilized to correct a misconception of the scope and effect of the appellate decision,¹³ or to prevent relitigation of issues already decided by the appellate court.¹⁴ These are objectives to which appellants lay claim as justifications for action by this court at this time.

We perceive nothing removing the order under attack from the mainstream of mandamus doctrine.¹⁵ We are mindful, of course,

Footnotes at end of article.

that "[t]he peremptory common-law writs are among the most potent weapons in the judicial arsenal"¹⁶ and that, "[a]s extraordinary remedies, they are reserved for really extraordinary causes."¹⁷ We are mindful, too, "that only exceptional circumstances amounting to a judicial 'usurpation of power' will justify the invocation of this extraordinary remedy."¹⁸ We think, however, that appellants' petition presents a situation wherein relief in the nature of mandamus would be appropriate.

It is clear that the case may be sufficiently extraordinary for mandamus "where it [is] necessary to confine a lower court to the terms of an appellate tribunal's mandate"¹⁹ It seems just as clear that the circumstances may be extraordinary when an attorney plainly disqualified by standards articulated in a prior appellate judgment is nonetheless permitted to function as counsel in the litigation. "Continued participation as an attorney, by one who is disqualified by conflict of interest from so doing, will bring about the very evil which the rule against his participation is designed to prevent, and a subsequent reversal based upon such participation cannot undo the damage that will have been done as a result of such participation."²⁰ That, we believe, is the more so in the case at bar. As our first opinion pointed out, representation of a labor union by counsel free of possibly conflicting obligations to adverse parties is directly related to attainment of the goals Congress envisioned when it passed the Labor-Management Reporting and Disclosure Act of 1959.²¹ Consequently, "if the order [denying disqualification] was in error, the harm resulting therefrom is in the nature of the frustration of a public policy which cannot be avoided or mitigated by any appeal taken after the trial, with [counsel] participating, is finally ended."²² We conclude, then, that we possess jurisdiction to entertain appellants' petition, and to afford relief if the showing it makes demands.

II

We had thought that the factual basis for our earlier decision was evident from the circumstances we cited as relevant, and its legal basis equally so from the principles we identified as controlling. By the same token, we believed that we had furnished the District Court with unequivocal standards which successor counsel for UMWA would have to meet. We can explain the court's latest ruling on union counsel only as a misunderstanding of what our opinion and mandate really meant. As much for future as for present purposes, then, we briefly recapitulate our initial holding.

This suit, brought under Section 501(b) of the Labor-Management Reporting and Disclosure Act of 1959,²³ is for an accounting and restitution of allegedly misspent union funds. Joined as defendants and charged with the expenditures are W. A. Boyle, UMWA's president, and two other UMWA officers. The firm originally appearing for UMWA had represented and was still representing Boyle in other lawsuits accusing him of misconduct in office. Appellants sought to disqualify the firm as union counsel, and the District Court upheld the arrangement.²⁴ On appeal, firm counsel insisted that UMWA's institutional interests and Boyle's individual interests were substantially the same²⁵—a proposition we were unable to accept.²⁶ They saw no conflict in the dual representation—a matter on which we disagreed²⁷—and gave assurances that if any arose they would withdraw as union counsel.²⁸ While recognizing that any conflict might well be ascertained in this fashion,²⁹ we concluded "that the objectives of the Labor-Management Reporting and Disclosure Act would be much better served by having an unquestionably

independent new counsel in this particular case. The public interest requires that the validity of appellants' charges against the UMWA management of breach of its fiduciary responsibilities be determined in a context which is as free as possible from the appearance of any potential for conflict of interests in the representation of the union itself."³⁰

The record now reveals a new arrangement for union counsel which in final analysis does not differ essentially from the older. To be sure, some of the voluminous allegations the parties make are in apparent conflict, and in some particulars the general picture is obscure. Nevertheless, from the mass of data presented by the parties critical facts emerge sharply and without controversy. UMWA general counsel and three members of his staff are representing or have represented to some extent union officers who are accused of wrongdoing in this case.³¹ One staff member is the son of one of such officers, and another is the son of a nonparty officer whom the charges conceivably could implicate. Atop that, three of the five attorneys are themselves named in appellants' complaint as recipients of payments allegedly made by officers in breach of fiduciary duties.

Considerably more is both charged and largely denied, but merely to recite only these several uncontested circumstances is to demonstrate satisfactorily that house counsel as a group³² do not fit the specifications we previously laid down for those who would undertake representation of UMWA in this case. They simply are not "unquestionably independent new counsel"³³ whose contemplated appearance would enable resolution of the issues "in a context which is as free as possible from the appearance of any potential for conflict of interests in the representation of the union itself."³⁴ It follows that the license the District Court gave them to remain union counsel is a grave departure from the terms of our prior mandate, and sounds the call for corrective action here.³⁵

III

The District Court's ruling on appellants' latest motion for disqualification appears to have been influenced primarily by the court's belief that "a passive role" was in store for UMWA in this case. The thought seemingly was that, irrespective of other factors, house counsel could function as counsel for UMWA as long as the latter's part in the litigation did not become aggressive. The short answer is that on that basis the law firm originally retained as union counsel was not disabled from continuing in that capacity. Our holding that it could not be permitted to do so necessarily ruled out the theory which the District Court saw fit to adopt.³⁶ The court was not at liberty to utilize as ground for a fresh determination a consideration which our earlier decision had already implicitly discarded.³⁷

Perhaps more fundamentally, there is no predicate for a present assumption that UMWA must or will remain an inactive party. UMWA may, but is not inexorably bound to, take and maintain a detached position on the merits. To be sure, "as a general proposition, a labor organization should be kept in a neutral role when it can demonstrate no interest in the litigation beyond a shielding of officials whose activities are under attack;³⁸ moreover, "even when permitted an adversary role, it should be limited to defenses designed to safeguard . . . institutional issues at stake."³⁹ That is because "those who for good cause bring and in good faith bear the brunt of the fight should be protected against harassment and oppression through the assertion of what are merely the defenses of the individual parties."⁴⁰ "At the same time," however, "the vital concerns of the organization in the litigation," if any it has, "must be recog-

nized and given their just due."⁴¹ UMWA "is free to say which side of a controversy involving a legitimate institutional interest it will take;⁴² and "[i]t is for [UMWA], and not the Court, to determine its true position, and to say in which direction its advantage lies."⁴³ It is this very prerogative that makes it essential that UMWA have the benefit of "unquestionably independent . . . counsel" to advise it on the legal aspects of the suit and thereafter, if desired, to represent it therein.⁴⁵

Much of appellees' presentation is devoted to attempted justification of UMWA's representation by its house counsel on the ground that its institutional interests as a union coincide with the individual defensive interests of the officers who are sued.⁴⁶ That approach puts the cart before the horse. "Where, as here, union officials are charged with breach of fiduciary duty, the organization is entitled to an evaluation and representation of its institutional interests by independent counsel, unencumbered by potentially conflicting obligations to any defendant officer."⁴⁷ In our earlier opinion, we observed that "[i]n trying to achieve a valid definition of an institution's interests, it would seem that counsel charged with this responsibility should be as independent as possible."⁴⁸ We admonished that "counsel for the UMWA should be diligent in analyzing objectively the true interests of the UMWA as an institution without being hindered by allegiance to any individual concerned."⁴⁹ Even more emphatically we stated that "in the exploration and the determination of the truth or falsity of the charges brought by these individual appellants against the incumbent officers of the union and the union itself as a defendant, the UMWA needs the most objective counsel obtainable."⁵⁰ Only after satisfaction of these threshold requirements does counsel's assessment on identity of union and officer interests merit judicial consideration. And now, as before, "[e]ven if we assume the accuracy of the appellee's position at the present time that there is no visible conflict of interest, yet we cannot be sure that such will not arise in the future."⁵¹

Appellants' argument does not range so far as to suggest that house counsel can never be permitted to represent a union in a Section 501 action.⁵² Nor does it harbor the thesis that the cordiality normally exchanged between union executive and house counsel necessarily works a disqualification. Our prior opinion drew the line when, speaking to a cognate point, we said:

"We are cognizant that any counsel to represent the UMWA selected by President Boyle will be to some degree under his control. But such counsel will still only have one client—the UMWA—to represent in matters growing out of the union's affairs. Such counsel would never be professionally obligated to consider Boyle's personal interests, because they would not be representing him individually in related matters."⁵³

In sum, a *sine qua non* of permissible union representation in a Section 501 action is the absence of any duty to another that might detract from a full measure of loyalty to the welfare of the union. House counsel no less than outside counsel must survive that test.⁵⁴ In this instance, house counsel plainly do not.

The District Court's refusal to disqualify house counsel as union counsel in this case is manifestly in the teeth of the definitive rulings we made when the case was first here. By the same token, appellants' right to relief assuring conformance with our prior mandate is clear and indisputable.⁵⁵ We accordingly grant the petition, but in the belief that issuance of a formal writ is unnecessary. We trade instead upon our confidence that without more the District Court will now take action to rectify the error which gave birth to the present proceeding.⁵⁶

Petition granted.

FOOTNOTES

¹ *Yablonski v. UMW*, No. 24,945 (D.C. Cir. July 21, 1971).

² *Id.* at 4-13.

³ Conformably with Fed.R.App.P. 41(a), the mandate consisted of "[a] certified copy of the judgment and a copy of the opinion of the court. . . ."

⁴ And see *Yablonski v. UMW*, *supra* note 1, at 4.

⁵ See text *infra* at notes 11-14.

⁶ See note 9, *infra*.

⁷ 28 U.S.C. § 1651 (1970).

⁸ See text *infra* at notes 11-14.

⁹ The cases have reached apparently conflicting conclusions where the disqualification was sought upon ethical considerations alone. Compare *Univeld Prods., Inc. v. Union Carbide Corp.*, 385 F.2d 992, 994 (5th Cir. 1967), *cert. denied*, 390 U.S. 921 (1968), with *Marco v. Dulles*, 269 F.2d 192 (2d Cir. 1959), and *Fleischer v. Phillips*, 264 F.2d 515, 517 (2d Cir.), *cert. denied*, 359 U.S. 1002 (1959). See also *Cord v. Smith*, 338 F.2d 516, 521 (9th Cir. 1959). The situation differs materially, however, where the disqualification was predicated additionally upon significant impingement on a specific legislative policy. *Tomlinson v. Florida Iron & Metal, Inc.*, 291 F.2d 333, 334 (5th Cir. 1961). See also *Moore*, *Federal Practice* ¶ 110.13[10] at 190 (2d ed. 1970). That, we think, is the situation here. See text *infra* at note 21.

¹⁰ See text *supra* at note 4. Appellants might alternatively have achieved the same end—an expedited ruling here—by taking an appeal from the order and then moving in this court for summary reversal.

¹¹ *Thornton v. Carter*, 109 F.2d 316, 320 (8th Cir. 1940).

¹² See *e.g.*, the cases cited *infra* notes 13-14.

¹³ *United States v. Haley*, 371 U.S. 18 (1962); *Baltimore & O. R.R. v. United States*, 279 U.S. 781, 785 (1929); *In re Sanford Fork & Tool Co.*, 160 U.S. 247, 255 (1895). See also *Erie Bank v. United States Dist. Ct.*, 362 F.2d 539 (10th Cir. 1966).

¹⁴ *In re Potts*, 166 U.S. 263, 265-67 (1897); *Thornton v. Carter*, *supra* note 11; *Federal Home Loan Bank v. Hall*, 225 F.2d 349, 385 (9th Cir. 1955). See also *Briggs v. Pennsylvania R.R.*, 334 U.S. 305, 306 (1948); *Sibbald v. United States*, 37 U.S. (12 Pet.) 488, 491 (1838).

¹⁵ See *Cord v. Smith*, *supra* note 9, 338 F.2d at 521-22.

¹⁶ *Will v. United States*, 389 U.S. 90, 107 (1967).

¹⁷ *Ex parte Fahey*, 332 U.S. 258, 260 (1967).

¹⁸ *Will v. United States*, *supra* note 16, 389 U.S. at 95 quoting *De Beers Consol. Mines v. United States*, 325 U.S. 212, 217 (1945).

¹⁹ *Will v. United States*, *supra* note 16, 389 U.S. at 95-96. See also *United States v. United States Dist. Ct.*, 334 U.S. 258 (1948).

²⁰ *Cord v. Smith*, *supra* note 9, 338 F.2d at 521-22.

²¹ *Yablonski v. UMW*, *supra* note 1, at 8-9, quoted in text *infra* at note 30.

²² *Tomlinson v. Florida Iron & Metal, Inc.*, *supra* note 8, 291 F.2d at 334.

²³ 29 U.S.C. § 501(b) (1970).

²⁴ During the first six months of the litigation, the firm had also represented the officers in this case as well, but ceased doing so when appellants' motion to disqualify was presented. We found, in the circumstances, no impropriety in that regard. *Yablonski v. UMW*, *supra* note 1, at 3.

²⁵ *Id.* at 11.

²⁶ *Id.* at 9-13.

²⁷ *Id.* at 6-9, 11-13.

²⁸ *Id.* at 6.

²⁹ *Id.* at 8.

³⁰ *Id.* at 8-9.

³¹ While the representation by other than the general counsel has usually been quite limited, two of the three staff members are those mentioned in the next succeeding text sentence, and the third is now deceased. See also note 32, *infra*.

³² House counsel apparently contemplated representation as a group, but in any event none of them is completely free from the difficulties specified in text.

³³ See text *supra* at note 30.

³⁴ See text *supra* at note 30.

³⁵ See text *supra* at notes 11-14, 19-22.

³⁶ Compare *United States v. Haley*, *supra* note 13.

³⁷ See text *supra* at note 14.

³⁸ *Teamsters Int'l v. Hoffa*, 242 F.Supp. 246, 253 (1965).

³⁹ *Id.* (footnote omitted).

⁴⁰ *Id.* at 253-54.

⁴¹ *Id.* at 254.

⁴² *Teamsters Int'l v. Hoffa*, 52 CCH Lab. Cas. ¶ 16,634 at 23,518 (D.D.C. 1965).

⁴³ *Id.*

⁴⁴ See text *supra* at note 30.

⁴⁵ *Yablonski v. UMW*, *supra* note 1, at 7, 11.

⁴⁶ We can say as accurately here as in our earlier opinion we said of firm counsel there involved that "[c]ounsel's interpretation of the 'institutional interests' of the union appears to have been broad enough to authorize UMW counsel to undertake practically everything worthwhile in the defense of this lawsuit." *Id.* at 9.

⁴⁷ *Teamsters Int'l v. Hoffa*, *supra* note 38, 42 F.Supp. at 256.

⁴⁸ *Yablonski v. UMW*, *supra* note 1, at 11.

⁴⁹ *Id.* at 7.

⁵⁰ *Id.*

⁵¹ *Id.* at 7-8.

⁵² See *Teamsters Int'l v. Hoffa*, *supra* note 42, 52 CCH Lab. Cas. ¶ 16,634 at 23,518-19.

⁵³ *Yablonski v. UMW*, *supra* note 1, at 13.

⁵⁴ Appellees' reliance upon *Teamsters Int'l v. Hoffa*, *supra* note 42, is misplaced. While the union there involved was permitted representation by one of its house counsel, we pointed out in our earlier opinion that that case "did not present a situation like that of the case at bar, where the regular union counsel seeks to represent the union in a 'derivative' action while at the same time representing in pending and related matters an individual officer charged in that action." *Yablonski v. UMW*, *supra* note 1 at 7 n.7. Nor in that case were there the professional and familial relationships or the individual involvements with the charges asserted that we find in the instant litigation.

⁵⁵ See, *e.g.*, *Will v. United States*, *supra* note 16, 389 U.S. at 96; *Bankers Life & Cas. Co. v. Holland*, 346 U.S. 379, 384 (1953).

⁵⁶ Compare, *e.g.*, *United States v. Haley*, *supra* note 13, 371 U.S. at 20; *Brotherhood of Locomotive Firemen & Enginemen v. Bangor & Aroostook R.R.* 136 U.S.App.D.C. 230, 232, 420 F.2d 72, 74 (1969), *cert. denied*, 397 U.S. 1024 (1970).

[SUPREME COURT OF THE UNITED STATES, No. 71-119. ARGUED NOVEMBER 18, 1971—DECIDED JANUARY 17, 1972]

SYLLABUS: TROVICH V. UNITED MINE WORKERS OF AMERICA ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

Petitioner union member sought unsuccessfully to intervene pursuant to Fed. Civ. Proc. 24(a) in litigation brought by the Secretary of Labor under Title IV of the Labor-Management Reporting and Disclosure Act to set aside an election of union officers for violations of the Act. Petitioner, who initiated the entire enforcement proceeding with his complaint to the Secretary, sought to present evidence and argument in support of the Secretary's election challenge, and to urge additional grounds for setting the election aside. *Held*:

1. There is nothing in the language of Title V of the Act or its legislative history to bar intervention by a union member in a post-election enforcement suit, so long as that intervention is limited to claims of illegality presented by the Secretary's complaint. Pp. 2-9.

2. Intervention under 24(a) is warranted for this petitioner, as he may have a valid

complaint about the performance of the Secretary, who protects not only the rights of individual union members but also the public interest in free and democratic union elections, two functions that may not always dictate the same approach to the conduct of the litigation. Pp. 9-11.

Remanded to the District Court with directions to allow the limited intervention.

MARSHALL, J., delivered the opinion of the Court in which BURGER, C. J., and BRENNAN, STEWART, WHITE, and BLACKMUN, JJ., joined. DOUGLAS, J., filed an opinion dissenting in part. POWELL and REHNQUIST, JJ., took no part in the consideration or decision of the case.

[Supreme Court of the United States, No. 71-119; January 17, 1972]

MIKE TROVICH, PETITIONER, v. UNITED MINE WORKERS OF AMERICA ET AL.

(On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit)

MR. JUSTICE MARSHALL delivered the opinion of the Court.

The Secretary of Labor instituted this action under § 402(b) of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. § 482(b), to set aside an election of officers of The United Mine Workers of America (UMWA), held on December 9, 1969. He alleged that the election was held in a manner that violated the LMRDA in numerous respects,¹ and he sought an order requiring a new election to be held under his supervision.

Petitioner, a member of the UMWA, filed the initial complaint with the Secretary that eventually led him to file this suit. Petitioner now seeks to intervene in the litigation, pursuant to Fed. Rule Civ. Proc. 24(a), in order (1) to urge two additional grounds for setting aside the election,² (2) to seek certain specific safeguards with respect to any new election that may be ordered,³ and (3) to present evidence and argument in support of the Secretary's challenge to the election. The District Court denied his motion for leave to intervene, on the ground that the LMRDA expressly stripped union members of any right to challenge a union election in the courts, and gave that right exclusively to the Secretary. *Hodgson v. United Mine Workers*, 51 F. R. D. 270 (1970). The Court of Appeals affirmed on the basis of the District Court opinion, 77 L. R. R. M. 2496 (CADC 1971). We granted certiorari to determine whether the LMRDA imposes a bar to intervention by union members under Rule 24, in a suit initiated by the Secretary. — U.S. — (1971).⁴ We conclude that it does not, and we remand the case to the District Court with directions to permit intervention.

I

The LMRDA was the first major attempt of Congress to regulate the internal affairs of labor unions.⁵ Having conferred substantial power on labor organizations, Congress began to be concerned about the danger that union leaders would abuse that power, to the detriment of the rank-and-file members. Congress saw the principle of union democracy as one of the most important safeguards against such abuse, and accordingly included in the LMRDA a comprehensive scheme for the regulation of union elections.

Title IV of the statute establishes a set of substantive rules governing union elections, LMRDA § 401, 29 U.S.C. § 481, and it provides a comprehensive procedure for enforcing those rules, LMRDA § 402, 29 U.S.C. § 482. Any union member who alleges a violation may initiate the enforcement procedure. He must first exhaust any internal remedies available under the constitution and bylaws of his union. Then he may file a complaint with the Secretary of Labor, who "shall investigate" the complaint. Finally, if the Sec-

Footnotes at end of article.

retary finds probable cause to believe a violation has occurred, he "shall . . . bring a civil action against the labor organization" in federal district court, to set aside the election if it has already been held, and to direct and supervise a new election. With respect to elections not yet conducted, the statute provides that existing rights and remedies apart from the statute are not affected. But with respect to an election already conducted, "the remedy provided by this subchapter . . . shall be exclusive." LMRDA § 403, 29 U.S.C. § 483.

The critical statutory provision for present purposes is § 403, 29 U.S.C. § 483, making suit by the Secretary the "exclusive" post-election remedy for a violation of Title IV. This Court has held that § 403 prohibits union members from initiating a private suit to set aside an election. *Calhoon v. Harvey*, 379 U.S. 134, 140 (1964). But in his case petitioner seeks only to participate in a pending suit that is plainly authorized by the statute; it cannot be said that his claim is defeated by the bare language of the Act. The Secretary relying on legislative history, argues that § 403 should be construed to bar intervention as well as initiation of a suit by the members. In his view the legislative history shows that Congress deliberately chose to exclude union members entirely from any direct participation in judicial enforcement proceedings under Title IV. The Secretary's argument rests largely on the fact that two alternative proposals figured significantly in the legislative history of Title IV, and each of these rejected bills would have authorized individual union members to bring suit. In the words of the District Court:

"We think the fact that Congress considered two alternatives—suit by union members and suit by the Secretary—and then chose the latter alternative and labelled it 'exclusive' deprives this Court of jurisdiction to permit the former alternative via the route of intervention." 51 F.R.D. 270, 272.

That argument misconceives the legislative history and misconstrues the statute. A review of the legislative history shows that Congress made suit by the Secretary the exclusive post-election remedy for two principal reasons: (1) to protect unions from frivolous litigation and unnecessary judicial interference with their elections, and (2) to centralize in a single proceeding such litigation as might be warranted with respect to a single election. Title IV as enacted serves these purposes by referring all complaints to the Secretary so that he can screen out frivolous ones, and by consolidating all meritorious complaints in a single proceeding, the Secretary's suit in federal district court. The alternative proposals were rejected simply because they failed to accomplish these objectives. There is no evidence whatever that Congress was opposed to participation by union members in the litigation, so long as that participation did not interfere with the screening and centralizing functions of the Secretary.

The enforcement provisions of Title IV originated in a bill introduced by Senator John Kennedy in 1958. That bill, S. 3751, provided for suit by the Secretary as the exclusive remedy for violation of the rules relating to union elections. Senator Kennedy described the bill as a "modest proposal," one which would protect union members "without undue interference in the internal affairs of what I believe are essentially private institutions—that is, American trade unions." 104 Cong. Rec. 7954 (1958). The Senate passed an expanded version of the bill, S. 3974, which retained the original enforcement scheme, and reflected a continuing legislative interest in minimizing judicial interference with union elections. See S. Rep. No. 1684, 85th Cong., 2d Sess., 12-15 (1958). That bill was defeated in the House of Representatives, 104 Cong. Rec. 18288 (1958), but essentially the same enforcement scheme was

retained the following year in S. 1555, the Kennedy-Ervin bill that was ultimately passed by both Houses and enacted into law.

In the Senate, the principal advocate of a provision authorizing individual union members to bring suit was Senator Barry Goldwater. He introduced a bill, S. 748, endorsed by the Administration, that would have authorized both the Secretary and the members to file suit to enforce the rules relating to union elections.⁶ During the Senate Hearings, a number of witnesses compared the enforcement provisions of the two bills. The primary objection to the provision for member suits in the Goldwater bill was that it might lead to multiple litigation in multiple forums, and thereby impose on the union the severe burden of mounting multiple defenses. A related objection was that the Goldwater bill failed to interpose a screening mechanism between the dissatisfied union member and the courtroom, and thereby imposed on the union the burden of responding to frivolous complaints.

Perhaps the most vehement opposition to the Goldwater bill came from the AFL-CIO. Its spokesman, Andrew Blemler, testified that "[t]he bill would result in placing union officers in a straitjacket since they could be haled into court, virtually without limitation, to defend union policies or programs in suits brought against them by any dissident union member or minority group." Hearings on S. 505 et al. before the Subcommittee on Labor of the Senate Committee on Labor and Public Welfare, 86th Cong., 1st Sess., at 567 (1959); see also *id.*, at 578-579 (analysis of S. 748 by Arthur J. Goldberg, then special counsel to the AFL-CIO). Multiple litigation and unnecessary harassment, then, were seen as the principal evils of the provision for member suits. And it was precisely those evils that the draftsmen of the Kennedy-Ervin bill sought to avoid. According to Professor Archibald Cox, who was a principal consultant to the draftsmen, the Kennedy proposal made suit by the Secretary the exclusive post-election remedy in order to "centralize control of the proceedings," to adjudicate the validity of an election "once and for all in one forum," and to avoid "unnecessary harassment of the union on one side and . . . friendly suits aimed at foreclosing the Secretary's action on the other." Hearings on S. 505 et al. before the Subcommittee on Labor of the Senate Committee on Labor and Public Welfare, 86th Cong., 1st Sess., at 135 (1959).

Thus, when the Senate Committee reported out the Kennedy-Ervin bill rather than its competitor, it is reasonable to infer that the Committee, and later the Senate, regarded the provision for exclusive enforcement by the Secretary as a device for eliminating frivolous complaints and consolidating meritorious ones. There is no basis whatever for the further conclusion suggested by the Secretary, the conclusion that the Senate opposed any form of direct participation by union members in Title IV enforcement litigation.

The legislative history in the House of Representatives provides even less support for the Secretary's position. The House initially rejected the Senate bill and passed an alternative authorizing only union members, and not the Secretary, to bring suit to enforce the election title of the bill. H.R. 8342, see H.R. Rep. No. 741, 86th Cong., 1st Sess., 15-17 (1959). Even Senator Goldwater the leading advocate of member suits, thought the House bill inferior to the Senate bill in this regard, because the matter of election violations was too important to be left exclusively to the vagaries of private enforcement. 105 Cong. Rec. 16489 (1959) (comparison of House and Senate bills by Sen. Goldwater). The Conference Committee and the House ultimately adopted the Sen-

ate's enforcement provisions, thereby affirming the need for public enforcement of Title IV. See H.R. Rep. No. 1147 (Conf. Rep.), 86th Cong., 1st Sess., 35 (1959). That action, however, can in no sense be read as a rejection of all forms of private participation in enforcement litigation, since the House at no time considered the possibility that union members might assist the Secretary rather than displace him.

With respect to litigation by union members, then, the legislative history supports the conclusion that Congress intended to prevent members from pressing claims not thought meritorious by the Secretary, and from litigating in forums or at times different from those chosen by the Secretary. Only if intervention would frustrate either of those objectives can the statute fairly be read to prohibit intervention as well as initiation of suits by members.

II

Intervention by union members in a pending enforcement suit, unlike initiation of a separate suit, subjects the union to relatively little additional burden.⁷ The principal intrusion on internal union affairs has already been accomplished, in that the union has already been summoned into court to defend the legality of its election. Intervention in the suit by union members will not subject the union to burdensome multiple litigation, nor will it compel the union to respond to a new and potentially groundless suit. Thus, at least insofar as petitioner seeks only to present evidence and argument in support of the Secretary's complaint, there is nothing in the language or the history of the LMRDA to prevent such intervention.

The question is closer with respect to petitioner's attempt to add to the Secretary's complaint two additional grounds for setting aside the union election. These are claims which the Secretary has presumably determined to be without merit. Hence, to require the union to respond to these claims would be to circumvent the screening function assigned by statute to the Secretary. We recognize that it is less burdensome for the union to respond to new claims in the context of the pending suit than it would be to respond to a new and independent complaint. Nevertheless we think Congress intended to insulate the union from any complaint that did not appear meritorious to both a complaining member and the Secretary. Accordingly, we hold that in a post-election enforcement suit, Title IV imposes no bar to intervention by a union member, so long as that intervention is limited to the claims of illegality presented by the Secretary's complaint.⁸

III

Finally, the Secretary argues that even if the LMRDA does not bar intervention, petitioner has no right to intervene under the terms of Fed. Rule Civ. Proc. 24(a). Rule 24(a)(2) gives one a right to intervene if (1) he claims a sufficient interest in the proceedings, and (2) that interest is not "adequately represented by existing parties."⁹

The Secretary does not contend that petitioner's interest in this litigation is insufficient; he argues, rather, that any interest petitioner has is adequately represented by the Secretary. The court below did not reach this question, in light of its threshold determination that Rule 24 had no application to the case. Nevertheless, we think it clear that in this case there is sufficient doubt about the adequacy of representation to warrant intervention.¹⁰

The Secretary contends that petitioner's only legally cognizable interest is the interest of all union members in democratic elections, and he says that interest is identical with the interest represented by the Secretary in Title IV litigation. Hence he argues that petitioner's interest must be adequately represented

unless the court is prepared to find that the Secretary has failed to perform his statutory duty. We disagree.

The statute plainly imposes on the Secretary the duty to serve two distinct interests, which are related, but not identical. First, the statute gives the individual union members certain rights against their union, and "the Secretary of Labor in effect becomes the union member's lawyer" for purposes of enforcing those rights. 104 Cong. Rec. 10947 (1958) (remarks of Sen. Kennedy). And second, the Secretary has an obligation to protect the "vital public interest in assuring free and democratic union elections that transcends the narrower interest of the complaining union member." *Wirtz v. Local 153, Glass Bottle Blowers Assn.*, 389 U.S. 463, 475 (1968). Both functions are important, and they may not always dictate precisely the same approach to the conduct of the litigation. Even if the Secretary is performing his duties, broadly conceived, as well as can be expected the union member may have a valid complaint about the performance of "his lawyer." Such a complaint, filed by the member who initiated the entire enforcement proceeding, should be regarded as sufficient to warrant relief in the form of intervention under Rule 24(a) (2).

The case is remanded to the District Court with directions to allow limited intervention in accordance with this opinion.

So ordered.

MR. JUSTICE POWELL and MR. JUSTICE REHNQUIST took no part in the consideration or decision of this case.

FOOTNOTES

¹ The complaint alleged that the Union violated the Act by, *inter alia*, failing to use secret ballots, permitting campaigning at the polls, denying candidates the right to have observers at polling places and at the counting of ballots, subjecting members to reprisals in connection with their election activities, failing to conduct elections in some locals, and using union assets to promote the candidacy of the incumbents.

² Petitioner alleged as additional violations of the Act (1) that the Union required members to vote in certain locals, composed entirely of pensioners, which petitioner claims are illegally constituted under the UMWA Constitution; and (2) that the incumbent president improperly influenced the pensioners' vote by bringing about a pension increase just before the election.

³ Petitioner asks the court to order the Union to disband the pensioner locals, to publish a ruling to the effect that the president breached his fiduciary duty by bringing about the pension increase, and to establish new comprehensive rules to govern future elections.

⁴ We expedited consideration of this case in view of the fact that the litigation is presently pending in the District Court and it has not been stayed.

⁵ See generally Aaron, *The Labor Management Reporting and Disclosure Act of 1959*, 73 Harv. L. Rev. 851 (1960); Cox, *Internal Affairs of Labor Unions Under the Labor Reform Act of 1959*, 58 Mich. L. Rev. 819 (1960).

⁶ The Goldwater-Administration bill provided that a member could file suit with respect to any violation of the election title unless that claimed violation was the subject of a pending action by the Secretary. It also provided that enforcement suits could be filed in either state or federal courts. The question of member suits was, throughout the debates, intertwined with the question of preserving pre-existing state remedies, since prior to the enactment of the LMRDA the only remedy for illegal election conduct was a member suit in state court.

Pre-existing state remedies presented the additional problem, not relevant here, of multiple litigation that was not only inconvenient as a matter of procedure but also in conflict as a matter of substance, for the

state remedies related to state-defined rights that were not always identical to the new rights defined in the LMRDA. The debates reflect great concern with the proper relationship between state and federal remedies, and much less concern with the relationship between private and public enforcement. See, e.g., S. Rep. No. 187, 86th Cong., 1st Sess., 19-22, 101-104 (1959) (majority and minority views); Hearings on H. R. 3540 et al. before a Joint Subcommittee of the House Committee on Education and Labor, 86th Cong., 1st Sess., 1611 (1959) (analysis of S. 1555 by Sen. Goldwater), reprinted at 105 Cong. Rec. 10102 (1959).

⁷ For the origins and development of the procedural device of intervention, see Moore & Levi, *Federal Intervention*, 45 Yale L. J. 565, 47 Yale L. J. 898 (1936); Developments in the Law—Multiparty Litigation in the Federal Courts, 71 Harv. L. Rev. 874, 897-906, 988-992 (1958). The distinction between intervention and initiation is thoughtfully discussed in Shapiro, *Some Thoughts on Intervention Before Courts, Agencies, and Arbitrators*, 81 Harv. L. Rev. 721, 726-729 (1968).

⁸ This limitation, however, applies only to the claimed grounds for setting aside the old election, and not to the proposed terms of any new one that may be ordered. For if the court finds merit in the Secretary's complaint and sets the election aside, then the statute requires the court to direct a new election in conformity with the constitution and bylaws of the union, and the requirements of Title IV. Since the court is not limited in this regard to consideration of remedies proposed by the Secretary, there is no reason to prevent the intervenors from assisting the court in fashioning a suitable remedial order. Cf. *Hodgson v. Steelworkers*, 403 U.S. 333, 344 (WHITE, J., dissenting).

⁹ Fed. Rule Civ. Proc. 24 (a):

"Upon timely application anyone shall be permitted to intervene in an action: . . . (2) when the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties."

¹⁰ The requirement of the Rule is satisfied if the applicant shows that representation of his interest "may be" inadequately; and the burden of making that showing should be treated as minimal. See 3B J. Moore, *Federal Practice* p. ¶2409-1 [4].

DISSENT

MR. JUSTICE DOUGLAS, dissenting in part.

I join the opinion of the Court to the extent that it holds that Title IV of the Landrum-Griffin Act does not bar intervention by union members, pursuant to Fed. Rule Civ. Proc. 24(a), in suits initiated by the Secretary of Labor challenging union elections. I differ from the majority, however, in that I would also permit the union members in this case to raise their additional grounds for setting aside the disputed election. In my view, the limited intervention granted by the majority serves neither the purpose of the liberalizing 1966 amendments to Rule 24, nor the twin purposes of Title IV—to preserve unions from a multiplicity of frivolous election challenges, but also to centralize in a single proceeding such litigation as might be warranted with respect to a single election.

†These claims both related to alleged manipulation of pensioners by the incumbents. One claim attacked so-called "bogus" locals, composed entirely of pensioners, which were "run" by the incumbents. The second claim was that the union president attempted improperly to influence the pensioners' vote by arranging for increased pension benefits just before the election.

Here, the Secretary has served his screening function. He has decided that petitioner's election challenge is meritorious. The Court concedes, moreover, that the burden on the union to defend against the additional claims would not be particularly burdensome, compared to the onus of an independent action. *Ante*, p. —. These claims relate squarely to the election whose legality the union must defend. I would permit them to be heard.

[From the Georgia Law Review]

LMRDA—ENFORCE IT OR REPEAL IT

(By Joseph L. Rauh, Jr.) *

When someone asks whether my experience as lawyer for the reform group inside the United Mine Workers of America has led me to the conclusion that the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA)¹ needs revision, I invariably answer that there is no way on earth of telling whether, or how, a law that has not been enforced should be amended. Strangely enough, Congress, so intent on doing something about the Beck-Hoffa disclosures² that it enacted the LMRDA as a code of union democracy and fiscal integrity, appears wholly indifferent to the nonenforcement of that Act—even in the wake of the far more shocking disclosures concerning the United Mine Workers of America and their President Tony Boyle.³ Despite these disclosures, no House committee has as yet moved to find out what is going on at the Department of Labor. Even the Senate Labor Subcommittee, funded a year and a half ago for the very purpose of making an investigation, has shown only limited relish for the task.⁴

There is no way of knowing whether the abysmal failure of the Department of Labor to enforce the LMRDA with respect to Boyle and the UMWA is typical of its actions in regard to other unions. There has not been time for us even to investigate the number of requests for help by reform groups in other unions complaining of the Department's inaction or indifference.⁵ Yet, based on my happy experiences with honest, democratic unions in the automobile, railroad, shoe, lumber, and distribution industries, and with government workers, I think it unlikely that the UMWA pattern of corruption exists in more than a small minority of unions. But if the law is not to be enforced against the worst offenders, it makes little sense to keep it on the books for use against those guilty of lesser offenses or of no offenses at all. It is in this context that enforcement or repeal seem the only logical alternatives.

Prior to the announcement of Jock Yablonski's candidacy, there had been no serious campaign for the presidency of the UMWA since John L. Lewis crushed his opposition in 1926. The combination of fear and despair which has long pervaded the union has accelerated during Boyle's presidency, and the union has sunk further and further into despotism and corruption. When Jock Yablonski announced as a candidate for the presidency on May 29, 1969, at a press conference open only to invitees, his son and his nephew stood at the door to guard against possible UMWA disruption.⁶ And, within a matter of days, the UMWA bureaucracy under Boyle began a course of steadily escalating illegal conduct which has continued to date.

Yablonski fought Boyle's actions in the courts of the District of Columbia (site of UMWA headquarters) as best he could. About two weeks before the December 9, 1969, election, the American Civil Liberties Union, after conducting a thorough study of the situation and giving the UMWA's incumbent officers a chance to state their side of the case (which they refused to do), concluded that "democratic rights have been violated, and that the threat of further violations hangs over the forthcoming election. . . ." ⁷ It

based its conclusion in part upon the "series of court cases forced on the Yablonski group by actions of UMW leadership,"⁸ and further noted that:

"Though the law clearly provides that an opposition has the right to circulate campaign materials to the membership, a court order was required to compel the UMW to distribute Yablonski literature to union members.

"Though the law clearly provides that a union official may not be penalized for running for office against an administration slate, a court order was required to reinstate Yablonski in the UMW job from which he was fired as soon as he announced his candidacy.

"Though the law clearly prohibits the expenditure of union funds to support the candidacy of any person running for union office, a court order was required to restrain the UMW from 'discrimination in the use of the membership lists' by continuing to use their official organ, the UMW Journal . . . as a campaign instrument to promote defendant Boyle's candidacy."

"Though the law clearly provides for minimum safeguards in a labor union election, such as the right to poll-watchers, the security of the ballot box—the UMW leadership issued instructions to their locals to provide such elementary safeguards only after a court action had been instituted"

Despite Yablonski's uniform success in the courts, the reform forces knew from the outset that the judicial role was limited and that only the Department of Labor had both the authority and the resources to force any semblance of a fair election. Consequently, on July 9, 1969, the Yablonski slate requested Secretary of Labor Shultz to make "an immediate and continuing investigation, pursuant to section 601 of the Labor-Management Reporting and Disclosure Act of 1959, of the illegal activities of the officers of the union" This letter to Secretary Shultz and a subsequent letter, dated July 18, 1969, alleged a raft of illegal election activities, including bribery, job offers, embezzlement, violence, reprisals and threats of reprisals, misuse of funds, fraud, and the revocation of local union charters.¹¹ On July 23, 1969, Secretary Shultz responded: "Although the Secretary of Labor does have the power under Section 601(a) of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) to investigate election irregularities at any time, it is the Department of Labor's long-established policy not to undertake investigation of this kind without having a valid complaint under section 402(a) after an election has been completed."¹² The next day I visited Secretary Shultz and literally begged him to exercise the power of investigation which he admittedly had.

While accepting the general policy that no investigation should take place until an election is completed, I pointed out that the continuous and massive violations of law in this case demanded his intervention. I warned him bluntly (and, sadly enough, prophetically) that the failure of the Department of Labor to investigate would mean violence, which would be on the Secretary's conscience alone. Unfortunately, my pleas fell on deaf ears.

Before the election in December, the Yablonski forces presented the Department of Labor with details of over a hundred LMRDA violations.¹³ On December 1, 1969, eight days before the election, we summed up what we believed would be the result of these violations in a letter to Secretary Shultz in which, again prophetically, we said:

"This is probably the most important union election since LMRDA was passed a decade ago. There is considerable question in

the minds of union members and the public whether LMRDA has any real meaning for union democracy and fair elections. If the incumbent UMW officers are allowed to steal this election on December 9th with the Department of Labor standing idly by, then everyone will know that enforcement of this law is a joke. The remedy of a post-election lawsuit by the Secretary of Labor to set aside a fraudulent election and a reelection four years or so down the road, with the illegal incumbents in office for the whole intervening time, is a hollow pretense. You have the admitted power, on the basis of present record, to initiate an investigation today and to implement that investigation with a Government agent at every UMW polling place on December 9th. That action and that action alone can give the coal miners of the nation their first real and fair election in a half century."¹⁴

Mr. Shultz, however, stuck to his policy of inaction until after the election was over, and on the night of December 9, Mr. Boyle announced that he had won. Where Yablonski had election observers, he generally won by substantial margins or held his own; where he had no observers (either because he could not learn ahead of time where and when the balloting was to occur or because he could not find, among the terrorized membership of particular areas, people to act as observers), he was beaten by unbelievable margins.¹⁵ In District 19, for instance, he lost by a ratio of 43 to 1. Within days, the details of one hundred election day violations of law, along with evidence of the earlier campaign violations, were presented to the Department of Labor. These election offenses included tampering with ballots, excluding of observers, threatening and other interfering with observers, illegal absentee balloting, failing to notify members of the election, nonsecret balloting, officers' casting votes for others, and voting by non-existent persons, as well as by unlisted persons, including coal operators.¹⁶

The Yablonski election was not lost on election day; it was lost, I believe, on the day that Secretary Shultz decided not to investigate the pre-election conduct of the UMW. Boyle and his cohorts were free from that moment on to take action unhindered and unwatched. And if there should later develop some question about the legitimacy of the election, what did it matter? Boyle could hide much of the incriminating evidence; moreover, he would continue as president while the election was being investigated,¹⁷ while the judicial proceedings to upset the election ran on, and even while the second election was being conducted.

Section 601(a) of the LMRDA gives the Secretary "power when he believes it necessary in order to determine whether any person has violated or is about to violate any provision [of the Act] to make an investigation" Boyle and the UMW have never asserted that the evidence submitted did not support the allegations of violations.¹⁸ In fact, the evidence presented by the Yablonski forces was overwhelming. There could have been little question in the Secretary's mind that the evidence indicated that the Boyle forces had committed massive violations of the LMRDA and were about to commit even further violations.

With the express mandate of the statute confronting him, and with probable cause to believe that there had been, and would likely be more, massive violations of the law, why did the Secretary stand idly by and refuse to enforce the law? Testifying before the Senate Labor Subcommittee on May 4, 1970, Secretary Shultz stated that his inaction was "required by the statute."¹⁹ This of course, was a total about-face from the position he had taken in his letter of July 23, 1969,²¹ in which he flatly stated that the Secretary of Labor has the power under section 601(a) of the

LMRDA to investigate election irregularities at any time.

Moreover, the Secretary's arguments in support of his new legal position were patent rationalizations. First, he suggested that he could not undertake an early investigation because he could not bring an action until after the election and the invocation of the internal union remedy.²² However, the power to investigate in section 601 is not limited to the bringing of an action, and one will look in vain for a governmental policy which affords a violator of the law the time he needs to cover his violations. Second, the Secretary contended that an early investigation of the incumbent would of necessity assist the campaign of the challenger.²³ It is unnecessary to consider whether this would in fact have been the case. When weighed against the fact that his inaction made possible continued widespread violations of law and the concealment of much of the evidence thereof, any possible inference drawn from governmental action would hardly seem significant.²⁴ Yet, although the Secretary went through the pretense of supporting his position on legal grounds, he did admit that "two courts of appeal have held that the broad investigatory authority . . . [of section 601(a)] is not limited by the express procedural requirements" of the election title.²⁵

There would appear to be sound justification for a Secretary of Labor's withholding investigation in any election where there is a substantial chance that the union itself will take corrective action. Most local union elections in which the International is not involved fall squarely within this category—so long as there exists an independent appellate body, such as the Public Review Board of the United Automobile Workers, which has clear authority to make the final decision concerning the validity of the election. But the Secretary would hardly seem to be warranted to refuse to investigate prior to an election when massive evidence of illegal conduct is presented to him during the election campaign and when the very people who would adjudicate the internal union remedy are those committing the illegal acts. Surely no one would suggest that Boyle judging his own acts is an internal union remedy.

While Secretary Shultz was attempting to justify to the Senate Labor Subcommittee his failure to investigate prior to the election by asserting that his conduct had been required by the statute, he made the statement that "we have no evidence that the murders were connected with the election" At the time Mr. Shultz spoke, a federal grand jury had already indicted Mr. Silous Huddleston, the President of a UMW local union in La Follette, Tennessee, and four others for conspiracy to violate a union member's rights, and Mr. Shultz had access to the FBI's supporting evidence demonstrating Mr. Huddleston's complicity in the murders. The presumption of innocence does not justify an administrative official's drawing a conclusion which is directly contrary to known facts.

Indeed, the primary remaining question today is not whether the murder was "election-connected," but just how high in the union the culpability runs. The special Pennsylvania prosecutor of those charged with the murders of the Yablonski family has stated both publicly and privately that he believes the guilt runs high into the union hierarchy.²⁷ All of this information was available to Secretary Shultz, including the fact that the murder conspiracy originated in July, 1969, shortly after the opening of the election campaign. It is highly unlikely that the conspiracy would have proceeded had a federal presence been felt throughout the campaign. Yet Mr. Shultz chose to ignore evidence of the sad truth concerning both the election and the murders because that

Footnotes at end of article.

truth makes his five months of inaction during the election campaign a monumental and inexcusable blunder.²⁸

In the three weeks between the election and the murder, Jock Yablonski made it perfectly clear that he intended to fight on. Two days after the election he wired Secretary Shultz, urgently requesting that he impound all ballots and election records both in the field and at headquarters.²⁹ He based this request, *inter alia*, on the vast evidence of illegal conduct he had submitted during the election campaign, on the evidence of flagrant election-day frauds (supported by the fact that Yablonski won or at least broke even where he had poll watchers and lost by unbelievable margins where there were none), and on the UMWA's announcement of the results for some areas before the ballots could even have been counted. On these grounds, Yablonski urged the Secretary not to "give Boyle time to juggle the records or destroy them."³⁰

A week later the Department of Labor was presented with evidence of the hundred election-day violations mentioned earlier. Incredibly, the Department demanded that Yablonski present direct proof that the UMWA was planning to juggle or destroy records (presumably, only an informer or a wiretap recording of Boyle directing this action would have sufficed); the previously submitted evidence of massive violations of law was deemed inadequate. The Department apparently believed that one accused of such massive violations of law would sit idly by and preserve the incriminating proof of his misconduct rather than take the obvious course of bringing his ballots and records in line with the results announced on the night of the election.³¹

Thus on March 5, 1970, when the Department of Labor was finally forced by public pressure to bring a suit to upset the election, it was without the evidence that could have been collected during the election period, including the original ballots and tally sheets—before the UMWA had had plenty of time to juggle or to destroy them. This may help explain why the suit has taken so long to get to trial (it is presently set for September 13, 1971, almost two years after the election). "This basic purpose of Title IV—to assure free and fair elections—is subverted when court suits to set aside elections are not disposed of promptly."³²

Actually, the Department of Labor's suit to upset the election is more noteworthy for what it fails to allege than for what it does allege. It omits all the evidence of violence which the Yablonski forces had presented to the Department of Labor, including an incident in which Yablonski was knocked unconscious by a karate chop in Springfield, Illinois, early in the campaign—an incident contributing to the climate of fear and violence which permeated the entire election period. The Department justified this omission by asserting that Yablonski was knocked unconscious at "a Yablonski rally" of "Yablonski supporters."³³ But, as the Department could have easily learned, the small meeting of a dozen or so was an attempt to entrap Yablonski by persons on the UMWA payroll,³⁴ and there was ample ground, based on this and other incidents,³⁵ to include an allegation of violence in the Department's suit.

Nor does the Government's suit to upset the election contain any allegation that Boyle violated the LMRDA in raising miners' pensions for the purpose of getting the pensioners to vote for him. Yet there is sworn testimony that Boyle, on the day he became chairman of the UMWA Welfare and Retirement Fund, discussed with other union officials his plan to increase pensions immediately in order to win the vote of the pensioners.³⁶ Boyle did in fact effect a pension

increase the following day, and a notice to the pensioners carrying his name in bold type went out four days later.³⁷ Section 401(e) of the LMRDA provides that a union member "shall have the right to vote for or otherwise support the candidate or candidates of his choice, without being subject to penalty, discipline, or improper interference or reprisal of any kind by such organization or any member thereof."³⁸

On its face, raising pensions to get votes would appear to be "improper interference."³⁹ But the Department of Labor has taken the position that, even "assuming Mr. Boyle engineered the increase by some breach of improper fiduciary obligation,"⁴⁰ a finding of "improper interference" with the election is precluded because of the possibility that collective bargaining would be impeded. Consequently, the Department did not include the allegation in its election complaint. The Department's reasoning unfortunately overlooks the fact that it is the motivation, not the result, that is crucial. While this may involve a closer legal question than the others, it nonetheless seems strange that the Department should itself resolve each legal and factual judgment against the reform group inside the union.

Nor does the Department of Labor's complaint question the legality of some six hundred locals composed solely or almost solely of pensioners. The UMWA constitution states that "local unions shall be composed of 10 or more workers . . . working in or around coal mines" and "[i]f any mine or colliery is abandoned . . . the [local union] charter and all its moneys . . . shall be taken over by the International Union [and] . . . any remaining members . . . given transfer cards."⁴¹ Since there are not ten working miners in any one of these locals, the Yablonski forces contended that they are obviously illegal under the UMWA constitution and that union votes could not be legally cast through them. Despite the obvious force of this position and the observation of District Judge Hart that the officers of the UMWA "pay attention to the Constitution when they want to and when they don't, they don't,"⁴² the Secretary has accepted the transparent explanation that the UMWA has always interpreted its constitution to permit nonfunctioning locals to exist and thus refused to include this matter in his complaint.

Defending his decision before the Senate Labor Subcommittee, the Secretary testified that "even if there had been a technical violation, it could not have had any effect on the outcome of the election";⁴³ in other words, the pensioners could still have voted. Maybe Secretary Shultz thinks that covering five to six hundred additional and illegal local unions with poll watchers is not a chore for an impoverished candidate,⁴⁴ but Mr. Boyle evidently knows the value of these locals to the bureaucracy, for he keeps them in existence to serve his own purposes. Indeed, these locals present an especially difficult election problem; they are often operated out of trusted district offices run by Boyle appointees and observation by a rival candidate is difficult if not impossible.

Nor does the complaint deal with the subject of the campaigning conducted by paid employees of the UMWA. The Department of Labor did not mention the large number of dust committeemen, organizers, and other persons who were added to the UMWA payroll in 1969 for the apparent purpose of reelecting Boyle. One witness testified that he was paid \$400 a week, but did no organizing;⁴⁵ another stated that he was paid for organizing though he was in Canada fishing.⁴⁶ As a matter of fact, there was no substantial organizing work, and the dust committeemen (whose job ostensibly is to measure respirable dust levels in the mines) not only lacked the necessary equipment but also were generally not even permitted by the operators to go down into the mines.

Mr. Shultz's position that these employees could legitimately campaign for Boyle as much as they wanted seems to open the way for any trade union incumbent to buy an election by the simple expedient of putting additional people on the union staff with the primary function of campaigning for him. Section 401(g), however, provides that "[n]o moneys received by any labor organization by way of dues . . . shall be contributed or applied to promote the candidacy of any person" It is hard to imagine any language which would more explicitly bar the use of union funds to employ a staff whose primary purpose is electioneering for the incumbent candidate.

Actually, the Department of Labor did not investigate either the charges of unlawful hiring of union personnel or the numerous other charges of pre-election violations. Key investigators told the reform group that such investigation is an impossible task when undertaken so long after the election. One can only note that when detection of pre-election irregularities is deemed an impossible task, the congressional purpose of insuring fair and honest elections is clearly frustrated.⁴⁸

Not only has the Department of Labor failed to bring an adequate suit to upset the election and failed to push the suit which it has brought, but it has also refused to permit the reform group, Miners for Democracy, to intervene in the election suit now pending. Although the Assistant Attorney General in charge of the litigation for the Department of Justice favored permitting the intervention, the Department of Labor held firm in opposition to the intervention, and the motion for intervention was denied.⁴⁹ The court did not find that Miners for Democracy was without substantial interests in the litigation, or that those interests were adequately represented by the existing parties. Rather, the court denied intervention on the ground that the LMRDA, which precludes a union member from bringing suit to void an election, likewise deprives the court of jurisdiction to permit intervention by such a member.

The case is presently pending on petition for certiorari before the United States Supreme Court,⁵⁰ where it is strongly urged that, in view of the congressional policy to enforce the rights of union democracy, Miners for Democracy should be represented in a suit seeking a new election in which that group will participate. As Senator Griffin told the Senate Labor Subcommittee on July 13, 1971, "[e]ven though Congress gave exclusive authority to the Secretary of Labor to initiate such suits, I am aware of no clear requirement that complaining parties must be excluded once legal proceedings have been initiated. Once again it seems to me, doubts have been resolved against the worker in favor of the entrenched union hierarchy."⁵¹

In addition to omitting some of the very best reasons for setting aside the 1969 election when it filed its complaint and in addition to continuing its stubborn position that those most interested in the outcome of the election suit should have nothing to do with the case, the Department of Labor has also allowed nearly two years to elapse since the election of December 9, 1969, without any real progress toward a new election. But if the Department's suit to upset the UMWA election is proceeding slowly, it is a model of expedition compared to the so-called "trusteeship" suit.⁵²

The UMWA bureaucracy largely manages the UMWA through the district offices of the union; nineteen of the Union's twenty-three districts within the United States are in trusteeship. Since Boyle appoints these district officers and runs the offices through them, it is not unlikely that these district officials were his campaign managers in each area and that money for his campaign was siphoned into the district offices through

Footnotes at end of article.

loans and other channels. One of the purposes of the LMRDA was to end these UMWA trusteeships and Title III of the Act is devoted to this purpose. Although no action whatever was taken for several years, suit was finally brought in December, 1964, by the Department of Labor to invalidate the trusteeships.⁵³ Yet it was more than six and one-half years later, on July 15, 1971, that this case, with its simple facts and legal issues, came to trial.⁵⁴ Surely the UMWA lawyers could not have stalled the matter without trial for more than six and one-half years without some help from their alleged opponents in the Department of Labor.⁵⁵ Sadly, it was the continuation of these nineteen illegal trusteeships that gave Boyle the web of appointed officials through which his reelection was manipulated.

The slowness of the Department of Labor in its handling of the election and trusteeship suits is not an academic matter; it is a very real boon to the incumbents and a travesty on the purposes of the LMRDA. Boyle has remained as president of the UMWA throughout the proceedings for a new election and he continues to run the union through the challenged trusteeships. Moreover, the Department of Labor has flatly refused to take any action to relieve this anomalous situation.

On May 7, 1971, Miners for Democracy called upon the Department of Labor "to move promptly and forcefully for a monitorship over the affairs of the union until the miners could themselves choose different leadership in a new election."⁵⁶ The request stated, *inter alia*, that Boyle had been indicted for embezzlement from the union and for corrupt political practices with union funds, and had been forced to resign as director of the union-owned National Bank of Washington, and had been removed as a trustee of the UMWA Welfare and Retirement Fund because of his illegal conduct in increasing pensions during the election campaign.⁵⁷

It also noted that he had been found guilty of failing to maintain required records accounting for the expenditure of millions of dollars of union funds,⁵⁸ that he had forced pensioners to maintain membership in the union involuntarily,⁵⁹ and that he had repeatedly and flagrantly misused the *United Mine Workers' Journal* for his own ends. The request for the monitorship pointed out that section 402 of the LMRDA provides that in an election suit "[t]he court shall have power to take such action as it deems proper to preserve the assets of the labor organization,"⁶⁰ and further noted that the relevant officials of the Department of Justice had earlier informed counsel for Miners for Democracy that they believed the authority for a monitorship to exist. Nonetheless, the Department of Labor has refused to take any action whatever. This leaves the law and the UMWA in an anomalous situation never contemplated by the LMRDA Congress—Boyle, who has been removed as a director of the National Bank of Washington because of abusing his position as a trustee to win reelection, continues as head of the UMWA, which controls the Bank of which he cannot be a director and the pension fund of which he cannot be a trustee.

The failure of the Department of Labor to seek a monitorship is in direct contradiction to Undersecretary of Labor Silberman's promise to the Senate Labor and Public Welfare Committee considering his confirmation. Silberman told the Committee that he would do "everything in [his] power to see that the lawsuits which the Department has brought against the United Mine Workers are vigorously prosecuted and that such equitable remedies authorized by law as will be necessary to fully remedy violations of the Landrum-Griffin Act (including the appointment by the court of some form of monitorship or other third party with appropriate supervi-

sory power to preserve the union's assets) are sought."⁶¹ If Silberman's promise was in good faith, it is hard to think of a stronger case for monitorship than that presented by the Miners for Democracy. But the answer from the Department, like all the others, has been a flat "No."

Incumbency in the UMWA means control of the districts through trusteeships, control of the UMWA staff, control of the purse, and control of the *United Mine Workers' Journal*. Although the Yablonski forces obtained an injunction during the 1969 election campaign against Boyle's misuse of the *Journal* as a personal campaign instrument,⁶² he resumed misusing the *Journal* immediately after the election. Miners for Democracy, relying upon the significant analogy to NLRB election procedures, argued that the election campaign was still taking place since the suit to set aside the election was pending. The National Labor Relations Board treats activities following the first election as part of the rerun election campaign even though they precede the Board's action in setting aside the first election. In the NLRB's words, "the critical period for the second election begins running from the date of the first election."⁶³ However, the Department of Labor rejected adoption of the NLRB's views; once again the answer was a flat "No."

One would have assumed that the Department of Labor might have learned something from its sorry record in connection with the 1969 UMWA officers election. Yet, however incredible, its conduct with respect to the 1970 election in District 5 of the UMWA was a repeat performance. There, Miners for Democracy caught the Boyle incumbents red-handed with open ballot boxes, paste, and razor blades on the table. They uncovered dozens of other violations. Yet, the Department of Labor stalled for months. Then on June 25, 1971, the last day on which the Department could have brought suit under the LMRDA, Miners for Democracy asked the Department of Labor what action it was taking.

The Solicitor of Labor first stated that he had cleared for filing a suit to set aside the District 5 election. However, a few minutes later he found out that an agreement not to bring suit for thirty days had been made with the UMWA without his knowledge. In other words, the UMWA had waived the LMRDA statute of limitations. This not only leaves in office a district president and a secretary-treasurer who have been convicted of serious offenses in connection with their handling of union money in the 1969 election,⁶⁴ but it does so on the basis of a waiver that may well be legally deficient. Whether such a waiver is valid is presently an issue pending on petition for certiorari before the Supreme Court.⁶⁵ If it should prove invalid, there will be no way of upsetting the obviously illegal District 5 election.⁶⁶

The road to change in a corrupt and dictatorial union is at best a lonely one. It was to be hoped that the Department of Labor, which is charged with the responsibility for the enforcement of the LMRDA,⁶⁷ would have been somewhere in the neighborhood making clear its position on the side of honesty and decency. But in the case of Miners for Democracy, if the Labor Department has been in the neighborhood at all, then it has apparently been there only to place roadblocks and obstacles in the path of reform. The UMWA is a critical occasion for the LMRDA. The Act should be enforced. If it is not, then it should be repealed.

FOOTNOTES

* Rauh & Silard, Washington, D.C. Mr. Rauh is a labor, civil rights, and civil liberties lawyer who represented the late Joseph A. Yablonski and is now counsel for Miners for Democracy, the Yablonski-inspired reform group within the United Mine Workers of America.

¹ Labor-Management Reporting and Disclo-

sure Act of 1959, §§ I-611, 29 U.S.C. §§ 401-531 (1964).

² See SELECT COMM. ON IMPORTER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD, REPORT, S. INT. REP. NO. 1417, 85th Cong., 2d Sess. (1958).

³ See *Hearings on Investigation of Mine Workers' Election Before The Subcomm. on Labor of The Senate Comm. on Labor and Public Welfare*, 91st Cong., 2d Sess. (1970). [hereinafter cited as *Hearings*].

⁴ Congressman Ken Heckler's courageous support of reform elements within the UMWA stands out all the more brilliantly because of its solitary splendor. Note should be made, too, of Senator Robert Griffin's testimony before the Senate Labor Subcommittee on July 13, 1971. See note 51 and accompanying text *infra*.

⁵ One lawyer who has had considerable experience representing dissident unionists apparently feels that the nonenforcement policy of the Department of Labor ranges across the board. See Hall, *Meanwhile Back At The Labor Department*, VII NEW POLITICS 49 (1967).

⁶ *Hearings*, *supra* note 3, at 9.

⁷ Letter from Joseph L. Rauh, Jr., to George P. Shultz, Dec. 1, 1969, in *Hearings*, *supra* note 3, at 71.

⁸ *Id.*

⁹ *Id.* The cases referred to are: *Yablonski v. UMW*, 71 L.R.R.M. 2606 (D.D.C. 1969) (campaign literature); *Yablonski v. UMW*, 71 L.R.R.M. 3041 (D.D.C. 1969) (reinstatement); *Yablonski v. UMW*, 305 F. Supp. 868 (D.D.C. 1969); *Yablonski v. UMW*, 305 F. Supp. 876 (D.D.C. 1969) (use of membership lists); *Yablonski v. UMW*, 72 L.R.R.M. 2687 (D.C.C. 1969) (election safeguards).

¹⁰ Letter from Joseph L. Rauh, Jr., to George P. Shultz, July 9, 1969, in *Hearings*, *supra* note 3, at 38. LMRDA § 601(a), 29 U.S.C. § 521(a) (1964), provides in relevant part:

"The Secretary shall have power when he believes it is necessary in order to determine whether any person has violated or is about to violate any provision of this chapter. . . to make an investigation and in connection therewith he may enter such places and inspect such records and accounts and question such persons as he may deem necessary to enable him to determine the facts relative thereto."

¹¹ Letters from Joseph L. Rauh, Jr., to George P. Shultz, July 9, 18, 1969, in *Hearings*, *supra* note 3, at 38-42, 42-46.

¹² Letter from George P. Shultz to Joseph L. Rauh, Jr., July 23, 1969, in *Hearings*, *supra* note 3, at 48 (emphasis added). LMRDA § 402, 29 U.S.C. § 482 (1964), provides in relevant part:

(a) A member of a labor organization—
(1) who has exhausted the remedies available under the constitution and bylaws of such organization and of any parent body, or
(2) who has invoked such available remedies without obtaining a final decision within three calendar months after their invocation,

may file a complaint with the Secretary . . .

(b) The Secretary shall investigate such complaint and, if he finds probable cause to believe that a violation of this subchapter has occurred and has not been remedied, he shall, within sixty days after the filing of such complaint, bring a civil action against the labor organization . . .

¹³ *Hearings*, *supra* note 3, at 38-46, 51-54, 56-65, 70-76.

¹⁴ Letter from Joseph L. Rauh, Jr., to George P. Shultz, Dec. 1, 1969, in *Hearings*, *supra* note 3, at 70.

¹⁵ See *Hearings*, *supra* note 3, at 79-79.

¹⁶ *Hearings*, *supra* note 3, at 82-92, 101-02.

¹⁷ The reform group was required to detail on the public record all of the evidence of violations it had in its possession; in the absence of an investigation, a cover-up of these violations by the incumbent was not unlikely.

¹⁸ LMRDA § 601 (a), 29 U.S.C. § 521(b) (1964). For the text of section 601(a), see note 10 *supra*.

¹⁹ Actually, three top UMW District Officials—Mike Budzanoski, (President, District 5), John Seddon, (Secretary-Treasurer, District 5), and Ray Thornbury, (Acting President, District 28)—have all been convicted of mishandling funds on the basis of evidence presented to the Secretary by the Yablonski forces during the election campaign.

²⁰ *Hearings, supra* note 3, at 347.

²¹ See text accompanying note 12 *supra*.

²² *Hearings, supra* note 3, at 339.

²³ *Id.* at 340.

²⁴ Of course, his inaction had of necessity to assist the incumbents, for having publicly stated that the government had the power to investigate if the facts warranted it, the failure to investigate suggested a lack of evidence. Thus, without comment on his good faith, the Secretary's logic was wanting. The simple truth is that law enforcement cannot be neutral.

²⁵ *Hearings, supra*, note 3, at 340. See, e.g., IUOE Local 57 v. Wirtz, 346 F.2d 445 (2d Cir. 1963). The Secretary might also have admitted that the Supreme Court has found his interpretation of the LMRDA wanting. In *Wirtz v. Laborers' Local 124*, 389 U.S. 477, 482 n.5 (1968), the Court stated: "The Secretary's authority under § 601 . . . both supplements his investigative mandate under § 402(b) and authorizes inquiry without regard to the filing of a complaint by a union member."

²⁶ *Hearings, supra* note 3, at 347.

²⁷ See *FORTUNE*, Jan. 1971, at 78.

²⁸ One of the five defendants in the murder conspiracy, Mr. Claude Vealey, has now pleaded guilty to murder in Washington, Pennsylvania. Vealey's confession, which implicated all five defendants, was available when Mr. Shultz testified before the Senate Subcommittee on Labor that "we have no evidence that the murders were connected with the election. . . ." *Hearings, supra* note 3, at 347.

²⁹ Telegram from Joseph A. Yablonski to George P. Shultz, Dec. 11, 1969, in *Hearings, supra* note 3, at 78X79.

³⁰ *Id.* at 79.

³¹ Mr. Lawrence H. Silberman, the Solicitor of Labor, testified that

"There is . . . a specific provision of the [LMRDA] which requires the union to hold the ballots, and to hold the election records, and not to tamper with them. I do not think you can conclude simply because a union commits one, two, or three violations, that they will commit the serious violation of tampering with the ballots, and indeed our subsequent investigation did not indicate that there was any tampering with the ballots."

Hearings, supra note 3, at 356 (emphasis added). The Department, however, had before it evidence of over one hundred election day violations. *Id.* at 82-92, 101-02. Surely, the only possible inference is that violations would continue. Indeed, the fact that a subsequent investigation failed to uncover any evidence of tampering simply suggests that immediate action was needed.

³² *Hearings on Investigation of United Mine Workers' Election Before the Subcommittee on Labor of the Senate Comm. on Labor and Public Welfare*, 92d Cong., 1st Sess.—(1971) (Testimony of Senator Robert P. Griffin on July 13, 1971).

³³ *Hearings, supra* note 3, at 361 (testimony of Assistant Secretary of Labor Usery). Interestingly, Secretary Shultz thought it significant to point out to the Senate Labor Subcommittee that:

"The allegation was that Mr. Yablonski was knocked down unconscious by a karate chop. The finding was not that. The finding was that he was punched in the jaw and rocked back and landed on a chair, and the chair

collapsed, and then he fell off and hit his head against the floor, and that is what knocked him out."

Id. at 359. The Department characterized the assault as a "spontaneous" act prompted by remarks Mr. Yablonski had made earlier in the evening, noted that the assailant had stated that he had not been "paid or otherwise induced to commit the assault," and concluded that LMRDA § 610, 29 U.S.C. 530 (1964), had not been violated. *Id.* at 342.

In contrast to the Secretary's testimony, Dr. Robert Schwartz, the physician who treated Mr. Yablonski after the incident, "has unequivocally stated that Mr. Yablonski was struck on the back of the neck." Letter from Joseph L. Rauh, Jr., to Harrison Williams, May 26, 1970, in *Hearings, supra* note 3, at 512. This conflict reveals the inadequacy of the Department of Labor's investigation. Indeed, the assailant was not identified by the Department until the investigation was reopened in the wake of the murder of Mr. Yablonski. *Id.*

³⁴ See letter from Joseph L. Rauh, Jr., to Harrison Williams, May 26, 1970, in *Hearings, supra* note 3, at 506-07.

³⁵ For example, a Yablonski rally in Shenandoah, Pennsylvania, on June 29, 1969, was broken up by a large group of Boyle supporters led by UMW officials. *Hearings, supra* note 3, at 514-17.

³⁶ *Hearings, supra* note 3, at 380. The UMW is almost unique in allowing pensioners to vote. And the pensioners, fearful of the loss of their pensions, vote solidly with the incumbent. They are forced to remain members of the union in order to receive their pensions; the illegality of this practice under the National Labor Relations Act is presently being considered by the National Labor Relations Board. Judge Gesell found in *Blankenship v. Boyle*, 77 L.R.R.M. 2140 (D.D.C. April 28, 1971), that the trustees of the pension fund "sponsored an application form which incorrectly implies that Union membership and Union approval is necessary before an application will be processed. The Application for Pension, for example, carries at its foot a space for certification by the local and by the district that the applicant 'is currently a member of Local Union No.—.' There is ample documentary and testimonial evidence that applicants were improperly led by this form and by the locals to believe that Union membership was a prerequisite for eligibility. . . ." *Id.* at 2153.

The voting impact of the pensioners was underscored by the Senate Labor Subcommittee staff's analysis: "our 93 percent of the votes in all-pensioner locals were for Mr. Boyle." The Subcommittee staff concluded that, "If this figure, which can clearly be identified as pensioner votes, is projected to all the 70,000 potential pensioner votes, the impact on the outcome of the election, which was won by Mr. Boyle by less than 35,000 votes, seems to be rather obvious." *Hearings, supra* note 3, at 291.

³⁷ Misuse of the UMW Welfare and Retirement Fund is hardly unprecedented. The UMW-controlled fund, which receives a forty cents royalty per ton of coal from the operators, has kept as much as \$80,000,000 in non-interest bearing deposits in the National Bank of Washington, seventy-four percent of the stock of which is owned by the UMW; thus funds may be said to be siphoned away from the pensioners and disabled miners into the coffers of the UMW. A suit by retired and disabled miners to recover for the various breaches of fiduciary duty by the trustees of the fund including Boyle, has recently been decided by the District Court for the District of Columbia. See *Blankenship v. Boyle*, 77 L.R.R.M. 2140 (D.D.C. April 28, 1971). The Department of Labor, although urged to intervene in the suit, has stood idly by here, too. Nonetheless, the disabled and pensioned miners, on their own,

won the day. Judge Gesell found that Boyle had "violated his duty as trustee [of the Fund] in several particulars. His actions in forcing through the pension increase, particularly by misrepresentation, in haste and without consulting the neutral trustee, reflect an insensitivity to fiduciary standards." *Id.* at 2158 (emphasis added). Boyle was removed as trustee for his wrongful conduct, but the pension increase remains outside the Government's election suit.

³⁸ 29 U.S.C. § 481(e) (1964) (emphasis added).

³⁹ Certainly such action constitutes "interference" under the National Labor Relations Act. See 29 U.S.C. § 158 (1964). When an employer grants an employee increased benefits during a representation election, he automatically voids the result. See *NLRB v. Exchange Parts Co.*, 375 U.S. 405 (1964).

⁴⁰ *Hearings supra* note 3 at 373 (emphasis added).

⁴¹ UMW Const. art. XIV, §§ 1, 21. The existence of these unconstitutional locals was confirmed by the testimony of the Secretary-Treasurer of the UMW in *Yablonski v. UMW*, 72 L.R.R.M. 2687 (D.D.C. 1969) (Record at 117). See also *Hearings, supra* note 3, at 291-92.

⁴² *Yablonski v. UMW*, 72 L.R.R.M. 2687 (D.D.C. 1969) (Record at 136-37).

⁴³ *Hearings, supra* note 3, at 346.

⁴⁴ To make Mr. Yablonski's right to have observers—a right guaranteed by the LMRDA § 401(c), 29 U.S.C. § 481(c) (1964)—effective, Yablonski's staff prepared a letter to be mailed by the UMW to each local union's secretary, requesting notification of the time and place of his local's election. Officials of approximately three-quarters of the union's one thousand two hundred and ninety-seven local unions denied this request—presumably, because of the almost complete control the incumbent international officers have over the local officers. Without this information, the statutory right to post observers was defeated. In a number of instances, the Yablonski forces had observers but were unable to tell them where and when the balloting would be conducted. *Hearings, supra* note 3, at 26-27.

⁴⁵ *Hearings, supra* note 3, at 419 (testimony of J. Gobleky).

⁴⁶ *Id.* at 412 (testimony of A. Doushek).

⁴⁷ 29 U.S.C. § 481(g) (1964) (emphasis added).

⁴⁸ The inadequacy of the Department of Labor's investigation is highlighted by a recent event. Counsel for the reform group (the author) learned from the Senate Labor Subcommittee that the Subcommittee had uncovered evidence of a scheme by the UMW to force union staff members to contribute to the Boyle-Titler-Owens campaign fund in amounts determined by their salaries. Wage increases were promised and actually granted to make up for those contributions. Not only had the Department of Labor failed to investigate this matter despite knowledge of the staff wage increases, but also the Department had failed to learn that the Senate Labor Subcommittee had obtained the evidence. Counsel for Miners for Democracy had to inform Department of Labor representatives of the evidence in the hands of the Subcommittee, and only then did the Department make any effort to obtain information from the Subcommittee. See 117 Cong. Rec. vol. 117, pt. 13, pp. 17053-54.

⁴⁹ *Hodgson v. UMW*, 76 L.R.R.M. 2415 (D.D.C. 1970), aff'd per curiam, 77 L.R.R.M. 2496 (D.C. Cir. April 27, 1971), *Petition for cert.*, filed, 40 U.S.L.W. 3085 (U.S. July 23, 1971) (No. 70-119).

⁵⁰ *Id.*

⁵¹ *Hearings on Investigation of United Mine Workers' Election Before the Subcomm. on Labor of the Senate Comm. on Labor and Public Welfare*, 92d Cong., 1st Sess.—(1971).

⁵² *Hodgson v. UMW, CA. No. 3071-64 (D.D.C. filed Dec. 15, 1964).*

⁵³ *Id.*

⁵⁴ On February 23, 1971, several hundred members of Miners for Democracy appeared in Washington, D.C., to demand that Congress force the Department of Labor to bring the suit to trial. Perhaps this action precipitated the July trial.

Remarkably, after the trial was successfully stalled some six years to allow for UMW preparation, the UMW's factual case at trial consisted largely of the testimony of its Secretary-Treasurer and his assistants. Final briefs were due in September and a decision is hoped for in October, 1971.

⁵⁵ Unfortunately, a review of the Department of Labor's incredible performance might lead an observer to conclude that there is corruption within the Department.

⁵⁶ Letter from Joseph L. Rauh, Jr., to James D. Hodgson, May 7, 1971, in *CONG. REC.* vol. 117, pt. 13, pp. 17534-35. For a full record of the correspondence between Miners for Democracy and the Department of Labor on the monitorship issue, see *CONG. REC.* vol. 117, pt. 13, pp. 17532-35.

⁵⁷ See *Blankenship v. Boyle*, 77 L.R.R.M. 2140 (D.D.C. April 28, 1971). For a more complete discussion, see note 37 *supra*.

⁵⁸ See *Hodgson v. UMW*, 77 L.R.R.M. 2332 (D.D.C. April 13, 1971).

⁵⁹ See *Blankenship v. Boyle*, 77 L.R.R.M. § 2140 (D.D.C. April 28, 1971). For a more complete discussion of the case, see note 36 *supra*.

⁶⁰ 29 U.S.C. 482 (1964). For the text of LMRDA § 402, see note 12 *supra*.

⁶¹ Letter from Laurence H. Silberman to Ralph W. Yarborough, August 24, 1970, in *Hearing on the Appointment of Laurence H. Silberman to be Under-Secretary of Labor Before the Senate Comm. on Labor and Public Welfare*, 91st Cong., 2d Sess. 37 (1970).

⁶² See *Yablonski v. UMW*, 305 F. Supp. 868 (D.D.C. 1969); *Yablonski v. UMW*, 305 F. Supp. 876 (D.D.C. 1969).

⁶³ *The Singer Co.*, 161 N.L.R.B. 956, 956 n 2 (1966). See also *Sunoco Products Co. v. N.L.R.B.*, 399 F.2d 835 (9th Cir. 1968).

⁶⁴ See note 19 *supra*.

⁶⁵ *Hodgson v. Printing Pressmen*, 76 L.R.R.M. 2706 (6th Cir. Nov. 9, 1970), *petition for cert. filed*, 40 U.S.L.W. 3061 (U.S. June 2, 1971) (No. 70-229).

⁶⁶ The Department of Labor brought suit just before the waiver period expired. See *Hodgson v. District 5, UMW, CA. No. 71-701 (W.D. Pa., filed July 23, 1971).*

⁶⁷ See LMRDA §§ 301-06, 29 U.S.C. 461-66 (1964).

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ALEXANDER (at the request of Mr. BOGGS), for today, January 25, through Thursday, January 27, on account of family illness.

Mr. GAYDOS (at the request of Mr. BOGGS), for today on account of illness.

Mr. BARING (at the request of Mr. BURKE of Massachusetts), for Tuesday, January 25, and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TERRY) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. HALPERN, for 10 minutes, today.

Mr. POFF, for 5 minutes, today.

Mr. DON H. CLAUSEN, for 15 minutes, today.

Mr. YOUNG of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. MAZZOLI) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. MATSUNAGA, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. CHARLES H. WILSON, for 10 minutes, today.

Mr. MURPHY of New York, for 10 minutes, today.

Mr. LEGGETT, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 5 minutes, today.

Mr. FOUNTAIN, for 10 minutes, today.

Mr. JAMES V. STANTON, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FISHER and to include extraneous matter.

Mr. EDMONDSON in two instances and to include extraneous matter.

Mr. HALL and to include pertinent matter.

Mr. MAHON and to include extraneous matter and tables.

Mr. HOSMER and to include extraneous matter.

Mr. HECHLER of West Virginia in three instances.

Mr. RANDALL to extend his remarks prior to vote on the conference report.

Mr. MAHON, to revise and extend his remarks and include a letter from Admiral Rickover during his remarks on the Special Order taken by Mr. JONES of Alabama on the late Honorable GEORGE ANDREWS.

(The following Members (at the request of Mr. TERRY) and to include extraneous matter:)

Mr. SPRINGER.

Mr. WYDLER.

Mr. SCHWENGEL.

Mr. QUIE.

Mr. DEL CLAWSON in two instances.

Mr. ANDERSON of Illinois in two instances.

Mr. FREY.

Mr. SCHMITZ in four instances.

Mr. HALPERN in two instances.

Mr. SMITH of New York.

Mr. DERWINSKI in three instances.

Mr. ZWACH.

Mr. SHRIVER in two instances.

Mr. GOLDWATER.

Mrs. HECKLER of Massachusetts.

Mr. MCCLORY in three instances.

Mr. TEAGUE of California.

Mr. TERRY.

Mr. DELLENBACK.

Mr. REID.

Mr. MILLER of Ohio in four instances.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. GONZALEZ in three instances.

Mr. ROGERS in five instances.

Mr. HUNGATE in three instances.

Mr. RARICK.

Mr. ALEXANDER in six instances.

Mr. ROSTENKOWSKI in five instances.

Mr. EILBERG in two instances.

Mr. ANNUNZIO in three instances.

Mr. HAGAN in three instances.

Mr. MILLER of California in five instances.

Mr. WALDIE in six instances.

Mr. ST GERMAIN in two instances.

Mr. O'NEILL in five instances.

Mr. MONTGOMERY.

Mr. DOW.

Mr. DRINAN.

Mr. REUSS in six instances.

Mr. MATSUNAGA in five instances.

Mr. RANGEL.

Mr. HANNA in five instances.

Mr. PATTEN in two instances.

Mr. DULSKI in five instances.

Mr. PREYER of North Carolina.

Mr. FASCELL.

Mr. MAZZOLI.

Mr. ADDABBO in two instances.

Mr. BINGHAM in three instances.

Mr. UDALL in six instances.

Mr. BURKE of Massachusetts in two instances.

Mr. FULTON.

Mr. MCKAY.

Mr. FUQUA in three instances.

Mr. DELANEY in two instances.

Mr. BERGLAND.

Mr. BIAGGI in five instances.

Mr. RODINO.

Mr. SHIPLEY.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2819. An act to amend the Foreign Assistance Act of 1961, and for other purposes.

ADJOURNMENT

Mr. JONES of Alabama. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock p.m.) the House adjourned until tomorrow, Wednesday, January 26, 1972, 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:

1478. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports; to the Committee on Agriculture.

1479. A letter from the Secretary of the Air Force, transmitting a report on the progress of the Reserve Officer Training Corps flight training program for calendar year 1971, pursuant to 10 U.S.C. 2110(b); to the Committee on Armed Services.

1480. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval ves-

sels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; to the Committee on Armed Services.

1481. A letter from the Attorneys for the Georgetown Barge, Dock, Elevator, and Railway Company, transmitting the annual report of the company for calendar year 1971, pursuant to section 5 of the Act of September 26, 1888; to the Committee on the District of Columbia.

1482. A letter from the Deputy Assistant Secretary of Defense for Inter-American Affairs, transmitting a report on the implementation of section 507(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1483. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize appropriations for the saline water conversion program for fiscal year 1973 to delete section 6(d) of the Saline Water Conversion Act, and for other purposes; to the Committee on Interior and Insular Affairs.

1484. A letter from the Secretary of Commerce, transmitting his annual report for the fiscal year 1971, pursuant to 15 U.S.C. 1519; to the Committee on Interstate and Foreign Commerce.

1485. A letter from the Administrator, Environmental Protection Agency, transmitting a report on noise, pursuant to title IV of the Clean Air Amendments of 1970; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CELLER: Committee on the Judiciary. H.R. 6745. A bill to amend section 122 of title 28 of the United States Code to transfer certain counties of the central division of the judicial district of South Dakota; without amendment (Report No. 92-773). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H.R. 12488. A bill to change the name of the Columbia Lock and Dam, on the Chattahoochee River, Alabama, to the George W. Andrews Lock and Dam. With amendments (Report No. 92-774). 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. ANNUNZIO:

H.R. 12588. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BARING:

H.R. 12589. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM (for himself, Mr. BEGICH, Mr. HALPERN, Mr. HECHLER of West Virginia, Mr. PIKE, and Mr. RANGEL):

H.R. 12590. A bill directing the Federal

Communications Commission to investigate the rate base and structure of the American Telephone & Telegraph Co. and its subsidiaries; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER:

H.R. 12591. A bill to provide for the establishment of projects for the dental health of children, to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CURLIN:

H.R. 12592. 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 allowances 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. DICKINSON (for himself, Mr. BAKER, Mr. REES, Mrs. HANSEN of Washington, Mr. CARTER, Mr. CASEY of Texas, Mr. WILLIAMS, Mr. SHOUP, Mr. MATSUNAGA, Mr. BOLAND, Mr. HUNGATE, Mr. COLLIER, Mr. O'NEILL, Mr. DUNCAN, Mr. BROOKS, Mr. FULTON, Mr. FISHER, Mr. PATMAN, Mr. HANLEY, Mr. WINN, Mr. RHODES, Mr. HORTON, and Mr. YOUNG of Florida):

H.R. 12593. A bill to provide that the Columbia Lock and Dam located at Columbia, Ala., shall hereafter be known as the George W. Andrews Lock and Dam; to the Committee on Public Works.

By Mr. DULSKI:

H.R. 12594. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. EDMONDSON:

H.R. 12595. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. FREY (for himself, Mr. McCOLLISTER, Mr. SHOUP, and Mr. COLLINS of Texas):

H.R. 12596. A bill to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse; to the Committee on Interstate and Foreign Commerce.

By Mr. FREY:

H.R. 12597. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to permit sharing the cost of agriculture-related pollution prevention and abatement measures; to the Committee on Agriculture.

By Mr. GETTYS:

H.R. 12598. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN (for himself, Mrs. ABZUG, Mr. ADDABBO, Mr. ANDERSON of California, Mr. BADILLO, Mr. BIAGGI, Mr. BLATNIK, Mr. BOLAND, Mr. BRASCO, Mr. BURKE of Massachusetts, Mr. BURTON, Mrs. CHISHOLM, Mr. COLLINS of Illinois, Mr. CONTE, Mr. CONYERS, Mr. CORMAN, Mr. DELLENBACK, Mr. DIGGS, Mr. DONOHUE, Mr. DRINAN, Mr. DULSKI, Mrs. DWYER, Mr. EDWARDS of California, and Mr. FINDLEY):

H.R. 12599. A bill to promote the peaceful

resolution of international conflict, and for other purposes; to the Committee on Government Operations.

By Mr. HALPERN (for himself, Mr. FRASER, Mr. GRAY, Mr. HARRINGTON, Mr. HAWKINS, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. HORTON, Mr. JACOBS, Mr. KARTH, Mr. KOCH, Mr. MATSUNAGA, Mr. MCCLOSKEY, Mr. MIKVA, Mr. MOSS, Mr. NIX, Mr. PEPPER, Mr. PODELL, Mr. RANGEL, Mr. REES, Mr. REUSS, Mr. RIEGLE, and Mr. RODINO):

H.R. 12600. A bill to promote the peaceful resolution of international conflict, and for other purposes; to the Committee on Government Operations.

By Mr. HALPERN (for himself, Mr. ROSENTHAL, Mr. ROYBAL, Mr. RYAN, Mr. SCHEUER, Mr. SEIBERLING, Mr. STEELE, Mr. TEAGUE of Texas, Mr. VANIK, Mr. WALDIE, and Mr. CHARLES H. WILSON):

H.R. 12601. A bill to promote the peaceful resolution of international conflict, and for other purposes; to the Committee on Government Operations.

By Mr. HANLEY (for himself and Mr. MATSUNAGA):

H.R. 12602. A bill to amend title 5, United States Code, to improve the administration of the leave system for Federal employees; to the Committee on Post Office and Civil Service.

By Mr. HANSEN of Idaho:

H.R. 12603. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. HEBERT and Mr. ARENDS (by request):

H.R. 12604. A bill to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. HELSTOSKI (for himself, Mr. ALEXANDER, Mr. BEGICH, Mr. BROWN of Michigan, Mr. BUCHANAN, Mr. CAREY of New York, Mr. COLLIER, Mr. DAVIS of Georgia, Mr. DOW, Mr. DRINAN, Mr. EDWARDS of Louisiana, Mr. FLYNT, Mr. FORSYTHE, Mr. HALPERN, Mrs. HANSEN of Washington, Mr. HARRINGTON, Mr. HASTINGS, Mr. HICKS of Washington, Mr. HOSMER, Mr. KEITH, Mr. KEMP, Mrs. MINK, Mr. MITCHELL, Mr. MORSE, and Mr. PETTIS):

H.R. 12605. A bill to amend section 1905 of title 44 of the United States Code relating to depository libraries; to the Committee on House Administration.

By Mr. HELSTOSKI (for himself, Mr. PEYSER, Mr. PRICE of Illinois, Mr. RODINO, Mr. RYAN, Mr. ST GERMAIN, Mr. SAYLOR, Mr. STUCKEY, Mr. THOMSON of Wisconsin, Mr. TIERNAN, Mr. WAGGONER, Mr. WHALLEY, Mr. WHITEHURST, Mr. CHARLES H. WILSON, and Mr. WINN):

H.R. 12606. A bill to amend section 1905 of title 44 of the United States Code relating to depository libraries; to the Committee on House Administration.

By Mr. HELSTOSKI:

H.R. 12607. A bill to amend the Social Security Act to establish a national system of minimum retirement payments for all aged, blind, and disabled individuals; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 12608. A bill to amend the Social Security Act to provide for the payment (from the Old-Age and Survivors Insurance Trust Fund) of special allowances to help elderly low-income persons and families to meet their housing costs; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 12609. A bill to allow a credit against Federal income tax or payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 62; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 12610. A bill to amend the Social Security Act so as to add thereto a new title XX under which aged individuals will be assured a minimum annual income of \$3,500 in the case of single individuals, and \$5,000 in the case of married couples; to the Committee on Ways and Means.

By Mrs. HICKS of Massachusetts:

H.R. 12611. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for tuition expenses incurred in providing private non-profit elementary and secondary education; to the Committee on Ways and Means.

By Mrs. HICKS of Massachusetts:

H.R. 12612. A bill to amend title II of the Social Security Act to permit an individual to receive a wife's, husband's, widow's, widower's, or mother's insurance benefit simultaneously with an old-age or disability insurance benefit; to the Committee on Ways and Means.

By Mr. HUTCHINSON:

H.R. 12613. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses, to the Committee on Interstate and Foreign Commerce.

By Mr. JARMAN:

H.R. 12614. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. JARMAN:

H.R. 12615. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. LONG of Maryland:

H.R. 12616. A bill to change the name of the Columbia Lock and Dam, on the Chattahoochee River, Ala., to the George W. Andrews Lock and Dam; to the Committee on Public Works.

By Mr. MONTGOMERY:

H.R. 12617. A bill to amend sections 3914 and 3914 of title 10, United States Code, to permit retired enlisted members of the Regular Army and Regular Air Force to become members of the Army National Guard of the United States or of the Air National Guard of the United States, and for other purposes; to the Committee on Armed Services.

By Mr. MURPHY of New York:

H.R. 12618. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act to Vest Primary Law Enforcement Jurisdiction in the Attorney General; to the Committee on Interstate and Foreign Commerce.

By Mr. O'NEILL:

H.R. 12619. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

By Mr. PASSMAN:

H.R. 12620. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be

deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. O'NEILL, Mr. BARING, Mr. CHAPPELL, and Mr. YOUNG of Florida):

H.R. 12621. A bill to promote research and development of drugs or chemical compounds for use in the cure, prevention, or treatment of heroin addiction; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN:

H.R. 12622. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and widows, subject to \$3,000 and \$4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RIEGLE (for himself, Mr. ABOW-REZK, Mrs. ABZUG, Mr. ALEXANDER, Mr. ANDERSON of Tennessee, Mr. ASHLEY, Mr. BEGICH, Mr. BUCHANAN, Mr. DEL- LUMS, Mr. DENT, Mr. FORSYTHE, Mr. FULTON, Mr. GARMATZ, Mrs. GRASSO, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. KLU- CZYNSKI, Mr. LINK, Mr. McDONALD of Michigan, Mr. McCLOSKEY, Mr. MIKVA, Mr. MITCHELL, Mr. RANGEL, and Mr. ROONEY of Pennsylvania):

H.R. 12623. A bill to promote development and expansion of community schools throughout the United States; to the Committee on Education and Labor.

By Mr. RODINO:

H.R. 12624. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI (for himself, Mr. LANDRUM, Mr. COLLIER, and Mr. BROYHILL of Virginia):

H.R. 12625. A bill to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes; to the Committee on Ways and Means.

By Mr. RYAN (for himself and Mrs. ABZUG):

H.R. 12626. A bill to authorize the Federal Communications Commission to investigate the American Telephone & Telegraph Co. and its subsidiaries; to the Committee on Interstate and Foreign Commerce.

By Mr. SLACK:

H.R. 12627. A bill to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes; to the Committee on Education and Labor.

By Mr. JAMES V. STANTON (for himself, Mr. SEIBERLING, Mr. ASPIN, Mr. CLARK, Mr. COLLINS of Illinois, Mr. CORMAN, Mr. EILBERG, Mr. FRASER, Mr. GIBBONS, Mrs. GRASSO, Mr. HAL- PERN, Mr. HELSTOSKI, Mr. MAZZOLI, Mr. METCALFE, Mr. MIKVA, Mr. MITCHELL, Mr. MORSE, Mr. MURPHY of Illinois, Mr. RANGEL, Mr. ROY, Mr. SANDMAN, Mr. SYMINGTON, and Mr. VANIK):

H.R. 12628. A bill to provide for greater and more efficient Federal financial assistance to certain large cities with a high incidence of crime, and for other purposes; to the Committee on the Judiciary.

By Mr. JAMES V. STANTON (for himself, Mr. ANDERSON of Tennessee, Mr. BURTON, Mr. CLARK, Mr. COLLIER, Mr. FLOOD, Mr. FLOWERS, Mr. GARMATZ, Mr. GIBBONS, Mr. HALPERN, Mr. HECHLER of West Virginia, Mr. HEL- STOSKI, Mr. JONES of North Carolina, Mr. KEMP, Mr. METCALFE, Mr. MIZELL, Mr. PEPPER, Mr. RANGEL, Mr. ROY, Mr. SARBANES, Mr. STEIGER of Arizona, Mr. STRATTON, and Mr. VANIK):

H.R. 12629. A bill to provide death benefits to survivors of certain public safety and law enforcement personnel, and public offi-

cials concerned with the administration of criminal justice and corrections, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDLER:

H.R. 12630. A bill to amend the Internal Revenue Code of 1954 to allow deduction for income tax purposes of expenses incurred by an individual for transportation to and from work; to the Committee on Ways and Means.

By Mr. BEGICH:

H.R. 12631. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DANIELSON:

H.R. 12632. A bill to amend chapter 7, title 5, United States Code, with respect to procedure for judicial review of certain administrative agency action, and for other purposes; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 12633. A bill to prohibit the importation into the United States of live venomous reptiles; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 12634. A bill to promote public confidence in the legislative, executive, and judicial branches of the Government of the United States; to the Committee on the Judiciary.

By Mr. HOSMER:

H.R. 12635. A bill to modify the project at Anaheim Bay Harbor, Calif., as it relates to local share maintenance costs; to the Committee on Public Works.

By Mr. RANDALL (for himself, Mr. ICHORD, Mr. HUNGATE, Mr. BURLISON of Missouri, and Mr. JOHNSON of California):

H.R. 12636. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and widows, subject to \$3,000 and \$4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ULLMAN (for himself, Mr. DELLENBACK, and Mr. WYATT):

H.R. 12637. A bill to authorize the Secretary of Agriculture to reimburse cooperators for work performed which benefits Forest Service programs; to the Committee on Agriculture.

By Mr. ADDABBO:

H.J. Res. 1024. Resolution authorizing the President to declare the week beginning May 7, 1972, as "Catholic War Veterans Week"; to the Committee on the Judiciary.

By Mr. DELLENBACK (for himself, Mr. ASHBROOK, Mr. GERALD R. FORD, Mr. QUIE, Mr. ERLBNBORN, Mr. ESCH, Mr. ESHLEMAN, Mr. LANDGREBE, Mr. HANSEN of Idaho, Mr. FORSYTHE, Mr. VEYSEY, and Mr. HOSMER):

H.J. Res. 1025. Resolution to provide a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain shippers and associated employers and certain employees; to the Committee on Education and Labor.

By Mr. DULSKI:

H.J. Res. 1026. Resolution requesting the President to issue a proclamation designating February 19, 1973, as "Nicolaus Copernicus Day" marking the quinquacentennial of his birth; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts:

H.J. Res. 1027. Resolution to amend title 5 of the United States Code to change the date of Memorial Day to May 30; to the Committee on the Judiciary.

By Mr. ROYBAL:

H. Con. Res. 505. Resolution to relieve the suppression of Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. WYMAN:

H. Res. 775. Resolution amending the Rules of the House of Representatives to expedite the enactment of general appropriation measures, to facilitate the making of appro-

priations for subsequent fiscal years, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 12638. A bill for the relief of Sgt. Gary L. Rivers, U.S. Marine Corps, retired; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 12639. A bill for the relief of Joyce Learmond Ramsey; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

COMMENDATION FOR EDICT

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. HANNA. Mr. Speaker, I wish to take this opportunity to share with my colleagues in the House a most revealing article from the Long Beach Press Telegram's Southland Sunday magazine. The article appeared on December 19, 1971, and describes in some detail the activities of a group of former aerospace scientists and engineers who are dedicating their training and talents to the cause of a clean environment.

Many have spoken of the need to transfer our scientific emphasis from space flight to pollution control. These men in EDICT are doing it. I have been in close touch with EDICT since its inception and I can vouch for the value of the program.

I hope that my colleagues, after reading this article, will not only applaud EDICT's efforts but will work with me in finding ways to assist them:

MOON SHOT MANAGERS WITH A PLAN FOR EARTH

(By Don Roberge)

During one sweltering week in August:

Two young scuba divers prowled the ocean floor off the Huntington Beach sewer outfall, meticulously recording the marine life within a 10-meter grid of white ropes.

A millionaire Orange County land developer and a scientist urged fish cannery and government officials to convert an old Navy ship into a sewage reclamation plant in Los Angeles harbor, the heart of the plan being a system the scientist invented for converting astronauts' sewage into drinking water.

An earnest, bespectacled corporation management specialist pleaded with congressmen for a program to convert defense and space industry skills into new kinds of treatment for the social sores that fester in virtually every American community.

These busy people with the diverse backgrounds have one trait in common: their willingness to labor unpaid for EDICT, probably the most imaginative ecology organization in the United States.

EDICT, with 3,000 members in 12 states, was founded only a year ago in Huntington Beach by aerospace engineers and scientists who believe the technical and management brilliance that put man on the moon can clean up the nation's air and water in a decade. They are determined to make it happen.

The name, chosen with the aerospace penchant for jaw-breaking acronyms, stands for Ecology Development, Implementation and Commitment Team.

Unlike most ecology groups, EDICT doesn't rely on petitions, demonstrations and lobbying. It seeks technical solutions to environmental problems. In short, EDICT's business

is proposing not *opposing*. The atmosphere in the organization's national headquarters, a farmhouse on the Golden West College campus, fairly crackles with the kind of way-out, think-tank ideas that have solved America's knottiest technical problems.

When it was organized in October 1970, EDICT reasoned that the pollution problem is so vast that only the people who put men on the moon and devised the world's most deadly ballistic missile arsenal have ever encountered anything approaching such magnitude and complexity. The aerospace industry has the know-how, and thousands of its skilled people are unemployed—a vast reservoir of experience and ingenuity lying idle while the nation moves ever closer to perishing in its own wastes.

EDICT's answers are based on traditional aerospace thinking. Congress should appropriate \$100 million immediately for a definition of the whole pollution problem. After a competition among the nation's high technology companies, three firms would be selected to share the \$100 million. After a year of defining the problem and identifying the myriad tasks necessary for its solution, the nation would be ready for a \$100 billion, 10-year effort to conquer pollution. But some government agency, preferably the National Aeronautics and Space Agency, would have to carry the initial proposal to Congress.

EDICT's men ran head-on into a caliber of resistance they hadn't encountered since the sonic barrier was broken. NASA's eyes were on the moon, Mars and the space shuttle. The priorities and the budgets were already established, and spaceship Earth would have to wait. The answer was a flat NO. EDICT's president, Charles L. Stone of Huntington Beach, then took the idea to the new Environmental Protection Agency. EPA said it lacked the charter to sponsor such a vast technical program, but would be interested in EDICT's ideas for smaller environmental projects—a piecemeal approach contrary to EDICT's plan.

Sympathetic government officials privately advised Stone his volunteers would have to carry the fight to Congress without any federal help. He went back to Huntington Beach to pick up the pieces of EDICT's dream, take stock of the bitter lessons it had learned and start over.

Bitter Lesson Number One: what EDICT had to offer was brains and a plan, but the plan would have to wait. There would be no massive, coordinated environmental program until Congress was ready to appropriate the money, and Congress would not move until there was a clear-cut national commitment. Until then, EDICT's job would be to survive and to demonstrate that its methods would work. The crucial item would be survival, and that would mean money to pay its operating expenses and to keep hammering its message at government.

The answer: hire out EDICT's brains; go after the bits and pieces of money that had been appropriated on every level of government and donated by private foundations in the nation's aimless search for a cleaner environment.

Bitter Lesson Number Two: government agencies have their own vested interests and can't be relied on to light for a program like EDICT's until the bandwagon starts rolling.

"Besides," Stone observed, "some of the biggest polluters are government facilities."

EDICT's answer: government should form a nonprofit corporation to oversee the environmental program. It could be modeled after the new postal service or the Aerospace Corporation that was formed to oversee Air Force technology. The main difference would be that the ecology corporations' goal would be to work itself out of a job by solving the problems that led to its creation.

EDICT went into action. It formed proposal teams to go after think-tank business and established itself as a nonprofit corporation.

The organization's ideas caught hold among aerospace industry personnel and spread from a nucleus in the North American Rockwell space division plants in Downey and Seal Beach and the McDonnell Douglas Astronautics Co. in Huntington Beach.

EDICT teams began to pop up in places where local governments and industry were wrestling with pollution problems such as disposal of fish cannery wastes on Terminal Island, accurate assessment of sewer outfall effects on marine life and better and less costly sewage treatment. Unencumbered by traditional approaches and trained to look beyond the obvious, the teams came up with unorthodox ideas that first jolted, then intrigued civil engineers and local officials, who invited them to submit proposals that could lead to hard cash for engineering studies. EPA, the National Science Foundation and others began to listen. Congressmen and state legislators became aware of EDICT.

Then, while EDICT was taking aim at these small targets, the big one loomed. Rep. Robert N. Gaiuso, D-Conn., authored H.R. 34, the Conversion Research and Education Act of 1971, and a subcommittee of the House Committee on Science and Astronautics scheduled hearings. Sen. Edward M. Kennedy introduced a similar bill, S32, in the Senate.

The House measure calls for unemployed aerospace scientists and engineers to spend \$185 million over three years to find ways to use defense and space technology against pollution, unemployment, drug abuse, crime and substandard housing and education.

Although the conversion studies would involve many problems besides pollution, Stone believes this is right in line with the systems approach that the aerospace industry pioneered. "All elements of the environment must work in harmony, therefore it's a systems problem," he said. "Air and water pollution are only symptoms of underlying social and political problems."

This is the heart of EDICT's approach—treating everything as a system with inter-related parts. Systems engineering defines all aspects of a massive project and coordinates all the plans that bring designs, manpower, materials, equipment and data together from thousands of sources—on time, in the proper order and ready to fit together. Without it, man would never have reached the moon. And EDICT believes it is the key to cleaning up the environment.

One of EDICT's most active recruits is Bruce Swartout, wealthy Capistrano Valley land developer. Swartout is convinced future growth will be stymied unless Southern California can find new solutions for its water