

EXTENSIONS OF REMARKS

NO AMNESTY FOR DRAFT DODGERS

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 27, 1972

Mr. SCHWEIKER. Mr. President, I was recently invited by the American Legion magazine to submit a statement on the question "Should Congress Grant Amnesty to Draft Dodgers?" I am opposed to amnesty to draft dodgers. I ask unanimous consent that my statement, which appeared in the April 1972 edition of the American Legion magazine, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

OPPOSING VIEWS BY CONGRESSMEN ON THE QUESTION: SHOULD CONGRESS GRANT AMNESTY TO DRAFT DODGERS? "No"

I am opposed to legislation by the Congress to grant amnesty to draft dodgers.

Since 1965, more than 2.5 million men have served our country in Vietnam. Undoubtedly many of these men did not wish to go. But they accepted their responsibilities. To grant amnesty to those who did not accept these responsibilities would be an injustice to the sacrifices made by those many who did, and their families.

More than 55,000 of these men lost their lives serving our nation in Vietnam. How can we answer to their memory, and to their surviving loved ones and friends, and explain their personal sacrifices if we retroactively exempt from the law those who refused service, and thereby violated existing law?

The war is winding down. But thousands of American troops still remain. How can we grant amnesty when the war is still going on, when thousands of young Americans are still risking their lives, and when additional young men are currently subject to the draft and to service this year in Vietnam?

Our system of representative democracy could not exist if we accepted selective obedience to our laws, or did not enforce all our laws. We enjoy many benefits of a free society, including the privileges of influencing public policy through public debate. But we must also bear the burdens of a free society by obeying our laws, paying our taxes and honoring all the collective restraints that enable each individual to be free. I fear the precedent for the future that Congress would set if we were to begin to permit individuals or groups to decide for themselves which laws they could obey, and which they could ignore or violate.

Traditionally, individuals who have felt obliged to make their views known by breaking the law in an act of "civil disobedience" have also been prepared to take full responsibility for their act. For whatever reasons they have felt compelled to knowingly break the law, they have also recognized the duty of the government to enforce that law, and have accepted the punitive consequences of such action. I think this principle should apply equally well here.

I feel certain that the vast majority of the American people are opposed to amnesty, and would not want their elected representatives to enact such laws.

Proponents of amnesty cite it as a "healing" step in a country emotionally divided over the Vietnam War. To the contrary, I

fear that granting amnesty would prompt further divisiveness and resentment among the vast majority of our citizens, including those who accepted their responsibilities, and whose lives have been affected by it.

MR. ISTVAN B. GEREKEN SPEAKS TO HUNGARIAN FREEDOM FIGHTERS FEDERATION U.S.A.

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. HOGAN. Mr. Speaker, Mr. Istvan B. Gerekben, chairman of the Hungarian Freedom Fighters Federation U.S.A., recently delivered a speech before a joint meeting of the executive committees of the Washington and Baltimore chapters of the federation.

In that speech, drawing on the cruel and bitter lesson he and his fellow Hungarian-Americans learned at the hands of the Communists, he stressed the importance of negotiating with communism's leaders only from a position of strength.

I now insert his speech into the RECORD:

SPEECH OF ISTVAN B. GEREKEN

Fifty-four years ago, on January 8, 1918, President Wilson delivered his famed "Fourteen Points" speech which instantly became the single great manifesto of World War I. It was western democracy's answer in its first full-dress debate with international communism.

It raised a standard to which men of good will in all nations could rally. Wilson hoped that the Fourteen Points Address would lead to conversation with the powers at war concerning the conclusion of peace. Forces beyond his control prevented complete vindication of the Points. The Armistice Agreement of November 11, 1918, was made upon the bases of Wilson's Fourteen Points. The Peace Treaty of Versailles violated every one of the principles expressed by Wilson and the Allied press repudiated his proposal. Senator Lodge blocked U.S. entry in the League of Nations.

It was a series of secret agreements between the participants of the Peace Conference which prevented every attempt at peace on the basis of self-determination.

The man who waged the war to end all war was a good man. He was a man who deeply believed in peace. Woodrow Wilson helped make the world safe for idealism.

He set an example to our present President who said on February 18, 1971 that: "By following that example, by not fearing to be idealists ourselves, we shall make the world safe for free men to live in peace."

We Hungarian-Americans—whose roots are in the Carpathian Basin, which suffered the most from the Peace Treaty which torpedoed the loudly and continuously professed principle of self-determination and sunk it to the position of a rather stale joke—are keenly aware of the dangers posed by being an idealist. We hope that our President, who does not fear to be an idealist, will make the world safe for free men to live in peace. We hope that he will achieve his goal for all men by creating an atmosphere which will allow all men to be free; we hope that he will succeed in what Presi-

dent Wilson failed: the practical implementation of the principle of self-determination for all nations, weak and strong.

We sense a grain of humility when the President presents himself as pure idealist. We know better. His three Foreign Policy Reports to the Congress reveal that he is a realist inspired by high ideals, a practical policy maker, a staunch negotiator who represents freedom's interests in a series of negotiations with enemies of everything we cherish. Survival, peace are his announced goals. We wish him well, hope and pray for his success.

As one American with strong ties to people suffering under totalitarian oppression I must express some concern over the implementation of the philosophical convictions upon which this Administration is proceeding to reshape American policies to the requirements of the new realities.

The President in his Address to the United Nations: General Assembly on September 18, 1969 said:

"It is not my belief that the way to peace is by giving up our friends or letting down our allies."

The unfortunate wording of the Shanghai communique, jointly signed by Prime Minister Chou En-lai and the President, seems to contradict this statement. More clarification and explanation is needed to calm the concern of our citizens with Hungarian background. For us the President's virtual disavowal of a solemn American treaty obligation seems unprofitable and potentially dangerous.

The opening policy to China was welcomed in our circles with understanding of its necessity.

The method chosen for the execution of that policy, however, was not necessarily approved by all of us.

The choice of China itself as the place of the meeting was—in the opinion of many of us—a generous gesture towards a government which labeled us as "imperialist dogs" for too many years and continuing to do so even after the summit. The attendance of a "ballet"—with an obvious and degrading reference to the head of an allied state—by the President and Mrs. Nixon is rated by us as tasteless diplomacy.

In general the chance—provided by the ending of a sterile and barren relationship between Communist China and the United States—to cause alarm and discomfort in the Kremlin is received among us with cautious hope. The price—Taiwan—we paid for this hope is high. We react to the Shanghai communique with the same nervousness that we felt after Britain's Prime Minister Neville Chamberlain—sacrificing Czechoslovakia on the altar of appeasement of tyranny—returned from Munich with the proud announcement of his "peace in our time" deal with Chancellor Adolph Hitler of Nazi Germany. Whether the meaningful results from the visit of the U.S. entourage to Peking will justify our hope or our nervousness still remain to be seen.

The initial step to replace bipolarism in world politics with more differentiated, triangular or quadrilateral relations will bring its results, good or bad, to a tired, apathetic world.

We are in near agreement on the President's Vietnam policy. Most Americans, among them the nationalities, are convinced of the soundness of the Vietnamization Program.

We sincerely hope that the Viet-Cong offensive presently in progress will be successfully stopped by the forces of South Vietnam. It must be observed that most of the heavy weapons used in this offensive were

supplied by the Soviet Union, which is trying to project the image of peacemaker, champion of virtue. This is the Soviet Union which will be visited by our President in search for peace, a generation of peace. In the light of this action of the Soviet Union, can we be as optimistic as seemingly our President is, about the future of our world?

We joyfully notice the presidential statements assuring us that Vietnam will not be forced into a settlement contrary to the interests of the self-governing, self-sufficient, self-respecting people of South Vietnam.

I do not have the audacity to comment on our policy towards Latin America. The problems of that continent are not very well known to me.

One observation, however, seems appropriate: Our friends on the South deserve more attention, more understanding and a more vigorous effort to bring them into the material wealth that the Western Nations so fortunately possess.

In a little more than one month the President will visit Moscow. As in the case of his recent visit to the Peoples' Republic of China, Mr. Nixon's trip is part of his Administration's steady effort to achieve his main foreign policy goal: a generation of peace. We are, we were at war with the Soviet Union. We wage a cold war against each other. This war is still on more than one front. We want an end to this cold war. We want to change the era of confrontations to the era of negotiations. The good will on the part of the United States has been repeatedly expressed.

It is the dictate of the circumstances of the world struggle that the Soviet Union will not undertake anything which would mean either total war or total peace. The Soviets could not accept total war. If it were nuclear, the risk would be too high. If it were not nuclear, Russia's cumbersome and oppressive regime would probably collapse, and the satellite nations would rise as one man against its tyranny. But a general peace would also be undesirable; it would mean the loss of the red flag of revolution. The navigators who are determining the course of the World must keep this in mind when sailing in the shallow waters of negotiation.

Now on the eve of Mr. Nixon's journey to the Kremlin may we quote from the two most successful leaders of Communism, Lenin and Stalin. Lenin said: "In war/cold or hot/never tie your hands with considerations of formality. It is ridiculous not to know the history of war, not to know that a treaty is the means of gaining strength." And Stalin wrote: "A diplomat's words must have no relation to action—otherwise what kind of diplomacy is it? Words are one thing, actions another. Good words are a mask for the concealment of bad deeds. Sincere diplomacy is no more possible than dry — or iron wood."

According to these axioms, the masters and their pupils used international agreements and treaties as a particularly effective weapon in the Communist arsenal of strategic and tactical maneuvers to get and keep us off balance, to exploit our weaknesses.

We recall the statement of Leonard Shapiro, dean of Soviet Studies in Great Britain, given to the Subcommittee on National Security and International Operations of the Senate Government Operations Committee: "Soviet policy is unrelentingly dynamic. It is not directed toward achieving equilibrium or balance of forces, or peace, or collective security... Its ultimate aim is victory, which means communist rule on a world scale. However unrealistic this aim may seem, it is the case that it has been thoroughly inculcated into the minds of all Soviet leaders from Lenin onwards for over 50 years."

From the President's determination to go to the Kremlin summit meeting with Mr. Brezhnev, we conclude that he is convinced either that the Russians changed to honor the written word, gave up their aim, or that he can outmaneuver them. We hope that one of the possibilities is a reality.

It is comforting to us that many statements have been made in regard to American commitments to the defence of common interests with the free half of Europe. Americans of Polish, Czech, Slovak, Hungarian, Rumanian, Bulgarian and German origin were pleased to hear the repeated repudiation of the Brezhnev Doctrine by the President and Secretary Rogers.

The American view of the proposed Conference on European Security, as expressed by the speeches of Undersecretary Johnson (Feb. 19, 1971) and Secretary Rogers (Dec. 1, Dec. 8, 1971; and January 4, February 24, 1972) cannot be faulted by anyone who knows the area, the problems and intentions of the participants and the realistic possibilities.

A joint memorandum of the American Hungarian Federation, the Hungarian Freedom Fighters Federation U.S.A. and the Federation of Free Hungarian Jurists, which was submitted to the President, Members of Congress and Secretary Rogers in 1969, describes one approach—an approach favored by us—detailing the proposed solution to the problems which must be addressed by a Conference on European Security if it convenes. In general we object to a Conference which results in a degraded role of America in the Atlantic Community, a guarantee of the post-war status quo in Europe and which does not endorse the principle of self-determination and does not assure the sovereignty of the participants and of all those who are affected by the results of the Conference.

A major issue among ethnic Americans is the controversy surrounding Radio Liberty and Radio Free Europe. We know that Senator Fulbright is the key to solve the problem. We, however, respectfully request the Administration and the Congress to do whatever is possible to maintain these radios. We— if anyone—know the multiplicity of problems facing the managers and operators of these stations and other establishments of Free Europe Inc. Based on the reports prepared by the Library of Congress for Mr. Fulbright, we are convinced that the functions performed by these stations are essential and especially useful at the present time when America must keep all of the options at its disposal open to succeed in the series of negotiations with Russia and the Iron Curtain Countries to which Radio Liberty and Radio Free Europe beam the voice of freedom.

I must express our concern caused by the increasing efforts of the Communist Hungarian Government in the United States in order to discredit American-Hungarians prominent in public life and infiltrate Hungarian churches, associations and other cultural, educational and political organizations.

The arrival of the new ambassador, Dr. Karoly Szabo, signaled a new and aggravated offensive against those who oppose the policies and methods of Mr. Kadar's regime.

Our open and free society provides the Communist diplomats with opportunities unimaginable under their own system. The opening of two consulates, in New York and in Cleveland, will greatly enhance the successful operation of the well-trained and highly skilled propagandists and agents of the Hungarian regime, still kept in power by Soviet bayonets.

The stand taken by the President on the issue of the Holy Crown of Saint Stephen is very much appreciated. According to State

Department sources the recently published reports speculating about the possibility of the Crown's return to the Communist Hungarian Government are erroneous. The President's letter to Cardinal Mindszenty, stating that there are no plans for the release of the Crown from U.S. custody and a State Department announcement declaring that the United States has conducted no negotiations with the Government of Hungary on the subject of return of the Crown and is not preparing to conduct such negotiations are received with much relief. We hope that the coming months will not change the determination of our President in this matter.

We also have to express our appreciation for the President's personal greetings sent to Cardinal Mindszenty on the occasion of his 80th birthday. The telegram is interpreted by us as repudiation of rumors about ill feelings between the Cardinal and the United States government. The President's kind and friendly words mean concern for, and recognition of a former guest of America and the Primate of Hungary.

Security and detente are said to be the two pillars of the common policy of the NATO countries. These two pillars are of equal importance and rank. It would be unwise to pursue a policy of detente without security and also vice versa: a security policy without the will for detente would amount to nothing else but continuation of the cold war.

Security is provided by strength, military, spiritual, moral. But above all it requires strength of will to be strong! We want to be strong! We want the United States to be strong! We want our President to be strong! We want him to explore all avenues of peace. We want him to be an idealist, the Wilson of the 1970's without allowing secret diplomacy to destroy principles and instead of solving, creating problems. We know he wants an end to confrontations, he works for detente. But we do not want him to be the Chamberlain of the 1970's. We do not want him to appease! We want him to remain the President who said: "We must be more resourceful than ever in the pursuit of peace, and at the same time more determined than ever in the maintenance of our defense. For even as many things are changing in the world of the 1970's, one fact remains: American strength is the keystone in the structure of peace. . . . The strength that commands respect is the only foundation on which peace among nations can ever be built."

CAREERS FOR THE 1970'S

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Thursday, April 27, 1972

Mr. GRIFFIN. Mr. President, every 2 years the Department of Labor publishes a comprehensive occupational outlook handbook which is widely used by counselors and educators who help young people in selecting courses of study and careers.

The 1972-73 edition of the handbook is now available.

I ask unanimous consent that a summary of the handbook, entitled "Occupational Outlook Handbook in Brief," be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

OCCUPATIONAL OUTLOOK HANDBOOK IN BRIEF—1972-73 EDITION

PROFESSIONAL AND RELATED OCCUPATIONS				Estimated employment 1970			Average annual openings to 1980 ¹	Employment prospects ²	
BUSINESS ADMINISTRATION AND RELATED PROFESSIONS				Occupation					
Occupation	Estimated employment 1970	Average annual openings to 1980 ¹	Employment prospects ²						
Accountants.....	491,000	31,200	Excellent opportunities. Strong demand for college trained applicants. Graduates of business and other schools offering accounting should have good prospects.	Biomedical engineers..	3,000	120	Excellent prospects for those who have graduate degrees. Increased research and development expenditures will create new jobs in areas such as prosthetics, cybernetics, instrumentation systems, computer usage, and environmental pollution.		
Advertising workers..	141,000	5,400	Slow growth. Opportunities will be good, however, for highly qualified applicants, especially in advertising agencies.	Ceramic engineers....	10,000	500	Rapid increase in requirements due to growing use of ceramic materials, nuclear energy programs and electronics as well as in consumer and industrial uses.		
Marketing research workers.	23,000	2,600	Excellent opportunities especially for those who have graduate degrees. Existing marketing research organizations are expected to expand and new research departments and independent firms set up.	Chemical engineers...	50,000	1,700	Moderate growth from expansion of the chemical industry and large expenditures for research and development. Opportunities also will arise in new areas of work such as environmental control.		
Personnel workers...	160,000	9,100	Favorable outlook, especially for college graduates with training in personnel administration. More workers will be needed for recruiting, interviewing, and psychological testing.	Civil engineers.....	185,000	10,000	Expanding opportunities from growing needs for housing, industrial buildings, and highway transportation systems. Urban environmental problems such as air pollution also should require additional civil engineers.		
Public relations workers.	75,000	4,400	Rapid increase due to population growth and rise in level of business activity. An increasing amount of funds will be allocated to public relations work.	Electrical engineers...	235,000	12,200	Very rapid growth related to demand for electrical equipment to automate and mechanize production processes, especially for items such as computers and numerical controls for machine tools, and for electrical and electronic consumer goods.		
CLERGYMEN				Industrial engineers..	125,000	8,000	Very rapid growth in employment resulting from the increasing complexity of industrial operations, expansion of automated processes, and continued growth of industries.		
Protestant ministers..	295,000	9,700	Competition keen in some denominations. Many clergymen will find work in social work, education, and as chaplains with the Armed Forces.	Mechanical engineers..	220,000	10,100	Rapid employment growth due to demand for industrial machinery and machine tools and increasing technological complexity of industrial machinery and processes.		
Rabbis.....	6,500	300	Number of rabbis probably will be inadequate. Growth in Jewish religious affiliation and in the number of synagogues, along with demand for rabbis to work with social welfare and other Jewish affiliated organizations, should continue.	Metallurgical engineers	10,000	500	Rapid increase in number of workers needed by the metalworking industries to develop metals and new alloys as well as adapt current ones to new needs, and to solve metallurgical problems in the efficient use of nuclear energy.		
Roman Catholic priests.	60,000	2,200	Growing number needed. Number of priests ordained insufficient to meet the needs of newly established parishes, expanding colleges, and growth of the Catholic population.	Mining engineers.....	5,000	100	Favorable opportunities through the 1970's. The number of new graduates in mining engineering entering the industry may be fewer than the number needed to replace those who retire or die.		
CONSERVATION OCCUPATIONS				HEALTH SERVICE OCCUPATIONS					
Foresters.....	22,000	1,000	Number of forestry graduates may more than meet demand. Private owners of timberland and forest products industries should employ increasing number of foresters. Demand in the Federal Government is expected to remain stable.	Chiropractors.....	16,000	900	Favorable outlook although only a small growth in demand is expected. Anticipated number of new graduates will be inadequate to fill openings.		
Forestry aides.....	11,000	1,300	Favorable opportunities, especially for those who have post-high school training in forestry. The number of aides required by forest products industries and the Federal Government is expected to increase.	Dental assistants.....	91,000	9,200	Excellent opportunities, especially for graduates of academic programs.		
Range managers.....	3,600	60	Declining employment opportunities in the Federal Government because scientific and technical duties will be done increasingly by natural scientists. The decline will be somewhat offset by increasing employment opportunities in the private sector.	Dental laboratory technicians.	33,500	2,900	Very good outlook for well-qualified technicians and trainees. Best opportunities for salaried positions in commercial laboratories and the Federal Government.		
COUNSELING OCCUPATIONS				Dental hygienists.....	16,000	3,100	Supply will continue to be inadequate to meet demands of the growing population. Very good opportunities both for full-time and part-time workers.		
Employment counselors.	8,000	1,100	Excellent opportunities for those who have master's degrees or experience in the field. Graduates with bachelor's degrees and 15 hours of counseling-related courses will find favorable opportunities in State and local employment.	Dentists.....	103,000	5,400	Very good opportunities. Limited capacity of dental schools will restrict supply of new graduates.		
Rehabilitation counselors.	13,000	1,600	Shortage occupation. Excellent opportunities for those who have graduate work in rehabilitation counseling or in related fields.	Dietitians.....	30,000	2,300	Very good opportunities for both full-time and part-time workers due to expanding programs in hospital and nursing facilities and in other institutions.		
School counselors....	54,000	5,200	Very rapid employment increase, reflecting continued growth of counseling services and some increase in secondary school enrollments.	Electrocardiographic technicians.	9,500	1,600	Excellent opportunities due to increased reliance by physicians upon electrocardiograms in diagnosing heart disease and upon electrocardiographs in monitoring patients under intensive care.		
ENGINEERING OCCUPATIONS				Electroencephalographic technicians.	3,000	950	Excellent opportunities as EEG's are used more to diagnose brain diseases and to monitor brain activity.		
(Estimated employment, 1970=1,100,000; average annual openings to 1980 ¹ =58,000)				Hospital administrators.	17,000	1,000	Very good opportunities for those who have master's degrees in hospital administration. Applicants without graduate training will find it increasingly difficult to enter this field.		
Aerospace engineers..	65,000	1,500	Long-run outlook favorable but employment opportunities fluctuate periodically. Currently, openings may fall short of the number seeking employment.	Medical assistants....	175,000	20,000	Excellent opportunities, especially for graduates of 2-year junior college programs. The shortage of physicians, the increasing complexity of medical practice, and the growing volume of paperwork will add to demand.		
Agricultural engineers.	13,000	600	Rapid increase due to the growing mechanization of farm operations, increasing emphasis on conservation of resources, and the broadening use of agricultural products and wastes as industrial raw materials.	Inhalation therapists..	10,000	2,100	Excellent opportunities related to the greater demand for health services. The benefits derived from releasing nurses and kindred personnel to perform their primary duties should also increase demand.		
				Medical laboratory workers.	110,000	13,500	Excellent opportunities for new graduates with bachelor's degrees in medical technology. Demand will be particularly strong for those who have graduate training in biochemistry, microbiology, immunology, and virology.		

Footnotes at end of table.

OCCUPATIONAL OUTLOOK HANDBOOK IN BRIEF—1972-73 EDITION—Continued

HEALTH SERVICE OCCUPATIONS—Continued				Occupation	Estimated employment 1970	Average annual openings to 1980 ¹	Employment prospects ²
Occupation	Estimated employment 1970	Average annual openings to 1980 ¹	Employment prospects ²				
Medical record librarians.	13,000	1,500	Excellent opportunities for graduates of approved medical record librarian programs.	Meteorologists.....	4,400	200	Favorable outlook. Space-age activities contribute to demand. Those who have advanced degrees will be in special demand to conduct research, teach in colleges and universities, and engage in management and consulting work.
Occupational therapists.	7,500	1,150	Excellent opportunities. Demand is expected to exceed supply as interest in the rehabilitation of disabled persons and the success of established occupational therapy programs increases.	Oceanographers.....	5,400	300	Favorable outlook for those who have advanced degrees. The importance of the ocean in national defense as well as a source of energy, minerals, and food will open up new opportunities for specialists.
Occupational therapy assistants.	6,000	1,300	Excellent opportunities, particularly for graduates who have received the title of certified occupational therapy assistant (COTA) from the American Occupational Therapy Association.	LIFE SCIENCE OCCUPATIONS			
Optometrists.....	18,000	800	Favorable outlook. By the mid-1970's, new graduates may approximate demand because of expected expansion of optometry schools.	Biochemists.....	14,000	800	Good employment opportunities especially for those who have Ph. D. degrees to conduct independent research or to teach. The greatest growth will be in medical research.
Optometric assistants..	5,000	300	Moderate employment increase resulting from an expanding population, more elderly people and white-collar workers, and a wider recognition of the importance of good vision for efficiency at work and in school.	Life scientists.....	180,000	9,900	Rapid increase in employment through the 1970's. However, the number of life science graduates also is expected to increase rapidly and result in keen competition for the more desirable positions. Those who hold advanced degrees, especially Ph. D.'s, should have less competition than those who hold bachelor's degrees.
Osteopathic physicians..	13,500	950	Excellent opportunities. Greatest demand in States where osteopathy is widely accepted as a method of treatment.	PHYSICAL SCIENTISTS			
Podiatrists.....	7,000	250	Favorable opportunities for new graduates to establish their own practices as well as to enter salaried positions in other podiatrists' offices, hospitals, extended care facilities, and public health programs.	Astronomers.....	1,300	100	Employment opportunities will be favorable but higher level positions will be filled by persons with a doctorate. Bachelor's or master's degree recipients will have favorable prospects primarily as research and technical assistants.
Pharmacists.....	129,000	5,100	Employment will grow as a result of new drugs, increasing numbers of pharmacies, and insurance plans covering prescriptions.	Chemists.....	137,000	9,400	Favorable outlook. Chemists will continue to be needed to perform research and development work. They also will be needed to teach at colleges and universities, where the strongest demand will be for those who have Ph. D. degrees.
Physical therapists....	15,000	1,600	Excellent prospects as demand continues to exceed supply. Increased public recognition of the importance of rehabilitation will result in expanded programs to help the disabled.	Food scientists.....	7,300	400	Favorable employment outlook at all degree levels as a result of an expanding population demanding a greater variety of quality convenience foods—both in and outside the home.
Physical therapy assistants.	10,000	2,200	Excellent opportunities, particularly for graduates of 2-year junior college programs.	Physicists.....	48,000	3,500	Favorable opportunities, particularly for those who have advanced degrees to teach at colleges and universities. Physicists will be required in substantial numbers to do complex research and development work.
Physicians.....	305,000	22,000	Shortage occupation. Excellent opportunities for employment, as limited capacity of medical schools restricts supply of new graduates.	PERFORMING ARTISTS			
Veterinarians.....	25,000	1,500	Very good outlook. Supply will be restricted by limited capacity of schools of veterinary medicine.	Actors and actresses..	15,000	800	Applicants greatly outnumber jobs available. Moreover, many actors are employed in their profession for only a small part of year.
Radiologic technologists.	80,000	7,700	Very good outlook for both full-time and part-time workers, primarily as a result of the expansion in the use of X-ray equipment to diagnose and treat diseases.	Dancers.....	23,000	1,500	Limited opportunities. The number of applicants exceeds the number of jobs available. Best outlook is for those trained to teach.
Registered nurses....	700,000	69,000	Very good outlook. Opportunities as administrators, teachers, clinical specialists, public health nurses, and in research are excellent for nurses who have graduate training.	Musicians and music teachers.	210,000	11,100	Overcrowded field. Keen competition among performers. Some openings may result from the expanded use of video cassettes and cable TV. Best prospects are in teaching.
Sanitarians.....	15,000	1,100	Very favorable opportunities for college graduates. A bachelor's degree in environmental health is preferred, although a degree in one of the basic sciences generally is accepted.	Singers and singing teachers.	75,000	4,300	Highly competitive field. Some opportunities should result from the expanded use of video cassettes and cable TV, but best prospects remain in teaching.
Speech pathologists and audiologists.	22,000	2,200	Good opportunities, especially for those who have completed graduate study. Increasing emphasis on the master's degree by Federal and State Governments will limit opportunities at the bachelor level.	SOCIAL SCIENTISTS			
Surgical technicians...	25,000	2,600	Excellent opportunities, particularly for junior college graduates.	Anthropologists.....	3,100	200	Rapid increase, especially in the college teaching field. Some positions will be found in museums, archeological research programs, mental and public health programs, and in community survey work.
MATHEMATICS AND RELATED OCCUPATIONS				Economists.....	33,000	2,300	Excellent opportunities for those who have graduate degrees in teaching, government, and business. Young people with bachelor's degrees will find employment in Government and as management trainees in industry and business.
Actuaries.....	5,200	300	Excellent opportunities. Strong demand for recent college graduates who have backgrounds in mathematics and have passed actuarial examinations.	Geographers.....	7,100	500	Favorable outlook. Demand will be strong in teaching and research for those who have Ph. D.'s. Those who have master's degrees or less face competition. Colleges and universities will offer the greatest number of opportunities, although employment is expected to rise in government and in private industry.
Mathematicians.....	75,000	4,600	Favorable outlook for Ph. D. graduates to teach and do research. Because of the large number of mathematicians projected to receive bachelor's degrees, competition for entry positions will be keen.	Historians.....	15,500	1,000	Favorable opportunities in teaching and archival work for experienced Ph. D.'s. New Ph. D. recipients and those with lesser degrees will encounter competition; teaching positions available for those meeting certification requirements.
Statisticians.....	24,000	1,400	Very good opportunities for new graduates and experienced statisticians in industry and government.				
NATURAL SCIENCE OCCUPATIONS							
Geologists.....	23,000	500	Favorable prospects for graduates with advanced degrees; those who have bachelor's degrees probably will face competition for entry positions.				
Geophysicists.....	8,000	500	Favorable outlook, especially for those who have graduate degrees. Geophysicists will be needed to operate highly sophisticated equipment to find concealed fuel and mineral deposits; explore the outer atmosphere and space; and solve problems related to water shortages, flood control, and pollution abatement.				

Occupation	Estimated employment 1970	Average annual openings to 1980 ¹	Employment prospects ²	Occupation	Estimated employment 1970	Average annual openings to 1980 ¹	Employment prospects ²
Political scientists....	11,000	700	Very good prospects for those who have Ph. D. degrees and are interested in college teaching. More limited prospects for those with master's degrees or less.	College career planning and placement counselors.	2,800	200	Very rapid increase in employment as students and colleges increase in number and as greater recognition is given to the need for counseling—especially of minority group students and students of low income families.
Sociologists.....	12,000	800	Good prospects for those who have Ph. D. degrees, but those with only master's degrees will face considerable competition. Very good opportunities in college teaching and in nonteaching fields dealing with social and welfare problems and the implementation of legislation to develop human resources.	Commercial artists....	60,000	2,500	Favorable outlook for well-trained and qualified workers. Young people with only average ability and little specialized training will face keen competition and have limited opportunity for advancement.
TEACHERS				Flight engineers.....	8,500	500	Very rapid increase due to the rise in the number of large jet-powered aircraft that require flight engineers.
College and university teachers.	335,000	10,800	Good employment prospects at 4-year colleges for those who have Ph. D. degrees and at 2-year colleges for those who have master's degrees. New Ph. D.'s will face stronger competition for openings as their numbers grow each year.	Ground radio operators, and typists (civil aviation).	7,850	50	Overall employment will decline because of the use of more automatic communications equipment. A small number of workers will be needed each year to replace those who retire or die.
Kindergarten and elementary school teachers.	1,260,000	52,000	New graduates may face keen competition for jobs during the 1970's. Young people seeking their first teaching assignment will find schools placing greater emphasis on their academic work and the quality of their training. Nevertheless, employment opportunities may be very favorable in urban ghettos, rural districts, and in geographic areas where teaching salaries are low and better paying opportunities are available in other fields. The outlook also will be favorable for teachers who are trained to work with handicapped children. Many students, however, who are preparing for elementary teaching as a career will have to direct their studies toward other careers.	Home economists.....	105,000	6,700	Favorable prospects. Greatest demand for teachers, but business also should increase demand for these workers especially in research and development.
Secondary school teachers.	1,015,000	38,000	Opportunities will be very favorable in some geographic areas and in subject fields such as the physical sciences. Increased demand for teachers trained in the education of mentally retarded or physically handicapped children is expected. Nevertheless, if past trends of entry and reentry continue, the supply of secondary teachers will significantly exceed requirements.	Industrial designers...	10,000	300	Favorable opportunities for talented college graduates. Those with training in industrial design may face competition from architectural and engineering graduates who have artistic talent.
TECHNICIANS				Interior designers and decorators.	15,000	700	Good opportunities, but those without formal training will find it increasingly difficult to enter this field. The number employed by department and furniture stores is expected to rise.
Draftsmen.....	310,000	16,300	Favorable outlook, especially for those having post high school training in drafting.	Landscape architects...	10,000	600	Professional opportunities will expand due to continued growth of parks and recreation facilities in metropolitan areas and the rising interest in city and regional planning.
Engineering and science technicians.	650,000	33,000	Favorable opportunities. Demand strongest for graduates of post-secondary technician training schools to fill more responsible jobs. Industrial expansion and complexity of products and manufacturing processes will increase demand.	Lawyers.....	280,000	14,000	Good prospects in salaried positions with well-known law firms and as law clerks to judges for graduates of outstanding law schools, or for those who rank high in their classes. Growth in demand will stem from business expansion and the increased use of legal services by low- and middle-income groups.
Food processing technicians.	3,400	150	Favorable opportunities, especially for graduates of post-secondary technical training programs. The complexity of processing convenience foods under higher quality and safety standards will result in a need for more technicians in many areas of the food industry.	Librarians.....	125,000	11,500	Good opportunities, especially in school libraries for those who have advanced degrees.
WRITING OCCUPATIONS				Library technicians...	76,000	7,200	Outlook excellent, particularly for graduates of academic programs. The increasing needs of a growing population for library services will contribute to demand.
Newspaper reporters...	39,000	1,650	Favorable opportunities for young people with exceptional talent and ability to handle news about highly specialized and technical subjects. Weekly or daily newspapers in small towns and suburban areas offer the most opportunities for beginners.	Photographers.....	65,000	2,000	Competition in commercial and portrait fields is keen but opportunities exist for those who are talented and well trained. Demand for industrial photographers is expected to be strong.
Technical writers.....	20,000	1,000	Good prospects for those having college courses in writing and technical subjects plus writing ability.	Pilots and copilots....	49,000	4,800	Rapid increase because of growth in the number of aircraft as well as in the increasing number of flights.
OTHER PROFESSIONAL AND RELATED OCCUPATIONS				Programers.....	200,000	34,700	Very rapid employment growth, especially in firms that use computers to process business records or to control manufacturing processes. Professionally trained personnel to handle both programming and systems analysis will be increasingly in demand.
Airline dispatchers...	1,200	60	Few openings because field is very small.	Psychologists.....	40,000	3,700	Excellent opportunities for those who have a doctorate; less favorable for those with only a master's degree. Strong demand in mental hospitals, correctional institutions, mental hygiene clinics, and community health centers.
Air traffic controllers...	20,000	800	Moderate increase as a result of growth in the number of airport towers and the need to provide services for private planes.	Radio and television announcers.	17,000	1,000	Moderate increase in employment as new radio and television stations are licensed. Entry jobs easier to get in radio than in television because of the greater number of radio stations, especially small ones, that hire beginners.
Architects.....	33,000	2,700	Favorable opportunities for registered architects. Growth in nonresidential as well as residential construction. Homeowners' growing awareness of the value of architects' services also will spur demand.	Recreation workers....	13,500	1,700	Excellent opportunities for the well qualified and good opportunities for those without related training in local governments and voluntary agencies, religious groups, and the Federal Government.
Broadcast technicians.	22,000	500	Technical advances, such as automatic programming and remote control of transmitters, will keep employment from growing. However, deaths and retirements will create some openings.	Social workers.....	170,000	18,000	Very good prospects for those who have training in city and bachelor's degrees in social work. Many part-time jobs for qualified women with experience.
				Surveyors.....	52,000	2,400	Best prospects for persons with post-secondary school training in surveying. Demand will be stimulated by urban development and highway construction.
				Systems analysts.....	100,000	22,700	Excellent opportunities due to rapid expansion of electronic data processing systems in business and government.
				Underwriters.....	55,000	2,740	Favorable opportunities especially in metropolitan areas.
				Urban planners.....	8,000	750	Very good prospects for those who have training in city and regional planning. Construction of new cities and towns, urban renewal projects, and beautification and open space land improvement projects will spur demand for these workers.

Footnotes at end of table.

OCCUPATIONAL OUTLOOK HANDBOOK IN BRIEF—1972-73 EDITION—Continued

MANAGERIAL OCCUPATIONS				Occupation	Estimated employment 1970	Average annual openings to 1980 ¹	Employment prospects ²
Occupation	Estimated employment 1970	Average annual openings to 1980 ¹	Employment prospects ²				
Bank offices.....	174,000	11,000	Employment is expected to grow rapidly as the increased use of computers enables banks to expand their services.	Telephone operators..	420,000	28,000	Large number of openings to replace women who leave work due to family responsibilities. However, direct dialing and other automatic devices will restrict employment growth in telephone companies. Most growth will occur in stores, factories and other businesses that use private branch exchange (PBX) switchboards.
City managers.....	2,600	200	Excellent opportunities especially for persons with master's degrees in public or municipal administration.	Traffic agents and clerks (civil aviation).	45,000	4,800	Rapid increase in employment because of anticipated growth in passenger and cargo traffic.
Conductors (railroad)...	37,500	1,200	Moderate number of opportunities resulting from the need to replace workers who retire or die.	Typists.....	670,000	61,000	Favorable outlook especially for typists who have other office skills. Increasing use of duplicating machines will eliminate some routine typing.
Industrial traffic managers.	18,000	700	Moderate employment increase. Strong demand is expected for specialists who can classify products to obtain the lowest possible freight rates.	SALES OCCUPATIONS			
Licensed merchant marine officers.	11,000	Employment decline due to competition from foreign ships and construction of new ships that can operate with fewer officers. Employment decline will more than offset openings from retirement and deaths.	Automobile parts countermen.	68,000	2,600	Continued employment growth related to increasing number of motor vehicles and a growing variety of replacement parts.
Managers and assistants (hotel).	195,000	14,400	Favorable outlook, especially for those who have college degrees in hotel administration.	Automobile salesmen..	120,000	4,300	Moderate employment increase as car sales rise over the long run, but most openings will result from turnover.
Purchasing agents.....	167,000	5,400	Good prospects. Demand strong for business administration graduates who have courses in purchasing. Demand also will be strong for graduates with backgrounds in engineering or science to work in firms manufacturing chemicals, complex machines, and other technical products.	Automobile service advisors.	20,000	700	Moderate increase as a result of more automobiles. Opportunities best for those who have some experience in automobile repair.
CLERICAL AND RELATED OCCUPATIONS				Insurance agents and brokers.	350,000	19,000	Moderate employment increase. Despite an expected increase in the number of policies, insurance selling will remain keenly competitive.
Bank clerks.....	510,000	29,600	Employment will increase slowly. Introduction of data processing equipment, will decrease demand for check sorters and bookkeeping machine operators but increase demand for electronic data processing workers.	Manufacturers salesmen.	510,000	25,000	Favorable opportunities for well-trained workers, but competition will be keen. Best prospects for those trained to handle technical products.
Bank tellers.....	153,000	14,700	Very rapid increase as banks continue to expand their services. An increasing proportion will be employed part-time during peak hours.	Real estate salesmen and brokers.	226,000	14,800	Many new positions will be created to serve growing population, but most openings will result from turnover.
Bookkeeping workers..	1,340,000	74,000	Slow growth. Use of electronic data processing equipment and other bookkeeping machines will limit employment increase.	Retail trade salesworkers.	2,500,000	131,000	Good prospects for both full-time and part-time workers. Most demand for workers who are skilled in salesmanship and well informed about their merchandise.
Cashiers.....	847,000	64,000	Very favorable outlook especially for those with typing or other special skills. Many opportunities for part-time workers.	Securities salesmen... Wholesale trade salesworkers.	200,000 539,000	11,800 27,700	Good opportunities. Demand will be stimulated by increase in business activity and the growth of specialized services offered by wholesale houses.
Claim adjusters.....	114,000	4,500	Rapid employment growth due to expanding insurance sales and resulting claims.	SERVICE OCCUPATIONS			
Claim examiners.....	29,000	780	Limited opportunities. Fewer examiners will be needed to process claims due to the increasing use of computers. Some openings will result from deaths or retirements.	Barbers.....	180,000	7,700	Slow increase in employment. Trend to longer hair will keep employment from growing as fast as male population.
Electronic computer operating personnel.	200,000	34,200	Employment will increase very rapidly due to growth in the number of computer installations. Beginners may find it easier to qualify for openings because technological advances have made computer equipment easier to operate.	Bartenders.....	160,000	8,700	Moderate increase as new restaurants, bars, and hotels open.
File clerks.....	169,000	15,300	Rapid employment growth resulting from the long term growth of business and the need for more and better recordkeeping. However, the increasing use of computers to arrange, store, and transmit records may begin to limit growth.	Bellmen and bell captains (hotel).	33,000	1,500	Slow employment increase. Although some openings will result as new hotels and motor hotels are built, the fast growing motel business, with its emphasis on informality, employs few bellmen.
Front office clerks (hotel).	61,000	4,500	Rapid increase in employment as number of hotels, motels, and motor hotels increases.	Building custodians...	2,200,000	70,000	Opportunities will be favorable due to the construction of new apartments, hospitals, offices, recreation centers, and other buildings. Improvements in cleaning and maintenance technology will limit growth.
Office machine operators.	365,000	20,800	Moderate increase as the growing volume of paperwork more than offsets the effect of automated recordkeeping systems and advances in office automation and inter-office communications.	Cooks and chefs.....	740,000	4,900	Moderate increase as new restaurants and hotels open. Opportunities will be especially good for the well qualified because highly skilled cooks and chefs are in short supply.
Receptionists.....	298,000	23,500	Moderate increase in employment. Young applicants may face competition from more experienced workers. Automation should not affect receptionists as their work is of a personal nature.	Cosmetologists.....	484,000	43,000	Very good opportunities for beginners as well as experienced workers. Part-time work also available.
Shipping and receiving clerks.	379,000	12,000	Slow increase as labor-saving equipment enables large firms while using fewer clerks to handle a greater volume of merchandise.	FBI special agents....	7,900	(*)	Employment expected to rise as FBI responsibilities grow. Turnover rate is traditionally low.
Station agents (railroad).	9,900	100	Although employment will continue to decline, a limited number of opportunities will result from the need to replace experienced agents who retire or die.	Firefighters.....	180,000	11,800	Many new job openings as fire departments enlarge staffs or paid workers replace volunteers. Competition in large cities will be keen.
Stenographers and secretaries.	2,833,000	247,000	Rapid employment growth. Best opportunities for those with stenographic skills.	Guards and watchmen.	200,000	15,700	Moderate growth due to the increasing number of plants, offices, banks, stores, and schools as well as the mounting incidence of crime and social unrest.
Stock clerks.....	500,000	23,000	Moderate increase in employment. Growth will be due to business expansion. However, electronic computers that control inventories can be expected to limit growth.	Hospital attendants...	830,000	111,000	Very rapid rise in employment. Most openings occur in hospitals, but some exist also in nursing and convalescent homes and other long-term care facilities.
Telegraphers, telephoners, and towermen (railroad).	12,000	Mechanization of yard operations, new communications devices, and other innovations will continue to reduce the number of workers needed. Employment decline will more than offset openings from retirements and deaths.	Housekeepers and assistants (hotel).	33,000	2,600	Most openings will occur from the need to replace workers who retire or die. Some new openings will become available in newly built hotels, motor hotels, and luxury motels.
				Police officers (municipal).	332,000	17,000	Very good opportunities for qualified applicants. Trained specialists in electronic data processing, engineering, and social work are becoming essential.
				Licensed practical nurses.	370,000	58,000	Good opportunities as health facilities continue to expand and as licensed practical nurses are increasingly used in work not requiring the skills of a registered nurse.

Occupation	Estimated employment 1970	Average annual openings to 1980 ¹	Employment prospects ²
Models.....	58,000	1,900	Moderate increase in employment. Although full-time work should remain highly competitive, part-time opportunities will be favorable.
Private household workers.	1,558,000	16,000	Excellent employment opportunities. Demand will be stimulated by rising family incomes and larger numbers of women working outside the home. However, many jobseekers are unwilling to accept domestic work despite its availability.
Social service aides..	50,000	(*)	Many jobs have been generated by anti-poverty legislation. A wide variety of new jobs for unemployed and low-income persons is expected to result from the new careers program.
State police officers...	41,000	2,900	Very rapid increase in employment. The greatest demand will be for highway patrol officers.
Stewardesses.....	35,000	(*)	Very favorable job opportunities because of expected increases in air travel and the 30 percent turnover each year.
Waiters and waitresses.	1,040,000	67,000	Moderate employment increase as new restaurants and hotels open. Many additional openings will arise because of high turnover.

CRAFTSMEN BUILDING TRADES

Asbestos and insulating workers.	25,000	900	Moderate growth resulting from the anticipated rise in volume of construction. Increasing use of pipe in manufacturing processes and in air-conditioning and refrigeration installations will spur demand for these workers.
Bricklayers.....	175,000	8,500	Rapid employment increase is expected as construction activity expands along with the popularity of structural and ornamental brickwork in buildings.
Carpenters.....	830,000	46,000	Rapid employment increase resulting from rise in construction activity.
Cement masons (cement and concrete finishers).	65,000	3,500	Very rapid increase resulting from construction expansion and growing use of concrete and concrete products.
Electricians (construction).	190,000	12,000	Very rapid increase in employment as construction expands and more electric outlets, switches, and wiring are needed for appliances, air-conditioning systems, electronic data processing equipment, and electrical control devices.
Elevator constructors..	15,000	6,000	Moderate employment increase resulting from the anticipated expansion in new industrial, commercial, and large residential of older installations.
Floor covering installers.	40,000	2,000	Rapid employment increase resulting from expansion of construction and wider use of resilient floor coverings and wall-to-wall carpeting.
Glaziers.....	10,500	500	Rapid increase in employment. Expansion of construction and the increasing use of glass in building construction will create very favorable long-range outlook.
Lathers.....	30,000	1,500	Rapid increase related to anticipated growth in construction and to new plastering methods that require lathing.
Operating engineers (construction machinery operators).	310,000	15,000	Rapid employment growth resulting from increasing use of machinery for construction, particularly for highways and heavy construction.
Painters and paperhangers.	390,000	22,000	Rapid employment increases are expected as construction expands and more use is made of new materials such as polyester and vinyl coatings, and fabric, plaster, and other wall coverings. Painters also will be needed for maintenance work.
Plasterers.....	35,000	1,000	Slow increase resulting from growth in construction. New materials and methods have expanded use of plaster, but drywall construction will limit employment growth.
Plumbers and pipefitters.	350,000	20,000	Rapid growth as construction increases. Increasing industrial activities related to nuclear energy and the greater use of refrigeration and air-conditioning systems will provide many job opportunities. Maintenance, repair, and modernization of existing plumbing and heating systems also will create additional jobs.
Roofers.....	60,000	3,000	Rapid increase resulting mainly from new construction growth and repairs on existing structures. Technological innovations may limit growth somewhat.
Sheet metal workers..	60,000	2,500	Rapid increase due to greater use of heating, air conditioning, and refrigeration systems required in all types of structure.
Stonemasons, marble setters, tile setters, and terrazzo workers.	30,000	1,000	Little increase in employment due to decline of stonemasonry in modern architecture.
Structural, ornamental, and reinforcing-iron workers, riggers, and machine movers.	85,000	4,000	Rapid increase due to expansion in construction. Improved competitive position of steel as a construction material will spur demand for these workers.

MACHINE OCCUPATIONS

Occupation	Estimated employment 1970	Average annual openings to 1980 ¹	Employment prospects ²
All-round machinists..	530,000	16,600	Slow growth expected as metalworking activities expand. Much of the growth will occur in maintenance shops where more workers will be needed to repair machinery.
Instrument makers—mechanical.	8,000	400	Rapid increase resulting from the growing use of instruments in manufacturing processes and research and development work.
Machine tool operators.	425,000	9,600	Technological developments, such as numerically controlled machine tools, will limit need for additional operators. However, many openings will result from retirements or deaths.
Setup men (machine tools).	70,000	2,600	Moderate increase due to expansion of metalworking activities. Numerically controlled machine tools may change job duties.
Tool and die makers..	165,000	4,700	Despite technological advances in tool-making, which restrict growth, employment is expected to increase slowly because of expansion of metalworking industries.

MECHANICS AND REPAIRMEN

Air-conditioning, refrigeration, and heating mechanics.	115,000	7,900	Very rapid increase in air-conditioning mechanic employment due primarily to continued growth of home air-conditioning. Oil burner mechanics may find openings limited since relatively few new homes have oil heating systems.
Aircraft mechanics....	140,000	6,000	Rapid growth because of substantial increase in the number of aircraft in operation. Openings will occur in both firms providing general aviation services and in independent repair shops.
Appliance servicemen..	220,000	11,000	Rapid increase as a result of growth in the number and variety of household appliances.
Automobile body repairmen.	100,000	4,500	Moderate increase as a result of growing number of traffic accidents.
Automobile mechanics	610,000	23,300	Moderate increase as a result of more automobiles and added features such as air-conditioning and exhaust control devices. Greater shop efficiency will limit growth.
Bowling pin machine mechanics.	6,000	140	Little or no change in employment due to improved pinsetting machines which require fewer repairs. A small number of openings will occur as a result of retirements or deaths.
Business machine servicemen.	80,000	6,000	Very rapid growth. Outlook particularly favorable for those trained to service computers and associated equipment.
Diesel mechanics.....	85,000	4,100	Rapid increase due to expansion of industries that are major users of diesel engines.
Electric sign servicemen.	8,000	450	Rapid increase due to business expansion and increasing use of electric signs.
Farm equipment mechanics.	53,000	1,400	Slow increase due to declining number of farms and increased reliability of farm machinery.
Industrial machinery repairmen.	180,000	9,000	Rapid increase due to growing amount of machinery needed to fabricate, process, assemble, and inspect industrial production materials.
Instrument repairmen.	95,000	5,900	Very rapid growth due to the increase in use of instruments for scientific, industrial, and technical purposes.
Jewelers and jewelry repairmen.	15,000	500	Little or no employment change. Despite growing demand for jewelry, greater efficiency will limit the need for new workers. Turnover will create a small number of openings.
Maintenance electricians.	250,000	11,000	Moderate increase mostly from the need to replace workers who retire or die.
Millwrights.....	80,000	3,100	Moderate increase, related to new plants, additions of new machinery, changes in plant layout, and maintenance of increasing amounts of complex machinery.
Motorcycle mechanics..	5,000	250	Rapid increase due to growing popularity of motorcycles, minibikes, and snowmobiles. Seasonal fluctuations in the demand for workers because cycling activity increases in summer and declines in winter.
Television and radio service technicians.	132,000	4,500	Rapid increase related to growing number of radios, televisions, phonographs, and other consumer electronic products.
Truck and bus.....	115,000	5,200	Rapid increase in truck mechanic employment resulting from more freight transportation by truck. Little change in bus mechanic employment because decline in local bus transit is expected to offset increased intercity bus travel.
Vending machine mechanics.	18,000	700	Moderate increase due to expansion of automatic merchandising.
Watch repairmen.....	15,500	500	Little or no employment change because most new watches will cost little more to replace than repair. Replacement needs will create small number of job opportunities.

Footnotes at end of table.

OCCUPATIONAL OUTLOOK HANDBOOK IN BRIEF—1972-73 EDITION—Continued

PRINTING (GRAPHIC ARTS) OCCUPATIONS

Occupation	Estimated employment 1970	Average annual openings to 1980 ¹	Employment prospects ²	Occupation	Estimated employment 1970	Average annual openings to 1980 ¹	Employment prospects ²
Bookbinders and related workers.	30,000	700	Increasing mechanization of bindery operations will reduce employment.	Shoe repairmen.....	25,000	1,000	Little or no increase because more people buy new shoes rather than repair old ones. Nevertheless, opportunities are favorable for the highly skilled because the number being trained is insufficient to meet replacement needs.
Composing room occupations.	185,000	3,400	Slow employment decline despite greater volume of printing. Technological changes in equipment make it possible to set type faster using fewer operators. Knowledge of electronics and photography increasingly important for operation of new equipment. Openings will result from need to replace workers who die or retire.	Shop trades (railroad)	82,500	800	The need to replace experienced workers who retire or die will create a limited number of openings.
Electrotypers and stereotypers.	5,000	-----	Moderate decline in employment caused by technological change, despite increased printing volume. Employment decline will more than offset openings from retirements and deaths.	Stationary engineers..	200,000	4,500	Little or no change because larger boilers and automatic controls make it possible to increase capacity without corresponding increases in employment. However, openings will become available as workers retire or die.
Lithographic occupations.	80,000	2,600	Moderate increase as more commercial printing firms and small and medium size newspaper publishers use offset presses.	OPERATIVES DRIVING OCCUPATIONS			
Photoengravers.....	17,000	60	Slow decline as a result of more efficient equipment and the increasing use of offset printing which requires no photoengravings.				
Printing pressmen and assistants.	85,000	2,400	Moderate employment increase because of growth in the amount of printed materials.	Intercity busdrivers...	25,000	700	Most job opportunities in this slowly growing occupation will result from the need to replace drivers who retire or die.

TELEPHONE INDUSTRY OCCUPATIONS

Central office craftsmen.	92,000	3,700	Rapid growth in employment due to increasing demand for telephone service and data communication systems.	Local-transit busdrivers	69,000	300	Although the number of local bus drivers is declining, a few opportunities exist for new workers to replace drivers who retire or die.
Central office equipment installers.	22,000	675	Moderate growth resulting from the need to install equipment in new central offices and replace obsolete equipment in existing offices. Knowledge of electronics becoming increasingly important in this occupation.	Local truckdrivers....	1,200,000	35,000	Moderate increase as a result of anticipated growth in volume of freight.
Linemen and cable splicers.	40,000	900	Little or no change in the number of linemen due to greater use of laborsaving devices such as pole-lifting equipment and earth-boring tools. Moderate increase in number of cable splicers. Replacement needs will create some openings.	Routemen.....	240,000	2,600	Little change in overall employment. However, many job opportunities will result from the need to replace routemen who retire or die.
Telephone and PBX installers and repairmen.	102,000	5,300	Rapid increase due to demand for telephones and PBX and CENTREX systems.	Taxi drivers.....	100,000	1,800	Although number of drivers is declining, high turnover results in need for some replacements.
				Truckdrivers, over-the-road	655,000	21,000	Moderate increase. Economic growth of the Nation and continued decentralization of industry will increase demand for intercity trucking.

OTHER OPERATIVE OCCUPATIONS

Assemblers.....	865,000	44,000	Moderate long-run increase despite continuing automation of assembly processes. Employment sensitive to changes in business conditions and national defense needs, particularly in plants that produce automobiles, aircraft, and other durable goods.	Automobile painter...	30,000	1,100	Moderate increase due to growing number of traffic accidents.
Automobile trimmers and installation men (automobile upholsterers).	9,000	400	Moderate growth due to increased demand for replacement and repair of automobile upholstery and convertible tops. More durable fabrics will limit growth.	Brakemen (railroad)..	75,000	800	Opportunities in this declining occupation will result from the need to replace brakemen who retire or die.
Blacksmiths.....	12,000	400	Mass-production of metal parts should reduce employment. A small number of openings, however, will occur as experienced blacksmiths retire or die.	Electroplater.....	17,000	650	Moderate increase, related to expansion of metalworking industries and use of the electroplating process on a greater variety of metals and plastics.
Boilermaking occupations.	25,000	700	Slow growth. More efficient production techniques will keep employment from growing as fast as demand for boilers and related products.	Gasoline service station attendants	410,000	13,300	Moderate increase for both part-time and full-time workers resulting from growing consumption of gasoline and other service station products.
Coremakers (foundry).	26,000	550	Little or no change due to the growing use of machine-made cores. Nevertheless, openings will occur as workers retire or die.	Inspectors.....	665,000	29,700	Moderate employment increase due to industrial expansion, the growing complexity of manufactured products, and rising quality standards.
Dispensing opticians and optical mechanics).	26,000	700	Moderate increase in dispensing optician employment as a result of rising demand for eyeglasses and contact lenses. However, more efficient methods of producing lenses will keep optical mechanic employment from growing.	Meatcutters.....	190,000	5,000	Little or no employment change. More efficient meat cutting and distribution methods will limit the need for new workers, but openings will arise as experienced meatcutters retire or die.
Foremen.....	1,488,000	56,500	Moderate increase due to industrial expansion and the need for increased supervision as industrial production processes become more technical.	Parking attendants...	52,000	600	Slow growth as most new parking facilities are expected to be the self-park variety.
Furniture upholsterers.	33,000	750	Opportunities favorable. Demand for qualified workers is expected to continue to exceed supply despite little or no change in employment. Openings will occur as workers die or retire.	Production painters...	115,000	3,700	Slow employment increase as greater use of automatic sprayers and other laborsaving innovations curb need for additional workers.
Locomotive engineers.	35,000	1,400	A limited number of openings will occur each year, primarily as a result of the need to replace engineers who retire or die.	Photographic laboratory occupations.	37,000	2,200	Rapid increase despite greater mechanization of film processing equipment.
Locomotive firemen (helpers).	17,200	-----	Limited opportunities for employment.	Power truck operators.	200,000	5,100	Employment increase will be slow, as more efficient power trucks and other mechanized materials-handling equipment are developed. Most openings will result from the need to replace workers who retire or die.
Molders (foundry)....	55,000	1,500	Little or no change because of the trend toward machine molding and the increasing use of permanent molds and shell molds. Openings will develop, however, as workers retire or die.	Signal department workers (railroad).	11,200	-----	Improved signaling and communications systems, which require less maintenance and repair, will reduce the number of workers needed. Employment decline will more than offset openings from retirements and deaths.
Motion picture projectionists.	15,000	625	Slow growth in employment. Stiff competition from experienced projectionists who are unemployed or underemployed.	Stationary firemen (boiler).	71,000	100	Employment expected to decrease moderately as result of more automatic centralized equipment, but some openings will occur from the need to replace workers who retire or die.
Patternmakers (foundry).	21,000	600	Little or no change due to the greater use of metal patterns that can be used many times to make identical molds. However, openings will arise as workers retire or die.				

Occupation	Estimated employment 1970	Average annual openings to 1980 ¹	Employment prospects ²
Unlicensed merchant seamen.	31,000	-----	Employment decline due to competition from foreign ships and construction of new ships which can operate with fewer men. Small number of openings due to deaths and retirements. However, on net balance employment decline will more than offset openings from retirements and deaths.
Waste water treatment plant operators.	30,000	2,100	Rapid employment growth resulting from the construction of new treatment plants and the modernization of existing ones.
Welders and oxygen and arc cutters.	535,000	22,000	Rapid increase in welder employment, related to growth in metalworking industries and wider use of welding. Growth in cutter employment, on the other hand, will be restricted by greater use of mechanized cutting equipment.

LABORERS (NONFARM)

Bridge and building workers (railroad).	10,500	-----	Employment decline due to increased use of power tools and other labor-saving equipment, and new materials which require less maintenance. Employment decline will offset openings resulting from retirements and deaths.
---	--------	-------	---

Occupation	Estimated employment 1970	Average annual openings to 1980 ¹	Employment prospects ²
Track workers (railroad).	54,900	400	Mechanized equipment and new materials for roadway construction will continue to reduce employment. Several thousand workers are hired each year to handle seasonal rush, but opportunities for year-round employment are limited.
Construction laborers and hod carriers.	815,000	25,500	Despite large increases in construction mechanized equipment may limit demand for these workers. Nevertheless, thousands of openings will arise annually.

¹ Due to growth and death, retirement, and other separations from the labor force. Does not include transfers out of the occupation.

² The Bureau of Labor Statistics assessment of the 1980 occupational and industry outlook is based on a projected labor force of 100,700,000 in 1980, Armed Forces of 2,700,000, and a resulting labor force of 98,000,000. The employment outlook presented in the Handbook also assumes: (a) maintenance of high levels of employment through the 1970's, (b) that no major event will alter economic growth substantially, (c) that economic and social patterns and relationships will change at about the same rate as in the recent past, (d) that scientific and technological advancement will continue at about the same rate as in recent years, and (e) that the United States will no longer be fighting a war. Defense expenditures will be reduced from the peak levels of the Vietnam conflict but a still guarded relationship between the major powers will permit no major reduction in armaments.

³ Estimate not available.

HUNT-WESSON FOODS, U.S. FOREST SERVICE, AND CHILDREN JOIN IN CREATION OF NATIONAL CHILDREN'S FORESTS

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES
Thursday, April 27, 1972

Mr. CRANSTON. Mr. President, each year more than one-half million acres of valuable forest lands are ravaged by fire in the United States. This tragic loss of forest land means more than the destruction of trees, for forests also provide homes for wildlife, recreational areas for man, and ground cover to prevent siltation of rivers and streams.

To bring life back to these fire-ravaged lands, the U.S. Forest Service has developed the "cooperative outdoor environmental program," combining the expertise of the Federal Government and the resources of private industry.

Hunt-Wesson Foods, Inc., of Fullerton, Calif., is the first corporation to participate in the program. Through a series of advertisements, Hunt-Wesson has promised to plant a tree in one of three national forests for every child sending in a label from one of its products. To date, over 1½ million labels have been received.

The national forests to benefit from the Hunt-Wesson trees are the George Washington National Forest in Virginia, California's San Bernardino National Forest, and the Mark Twain National Forest in Missouri. They contain areas designated by the Forest Service as those most in need of reforestation and designated to be national children's forests.

The first of the three national children's forests is being dedicated today in Virginia, on the 100th anniversary of that State's Arbor Day. The dedication will include the planting of a symbolic tree by Steve Dixon, a 15-year-old from

North Vernon, Ind., who sent in the 1-millionth label for the Hunt-Wesson reforestation project. In addition, a time capsule containing the names of all the young people sending in labels will be placed in the forest.

The remaining two children's forests are scheduled to be dedicated later this year.

Hunt-Wesson Foods, Inc., and its president, Edward Gelsthorpe, deserve special commendation for pioneering in this important project to replenish the burnt-out areas of the national forests and for stimulating more than 30 other corporations to inquire about participation in the tree-planting program.

DEVINE POLL IN CENTRAL OHIO

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Thursday, April 27, 1972

Mr. DEVINE. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

CENTRAL OHIO VOTERS OPPOSE AMNESTY AND BUSING

WASHINGTON, D.C., April 27.—Representative Samuel L. Devine (R-Columbus) today revealed the results of his Public Opinion Poll mailed to over 180,000 families in the Central Ohio area.

Devine stated over 25,000 persons had indicated their personal preferences to 9 questions with many interesting comments.

The poll, according to Congressman Devine, disclosed the 12th district residents oppose amnesty, legalizing marijuana, but favor legalizing abortion at the Federal level, the President's welfare reform program, and increasing Social Security benefits.

The majority narrowly feel network TV is not fair, and favor national health insurance, but 86% answering listed busing as the least desirable for quality education.

The actual poll results are as follows:

	Percent	
	Yes	No
1. Do you favor granting amnesty to those who fled the country to avoid military service?	20½	79½
2. Do you favor legalizing the use or possession of marijuana?	19	81
3. Do you favor Federal legislation to legalize abortion? (Presently controlled by State laws)	60	40
4. Do you favor the Family Assistance Plan of guaranteed annual income providing work incentives to replace the present welfare system?	69	31
5. In which order do you feel the following are most important to improving the quality of education?		
a. busing to achieve racial school balance (5)		
b. more Federal aid to public schools (3)		
c. Federal aid to private and parochial schools (4)		
d. increased emphasis upon technical and vocational training (1)		
e. a change of local property tax as the basic source of funds for public education (2)		
6. Do you feel that a national health insurance program is needed?	54½	45½
7. Would you favor a program of no-fault automobile insurance on a national level?	72	28
8. Do you feel network television fairly presents both sides of most issues?	46½	53½
9. Do you favor social security benefit increases proportional to cost of living increases?	82½	17½

FOREIGN AFFAIRS AND PRESIDENTIAL POLITICS—RARICK REPORTS TO HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES
Thursday, April 27, 1972

Mr. RARICK. Mr. Speaker, I recently reported to my people on foreign affairs and presidential politics. I insert the report at this point:

RARICK REPORTS TO HIS PEOPLE ON FOREIGN AFFAIRS AND PRESIDENTIAL POLITICS

The new U.S. international policy based on the myth of three superpowers; i.e., the U.S., Soviets, and Red China, thus far has accomplished nothing except to accommo-

date the communist revolution and increase distrust for our country the world over. The little reported reaction of smaller nations has been amazement at U.S. appeasement of the communist powers. To the communist powers and their satellites, our softening attitude has served to incite them to new bold initiatives by misleading them into thinking that their long range goal of world conquest can now be achieved with the help of capitalist technology and financing.

In the realm of practical politics, a leadership of three world superpowers, two of which are communist, can only result in our losing on any peace issue unless our vote is cast with one or both of the communist powers.

The beginning of the end of the coexistence alignment in which the U.S. was regarded as the leader of the free world commenced last fall with the U.S. invention of a fictitious two-China policy to accommodate both Red China and Free China in the U.N. At the time of the vote it was public knowledge that Presidential Advisor, Henry Kissinger, was in Peking, Red China. This was taken by some delegates as a U.S. endorsement of Red China; and in the ensuing vote Nationalist China, a charter member and original organizer of the U.N., was expelled. Red China was not only seated but was also given a permanent vote on the Security Council, thus authorizing a veto over every U.N. action not to its liking.

The much publicized TV tours, toasting and socializing of the U.S. President with Chou en Lai, the Number two Chinese party leader, came next. At least the new "friendship" was much publicized by the free world media.

The effect of the new U.S. accommodation of the two communist "superpowers" had immediate repercussions the full consequences of which are not yet evident—at least to the American people. Many governmental leaders who had heretofore, in deference to U.S. leadership, ignored or shunned the communists hastened to enter into trade and diplomatic relations with them.

There has been a noticeable decline in U.S. prestige especially in Latin America where, for years through such American controlled forums as the Organization of American States, our Latin American neighbors resisted communism such as that practiced by their neighbor Castro in Cuba. Many of our American neighbors were unaware that President Nixon's new role was politically motivated and accepted it as U.S. foreign policy. The extent of damage to our influence and prestige in South America is still undetermined. Chile, under the leadership of a Marxist-Communist President, interpreted the new alignment as a sign of weakness—by seizing U.S. properties and more recently the telephone facilities of ITT. Other left-leaning Latin American countries have been encouraged to similar acts of piracy against our government and American interests.

In Panama, a pint-sized country under a Red military dictator, renewed demands with threats of force have been made that the U.S. surrender the Panama Canal which is as historically American as the Statue of Liberty in the New York Harbor. Nor have all of our losses of prestige occurred in Latin America.

The world sat idly by while in the Near East the two major communist "superpowers" redivided the spoils of the old British Colonial Empire, India and Pakistan. Supposedly, India, supported and armed by the Soviets, invaded and conquered its former State, East Pakistan, which was allied through West Pakistan with Red China. The end result was a Soviet victory with the establishment of a puppet government now known as Bangladesh. Because of lack of knowledge of the religions and social customs in these two States as well as the ab-

sence of objective news reporting, the American people as well as our Administration became polarized and confused in selecting a favorite communist power to support. As a consequence, some Americans supported India and in so doing approved of Soviet-backed armed aggression of East Pakistan, other Americans backed the Pakistan. Red Chinese coalition, while a few Americans couldn't understand why we should be involved at all and in fact approved of our staying out of the entire communist agitated squabble.

Supposedly, our government, which was committed to friendly relations with both sides, aligned itself morally to Pakistan while the U.N. under the control of both communist "superpowers" sat idly by and did nothing. As a result, the U.S. lost on all fronts. India is now more obligated to Russia than ever before, the new Soviet colony of Bangladesh is so frigid to the U.S. that our foreign aid is given to her through the U.N. Pakistan's military leaders blame their defeat on failure of more American involvement on their behalf. The defeated Pakistan military leaders having suffered loss of public confidence have lost power, and their successor has lifted all martial law which can only mean that Pakistan has become or will shortly be a Red Chinese buffer colony.

Another notable event which reflects on U.S. foreign prestige occurred in Turkey, which is separated from West Pakistan only by the Kingdom of Iran. The Turks, of whom 98% are Moslem, have historically been anti-communist and since World War I a close ally of the U.S. In fact, Turkey is a member of NATO.

Quite recently, the Turkish Prime Minister Nihat Erim visited Washington for talks and was accorded state honors. On his return to Turkey, he either resigned or was removed from office as a result of growing anti-American pressures in Turkey. The Turks, it must be remembered, were allies of Pakistan. Following the Pakistani defeat they were visited by Soviet Premier Brezhnev which was an historic first, since communism is outlawed in Turkey. The Turks may have felt that the U.S. should have rendered more aid to Pakistan. Or it may have been because of religion they are in sympathy with their Arab brothers. If so, Turkish public opinion is further aggrieved by our pro-Israel stand in the Middle East. While supposedly our Middle East policy is one of non-intervention except to protect territorial integrity from aggression, the policy has been extended to a balance of arms rationale which in actual practice has resulted in overarming the Israelis to offset or counterbalance the numerical superiority of Arabs.

In the Far East, Japan, after years of isolation from her Red Chinese and Soviet neighbors, protesting bitterly that our diplomats had not given any advance notice of our new communist alignment, rapidly followed our role in attempting to establish diplomatic exchanges and trade relations.

On April 9 at the ceremonies commemorating the Battle of Bataan, Philippine President Marcos, a staunch anti-communist and long-time friend of the American people, used the Bataan tragedy to warn his Philippine people against placing too much dependence on American support. He pointed out that the Philippines are no longer under the all-powerful protection umbrella of the United States and should never again depend solely on others for its security. Less than a week later the Philippines along with their neighbors, Indonesia, Malaysia, Thailand, and Singapore, met at a meeting of the Association of Southeast Asian Nations reportedly to adopt a concept of "national resilience" for backup military alliance of a hard line national policy following Red Chinese admission to the U.N.

and President Nixon's visit to Red China. Noteworthy, the five Asian members agreed not to establish diplomatic relations with Red China.

In Europe, those countries which were not as fast as President Nixon to accommodate the communist world immediately followed U.S. direction.

The Republic of West Germany, under the present leadership of the socialist Chancellor Willy Brandt, entered into treaty negotiations with Moscow supposedly to lay the groundwork for new talks on Berlin and to ease East-West tensions, but which could well lay the groundwork for reunification of all of Germany as a Soviet puppet state subject to the Brezhnev Doctrine. The proposed Bonn-Moscow Treaty is now being considered for ratification by the West German Government. Because there is widespread fear of the Treaty and ever-increasing public opposition, President Nixon had been invited to accommodate the Russian propaganda machine by being a guest in Moscow at about the time of the crucial vote on the German treaty. Many West Germans haven't forgotten that at the time Nationalist China was expelled from the U.N. and Red China was seated, Mr. Kissinger was in Peking. They may feel that the timing of President Nixon's visit to Moscow as well as to communist Poland is but a strange coincidence, but it certainly does not help American prestige in this pro-Western country for its people to be led to believe that our President's trip to Moscow means that we support West Germany becoming another Soviet colony. Too many Germans have been to the Berlin Wall to swallow this red propaganda.

Over all, what facts and information any observer can gather must prove conclusively that the President's "peace politics" have not only helped the cause of international communism, but have backfired to the detriment of the American people as well as on the President's political future.

While other presidential aspirants have campaigned State to State, President Nixon has campaigned from country to country to create an image of international peacemaker. In so doing, he had defused much of the left wing war dissent. Perhaps the President's political advisers had planned the peace overtures to communist nations to wrest the "peace" initiative from the extreme left wing in this country and remove this opposition to the President's political future. This might be good politics for domestic consumption if all international conditions remained unchanged, but the President's attempt to exploit the communist leaders offered them an entree into the American news and consequently have given them the opportunity to influence the next presidential election by aiding the candidate of their choosing.

The international communists are experts at grasping political opportunities. Witness the massive build-up of Soviet arms and materials in North Vietnam, the Russian military advisers in Hanoi, and the Soviet-encouraged invasion of South Vietnam, forcing of the retaliatory U.S. bombing of North Vietnam to protect our U.S. men and our South Vietnamese allies.

Overnight, the new peace image of President Nixon has been shattered. The presidential aspirant preferred by the communists has been catapulted into the popular political role of the new "peace" leader merely by expressing vocal opposition to President Nixon's action.

The recent air strikes against Haiphong Harbor reportedly damaging several Russian ships and the Statement of the Secretary of Defense that no limits were set on bombing of North Vietnamese targets led many to believe that the Nixon Administration had decided to seek a military victory.

But in response to a charge that the U.S. government now saw no hope of a negotiated settlement and was after military victory,

the Secretary of Defense was quick to counter that we were not seeking a military victory, and the State Department noted that any damage to Soviet ships in Haiphong "was inadvertent and regrettable."

With the increased tempo of the war has come a new surge of war protests across the land.

Some of the protest activities would legally be considered treasonous if a declaration of war existed. The recent demonstration of April 19 in which peaceniks petitioned the Soviet Embassy here in Washington to "avenge Hanoi and Haiphong" and "send more missiles to shoot down more U.S. planes", is such an example. But such activities calling for the enemy to kill U.S. men are not anti-war or peace—they are anti-U.S.

By now one would suppose that the President and his advisers would have become aware that rather than their using the communists for political gain, the communists are using our leaders. Yet, the President continues to play politics with the war by thinking he can maintain a peace image by trade and dialogue with the communist "superpowers" which supply the arms, the planes, missiles, and tanks to the communist forces in Vietnam.

The further ridiculousness of the situation is that from 1947 to 1970, the United States provided the Soviet Union with over \$186 million in foreign aid and the Soviets are at this time seeking to negotiate a compromise settlement on their debt so that they can qualify for additional taxpayers' support through foreign aid.

On April 11 we read where President Nixon chastised Moscow for supplying arms to Hanoi.

Last night in his nationwide telecast on the war, the President was very guarded in his remarks so as to in no way implicate his up-coming host, the Soviet Union, as being responsible for supplying the arms and equipment behind the invasion of South Vietnam which in turn provoked his ordering the bombing in North Vietnam. His telecast was so moderated that it was obviously a product of the Soviet negotiations which had been carried on by his advisor, Henry Kissinger during his four-day junket to Moscow. Every precaution is apparently being taken at high levels to censor any anti-Soviet remarks so as not to jeopardize the President's mission to Moscow.

We also read where the President was desiring to liberalize trade with that same nation. Earlier the U.S. Secretary of Agriculture announced from Moscow that we were planning to exchange corn and feed grain to the Russians in return for Soviet oil. Speculation has it that although the Arab states control 70% of the world's oil, much of it discovered and developed by U.S. money and technology, the Arabs are too pro-Soviet to trade with the U.S.—so we deal with Russia. This so even if it is necessary to lend the Soviets \$7 billion to hunt for the oil.

The latest Alice in Wonderland follows the seizure of ITT property by the Red government of Chile and the claim for reimbursement by the U.S. corporation against the U.S. taxpayers to the tune of \$89.6 million. The Soviet Union, which apparently expects to have some control over its colony's newly acquired telephone company, has announced that the Black Sea and Baltic Insurance Company, a subsidiary of the Soviet State Insurance Company, has agreed to re-insure \$26 million of insurance written to protect U.S. investors against expropriation by developing nations such as communist Chile.

All known events involving our government's new policies indicate a consistent influence or direction toward international one-world control and a complete loss of national sovereignty. U.S. taxpayers are forced to subsidize communist countries called developing nations while communist guerrillas

using communist "superpowers" military equipment continue aggression by military as well as psychological warfare the world over.

We hear only of peace, progress, cooperation and interdependence, but our national leaders have never been able to make a deal to free our POW's and return them to their loved ones.

Is it really the world that is getting smaller or is it the sphere of U.S. influence and the number of U.S. allies that are decreasing?

CREDIT WHERE CREDIT IS DUE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. HORTON. Mr. Speaker, as the House closes its final legislative session of this week, I would like to take a few moments to pay tribute to those who help to make our work possible.

This week has been designated as National Secretaries' Week in order to afford well-deserved recognition to the hundreds of thousands of women who enable the workings of government and business in America to be carried on in an orderly, cheerful, and efficient manner. Personally, I believe that the scope of National Secretaries' Week should be expanded to include recognition for all career women. The day is long past when it was sufficient to pat working women on the back for providing neat typing, filing, and cheerful smiles on Monday morning. Today, the career professional woman plays a role in the economy and institutions of this Nation equal in importance to that of her male counterpart. Without downgrading the vital work of secretaries, "girl Fridays" and stenographers, the professional woman affords creativity, innovation, human insight, and other executive-type talents which enhance the quality of work in every organization where professional women are found.

Nowhere is this more evident than here on Capitol Hill, where well over 3,000 secretaries and professional women keep the legislative and constituent service work of Congress in high gear.

As an appropriate and very well-deserved part of the celebration of National Secretaries' Week, I would like to take this opportunity, Mr. Speaker, to give credit where credit is due, insofar as my own congressional staff is concerned.

I am proud to employ 12 highly qualified and dedicated professional women on my Washington and district office staffs, in full- or part-time positions, including five working wives. In the presence of my colleagues, who I am certain are equally grateful to their own Hill professionals, I would like to publicly recognize for outstanding service the following female professionals employed on my staff.

Christine Boehly, Susan Brands, Michaela Burgin, Pamela Cowdery, Linda Crowley, Karen Fling, Linda Lauman, Joyce Newton, Lucyna Norment, Noreen O'Hagan, Carol Scully, and Susan Tammen.

Without their tireless hard work and selfless service, and that of their colleagues in other congressional and senatorial offices, it would be impossible for us to provide the proper caliber of service and representation to our more than 200 million constituents—the American people.

RESPONSIBILITY OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. HATHAWAY. Mr. Speaker, I would like to make the point today that there are two sides to the coin of responsibilities of the Occupational Safety and Health Administration, or OSHA as it is called, which is just a year old. Most often we look at the side that deals with the number of deaths, disabling injuries and illnesses in the private sector of the economy. We tend to forget that OSHA also has prime responsibility for the safety and health of Federal employees as well.

This Federal effort is a formidable task by itself: Some 120 Federal departments and agencies employing about 3 million civilians working at some 5,000 different occupations. All these jobs are comparable to those of private industry—with identical hazards.

Fortunately, and probably due to increased emphasis on Federal safety and health campaigns since 1965, last year we saw disabling injuries in the Federal workforce drop to a record low of six per million employee-hours worked—down 22.1 percent since 1965. This compares with 15.2 injuries per million employee-hours worked in the private sector in 1971.

But OSHA is not resting on the accomplishments of preceding Federal safety programs. Instead, it is moving to assure Federal employees safe and healthful workplaces. A bipartisan Congress gave OSHA one tool to help accomplish this—the Williams-Steiger Act of 1970, and President Nixon followed with another—Executive Order 11612 of last July.

These actions permit OSHA to provide guidance to Federal departments and agencies to help them carry out their responsibilities, and to evaluate each agency's program annually. With agency consent, OSHA can conduct necessary investigations into the effectiveness of individual agency programs.

An important part of this assistance is a safety management information system which is being implemented to support the needs of the Federal safety and health effort by reporting injuries, deaths and illnesses on a scale comparable to data from the private sector.

The Executive order provides for a 15-member Federal Safety Advisory Council that includes five representatives of labor organizations, more than in any other previous safety agency. This council has developed an administrative staff and

subcommittees to set priorities and deal with future safety campaigns, the annual Federal Safety Conference, the President's Safety Awards, reporting systems, and how best to use the services of field chapters.

HOUSE CONCURRENT RESOLUTION 597

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. CHARLES H. WILSON. Mr. Speaker, today, in the House of Representatives, I have introduced House Concurrent Resolution 597, a measure which, if enacted, will put an end to the bloodshed, human suffering, and destruction which has been inflicted upon Southeast Asia for the past 25 years.

This resolution draws on many of the proposals that have been previously introduced in Congress, but in addition, it also contains a number of unique, and very responsible approaches toward a plan for lasting peace in Southeast Asia. The measure seeks not only to end the involvement of the United States in the war, but also to put an end to the war itself. It calls on the initiator of the supervised withdrawal of all foreign troops and war material from Southeast Asia. The resolution is also the most responsible policy for assuring the safe and swift return of all our prisoners of war.

The concern of the American people about the war has been heightened by the recent escalation caused by the invasion of South Vietnam by 14 divisions of North Vietnamese troops and our retaliatory bombing raids. House Concurrent Resolution 597 is born out of this concern and the need for new and positive measures to bring this dreaded and needless war to an end.

The resolution follows the intent expressed by the Democratic Caucus in its vote of April 19, 1972. It recognizes that the U.S. Congress cannot through legislation impose an agreement on the warring parties, nor obtain the release of our prisoners of war. Its only recourse is to withhold or deny funds needed to carry out the military plans of the administration. The withholding of funds serves only to encourage the enemy and might very well jeopardize the safety of our forces that remain in the war zone. This resolution calls upon all involved parties to negotiate an agreement that will not necessitate action that would endanger our forces.

The resolution which I have introduced establishes seven broad objectives to be achieved through negotiation; either in Paris, through the good offices of the Secretary General of the United Nations, or otherwise.

These objectives are: First, to end the war; second, to repatriate the prisoners of war; third, to settle political issues; fourth, to guarantee the peace; fifth, to alleviate human suffering; sixth, to guarantee self-determination to the people of Vietnam; and seventh, to reunite the American people.

To achieve the above objectives, which I believe the American people support, the resolution provides for a series of negotiated steps. The United States would take all available means to bring about the following:

An immediate cease fire;

Release of all prisoners of war to the custody of a neutral country to be voluntarily repatriated by the International Red Cross;

Announcement of a date certain for complete and final withdrawal of all foreign military personnel from both North and South Vietnam;

Withdrawal of all North Vietnamese military forces from South Vietnam, Cambodia and Laos;

Concurrent withdrawal of all foreign military forces from North and South Vietnam;

A cessation of arms shipments and war materials to North and South Vietnam by the United States, the Soviet Union and by China;

Free elections in both North and South Vietnam supervised by the United Nations to determine:

a. Whether the two countries should be reunited;

b. What form of government will prevail if the people vote to reunite;

c. What form of government will prevail in each country if the countries vote to remain separate;

Supervision and enforcement of the peace in Vietnam, Laos, and Cambodia by the United Nations; and

Economic aid to both North and South Vietnam by the United States and other members of the United Nations.

I want to end the war.

I want to stop the killing of Americans by Asians, of Asians by Americans, and of Asians by Asians.

I want to see the prisoners returned to their homes.

I want lasting peace.

And I want to help bind up the terrible wounds of the people in Indochina, as we did with enemy and friendly nations after World War II.

Without a negotiated agreement and an enforced peace in Indochina, the war will go on for years; millions more will die and increasing numbers of prisoners will be imprisoned for additional years, or for the remainder of their lives in festering cells.

If an end to the war, an end to the killing, and the repatriation of the prisoners is what we really want, House Concurrent Resolution 597 is the path to follow, and one which I believe all men of good will and compassion will support.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

THE GREAT AMERICAN TRAIN ROBBERY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. PICKLE. Mr. Speaker, on April 17, of this year Mike Wallace of the CBS new program "60 Minutes" hosted a program entitled "The Great American Train Robbery." In this newscast Mr. Wallace interviewed gangs of petty thieves who openly admitted to stealing from the railroads. The program showed films taken by railroad security police of thieves in action. They would walk boldly into the railroad yard, break open a freight car and carry off as much as they wanted. Every type of merchandise imaginable has been taken: guns, whisky, color TV's, furniture and food.

The Great American Train Robbery delved into a giant, complicated, and virtually unseen problem facing today's consumer and the entire transportation industry. On the surface this may look like petty thievery, a carton at a time, but the cost has been estimated at well over \$225 million a year—and all paid for in higher insurance rates and higher prices for the consumer.

Moreover, petty thievery is not the only problem. As I have repeatedly said, the only group doing its job in the business of cargo security is organized crime, all the rest—the industries, labor, insurance companies, the regulatory agencies, the police, the courts—and the Congress—are too busy passing the buck.

Cargo theft is a national problem. In the last year, Government and business have greatly stepped up their efforts to cut down on this theft, but more tools are needed than they presently have to fight this problem. One big stumbling block is the lack of knowledge of what is being stolen, who is stealing it, where it is going after the theft, and how much is actually being stolen.

Congress has avoided the issue long enough. The time to act is now. Citizens can no longer be expected to make up for the losses caused by organized crime. The Nation is demanding better cargo security. The transcript of the CBS program 60 Minutes which follows tells why.

The transcript follows:

60 MINUTES' "GREAT TRAIN ROBBERY"

WALLACE. Time was when there was romance in railroading even on these freight cars back in the Depression Days, especially, when there were the tales of the free and easy life of the hobos who rode these cars from coast to coast. The railroad dick might go after you but not too hard because after all, times were tough and all a fellow would steal on these cars was a free ride and a place to sleep. Well, the romance has gone out of railroading. And if a railroad dick goes after you now he means it. Because you're a thief and you're costing his railroad big money.

The railroad thieves live right along the tracks. These are the Chicago and North-western yards in Chicago, but the neighborhood here is like the neighborhoods that railroads run through in most big cities. . . . The Slums, the ghettos where the poor, the unemployed, the drop-outs, sometimes the drug addicts, have learned that they can come out on the tracks and go shopping for almost anything that they want.

These thieves are stealing in the Bronx in New York City, filmed by railroad security police. It may look like petty thievery, a carton at a time, but investigators in Washington say it adds up to \$225 million dollars a year. Second only to the stealing on the truck lines. The railroads dispute the total value of the stolen goods, perhaps, because they don't want to frighten away their customers. As for the thieves, a group of them in Chicago told us all the items that they've stolen.

MAN. It ain't nothing you can name on the tracks that we ain't never got off of. We've got TV's, beds, guns, rifles—

MAN. Mini-bikes.

MAN. Mini-bikes, windows, couches, furniture, meat, we got meat off the other night. He knows it and he's coming around trying to bust somebody today for it. Trying to bust his brother for it today. But lookee, here, we're just too swift for them, they just can't catch us. We (indistinct)

WALLACE. All right, now, how many guys work at a time.

GROUP. (Indistinct)

WALLACE. All right now, do you really have walkie-talkies or you're kidding?

GROUP. (Indistinct)

MAN. They have walkie-talkies—we got it off their tracks.

MAN. These walkie-talkies are so you know, they can pick up the frequency on the walkie-talkies, pick up the frequency of the radio and that way we'll know when the man is coming.

WALLACE. You have your own walkie-talkies?

MAN. Right.

MAN. Yeah, we have our own.

WALLACE. Now this is the truth? What's the biggest hit you've ever made?

MAN. Guns.

WALLACE. GUNS.

MAN. Whiskey and guns.

WALLACE. And how big was that and what did you do with the guns and the whiskey?

MAN. I ain't gonna tell you what we did.

GROUP. (Laugh.)

MAN. Well, I'll tell you what we did with the whiskey, you know, taverns and jive, we've got these dudes, we're dealing whiskey, you know, like the manager, you know, he might want to buy whiskey so we sell him a couple of cases for about forty dollars or fifty dollars a case like that there.

WALLACE. And what about the guns?

MAN. We deal the guns to different people, you know, different gangs.

WALLACE. How many guns did you get?

MAN. We got a couple crates of guns, what? Two or three crates of guns off.

WALLACE. What do you do with your money?

MAN. Look at that young boy getting out of that '72—(indistinct) (wild)

MAN. He bought that fully paid (indistinct)

MAN. Clothes (indistinct) (wild)

WALLACE. Are these guys Track Blazers?

MAN. Yeah, they're Track Blazers.

MAN. Give me the microphone.

MAN. Tell him how you get the money to buy that '72?

Stole it right on the tracks, right? (wild, laughter)

MAN. Right up there.

WALLACE. A shrewd railroad thief knows just how to go about stopping a freight train as it makes its way slowly through a city. We're not conducting a course in railroad

thievery here, so I won't show you just how, but I can tell you this. With just this hand I can flip a lever over here and separate, uncouple, this freight car from that one just as easily as that. With this hand, I can flip a lever and stop this entire freight train dead in its tracks. Once the train is stopped, then you go to work on the individual cars.

From the beginning of railroading until about ten years ago it was that seal on a freight car that used to frighten the railroad thief off. If that seal were broken it was a federal offense and the thieves used to be afraid of the feds. Well, it's still a federal offense to break the seal, but the thieves don't worry about the feds anymore. They come into a railroad yard, pick up a spike like this one . . . stick it in like this and begin to twist. Now, this is the only lock that is on a good many freight cars. As you can see, it takes no time at all to get rid of that seal, open the car and get inside and get what you want.

Security police prow the yards checking the seals. Only rarely finding a carload that would be hard to hit if the thief had enough time. No locks, just an occasional board, nails and wires. NO locks because the railroads have never found a way to get the keys where the cars are when it's time to open them.

If goods are stolen, the railroads have to pay the bill even though the shipper packs the car himself. The railroads would like the shipper to seal the cars better, but so far they're not having much luck. If you wanted to steal it wouldn't take long to learn your way around a freight yard. Cars sit alone on sidings and you can often tell where the hot cargo lies. This car for example, a container from Japan is almost certainly filled with television sets or some other top dollar communications gear. And we could sniff the tobacco aroma in this cigarette shipment from the south. And does it pay to advertise? Not in the freight yards it doesn't. Police wish the manufacturers would quit advertising their goodies to thieves.

One Miller's High Life car rolled in while we were filming and just twenty minutes later here in Camden, New Jersey, it had been broken open. Several cases were stolen, a lot of single cans were gone. Sometimes a passing trainman gives in to temptation.

This is only part of the stealing that was filmed in New York City in only a few days . . . by railroad police. It's worse at night. The railroads say they need more help from the federal and local governments to put a stop on this crime. And they argue that they are the victims of the problems of the big city slums. They made this film to prove it. This is the railroad's own narrator.

NARRATOR. Here's a scene of a more experienced group of five looters. It's 3:25 PM Saturday the 17th, again in the Harlem River Receiving Yard. The five cartons of paper products removed, three of the looters take theirs and go. Brown shirt and red shirt decide to stash theirs near the fence and take two more from another car . . . apparently with the intention of returning later for the first two cartons.

But there's no honor among thieves. As they disappear with their booty two younger boys appear from the other direction. When they're sure that the older youths are gone, they hijack the first two cartons.

Looting apparently knows no age limit. These children were filmed at the Market Switch at 6 PM, Friday the 16th carrying cartons left by older thieves.

Stealing from the railroad becomes a way of life.

WALLACE. Later that afternoon, this man was spotted in the same yard . . .

By the time that he had taken his carton two more thieves were on their way to the freight car.

A railroad policeman radioed the New York

City Police for help and the cameraman managed to spot one of the thieves getting away.

The police stopped one looter, a plain-clothesman made the arrest, while the other officer rounded up the remaining thief further down the block. Each of these suspects was arrested, booked, tried and convicted.

Many of them here in New York bear the needle marks of the heroin addict. They support their habit by stealing from the tracks.

We were frankly astonished by a conversation we had near the tracks in Chicago . . . we were talking with a gang of young thieves who call themselves "The Track Blazers," when who happened by but their adversary, Penn Central Detective Tom Bossius. He would like to lock them all up, if he could.

What I don't understand Tom, is how come you're so friendly with these guys? Here are men, very young men, who acknowledge that they pilfer, that they steal out of the railroad. Here is a fellow who is a Penn Central Officer, you have a nice relationship, they know Tom, you know them and nothing happens.

DET. Well, the reason that I know them all and they know me is because I've arrested each one of them or one of their buddies.

(WALLACE). Q. You guys call yourself the Track Blazers?

MAN. Right.

WALLACE. Who's the leader of this crowd?

MAN (boy). Me.

WALLACE. You?

MAN. Me and a dude named Willie Wine.

WALLACE. Now how old are you?

MAN. Seventeen.

WALLACE. You look like a little fellow to be the leader of this whole big crowd. Why—

MAN. That's nature.

WALLACE. That's nature. And do you guys agree that he's the leader?

GROUP. Yeah, yes.

WALLACE. What makes this young fellow the leader?

MAN. Because I've got the heart. (Indistinct) know what I'm hitting. And I ain't scared of nothing, you know, like I go in—and I'm telling them now, I'm going to tell you I'm not. I'll go up in the yards, you see, and I know I can't get busted in the yards. Because lookee here, there's many fences over there and I know Tom ain't gonna be beating me climbing no fence—(laughter). And he ain't gonna catch me if once I get over that first fence, because I get in the dark and I'm gone. And he don't know where I'm at then.

WALLACE. You live right here, you just go right on to those tracks right over here?

MAN. Yes.

GROUP. Yeah.

WALLACE. Not day time, night time?

GROUP. Day time, night time, any time.

MAN. Except until he got on days. (Laughter.)

WALLACE. Until Tom here got on days. (Wild.)

WALLACE. Now, let's say that you've gotten the stuff, how do you get rid of it, who takes care of that, anybody here?

MAN. Me.

WALLACE. You?

MAN. Yeah.

WALLACE. All right, tell me about it?

MAN. You see, like if you get something off, like most times you get something off the railroad track the people in the neighborhood most of them can use. So all you have to do is go about asking, you know, from door to door, asking.

WALLACE. Yeah.

MAN. If they want to buy it. And if they want to buy it they go ahead and take it, you know, because it will mostly be clothes and furniture, stuff like that because they need it around their house.

WALLACE. And then—but do you ever go

downtown or does some fence someplace else buy the stuff, lots of it?

MAN. Yeah, we go—but not downtown, no place like that. We go you know, out of this neighborhood to different people, you know, a little south, [???] And we dispose of it there.

WALLACE. And for cash?

MAN. Yeah, for cash money. They give us a lump sum—they give us one lump sum.

WALLACE. Tom, tell me something . . . is this young fellow telling me the truth or is he putting me on?

DET. I'd say it's about forty sixty. Forty percent truth and sixty percent baloney.

WALLACE. Well, even then—

MAN. What about the time we got almost a hundred TV's out there—

DET. They only remember the times that they had real big hits, that's the only times they really remember. The times that they go to jail, the times that they have to sit in court, the times that their mothers come down and crying at the station "My son didn't do it." And we catch him in the act, they don't remember them times.

WALLACE. Tom, how many of these guys, how many of these fellows have you caught with the goods?

MAN. I say about two.

DET. About ninety-five percent of them.

WALLACE. What do you mean ninety-five percent.

DET. At least everyone of them. (wild)

WALLACE. Let me talk to him first. You say you've caught ninety-five percent of them.

DET. Right.

WALLACE. Well, how come they're out here on the street?

DET. The judges let them go. Juveniles, they don't prosecute them like adults get prosecuted. They have to be arrested at least three times in one year in order to go to court with them.

WALLACE. Well, has nobody here ever been put away for doing anything of this sort?

MAN. Yeah, I was put away a day.

WALLACE. For one day?

MAN. Yeah . . . that's all they could hold me for, they didn't have nothing on me, you know.

WALLACE. What did you take?

MAN. Oh, five color tv's. (laughter)

WALLACE. Seriously, you had taken five color television sets?

MAN. Yeah.

WALLACE. And all they gave you was a day?

MAN. That's all I got was a day.

WALLACE. How come?

MAN. Could keep—(wild).

WALLACE. This fellow here.

MAN. He got put away for some time, six months.

WALLACE. Six months.

MAN. For some candy bars and (indistinct) (wild)

WALLACE. All right, let him tell me now, what happened, who got you and what happened?

MAN. Tom got me.

WALLACE. And?

MAN. And they held me down, you know, called the man and took me down to the station. I went to court the next day and they draped six months on me. (indistinct)

WALLACE. Six months. All right, tell me, this fellow did get six months. . . .

DET. Correct.

WALLACE. How did you find him?

DET. How did we find him? We observed him stealing and then we kept a constant surveillance, watched them while they took all the goods out and then arrested—(laughter)—Tried to arrest him.

WALLACE. What do you mean "tried to arrest him"?

DET. Well, there were so many of them that night, I think there was about five or six of them the night we arrested him, I think we got two or three out of the six.

We have so much to protect it's hard to say how much they can get away with. If they get twenty guys in a group and hit a trailer, they can get away with as much as they want.

WALLACE. They can get away with as much as they want . . . unless some changes are made.

Tom Fogerty is chief of security for the Illinois Central and he showed us some simple devices that would make stealing more difficult for the thieves.

FOGERTY. This is one of the first and simplest devices that was used. It's merely heavy wire that's placed in the sealing device—bend it and make a twist. Round and round. And then twist it very tightly into place.

WALLACE. What else you got?

FOGERTY. We've got a new more sophisticated device that consists of a very high strength cable which is much more difficult to remove or cut.

WALLACE. Most of the pictures that we get show young blacks doing most of the thievery. Are young blacks responsible for most of the thievery in the yards?

FOGERTY. They're responsible for a lot of it. I think primarily because quite often they're at the residence of the underprivileged area, the ghetto area. This is where, unfortunately, many of the railroads lie. So this is why there's a preponderance of it. In any area where you have mass population with the freight cars you have that problem irregardless of (indistinct).

WALLACE. What we have shown you may look like pennyante petty crime, but it accounts for more than three-quarters of all railroad thievery. In this age of technical wizardry it would seem to this layman that somebody could come up with something better than cables and wires to put a stop to these young Track Blazers. On the railroads, on the highways, at the airports and on the docks, cargo theft now amounts to about a billion and a half dollars every year. The Congress is finally pushing the Department of Transportation to do something about it because in the final analysis, all the costs of cargo theft are passed on to the consumer and that is you and me.

SCHUYLER EFFORT RESTORES DOWNING

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Thursday, April 27, 1972

Mr. DOW. Mr. Speaker, I recommend to my colleagues and their constituents a visit to the Smithsonian Institution to view the recently rededicated Andrew Jackson Downing Memorial Urn which is situated at the east front of the Smithsonian "castle."

Andrew Jackson Downing, a well-recognized creator of the Hudson River gothic architectural style in the mid-nineteenth century, was also instrumental in developing the plan for the Mall in Washington, D.C. and New York City's Central Park. In 1852, at the age of 37, Downing was killed in a tragic riverboat fire on the Hudson River. Calvert Vaux, Downing's partner, subsequently designed a memorial urn to Downing and it was erected under the direction of President Fillmore on the Capitol Mall in 1856, where it remained until 1966 when it was removed to make way for construction of a Mall underpass.

A little over a year ago, I received a

call from David Schuyler, a resident of Newburgh, N.Y., who was at that time a student of American history at American University. Along with his professor, Dr. Charles McLaughlin, he had discovered the Downing Memorial Urn in a storage facility belonging to the National Capital Parks Service in Brentwood, Md. Mr. Schuyler asked me to have the Smithsonian Institution release the urn and arrange to have it sent to the Hudson River Valley and erected at an appropriate location there rather than leave it in some abandoned storage area.

I approached the Smithsonian and requested the release of the urn. However, my request aroused interest among Smithsonian officials and they decided to rededicate the urn. The renowned sculptor Renato Lucchetti of Arlington, Va., was commissioned to restore the urn and Smithsonian designated a prominent place for it on the Mall.

To me this is a prime example of the good that can come from an involved and interested constituent working with his Congressman for the benefit of his district.

Last Tuesday, the Smithsonian held a simple, but moving ceremony at the east front of the "Castle" to restore the urn to its original setting. Although I would have liked to claim this beautiful classical urn for the Hudson Valley, I am nevertheless pleased to see it take such a prominent place on the Mall.

The dedication plate reads: "He was born, he lived, and he died on the Hudson." All Hudson Valley residents join in my pride of this memorial, I am sure.

WILLIAMS-STEIGER OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES
Thursday, April 27, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, many years may pass before we here in the Congress can effectively judge just what the Nation's employers are doing to assure the congressional intent stated in the Williams-Steiger Occupational Safety and Health Act of 1970 to "... assure so far as possible every working man and woman in the Nation safe and healthful working conditions . . ."

Obtaining compliance with this legislation is a formidable task indeed: Almost 60 million employees in about 5 million establishments are covered.

Since it formally came into being on April 28 last year, OSHA has concentrated on recruiting, training and putting to work an effective compliance staff in a decentralized field structure, making inspections to assure standards are being observed.

Since it can never have enough compliance officers to inspect every establishment frequently, OSHA has had to set priorities. First attention is given to investigating catastrophes and fatalities; second, to investigating complaints by

employees; third, to activities in target industries with high injury rates and health hazards; and fourth, to inspecting a random cross section of establishments of all sizes and types all across the Nation.

I am sure many of us in this Chamber have received complaints from employers in our States that the compliance officers are too tough. At the same time, we hear from labor unions that the inspectors are too lenient. Obviously, the truth must lie somewhere in between.

It must be remembered that a trigger for passage of the act was the fact that voluntary efforts had not worked, as evidenced by the steadily rising injury frequency rate for the last decade. So any new Federal inspection inevitably would produce protests. OSHA therefore has established a policy of administering the law firmly but fairly. In its first year, OSHA seems to have done an effective job of staying within the guidelines we in the Congress wrote. It is our hope that this will continue. If it lapses, then it is up to the Congress that wrote the act to make any changes that seem necessary.

OIL SHALE LANDS ENVIRONMENTAL ACT OF 1972

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. VANIK. Mr. Speaker, in December of this year, the Department of the Interior is going to begin accepting bids on six sites of land, two each in Colorado, Utah, and Wyoming, for the purpose of leasing the land, 17,000 square miles or, 10,880,000 acres—an area equivalent to that of Massachusetts, New Jersey, and Delaware—for the development of an oil shale industry.

What is oil shale? It is a nonporous rock which contains solid hydrocarbons. When this rock is crushed and heated to over 900° F., the solid hydrocarbons liquify and form an oil with a very low sulfur content, of high quality.

It has been estimated that well over 2 trillion barrels of oil are trapped in the lands of Colorado, Utah, and Wyoming with 80 percent on federally owned lands. The current potential dollar value of this natural resource on our public lands is over \$8 trillion.

According to some sources, 1 square mile of land 2,000 feet thick could supply the energy needs of this country for 1 year.

In light of the fantastic national treasure which this land represents, it is imperative that we carefully prepare for the proper management of this vast new resource, for it could supply our energy needs for centuries to come.

But, if we are to rely on this new source of oil—new to us because the British and Chinese have been producing oil in this manner in small quantities for decades—it would be wise for us to develop this energy supply for the public's benefit, economically, and above all else, in an environmentally sound fashion.

The bill which I am introducing today will insure all three of these goals now, before we are committed to a management policy that fails to protect the public interest.

This legislation will insure that all potential environmental hazards will be met and dealt with in a sound manner.

We can not tolerate the unconscionable destruction of the wilderness area of the Rocky Mountains. There are canyons, cliffs, valleys, and rivers of still unspoiled beauty. Also, over 300 species of animals make their homes in these wilderness areas. This land is one of the last great wilderness areas in our Nation.

My bill will minimize the effect of the onslaught of oil development on these lands. It will insure that existing air and water quality acts are enforced to their utmost; that a rigorous reclamation and revegetation process of the spent lands will be undertaken.

This will include a preliminary study of the land to inventory the ecology in each area of development. The outcome of these studies will be a comprehensive plan to restore the spent lands as nearly as possible to their original condition. This means that not only will air pollution from the refining process be controlled, not only will water pollution from the mining procedure and processing be controlled, but also that the reclamation and revegetation of the lands will be strictly controlled.

Upon passage of this bill, the tailings—the shale after the oil has been removed—must be deposited and contoured in such a manner that it resembles the natural terrain. Also, the land must be revegetated with indigenous plant life.

This Nation has the chance to show that it has learned a most instructive lesson in witnessing the near total destruction of land wherever coal strip mining has occurred. In my own State of Ohio, and in 24 other States, entire mountains and hillsides have been leveled and left barren.

If strip mining is permitted in the oil shale lands of the western Rockies, we run into the potentiality of another Appalachia. It is my intent that there be no surface mining of oil shale.

For an example of what has happened in the coal mining regions of Ohio, Prof. Arnold Reitze of the National Law Center at the George Washington University in the June 1971 issue of the Case Western Reserve Law Review, states that 67,920 acres and 1,200 miles of streams have been adversely affected by surface mining of coal. Also, he reports that—

In Meigs County in southeastern Ohio, the destruction of 3,000 acres ended much of the excellent hunting for bob whites, cottontails, deer, and grouse. The results of most reclamation efforts demonstrates that the industry spends little as legally possible to reclaim ruined land.

Reitze quotes an article in the December 1969 issue of *American Heritage*:

But the real shattering of the ecology of a mountain begins after the strip miners have come and gone, and the resulting troubles continue for years at a cost no one studying the problem is as yet able to estimate. Even before the rains hit them, the spoil

banks begin to move. Full of churned-up slate and mangled trees, spoil banks are highly unstable affairs and slowly succumb to the pull of gravity with a dry, sliding sound one can actually hear. Then, when the inevitable mountain streams strike, rushing water slides into them like a knife. Landslides will block streams and highways and in the words of a government report, "economics and aesthetic values (are) seriously impaired." But apart from spoil bank damage, even ordinary erosion will cause extraordinary damage in no time. Water races off the mountain loaded with silt, gravel, and the sulphuric acid that drains out of exposed coal or its overlying strata. Shining with mustard-colored coal silt and poisoned by mine acid, thousands of . . . creeks and streams are quite literally "dead"; nothing lives in them; the putrid water is good for nothing, and it stains and poisons just about anything it comes in contact with.

In oil shale lands, we are talking about the tributaries of the Colorado River which is the water supply of Arizona, New Mexico, part of California, Nevada, and Colorado.

As a result of the coming shale development, an influx of people, as workers in the industry and as auxiliary personnel, will flow into the area, perhaps as many as 47,000 people during the first 6 years of development, with many more to come in the future. Therefore, a new town development plan will need to be devised. My bill instructs the Secretary of Housing and Urban Development to construct such a plan.

The strength in my bill lies in the fact that the enforcement and the development of environmental guidelines is placed in the hands of the Administrator of the Environmental Protection Agency. EPA has shown that it can fight environmental offenders, whereas the Department of the Interior has constantly begged for the exploitation of our natural resources for the benefit of big business; in this case, the oil industry.

The bill imposes a 2-percent tax on gross revenue earned from the sale of oil produced from oil shale. The proceeds from this tax will be placed in a trust fund to be administered by the Administrator of the Environmental Protection Agency. The purpose of this fund is to provide a source of capital for the complete reclamation and revegetation of the lands.

Since May of 1965, when the first oil shale hearings were held before the Committee on Interior and Insular Affairs of the Senate, volumes upon volumes of literature on this subject have been published discussing every aspect in the development of the oil shale industry. It is now time to act before our last great natural resource is exploited at the hands of the huge oil companies.

If the Federal Government is going to lease these oil shale lands, we must make certain that the lands return a significant amount of revenue into the National Treasury. A recent General Accounting Office review of Federal land leases in regard to coal mines showed that "the Government has not received equitable royalties for coal produced on Federal lands."

It should be pointed out that as of today, the Department of the Interior is planning to lease the lands at the

audaciously low price of 50 cents per acre.

To insure that the land is not given away, I am today introducing a second bill which will amend the Mineral Leasing Act of 1920 by raising the yearly rental fee from 50 cents per acre to \$500 per acre as well as put the leasing of the lands under the supervision of the Administrator of the Environmental Protection Agency. This bill will also impose a 25-percent royalty fee on gross sales of all oil produced from oil shale.

To point up further this situation, let me now include some information concerning the oil industry's contribution to the National Treasury, or rather the non-contribution which must be corrected.

In 1970, the total receipts for the American petroleum and related industries amounted to \$72,623,310,000. Of this figure—which is nearly equal to our defense budget—\$68,757,314,000 is listed as tax deductible.

This leaves \$3,398,161,000 as taxable income. During 1970 the oil industry paid \$1,724,881,000 in income tax.

This situation depicts an outrageous run on the Federal Treasury.

Not only have the oil companies succeeded in avoiding their fair share of the tax burden, but they have significantly and needlessly damaged our environment.

My proposed legislation, if passed, will be a great step in the direction of correcting these abuses.

In conclusion, Mr. Speaker, I would like to close with a very timely remark made by an astute Republican Senator 110 years ago, the Honorable J. S. Morrill, author of the famous Land Grant Colleges Act:

From the seeming vastness of our public lands, magnified by all the wastes, mountains, waters, and deserts, it has been thought impossible to overestimate their extent or value; and on the theory that they were inexhaustible, they have always, when sold, been held at an inconsiderable price—scarcely more than the fees for transferring record of title in older countries—and, when given away, the mile-squares have been bestowed with a lavishness only equaled in the days of feudalism.

The bill I am introducing will attempt to end the abuses of the past from continuing to ruin the future of the Nation.

It is my hope that this legislation will receive early hearings to insure that further delay will not lead to further destruction.

LAW DAY

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. EDWARDS of Alabama. Mr. Speaker, the President of the United States has requested that Monday, May 1, be observed as Law Day 1972 in our Nation. I joined in that request.

The lawyers of our country certainly deserve the praise and commendation of

this body for their work in the furtherance of justice. But Law Day is not just a day for members of the legal profession. It is a day which Congress established to remind every citizen that the rule of law is a thread which runs through our entire social, economic, and governmental structure.

The law enables men and women to conduct their lives in an ordered, predictable fashion. The law provides for equal opportunity and unbridled potentiality. It allows change, but directs this change through the channels of reason.

We should continue to strengthen and improve our legal institutions, remembering that "injustice anywhere is a threat to justice everywhere." We must continue to push for wider acceptance of the responsibilities of citizenship just as we work to safeguard the corresponding rights. But on Law Day 1972, it is good to pause and reflect on the accomplishments of the greatest legal system in the world.

AAFES OUT OF STEP—AGAIN

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. GUBSER. Mr. Speaker, under leave to extend my remarks, I am inserting in the RECORD today an editorial from a recent issue of Exchange and Commissary News concerning some questionable policies of the Army-Air Force Exchange Service.

I am concerned that these policies deny military families an important convenience in being able to learn from an advertisement whether a product is available in the exchange. In addition, it seems to me that action might constitute restraint of trade and is an interference with free-enterprise business firms, which is certainly beyond the prerogative of the Exchange Service.

I suppose the policies derive from a desire to avoid having the exchanges appear in competition with private retailers. The objective might be commendable, but the reasoning is ridiculous. The Navy and Marine Corps exchanges and all service commissaries get along very well without any such artificial restrictions on suppliers. AAFES has no right to set itself up as judge of business firms in this way; a company has a right to set its own advertising policy. One thing we do not need is additional secrecy in procurement matters. And we do not need unnecessary policies which hide information from military families.

The editorial follows:

EVERYONE OUT OF STEP BUT AAFES? AGAIN!

Once again AAFES is out of step with the policies of NSRO, the Marine Corps Exchange System, and the commissary branches of all Services with its new policy strongly prohibiting any firm from noting in its promotional literature, radio or TV broadcasts, print advertising or any other medium that its products are sold in Army or Air Force exchanges. (For full text of directive see page 3, November E&C News.)

Even such an innocuous phrase as "avail-

able in your base exchange" to help acquaint customers with a new product, or new line, will put a supplier in the position of being vulnerable to losing his PAB and his sales to AAFES. Without trial or due process, of course.

By contrast neither the Navy exchange system nor the Marines have such a policy. In the case of commissary stores, such phrases are encouraged as officials feel they help advise customers of new items, or specials, and thus help move merchandise as well as provide an information service to the customer.

Under the harsh AAFES rules, the president of a large firm which may be proud of its sales and service to military personnel could not even refer to the fact in a speech or his firm could be barred from doing further business with AAFES.

It is interesting that this prohibition applies to suppliers only. One division of AAFES encourages post and base newspapers to run shopping columns calling attention to what is available in the post or base exchange. Some Army and Air Force exchanges also publish flyers and other promotional materials with the same purpose in mind.

It might be noted here also that AAFES has a strict policy of prohibiting a firm from mentioning it has a Price Agreement Bulletin with AAFES. Neither the Navy nor Marines have any such rule. The commissary systems encourage firms to list their SB numbers to make ordering easier for the ordering clerks.

We recognize that the government has a legal right to protect the names "Post Exchange, Base Exchange, PX" etc. . . and in the past this has resulted in the prevention of civilian retail stores from using those terms which might mislead customers. The legal basis for this has been established.

Interestingly enough the General Services Administration has, for the first time, published the broad names of items it purchases. This is in line with government policy on greater disclosure in the areas of procurement.

Thus a vendor cannot admit he sells to AAFES. AAFES in turn will not reveal the names of firms it buys from nor the dollar amount. And all procurement is then kept in total secrecy. As the Congress recently noted in a related case, this only encourages more collusion, more dishonesty, more corruption. AAFES should know. It has had its share of it.

Once again AAFES stands alone.

TRIBUTE TO SECRETARIES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. ANDERSON of California. Mr. Speaker, in the field of business and industry, in the professions and in government, the successful operation of an office is based on the skills and attitudes of its secretaries.

National Secretaries Week, a period set aside to recognize the essential function of secretaries as the backbone of management, is now being observed.

I am sure my colleagues will agree that they could not function nearly as well without the unselfish and professional assistance which their secretaries provide daily.

I would like to say thank you and congratulations to the secretaries on my staff: Lanell Talbert, Alice Smith, Edna

May Ong, Margo Shildkret, Sandra Nelson, Anna Ramirez, Ada Castle, Lucille Sanchez, and Pamela Avent. The mature office skills, initiative, judgment, and loyalty which they bring to their work each day are exceeded only by their hard work and spirit of helpfulness and cheer.

HEREDITY NOT CONSIDERED FOR NATIONAL SCIENCE FOUNDATION RESEARCH

HON. JOHN R. RARICK

OF LOUISIANA

Thursday, April 27, 1972

Mr. RARICK. Mr. Speaker, the noted Soviet scientist, Trofim Lysenko, opposed and rejected the theories of heredity accepted by most geneticists. Lysenko's theory, that environment controlled all, was consistent with atheistic Marxian ideology and won him the support of the party. By ordering into practice his theory that environment could change spring wheat into winter wheat, the Supreme Soviet caused millions of Russians to die from famine. And in Russia, it was the rankest heresy for any Party member even to suggest that winter wheat was inherently different from spring wheat. The spring wheat just refused to comply with Lysenko's theory that environment controls all life even though assisted by decree from the Supreme Soviet.

Yet in our country today we continue to pour billions of taxpayers' dollars into educational experiments, the busing of schoolchildren, an equal employment bureaucracy, urban renewal, model cities, and a myriad of progressive social experiments, all based on the fallacious assumption that an improvement or change in environment will mysteriously raise the level of intelligence, create initiative, and control behavior.

The time-proven theories of heredity are labelled as taboo in polite discussions, forbidden in political considerations, and feared as revealing undisputable truths.

This week the House appropriated \$673.8 million to the National Science Foundation for fiscal year 1973. Many of the research programs are designed to determine why the many Federal projects based upon the common acceptance of environmentalism as a positive science have failed. No authorization of money was invested to utilize the many statistics and the available experience to get at the root causes of many problems or to seek honest solutions by scientific research to determine the relationship of heredity to educational achievement and intelligence. So long as our politicians and social scientists continue to waste the taxpayers dollars on fighting effects instead of investigating causes, our problems will become complex to where as in Lysenko's time, we too will have a famine—a cultural famine.

If the genetic traits of nature in a minute grain of spring wheat cannot be altered by environment, can we much longer afford to ignore the genetic peculiarities of man?

This same body which authorized \$673.8 million for scientific research, including such items as the Watts riot in 1960, and demographic research on the Chinese population, refused to support my offered amendment for research in genetics.

I include the text of my amendment to the National Science Foundation appropriations along with supporting remarks, and a biographical sketch on Lysenko:

AMENDMENT OFFERED BY MR. RARICK

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

The Clerk read as follows:

Amendment offered by Mr. RARICK: Page 2, line 15, insert a new subsection:

"(a) not less than the amount stipulated for the purpose of 'Scientific Research Project Support' in category (1) of section 1 shall be available for that purpose, and of such amount not more than \$10,000,000 shall be available for research to determine the relationship of heredity (genetics), to educational achievement and intelligence and the application of such findings to the improvement of educational practices."

The remaining subsections of section 2 shall be renumbered subsections (b), (c), and (d) accordingly.

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

Mr. RARICK. Mr. Chairman, with billions of taxpayers' dollars being invested in busing of schoolchildren, the development of an equal employment bureaucracy, urban renewal, model cities, and a myriad of social experiments all based on what experience is proving to be the fallacious assumption that an improvement or change in environment will somehow mysteriously raise the level of intelligence and initiative, there is an imperative need for research to inquire into and determine the relation of heredity to educational achievement and intelligence for the improvement of educational practices and to develop solutions to educational problems based on facts and scientifically derived truths.

For example, last month a reassessment was made of the 1966 Coleman report which had been compiled at Johns Hopkins University. Daniel Moynihan, a social scientist and former aide to President Nixon, participated in the new analysis and reportedly had this to say: "It still came out about the same way" confirming Coleman's principal finding that nonschool factors, particularly family background, are much more important in determining educational achievement than anything connected to the school—and this included equipment, class size, or teacher preparation.

The theory of social justice that holds intelligence can be suppressed because of social injustices is not sufficiently tested as a scientific basis on which to develop research and the future course of our country. The commonly advanced notion that social injustices have been the primary cause of poverty and inequality, without any consideration of genetic differences in human capacity, is unfair and unjust to all concerned. To attempt to solve our problems without using available evidence of statistics gained by experience is irresponsibility.

If every social injustice on earth were removed tomorrow, there would still be many people who would remain relatively poor and there would still be widespread differences in intelligence, initiative, and status. Since conflicting views exist in the academic community regarding the relative importance of genetics and environment in the level of educational achievement and intelligence, I feel that scientific studies of the genetic aspects of our Nation's human potential and human quality problems would be meaningful and

should be undertaken in the interest of objectivity.

The roles of both heredity and environment in determining the level of academic achievement and intelligence have been prejudged by society because of emotional bias and without sufficient scientific evidence.

My amendment merely points out the existence of a crying need to seek facts upon which to base honest solutions and calls for research to determine the relation of heredity to educational achievement and intelligence and the application of the findings toward improving educational practices.

The search for truth regardless of where it may lead should be the basis for all scientific studies. This basic study is imperative if we are to find the answers to our problems. I urge adoption of my amendment.

[From the McGraw-Hill "Encyclopedia of Russia and the Soviet Union"]

BIOGRAPHICAL SKETCH OF TROFIM DENISOVICH LYSENKO

Lysenko, Trofim Denisovich (1898-), biologist and agriculturist. Fellow Ac. of S., Ukrainian SSR (1934), All-Union Ac. of Agricultural S. (1935); fellow and member of the executive board, Ac. of S., USSR (1939). Hero of Socialist Labor (1945). Since 1937, member of the Supreme Soviet and vice chairman of the Council of the Union. Graduate of the Poltava School of Horticulture (1917) and the Institute of Agriculture (1925) in Kiev. Associated with the Kirovabad Experimental Selective Center (1925-29); head of the All-Union Institute of Genetics in Novosibirsk and of the Institute of Genetics, Ac. of S. (1940), President of the All-Union Academy of Agricultural Sciences (1938). A discipline of V. I. Michurin, L became known for his vernalization process of seeds of spring wheat which, he claimed, endowed it with characteristics of winter wheat. L's doctrine that characteristics acquired through environmental influences are inherited has become a highly controversial subject. He opposed and rejected the theories of heredity accepted by most geneticists ("Weismannism-Mendelism-Morganism"). Being in line with the Marxian ideology, he won the support of the party. The teaching of biology in the USSR was adjusted to L's theories. The peak of L's power was reached in 1948, when a great conclave was summoned at the Lenin Academy of Agricultural Sciences on July 31 to "consider the situation in the biological sciences." Stalin gave his personal support to L and, at the time, any scientist who was opposed to L's doctrine became subject to reprisals. His most renowned opponent, Nikolay I. Vavilov, the leading geneticist in the Soviet Union, died in a Siberian concentration camp during World War II. Presently, L has moved to the background and other theories are officially accepted. Author of *Heredity and Its Variability* (1943; English 1946); *The Science of Biology Today* (English, 1949); *Problems of Genetics, Selection, and Seed Processing* (6th ed., 1952); *Stage Development of Plants* (1952). Stalin prizes (1941, 1943, 1949), six Orders of Lenin, Order of the Red Banner of Labor, and others. (See also GENETICS.)

MOORHEAD SPEAKS AT 92D BIRTHDAY OF SHAARE TORAH CONGREGATION

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. MOORHEAD. Mr. Speaker, Shaare Torah Synagogue in Pittsburgh is the

city's oldest Orthodox Jewish congregation. Recently it celebrated its 92d birthday. I was honored by being asked to give the evening's main address.

I include my remarks in the *RECORD* at this time and thank Rabbi Bernard Poupko of Shaare Torah for his invitation.

REMARKS OF CONGRESSMAN WILLIAM S. MOORHEAD

Rabbi Poupko, ladies and gentlemen, friends and neighbors. It is indeed a pleasure for me to be here with you to help celebrate the Shaare Torah's 92d birthday.

As the oldest orthodox congregation in the city of Pittsburgh, you should be proud of the contributions made to Jewish culture of our city by your synagogue groups and your members and the congregation as a whole.

I know that you realize how fortunate you are to have the brilliant Dr. Poupko as your spiritual leader. He has been a wise counsel to me on the dilemma of Soviet Jews wishing to emigrate to Israel, and he has made the same contribution to national orthodox Jewry.

I know my friends in the State Department are aware of Dr. Poupko's activities.

I met with one of the officials who works on the Soviet Desk at the State Department the other day and he was telling me about a contest the Russian Embassy was running for its residents. The contest asked them to guess how many times Mrs. Nixon would say "pandemonium is going to break out" after she welcomed the bears to the National Zoo. First prize was a week's vacation in Moscow. Second prize turned out to be two weeks vacation in Moscow.

Speaking of vacations, two friends of mine went on a hunting vacation together in Canada.

Arriving at the main hunting lodge they found no vacancies. However, since they traveled so far they decided they would go hunting anyway.

That evening, coming out of the dense woods, they knocked at the door there. Although she was a widow and alone, she agreed.

About six months later, the one friend received a letter from a lawyer in Canada.

He immediately called his hunting buddy and mentioned the letter and said that he was a bit confused.

"By any chance, did you have an affair with that woman?" asked the guy who had received the letter.

"Yes, I did, Bernie, but I meant to explain that to you," the other said.

"And did you give her my name?" Bernie went on.

"Well, I meant to explain that, too," the friend offered guiltily.

"Don't bother," said Bernie, "the woman died and willed me her farm."

Last October, I had the honor and pleasure of addressing the Rally for Soviet Jewry at the YMHA in Oakland.

I was heartened at the time by the outpouring of concern by Jews in the United States for the plight of Jews living in the Soviet Union.

I urged all present to continue their peaceful activities protesting the actions of the Soviet government.

I said, with hope your activities would assist the emigration of as many as 10,000 Jews to Israel. I was wrong, thank god. By the end of 1971, more than 13,000 Jews left Russia to settle in Israel. It is these kinds of statistics on which one likes to err.

I encouraged many of you last fall to maintain your actions and to keep applying the pressure to local and national elected officials and to the Soviet government. Your efforts have continued and because of this, I think we can expect a record number of emigres

to leave Russia and settle in Israel this year. You earn a well-deserved pat on the back.

After a slight slump in departures around the first part of this year, more than 3,000 left in March, one of the highest monthly totals yet, bringing to slightly more than 8,000 the number of Jews leaving Russia in 1972. If this keeps up through the end of the year Israel's population will be swelled by some 30 thousand plus.

Good news in deed. But there is better news.

For a very long time, many of us in the House of Representatives have sought practical means by which our government can assist in alleviating the plight of Soviet Jews caught unwillingly behind the Iron Curtain.

As your elected leaders in Congress, what have we done about the difficulties? Some of us have gone to the Soviet Union, as I did last summer, to try to find out first hand what is it in the Russian psyche that generates such hostility and fear. Some Congressmen travel to Israel and look at the problem from another angle. I have also been in Israel.

Or some of us introduce legislation to lobby our own government, in this case the President and the State Department, to make a firm gesture on behalf of Soviet Jewry, to let the world know where the greatest nation in the world stands in this intellectual and cultural program, that the Russian government is perpetrating.

It has long been my belief that the problems suffered by Jews in the Soviet Union and elsewhere are not difficulties that should be faced by them alone. These are fundamental questions of human rights and human dignity that should concern all men everywhere. They are matters between all governments not simply the burden of a single people or ethnic group.

This is why I have pledged my efforts and office to any measure or action which offers your people relief from the Russian bear.

There are those who say that Jews and Gentiles in the United States should not get involved in the internal affairs of the Soviet Union.

Unfortunately, this too often is the attitude adopted by our State Department and the Arabists in government who fear that any positive action vis-a-vis Israel or Soviet Jews will anger the Middle East sheiks from whom we get oil.

I am not sure if the President is being influenced by these people or not. He has taken action which can be interpreted as both pro and anti-Israel.

But if I am in a quandary about what the President's motives are, I have no doubts about where the sentiments of Congress exist.

In this year alone, more than 48 different bills and resolutions supporting the cause of Soviet Jewry and Israel have been introduced into the House. I have introduced three of these bills in addition to sending two letters to President Nixon on the issue. Many identical actions have taken place in the Senate. And these activities are beginning to bear fruit.

On Monday, April 17 the following resolution was read to the House of Representatives:

Whereas in the Soviet Union men and women are denied freedoms recognized as basic by all civilized countries of the world, indeed by the Soviet Constitution; and

Whereas the Jews and other religious minorities of the Soviet Union are being denied the means to sustain their identity inside that country and the opportunity to maintain that identity by moving elsewhere; and

Whereas the right freely to emigrate, which is denied Soviet Jews, is a right affirmed by the United Nations Declaration of Human Rights, adopted unanimously by the General Assembly of the United Nations: Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President of the United States of America shall take immediate and determined steps to—

(1) call upon the Soviet Government to permit the free expression of ideas and the exercise of religion by all its citizens in accordance with the Soviet Constitution; and

(2) utilize formal and informal contacts with Soviet officials in an effort to secure an end to discrimination against religious minorities; and

(3) request of the Soviet Government that it permit its citizens the right to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights; and

(4) raise in the General Assembly of the United Nations the issue of the Soviet Union's transgression of the Declaration of Human Rights, particularly against Soviet Jews and other minorities.

The House passed this ringing declaration by a vote of 360 to 2, with one voting present.

On the same day in the Senate, the Senate Foreign Relations Committee reported favorably an authorization bill, calling for some \$85 million dollars in assistance to Israel to help in settling Soviet Jews. The House committee working on the same issue is considering voting out the identical provision. I might add that the Nixon Administration has, and is, opposed to this expenditure for refugee settlement.

This is the kind of positive assistance you should demand, and have every reason to expect, from your government.

I don't buy that State Department malarky about angering the Arabs or upsetting the delicate detente we have constructed with the Soviets.

There is a multitude of reasons, about 20,000 immigrants, to date, that prove what we have been doing is the right thing. And those who protest that our voice is but a cry in the wilderness, that it will do no good, that it will be ignored by the Soviet government or worse that it will spur the Russians to more anti-Jewish actions, are wrong. They are the spineless voices of the status quo, people who cannot understand the meaning of the cry "Next year in Jerusalem."

I will never listen to them and I know that you will not.

When I visited the Soviet Union for several weeks last summer, I came away with several very stark impressions.

"The overriding sensation that one gets in Russia is of a heaviness. It is a backward slow-moving country struggling to modernize.

"Homes are built with production in mind rather than the people who will live in them.

"Life is drab and colorless and made unbearable at times by the continual pressure of filling out forms, waiting in lines, meeting quotas and the general regimentation of the country."

However, I was impressed with some of the physical characteristics of the Soviet Union. Moscow has an enviable urban transit system, which Soviet workers can take almost anywhere in the city for only five kopeks.

American planners would turn green with envy and rejoice in the low level of air pollution in Soviet cities which is a result, naturally, of the far fewer automobiles.

The New York or Pittsburgh slum-dweller would welcome the low income Muscovite's apartment, with its clean surroundings, free from drug addiction and street crimes. The average Soviet citizen can secure this very functional shelter for a mere 4% of his monthly income.

The officials of our National Arts and Humanities Foundation, I'm sure would envy the ease with which their counterparts in the Soviet Union can devote untold treasures to the rehabilitation of historic locations, to

cultural museums, and can receive unlimited subsidies for the ballet, the theater, and even the circus.

Poverty exists in the Soviet Union. But I observed none of the abject, debilitating urban poverty which afflicts a portion of American society.

There are things in the Soviet Union from which we could profit. But this selfish interest can never overshadow the realization that the Soviet people enjoy these items at the expense of something far more dear—their individual freedom.

My discussions with Soviets about treatment of Jews were met with either hostile or blank retorts.

They deny that they are singling out Soviet Jews for any special treatment. The unfortunate thing is that anti-semitism is so rooted in the Soviet culture that few Russians realize just how they are abusing Jews.

I'm sure few Russians would describe as anti-semitic, a novel being widely disseminated, while I was in the Soviet Union.

Yet the work, which had an original printing of 200,000 copies, though containing some malicious cartoons of a number of non-Jewish Soviet liberal intellectuals is blatantly antisemitic. Even the non-Jewish villains and weaklings are charged with glorifying "Einsteins and Eisensteins" while denigrating Russia's cultural achievements. Of the novel's two central Jewish villains, one, named Dubavin (who shamefully conceals his Jewish first name and patronymic) is not only a repulsive corrupter of innocent Russian maidens, but, as I learned later in the novel, also a foreign spy. In his spying activities, his alias is "Henry Schwartz"; his accomplices and friends also have Jewish names. The other Jewish villain, Naum Goltser, is sinister to the point of grotesqueness. He is linked to a foreign journalist named Jack Sidney Davie, who is expelled from the USSR for smuggling "narcotics and Zionism," in the novel, Goltser is a lecher who forces a Russian girl into unnatural sex acts. He is also a purveyor of narcotics, although he himself would not touch the stuff. To top it off, Goltser commits two murders, both related in gruesome detail; one of the victims is his girl friend, a narcotics addict, and the other his own mother.

The Soviet policy which permits or encourages the publication of such works is not only anti-semitic it is essentially anti-individual, anti-religion and anti any non-Russian culture which cannot be collectively controlled.

The message which I tried to impart to the Russians while I was visiting their country and which should be the long-range objective of all is this.

The Soviet Union must realize it is an established power which does not face any real external threat, need not fear competitive ideas, need not fear those who criticize Soviet society, or those who seek to kindle their religious and cultural heritage.

I don't know if my proselytizing did any good.

For, on my trip to Russia, I found the average Soviet citizen a decent enough fellow. However, in Soviet officials, by and large, I encountered only rudeness, incompetency, and brazenness.

I am not a violent man. I try not to be an angry man. My tools are reason and conciliation. Yet I was so angered by a verbal assault on our country by one Comrade Arbutov, head of the Soviet U.S.A. think-tank, I purposely baited him and then wideeyed, and bushy-tailed, asked him to describe the Soviet adventures in Hungary and Czechoslovakia. He flushed red (no pun intended) and our discussion ended quickly.

While traveling in Russia, I had my passport and my schedule, checked, re-checked, and examined again by so many different officials—all acting quite normally—that I

developed an instant aversion to any bureaucracy.

The only way I can describe it is to ask you to conjure what it would be like to have to apply for your driver's license, take your operator's test, file your income tax, your will, and seek a divorce all within a day's time—and then repeat the process every few days or so. This kind of clerking and filing goes on with every significant action of the individual in the Soviet Union whether it's changing jobs, traveling to the country, purchasing food and home goods or whatever.

I cannot describe the feeling my family and I felt once we crossed the Soviet borders and arrived, finally in England. The proverbial weight leaped from our shoulders and we could once again relax and answer to nobody but ourselves and God.

While in the Soviet Union, and in Europe, I grew to realize the importance of our Radio Free Europe and the Voice of America-type broadcasts.

Our news broadcasts beamed into Russia, they really have a salutary effect on those people behind the Iron Curtain who wish to know what really is happening in the world. This applies doubly to those Soviet Jews who feel the Russian Bear stepping on their neck more than most.

Several months ago, I joined with some of my colleagues, in a resolution urging inclusion of Yiddish-language broadcasts over the Voice of America. The evidence was clear to me that a substantial portion of Soviet Jews speak Yiddish as their second, or even first language. Yiddish broadcasts, if only a few minutes a day, would indicate in a concrete way our compassion and warm feelings towards the Soviet Jews.

It was a very modest request.

Although it is hard to believe, the Director of the U.S. Information Agency, Mr. Frank Shakespeare, and several high-level Nixon Administration officials refused to comply.

They summoned a variety of largely irrelevant and misleading arguments to defend their position.

At briefings, they stated and implied that Yiddish broadcasts, no matter how innocuous in content, were inconsistent with our Government's policy of not disturbing the Kremlin.

Is this the moral fiber which characterizes American history? Is this the broad dissemination of differing points of view so piously claimed by the Voice of America? I think not.

It is here where I admit confusion over the Nixon doctrine toward Soviet Jews and their desire to go to Israel.

The Administration opposes Yiddish language broadcasts. It opposes \$85 million for resettling Soviet Jews in Israel.

Yet, newspaper reports to the contrary, I have been informed that Golda Meir was quite satisfied with her meetings with the President and with the military package we pledged to Israel.

Apparently Nixon took a resolute stand regarding Israel's integrity and its problems with its Arab neighbors.

I think Nixon the pragmatist realizes that maintaining a bastion of democracy amid so many unfriendly nations, no matter what the costs, is a wise move especially in light of our dependence on Middle Eastern oil, the strategic importance of the Mediterranean and, possibly, the Suez Canal—if it is ever reopened. For these reasons and others the United States must guarantee that Israel remains strong. I can remember my friend Felix Puterman of the Jewish War Vets saying to me three years ago, "Nixon will be good on Israel but he'll stink on everything else." Grudgingly, I'll agree, Felix . . .

As pleased as we all are at the fact that Golda Meir was pleased, there is something which we all should be quite concerned about. It is something which I have already

written to the President about and a matter, I suspect, you will want to alert your friends in Washington to.

Without commenting on the veracity of the Washington rumor mill, I was informed by a good source that Mr. Nixon's agenda, when he talks with Soviet leaders, does not, I repeat does not, include the subject of the Soviet treatment of its Jewish citizens.

I know you are asking yourselves, how does Bill Moorhead know this? And I tell you that I don't know, for sure, but before coming to Pittsburgh, one of the more reputable Jewish lobbyists in Washington called and told me this. I think enough of him to act solely on the possibility that because of the SALT talks, because of adventures in Southeast Asia and because of our reapproachment with the Chinese, President Nixon doesn't want to sour the borscht with talk about a few million Jews who are suffering under Soviet oppression.

I hope this is not an example of the "benign neglect" the Nixon Administration seemingly has reserved for another of America's minority groups.

I contend that good will between nations is desirable and should be a paramount consideration of the President. However, this goodwill should not be bought at the expense of 3 million Soviet Jews.

The modern day Pharaohs of the Soviet Union have shown that they are vulnerable to the harsh light of public opinion and the demand, "let my people go."

Demands for freedom and displays of affection for Israel, like the ones some Soviet citizens have engaged in recently, would have been crushed in the past with the full power of the omnipotent Soviet secret police apparatus. Leaders of such demonstrations would have been dumped unceremoniously into prison, labor camps, and insane asylums. Instead, the Soviet government has adopted a more flexible response. It is this chink in the Soviet armor on which we must concentrate our efforts.

We must work on this vulnerability and continue to implore the President, the State Department and all else who make direct inputs into our relations with the Russians that our Nation will not stand by and wring its hands while the Jews of the Soviet Union are abused.

I pledge all the influence my office and position can summon to this end.

PAYROLL MISTAKES AT ENVIRONMENTAL PROTECTION AGENCY

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. TIERNAN. Mr. Speaker, yesterday I noted in the RECORD some payroll difficulties experienced by Environmental Protection Agency employees who have been transferred from other Federal agencies to EPA. The list of errors and mistakes are compounded with each passing payday. To enumerate, here are some of the complaints I have received from employees of the Northeastern Water Supply Laboratory, Narragansett, R.I.:

First, some paychecks not received; second, State tax not withheld; third, withholding tax; fourth, health and insurance benefits; fifth, union dues not withheld; sixth, pay raise not included; seventh, charitable deductions not withheld; eighth, incorrect LWOP status;

ninth, incorrect social security number; 10th, incorrect spelling of names; 11th, short hours of pay: 32 hours, 20 hours, 16 hours; and 12th, incorrect amounts in pay checks.

It is somewhat understandable even in this day and age of the computer that one of these discrepancies might occur on occasion. But does it have to happen every payday? Must it be routine? Is there no end in sight?

My office has called the Payroll Accounts Office a number of times in the past 4 months and no one answers the phone. On the few occasions that someone did respond to the ring of Alexander Graham Bell and a message was left, there was no return call made.

I have finally decided that the only way I might be able to help straighten out this typical bureaucratic bloopster is to shed a little congressional light on the matter. Thus, I intend to speak out every day the House is in session until this dippy doodle affair is resolved to the satisfaction and peace of mind of every employee at the Northeast Lab. If EPA cannot fix a little bookkeeping problem, how will it ever save us from environmental extinction?

This morning I received a copy of a letter to EPA from one of my beleaguered constituents who has somehow managed to retain his excellent sense of humor throughout this whole sorry mess. I take liberty at this point in the RECORD to include the letter, written by Donald L. Winslow of the Northeastern Water Supply Laboratory, Narragansett, R.I. Mr. Winslow, like Will Rogers, tells it like it really is:

NORTHEASTERN WATER SUPPLY
LABORATORY,

Narragansett, R.I., April 25, 1972.

STAFF ENVIRONMENTAL PROTECTION AGENCY
PAYROLL ACCOUNTS OFFICE,
Waterside Mall, Washington, D.C.

LADIES AND GENTLEMEN: Congratulations! You have won a major victory and certainly one which could not have been accomplished without the cooperation of "All Hands". Commencing with the errors in my pay of 12-25-71 I decided to raise my flag, hoist my standards, and fight the battle of corrections. Thinking that errors could and should be corrected I contacted Senator Pell. Some of my fellow workers contacted their senators, congressmen and the National Association of Government Employees. Surely the combined efforts of these gentlemen could correct the situation. However, I am sadly forced to admit that you rose to the occasion and defeated them in small skirmishes by sending out dispatches assuring all interested parties that all was in order and being corrected. Excellent maneuver! Even I was lulled into false security.

Then you regrouped and penetrated my lines by over-paying me, under-paying me, (two occasions), with-holding money for government quarters, misspelling my name on my savings bonds, shorting me 240 hours annual leave, shorting me 161 hours sick leave, all this left me bloody but unbowed until you delivered the coup-de-grace of not paying me at all. Surrender is in order, my sword is on its way C.O.D.

This leaves no alternative but to draw my pay out of my meager savings account (losing interest) and trying to carry on. Ah, the sad lot of a loser. In the future whatever you care to send will be appreciated, no matter how small. But please, no more "nothing checks".

Now I shall take up another battle. Small

skirmishes are in order with my mechanic (minor repairs to my Volkswagon), my dentist (major repairs to my third molar and a small spot on a canine), and the Dean of Housing at the University of Nebraska, where my son presently in residence is in danger of being evicted. As the weather has turned somewhat warmer fuel oil will be no problem. I do have a small reserve so the basic needs, food, clothing and shelter shall continue to be met. However, these are the problems of the defeated and of no concern to you. Will endeavour to keep you posted on my activities as I know they must be of interest to you.

Once more, let me congratulate you. You fought a good fight!

Sincerely,

DONALD L. WINSLOW.

THE SICKNESS OF THE SWEDISH PARTY IN POWER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. RARICK. Mr. Speaker, observers have long felt that Prime Minister Palme and his ultrasocialist regime presently in power were more interested in violence for profit than for peace.

Now, Mr. Palme's foreign aid official, Klackenber, is quoted in a Stockholm news interview as strongly supporting the Democratic Republic of North Vietnam and Castro's Cuba.

In the 1971-72 fiscal year, Swedish aid to Hanoi is scheduled to be over \$16 million or exceeding one-tenth of Sweden's entire foreign aid program. Castro's Cuba is scheduled to receive \$3 million and the Swedish International Development Authority has allocated \$1.7 million to buy guns and military equipment for African guerrilla movements to slaughter whites in Mozambique, Angola, Rhodesia, and Southwest Africa.

And while Sweden aids the enemy fighting us in Vietnam, the United States in fiscal years 1946-71 provided Sweden with foreign assistance totaling \$135,300,000.

The civilized world which has accepted the Swedes as pacifists and unwarlike should be shocked at the Swedish Government's "progressive" contributions to subsidize revolution and escalate world tensions. The average Swedish taxpayer would probably complain except that he is being told that his money is being used abroad in the interests of progress, humanity, and world peace.

Can it be that Mr. Palme's party has aspirations to receive the Nobel "peace" prize?

A related newsclipping follows:

[From the London Observer, Apr. 27, 1972]

POLITICS SHAPES SWEDISH AID POLICY

(By Roland Huntford)

STOCKHOLM.—Swedish aid to the underdeveloped countries has for some time suggested political as well as purely charitable aims. Confirmation appeared recently in a newspaper interview here with the Foreign Ministry official in charge of Swedish technical aid, Lennart Klackenber.

Klackenberg referred to a principal official aim of Swedish technical assistance as contributing "to social and economic leveling."

This is also one of the goals of Sweden's Social Democratic government at home.

"Our future efforts," said Klackenber, "ought therefore in the first place to be concentrated on those countries which seek to effect structural changes with social justice in view." This promotion of democracy is an explicit aim of Swedish technical assistance.

"To me," said Klackenber, "democracy means that people shall have the possibility of influencing the development of the society in which they live . . . In my view, the Democratic Republic of Vietnam (North Vietnam) and Cuba have come further in this field than many other countries."

It may seem odd that the official representative of a Western country should defend Communist regimes for their advancement of democracy, but it is perfectly consistent with the new direction of Swedish aid, which is to favor countries defined as "progressive." Cuba and North Vietnam are considered in the forefront of such states.

In the 1971-72 fiscal year, Swedish aid to Hanoi is scheduled to be more than \$16 million of the total Swedish technical assistance of \$116 million. After India, with \$21.4 million, North Vietnam received the largest slice. Cuba received \$3 million, more than Zambia, Botswana, Lesotho and Swaziland.

The population of Sweden is about 7.5 million, and foreign aid amounts to 0.56 per cent of the gross national product. The American foreign aid percentage is 0.4.

Swedish aid to North Vietnam is for reconstruction, although it could be interpreted as an indirect contribution for Hanoi's war effort, releasing funds for other purposes, since it has been allotted while the war is in progress.

The Swedish International Development Authority also supports African liberation movements. For 1971-72, \$1.7 million has been allotted in aid to nationalist groups in the Portuguese African possessions, in Rhodesia and Namibia (Southwest Africa).

This aid is given for "humanitarian purposes", notably medical services and education in the territory under rebel control, since Swedish neutrality precludes military help. But it is the total that counts, so that money granted for civilian purposes has the effect, as in North Vietnam, of releasing funds for military operation.

Sweden exercises a selectivity in channelling this kind of aid: Thus, one movement in Mozambique and one in Angola get aid, while their rivals are neglected. In Rhodesia, two organizations have been supported, with a total of \$33,000 being divided between them.

The Swedish position is that their kind of neutrality is not inconsistent with taking a stand on questions of the day, provided that Sweden is not involved in the hostilities.

However, trade follows aid. The Swedes obviously calculate that helping liberation movements will gain favor in black Africa and help exports.

In the case of Cuba, technical aid, relatively modest in extent, has been given in the areas of birth control, education and public health. It may be a coincidence, but certain Swedish firms, notably in medicine and agricultural machinery, have gained Cuban orders since aid was granted.

NOBODY'S WAR BUT HANOI'S

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. BAKER. Mr. Speaker, since President Nixon has responded to the North Vietnamese invasion of South Vietnam

in the most realistic way he could, there has been a great deal of rhetoric about the U.S. role in the war and what the President is doing to escalate the conflict. Conveniently forgetting all of the sins of past administrations, some of the members of the liberal press and the candidates and would-be candidates they espouse are now calling this Mr. Nixon's war.

In this regard, it is interesting to note a column by John P. Roche which appeared in this morning's edition of the Washington Post. Mr. Roche cannot be considered as a spokesman for the Nixon administration so I feel his contention that this is "Nobody's War but Hanoi's," carries some substance upon which these erstwhile fingerpointers who are anxious to shift blame when it serves their own purposes should reflect.

The April 27 column by Mr. Roche, "Nobody's War But Hanoi's," as it appeared in the Washington Post, follows:

Nobody's War But Hanoi's

(By John P. Roche)

When the North Vietnamese launched a conventional invasion of the South, complete with Soviet-made T-54 tanks and other heavy equipment, you might have thought that the question of who was doing what to whom would be conclusively settled. This was straight, naked aggression. Not even the most dedicated opponent of the war could argue that amphibious tanks were being constructed in peasant huts by the Viet-cong.

Yet in subsequent weeks we have heard some of the strangest explanations of what allegedly occurred: some commentators have virtually suggested that President Nixon personally sponsored the invasion. When the bombers went north, the howl went up that we had escalated the war, and Sen. J. W. Fulbright suggested that we had provoked Hanoi by breaking off the Paris talks. Fulbright's logic was bizarre—in effect, he said that since we had refused to give the North Vietnamese what they want, they had no recourse except to go for military victory. The submerged premise of this extraordinary syllogism is, of course, that they are right and we are wrong.

Similarly, a letter to The New York Times from eight members of the House of Representatives contained this remarkable paragraph: "The President of the United States has called off the regular (Paris) meetings... And only this week the United States launched a massive air attack on both South and North Vietnam. In short, there are no signs of any moral leadership on the part of the administration to end the killings and the destruction of countries now." (4-16-72)

The Congressman did not even mention the North Vietnamese invasion!

The harsh fact is that in terms of the arrangements made in 1968 as a precondition for a full bombing halt, the President was completely justified in taking the air war to the north. There has been a great deal of fudging about whether or not the Hanoi regime accepted any "understandings" and some people seem to have had odd memory lapses. What occurred in 1968 was that we insisted as a precondition for a total bombing halt that Hanoi agree (1) to respect the inviolability of the DMZ; (2) to cease shelling the cities of South Vietnam; and (3) to permit American aerial reconnaissance of the North.

It is true that Hanoi's representatives never signed on the dotted line; there is no formal piece of paper. But the President of the United States was assured by the Soviets that Hanoi would go along with these terms. Without that assurance Lyndon Johnson told me he would never have agreed to a total

halt: "It would be strictly a one-way proposition."

This is not just a matter of recollection. At the time, Secretary of Defense Clark Clifford went on CBS-TV, "Face the Nation," and said in response to a question about the quid pro quo we had extracted from Hanoi, "The situation is that we had certain understandings reached with the North Vietnamese in Paris. They involved the DMZ and the shelling of the cities and the question of reconnaissance. There is the area of agreement." (12-15-68).

What Hanoi has done in the last few years is lay the groundwork for a heavy invasion through the DMZ. Four roads were built and supplies were stockpiled immune to air attack. And then they came in. They have been rocketing Saigon and other cities. In sum, they broke the agreement and, to repeat, Mr. Nixon is correct: all bets are off.

"Johnson's War," in other words, has not become "Nixon's War." The war is now and always has been "Hanoi's War."

THE STATUE OF LIBERTY AND EVERGLADES NATIONAL PARK

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. CARTER. Mr. Speaker, there was placed in the CONGRESSIONAL RECORD by Senator COOPER of Kentucky, fine verses descriptive of major national parks, written by a former Member of this Chamber, Maurice H. Thatcher of Kentucky. His verses in so-called sonnet form, are most apt and descriptive.

The principal national parks thus described in their essential features, are all familiar to Mr. Thatcher who has personally visited each of them, including, of course, Mammoth Cave National Park in Kentucky, for which in Congress he sponsored legislation for its creation.

Recently he has written similar verse descriptions of the Statue of Liberty—a national park unit, and the Everglades National Park, a vast area in the State of Florida.

Mr. Thatcher, who, by the way, will become 102 years of age on next August 15, is the only surviving ex-Member of Congress who has passed the centenary milestone.

Recently, Mr. Thatcher has received honorary awards from various organizations which have been noted in these pages. His latest such honor, as shown in the Green River Republican, of Morgantown, Ky. and Butler County—his youthful home, carried a notice in its issue of April 6, 1972 of the Kentucky Society of the Sons of the American Revolution silver medal award for good citizenship to Mr. Thatcher.

I insert as part of these remarks the two sonnets just mentioned, and the Green River Republican story.

The material follows:

STATUE OF LIBERTY

(New York Harbor)

(By Maurice H. Thatcher)

In awe I stand—gift of a Sister Nation—
To this land of hope and opportunity.
I bear a giant torch in approbation
Of what the people are; I symbolize the free.

Aliens from other portions of the Planet,
Troop hither, under law, from anear and far.

The urge involved—there's naught to ease or ban it!

The migrants find the inward-swinging gates ajar.

They seek the solace of these pleasant regions,
And wish to share each and every blessing
With the native born. They are the ardent legions;

And soon all worths they find and are possessing.

The dregs are barred—not those of science, art;

The productive poor, and the pure in heart!

April 12, 1972.

EVERGLADES NATIONAL PARK

(By Maurice H. Thatcher)

How great are works of Nature! There is naught

That's made, she did not make—all for Man to see

And use—as much as well he can. Inwrought
Is human life; and after, what may be
Man cannot know—it is beyond his ken.

How broad is Nature's aim-and-scope! Her Cause

And course confound. How will death strike, and when?

All live, precariously, by Nature's laws.
In marshy stretches of the Everglades,

Nature creates all that she wants or wills;
Waste-bourne of freaks, which the quister oft invades;

Where monsters are; and wading birds; and odds and ills!

In this sub-tropic world there's set apart
A sea-bound realm for science and for art.

April 23, 1972.

THATCHER AWARDED CITIZENSHIP MEDAL

The Kentucky Society, Sons of the American Revolution, awarded its silver Good Citizenship medal Saturday to former Congressman Maurice Thatcher, who will be 102 in August. He is a former Butler Countian.

Thatcher, the only living member of the original Isthmian Canal Commission, now lives in Washington. The new \$20 million bridge over the Panama Canal is named in his honor.

He served five terms as congressman from the Louisville district and also was Civil Governor of the Panama canal zone from 1910 until 1913.

THE RAMPS ARE UP!

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. GALIFIANAKIS. Mr. Speaker, the snow is beginning to melt on the northern slopes of the Balsam and Smoky Mountains in western North Carolina, and that can only mean one thing—the ramps are up!

Now for the uninitiated among you, the ramp is a distinctive member of the lilly family, a viciously pungent wild onion that grows in the moist woodland areas in the Eastern United States. To be truly appreciated it must be peeled and eaten raw, or mixed with ham and eggs, and so all can share this glorious and odiferous occasion, North Carolina goes on an annual spring ramp-age.

This year April 30 has been proclaimed Ramp Sunday by King of the Ramps,

Secretary of State Thad Eure, and the North Carolina Society of Friends of the Ramp, Inc., are busy preparing for the annual ramp festival that day, complete with mountain music, dancers, State Senator Zeb Alley as master of ceremonies, and 25 bushels of ramps.

American Legion Post No. 47 is sponsoring this event in Waynesville, N.C., and several thousand otherwise sane people will gather, the scent of challenge in the air, to gorge themselves on the woodland wildflower and to generally just run ramp-ant. Many perhaps relish the prospect of upsetting the champion ramp eater, Commissioner of Agriculture James Graham, who broke a record for total number of ramps eaten at one sitting that had stood for over 50 years—he ate three.

It is rumored that the ramp can open up your pores and drive away disease and I, for one, think there might be something to that. It has been observed that after eating a ramp one can drive just about anything away—wives or husbands, friends, dogs, and skunks. Unfortunately, the North Carolina Society of the Friends of the Ramp must disavow any knowledge of participants after the festival, for they are not in a position to provide housing for those reeking of ramp breath, or clothespins for noses of spouses.

There are those who would seek, I am sorry to say, to "lower the ramp" in the eyes of others, but there is one true maxim when it comes to the Ramp Festival—it is better to eat one ramp than to curse the festival.

You see, this is not a spectator sport, unless you remain 100 yards up wind at all times, and even then, should the wind shift, the only known anecdote is a mouthful of raw ramp.

So with the ramp scent in the air—not to be confused with Ransid—all are invited to our mountain slopes to stalk the wild ramp, and relish this delectable day. Even if you cannot make it, I am sure if you are anywhere near our State you will get wind of the event.

IMPORTANCE OF MINING

HON. HAROLD T. JOHNSON
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. JOHNSON of California. Mr. Speaker, Mr. Lee I. Rowland of Mariposa, Calif., is a mining engineer, active in the Western Mining Council efforts to convey to the people of this Nation the necessity for a sound mining industry for the stability of our Nation's economy.

Mr. Rowland has been very active in working with small mine operators and prospectors in trying to encourage recognition of their efforts and trying to help them achieve a decent standard of living from their small mining operations. This is, of course, very difficult. Mr. Rowland has called to my attention an open letter to the Congress of the United States approved by the Mariposa County of Western Mining Council and

signed by Mr. Don L. Rencher, the chapter president, and James Law, the chapter secretary.

So that my colleagues here in the House of Representatives may share in the thoughts expressed by the Mariposa County chapter of the Western Mining Council, I insert the open letter to Congress in the RECORD at this point:

APRIL 17, 1972.

OPEN LETTER TO THE MEMBERS OF THE U.S. CONGRESS, WASHINGTON, D.C.

GENTLEMEN: Since the stability of our national economy is completely dependent upon the Mining Industry it is of vital importance to encourage and support the discovery, development and productive operation of all mineral deposits.

To mention only a few of all the activities of mankind dependent upon the Mining Industry: There would be no transportation facilities such as automobiles and other automotive equipment nor the highways over which such equipment travels; no railroad trains nor the rails over which they travel; no airplanes, passenger, freight or warships and no bridges over streams or other bodies of water. There would be no lumbering industry; no food processing and canning equipment and no manufacturing equipment of any kind.

For further facts concerning the importance and necessity of the Mining Industry reference is hereby made to the article "All Activities of Mankind Are Dependent Upon the Mining Industry" published in the January 29, 1969 issue of the Congressional Record at Page E 595.

In view of the foregoing irrefutable facts Mariposa County Chapter of Western Mining Council, Inc., does hereby go on record as vigorously opposed to the repeal of the 1872 Mining Law, the passing of any law or legislation, especially Senate Bill S. 921, which would hinder or prohibit the discovery, development, productive operation and patenting of mineral deposits.

There are only two basic industries, they are Mining and Agriculture. We might exist without mining but would return to savagery almost overnight.

Your action based on the studied consideration of the facts contained herein will be greatly appreciated, not only by Mariposa County Chapter of Western Mining Council, Inc., but by all citizens who realize the facts herein set forth.

Respectfully submitted by
MARIPOSA COUNTY CHAPTER OF WESTERN MINING COUNCIL, INC.
DON L. RENCHER, President.
JAMES LAW, Secretary.

THE AIR WAR IN LAOS

HON. PAUL N. McCLOSKEY, JR.
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. McCLOSKEY. Mr. Speaker, prior to U.S. involvement in Southeast Asia, the small rural country of Laos was one of the most peaceful in the world. It was a lovely country of perhaps 9,500 small villages, with a culture built around family respect, community involvement, and subsistence agriculture. Laotians like to "write poetry and make love," as one U.S. military adviser said to me when I visited Vientiane a year ago.

In the CONGRESSIONAL RECORD, volume

117, part 19, pages 24581-24603 and 24755-24767, are recorded the debates which subsequently occurred between the gentleman from California, CHARLES S. GUBSER, and myself with respect to U.S. bombing practices in north Laos. The issue was whether or not U.S. bombing had destroyed Laotian villages. The State Department's able Ambassador, William Sullivan, had stated that the knew of only eight villages being hit "by mistake" during his 4 years in Vientiane. Hundreds of refugees had given contrary testimony to USIA investigations, alleging the destruction of their homes by U.S. bombing. Since that debate, a large number of veterans of the war in Southeast Asia, including combat pilots, have corroborated my supposition that U.S. aircraft bombed hundreds of Laotian villages under a program begun secretly in 1964 and sharply escalated by President Nixon in 1969. That bombing, in view of the weapons used and the tactics involved, may very well violate The Hague and Geneva Conventions. It is apparently still going on.

The details of the air and ground war have now been specifically confirmed by hundreds of veterans who participated. Those details support the conclusion of the bombing of Laotian villages which I had suggested a year ago. To give the House some samples of the actual practices pursued by our Armed Forces in a country with whom we are not at war, I have excerpted unclassified statements given me by a number of U.S. war veterans.

The facts disclosed corroborate both the extensive destruction and devastation caused by the bombing in northern Laos and the deception practiced upon the American people and the Congress by the personnel of the Departments of Defense and State who were cognizant of these operations.

This deception of the Congress is particularly bothersome, inasmuch as it was apparently deliberate.

As ex-Los Angeles Times reporter Arthur Dommien wrote, in the Washington Post, about the secrecy of the government policy:

There were many reasons for this policy. Among them was certainly the desire to avoid possible congressional inquiry into what was going on, and thus possible restrictions on the operation.

In view of the recent B-52's bombing of Hanoi and Haiphong, I think it appropriate that there be inserted in the CONGRESSIONAL RECORD relevant excerpts from the statements of the Air Force personnel involved. Many of the individuals who provided information to me expressed the desire that their names and units be kept confidential because of fear of retaliation on the part of the services involved.

I have honored these requests, where made, in the following summary of testimony:

THE AIR WAR IN LAOS

"I would be given flights of fighter-bombers by the aerial command post and occasionally I would guide the fighter-bombers into villages," said one Air Force major still on active duty who directed high-altitude by radio from his low-flying O-1 spotter plane.

"We referred to this as 'opening up villages.' It happened on numerous occasions, primarily in the hooches [houses] located up on the side of the mountains, particularly the Bolovans Plateau and north up the Trail network," says the 15-year veteran who flew over Laos in 1967.

"The villages in river valleys were hard to see," he said, "and so a pilot had to fly fairly low in order to identify them for aerial strikes."

"The bombers used 500-pound bombs, CBU [cluster bomb unit] antipersonnel bombs and napalm for the destruction of hooches. I would almost say it was fairly common practice to destroy villages during the period I was flying over Laos," he said. "To my knowledge no requests for approval of destruction of villages were ever denied by higher authority."

The Pentagon and its Congressional supporters maintain in public that only military targets have been bombed. Until now, they have claimed that all U.S. pilots and other air war veterans support this assertion.

The Major called McCloskey's office "as a matter of conscience," he said, because he had had a "change of thinking" about bombing inhabited villages. Like some others who fear reprisals, he asked that his name not be used.

The 24 veterans whose statements are included here include 15 servicemen still on active duty. In addition to seven pilots, statements were obtained from three aircraft navigators, three photograph interpreters, three intelligence specialists, a photographer processor, a combat photographer, and six in other specialties. All gave direct or indirect evidence of the deliberate bombing of villages. Another two war veterans talked about efforts to cover up U.S. military activities.

Michael A. Lewis of Ann Arbor, Mich., a former Air Force staff sergeant is one of the three photo interpreters, all of whom viewing numerous aerial photos of villages bombed by U.S. planes.

"All the villages in southern Laos below the 17th degree line were already wiped out when I got to Vietnam in June, 1969," Lewis says. "They were all gone."

"I saw photos of the Plain of Jars [in northern Laos]," says Lewis, who worked at Tonsonhut AFB in South Vietnam with the 12th Air Force Command's Reconnaissance Intelligence Technical Squadron, the unit which does final evaluations on aerial photos from Laos. "The bombed areas had been destroyed. The people were gone from the area. The photos showed [bomb] craters."

"I saw photos of Attopeau, in southern Laos, after it was bombed. It was pretty well wiped out—all there were left standing were the walls. It was bombed after the enemy took it and our side withdrew," he says. "I also saw photos of Moung Soui on the Plain of Jars after it was bombed. It had been leveled."

"If there are supposed to be 200,000 people living in Pathet Lao-controlled areas of southern Laos, I don't know where they're all living because every place I saw was pretty well wiped out. . . . No more villages were left along the Ho Chi Minh Trail area," he says. "They'd been bombed. . . . there were bomb craters in dozens and dozens of villages."

Russell Heller Jr. of Boise, Idaho, an Air Force photo interpreter at Udorn AFB from November, 1968, to November, 1969, says, "We wouldn't normally look for villages which were destroyed. I just might pick them up out of the corner of my eye. We were just concerned with trucks and military targets like that. We didn't write up damage to villages or towns or water buffalo. I just assumed they weren't targets. You have a different frame of mind over there."

The third Air Force photo interpreter, now serving his second tour of duty at Udorn AFB, who saw photo evidence of village

bombing, says, "I saw photographs of between 10 and 25 villages destroyed—all with bomb craters. There were a lot of vehicles destroyed in the villages, indicating they were live villages, inhabited."

"The only place people could exist up there [the Plain of Jars] would either be in a dense jungle or in a cave," he says. "And there were signs from the photography that there was much activity in caves—basically paths leading from caves to water, ponds or streams, or to a rice paddy."

"We were bombing caves," he says. "A single path, non-vehicle, was enough for us to bomb. All human activity was considered enemy activity."

Although the U.S. is spending an estimated \$1 billion annually to carry on the bombing of Laos, Congress has rarely exercised its authority to investigate the seven-year bombing campaign. A notable exception is the staff report issued in August by the Senate Security Agreements subcommittee which said the latest figures available, those for April, show the U.S. is conducting 400 bombing sorties over Laos every day.

Not surprisingly, some U.S. officials say the primitive land-locked kingdom is the most heavily bombed nation in the history of aerial warfare.

Jerry M. Tinker, staff consultant to the Senate Refugee subcommittee, says he doesn't doubt that hundreds of villages in Laos have been bombed. He calls the bombing campaign a greater atrocity than the My Lai massacre and adds:

"We only know the tip of the iceberg in Laos and it's pretty horrible. At least in the My Lai massacre the soldiers had a chance to discriminate."

Unlike the Air Force major, the other six combat pilots interviewed all flew higher-altitude planes, at a later date, mostly 1969 and 1970, and generally in northern Laos. They are unanimous in reporting that the villages they saw, most of them on the Plain of Jars, had all been destroyed.

One of the pilots, an Air Force captain who was stationed in 1969 at Udorn AFB, says that on one sortie over Laos he saw a large building marked as a hospital. He says he was ordered to bomb it and did so.

Typical of the pilots was an Air Force captain who flew an F4 jet on 170 sorties over Laos between January, 1970, and January, 1971. He says, "I only saw the remains of some villages. The town of Ban Ban at the intersection of Routes 7 and 61 in northeast Laos was on the map, but we couldn't find it on the ground. There was only the intersection of two roads. No sign of a village."

Jon Randolph Floyd of Austin, Tex., is a former Marine captain and pilot who flew an A6 Intruder over Laos from Feb. 13, 1968, to July 26, 1968, before many of the villages in Pathet Lao territory had been destroyed.

"To the extent that I knew, we were bombing villages all the time," Floyd says. "Our bombing was generally just a matter of releasing bombs at certain coordinates."

Other air war veterans on the bombing of Laotian villages:

Capt. Gary Hemingway, an Air Force electronics warfare officer who flew over Laos in an EC-121 reconnaissance plane and who is now stationed at Fairchild AFB, Washington, says:

"I logged 500 hours combat time, 90 per cent of it over Laos, while I was flying out of Korat AFB, Thailand. We crossed the Plain of Jars frequently to operate near the North Vietnamese border, but I do not recall seeing any villages left standing on the Plain."

Former Air Force Capt. Thomas J. Mangan, a navigator who flew over Laos in an EB-66 high altitude electronic warfare plane, was stationed at Takhli Royal Thai AFB, Thailand, from June, 1968, to June, 1969.

Now living at 2894 the Grand Concourse, the Bronx, Mangan says "the number of missions, the mass number of bombs and

the attitude of the pilots made it almost inevitable that hundreds of villages would be destroyed."

Former Air Force Sp/5 Giacomo Liberatori of 720 E. 53d St., Brooklyn, who flew about a dozen missions over Laos between Feb. 14, 1969, and Nov. 26, 1969, as an airborne sensor specialist on an OV10A Mohawk prop jet, says, "I remember several hooches beside a wide river in southern Laos which had been used for target practice in the spring of 1969. There were a number of instances like this. There were craters upon craters upon craters."

Former Air Force Capt. Gary H. Mundt of Denver, who supervised the handling of aerial photography equipment at Udorn AFB in 1969 says aerial photos showed that "the number of non-military targets bombed was high and the number of military targets hit was low."

"I saw about 50 villages in Laos with my own eyes which had been destroyed. With some of them I could still see bomb craters," says a rescue helicopter crewman who flew over enemy territory in Laos to pick up downed American bomber pilots.

"Some of the bombed villages were north of the Plain of Jars, some were in eastern Laos in Sam Nuea Province," says the crewman who was an Air Force combat photographer and gunner with the 601st Photographic Group at Udorn AFB, Thailand, from July, 1969, to July, 1970. "I saw them all from the air, from my 53C Jolly Green Giant rescue helicopter."

The crewman saw more than he liked. In a telephone interview, he talked reluctantly and insisted that his name not be used. Now living in Brandon, Ore., he is planning to move soon to a remote area in Canada.

Unlike the rescue crewmen, most servicemen who provide the support and logistics for the air war never see Laos. They work on bases in Thailand and South Vietnam or on aircraft carriers. Crewmen on B52s drop their bombs from 30,000 feet and don't see their targets. And jet crewmen, who bomb at 10,000 feet, seldom see their victims.

The Laos air war is a jigsaw puzzle: Each participant sees only his small part; a picture emerges only when many of the small parts are put together. Putting the puzzle together is complicated by the reluctance of servicemen to talk, some because they fear revealing classified information, most because they fear reprisals. Twenty-one air war veterans contacted by McCloskey's office refused to talk even when promised anonymity.

Although the air war is a jigsaw puzzle for most participants, Michael A. Lewis, a former Air Force staff sergeant with the Reconnaissance Intelligence Technical Squadron, 12th Air Force, at Tonsonhut AFB, Vietnam, says intelligence reports show that Air Force officials know the effect of the bombing on Laos' civilian population.

"I read the daily intelligence reports and the prepared books of intelligence in the two-story Intelligence Library at the 12th Air Force Command headquarters," he says. "They say the reason the people were leaving the villages was because the planes were bombing the fields and villages and cattle."

"The intelligence reports, based on interviews with refugees, say that the bombing caused the people to live in caves and subsist by farming at night," says Lewis, who was at the headquarters from June, 1969, to June, 1970. "Then, after the bombing was further intensified, the reports say the people were forced to move to the west [government-controlled] areas."

Some American officials feel the westward migration forced on the Laotians by U.S. bombing is having two favorable results: It deprives the Pathet Lao and North Vietnamese Communists of the civilian popula-

tion upon whom they rely for food and workers; and the indigents supposedly blame the Communists for the U.S. bombing.

Jerry M. Tinker, staff consultant for the Senate Refugee subcommittee, believes that some local U.S. officials have deliberately bombed Laotian civilians to force this type of migration. However, he does not believe that this has been a deliberate overall U.S. policy, formed at the highest level.

Tinker says that even the civilian bombing which the U.S. admits is "astonishingly high." He cites the Defense Dept. figures, published by his committee on Sept. 28, 1970, which show eight bombing accidents in which 97 Laotian civilians were killed and 74 injured.

Deputy Asst. Secretary of State William H. Sullivan, who is in charge of East Asian and Pacific affairs and who was the ambassador to Laos during the mid-1960s, testified April 22 before the Senate Refugee Subcommittee that 700,00 refugees have been generated during the decade in which the U.S. has been bombing Laos.

Although he denied that any of the bombing was aimed at civilians, Sullivan said, "Most Lao civilians learn very quickly that bombing necessarily follows the North Vietnamese." The government witnesses claimed, however, to know of only eight villages which had been bombed by mistake during the period of 1964 through 1969.

Entirely aside from the estimated \$1-billion-a-year air war which is conducted predominantly from Thailand and South Vietnam, a heavily censored staff report published in August by the Senate Security Agreements Subcommittee indicates the extent to which the U.S. now runs Laos.

The report says that this year the embassy is supervising the expenditure of \$232.2 million—more than six times the Lao Government's budget this year—for military and CIA costs.

Among the few Americans who get a close look at what George Orwell called the "vague frontiers" of the new kind of war are the U.S. combat troops who have been fighting for years on the ground in Laos, secretly and contrary to denials made by President Nixon at a news conference on March 6, 1970, the same news conference at which he first acknowledged America's secret seven-year bombing campaign in Laos.

Paul Withers, a former member of the Army's Special Forces who is currently undergoing surgery in a Boston veterans hospital for war wounds, says, "I am one of hundreds of American Special Forces who fought, killed, died and were wounded in both northern and southern Laos beginning in 1965. Until now, the facts of our fighting have remained a secret from the public and Congress.

"I myself spent a year, from January to December, 1966, was wounded twice, killed over 50 people, and during that year know of at least 20 fellow Americans who were killed fighting on the ground," he says.

"Eyewitness accounts of the bombing of villages, the stationing of American Special Forces in northern and southern Laos carrying on active combat roles," he says. "There were 1100 American combat soldiers stationed in Laos, divided into 12-man A teams. I know of 15 villages which were bombed."

Corroborating Withers' account, an Army sergeant said, "President Johnson in 1968 and President Nixon in 1969 fervently denied the presence of any U.S. combat troops in either Laos or Cambodia. I can and will testify to the contrary.

"In October and November, 1969, I was co-located with two members of the 5th Special Forces Group, Command and Control North, on a mountain accessible only by air . . . which served as a communications link for CCN teams operating clandestinely within Laos and manned usually by two 'sanitized' Americans (not identifiably American) and six mercenaries.

"Their missions ranged from critical intelligence gathering to often inhumane but 'authorized' acts," he said, "which were in blatant contravention of the Hague and Geneva Accords.

"Since my service in Vietnam I have become increasingly incensed with the distortions and outright lies perpetrated on the public by Presidential Administrations and our military," he says. "I am therefore fully committed, to the point of possible criminal prosecution, to present the truth. I have served with distinction throughout my military career."

One unpublished refugee survey uses the words of surviving relatives to describe how the U.S. bombing campaign, still going on, struck at Laotian civilians 74 times, killing 108 persons.

"All of the villagers were living in holes then," says Nang Sida, a young Laotian mother whose husband, Tit Van Di, was killed in Ban Nasay village in northern Laos.

"But Tit Van Di went back to the village to get some things to take to the holes," she recalls. "While he was in the village the jets bombed before he could flee.

"At that time the planes came many times every day; four or five times even at night," she said. "Sometimes the T28s would drop the big bombs [500-pound high explosive bombs] first and then the jets would drop the bombi [hundreds of small, round anti-personnel bomblets]."

Like Nang Sida's husband who was killed at noon, Nov. 11, 1968, most of the civilian fatalities in the survey occurred in 1968 and 1969. The intensity of the bombing in 1969 forced the refugees to migrate west from the Pathet Lao zones to refugee camps under government control.

The 88-page "Survey of Civilian Casualties Among Refugees from the Plain of Jars" was completed earlier this year by Walter M. Haney, an American fluent in Lao who worked three years in Laos for the International Volunteer Services and later the Lao Ministry of Education.

Haney visited 10 refugee camps, containing 8500 refugees, and reported only casualties which could be described in detail by family members. The bombing victims were killed by U.S. jets and U.S.-supported Laotian T28 bombers.

The survey reported that 21 civilians, mostly children 3 to 10 years old, died from two types of biological warfare materials dropped from planes. Another 60 persons were reported killed by mines, artillery and small arms. In only 7 per cent of the fatal bombing incidents did the refugees say Pathet Lao troops were present in their village.

In response to a letter from Haney on his conclusions that the U.S. practiced biological warfare on some occasions and extensively bombed civilians, Asst. Secretary of State Harrison M. Symmes referred to Haney as "an objective, conscientious individual" and called his survey "a serious, carefully prepared piece of work." However, he added:

"We do not . . . accept your conclusion that bombing of the civilian population was intensive . . . U.S. forces, of course, do not employ poisonous weapons in Laos."

One refugee who said he viewed intensive bombing from below the bombs and still has multiple injuries to prove it is Thso Phom, 43, of Ban Muang village.

"I was coming back from the upland rice field to my house," Phom recalls. "A bombi exploded, hitting me on the foot, hand, arm and back. The bombi had been dropped by a jet two or three hours earlier. I had hidden in a hole when the jet dropped the bombs. I thought they had all exploded, but they hadn't.

"The bombi are little bombs, this size (indicating a sphere 4 or 5 inches in diameter). They drop all over the village and explode, pum, pum, pum, pum. After they've all exploded, some more explode, just like some-

one set them off. But they really just explode by themselves," he says. "The bombi come from a big cannister that explodes in the air, scattering the little bombs.

"I was treated in a Pathet Lao hospital, but I still can't work in the field. I can only hold a spade with one hand," he said. "Even when I go walking I can't keep up with my friends because I have to walk very slowly . . . When they operated they took out a bone in my foot and I still have some pellets from the bomb inside my leg and arm.

"The jets and T28s came for many years . . . They bombed every, every, every day. Jets, T28s, jets, T28s. They bombed everything: buffalos, houses, people, everything," he says. "If they saw you they would bomb. We had to work at night or early in the morning.

"In the daytime we slept," he says, laughing. "After cooking we had to put out the fires. We couldn't let them see the fire. If it was so cold that we had to make a fire then we had to keep branches handy so if we heard the sound of a plane we could put out the fire."

Haney's survey corroborates the findings of two U.S. Information Service refugee surveys, one formerly classified "secret" and the other "confidential," which were published last April by the Senate Refugee subcommittee.

One of the surveys covered 226 refugees from 96 villages. Among those questioned, the survey found 95 per cent said their villages had been bombed; 75 per cent said their homes had been damaged by bombing; 61 per cent had seen at least one person killed by bombing; and about 33 per cent had seen bombing as early as 1964.

The second USIS survey reported that the majority of 97 refugees from three predominantly Pathet Lao-controlled provinces said they could not eke out more than a bare subsistence living because of repeated bombing.

Haney's report includes these refugee interviews:

Sao Phohng of Ban Mene village describing the death of her 80-year-old father, Al Tao, by napalm: "When the planes dropped the burning oil Al Tao was hit. He couldn't get his clothes off fast enough. He was badly burned. Bumps came out all over his body and then they burst and his eyes burst also. Four days later he died."

Sao Leh of Ban Nhat village on the death of her son, Xieng Thong Chan, in December, 1968: "Thong Chan had gone to the forest to find things to eat and there was no place for him to hide when the planes came. The planes came every day, mostly F105s. When the bombi little pieces hit a person they twisted and turned inside the body."

Sao La of Ban Phou Houm village: "My sons, Khamming, 8, and Khamseum, 4, were killed on Sept. 27, 1969. They were playing near a rice field. They were too little to know enough to run when the planes came. I have three children left."

Pho Xieng Onh of Ban Pung village: "My mother, Me Sao Douang, my father, Pho Thianta, my two young cousins and another woman were killed in July, 1966. They were at home. A big, big bomb set everything on fire. Mother was burned up. Father was burned up. The children were burned up. Everything was burned up."

Me Sao Chanta of Ban Pung village: "My husband, 38, and three of my children, Sao Bouavan, 12, Sao Bouathong, 9, and Sao Tui, 8, died from a big bomb from a jet. They hid in the hole when the planes came, but the planes dropped bombs near the hole. They were killed by bomb fragments."

Tit Khamming of Ban Vene village on the death of her son, Thao Sisouphan, 8, in June, 1969: "All of the family was in a hole together. The jet dropped big bombs. Sisouphanh was hurt inside. He ran around like he was drunk. He died 15 days later."

Xiang Pa of Ban Bousk village on the death of his daughters, Nang Khamphanh, 3, and Nang Phon, 2: "In June, 1967, jets came at noon with big bombs. Most of the adults in the village had gone to work in the upland rice field. Khamphanh and Phon were in the village. Both girls were killed."

Bouavan, a young man from Ban Chuay village, on the death of his mother, Sao Da, 54, and younger brother Boua Thong, 14, in November, 1969:

"They had gone to get rice in the upland rice field. When they were returning the jets and T28s came over. They ran for the holes but couldn't reach safety in time. Nine villagers died at the same time. In those days the planes came very often, eight or ten times each day."

Twenty-one of the Lao families Haney interviewed reported that they had relatives die from biological warfare materials that were ejected from a big bomb which broke open in the air.

They described two types of lethal materials: one that looked like white granules of salt, and another that looked like long, thin strips of silver and gold paper. Some of the refugees said the materials were dropped frequently and that the villagers used sticks to bury them in the ground.

Sao Di of Ban Mene village said the biological materials killed her sister, Sao Si, 8 and her daughter, Sao Ba, 5: "The planes had dropped poison—the gold and silver paper. Sao Si and Sao Ba were curious and picked some up before I could do anything. They either ate it or just smelled it. They became very drunk. Sao Si threw up. Both died the next day."

U.S. Ambassador McMurtrie Godley is able to run a ruthless bombing campaign, according to a U.S. refugee relief officer recently returned after seven years in Laos, because he operates behind a curtain of secrecy.

"Ambassador Godley's idea of diplomacy is 'more bombs,' and, believe me, that is quite literal," said the Agency For International Development official in a recent telephone interview. He said he personally saw 20 villages which had been destroyed by bombs.

"Godley is a military proconsul," he says. "I talked with him quite a few times. He was continually fighting for more sorties. His idea of winning the war in Laos was dropping more bombs."

"He doesn't care about the refugees. Frankly, he doesn't give a damn," says the Lao-speaking official. "As far as he's concerned the bombing is the price the people have to pay for getting liberated."

He recalls seeing a bomber attack in 1969 in which several thousand civilians were attacked when they were caught in the open in a valley near Ban San Noi. Thirty or 40 persons were killed. He helped take many of the injured to a hospital.

The refugee official, who still works for the government, believes the attack was deliberate and he cites two other instances in which he says a deliberate decision was made to bomb inhabited villages in northern Laos, Xieng Khouangville and Khang Khai.

Are the civilians still being bombed?

"Let me put your mind at ease," he replies. "There are so few civilians left under the Pathet Lao, particularly in the Plain of Jars area that it doesn't matter. There's nobody left out there."

"Godley can run the country like a military proconsul because nobody back at home knows what is going on there," he says. "There is lying and deception about everything."

"Congress wouldn't tolerate what is going on," he says. "If they knew what is happening, they would balk at just the amount of money that is being spent."

Throughout the air war the U.S. ambassador has had the responsibility of approving each target scheduled for bombing. However, news reports indicate this responsibility may

have been shifted recently to the Air Force's tactical headquarters at Udorn AFB, Thailand.

Several servicemen describe the deception which has shrouded the air war for seven years:

An Air Force sergeant who served in a sensitive administrative position at Udorn AFB in 1969 and 1970 says, "Australian newsmen were often allowed on the base, but not American newsmen."

"One day in May or June, 1970, we received word that an American newsmen was coming to Udorn from Bangkok on a commercial Thai plane," he says. "They immediately stopped operations, including bombers scheduled to take off, until the security police caught him two hours later. I figure any organization that paranoid must be doing something wrong."

The sergeant said the base's Combat News Service was a "big joke" because it wasn't allowed to report any combat news, even news readily available.

The sergeant, who kept a diary, made this entry on Feb. 19, 1970:

"True military form: The air war in Laos steps up and AF sends down not less than three 'secret' messages telling us to keep our mouths shut and not say a word about what is going on up north. In effect, the messages ordered us not to say anything to any news media when questioned, but, rather, to give the staid comment, 'No comment.'"

A week later the sergeant's entry on Feb. 26, 1970, states:

"Air operations into Laos have noticeably increased . . . Udorn is launching more than 200 individual missions every day. The F4 fighter-bombers have stepped up their activities . . . Air America has been flying constant airlift missions in their C130 and C123 aircraft carrying mostly 500-pound bombs for the Royal Lao AF T28s and ammunition for ground troops."

"The amount of secret messages re-asserting the order to 'keep your mouths shut' is in direct proportion to the amount of queries we receive from the civilian press."

Michael A. Lewis, an Air Force staff sergeant with the Reconnaissance Intelligence Technical Squadron at Tonsonhut AFB, Vietnam, in 1969 and 1970 says, "I saw photos of damage from a B52 raid on the Plain of Jars at a time when the U.S. government officially denied it was using B52s there."

"At the 7th Air Force Command headquarters," Lewis says of the command he worked for in Vietnam, "the standard joke was that if burning villages showed black smoke that indicated petroleum storage so it was OK to tell the generals at the daily briefing about bombing the village. It could be classified as a probably enemy storage area."

"But if the smoke was white," he says, "they didn't tell the generals about it because the bombing was unauthorized."

A photo interpreter who is serving his second tour of duty at Udorn AFB says of his earlier service there:

"Shortly after I arrived in November, 1969, an official IPRA [Immediate Photo Intelligence Report] was written up on a strike on a herd of water buffalo in a river in Laos. At least two were killed. As a result, our officer-in-charge ordered us never to put in an IPIR which reported on water buffalo that had been killed by bombing."

Paul Withers of Boston, a former Special Forces soldier, and an Army sergeant said the U.S. conducted regular ground combat operations inside Laos while Presidents Johnson and Nixon insisted publicly that no U.S. soldiers were stationed there.

"Because I have refused to keep quiet about my fighting in Laos," Withers says, "the FBI has spoken to my mother and harassed my family. I was offered a job, for

which I'm not qualified because I don't have a college degree, with the Veterans Administration on condition I not talk about Laos."

Jon Randolph Floyd, a former Marine captain who flew an A6 Intruder over Laos in 1968 says, "Everything we were doing in Laos was officially described as armed reconnaissance. But this was a joke because we had no reconnaissance facilities. About six or eight planes were going into Laos each night to bomb."

One question remains: Why, regardless of all the deception, doesn't the U.S. follow its own Rules of Engagement which bar any bombing within 500 meters of a village, a village being defined as one standing hut?

A former Marine captain who flew a helicopter in Vietnam in 1967, attributes the widespread bombing of villages to a double standard in which pilots are inoculated, beginning in training schools.

"In the training schools they taught us the difference between official policy and what we really do. After lectures in the ready room at the New River Marine Air Station, N.C., where I went for operational training with the Marine Medium Helicopter Squadron 365, the instructor would say, 'The class is over. Now this is what we really do. If you tell anybody about this we'll deny it.'"

"You were encouraged to lie a lot," he says. "They would tell us to call up on the radio and say we're taking fire and say it's an emergency and to send something to wipe them out in this or that village."

"After I went over there I saw numerous instances of this double standard."

"At an all-pilots meeting of the Marine Medium Helicopter Squadron 362 at the Ky Ha Base, Vietnam, we got a notice saying the practice of throwing prisoners out of helicopters in flight will not go on any more. The division leader, a captain, read the notice, put in down and said, 'From now on count your prisoners when you land, not when you get on.'"

"This captain was telling us very, very explicitly that we should keep on doing it," he said, "but we should make sure that the lists of prisoners don't show anyone missing."

Do the top military commanders know what is really happening, that villages are being bombed?

"I don't understand how they could know and condone it," the former Marine pilot replies. "But I don't understand how they could not know that we were bombing villages."

An Air Force sergeant who served in a sensitive administrative position during 1969 and 1970 at Udorn AFB, Thailand, kept a diary on the U.S. air war in Laos and efforts to keep it secret. Still on active duty, he agreed to have it published but asked that his name not be used. Excerpts from his diary follow:

July 19, 1969: After lunch I helped burn the accumulation of classified photographs and film we had no further use of in the office. They have a bombing halt in North Vietnam (NVN) but not in Laos. The countryside in the photographs we destroyed looked like a bombers' test range.

July 23, 1969: During April, May and June of 1969 Udorn sent 3884 reconnaissance flights and 3077 air strikes up the northern sector of Laos and NVN (an operation code-named Barrel Roll). This count does not include the more than 12,000 air strikes and reconnaissance missions flown in southern Laos (code-named Steel Tiger) during the same period by this and other U.S. bases in Thailand.

Aug. 1, 1969: This morning a "gaggle" flight of 24 F4s [jet bombers] was sent north into Laos. Each plane was loaded with 18 500-pound bombs. Many of these bombs were fitted with "extenders" so they would explode about four feet above ground level [for

anti-personnel use]. They all drop their payload over the same general area.

Aug. 26, 1969: The F4s go north loaded with bombs and return empty. Our ammunition people are kept busy 24 hours a day.

Sept. 6, 1969: Two "ranch hands" had to make crash landings here this morning. "Ranch hands" are C123 airplanes that have been converted into aerial spraying units. They spray the countryside in Laos with chemical defoliants.

Sept. 9, 1969: I learned today that an F4 went down 15 miles from here last week. Both pilots escaped injury but their payload of approximately 1700 pieces of "gravel" were scattered over the Thai countryside.

"Gravel" is a name given to baseball-size contact bombs which are packed with explosives and ball bearings. They are designed to explode on contact if dropped from high altitude or, if dropped from treetop level, will explode when stepped on. An explosive ordnance disposal team was sent to the crash site to recover this "gravel" but was able to locate only 700 bomblets. About 1000 are still missing.

Sept. 11, 1969: Another "gaggle" flight was sent north this morning at 11:30. Most of the F4s carried 500-pounders equipped with extenders. This just doesn't fit—extenders are used as anti-personnel weaponry and all our reports say that enemy troop activity in Laos is practically at a standstill.

Sept. 19, 1969: This afternoon at 5:30, 17 F4s left here for Laos. This was another "gaggle" flight and each aircraft was loaded with 10 CBUs (cluster bomb units, the most frequently used anti-personnel bombs).

Sept. 21, 1969: The air war was slowed down to almost a standstill today due to heavy rains and fog. I think one reason I enjoy these days so much is because of the silence. It's such a change not to hear jets roaring down the runway nearly every five minutes.

Sept. 22, 1969: Another "gaggle" flight of 19 F4s took off from here at 3:30 this afternoon. Each plane was armed with 10 500-pounders—190 bombs totalling 95,000 pounds of death.

Sept. 24, 1969: Another "gaggle" flight of 24 F4s went north into Laos this afternoon. Post-strike photographs taken by an RF4 showed approximately 100 dead. These were the ones caught out in the open—the area hit was adjacent to the jungle.

A message classified "secret" has been received from 7th Air Force saying, in effect, that elephants and water buffalo in northern Laos and, in specific, the Plain of Jars, have been declared "legal targets" for all USAF aircraft.

A short while later, a visiting staff officer from Pacific Air Force Headquarters (a rated F4 pilot) made a flight with the 432d Tactical Reconnaissance Wing in an F4 over Laos. Upon his return, he boasted about killing three water buffalo with his ten 500-pound ordnance load.

Nov. 1, 1969: Two North Vietnamese 37mm antiaircraft artillery pieces, captured on the Plain of Jars, were brought on base. One was set up in front of 7/13th Air Force Headquarters; the other, in front of the 555th Tactical Fighter Squadron area.

Nov. 5, 1969: A greater number of air strikes than usual went north into Laos today, but I don't have an exact number to record. We don't have as many planes returning with battle damage now as we had, say, one month ago. This leads me to believe that targets are again taking a "non-military" swing.

Nov. 6, 1969: Thai pilots are working with Lao pilots—both flying T28s—under the direction of the CIA and Lao Gen. Vang Pao. Air America provides forward air controllers (low-flying planes) to mark the targets with smoke rockets.

Nov. 12, 1969: Almost every one of the U.S. bases in Thailand had planes up north in Laos last night.

Dec. 1, 1969: The night missions are thundering overhead right now at 9:30 p.m. They will be back in exactly an hour and a half. There are no more "long missions" over Laos now. The missions are being flown at 4,500 feet now instead of 200 feet and lower. Nixon doesn't want any more F4s lost over Laos now. Hits in the aircraft are now looked upon as errors instead of "heroic battle scars." Apparently, Nixon doesn't want any more publicity on our "secret war" through plane losses.

Dec. 2, 1969: First we bombed them out of their villages on the Plain of Jars; then we bombed them out of the jungle; now, we're after the Laotians in their caves in the karst (rock) deposits. As of March 1, 1970, aircraft flying out of Udorn (certain selected ones) will be carrying a heavier piece of ordnance—the 2000-pound bomb.

The feeling is that this bomb will cause the karst to crumble and burn the people in their caves. I wonder what kind of medal will be given those who fly these missions?

Feb. 18, 1970: Our planes are stepping up their air strikes into Laos . . . and are hitting the Plain of Jars from one end to the other.

Feb. 19, 1970: True military form: The air war in Laos steps up and AF sends down not less than three "secret" message telling us to keep our mouths shut and not say a word about that is going on up north. In effect, the messages ordered us not to say anything to any news media when questioned but, rather, to give the staid comment, "No comment." Our "bombing for containment" strategy in the "other war" is not working.

Feb. 22, 1970: Udorn in a bee hive of activity. All the strike aircraft here, including F4s, T28s, AC47s, AC119s, reconnaissance planes, FACs, ACCS planes, KC130s and Jolly Greens, are flying over Laos, particularly the Plain of Jars, doing their work.

Feb. 26, 1970: Udorn is launching more than 200 individual missions every day. The F4 fighter-bombers have stepped up their activities, carrying more CBU anti-personnel bombs than any other type.

Air America [American Airlines planes chartered by the CIA] has been flying constant airlift missions in their C130 and C123 aircraft carrying mostly 500-pound bombs for the Royal Lao AF T28s and ammunition for ground troops.

The amount of "secret" messages re-asserting the order to "keep your mouth shut" is in direct proportion to the amount of queries we receive from the civilian press.

INTERNATIONAL BORDER? NEAT TRICK

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. JACOBS. Mr. Speaker, the following is a quote from the President's speech last night:

What we are witnessing here—what is being brutally inflicted upon the people of South Vietnam—is a clear case of naked and unprovoked aggression across an international border. The only word for it is invasion.

Mr. Speaker, the following is a fact:

The Conference recognizes that the essential purpose of the agreement relating to Viet-Nam is to settle military questions with a view to ending hostilities and that the military demarcation line is provisional and

should not in any way be interpreted as constituting a political or territorial boundary—Paragraph 6, 1954 Geneva Accords, July 21, 1954.

Now I know why they say that the only thing we learn from history is that we do not learn from history.

IMPORTS TOOK 15 PERCENT OF DOMESTIC MARKET IN FEBRUARY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. GAYDOS. Mr. Speaker, in the absence of any announcement to the contrary, our State Department apparently has not yet reached agreement with foreign steelmakers to limit their shipments into this country. As a result, our steel industry and its workers are still taking it on the chin.

American Iron & Steel Institute has just issued its report on steel imports for the first 2 months of 1972, and foreign steel constitutes nearly 15 percent of all steel marketed here. The penetration of foreign imports is particularly severe in stainless steel where 23 percent of the total apparent domestic supply came from abroad.

Other steel markets also were hit hard: imported unfabricated structural steel accounted for nearly 24 percent of domestic supply; pipe and tubing, 17.6 percent; plates, 18.6 percent; and sheets and strip, 11.9 percent.

Alloy steel imports totaled 33,000 tons in February, more than double the January figure, and pig iron imports totaled nearly 53,000 tons that month—more than 10 times the January total.

Mr. Speaker, I am inserting the AISI news release into the RECORD for the benefit of my colleagues and anyone else who may think our Nation's steel industry is not in trouble.

IMPORTS TOOK 15 PERCENT OF DOMESTIC MARKET IN FEBRUARY

WASHINGTON.—Foreign steel constituted 15 percent of the apparent U.S. supply of steel in February, and just under 15 percent of all steel marketed in the United States during the first two months of 1972.

These are the main conclusions of an American Iron and Steel Institute analysis of latest available U.S. government import statistics.

According to data, 1,129,000 tons of foreign steel mill products and 9,000 tons of fabricated structural shapes and steel blanks entered the country in February. This compares with 1,093,000 tons of mill products and 11,000 tons of fabricated structurals and steel blanks that arrived here during January.

Through the first two months of this year, imports of steel mill products, fabricated structurals and blanks had reached 2,243,000 tons. Of this total, 48,000 tons were alloy steel and 34,000 tons were stainless steel.

In the case of stainless steel, the 34,000 tons imported in the first two months of 1972 was 23 percent of the total apparent domestic supply of these high-value specialty steels during that period.

Import penetration of other key steel prod-

uct markets was also quite severe, according to the Institute.

The 210,000 tons of unfabricated structural steel imported in January and February accounted for nearly 24 percent of the apparent domestic supply of this product in the first two months of 1972.

Other significant steel imports during this period were: 196,000 tons of pipe and tubing, or 17.6 percent of domestic apparent supply; 246,000 tons of plates, or 18.6 percent of apparent U.S. supply; and 797,000 tons of sheets and strip, or 11.9 percent of apparent domestic consumption.

February saw a sharp rise in alloy steel imports. They totalled 33,000 tons for the month—more than double their January figure.

Even more dramatic was the surge in pig iron imports. They hit nearly 53,000 tons in February—more than ten times January's total.

Japan—with 401,000 tons—and member nations of the European Economic Community—with 397,000 tons—supplied 71 percent of February's steel imports. This raised two-month, 1972, steel imports from Japan to 870,000 tons, and the EEC's two-month total to 763,000 tons.

Together, Canada and the United Kingdom contributed another 15 percent of February's imports. Canada shipped 97,000 tons into the U.S. during the month, raising its 1972 total to 177,000 tons. The 74,000 tons of steel which arrived from the United Kingdom in February boosted its two month total to more than 131,000 tons.

Another 160,000 tons of steel arrived from other countries during February. This included 38,000 tons from Mexico, 27,000 tons from Korea, 21,000 tons from Poland, and 15,000 tons from Brazil.

TELEPHONE PRIVACY—XIX

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. ASPIN. Mr. Speaker, I am presently circulating a "Dear Colleague" letter on the telephone privacy bill (H.R. 13267), which has already been cosponsored by 28 Members.

This bill would give individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option of requiring the phone company, instead of supplying a list, to put an asterisk by the names of those individuals in the phone book who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates and organizations, and opinion polltakers. Also not covered would be debt collection agencies or any other individual or companies with whom the individual has an existing contract or debt.

As I noted in a statement on March 9, I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a 17th sampling of these letters into

the RECORD, since they describe far more vividly than I possibly could the need for this legislation.

These letters follow—the names have been omitted:

VIRGINIA CITIZENS

CONSUMER COUNCIL,
Alexandria, Va., April 20, 1972.

Congressman LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ASPIN: On behalf of the Virginia Citizens Consumer Council, an organization representing approximately 150,000 Virginia residents through individual and organizational memberships, I would like to thank you for introducing your bill to restrict telephone solicitation.

We get many complaints, both written and oral, from members and others who are sick and tired of being annoyed, especially at dinner hour, by persistent salesmen. The recreational land developments, which have been organizing periodic blitz campaigns, calling not just once but several times in a short period, are the main target of the complaints we get.

Last year, we checked with a couple of our lawyers on ways to outlaw this type of phone soliciting and they couldn't come up with anything too constructive except for licensing the solicitors out of business. Your proposal is much better, and if the phone company is willing to note in the phone book the names of people who will not want to be solicited, this seems like a wonderful solution. Hopefully, the people who publish the city directory type of books will also have to note this information. If your bill does not require such publishers to note which people don't want phone calls, I think it should.

I am concerned about all the exclusions you allowed and hope there would be a good way of policing them. I agree that non-profit organizations should be excluded, but the problem will be to differentiate among such groups. Maybe a solution would be to exclude anyone who is not paid for what he is doing and make everyone else abide by your restrictions. Some of the nonprofit groups, like the organization of allegedly handicapped or blind people selling light bulbs, seem kind of suspicious and annoying to me. I think you must also require any advertising, even by nonprofit groups, to meet standards of accuracy.

I'd very much like to have a copy of your bill and also like to be kept informed of its progress. Since we are nearby, we would be happy to testify in favor of it should hearings be scheduled. We would also be happy to work with your staff on behalf of this bill to the extent we can. If there are particular Virginia Congressmen whom you think would be interested in our position, for example, please feel free to show them this letter.

Sincerely,

Complaint Coordinator, VOCC.

GENERAL CASSETTE CORP.,

Phoenix, Ariz., April 18, 1972.

Hon. LES ASPIN,
U.S. House of Representatives, Washington,
D.C.

DEAR MR. ASPIN: It is with considerable delight that I have read of your bill opposing telephone solicitors. This menace is growing more serious in our home every day. The sooner it is acted on, the more pleasant life will be.

By copy of this letter, I am pleading for support from Senators Goldwater and Fannin.

Very truly yours,

WELLESLEY, MASS.

Representative LES ASPIN,
Wisconsin.

DEAR REPRESENTATIVE ASPIN: This bill long over due. I am writing my representatives

from Massachusetts to make sure that they support this bill which eliminates one of today's most obnoxious invasions of privacy. We have been forced to using an unlisted number to avoid telephone salesmen much to the inconvenience of many of our friends. Good luck.

Sincerely,

VIETNAM SERVICEMAN WRITES ABOUT INVASION

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. TALCOTT. Mr. Speaker, I insert a copy of a letter from a constituent serviceman now in South Vietnam:

APRIL 20, 1972.

U.S. Congressman BURT L. TALCOTT,
House of Representatives,
Washington, D.C.

DEAR SIR: This may be an appropriate time to let you know what I as one of your constituents know and think about the increased military activity over here.

I hope you are not persuaded to believe those idiots who are insisting that we are the aggressors—any intelligent person who doesn't read UPI or AP stories would know it is not so. South Vietnam has been viciously attacked, with Soviet made tanks quite near Saigon, two provinces over-run by tanks and anti-aircraft guns set up on South Vietnamese soil.

I have yet to read a wire story or hear a Democratic candidate who does not sound like a cheerleader for the other side. The most demoralizing issue for the U.S. troops involved in this war is the treatment by the press and politicians. Fortunately civilian control is firmly rooted in our military philosophy or there would have been a coup long ago—to be here, to see what happens, and then listen to the liberal prattle that seems to know little truth, or limit, is very discouraging.

I have talked to many people. I spent a couple of days at U Tapao also talking to B-52 crews just back from Haiphong, and most of us feel that North Vietnam has so overextended itself that we could end this conflict and political sparring by pressing strongly till they call "Uncle". They are in the open—sitting ducks in their Soviet equipment. Yet, some so-called Americans drag their feet and call us aggressors—our country has been adequately duped by propaganda and "demonstrations of unknown volition" that it is quite possible that our nation may lose to verbage instead of steel. The Communists are talking us out of a victory with the assistance of American leaders who have been processed for the last 10 years so that they react against, not for, the American fighting man and our allies. The South Vietnamese are dubious allies, but where is the line drawn?

Please tell the President that he should stand his ground—he must not give in to pressure from people like Kennedy and Muskie—what opportunists!

Every American here is in danger—which we understand and generally accept as part of our duty, even though we may not like it. Of course there are the rockets (launched by "well meaning, non-aggressive" Viet Cong, naturally) and the NVA in many areas. I have not delievered supplies to An Loc and probably won't as I have little experience at aerial delivery, but my friends are going—creates a funny mixed emotion—don't want to go but feel like I'm not doing my part. On that target, we have had several wounded,

one killed and lost one airplane. The pilots crash landed that one and the crew was picked up immediately with all surviving. One small arms fire wound and a broken arm. A real miracle that any survived. I took some troops to Hue 10 days ago. They were the Americans who supposedly refused to go into the field—another wire service figment of imagination (a bold faced lie!).

Sure wish the South Vietnamese would move up Route 13. They don't seem to be interested enough.

Maybe we should all "write-in" Barry Goldwater in '72. This mess would have been ended long ago if the '64 elections had elected him. We need a leader who is strong and not influenced by loud-mouthed minorities. Mr. Nixon is just not forceful enough. Sometimes he seems unsure and lets others influence too much. He seems to vacillate—tell him to pick a course and follow it. We don't know what to expect next. Let's be men and stand up or get out. This slinking around like serpents is not like us—we cannot operate at our best in these conditions. I don't like the thought of people being killed, North or South Vietnamese, but better than us—and they want US. Remember this.

Thank you for listening.

Respectfully,

I think we should listen attentively to our citizens who are intimately involved on the scene.

We seldom hear from those who are the most knowledgeable and most candid. We are continuously swamped with news releases from reporters who are motivated to produce stories, to meet deadlines, to arouse readership interest and, yes, even to promote political points of view. I believe the occasional report by men on the scene may be as illuminating as the news reports and may add useful perspective.

FRED COLLINS WINS THE ANNUAL CARL ALBERT ORATORICAL CONTEST

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. ALBERT. Mr. Speaker, early in my congressional service I established the Carl Albert Oratorical Contest, an annual event open to college freshmen and sophomores attending the colleges and universities located in the Third Congressional District of Oklahoma. Contestants representing the following schools, all of which held preliminary contests, participated in the finals held on April 13, 1972, at Seminole Junior College, Seminole; Southeastern State College, Durant; East Central State College, Ada; Carl Albert Community College, Poteau; Eastern Oklahoma State College, Wilburton; Murray State College, Tishomingo; Seminole Junior College, Seminole; and for the first time, Langston University, Langston, which is a new university addition to the third district, following a recent legislative reapportionment of our State.

This contest has grown in size and popularity over the years and with each event I am increasingly impressed by the talented young men and women who participate. Their orations are frequently of outstanding quality, well based intel-

lectually and delivered with great professionalism.

Fred Collins, a freshman student at Southeastern, who earned a 4.0 grade average this academic year, and is a member of the band and choir, won the 1972 contest with his oration "And the Beat Goes On." It has been said that music and mathematics are natural companions; Fred has demonstrated the same compatibility between oratory and rhythm.

I think the Members will agree that he has made a stirring statement of contemporary problems that will reach not only Fred's peers but all concerned human beings. Pray God it will also motivate us to join constructive young people in responding to "the true beat of America" which is not apathetic but caring, hopeful rather than despairing.

Fred Collins' oration follows:

AND THE BEAT GOES ON

And the beat goes on. Drums keep pounding rhythms to my brain, and the beat goes on. So go the words of the song written by Sonny and Chere which was popular during the middle 1960's. To them the beat was the changing modes of everyday life; the styles of dress the younger ideas, and even the ideas adhered to by the Now Generation.

However, times have changed and the beat has taken a new meaning. Now whenever someone talks about the beat it means more; in short, it has become the heartbeat of America. What does it sound like? Listen closely, and let me describe it.

Beat number one—

In New York City a young woman is returning to work one sunny afternoon. As she walks on the smoothed pavement of the city many other people pass her by, each attending to his or her own needs or wants or desires. Suddenly, an assailant attacks the young woman, and there before literally thousands of people beats and stabs the woman to death. The viewers of this tragedy stop, look, and then simply pass on by.

Beat number two—

In Appalachia a little girl goes out in the back yard of her home to play. The home is nothing more than a two room shanty, hastily thrown together one day many years ago. It is ill-equipped to withstand the cold that comes early in the mountains. The father of the little girl is basically an honest, hard working man, when he has a job. But he has no job, and furthermore he has no skill with which to get a job. He just sits in his home and stares at the newspaper covered wall in desolation and hopelessness. And the little girl? She is doomed to walk a vicious tightrope that will lead her in a spiraling downhill circle and keep her right where she is, in utter and abject poverty.

Beat number three—

This time the beat is in Selma, Alabama; Los Angeles, California, in the Watts section; in Detroit, Michigan; and Washington, D.C. It is two men, both of whom love their country, both of whom would do almost anything for it and both of whom hate each other. One is White. The other is Black. They hate one another because of a mere biological function of the genes which determined that they would have skins of a different color. Their hatred for each other has led to violence, bloodshed, property damage, and even death.

It isn't a very pretty picture, is it? And yet, if one listens to the afternoon news or reads the headlines in the daily newspaper that is exactly what is to be perceived. Superficially at least, it looks as though the heartbeat of America is something that is faltering, unstable, and in its death throes. However, I stand here today to say to you that what I have just described is not the

true heartbeat of America. It is something very much different. It is the little things that make up the real life's blood of this nation. It is the thing which we read about on page fifteen, or twenty, or thirty, of the Newspaper. It is to be found on the page after the Society or Sports page.

In New York City perhaps there was a demonstration of apathy when the young lady was killed, but that is the exception, not the rule. The rule is to be found elsewhere such as the small community of Meridian, Oklahoma, which is served by the Honorable Carl Albert. Here two-year old Jarrod Keith Holding had defective kidneys. The doctors told his parents unless young Jarrod received kidney treatments he would die within the year. His parents could not afford the tremendous expense involved in the treatments and it seemed as if he was doomed to a premature death. Somehow the people in the community found out about the imminent tragedy. Action started almost immediately to help. These people begged, pleaded, and bargained with the company that made the machines which would save the young boy's life to find out just how much it would take to get the machine. And it was his community that led the drive to collect a million boxtops from a popular brand of cereal to purchase the kidney machine which would give Jarrod a new lease on life. Yes, people do care.

And where there is hopelessness there is also hope. In 1964 there was no such thing as an anti-poverty program as such. Then it seemed as if the people of America had awakened to the unpleasant fact that nearly thirty-eight million people lived in total poverty. By 1965 the Federal anti-poverty program came into being. States started getting into the act, and pretty soon private industry began efforts of their own. Today several years later the problem of poverty is still with us, but we are winning that war. Statistics prove that someone who is poor today has a better chance of bettering himself than at any other time in our history. To make a long story short we have begun to spread hope among those in the horrid grip of poverty . . .

Perhaps no problem has ever plagued the American people as much as the hatred between the races has. It has been with us since the early seventeenth century and has caused more disruption to society in the 1960's than even the war in Vietnam. In 1968 the Spirit which we call America got fed up with the senseless destruction the war between the races had caused so it set up a commission to study the problem and from that commission came several suggestions to help solve the problem. One of them was the establishment of police community relations programs in cities across the United States. The programs were started in such places as Dallas, Houston, Tampa, New York, Los Angeles, practically every major city in the U.S. To show you just how successful they have been please allow me to ask one question: when was the last time you read of a major racial riot?

It has gone even further than that. In Georgia, one of the states of the deep south a young Black man was drowning, a white man saved him; in Chicago three white youths were trapped in a blazing building, Black fireman saved them. People are beginning to see other people as people, not just skin colors, as humans deserving respect and not as some animal that should be kept in subservience. . . .

That, my friends, is the true heartbeat of America. It is a spirit that opens up its arms and says, *where there is apathy I will care; where there is hopelessness, I will give hope; and, where there is hatred I will love . . .*

And the beat goes on. The true beat of America which doesn't make the headlines every day goes on, but it is there nevertheless, growing stronger and more vigorous with each fleeting moment.

HANOI'S NAKED AGGRESSION

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. KEMP. Mr. Speaker, I would like to bring to the attention of my colleagues two articles about the North Vietnamese invasion of the south. These articles help put in perspective the aggression by the north and I hope they will clear up the unnecessary confusion about the critical nature of the invasion and our reaction to it:

NOBODY'S WAR BUT HANOI'S

(By John P. Roche)

When the North Vietnamese launched a conventional invasion of the South, complete with Soviet-made T-54 tanks and other heavy equipment, you might have thought that the question of who was doing what to whom would be conclusively settled. This was straight, naked aggression. Not even the most dedicated opponent of the war could argue that amphibious tanks were being constructed in peasant huts by the Viet-cong.

Yet in subsequent weeks we have heard some of the strangest explanations of what allegedly occurred: some commentators have virtually suggested that President Nixon personally sponsored the invasion. When the bombers went north, the howl went up that we had escalated the war, and Sen. J. W. Fulbright suggested that we had provoked Hanoi by breaking off the Paris talks. Fulbright's logic was bizarre—in effect, he said that since we had refused to give the North Vietnamese what they want, they had no recourse except to go for military victory. The submerged premise of this extraordinary syllogism is, of course, that they are right and we are wrong.

Similarly, a letter to The New York Times from eight members of the House of Representatives contained this remarkable paragraph: "The President of the United States has called off the regular (Paris) meetings. . . . And only this week the United States launched a massive air attack on both South and North Vietnam. In short, there are no signs of any moral leadership on the part of the administration to end the killings and the destruction of countries now." (4-16-72)

The Congressmen did not even mention the North Vietnamese invasion!

The harsh fact is that in terms of the arrangements made in 1968 as a precondition for a full bombing halt, the President was completely justified in taking the air war to the north. There has been a great deal of fudging about whether or not the Hanoi regime accepted any "understandings" and some people seem to have had odd memory lapses. What occurred in 1968 was that we insisted as a precondition for a total bombing halt that Hanoi agree (1) to respect the inviolability of the DMZ; (2) to cease shelling the cities of South Vietnam; and (3) to permit American aerial reconnaissance of the North.

It is true that Hanoi's representatives never signed on the dotted line; there is no formal piece of paper. But the President of the United States was assured by the Soviets that Hanoi would go along with these terms. Without that assurance Lyndon Johnson told me he would never have agreed to a total halt: "It would be strictly a one-way proposition."

This is not just a matter of recollection. At the time, Secretary of Defense Clark Clifford went on CBS-TV, "Face the Nation," and said in response to a question about the quid pro quo we had extracted from Hanoi, "The situation is that we had certain understandings reached with the North

Vietnamese in Paris. They involved the DMZ and the shelling of the cities and the question of reconnaissance. There is the area of agreement." (12-15-68).

What Hanoi has done in the last few years is lay the groundwork for a heavy invasion through the DMZ. Four roads were built and supplies were stockpiled immune to air attack. And then they came in. They have been rocketing Saigon and other cities. In sum, they broke the agreement and, to repeat, Mr. Nixon is correct: all bets are off.

"Johnson's War," in other words, *has not* become "Nixon's War." The war is now and always has been "Hanoi's War."

THE PRICE U.S. MUST PAY IF HANOI CONQUERS

(By Crosby S. Noyes)

It is reassuring to be told by so many eminent journalists, politicians and aspiring presidential candidates that the United States has no interests in Vietnam worth worrying about.

It is the more reassuring because these same journalists, politicians and presidential candidates are openly proposing to arrange for a Communist victory in Vietnam. They would do this, they say, by withholding from South Vietnam the means of resisting aggression from the North. And a great number of Americans apparently agree that this would be a fine, moral and enlightened thing to do.

So one wonders how these people define American interests and whether they have really thought about the consequences of a Communist victory in Vietnam. The answer is that they have not thought very much. For if Americans have an interest in world peace, the consequences of what happens in Vietnam are likely to be very important indeed.

And not just for the people most immediately involved. At this point, it probably is true that most Americans simply don't give a damn about the fate of 15 million South Vietnamese.

The inevitable death of thousands of them in the event of a Communist victory is dismissed lightly as "The Old Blood-bath Theory"—not because they don't believe it will happen, but because it will happen 8,000 miles away and because there won't be any American television cameras around to record the unpleasantness.

The same indifference applies to "The Old Domino Theory." Many Americans accept with equanimity the inevitability that a Communist victory in Vietnam will be quickly followed by the extinction of Laos and Cambodia as independent states. The probability that Thailand will have to fight or adopt policies amenable to the predominant Communist Asian powers is treated as a matter of no great consequence.

Indeed, one gathers that if the whole Asian subcontinent should fall under the domination of China and the Soviet Union, many Americans would feel themselves delivered from an unwelcome responsibility. There is a widespread feeling that what Asians may do to other Asians is no business of ours. And there is a considerable admiration of communism as an efficient way to organize the energies of backward peoples.

The United States, furthermore, is in an excellent position to pave the way to Communist domination in Asia. The whole idea of the "containment" of communism is now thoroughly discredited in the eyes of our more advanced thinkers. And since "containment" in practice consisted largely of offering support and assistance to countries which felt themselves threatened by Communist aggression, the implication is quite obvious that this support and assistance should now be withdrawn.

The same so-called liberal presidential candidates who now self-righteously proclaim their intention to betray South Viet-

nam at the first opportunity would hardly be regarded as reliable allies by any Asian leader. Many Asians would prefer to fight and die rather than live under communism. But unfortunately, the question of whether they will have the opportunity and the means of making that choice is very largely up to the Americans to decide.

That decision in infinitely more problematical today than it has been for a generation. For when it comes to discussing what American "interests" may be involved in a defeat in Vietnam, surely the greatest interest is what a defeat would imply for the United States itself. It is hard to avoid the conclusion that the result would be devastating for many years to come.

We are told that Americans are demoralized, confused and divided as the result of seven years of trying, at great cost, to save the independence of a small Asian nation. Can anyone doubt what the moral and psychological effect would be of the failure of that effort—particularly when that failure is contrived and promoted by the duly consecrated political leadership of the nation?

We may be able to write off the South Vietnamese as a nation unworthy of existence, despite the fact that they have fought and died for their freedom for 30 years. But can we as easily write off 50,000 young Americans who also have fought and died for a cause which we are now told is not in our national interest?

The answer quite simply is that we cannot. The trauma of a defeat in Vietnam would put this country out of business as a world power for a very long time and the damage would not be limited to the United States. The commitment of the world community to the deterrence of aggression has been eroded to the point where it may require a major international calamity to restore it. And this enormously increases the probability that the aggression and the calamity will occur.

ALENE B. DUERK, FIRST LADY ADMIRAL

HON. DELBERT L. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. LATTA. Mr. Speaker, I am pleased to inform the House that the Navy today for the first time in its 197-year history named a lady admiral—Alene B. Duerk, an Ohio native, who joined the service 29 years ago. I am also honored to claim her as one of my constituents.

Captain Duerk, head of the Navy Nurse Corps, was nominated for promotion to flag rank along with 49 men. The nominations were approved by President Nixon and are subject to Senate confirmation.

Captain Duerk joined the Navy in 1943 after receiving her nursing diploma from the Toledo, Ohio, Hospital School of Nursing.

During World War II she served in naval hospitals in Portsmouth, Va., and Bethesda, Md., and later was assigned to duty aboard the hospital ship *Benevolence*, where she cared for the sick and wounded in the final assaults against Japan.

After the war, Captain Duerk was released from the service, but remained in the Naval Reserve only to be recalled to active duty in June 1951. She served in

various nursing and administrative posts through the 1960's and was named Director of the Navy Nurse Corps in May 1970.

A Pentagon spokesman said Secretary of Defense Melvin R. Laird was "particularly pleased" that the Navy now has for the first time a lady admiral.

I extend my heartiest congratulations to Admiral Duerk and commend the Navy on its choice.

CURTIS TARR—A DISTINGUISHED AMERICAN

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. JOHNSON of California. Mr. Speaker, it was with a great deal of pleasure that I learned a few days ago of the nomination of an old friend, Curtis W. Tarr, to be the new Under Secretary of State for Coordinating Security Assistance Programs.

Would I be out of line to brag a little today and say "I told you so"?

You may recall that several months ago when Curtis Tarr became the Director of Selective Service, I stood before this body and outlined this fine young man's qualifications and told you that I anticipated he would do a tremendous job in a very difficult and controversial assignment.

All of us remember the prize-winning picture of Curtis Tarr flooring a young antagonist who had tried to make a citizen's arrest on Curtis Tarr. This was indeed a memorable picture, but the true measure of the man and the job which he performed in this extremely difficult capacity is found in the fact that the draft has gradually retired from the list of more controversial issues facing this Nation.

This happened because of the universal respect which this man earned, among young and old alike, for the manner in which he performed the task of Director of the Selective Service System. This respect was earned, regardless of what individuals may have thought about the System that he administered.

Curtis Tarr is a former resident of Chico and I was pleased that a recent editorial in the Enterprise Record newspaper of that community pointed up so effectively the reasons for his success as Director of Selective Service. Mr. Speaker, I would like to share with my colleagues this editorial entitled "The Draft, the Young and Curtis Tarr."

Before concluding I would like to predict that the respect which Curtis Tarr earned from the people of this Nation will be shared by people from throughout the world as he becomes active in his new capacity. The appointment of Curtis Tarr to this position, which is new to our governmental structure, is an excellent one and I wish him literally all the success in the world. I know that ours will be a better world for the work which he is about to undertake.

The editorial follows:

THE DRAFT, THE YOUNG, AND CURTIS TARR

Although factors of coincidence have been primarily responsible, it still is pleasant to contemplate the fact that the Selective Service system—commonly known as the draft—has been gradually retreating from the list of controversial topics since former Chicaon Curtis W. Tarr took over as director two years ago.

The chief factor, of course, has been the steady reduction of American participation in combat operations in Vietnam. Troop withdrawals from the peak total of 540,000 down to a May 1 estimate of 69,000 have enabled the armed forces to get by with a lot fewer draftees.

Another important factor has been the determination of the Nixon Administration to field an all-volunteer Army by mid-1973, when the present draft law will expire.

Yet the evidence is good that the presence of Curtis Tarr in the post of Selective Service director also has had a great deal to do with the lessening of expressions and acts of animosity toward the draft during the past two years. Tarr, whose parents (Mr. and Mrs. F. W. Tarr) still reside in Chico, is former president of prestigious Lawrence University in Wisconsin and held a civilian executive post in the Air Force before reluctantly accepting a "draft" from President Nixon to take over the Selective Service position.

It will be remembered that the man Tarr succeeded in that post—Gen. Lewis B. Hershey—had long been considered a hateful symbol of oppression by millions of young men fearful of and opposed to the draft.

Gen. Hershey had held the directorship since the draft was established in 1940, just prior to World War II. He was dedicated to the post and, to his credit, his service was exemplary. As he grew older, however, the distance between him and draft-age generations widened, his humorless single-mindedness further isolated him from the young public and he ultimately reaped all the blame for everything that was harsh and unfair in the Selective Service system.

Curtis Tarr, the new director, was a sharp and favorable contrast to Gen. Hershey in almost every aspect. Standing a trim 6-foot-7, the youthful (46 when sworn in) Tarr seemed almost like a contemporary to young men accustomed to associating the draft with Gen. Hershey, then well into his 70s.

Additionally, Tarr had the advantage of long experience as a scholar and educator, able to "relate," so to speak, with even the brightest of young intellectuals in the draft-age group.

Yet Tarr did not adopt a "go along to get along" attitude in his relationship with the young. Rather, on one occasion he made front-page news by successfully pushing off some rabble-rousing demonstrators who had entered his office with the intention of handcuffing him and making a symbolic "arrest" of the Selective Service system.

In the main, young people ultimately found themselves able to respect the new draft director, even though they still disliked the system. This factor—in company with the others cited above—helped bring about the circumstances under which no significant anti-draft demonstrations have been held for many months.

For example, there were not even any pickets on the scene in Washington last week when the lottery was held to determine the possible order of 19-year-old call-ups in 1973. Previous lottery sessions had been the target of crowds of pickets.

Also, it is a fact that most of the announcements Tarr has been making in recent months have been of the type that tend to convince young people that the draft really is being "phased out."

For instance, draft quotas have not even been set for this year—and Tarr's office announced several weeks ago that no inductees

will be called at all during the first three months of the year.

This is in keeping with what now appears to be a well-established trend. Some 289,000 young men were drafted in 1969. But the number fell to 163,000 in 1970 and dropped even lower to only 98,000 last year.

It is to be hoped, of course, that the nation will indeed be able to devise and depend upon an all-volunteer system on the schedule anticipated by the President. Then Curtis Tarr will turn out to be not only the second and most-respected Selective Service director, but also the last.

ENVIRONMENTAL PROTECTION ACT OF 1972

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. BYRNES of Wisconsin. Mr. Speaker, I am today introducing the Environmental Protection Act of 1972 on behalf of the administration.

The bill contains several amendments to the Internal Revenue Code that would encourage the preservation of our coastal wetland areas, encourage rehabilitation instead of demolition of historic structures of older buildings in our urban areas, and reduce restrictions in present law on allowable deductions for the contributions of partial interest in land to be used for conservation purposes. The bill would eliminate existing incentives in our tax laws that run counter to our overall environmental objectives in these areas and also provide some new incentives that would encourage the private sector to make investments in harmony with our objectives of improving the environment. The overall revenue effect is negligible, but is expected to result in a slight increase in revenues.

I believe the administration proposals are worthy of careful consideration by the Congress at the earliest possible date, and I am introducing the legislation for this purpose. I am appending to my remarks a section-by-section analysis explaining in more detail the provisions of the bill:

SECTION-BY-SECTION ANALYSIS OF THE ENVIRONMENTAL PROTECTION TAX ACT OF 1972

TITLE I—SHORT TITLE, ET CETERA

Title I labels the Act as the "Environmental Protection Tax Act of 1972," and specifies that all amendments contained in the Act are amendments to the Internal Revenue Code.

TITLE II—PRESERVATION OF COASTAL WETLANDS

Section 201

Section 201 adds a new subsection (n) to section 167 of the Code, providing that the depreciation deduction for property constructed, reconstructed or erected in the coastal wetlands may be computed only by use of the straight-line method of depreciation. A similar rule is applied in the case of buildings constructed on sites where a registered historic structure has been demolished.

The limitation of depreciation methods will apply with respect to property placed in service after December 31, 1972.

Section 202

Section 202 amends section 1245 of the Code to provide that gain on the disposition of improvements located in coastal wetlands will be treated as ordinary income to the extent of all depreciation deductions claimed with respect to such improvements. This amendment will apply to dispositions of property placed in service in the coastal wetlands after December 31, 1972.

Section 203

Section 203 of the bill adds a new subparagraph C to sections 175(c)(1) and 182(d)(1) of the Code, providing, in effect, that certain land clearing expenditures and certain soil and water conservation expenditures (such as expenses for draining, dredging or filling) with regard to coastal wetlands are not deductible under the special rules of Code sections 175 and 182. Thus, these expenses would have to be capitalized.

Disallowance of deductions for these expenditures would apply to taxable years beginning after December 31, 1972.

Section 204

Section 204 of the bill adds a new section 280 to the Code, providing in effect that no deduction for interest and taxes will be allowed where it is attributable to land under development and associated improvements in the coastal wetlands. However, these deductions would be allowed to the extent of any income derived from such coastal wetlands. The amount of such disallowed deductions is to be charged to the capital account.

This section will apply to taxable years beginning after December 31, 1972.

Section 205

Section 205 of the bill defines coastal wetlands as areas of open water, marsh, swamp, etc., corresponding to types 12 through 20 in Circular No. 39 of the Fish and Wildlife Service of the U.S. Department of Interior, which are of biological significance, are influenced by tidal water, and which lie shoreward within the territorial sea of the three fathom depth line as shown on National Oceans Survey Marine Charts. It is further provided that the Secretary of the Interior, after consultation with the Secretary of Commerce, will provide the Secretary of the Treasury with a detailed description (in the form of maps) of lands which fall within this definition.

Section 205 also defines certified wetlands improvements which will be exempt from the provisions of the Act. Certification requires a finding by the Secretaries of the Interior and Commerce that the improvement does not conflict with regulations and does not require an environmentally undesirable degree of draining, dredging, or filling.

TITLE III—HISTORIC PRESERVATION

Title III contains provisions intended to encourage preservation of historic buildings and structures certified by the Secretary of the Interior as registered or qualified for registration of the National Registry. In addition to the provisions of Title III, Section 201 of the Bill limits depreciation to the straight-line method in the case of buildings constructed on sites which were formerly occupied by demolished historic structures.

Section 301

Section 301 adds a new section 189 to the Code, permitting a 5-year write-off of rehabilitation expenditures incurred with respect to historic structures which are used in the taxpayer's trade or business or held for the production of income provided that property acquired in connection with such expenditure is otherwise eligible for the depreciation allowance.

On the disposition of a certified historic structure, gain would be treated as ordinary income to the extent that the special write-off provided under this section exceeded the depreciation deduction which would have

otherwise been allowable (without regard to this provision). This section would apply with respect to all expenditures made after the date of enactment of the bill.

Section 302

Section 302 would add a new section 281 to the Code (while redesignating the present section 281 as section 291). Under the new section 281, no deduction would be allowed for amounts expended in the demolition of a registered historic structure, or for the undepreciated cost of such a structure. Both items would have to be allocated to the basis of the land. The section would apply to all demolitions occurring after the date of enactment.

TITLE IV—REHABILITATION

Section 401

Section 401 would add a new subsection (o) to the general depreciation rules of section 167. Under this new provision, if a taxpayer substantially rehabilitated depreciable property, he would be permitted to elect to compute depreciation with respect to his pre-existing basis in the building as though the entire structure was first placed in service by him. This will permit a taxpayer who purchases a used building and rehabilitates it to utilize so-called accelerated methods of depreciation, a privilege which is not now accorded taxpayers under the law.

In order to qualify for this special treatment, the amounts added to capital account during a 24-month period must be at least \$5,000 in amount and must be greater than the undepreciated cost of the property, determined at the beginning of the 24-month period. The provision is effective with respect to such expenditures incurred after June 30, 1973.

TITLE V—CHARITABLE TRANSFERS FOR CONSERVATION PURPOSES

Title V provides several amendments to the charitable contribution provisions in section 170 of the Code, the effect of which is to permit a charitable contribution deduction for certain types of transfers which are not presently allowed under the law. Specifically, section 501(a) provides that a charitable deduction will not be denied on the transfer of a partial interest in property, where the interest is either an easement of 15 or more years duration granted exclusively for conservation purposes, or is a remainder interest in real property which is granted exclusively for conservation purposes. "Conservation purposes" mean the preservation of open land areas for public outdoor recreation or education, or scenic enjoyment; the preservation of historically important land areas or structures; or the protection of natural environmental systems.

These amendments would apply with respect to contributions made after the date of enactment of the bill.

PRESIDENTIAL CANDIDATES

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. ZION. Mr. Speaker, it is regrettable that the left-wing candidate for President has tied his political future to a Communist victory in Southeast Asia.

His statement this morning charging our President with 20,000 deaths is inaccurate, reprehensible, and irresponsible.

The real tragedy is that his wicked and reckless statement gives aid and

encouragement to the Communist invaders.

Any man who tries to rise to power over the bodies of a subjugated people is not worthy of a line on an American ballot.

IN MEMORIAM TO NEW JERSEY'S MOST DISTINGUISHED SENIOR CITIZEN: THE HONORABLE LOUIS RETTBERG

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. ROE. Mr. Speaker, I ask my colleagues here in the House to join with me, the members of the Wayne Golden Age Circle, residents of my congressional district and the State of New Jersey in tribute to one of our most distinguished senior citizens and my dear personal friend, the Honorable Louis Rettberg, who passed away on February 22, 1972. Our condolences are extended to his daughter and her husband, Doris and Phillip Langer, to his son Paul's widow, Mrs. Helen Rettberg, and to his grandchildren.

Louis Rettberg was a young 92 years of age at the time of his death. He was born in Green Point, Brooklyn, and adopted Wayne, N.J. as his hometown in 1952. He was married in 1909 and lost his beloved wife Ethel in 1929.

Louis served on numerous municipal committees and made an outstanding contribution to the development and enhancement of our community—particularly in providing quality leadership to our senior citizens—all in the cause of good will, friendship, and the everlasting dignity of his fellow man. He was one of the founders of the Wayne Golden Age Circle and as editor of their newsletter enriched the spirit and re-creation of all of our people through the many programs he fostered for the enjoyment and richness of their leisure hours. All of us have been deeply touched by his exemplary wisdom, dedication, and sincerity of purpose in achieving excellence in the quality of life and its fulfillment.

His beautiful, graceful Spencerian style of handwriting evidenced his love for the arts and his pride in his cultural heritage. He has modestly accepted awe and applause that were extended to him on his handicraft by referring to it as a must to secure his first job in an office in 1895, when, he would comment, "only the lawyers used typewriters then."

In the course of his extraordinary lifetime, Louis Rettberg has seen the greatest wonders of man and has met each day's challenge with a zeal and purpose that we can well take heed of and admire. I share the great pride of his family in his accomplishments and am privileged to have been numbered amongst his many, many friends.

I ask my colleagues to join with me in a moment of silent prayer to the memory of a distinguished American, the Honorable Louis Rettberg of the township of Wayne, county of Passaic, State of New

Jersey. May his children and grandchildren soon find abiding comfort in the faith that God has given them and in the knowledge that Louis is now under His eternal care.

FIRE KILLS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. HALPERN. Mr. Speaker, every 2 seconds a fire breaks out in the United States; every 2 minutes a home goes up in flames; and every 40 minutes one of our citizens dies in a fire. Measured in terms of lives, fire killed 12,200 people in 1970. In addition, \$2,263,918,000 in property losses were reported.

Counting the lives that are lost and the maiming and injuries to about a quarter of a million victims of all ages—including deaths and injuries to firefighters—some fire research experts have estimated that the dollar cost to the Nation in fire losses and in increasing costs of fire protection equals about 1 percent of the gross national product.

Mr. Speaker, the firefighters of America are valiant, courageous, and dedicated individuals. I wish to pay tribute to them by inserting into the RECORD two statements on the role of our firemen. Chief Joseph E. Galvin of the 12th battalion in New York City has written an excellent article entitled, "Now Listen to a Firefighter's Plea," and an article by Raymond Gimmler, president of the Uniformed Fire Officers Association, includes sections of the Galvin article deleted from the New York Times publication.

In addition, Mr. Speaker, I should like to call attention to the fact that I will soon introduce legislation designed to urge local governments to adopt regulations to protect against fires in high rise buildings. A safety plan, sprinkler systems, exhaust shafts, fire signs, signal and voice communication systems and elevator fire protections are all of the utmost importance in preventing fires in high rise buildings. I urge my colleagues to support my upcoming House joint resolution in this area, as well as other firefighter legislation being proposed in this Congress.

The articles follow:

[From the New York Times, Jan. 20, 1972]

NOW LISTEN TO A FIREFIGHTER'S PLEA

(By Joseph E. Galvin)

During my firefighting career I've been blown from the roof of a blazing pier, have had the man next to me on a hose line gasp and die as we tried to advance into a burning tenement, have had a woman relieve herself as we carried her down an aerial ladder from a blazing Harlem tenement in a snowstorm.

I've worked seven hours in a blizzard while soaked to the skin, and had to be taken to a hospital as a result; I once literally tore the arms from a dead firefighter who was trapped beneath a truck.

I've saved lives and have had mine saved several times by my brother firefighters. I've suffered injuries ranging from scalds and burns to a form of "combat fatigue." I've

been taken to the hospital, unable to walk, due to the swelling in my heels resulting from sliding the firehose pole over twenty times during one single night tour in Harlem. I've been in building collapses to assist in the removal of victims when the building was threatening to collapse over our heads and bury us.

I've also been cursed, punched, assaulted and insulted by so-called "toughs" so many times that, incredibly, I'm almost inured to it. I've fought off a group of hoodlums who had surrounded our apparatus and were attempting to steal our tools and equipment. However, and this is quite important, I am not alone nor am I unique. Many other professional firefighters have endured much more than I, and will carry terrible physical and emotional scars to their graves.

To be a member of a ladder company crawling around the smoke-filled rooms of an occupied tenement, searching for possible fire victims, while three or four rooms are afire in the apartment directly below, is one of the most demanding tasks required of a human being. To be given the assignment of cutting a hole in a building's roof to effect ventilation so that the engine company down below can advance its line, when every enlargement of the hole allows super-heated smoke and gases to blast into one's face, demands the ultimate in dedication and raw guts.

The human body is subjected to such a high level of punishment during the performance of these tasks that no one, and I mean no one but a firefighter, would place his body in close proximity to the immediate area. You see, professional firefighters as a rule have life spans approximately seven years less than the average male.

Few of this city's citizens realize that some fire units respond to over seven thousand alarms during the year, and that each time they do the firefighters are subjected to tremendous emotional strain—not knowing whether the alarm will be a tragedy or a false alarm. I've seen some of my men leave their firehouses after the completion of their tour of duty almost disoriented from fatigue and the effects of noxious gases. To respond to over twenty alarms during one night tour and get three or four tough fires, back to back, is a terrible experience. What motivates men to perform this task?

After almost twenty years of working with and observing firefighters in every conceivable emergency, I've concluded that the glue which holds this great department together is a combination of brotherhood and love. The misery, suffering and pain which we firefighters share creates a bond which those outside the fire service cannot comprehend. Wives, mothers, sweethearts—none can intrude into this unique fraternity that comes from being truly brothers. This spirit of comradeship grows from the development of mutual respect and admiration which each man has for another; and is a form of love. And that special love which men in combat develop for one another is indeed a wonderful thing to share in, or even to observe. We firefighters endure hardships and share experiences which we'll never forget even if we live to be 200. The crucible of arduous fire duty welds us into a tough steel-like chain, which may be strained, but never parted.

In recent years we have all but been inundated by television shows, newspaper and magazine articles, movies and books describing the problems of the law-enforcement officer (all valid) during this era of "crime in the streets." This has resulted in hundreds of millions of dollars being granted by both state and Federal agencies to police departments throughout this country.

Doesn't "crime in the streets" and the Safe Streets Act relate to malicious false alarms, arson, assaults on and shooting at professional firefighters? Cannot we in the fire service acquire the aid of someone to

forcefully bring to the attention of our citizens a truly honest picture of the firefighter's life? And death? Does it have to be left to a nonerudite individual like myself, so obviously out of my element, to attempt to get across the message that this noble calling—the saving of lives—takes a terrible toll?

What is needed is the effective spotlighting of the firefighter's problems; the unique skills required of the job and the need for aid—new equipment, research and development programs, a newer type of lightweight mask (the mask widely used now, developed for World War II, weighs thirty pounds and can be used up in less than ten minutes).

It should be just as easy for a firefighter to attend a course at a university as it is for a policeman, but the work schedules now in effect in the New York City Fire Department make it very difficult for a fireman and almost impossible for an officer.

Won't someone please come forward to help us?

[From the Civil Service Leader, Feb. 15, 1972]

THE LIFE OF A FIREFIGHTER

(By Raymond Gimmler)

Recently a member of the Uniformed Fire Officers Assn., Battalion Chief Joseph E. Galvin, wrote a very moving article that was reprinted in The New York Times.

Chief Galvin's stark portrayal of the life of a firefighter ended with a plea to the community for help. One of the items he mentioned was the antiquated equipment New York City's firefighters must work with. This problem was also the subject of one of my recent Civil Service Leader columns.

I'm happy to report today that someone in the Fire Department obviously was listening to Chief Galvin, and was reading The Leader, too. At promotion ceremonies recently, Chief of the Department John T. O'Hagan devoted most of his speech to a promise that the Fire Department was seeking research programs to produce the best and most modern equipment available for firefighters' use. A subsequent press release by the Department told of contact with the Federal Government's National Aeronautics and Space Administration for the production and testing of new uniforms that withstand heat better.

There was another thread that wound itself through Chief Galvin's article in The Times—a plea to the media to pay some attention to the plight of the firefighters. But because of space limitations, The Times edited out much of that portion of his manuscript. I would like to quote those unpublished paragraphs written so eloquently by Chief Galvin:

"If news correspondents, in order to get a firsthand look at, and an insight into men's reactions and character during a frontal assault on a heavily defended island, can accompany the first wave; if Robert Trumbull could sail on one of our submarines in the Pacific during World War Two to gain some empathy with the submariners; if Walter Cronkite could fly with an American bomber crew on a raid over Europe in 1944; if present day reporters can go out with riflemen in Viet Nam; and if big city reporters can accompany policemen on 'shoot-outs' and riots; then why cannot a skilled reporter accompany a crew of firefighters as they crawl down a long smoke- and heat-filled hall in a Harlem tenement?

"He could observe the men choke, gasp, vomit and suffer while their officers lead them, exhorting them with 'come on, push in, there are kids in there.'

"Reporters covering fire stories limit their observations to those made from the building's exterior, and enter the building only after the fire is extinguished. Photographers take pictures of heavy appliances directing mighty jets of water into fire buildings while virtually ignoring the snakes hose lines entering the buildings. I suppose they don't

realize that on the business end of those hose lines are small groups of dedicated men, led by skilled officers, giving up a portion of their lives. You, see professional firefighters as a rule have life spans approximately seven years less than the average male."

Well, Chief Galvin certainly sets out the challenge for an enterprising, courageous reporter. I am dead certain that there are many young journalists who would want to accept that challenge. I wonder if there are any assignment editors reading this column.

CONSTITUTIONAL SCHOLARS COMMENT ON PROPOSED BUSING MORATORIUM ACT

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. CELLER. Mr. Speaker, in an effort to assist Members of the House to assess the serious constitutional issues raised by the President's proposed Student Transportation Moratorium Act (H.R. 13916), I insert in the RECORD letters from six outstanding constitutional law authorities who comment on H.R. 13916. The authors of these communications include: Prof. Alexander M. Bickel, Yale Law School; Prof. Harold W. Horowitz and Prof. Kenneth L. Karst, University of California Law School; Prof. Milton Katz, Harvard Law School; Prof. William Van Alstyne, Duke University Law School; and Prof. Sidney B. Jacoby, Case Western Reserve University Law School.

In addition, I insert in the RECORD a letter expressing opposition to the proposed moratorium act and signed by members of the faculties of the following three law schools: Harvard Law School, University of Pennsylvania Law School, and Columbia Law School.

The letters follow:

YALE LAW SCHOOL,

New Haven, Conn., April 7, 1972.

HON. EMANUEL CELLER,
U.S. House of Representatives,
Committee on the Judiciary,
Washington, D.C.

DEAR MR. CHAIRMAN: I have been away, and so have been unable to make an earlier answer to your letter of March 21 concerning H.R. 13916, the President's moratorium bill.

In my judgment, the constitutional validity of the moratorium depends in the first instance on the constitutionality of the mandatory provisions of the President's second bill, H.R. 13915. Legislative moratoriums, forgiving repayments of debts or of interest on debts for the time being, have been upheld in the past, when they have been, on the ground that legislatures have power to regulate the property interests of creditors; not—short of the martial law situation—on any general ground that the legislature may temporarily stop a court from doing something that the legislature has no power to prevent permanently. Of course, if Congress can permanently forbid busing below the sixth grade or across district lines, it may forbid it temporarily. But if not, the question has to be whether Congress is credibly in train of doing something else, which is within its constitutional power, and which exigently requires the courts to stay their hands temporarily in order to enable Congress to achieve its end. (The declarative, admonitory

and financial provisions of H.R. 13915 can scarcely be deemed exigently to require a moratorium.) Unless the question is put this way, rather closely and with built-in qualifications, the argument in behalf of the moratorium, whatever its trappings, necessarily boils down to the claim that Congress always has plenary power to suspend enforcement of Constitutional rights. But the "judicial power of the United States" is vested by Article III of the Constitution in the courts, not in Congress, and ever since John Marshall's decision in *Marbury v. Madison*, the judicial power has been held to be supreme over the legislative, so far as the application and enforcement of the Constitution is concerned. Since the Court cannot be asked to guess what Congress might have a mind to do, or to deliver an advance, abstract judgment on the constitutionality of hypothetical future laws, I would think, moreover, that no plausible claim for the validity of a moratorium can be made unless the moratorium is attached to the very legislation which, in the view of Congress, renders it exigent.

Everything hangs, therefore, on the validity of the mandatory provisions of the second bill. The strongest proposition supporting the constitutionality of these provisions is that even where individual constitutional rights are in question, Congress, though it cannot overrule the judicial definition of the substance of those rights, has power to prescribe appropriate remedies for effectuating them, and to forbid the courts to employ other remedies. But the line between substance and remedy is not so clear as this proposition would have it. As the late Professor Henry M. Hart Jr. pointed out, "the denial of one remedy while another is left open, or the substitution of one [remedy] for another is very different" from the "denial of any remedy." Hart and Wechsler, *The Federal Courts and the Federal System* 312, 313 (1953).

In a companion case to the *Swann* case of last spring (*North Carolina State Board of Education v. Swann*), the Supreme Court had before it a North Carolina statute that provided as follows:

"No student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of creating a balance or ratio of race, religion, or national origins. Involuntary busing of students in contravention of this article is prohibited, and public funds shall not be used for any such busing."

The Court declared the statute unconstitutional because it operated "to hinder vindication of federal Constitutional guarantees." Not only the prohibition of assignments of students on account of race, but even the prohibition against assignments for the purpose of creating racial balance, said the Court, "must inevitably conflict with the duty of school authorities to disestablish dual school systems." For even though racial balance was not mandated by the Constitution, some ratios were likely in many cases to be useful starting points in the shaping of a remedy. An absolute prohibition of ratios, even as a starting point, interfered unconstitutionally with the shaping of appropriate remedies. The same was true of the prohibition against busing. Bus transportation, said the Court, as it had noted in its main opinion in the *Swann* case, "has long been an integral part of all public educational systems, and it is unlikely that a truly effective remedy could be devised without continued reliance upon it."

Is there reason to think that Congress has any more power than the states to deprive the federal courts of a means that the Supreme Court has said may be essential for giving effect to the Constitutional rights declared in *Brown v. Board of Education*? To be sure, Congress has power, which the states lack, to regulate the jurisdiction of federal

courts, and to govern their procedure and their choice of remedies. So it did in the *Norris-LaGuardia Anti-Labor Injunction Act* of 1932, for example. But there it deprived courts of the power to grant a remedy historically viewed as extraordinary. The remedy ordinarily available was not affected. And in the vast number of its applications, the *Norris-LaGuardia Act* was not concerned with remedies for the denial of constitutional rights.

The short of it, it seems to me, is this. The Supreme Court has held that there are cases in which the only effective remedy for school segregation is to order more extensive busing of children below the sixth grade than has been used before, and may hold that busing across district lines is essential. If in such a case, having determined that but for the more extensive busing or the crossing of district lines the segregation of schools would go unremedied, the Court should accept the command of Congress that it may not administer what it regards as the essential remedy, the Court will have accepted a more far-reaching limitation on judicial power, a greater qualification of the power of judicial review established by *Marbury v. Madison* than ever before in its history, greater than in the Reconstruction case of *Ex parte McCordle*, which is itself aberrational, and which in common with the late Professor Hart I read as a fairly narrow holding. Theoretically, to be sure, state courts retain power to order busing of any sort below the sixth grade. But exercise of the appellate jurisdiction of the Supreme Court is restricted in this regard, in this specific regard only, and with specific substantive consequences. And the general jurisdiction of lower federal courts, otherwise also unaltered, is also restricted in this specific regard. The power of Congress to regulate judicial jurisdiction has never been held to enable Congress to change specific substantive results. It should not be, and cannot be—not consistently with *Marbury v. Madison*.

Faithfully yours,

ALEXANDER M. BICKEL.

UNIVERSITY OF CALIFORNIA,

Los Angeles, Calif., March 30, 1972.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
U.S. House of Representatives,
Washington, D.C.

MY DEAR MR. CELLER: This is in response to your letter asking for my comments on H.R. 13916, the "Student Transportation Moratorium Act of 1972." I have asked my colleague, Kenneth Karst, to join me in responding.

It would not be wise, we believe, to enact this legislation. We base this conclusion on a weighing of the potential benefit and harm which would result from adoption of the moratorium.

This bill would stay the implementation of the transportation aspects of any order of a federal court entered after enactment of H.R. 13916 until July 1, 1973, or the enactment of legislation such as H.R. 13915. The stay is said, in Sec. 2(a)(5), to be needed because there is a substantial likelihood that pending consideration by the Congress of H.R. 13915 many local educational agencies will be required to implement desegregation plans "that impose a greater obligation than required by the fourteenth amendment and permitted by" H.R. 13915. Consideration of the moratorium proposal requires, therefore, an understanding of the provisions of H.R. 13915.

H.R. 13915 declares that only dual school systems (deliberate segregation) and the "vestiges" of dual systems are violations of the equal protection clause. Failure to attain racial balance, and the assignment of students to the schools nearest their places of residence are said, in sections 202 and 203, not to be denials of equal educational op-

portunity. The use of transportation of students as a remedy for denial of equal educational opportunity is narrowly restricted by sections 402 and 403. H.R. 13915 thus states congressional interpretations of the equal protection clause of the fourteenth amendment, with declarations that only some types of racial separation in the public schools are in violation of the amendment, and that some types of remedies for unconstitutional state action shall not be given effect. On the first of these questions the Congress would be declaring an interpretation of the Constitution on an issue on which the United States Supreme Court has not yet ruled. On the second of the questions the Congress would be declaring that the Court's interpretation of the equal protection clause in the *Swann* case should no longer be given effect. There are, of course, substantial questions whether this legislation would be constitutional, in light of the much-discussed statements in the opinions in *Katzenbach v. Morgan* and *Shapiro v. Thompson*.

What the proposed moratorium would accomplish would be the effective temporary enactment of the very substantive provisions of H.R. 13915 whose constitutionality is dubious. The Congress would be declaring that, pending its own deliberation of these serious constitutional issues, the constitutional rights of school children are to be deferred. But in the case of a school child, whose education goes on from year to year until graduation, to "defer" a right means the denial of the right. During the congressional deliberations on H.R. 13915, we believe that Congress should leave the *Swann* decision undisturbed. For the same reasons, Congress should not, as an "interim" measure, prevent federal courts from using the remedy of transportation in cases in which those courts find constitutional violations with respect to "de facto" school segregation.

The issues before your Committee with respect to the proposed moratorium, in other words, are not separable from the issues concerning H.R. 13915 itself. The denial of constitutional rights should not casually be enacted. There is great potential harm, real and symbolic, in telling black children, North and South, that the Congress is deliberating on whether it should deny them a desegregation remedy, that if Congress does deny that remedy there is a considerable likelihood the denial of the remedy will be held to be unconstitutional, and that in the meanwhile the Congress is going to deny them that remedy. This harm, we believe, plainly outweighs any benefit (benefit to whom?) to be gained from a moratorium.

Sincerely,

HAROLD W. HOROWITZ,
KENNETH L. KARST,
Professors of Law.

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., April 5, 1972.

HON. EMANUEL CELLER,
Chairman, Judiciary Committee, U.S. House
of Representatives, Rayburn House Office
Building, Washington, D.C.

DEAR CONGRESSMAN CELLER: I am writing to recommend that you use your office and influence to oppose President Nixon's recently introduced bills, the "Student Transportation Moratorium Bill" and the bill "To Further the Achievement of Equal Educational Opportunity". I have read and analyzed both bills with care.

The President's proposed measures do not seek to have Congress regulate alleged excesses in the mandatory reassignment of pupils and in busing in a selective and sensible way. On the contrary, they seek to place far-reaching, rigid, and mechanical limitations on the exercise of judgment by courts, government departments and administrative agencies alike. In effect, the

President's bills would seek to counter alleged excesses in a good direction by replacing them with clear excesses in a bad direction.

I recognize that serious questions about various aspects of busing have been raised by conscientious citizens, both black and white. In the administration of any policy, however wise and important, it is possible for administrators—or courts—at times to take steps that are unnecessary and misdirected. In such cases, the appropriate remedy would be to insist on good sense and good judgment, not to throw out the baby with the bath.

The situation calls for moderation, careful judgment, and a painstaking selection of appropriate targets. The President proposes to bring up two blunderbusses to fire in all directions.

Sincerely yours,

MILTON KATZ,
Henry L. Stimson Professor of Law Di-
rector, International Legal Studies.

DUKE UNIVERSITY,
Durham, N.C., April 11, 1972.

EMANUEL CELLER,
Chairman, U.S. House of Representatives,
Committee on the Judiciary, Washing-
ton, D.C.

DEAR CONGRESSMAN CELLER: I have read H.R. 13916 as you requested, and I believe that its basic provision, Section 3(a), is quite clearly unconstitutional as a violation of that separation of powers which precludes Congress from directing an Article III Court to apply a different and more restrictive interpretation of the Constitution than that which the Supreme Court has already determined to be required. In essence, the constitutionality of this bill cannot be sustained consistent with the description of judicial power in *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803), *Martin v. Hunter's Lessee*, 14 U.S. (1 Wheat) 304 (1816), *Cohens v. Virginia*, 19 U.S. (6 Wheat) 264 (1821) and *United States v. Klein*, 80 U.S. (13 Wall.) (1872). The reasons for this conclusion are these.

By *Brown v. Board of Education*, 347 U.S. 483 (1954) it was settled that a local educational agency may not segregate public school children according to race. In 1968, a similarly unanimous Supreme Court held that the substantive constitutional entitlement of equal protection included affirmative assurance of access to schools not identifiable by race, and that further delay or postponement of such access was itself unconstitutional. *Green v. County School Board*, 391 U.S. 488, 439 (1968):

"The burden on a school board today is to come forward with a plan that promises realistically to work . . . now . . . until it is clear that state-imposed segregation has been completely removed."

In brief, in the Court's view the timing of relief in behalf of plaintiffs was held to be an inseparable part of their substantive constitutional right to equal protection and no longer simply one of several factors within the discretion of lower courts (or legislative bodies) to consider in fashioning an appropriate remedy. The point was reiterated the following year, in *Alexander v. Holmes County Board of Education*, 396 U.S. 19, 20 (1969):

"[C]ontinued operation of segregated schools under a standard of allowing 'all deliberate speed' for desegregation is no longer constitutionally permissible." (Emphasis added.)

So declaring, the Supreme Court held that "the Court of Appeals should have denied all motions for additional time."

That immediate vindication of the substantive right to equal protection, may, in a given case, necessarily include provision for transportation, moreover, is settled by *Swann v. Board of Education*, 402 U.S. 1 (1971). Where the local educational agency

had operated a dual system and where it had also manipulated its authority over site selection and school location, minimum effective immediate relief necessarily involved some busing of students not previously bused and some busing of students to schools to which they were not previously bused. Fully recognizing that complementary measures should also be employed and that "an objection to transportation of students may have validity when the time or distance of travel is so great as to either risk the health of the children or significantly impinge on the educational process" (402 U.S. at 30-31), the Court in *Swann* then observed:

"Desegregation plans cannot be limited to the walk-in school. . . . In *Green*, supra, this Court used the term 'feasible' and by implication, 'workable,' 'effective,' and 'realistic' in the mandate to develop 'a plan that promises realistically to work, and . . . to work now.' On the fact of this case, we are unable to conclude that the order of the District Court [requiring busing] is not reasonable, feasible and workable." *Ibid*.

Equally significant were two companion cases decided the same day with *Swann*. In the first of these, *Davis v. School Commissioners of Mobile County*, 402 U.S. 33, the "desegregation" plan acceptable to the court of appeals utilized "unified geographic zones, and no transportation of students for purposes of desegregation." *Id.* at 36. Reversing, the Supreme Court declared:

"[I]nadequate consideration was given to the possible use of bus transportation and split zoning. For these reasons, we reverse the judgment . . . and remand the case for the development of a decree that promises realistically to work, and promises realistically to work now." *Id.* at 38.

In the other case, *North Carolina State Board of Education*, 402 U.S. 43, the Supreme Court unanimously affirmed the judgment below declaring a state statute unconstitutional insofar as it attempted to forbid "involuntary" busing or the use of public funds for any such busing:

"[S]tate policy must give way when it operates to hinder vindication of federal constitutional guarantees. . . . As noted in *Swann*, bus transportation has long been an integral part of all public educational systems, and it is unlikely that a truly effective remedy could be devised without continued reliance upon it." 402 U.S. at 46.

With this settled background, we may now consider the effect (and the constitutionality) of the proposed Moratorium Act in a particular case arising late this summer, 1972. Additional children shall doubtless come of school age by that time, none of whom will previously have been bused to any school. According to the Act, no court of the United States may enter and implement an order assuring them of busing. Some of these children, however, doubtless live in public housing which the district court has in *Swann*, previously determined to have been situated as it is for purposes of racial segregation. The nearest school, moreover, is one which the district court has previously determined also to have been situated as it is for purposes of racial segregation. The entire district is that which historically operated a dual system, with bad faith noncompliance by the local educational agency years after *Brown*. It is unimaginable under these circumstances, in light of the foregoing authority I have briefly recapitulated in this letter, that the federal court would not regard the implementation of a new busing order in behalf of these children as indispensable to the vindication of their substantive constitutional right to equal protection. Reliance by the defendant school board upon the Moratorium Act must thereupon result in a firm and unexceptional decision by the federal court that that Act is beyond congressional power and doubly unconstitutional:

1. As a federal statute authorizing state

action denying substantive equal protection, it is violative of the implied equal protection clause of the fifth amendment. See *Shapiro v. Thompson*, 394 U.S. 618 (1969) ("Congress may not authorize the States to violate the Equal Protection Clause.") See also *Bolling v. Sharpe*, 347 U.S. 497 (1954).

2. As a federal statute which leaves jurisdiction in an Article III court to hear and to decide the constitutional question presented by the plaintiffs, but which then mandates a result inconsistent with that which the court would otherwise determine within its province to interpret the law of the Constitution, it violates the separation of powers:

"So if a law be in opposition to the Constitution; if both the law and the Constitution apply to a particular case, so that the court must either decide that case conformably to the law, disregarding the Constitution; or conformably to the Constitution, disregarding the law; the court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty." *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, (1803).

3. While the Moratorium Act omits state courts from its ban, it evidently applies to mandate the result of Supreme Court review of state court judgments inconsistent with *Swann*. In permitting the Supreme Court to take appellate jurisdiction, but in precluding it from rendering a judgment it otherwise deems essential correctly to decide the case in accordance with its own interpretation of the fourteenth amendment (e.g., to reverse and to remand with direction to grant relief involving some busing), the Moratorium Act violates the separation of powers once again. Cf. *United States v. Klein*, 80 U.S. (13 Wall.) 128 (1872) with *Ex Parte McCordle*, 74 U.S. (7 Wall.) 506 (1868). To paraphrase the late Professor Hart, the power of the Supreme Court to decide the case at all must necessarily include the power to decide it according to the Constitution. See Hart, *The Power of Congress to Limit the Jurisdiction of Federal Courts: An Exercise in Dialectic*, 66 Harv. L. Rev. 1362 (1953).

This, in essence, is a succinct statement of my views respecting the unconstitutionality of the Moratorium Act and there frankly is no need to qualify them further. Because of what I understand to be the different views elsewhere offered to sustain this bill, however, it may be well to put some of these into perspective. One such view is that this bill purports to be an exercise of congressional power pursuant to section five of the fourteenth amendment, the power to enforce the provisions of section one (including the guarantee of equal protection) by "appropriate legislation." That this bill is not maintainable pursuant to that claim of power seems to be evident from all of the following considerations:

1. It nowhere purports to provide any remedy at all for those otherwise found to be denied equal protection by compulsory assignment to racially segregated schools in a *Swann*-type case; it is, in this respect, utterly different from the separate bill submitted by the Administration. Neither does it purport to find that others whom a federal court may include within an order contemplating busing are thereby denied equal protection, or that their exclusion from any such order is essential to assure them of equal protection. As it does not at all preclude state courts from entering *Swann*-type orders, moreover, it is simply not connected with providing uniform means of assuring equal protection.

2. To the extent that the Moratorium Act contemplates additional legislation which might, when adopted, be thought to provide different but equivalent remedies for the enforcement of equal protection without further busing, it could be sustained only by requiring the Supreme Court to render an

advisory opinion respecting the constitutionality of that other statute which has neither been adopted in fact nor properly before the Court for adjudication. This, of course, is itself beyond the authority of the Supreme Court to do. See *Muskrat v. United States*, 219 U.S. 346 (1911); *Hayburn's Case*, 2 Dall. 409; *United States v. Ferreira*, 13 How. 840; *Gordon v. United States*, Appendix, 117 U.S. 697; *Correspondence & Public Papers of John Jay*, vol. 3, p. 486.

3. In forbidding any further provision for transportation even when essential in the view of the federal court for the immediate vindication of the substantive constitutional right to equal protection, without providing any alternative which, in the view of Congress, is either a better alternative or at least an equivalent alternative, the bill cannot be said to be one which "enforces" the right to equal protection. Rather, it is one which abridges that right, and no such authority is granted by section five of the fourteenth amendment. See *Katzenbach v. Morgan*, 384 U.S. 641, n. 10 (1966); *Shapiro v. Thompson*, 394 U.S. 613 (1969); *Oregon v. Mitchell*, 400 U.S. 112, 128 (1971):

"Congress may only 'enforce' the provisions of the amendments and may do so only by 'appropriate legislation.' Congress has no power under the enforcement sections to undercut the amendments' guarantees of personal equality and freedom from discrimination, see *Katzenbach v. Morgan*, 384 U.S. 641, 651 n. 10 (1966)."

See also *Bivens v. Six Unknown Federal Narcotic Agents*, 403 U.S. 388 (1971).

The bill in fact appears to be founded on a claim of congressional authority derived from Article III, plus the necessary and proper clause of Article I, of the Constitution. Presumably, it is derived from the power of Congress to provide for such inferior federal courts as it deems appropriate, and to make such exception and regulation of the Supreme Court's appellate jurisdiction as it deems expedient. There is, no doubt, great latitude of authority in these powers, but I think it clear from the materials and authority set forth earlier in this letter that the Moratorium Act is not sustainable on such a basis. It does not deny jurisdiction to hear the case, it does not withdraw authority to consider a claim otherwise presented in the case, it does not propose the substitution of some remedy believed to be more appropriate than that which it withdraws, nor does it simply foreclose a remedy inessential to provide consistent still with the power to decide the case. Rather, it operates to mandate a judicial result otherwise foreclosed by the Supreme Court's interpretation of what the Constitution requires as part of adjudication. As it would make the courts the instrument of adjudication inconsistent with the exercise of judicial power, it violates the separation of powers and is, accordingly, unconstitutional. Neither the labor injunction cases nor the depression moratorium statutes are similar in this respect, and neither affords suitable precedent to sustain this Act. Rather, the sense and sensibility of *Marbury v. Madison* is at stake here, and nothing short of an amendment to the Constitution may properly destroy it.

Sincerely,

WILLIAM VAN ALSTYNE.

CASE WESTERN RESERVE UNIVERSITY,
Cleveland, Ohio, April 14, 1972

HON. EMANUEL CELLER,

Congressman, House of Representatives,
Chairman, House Judiciary Committee,
Washington, D.C.

DEAR CONGRESSMAN CELLER: Thank you very much for your letter of March 29, 1972, with which you enclosed a copy of H.R. 13916 (the proposed "Student Transportation Moratorium Act of 1972", before your Committee); you also enclosed copies of H.R. 13915 and

H.R. 13983 (different versions of the "Equal Educational Opportunities Act of 1972", both before the House Committee on Education and Labor).

I have undertaken to study the bills carefully, concentrating on H.R. 13916, and have reached the conclusion that there is a serious constitutional objection to H.R. 13916. I should like it to be understood that my constitutional objection is addressed to only one basic provision of H.R. 13916 (Sec. 3), and then only to a particular application of the bill. There are, of course, some broader constitutional questions involved in H.R. 13916, principally whether the proposed "Equal Educational Opportunities of 1972" and, with it, the "Student Transportation Moratorium Act of 1972" are constitutionally valid in the light of the Supreme Court's decision in *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1, 29-31 (1971), which in interpreting the Fourteenth Amendment and *Brown v. Board of Education*, 347 U.S. 483 (1954), sanctioned the use by the courts of more extensive busing as a device for accomplishing desegregation. I assume *arguendo*, without subscribing to it, the principle that the substantive provisions of the "Equal Educational Opportunities Act of 1972" (Title II of H.R. 13915, and Title I of H.R. 13983) are a constitutionally valid "enforcement" by Congress pursuant to Section V of the Fourteenth Amendment to the Constitution. Nevertheless, it is my opinion that Section 3 of H.R. 13916 violates the Constitution, not for any reasons of constitutional equal protection, but for being contrary to the broad constitutional principle of separation of powers and the principle of the independence of the judiciary. In particular, I should like to direct my attention to a situation where a lower court has ordered more extensive busing as a device of desegregation and where in certain circumstances under section 3(a) of H.R. 13916 the implementation of such court orders would be stayed perhaps until July 1, 1973. In other words, you have a situation here where Congress attempts to nullify, or at least postpone, a court decision because it desires in the future to establish a standard different from that which was established by the court; by the proposed bill Congress attempts to change the equitable effect of the previous court decree. (It should be noted that in the case at hand the standard laid down by the court in the exercise of its equitable powers involves a constitutional question).

Such an attempt by Congress, in my opinion, violates the principle of the independence of the judiciary, and the Supreme Court opinion of *United States v. Klein*, 80 U.S. (13 Wall.) 128 (1871), supports that view. The *Klein* opinion, of long standing, has never been questioned and, in fact, was in 1962 referred to in full detail by Mr. Justice Harlan in the celebrated *Glidden Company v. Zdanok* opinion (370 U.S. 530, at 568 (1962)) as demonstrating an "unconstitutional attempt to invade the judicial province by prescribing a rule of decision in a pending case." I shall attempt to describe the *Klein* situation in fuller detail in order to show its importance in the present case but before doing so I should like to make it clear that certain broader issues are not involved in my attack: I am not here contending that Congress may not have taken away the jurisdiction of the courts to handle desegregation matters. H.R. 13916 does not attempt to deprive the courts of jurisdiction in desegregation matters; thus, H.R. 13916 does not abolish court jurisdiction in matters under Title IV of the Civil Rights Act of 1964 (78 Stat. 241, 246 (1964)). I am not here concerned with the question whether such a provision would have been desirable or, in some situations, may have been unconstitutional. Consequently, we are not here concerned with the many different types of case which have sanctioned Con-

gressional annulment of the courts' jurisdiction to hear a case. Thus, the following cases, for instance, are of no relevance here: *District of Columbia v. Eslim*, 183 U.S. 62 (1901) (repeal sanctioned of a jurisdictional act though prior thereto plaintiff had recovered judgment in the lower court); *Burner v. United States*, 343 U.S. 112 (1952) (change of statutory language held to have ended jurisdiction of a pending suit); *Lauf v. E. G. Shinner & Co.*, 303 U.S. 323, 330 (1938) (generally sustaining the power of Congress to limit the jurisdiction of the inferior courts of the power of Congress to limit the jurisdiction of the inferior courts of the United States); or the celebrated *Ex parte McCordle* case (74 U.S. (7 Wall.) 506 (1869)) (the famous habeas corpus decision, which, in a later opinion (*Bruner v. United States*, *supra*) the Supreme Court summarized as holding that "when a law conferring jurisdiction is repealed without any reservation as to pending cases, all cases fall with the law"). None of these cases are of relevance here because H.R. 13916 does not attempt to annul jurisdiction; it seeks to prescribe for the judiciary a rule of decision in pending cases. Nor is there any need here for considering the general provisions on the effect of repealer statutes (1 U.S.C. § 109) since H.R. 13916 in no way attempts to repeal any statute. It merely seeks to nullify existing interpretations of statutory, and in fact constitutional, provisions.

The facts in *United States v. Klein* were as follows: The Captured and Abandoned Property Act had authorized suit in the Court of Claims for the return of seized Confederate property on proof that plaintiff had given no aid or comfort to the rebellion. In *United States v. Padelford*, 76 U.S. (9 Wall.) 531 (1869) the Supreme Court had ruled that the statute was satisfied when the claimant had received a pardon under a Presidential general amnesty. Immediately thereafter Congress, while the appeal in the *Klein* case was pending, enacted a rider to an appropriation bill, forbidding proof of loyalty by pardon. In *United States v. Klein*, 80 U.S. (13 Wall.) 128 (1871), the Supreme Court held this statute unconstitutional. Recognizing that Congress had "complete control over the organization and existence" of the Court of Claims, the Supreme Court stated the act amounted to a "rule of decision, in causes pending, prescribed by Congress. . . . What is this [the act] but to prescribe a rule for the decision of a cause in a particular way? In the case before us, the Court of Claims has rendered judgment for the claimant and an appeal has been taken to this court. We are directed to dismiss the appeal, if we find that the judgment must be affirmed, because of a pardon granted to the intestate of the claimants. . . . Can we do so without allowing that the legislature may prescribe rules of decision to the Judicial Department of the government in cases pending before it? We think not: . . . We must think that Congress has inadvertently passed the limit which separates the legislative from the judicial power. It is of vital importance that these powers be kept distinct." (at 145, 146, 147)

In my opinion, this clear holding in the *Klein* strongly suggests that, similarly, the "Student Transportation Moratorium Act of 1972" is unconstitutional. In both situations there was a prior Supreme Court ruling (*United States v. Padelford* and *Swann v. Charlotte-Mecklenburg Board of Education*, respectively); in both situations the Supreme Court decision had interpreted a prescribed scheme (in the *Klein* case prescribed by statute; here even more directly prescribed by the Constitution); and in both situations an attempt is made to change the rule of decision in pending cases. Certainly there are some differences between two situations (the *Klein* case being a suit against the federal government, etc.) but I believe that

these dissimilarities are minor. The basic matter is that, like in *Klein*, H.R. 13916 is a violation of the fundamental doctrine of separation of powers.

As indicated, these comments are basically limited to H.R. 13916, but it should be noted that the broad constitutional principle, enunciated in the *Klein* opinion, of an attempted interference with the judiciary would seem to apply specifically also to a certain provision of the "Equal Educational Opportunities Act of 1972" (section 406 of H.R. 13915 and sec. 306 of H.R. 13983). Under the proposed rule there would be a mandatory reopening of previous court orders decreeing desegregation under the Civil Rights Act. Aside from the larger constitutional questions involved, such a solution, in my opinion, would also raise the *Klein* questions as a possible interference with the judiciary. The Supreme Court's opinion in *Pope v. United States*, 323 U.S. 1, 8-9 (1944), when mentioning the *Klein* holding, suggested that that case under certain conditions also prohibits a Congressional act from setting aside a judgment in a case already decided. Such an unconstitutional attempt, it might be urged, would be made in the above-mentioned sections of the "Equal Educational Opportunities of 1972."

In summary, I should like to emphasize that my comments are not addressed to the broad constitutional arguments against H.R. 13916, which are based on the Fourteenth Amendment and which would attempt to show that H.R. 13916 in certain situations would deprive individuals of constitutional rights. Quite aside from these broad arguments, my comments are intended to show that, even if the Fourteenth Amendment arguments were invalid, H.R. 13916 would suffer from its violation of the constitutional principle of separation of powers. Finally, I have sought to demonstrate another fact: even assuming that there is broad, unlimited power in Congress to abolish the jurisdiction of the courts—and there may be legitimate reasons for doubting the broad scope of such power—the *Klein* principle shows that Congress does not, as a "minor" power, possess the authority, without changing a statute, to prescribe a rule of decision for the courts in pending litigation. Such an attempt is being considered by the Supreme Court an unconstitutional interference with the judiciary, in violation of the principle of separation of powers. In other words, Congressional power to abolish jurisdiction does not, as a "minor" matter, include authority to violate the principle of separation of powers.

These comments were included in a letter addressed to you, Mr. Chairman, which thanked you for sending me the pertinent bills. Of course, I hereby give you full authority to utilize the comments in any way you desire and to include them as part of the record of hearings on H.R. 13916.

Very respectfully yours,

SIDNEY B. JACOBY,
Professor of Law.

STATEMENT SIGNED BY LAW SCHOOL FACULTY MEMBERS

The undersigned law teachers are strongly opposed to the two bills proposed by President Nixon for passage by Congress on the subject of busing of school children. We believe that the two bills, if enacted, would sacrifice the enforcement of constitutional rights, impair the functions of the judiciary under a rule of law, and jeopardize improved schooling for many, many children. More specifically, our reasons for opposition are as follows:

(1) The Supreme Court declared the segregated dual school system unconstitutional in the *Brown* case 18 years ago. For much of that period, opponents of the *Brown* decision have successfully avoided and delayed its enforcement. Only recently has the enforce-

ment process achieved any momentum. Enactment of the two bills at this time will certainly be seen—by blacks and whites alike—as a major break in the Nation's resolve to realize the constitutional rights of black children under the *Brown* decision. Moreover, the very proposal of these bills—especially given the psychological impact of the President's speech—will seriously hamper and may well cripple efforts now under way to achieve compliance with *Brown*.

(2) The two bills call for a very substantial change in the standards and modes of enforcement of *Brown* by the courts. Their enactment by Congress under Section 5 of the Fourteenth Amendment invokes a rarely exercised power whose limits are not at all clear. Strong doubts of constitutionality exist, with constitutional lawyers differing as to the outcome if the bills were to become law and their legality tested in the courts.

Whatever may be the scope of the Congressional power, the proposed bills clearly would misdirect it. The President is encouraging Congress to react in a panic to busing, as though that were the key issue, when he should be exercising his leadership to calm the public and to call on Congress to deal with busing as one aspect of a comprehensive program for ending dual systems of segregated schools. This failure of leadership is highlighted by two key facts. According to Administration sources, while about 40 per cent of the Nation's school children are bused to school, at most 1 per cent or 2 per cent of this total are bused for reasons of desegregation. Secondly, in calling for an expenditure of 2.5 billion dollars on "inner-city schools," the Administration has not added one dollar to existing programs or proposals it has previously made. The net effect of the present proposals is to cut back sharply on existing remedies for segregation while offering little or nothing in their place.

(3) The two bills involve a needless and dangerous disruption of the proper relationships between the President and the Congress on the one side and the Supreme Court and other federal courts on the other. As recently as one year ago in the *Swann* case, in light of almost 20 years of experience with enforcing *Brown*, the Supreme Court approved of court-ordered busing as one means of disestablishing dual school systems—a means which in particular cases might be necessary to bring about a unitary, desegregated school system. The Court did not insist that busing was required in any mechanical way or that its disadvantages should be ignored by federal judges.

The President has suggested that lower federal courts have gone beyond the Supreme Court—and in his view, improperly so. One would then expect the Administration to press appeals of these decisions to the Supreme Court, and perhaps to ask that Congress mandate stays of execution pending the appeals. Instead, the Administration presents proposals which amount to a declaration of no confidence in the courts and a repudiation of what they have done under the Constitution and laws of the United States. If we take the President at his word, this is premature and unnecessary. It risks the very undermining of the Supreme Court's standing that the President has on other occasions said should be avoided.

(4) One need not be an advocate of large-scale busing to see the harms and dangers in the proposed scheme. Serious questions about various aspects of busing have been raised by both blacks and whites. But the Administration has not asked Congress to regulate alleged excesses of busing in a selective, sensitive way. Rather, the Administration seeks to eliminate all busing as a remedy for desegregation by placing rigid, mechanical limitations on it. The practical effect is that busing could no longer be used even as a minor but necessary part of a desegregation plan that emphasized, for example, new

geographic districts, or school pairings. It is in cases of this kind that the threats to the enforcement of *Brown* and to the proper role of the courts are clearest.

We call on Congress to reject the two proposed bills on busing.

Signed by the following members of Harvard Law School:

Paul M. Bator, Derrick A. Bell, Jr., Gary Bellow, Derek C. Bok, Stephen G. Breyer, Victor Brudney, Clark Byse, A. James Casner, Abram Chayes, Archibald Cox, John P. Dawson, Richard H. Field, Paul A. Freund, Charles M. Haar, Philip B. Heymann, Benjamin Kaplan, Andrew L. Kaufman, and Lance Liebman.

Louis Loss, John H. Mansfield, Michael J. McIntyre, Karen S. Metzger, Frank I. Michelman, Arthur R. Miller, Albert M. Sacks, Frank E. A. Sander, David L. Shapiro, Richard B. Stewart, Arthur E. Sutherland, Donald T. Trautman, Laurence H. Tribe, Donald F. Turner, James Vorenberg, Lloyd L. Weinreb, and Ralph U. Whitten.

We call on Congress to reject the two proposed bills on busing.

Signed by the following members of the University of Pennsylvania Law School:

Martin J. Aronstein, Paul Bender, Paul W. Bruton, Martha A. Field, David Filvaroff, Jefferson B. Fordham, Daniel I. Halperin, Howard Lesnick, Clarence Morris, William Nelson, Covey Oliver, Richard Sloane, Edward Sparer, Ralph S. Spritzer, and Bernard Wolfman.

We call on Congress to reject the two proposed bills on busing.

Signed by the following members of Columbia Law School:

Curtis J. Berger, Harlan M. Blake, George Cooper, Harold S. Edgar, E. Allan Farnsworth, Wolfgang G. Friedmann, William R. Fry, Nina M. Galston, Richard N. Gardner, Harvey J. Goldschmid, Frank P. Crad, Louis Henkin, Harold L. Korr, and Louis Lusky.

Michael C. Meltzer, Arthur W. Murphy, Harriett Rabb, Albert J. Rosenthal, Leonard M. Ross, Benno C. Schmidt, Abraham D. Sofaer, Philip G. Schrag, Michael L. Sovern, Peter L. Strauss, H. Richard Uviller, Walter Werner, William F. Young, and John M. Kernochan.

KENNEDY CENTER CHRONOLOGY

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. JOHNSON of California. Mr. Speaker, I take this opportunity to call to the attention of the Members of this body an article that appeared in the February program of the Kennedy Center for the Performing Arts. It is a thumbnail sketch and history of the coming into being of the Kennedy Center, prepared by a man who played a major role in its development, the center's general counsel, the distinguished Ralph E. Becker.

I place the article in the RECORD at this time so that all of us who are interested in the center—and that includes the millions of our citizens across this great country—may know firsthand of those who are chiefly responsible for the legislation that became law, the law that eventually became the brick and mortar of the Kennedy Center.

The article follows:

KENNEDY CENTER CHRONOLOGY

The September 8, 1971, inauguration of the John F. Kennedy Center for the Performing

Arts provided Washington with a cultural center second to none. Four Presidents participated in making this dream a reality. In 1958, President Eisenhower signed the legislation creating a national cultural center. In 1962, President Kennedy approved a design change to that which we now see on the banks of the Potomac. In 1964, President Johnson signed legislation renaming the Center the John F. Kennedy Center for the Performing Arts. And in 1969, President Nixon signed legislation permitting the Center to be completed; he attended the openings of the Concert Hall and Eisenhower Theater in 1971.

The enactment of the legislation creating the Center was bi-partisan in nature, and the fact that it has been fully supported by four Presidents attests to its wide support. The co-authors of this bi-partisan legislation included Senators Wiley, Saltonstall, Fulbright and Clark; Congressmen Thompson, Wright, Kearns and Fulton. With the exception of Senator Wiley and Congressman Fulton, they have all served on the Board of Trustees, and Senator Fulbright and Congressmen Thompson and Wright have been members of the Board since its inception in 1958.

When the legislation was first introduced, it provided for a small site on the Mall which would have been insufficient for a performing arts center and which was also being claimed as a site for the Air Museum. Through some very complex negotiations including exchanges of land, the Center was shifted to the beautiful Potomac River site.

To name all of those who assisted in obtaining critical legislation would be impossible. However, no piece of the chronology of the Kennedy Center would be complete without applauding the work of the respective legislative committees of Congress and their staffs—The Public Works Committees of the House and Senate, and the Appropriations Committees of the House and Senate. From the very beginning many in Congress have worked through difficult times to complete the project: Senator Chavez, Chairman of the Senate Public Works Committee, succeeded by Senators McNamara and Randolph (the present Chairman) and the ranking Republican, Senator Cooper; Senators Jordan, Gravel, Boggs and Welcker of the Subcommittee, who have been ever attentive to the Center's needs. Their counterparts on the House side have been equally helpful: Congressman Buckley, Chairman of the House Committee on Public Works, succeeded by Congressman Fallon and the present Chairman, Congressman Blatnik, and the ranking Republicans Congressmen Auchincloss, Cramer and now Harsha; and Congressman Jones, Chairman of the House Subcommittee on Public Buildings and Grounds and the present Chairman, Congressman Gray, and the ranking Republican Congressman Grover. They were assisted in no small measure by the Appropriations Committee Chairman of the Senate, Senator Hayden, who was succeeded by Senator Russell and the present Chairman Senator Ellender, with the ranking Republicans Senators Mundt and Young; and on the House side Congressman Mahon as Committee Chairman and Congressman Kirwan as Subcommittee Chairman, succeeded by Congresswoman Hanson, with the ranking Republicans Congressmen Bow, Rieff and Harrison. Members of the House and Senate staff have also provided continued and sage guidance. Richard Sullivan, Clifton W. Enfield, J. B. Huyett, Jr., Barry Myers, Bailey Guard; also, Eugene Wilhelm, George Evans and Paul Eaton.

Nor can one overlook the tremendous assistance of such institutions as the Smithsonian Institution, of which the Center was made a bureau, the National Park Service, The National Capital Planning Commission and the General Services Administration, the Center's agent for design and construction.

The first Chairman of the Center was Arthur Flemming, Secretary of HEW, and its Executive Vice Chairman, who later served as Chairman, was L. Corrin Strong, formerly Ambassador to Norway, appointed by President Eisenhower. Mr. Strong provided strong financial and moral support in a time of great need.

Edward Durell Stone was engaged as the architect for the Center in 1959 and produced plans for the Center in 1961. At this time, Roger Stevens was appointed by President Kennedy as Chairman of the Board of Trustees of the Center. Mr. Stevens was instrumental in changing the concept submitted by Mr. Stone; and, in 1962, a new concept evolved which reduced the cost substantially and made the structure even more beneficial and practical. President Kennedy and General Eisenhower approved of this concept.

In 1962, the Center sponsored a telecast across the country to raise money, in which General and Mrs. Eisenhower, speaking from Atlanta, Georgia, joined with President Kennedy on closed-circuit TV to urge public support for the Center. On October 12, 1963, shortly before his assassination, President Kennedy assembled over 100 top business leaders and received their pledge and support to furnish money for the Center. The late President was planning a massive campaign for support when the tragedy took place.

Although many projects were being renamed for President Kennedy after this tragedy occurred, it was agreed by many members of Congress and other interested persons that because of President Kennedy's dedication and devotion to the arts, the Center would be a fitting memorial to him. His family agreed that it would be appropriate to permit the Center to be renamed after President Kennedy as his sole memorial in the nation's capital. Therefore, in 1964, President Johnson signed legislation authorizing the change in name and providing further federal support. The ground-breaking occurred in 1964, with President Johnson doing the honors and construction began in earnest in 1967. When President Nixon assumed office in January, 1969, his administration continued to support the Kennedy Center.

In addition to the unprecedented bi-partisan support of four Presidents and the Congress, millions of Americans—school children, college students, philanthropists, corporations and people from all walks of life—have made individual contributions in memory of the late President. Over 20 foreign nations have also memorialized the late President by contributing gifts. Congress has furnished matching funds and a borrowing authority for about two-thirds of the cost of the Center.

Thus, four Presidents, untold numbers of Americans and foreign nations have supported and worked unceasingly to provide the nation's capital with a performing arts facility which will equal those found throughout the world. As a result, the American public and foreign visitors may enjoy the finest in the performing arts in this living memorial to John F. Kennedy.

RALPH E. BECKER,
General Counsel.

WE PROMISE

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. ST GERMAIN. Mr. Speaker, our efforts to protect the environment have inspired many citizens to take a new look at the world we live in. I found this message by Mrs. Mary A. Riefler most relevant:

WE PROMISE

In loving memory to: President John F. Kennedy, Congressman, John E. Fogarty, and Joan Robbins.

We promise God with each winter—spring—summer and fall that we will love, preserve and protect the world that we were born into

Somewhere along the way we have taken it for granted

The winter's first snow—sleigh rides—and happy children

The first robin and the flowers that bloom with spring

The summer sun—the beaches—the water we swim and sail on

The autumn's golden leaves—the fresh crisp air we breathe

We promise we will no longer fail to cherish your gifts

We promise God that we will love, preserve and protect your legacy bestowed upon us at birth—

This beautiful world you once gave to us!

URBAN ACTIVISM: THE FIGHT TO STEM THE BLIGHT

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Thursday, April 27, 1972

Mr. ROSTENKOWSKI. Mr. Speaker, on March 18 and 19, representatives of 228 community organizations from 50 American cities convened the first National Housing Conference in the auditorium of an elementary school in the heart of my congressional district. This conference, which was called together by the members of the West Side Coalition, a growing organization which represents nine church and community groups on the West side of Chicago. These groups have banded together in attempt to solve the real estate and housing problems which have come to plague their community.

The conference was not called by professionals, nor was it conducted by professionals. The people that came to Chicago for this meeting shared but one common element—concern about the future of their neighborhoods. The conference was not without its problems, nor was it without its disagreements. But the problems and the disagreements were put aside in the effort to reach a common ground—a ground from which they all could work to save their communities. This gathering in Chicago, was a true example of the rise of the much talked about “new populism,” the grassroots activism which has gained much attention in recent months. It was an encouraging demonstration of how people of all colors and ethnic identity could find it possible to work together.

The basic spirit of this conference was captured very well in an article published in the Chicago Tribune on Sunday, April 23. I insert this article by Perry Wood in the RECORD at this point, because I feel that we can all learn a lesson from these ethnic and racial minorities who gathered in Chicago in a display of urban unity:

URBAN ACTIVISM: THE FIGHT TO STEM THE BLIGHT

(By Perry L. Weed)

The sign covering the rear wall of the auditorium of St. Sylvester's Elementary School read “People's Politics Can Make the Difference.” Acting on this slogan, representatives of 228 community organizations from 50 American cities convened the National Housing Conference at 3027 W. Palmer St. in a deteriorating white ethnic community.

The convention, held March 18 and 19, can be characterized as a desperate effort by these urban representatives to save their communities.

Gale Cincotta, a Chicago housewife and community organizer as well as the dominant force in organizing and coordinating the convention, sounded the rallying cry with her welcoming remarks:

“Chicago is my city. For others, it's Detroit or Philadelphia. The city is our life. We don't want to live anywhere else. No one is going to push us out, whether it be government, realtors, or the big money combines who think they are controlling our lives. What for so long have been considered natural phenomena—changing neighborhoods and deteriorating cities—are not natural. It's a plan and somebody is making a lot of money out of changing neighborhoods.” She concluded: “What in the hell are we going to do about it?”

Urban populism dominated this convention of 1,000 white ethnics, blacks, and Spanish-Americans. Committed to preserving their neighborhoods and to reforming existing housing programs, the three groups remained under the same roof for two days and cooperated with one another.

The delegates, while largely from the older industrial cities of the Northeast and Great Lakes region, came from cities in 24 states and the District of Columbia to voice their grievances about governmental and private housing practices.

The Rev. Geno Baroni, director of the National Center for Urban Ethnic Affairs and the emerging national spokesman for ethnic America, told the delegates the purpose for the Chicago gathering was to sensitize established institutions to urban problems; to develop community organizations and leaders; to bring white ethnics, blacks, and Spanish-Americans together to promote cooperation, coalition, and group action.

Father Baroni's center is committed to the advancement of the ethnic movement. The center cosponsored and underwrote most of the expenses for the National Housing Conference.

While racial and ethnic conflict permeated the activities of the conference, the dominant interest was in the well-being and stability of the neighborhoods inhabited by the delegates. Group styles were varied and old hostilities surfaced but the delegates agreed that white ethnic, black, and Spanish-American cooperation is imperative if their neighborhoods are to be saved.

Almost all of the delegates fell into the \$5,000 to \$10,000 income category and their socio-economic class coupled with their common concern about decent housing and safe neighborhoods held them together. The villains were the Federal Housing Authority; George Romney, secretary of housing and urban development; and public and private housing bureaucrats.

Given the white ethnic sponsors and setting of the convention, there seemed a distinct possibility that the conference would develop into a racist organization to impede black and Spanish-American residential “invasions.” While the National Center for Urban Ethnic Affairs provided money and organizational assistance, it was the white

ethnics of the Chicago's West Side Coalition who made the convention possible.

The West Side Coalition, a loose umbrella organization of 42 community organizations, claims to represent a half million residents of Chicago's West Side and over the year and a half of its existence, it has concerned itself with housing and real estate abuses. The coalition is dominated by the Northwest Community Organization, Our Lady of the Angels Church, and the Organization for a Better Austin.

A major interest of these three predominantly white ethnic organizations is to keep poor blacks and Spanish-Americans out of their community, for they are perceived as a threat to the stability of their neighborhoods and lifestyle.

Indeed, these dominant groups of the West Side Coalition called for the most critical vote of the convention on their resolution to declare a six-month moratorium on further FHA mortgage loans. Regardless of legitimate complaints by blacks and Spanish-Americans about FHA abuses, they correctly saw that the resolution adversely affected them and allied with young and poor white delegates to narrowly defeat it.

No debate or vote at the convention raised the passions of the delegates to a higher level.

It was not until noon of the second day that leaders caucused to plan for the few remaining hours of the convention and for organizational follow-up.

The West Side Coalition leaders recommended a follow-up committee of elected representatives from each HUD region. The proposal was negatively received by Walter Brooks of the Northeast Community Organization of Baltimore. Brooks countered with a suggestion that each delegation appoint one of its own members and they meet in late April in another city.

Brooks emerged as the convention's most significant leader. While he demonstrated exceptional leadership skills, Brooks, a 39-year-old black, also became a symbol of black and white cooperation. Taking over temporarily for the chairman designated for the first day and immediately demonstrating his parliamentary skills, he remained chairman for the convention's duration.

MOVEMENT IN INFANCY

This black leader and the black delegates had an influence at the convention that was disproportionate to their numbers. The fewer than 100 black delegates took more than one-third of the debate time, were more sure of their positions and more articulate in expressing themselves.

By contrast the white ethnic movement, as it has come to be called and as it expressed itself at the conference, seemed in its infancy. Most white delegates were Polish, Italian, Irish, Lithuanian, and Ukrainian Americans and their limited unity was expressed in the commonality of their race, their Roman Catholicism, and a somewhat higher socio-economic position.

A few Lutheran ministers attended but the more than 20 Roman Catholic priests exerted a strong influence. A priest was the keynote speaker, four or five priests were among the leaders of the West Side Coalition, a priest gave the invocation, another introduced Mayor Daley, still another introduced Sen. Fred Harris (D., Okla.), and priests moderated panels and led workshops.

Only one of the 228 community groups—the Polish-American citizens—was explicitly organized along ethnic lines. It would be erroneous, however, to say that ethnic and racial loyalties were of minimal importance.

Altho difficult to assess, strong undercurrents of ethnic and racial feeling flowed thru the activity of the convention. Blacks and Spanish-Americans held numerous caucuses

for their own groups. However, when white delegates met, their black and Spanish-American delegation members were included.

Delegations were internally segregated on the convention floor along racial lines. Most Spanish-American delegations were Puerto Rican, some Mexican-Americans. No all-black delegation was in evidence and most blacks were not from Chicago. Many of the blacks present seemed to embrace a middle class ideology.

The Spanish-American delegations, as a group, were insecure as participants at the convention. Although numbering more than the blacks, their insecurity and distrust surfaced immediately as they demanded that all important remarks be repeated in Spanish, a virtually impossible task given the overloaded schedule and highly impractical given the small number of people actually unable to understand English. Skillfully avoiding a majority put-down, the convention tabled their motion and some key statements and resolutions were translated.

During the heated debates concerning the translation both black and white spokesmen quickly recognized and warned that a Spanish walkout would mean—the "little people" were fighting among themselves and "big business" stood to benefit from their divisions. The outburst and tacit threat of a walkout dramatized the Spanish-American's self-consciousness but strategically meant that for the remainder of the convention they would not go unnoticed.

The convention passed more than a dozen resolutions, held seven workshops, and conducted panels on real estate abuses, insurance, FHA, and mortgages. While demonstrating that democracy is a messy business, delegates who wanted to speak lined up in front of the five microphones evenly distributed throughout the floor of the convention and were each allowed three minutes.

With few exceptions, delegates were not interrupted as they spoke and many revealed a high level of sophistication.

Too often, however, this kind of democracy meant the mechanical recognition by the chair of a delegate, intense advocacy for three minutes and then the recognition of another delegate and advocacy or comment or a different point. The marvel was that so much diversity, frustration, and resentment was packed into an overcrowded auditorium and remained together for over two days without exploding.

HELD BEFORE CONVENTIONS

The convention was deliberately scheduled three days before the Illinois electoral primary. Two Democratic Presidential candidates, five senators, four representatives, and Mayor Daley addressed the delegates. Organizers were criticized for giving them too much time, but the politicians were generally well received.

By the second day, the delegates grew impatient with the politicians to whom they feel the conference had provided a forum while eliciting no specific gains.

Showing his usual caution, Daley did not commit himself to attend until one week before the convention. Daley's appeal to white ethnics was apparent. He spoke unchallenged. The delegates were honored with his presence. They knew that he had blocked scattered public housing sites in the all-white neighborhoods of Chicago and nodded with approval as he blamed the housing crisis on the federal government, and thereby exonerated himself.

Sen. Edmund Muskie's failure to accept his invitation offended many delegates. Senators George McGovern and Harris were received enthusiastically.

While George Wallace's name and resistance to busing school children were only mentioned by the political celebrities and

aroused little sympathy among the delegates, Wallace is increasingly perceived by many as a Populist alternative, in part, perhaps, because he is a segregationist but more because he purports to speak for "the little people."

Although the convention was conceived and organized in less than three months, it accomplished its primary purposes and was a success in the eyes of its conveners. The need for federal reform of housing and FHA programs was dramatized. Receiving nationwide press coverage, the convention momentarily caught the public's attention. Two days after the convention, the HUD regional director for the Midwest announced that his office was going to require strict enforcement of FHA guidelines in the financing of existing structures.

The conference has nationalized the housing movement by establishing a loose federation of 228 community organizations from across the nation. The convention legitimized the followup activities of a steering committee.

During her opening remarks, convention coordinator Mrs. Cincotta urged, "Let's make this our corporate board here in Chicago. Let's declare war on the forces that are destroying our cities."

One delegate from each organization was elected to form a steering committee authorized to act on behalf of the National Housing Convention. The steering committee will be meeting again in Baltimore next weekend. This representative committee will determine future strategy in the battle against blight.

BAILING OUT OF VIETNAM

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. WYLIE. Mr. Speaker, as I sat here yesterday listening to the debate on a resolution providing information on Indochina, I could not help but wonder as to the motives of the proponents. It is to the credit of this body that it was soundly defeated. The debate recalled to mind the vote in the Democratic caucus last week calling for the immediate endings of all U.S. military involvement "in and over" Indochina.

On Saturday, April 22, 1972, the Columbus Citizen-Journal, a Scripps-Howard newspaper published in my district, printed a most thought-provoking and timely editorial concerning the action of the Democratic caucus with regard to President Nixon's effort to stem the callous North Vietnamese invasion of the Republic of South Vietnam.

I concur with the views expressed in this editorial and respectfully recommend it to my colleagues as food for thought.

The editorial follows:

[From the Columbus (Ohio) Citizen-Journal, Apr. 22, 1972]

BAILING OUT OF VIETNAM

The Democratic caucus in the House of Representatives has voted to pull the rug from under President Nixon's Vietnam policy—a move as unwise as it is badly timed.

By an overwhelming vote of 144 to 58, the Democrats denounced Nixon's renewed bombing of North Vietnam.

Then they ordered the House Foreign Affairs Committee, which the party controls, to draft within 30 days a bill promptly ending all U.S. military involvement "in and over" Indochina, subject only to a return of American prisoners and an accounting of the missing.

Finally, almost as an afterthought, they condemned the "military invasion of South Vietnam by North Vietnam."

This latter move revealed the cynicism and political motivation of the Democrats' maneuver. In the same resolution, they (A) disapproved of the current Communist invasion and (B) sought to deprive South Vietnam of its best chance of beating back the invasion: support by U.S. air power.

In the past the House has been a strong bulwark of the President's policy on gradual and responsible withdrawal from Vietnam. It had steadily toned down or sidetracked extreme antiwar measures coming from the more dovish Senate.

We would like to think that the caucus' turnaround resulted from war weariness or a genuine change in conviction and not the heady approach of Election Day.

Whatever the motive, the move itself enormously complicates Nixon's efforts to pull out of Vietnam, leaving behind a regime that has a chance of defending itself.

The timing of the vote was perfect—if its purpose was to encourage Hanoi during its invasion and to dishearten our South Vietnamese allies in a moment of great peril.

At the Democratic caucus there was much talk about it being the time to make peace, but nobody was brutally honest enough to say what an abrupt withdrawal of American air power from Indochina would mean.

It would mean peace all right—the peace of the grave—imposed on South Vietnam, Cambodia and Laos by the ruthless clique of commissars from Hanoi.

NIXON'S PROPOSED ANTIBUSING LEGISLATION CONDEMNED BY JUSTICE DEPARTMENT LAWYERS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. CONYERS. Mr. Speaker, all too rarely do we see the kind of conscience, independence of will and forthrightness of spirit that has been shown by two different groups of attorneys in the Civil Rights Division of the Justice Department in their timely evaluation of the Nixon administration's proposed antibusing and antiblack legislation.

This administration has cynically raised the specter of busing as an unfair, ill-conceived plan that is foisted on helpless school districts by inconsiderate, thoughtless Federal judges—even though it is not measurably increasing throughout the land. Why? Because it serves as a smokescreen to divert attention from the illegal war in Vietnam that drags on, as well as the rising rates of unemployment and inflation that escalate hand in hand. It also conceals the abandonment of inner cities to the black, the poor, and the aged who have nowhere else to go. These are the real issues of our time which can only be solved by the commitment and resolve of the Federal Government.

I add these remarks to suggest the administration's motive to my lawyer friends at Justice who so correctly resist legislation which would not only become extremely poor national policy, but would no doubt be held unconstitutional as well.

[Letter to the editor]

[From the Washington Post, Apr. 25, 1972]

TEN BLACK LAWYERS AT JUSTICE: CONGRESS SHOULD REJECT BUSING BILLS

Believing as we do that much of the progress that has been made in the school desegregation area in recent years is being seriously threatened, and believing as we do, that our continued silence would be an abdication of our moral obligation to advance the cause of civil rights, we, the undersigned black attorneys of the Civil Rights Division, Department of Justice, wish to state publicly our disenchantment with the recent regressive trend in this area, including the anti-busing bills now before Congress.

First, and fundamentally, busing is not a real issue; it is instead a sham, a "last straw" embraced by those who have disappointedly watched busing and other tools of desegregation bring blacks to the better schools, wherever they are. Quite frankly, we as ardent students of the civil rights struggle, have concluded that the recent fervor in the area of busing is nothing more than a thinly veiled attempt to sacrifice the rights of minority children to racist pressure groups and political expedience. Those parents screaming the loudest about the welfare of their children, are the same ones who reverently expose their children to violent protests, vile rhetoric, long school boycotts and vivid displays of lawlessness including the burning and overturning of school buses. The school administrators, most prolific about maintaining quality education, were the same ones who were most inarticulate when it came to explaining disparities in the black and white schools, and the same ones who advocated the establishment of inadequate all-white "freedom schools." The politicians most vocal about the efficacy of using children to cure society's ills were among those most shamefully silent when black children were bused to perpetuate the same ills.

We realize, of course, that there are a number of anti-busing advocates who are righteous self-styled liberals, and who would disassociate themselves from the above characterizations and innocently inquire why must our children be bused? Why? Because much of the desegregation that you claim to be so proud of has been made possible only through busing. Why? Because judges who have heard not rhetoric, but the detailed facts that the press shields the public from, have proclaimed busing essential for effective desegregation. Why? Because the Supreme Court has stated that the Constitution requires desegregated schools and that busing is an acceptable tool to accomplish this goal. That's why!

More frightening, however, than the simple awareness that there are so many, in and out of government, who are maliciously attempting to undermine the rights elucidated in *Brown v. Board of Education* and its progeny, is the realization of how desperate they are. Recent developments, including proposed "moratoriums" and Constitutional amendments, tell us in no uncertain terms that there are those so determined to keep the two societies separate and distinct, that such traditionally American concepts as the sanctity of the Constitution, the "separation of powers," as well as "oaths of office" will willingly be sacrificed. Quite clearly they, and their unwitting allies, have no qualms about raping the 14th Amendment, prosti-

tuting the courts, and defaming the efforts of those who have worked so hard to promote desegregation, including those who have put their economic and political lives on the line.

What we have been witnessing, when stripped of its shroud of innocence, is an attempted roll-back, a camouflaged effort to resurrect the concept of "separate but equal," and a deliberate effort to make the advancement of desegregation circular, beginning and ending with *Plessy v. Ferguson*. We are indeed observing a metamorphosis during which "benign neglect" is being transformed into malignant hypocrisy.

To avoid such a consequence, to restore faith in those who have appallingly watched government attorneys switch from plaintiffs' to defendants' counsel table, and to serve notice on recalcitrant school boards, vacillating politicians, and run-of-the-mill racists that minority children will enjoy their full constitutional rights, we hereby urge Congress to reject the anti-busing, anti-black bills now before them.

John W. Davis, Savannah Potter, Ethel A. Ollivierre, Samuel J. Flanagan, Squire Padgett, Michael A. Middleton, Nate Friends, Calvin D. Hawkins, Donald Pallen, Lisbon C. Berry.

WASHINGTON.

Text of letter from 95 Justice Department attorneys addressed to congressional leaders:

DEAR SIR: As attorneys working in the field of civil rights we wish to urge the Congress to reject any proposal which would limit the power of federal courts to remedy, through busing, the unconstitutional segregation of public school children.

We believe that the enactment of any such legislation would raise serious constitutional questions and would be inconsistent with our national commitment to racial equality.

[From the Washington Post, Apr. 26, 1972]

DISSENT IN THE RANKS AT JUSTICE

We observed, without particular pleasure, a week ago, that the Nixon administration's latest departure in school desegregation politics—the President's proposed "anti-busing" legislation—had produced a familiar response. As had been true of his earlier efforts, Mr. Nixon's 1972 revisions (or would-be revisions) of the law found his cabinet officers divided in their interpretations of the new policy and advocates of both segregation and desegregation keenly aware of the element of sham underlying it. The operative analogy was with the summer of '69, when the rearranged guidelines policy was announced and the administration ultimately went into court (the Mississippi cases) to argue against its own previously held position. This year it is again in court (the Nashville case is a prime example) arguing against desegregation plans it did much to bring about. So you could say that it was only to be expected that history would repeat itself in yet another crucial respect: the attorneys of the Civil Rights Division of the Justice Department would rise up (as they did in 1969) and publicly express their disapproval, if not downright revulsion, at what was going on.

You could say it was only to be expected, that is, if the formulation did not make the whole thing sound a bit too mechanical, if it did not leave out of account the particular courage and independence of spirit that characterize those Division lawyers who have stepped forward to make known their opposition. Yesterday we printed on our letters page a forceful condemnation of the kinds of legislation Mr. Nixon has submitted to Congress signed by ten black attorneys in the Civil Rights Division of the Department. A second letter also urging Congress to reject the legislative fruits of the "anti-bus-

ing" mania was signed by ninety-five attorneys in the Division and forwarded to key members of Congress. Both groups, in our judgment, took a right and necessary and highly valuable step and did so at no considerable risk to their careers. So now we have, in addition to the impressive testimony of so many others against the proposed Nixon legislation, the testimony of a group of men and women specially qualified by profession and expertise to speak on the subject. Can the administration argue that roughly two-thirds of the attorneys in its employ in the Civil Rights Division are incompetent or wrongheaded or unqualified to judge? We welcome the dissent of the protesting attorneys. We wish more people in the administration who shared their views shared their courage.

TESTIMONY OF JUDGE BERNARD FRIEDMAN ON THE URGENT NEED FOR PAROLE REFORM

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. VANIK. Mr. Speaker, today, April 27, I had the honor of introducing Judge Bernard Friedman of the Cuyahoga County, Ohio, Court of Common Pleas, to the members of the House Judiciary Committee's Subcommittee on Prison Reform.

Judge Friedman, a distinguished jurist, is a national expert on the problems of prison and parole reform, and last year was appointed chairman of Governor Gilligan's "Ohio Citizens' Task Force on Corrections."

The judge testified today on the urgent need for major improvements in the Nation's system of parole and probation services. As he pointed out, our present system of penal correction has completely failed to provide effective correction and rehabilitation of convicted persons. As Judge Friedman said in his testimony:

We have a system which is callous, retrograde and punitive which takes sick men and destroys every spark of decency and self-respect in them.

Because of the importance of Judge Friedman's testimony, I would like to enter it in the RECORD at this point and commend it to the attention of all the Members of the Congress:

REMARKS BY JUDGE BERNARD FRIEDMAN

At the outset, I wish to take this opportunity of expressing my appreciation for your kind invitation to appear before your Committee relating to the proposed legislation on penal reform.

To properly introduce myself, I have been an elected Judge to the Court of Common Pleas of Cuyahoga County, Ohio, for the past ten years, having had the experience as Presiding Judge on several occasions handling the criminal docket of our County.

In addition thereto, in the latter part of January, 1971, Governor John J. Gilligan of Ohio designated me as Chairman of the Ohio Citizens' Task Force on Corrections and we commenced on our assignment in February, 1971. This Committee was composed of approximately 29 people from throughout the State including Judges, County Prosecutors, Sheriffs, Sociologists, Doctors, Lawyers, Church people and others.

Our study and examination of the various aspects of our penal institutions presented a very bleak picture which I believe is equally true of other states in the Union.

Upon our initial examination, our Task Force concluded that the Adult Corrections System "is not a system per se." In reality, it is a series of poorly articulated, multipurpose and philosophically incompatible subsystems. There has been little, if any, consensus on long-range goals; no coordination of activities; no machinery for resolving innate, self-defeating procedures; no coherent ideology; and little attempt to dissolve system-boundaries to improve the overall functioning of the system. This, I am sure, is equally true of many of our correctional institutions throughout the United States.

Therefore, the time has arrived for us to take significant steps in improving our system with the objective of being a more unified Adult Corrections System.

The need for overhauling our penal institutions has been articulated many times in recent years. Calls for change have come from such distinguished sources as Chief Justice Burger; Dr. Milton Eisenhower, Chairman of the Commission on Violence; The President's Crime Commission; Former Attorney General of the United States, Ramsey Clark, and others.

Yet, very little has been done except Presidential Commissions, dozens of legislative reports, many State Task Forces, and more than 500 books and articles have pleaded for prison reforms. The system remains as immovable as concrete—largely because life behind the walls is still a mystery to the public.

We have a system which is callous, retrograde and punitive which takes sick men and destroys every spark of decency and self-respect in them. Our prisons are an assembly line in the most diverse criminal activity such as perversion—of continuing drug addiction. Expertise is developed in lying, stealing, cheating, informing and learning, as I have stated, the trades of criminal operation upon their release. The only real sport in our institutions—as is true in others as well—is sex perversion. Those who resist sex attempts upon them are generally punished for being trouble-makers.

Let me point out to you some of the statements that have been made at various times by people who are familiar and who have studied our situation—

The U.S. Joint Commission on Correctional Manpower and Training in an 80-page report which took years in preparation and which Commission included 95 private and public agencies involved in the penal field stated:

"The national affliction of crime in the streets could best be described as crime in the prisons. Our crime rate will continue to worsen until our prisons undergo fundamental reforms."

The Commission also stated in its report that approximately 66% of the 200,000 inmates in state and federal prisons are repeat offenders. The Commission concluded its report by saying:

"The Public and the legislators must understand that there can be no solution to the problem of repeating offenders as long as harsh laws, huge isolated prisons, token programs and discriminatory practices that deprive offenders of employment, education, and other opportunities are tolerated."

On February 21, 1970, in a significant policy speech, Chief Justice Burger stated:

"Put a man behind walls and not to try and change him is to deny him his humanity and ours."

On June 28, 1971, Chief Justice C. William O'Neill of the Ohio Supreme Court stated: "80% of the serious crimes committed in this country are perpetrated by people who have been apprehended by police, tried in courts, and convicted of a previous crime."

This is a dismal failure. A failure not of law enforcement agencies—not of the courts—but by the system of corrections."

Many of my friends and others who are well-meaning and concerned have reproached me on the work of the Task Force. To summarize, they have stated, "With the serious increase of crime on the person and property, why do you give so much attention to helping the criminal rather than the citizen who suffers so much and is constantly in fear in his home and on the street?" "Why do you show compassion and sympathy for the inmate and try to improve his condition of confinement?" "Why not send more and more of those who commit crimes to the institutions for longer periods of time which would be a deterrent to crime?"

To these people and the majority who have been conditioned this way, I can only answer, "I am not compassionate nor sympathetic to those who commit crime. The opposite is true, for crimes of violence have been committed on my family and property." Studies have shown that commitment, in fact, is generally not a deterrent and that commitment under existing conditions in our institutions becomes a place for further development of more serious criminal activity. We must be aware of the fact that approximately 98% of those committed are released to society and it has been stated that approximately 60% of those released are returned to the institutions within five years. And what is the percentage of the remaining 40% who do not return but commit crimes and are not caught?

So actually from a practical and realistic standpoint, our concern primarily is not to be compassionate and sympathetic in helping the people who commit the crime, but our concern is for society as a whole for the person who does not violate the law, the person who believes in safety on the streets, the peaceful enjoyment of his home and the protection of his family on their person and property.

This was our aim and goal and this was the purpose of the establishment of the Task Force by Governor Gilligan. To this challenge we directed ourselves to study the conditions as they exist and to find ways and means of improvement in our penal institutions to reduce the commitment of crime of those inmates who are confined. I might say that there are some inmates within our institutions that are beyond rehabilitation and perhaps society would be better off if they are kept out of our community for the rest of their lives. However, there are a great many of the inmate population who, if given the proper guidance, education and vocational training and concern by the citizens of the community to assist with a helping hand for job placements and in other areas, these offenders can be rehabilitated and would not revert to criminal activity upon release.

Since the proposed legislation before you is primarily directed in the field of probation and parole, I will direct my attention to that area and will not get into the other phases of our penal corrections system. However, a comparison between our Task Force recommendations and your proposed legislation clearly shows agreement and understanding in said area.

In our study with relation to alternatives to incarceration, our Commission made the following recommendations:

A. Probation and Parole.

1. We recommend the addition of a parole officer level for advancement purposes in conjunction with salary increases.

2. It is recommended that there be improvement in the overall working environment in local offices by application of modern management methods and in the improvement of physical working conditions. A professional management analysis of the operation of local offices would be most profitable.

3. We strongly recommend that the Adult Parole Authority cooperate fully with the State Bar Association in setting up seminars dealing with parole procedures and processes.

4. In regard to the Parole Board and its operation, the Task Force recommends the following:

a. The Parole Board should establish and publish guidelines defining what will constitute cause for continuance.

b. An inmate should be released at the expiration of his minimum term in the absence of compelling reasons to the contrary. There is no evidence that longer incarceration improves an inmate's chances for community success; there is abundant evidence that it does not. The burden of proof, after the minimum sentence has expired, should be upon the Parole Board to show why he should not be released.

c. It is recommended that an inmate have access to information in his file bearing on his parole hearing in order that he may be able to intelligently respond to inquiries of the Parole Board regarding the contents of his file.

d. We recommend that the Parole Board advise inmates of their decision for continuance, explicitly setting forth their reasons for the denial in writing, as soon as possible.

e. Parole Board hearings should be subject to the Administrative Procedure Act, which provides for review and appeal.

f. The Institutional Parole Officer should participate at parole hearings, counsel with the inmates afterwards, discuss parole decisions with them, and follow-through on program recommendations.

g. The Citizens' Advisory Board and inmate advocates should have unrestricted access to parole board hearings and records.

5. It is recommended that parole violation hearings be conducted in the city or locality where the reported violation occurred—where the witness and evidence are accessible to both sides. The quantum of proof should be at least "clear and convincing proof" and the parolee should have the rights to retain counsel and to call witnesses. Where it is determined by the Adult Parole Authority that the parolee's return to the institution is warranted, the parolee shall be so notified in writing before re-institutionalization. The notice shall state with specificity the reasons for his return; all decisions on parole board hearings should be appealable as a matter of right.

6. We recommend that an innovative demonstration project be established in Cleveland, such a project designed to deliver more adequate direct correction services in the face of problems of an urban-crisis community.

7. We recommend the following, as does the National Council on Crime and Delinquency in their appended report:

a. Use of individual treatment plans and parole supervision.

b. Contracting for services of private agencies to implement treatment goals.

c. Employing staff specialists with specific skills and training to work with specialized caseloads.

d. Simple research to test effectiveness of policy changes and innovative programs.

B. Community-Based Services.

1. We recommend that the Division of Correction adopt the standards for community-based treatment centers as prescribed by the American Correctional Association.

2. Small community-based correction centers should be established in which training may be given nearer the individual's home in existing community facilities.

3. We recommend that state-operated community treatment facilities such as pre-release guidance centers and halfway houses be developed. We further recommend that the Adult Parole Authority should increase subsidies to approved halfway houses and encourage and assist development of additional private halfway houses.

4. The use of ex-inmates as para-professionals in community-based programs should be initiated.

5. We strongly urge the Courts of Common Pleas to use local community-based correctional treatment facilities as an alternative to institutional commitment. We further urge the Adult Parole Authority to use such facilities as a condition of parole.

Examining proposed House Resolution No. 13118 and also House Resolution No. 13292, which are most commendable and which are in line with what we have recommended in Ohio, I wish to express my opinion as to the following:

(1) I commend you for sponsoring an independent Board of Parole with the powers as set forth in said legislation. To have the Justice Department exercise the process of prosecution and at the same time having a direct responsibility with the process of parole is inconsistent with good practice.

(2) Of particular interest to Title I is the fact that the President will be enabled to appoint nine new members to the Board, and *Ex-offenders* would be placed on the Board, which is a substantial step forward.

(3) Under paragraph 4204, one notes that prisoners become eligible for parole after serving one-third of their term or after serving ten years of a life sentence. In Ohio, the minimum to date of parole for a lifer is 25 years, and under our proposed Revised Code now pending in the Legislature it would be extended to 35 years. Consequently, your provision for a maximum period as to eligibility for parole as to a life sentence in 10 years is commendable.

(4) Under paragraph 4206, one of the factors the Board may take into consideration is specified in number 9, "the prisoners conduct during his term of imprisonment." There is little evidence that conduct in prison is related to success on the streets. In fact, there appears to be substantial evidence that the better inmates in prison—in terms of ability to conform to the rules of the institution—are those more likely to have been socialized into criminal behavior and therefore to know how to "beat the system" in the prison. Many "mess-ups" in the prisons become model citizens on the outside. Therefore, it is my opinion that this Board may be considering a variable not related to release determination.

(5) Under paragraph 4208, a mandatory maximum continuance ("flop") is two years following the initial hearing, with subsequent parole determination hearings to be held annually thereafter. This certainly is an improvement in the right direction.

(6) Under paragraph 4209, a maximum period of incarceration of one year following the date of parole determination has been specified. I am concerned with relation to the waiting period after the Board has already determined the person to be paroleable.

(7) Under paragraph 4210, a number of procedures occur which parallel very closely our recommendations in the *Final Report*. I commend that section to you, particularly (a) and (b). The prisoner would be allowed to consult with his attorney prior to parole determination hearing, would receive written notice of such hearing, would be allowed to communicate with any person concerning his hearing, be represented by an attorney, be allowed to appear and testify on his own behalf, and be allowed to see full and complete record of parole determination. However, there appears to be no overt attempt to suggest to the prisoner how he might improve his behavior and successfully escape failing at a second or subsequent parole determination hearing.

(8) On page 19, lines 3 to 6, the Parole Board would be allowed to issue a certificate of determination. I might suggest considering a provision to expunge the record of first offenders successfully terminating parole

without formal application or court procedure. This question of expungement is particularly relevant to page 20, lines 8 to 17.

(9) On page 23, lines 4 through 18, which is concerned with possible revocation of parole, the same safeguards recommended by your legislation were also recommended by our Task Force for the State of Ohio with one exception, lacking in your bill, the availability of legal counsel for the potential parole violator.

With relation to Title II of the Bill, "National Parole Institute," I believe this is a most commendable undertaking to be adopted and to be supervised by the Board of Parole. The provision for such an institute to collect and disseminate information concerning the parole processes and parolees and to make recommendations to all levels of government; to improve the parole process and rights of parolees; to promote changes in the State and local laws and to make grants and enter into contracts with other groups, agencies or persons to develop new programs, methods, to develop curriculums for education of persons in the parole process and to encourage and recruit personnel would be a most significant step in the right direction to help the various states in the most neglected field of parole processes.

As to Title III, "Grants to States," and "States Plans," this is a most vital and needed legislation already too long delayed and neglected.

The provisions contained and set forth under Title III provide as follows: The development and operation of community-oriented programs for supervision of and assistance to parolees.

It further provides that the State parole system should include exoffenders in capacities for which they have knowledge and expertise.

It provides for minimum procedures for parole or re-parole of prisoners or parolees; periodic hearings at intervals of not less than two years; personal appearance and testimony of the prisoner at such hearings; files, reports and other documents to be used at the hearing are to be made available to the prisoner before the hearing; prisoner has the right to counsel or other qualified individual to represent him or to waive it; the prisoner is to be notified of the decision and in particular, if denied, the reason for the denial. The decisions are to be expeditious and appellate review would be essential in case of denial.

In addition thereto, where there is re-imprisonment or parole violation, a hearing would be established and prior to the hearing the parolee is to receive what I consider to be a Bill of Particulars and any other documents to be used at the hearing and would be entitled to representation unless intelligently waived; also provide for the expeditious disposition of the case and if there is a denial the reasons to be stated specifically. Also subject to appellate review.

In our study on Penal reform we found the most frequent complaint of inmates is directed to the lack of communication between parole personnel and the inmates. When information is not made available to a person who is denied parole it tends to build up a great resentment in the individual and generally is a big factor in what has development in the various strikes and insurrections in penal institutions.

I wish to impress on the members of the Judiciary Committee the obvious need of corrections escaping the traditional institutional emphases of the past. The future lies in the community, not in the prisons. An end of federally-subsidized funding for building construction should be seriously considered with the exception of building halfway houses, in the approximate area of 25 beds.

In the same vein, I wish to bring to your attention the filtering process inherent in

probation, parole, shock probation, and shock parole. As these interact with work and education release, and home furloughs, a very small residue of the very tough will be retained in prisons. These would be a very intractable, hostile, aggressive, and disruptive group of inmates, and can be expected to deliver maximum destruction to the society and to the institution in which they are housed. New and innovative approaches in handling, treating, and rehabilitating these offenders must be sought. The Division of Correction in the State of Ohio has a drug treatment program running at Chillicothe Correctional Institution, which holds promise for a portion of the residual "hard-nosed" offenders, and is an area which could be pursued in more depth. I might suggest that the Judiciary Subcommittee consider the long-range impact of parole, probation, and alternatives to incarceration. In such a case, it would be necessary to provide funds for expertise, support and technical assistance to those states which are pursuing vigorously such an alternative to incarceration program. It is ironic that those states which would pioneer in alternatives, early release, and short sentences will have a hard core residue and a greater potential for disruption within their institutions. It seems, although this is not true, that one simply cannot win for losing.

I believe that your efforts in this direction and the efforts of my committee in behalf of the State of Ohio as I have indicated are not only predicated strictly on fairness but also are predicated on protecting the public. If crime is to be reduced, if the streets are to be made safe, if the public is to be protected, and if law is to prevail and order established, then the Adult Corrections Systems must be altered, renovated and changed until it becomes an effective means of reducing crime. At present, corrections is a well-documented failure. Institutionalizing of people increases rather than decreases crimes. The use of long sentences further increases the probability of this undesirable outcome. These changes are necessary.

In conclusion, I again wish to thank you for the opportunity that you have afforded to me in this very vital field of penal corrections. State and Federal changes are necessary.

My best to all and I certainly hope that my appearance here in some way or manner will help in this direction.

ECOLOGY ROLE OF LABOR'S PEOPLE

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. JOHNSON of California. Mr. Speaker, at the present time the National Water Resources Council is considering some proposed standards and procedures for planning the use of water and related land resources. As part of this consideration hearings were held in San Francisco March 14. One of the witnesses at these hearings was Edward Park, a legislative representative of the International Union of Operating Engineers in California. Mr. Park who had a long and distinguished career in organized labor including a tremendously effective role in labor's international peoples programs has as long as I have known him demonstrated a tremendous awareness of the problems people of this and other nations face and a concern for

solving these problems. From a background of a lifetime of dedicated service to solving people problems and to making the world a better place for people to live, Eddie Park addressed himself to the active role now being undertaken by labor's people in the tremendous responsibility of preserving our ecology.

I thought Mr. Park's comments at the National Water Resources hearings in San Francisco very appropriate and realistic and accordingly I would like to share with my colleagues in the House of Representatives his comments on the ecology role of labor's people:

ECOLOGY ROLE OF LABOR'S PEOPLE

My name is Edward Park. I'm here on behalf of the Western States Conference of Operating Engineers, AFL-CIO, which comprises some 200,000 members in 13 western states and Alaska. I'm also here on behalf of the California State Building and Construction Trades Council which represents some 370,000 building tradesmen in the State of California. I am also speaking for the California State Conference of Carpenters—some 120,000 members; the California Conference of Operating Engineers and for a number of other labor groups who have asked me to present their case, representing the other crafts, not necessarily the building trades crafts, but other crafts and working people in California. From the title of these organizations I'm sure that your first assumption will be that I am here simply speaking for more jobs, jobs at any price, that I and the members of these labor organizations are dedicated to paving the world or constructing dams in everybody's backyard and destroying the wild life and the beauty of the western states.

Before you jump to these conclusions, I would like to point out to you that, particularly in the organization of Operating Engineers, not only in the western states but nationwide, that the history of our membership, the very dedication of our membership to outdoor life is well known and well documented wherever these men travel and work and ply their trades. They are fishermen, they are recreationists, they are men who enjoy the great outdoors, not just in their capacity of improving it and building it.

I would further point out to you that although we're the working end of most of these projects, we neither have control of their design, their planning, organization and ultimate acceptance by whatever group of people is involved—we should have, we expect to have and we will have a great deal to say in the very near future, because we still are greatly involved in all those community activities that each of you are . . . in the schools that we build, in the buildings that the federal government here finds its offices in, in the dams that we return to with our children and families for recreation, in the community structures such as hospitals and veterans buildings, city halls and whatever, wherever a structure rises to service the great majority of the people. We have never been and are not now concerned with jobs only, we, as citizens and taxpayers, are concerned with what the job creates and what the construction projects produce after they are created.

There are a great many members in labor who are strongly involved in the ecological movement on a pragmatic and hard working basis. There are a great many members in the labor movement who are involved in the preservation of wild life and who are members of the Sierra Club and other such organizations. There are a number of labor organizations which support these groups, and

I myself, in their highest and noblest aims, am in full support of protection and care of the ecology. We in labor have a further responsibility than just ecology, which is that additional responsibility of all community members and all thinking men. We have a duty to our members, not just to provide them with work, which is essential if they are to survive economically, we have a duty to keep them informed as to what in the current socio-political-economic life benefits them. We have a responsibility to provide them with decent living conditions as well as decent working conditions. I would point out to you that we're closer to being effective in providing the better working conditions than we are in the urban living conditions. We are now and have been involved in every major social change that has taken place since labor began to organize and to make itself heard throughout the land.

I'm impressed with the testimony on both sides, and I say both sides—the sides of the people who are in support of water construction projects and the people who are against the construction of any projects that may in some way disorient the ecological chain that exists around these projects. I'm not going to attempt to bore you with a great number of statistics, although these are available to labor through our Research Departments, although they tell us that the working man in California and throughout the west is faced with serious unemployment and economic maladjustment which may bankrupt many of our smaller communities completely and increase the growing hardships of living in our great urban centers.

I would point out to you that we in labor are much more involved in people ecology than we are in just creating construction projects or just preserving the ecology. We're concerned with that social progress, those social benefits that improves life styles and affects every member in our organization. When we cease to be concerned about this, then there will be no need for us and there will no longer be a labor movement.

I have heard a great deal of the dissertation with some surprise, although both sides have pointed out some socioeconomic preservation values in most of those projects they either support or oppose. It seems to me that there has been a great deal lacking in consideration for the urban poor, for the poverty-level worker and exister, for the great urban areas who will be the first to suffer in any cutback in the continuous improvement of those services that he needs to improve his life and to build a better life for himself. I can't conceive that a young black in the ghetto of Oakland or a young Mexican-American in San Jose, is really more concerned about these minor ecological ramifications than he is about his children, his ability to pay his rent, his ability to buy food and provide clothing and shelter for his family and himself, his ability to gain a notch in the social structure that allows him to enjoy the many munificent benefits of this great country of ours.

I would point out to you that the diminution of any project affecting any of those services, education, medicine, medical welfare, hits first and hardest at the deprived, the already deprived. This isn't to say that a great many of our members in the labor movement have never had access to much of what you consider your rights and much of what they only know as luxuries. It's interesting to me that the representatives of the so-called "little people" have said that a number of these projects, since they only work out as subsidies for private agri-groups and large farmers and large developers are somehow missing the primary purpose of water conservation, water utilization, water storage and water development. It is true

that a certain percentage of this water will be used, I am sure, to support the burgeoning population in California. It's also true that there is an underlying current existing throughout our state, for that matter throughout great portions of the west, that if they were articulated in any place except among friends, would be considered contemptuous, racist, snobbish and parochial, and this is the currency that—let's stop everything, let's not build any more schools, our school bonds are falling, let's don't build any more streets, roads, highways, our transportation system is not sufficient to support the great population growth, and let's don't supply any more water. Let's stop the dams, let's stop the water projects, let's stop everything—because if we do, maybe everybody will stop coming and maybe those who are here and insecure and living on the fringes of the social system will leave. I'm afraid this is a false assumption, and a false premise, because history points out that this has never been the case, in the course of world development. People do not abandon large, depleted, under-served urban areas simply because they lack certain things, they simply adjust, or when things become too difficult, when the impossibility of their situation to get a portion of the economic benefits of the state or the city are magnified and become overwhelming, they rebel, and in their rebellion they destroy. We find that this is not, as I say, an articulated thing, it's simply an underlying conspiracy, it would seem to me, on the part of those privileged who already have access to great sections of this nation's nature, wild life and recreation, to preserve those areas for their own use, their own privileged pursuits of pleasure and joy.

On the other hand, I am equally concerned with those representing the different water districts, both municipal and state and regional-wide who may have become devoted to the cause of that group of agriculturists, large farmers, large developers who see everything good in every water project and who don't bother to put in those elements of ecology, both bird and people, that would go a long way toward helping them justify and provide and dedicate their efforts to a greater mass of the people. I would bring to your attention that in recent months, for that matter, in recent weeks, we have had warnings from the experts in the United Nations that water is in terribly short supply throughout the world and that ultimately we may all have to move to assigned areas in order to enjoy the benefits in water and to use that part of the land which can produce food and foodstuffs to survive on. However, we think the needs of Labor's membership dictates the need for more water development and conservation, more water storage and flood control—not less—and more concern for increasing available power—not less—if the increased interest rate, or anything else delays meeting the public need we will stand against it!

I would also point out to you a corollary situation where a U.N. group recently announced that it would take something like 40 billion dollars to save the Mekong River and the Mekong Delta, the large breadbasket, rice basket if you will, of the Vietnamese and that section of Asia. There are warnings and portents and I am sure that there must be a middle ground between the doomsayer and the happiness forever group—that say this nation in ten thousand years or fifty thousand years will run out of its natural resources, will be overpopulated, its ecology will be unlivable, and either by that time we will have discovered—will have to have discovered, an inhabitable planet or all melt away in smog or freeze to death in ice, or whatever the particular group employed in pursuing these studies finds relevant. I'm a

pragmatist in this sense, I don't expect to be living ten thousand years from now, I'm concerned with today's man, I'm concerned with his well being. We in the labor movement are very concerned with progress in this country. We're sure not for abandoning it all to technology. As you know, we have to a great extent fought the over-technological developed in many industries and in many cases have been right. We're sure not for polluting or building more smoke stacks and, of course, we're for purifying the water and improving all those urban and ex-urban and suburban conditions that will improve the life style of the great majority of the people of the United States.

Although the nation's flood control efforts now over a hundred years old, we have never succeeded in totally stopping the ravages of the Mississippi River Basin, the sporadic ravages that occur such as occurred in West Virginia recently, where a whole community and hundreds of people were killed because of an overemphasis on ecology and an underemphasis on safety. We understand that things can't happen overnight or in a day, a year or years, and we accept that work and progress have to be subjected to what's best for the majority of the people. On the other hand, we cannot in all good faith support any privileged groups, whether it be the giant agri-corporation in the Valleys, or the privileged few who want to turn everything into parks so that they, who are in a position economically, can enjoy these great vistas. My eye, to paraphrase the biblical phrase, is on the sparrow, and the sparrow is our member. We want him to work, we want him to have the benefits of a safe and well-supplied life style, sufficient water, pure, sufficient transportation, sufficient protection from want, everything that goes with giving a man those things that the Declaration of Independence and the Constitution were conceived to guarantee. We truly are concerned with his life and his liberty and his pursuit of happiness.

My feelings—the feelings of Labor—are that we cannot accept administrative regulations which would halt or delay, and in some cases completely destroy, a great number of water projects throughout the West. We have to look at those built-in ecological benefits and at those built-in economic benefits that would provide for a better service for more people. On the other hand, we can't in any manner support any effort, harassment, injunctions, et al. either locally, nationally or regionally that halt well-thought out construction projects, whether they be simply those dams so badly needed in the California water program to curb floods and protect those people in the course and paths of those floods which have destroyed businesses, homes and properties over the years. We can't see anything unreasonable in controlling rivers, which by the very definition of the number of bills that have been introduced recently in Sacramento, are called wild, we can't see any disservice to the great majority of our members in creating new and easily accessible recreation areas, unless those recreation areas are priced out of their ability to enjoy and utilize. We see nothing wrong with improving our whole system. We are many years behind in the construction of good hospitals, good schools, good buildings of all sorts. We've watched efforts to chrome-plate ghettos, we've watched efforts to improve existing structures, we've watched preservation efforts to retain historical buildings, many of which are dangerous and unsafe, and seldom improved to meet the safety criteria and standards that we would set for our working men. All this we've seen as sporadic and many times poorly planned and undeliverable promises to those members of not only the minority groups within labor, but those members of labor itself.

Gentlemen, I, on behalf of labor, and on behalf of all the people here, would hope that those representing the water districts and the ecologists, attempting to retain some of the beauty and wild life of our nation, I would point out to you that the relative problem involved in any major construction project, whether it be water, transportation, or whatever, should be based on the number and kind of people served! And I say kind reservedly, not meaning to say that, for instance, in Marin County, if they need a new civic center designed by Frank Lloyd Wright and then decide they don't want any more water because they don't want any more people, then that's not their right and that we should take the civic center away from them, I'm simply saying that our system of priorities has to consider the disintegration of our major urban areas. We have got to produce and provide the necessary power, the necessary water, all those necessary facilities that provide the service that is going to be needed by those great numbers of people who are increasingly moving towards these urban centers and who expect to exist, work and live there in reasonable comfort. I think that this consideration should be the paramount consideration on any type of project, and I think that projects shouldn't be justified on the basis of the return, and the cost plus the cost minus or whatever. Secondly, I think once we've considered the necessities of the people, that we should consider the necessities of the ecology. I wouldn't separate these by any great extent but I would not let one outweigh the other. I think that we must find within the communities, within the small, large or whatever size areas, those projects that are necessary and badly needed now, by a great mass of the people. Now as to the cost of the projects, as to the expense to be borne, we know and experience has taught us that ultimately the yoke of productive economics fall flat on the shoulder of the working man. We would like to see this adjusted to some extent, we would have to agree with several of those speakers that the just portion of cost of water projects should be borne by those who are going to gain the greatest benefits. I think this should be true of any of those projects which we may term as social, i.e., transportation, water, power and I think it behooves the working man, particularly the working core, not to be misled by either faction but to stand up and demand that he be shown the economic benefits, the recreational benefits, the service benefits involved in any of these projects.

For instance, I am very sure that the young working black in the ghetto in Oakland is not necessarily concerned with the big agri-group in the Valleys who will enjoy the benefits of much of these water programs. I think he is probably concerned with the price of lettuce, with the price of baloney, with the price of beans, if he isn't, I know that his wife or mother or father or those who take care of the breadwinning within the family unit are concerned. I am sure that each community realizes that no matter what they do in, say Berkeley, to attempt to improve the benefits available through the City of Berkeley, that if they don't have sufficient electricity, if they don't have sufficient pure water, if they don't have adequate transportation systems, if they don't have adequate schools and hospitals and city streets, that they're going to suffer, and I think more and more you're going to find labor and labor's members demanding an accounting of this as part of their participation in water projects, transportation projects in all manner of construction projects.

We in California, and of course, we throughout the west, have watched with some unhappiness, some misunderstanding, and I might add—a great deal of disgruntle-

ment, at the efforts of a few individuals to stop progress completely, to stop work completely, to stop, if you will, the working member's check completely. Although, as I pointed out earlier, we are perfectly willing to spend time, effort with both sides of the question, we would ask that the government and that the commissioner reevaluate this thing, this whole system of water projects, municipal water districts, state, area-wide, whatever they may be, on the basis of what the ultimate benefit will be to the working man. In doing this, we are sure that a new look can be taken at the productivity ratio, at the socio-economic ratio, and at the environmentalist's concern. We would like to suggest that both labor, the environmentalist and those people representing water projects throughout the west and Alaska and any place in the country would put together a concerned group of citizens who share a genuine interest in meeting and resolving problems concerning both ecology, water and power supplies and services that benefit the laboring man throughout the nation.

I doubt very seriously that we can resolve all these issues within the framework of the Water Resources Council, but I'm sure that with the efforts of this great body, and with the dedication of the number of people I've heard testify here, we can begin a small revolution, that doesn't separate us and put us on opposite sides, that doesn't find us clawing at each other's throats and interests, that doesn't find us belittling the efforts of one another, but that we as honest, concerned citizens supporting our country and its people, can sit down and relate to and come up with those compromises and understandings that would allow us to continue with the necessary progress, the necessary jobs, the necessary protection of the environment that would best benefit ourselves, our children, and our children's children.

On behalf of labor, I would like to thank you very much for allowing me to make this address. I would also, just for the record, point out that as a result of the so-called declination of water projects in the State of California alone we expect to lose some 28 million, almost 29 million working hours for the members of labor if the seven per cent interest rate goes into effect. As you know, the unemployment rate in California is extremely high now. We cannot afford now and we could never afford to lose this many working hours without having a great deal of concern, a great deal of unhappiness, a great deal of hardship worked on the members of not only the building trades unions, but those other unions that benefit at the end of what the building trades unions construct and the healthy economy that their paychecks produce within the communities where they live and work.

I would be happy, and I am sure that all the members of labor would be happy, to support both sides of this issue, if those realistic questions that I asked you, i.e., how does this project benefit those members of the working class?—how many of those members does it benefit, what is the economic impact, if it's felt or if it's not built, on those people in the great urban areas or exurban areas, what does the future portend if such a project is not built and developed—are answered. I'm sure that there are a number of people who have testified here and who, if they walked to their faucet tomorrow morning and turned it on and no water came out, would invoke a little concern. I'm sure there are a number of people who have testified here who have the necessary affluency to hire a desalting plant and desalt the water on the beautiful coast they live on and supply themselves. I'm sure that a great many of them could at best buy their water purified and in jugs and what have you, and could afford to have it brought in to the kitchen or the house or the back yard.

Gentlemen, I don't represent members who have this affluency. The trade unions represent those people who must work, day to day, week to week, must pay rent, must pay taxes, must buy homes, must have available those services that are necessary for their daily existence. These are not privileged people, privileged in the sense that they have the economic wherewithal to supplant any failure on the part of power, or transportation or electricity, but they are a great group of people and unless you place these considerations that I brought to your attention into future projects, into the ecological movement and effort, you're going to find that the largest number of people in the country are going to be unhappy.

Thank you very much.

LUKE J. FARRELL, JR.

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. EILBERG. Mr. Speaker, I should like to offer my admiration and to commend a fine fellow, Luke J. Farrell, Jr., and the organization he represents, the Knights of Columbus.

On April 22, I, along with members and friends of the Knights, Our Lady of Lourdes Council 4546 and the Delaware, Pa., Board of District Deputies, gathered at a testimonial at Cannstatter's to honor my friend Luke.

Luke is completing his second term as the highest elected officer of the Knights of Columbus in Pennsylvania. Like the organization in which he has served, Luke has been responsible for doing good things for other people, regardless of the sacrifices to himself.

The fact that a man such as Luke would spend so much time and energy in the Knights of Columbus, of course, speaks so highly of the organization itself.

As State deputy, Luke provided dynamic leadership and he has inspired his brother knights to a new and vigorous involvement in vital areas which are of concern to the church, to the order, and to the communities of Pennsylvania.

Part of the commendation to Luke reads:

He is a bulwark of Columbianism, in action and has labored tirelessly for our cause and that of the church. He has shown compassion for the rights of those who cannot speak for themselves, the unborn. His leadership has shown us the way to make our strong voices heard throughout the State and the Union.

Luke is a 22-year member of the Philadelphia Police Department and holds three citations for bravery from the department. He served his country during World War II and holds five battle stars. Former Mayor James H. J. Tate appointed him to the nominating panel for the Philadelphia Board of Education.

Indeed, Luke Farrell is a man deserving of the fine honor the Knights have bestowed upon him at his testimonial.

FOOD PRICES CONTINUE TO RISE

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. HOLIFIELD. Mr. Speaker, while I was in my 19th Congressional District of California during the Easter recess, I met with a group of citizens who are, with good reason, concerned about the continuing increase in food prices.

While we are told on one hand that the wage-price control program is working, the housewives in my home district find the price of a marketbasket of food to be increasing each month. Fresh foods and meats are without any controls whatever at any level of the marketing process. Also, a large percentage of other food items on the grocer's shelves are without control.

I have joined my constituents in the belief that it is now time for the administration to take the matter of food prices in hand or for the Congress to begin to think in terms of required controls.

I want to insert in the RECORD at this point a petition for action on increasing food prices which was presented to me by the citizens of California's 19th Congressional District:

PETITION—MARCH-APRIL 1972

We, the undersigned, are greatly concerned about the continuing increase in food prices, despite the fact that we are told a price control program has been in effect for several months.

We hereby petition our elected government officials, the business interests involved, and the public in general to take the necessary steps to put an end to the continuing rapid increase in food prices that affect America.

Chet Holifield, Wilfred L. Simendinger, Edward J. LeClair, David M. Dinks, A. J. Martin, Herbert D. Carlton, Joseph S. Whetsette, Jr., Hal Flora, Alexander Googorian.

Michael Broussard, Georgla Duster, John M. Duster, Linda Cauchon, Richard Talley, Kathleen C. Talley, Roberta A. Lombardi, Mr. and Mrs. Alfred Morales, Mr. and Mrs. Michael B. Walker.

Robert C. Forrest, Mrs. J. Couch, Mrs. Pennington, Ann Weiss, Lany Weiss, David G. Monfort, Bernard C. Schaefer, Mildred Schaefer, Mrs. Robert Hall, Patricia Schissler.

Peggy Nolan, Sue Livingston, Ilene Hobincheck, Bonnie Weiss, Sue A. Funk, Jerry Bartley, Danell Bartley, Ken Copps, Barbara Beck.

Mrs. Janna Gossen, Dale Gossen, Mrs. Janice Cross, Mrs. Mary Diaz, Henry Diaz, Betty Marschbe, Toni Plaez, Mrs. Robert Warlick, Alan B. Cross.

Elaine C. Lawrence, Lucille J. Cross, Gladys Dunlop, Terry Harris, Violet Gentile, Judy Atchison, Barbara Guthrie, Carol Stone, Linda Henera.

Mildred Medlin, Ralph L. Bass, Flossie Dickey, Bob Dickey, Randolph R. Kentfield, Beverly Kentfield, D. Federico, Vern Drake.

Emily Valenzuela, Ray A. Reafen, Bonnie Goodrell, Anita Augenstein, Darlene Foreman, Jeff Leonard, George A. Harris, Wanda Harris, John J. Mohan.

Betty Lauterborn, Jean Henderson, Randy Henderson, Marie Coale, Tito Flores, Gary Lisonnoli, C. Hargon, Michael J. Cortello, Gonzalo DeLeon.

Richard T. Minjares, Mrs. Veda L. Triviso, Richard Chavel, Debra L. Huffman, Janice Noce, Richard Niedahausen, Eva Niedahausen, Mrs. Faustino J. Gutierrez, John J. Gorgas.

Reta D. Gorgas, Edward V. Triviso, Claude J. Klug, Mrs. Betty Baling, Mrs. Mary Nolan, Mrs. Don Cornellison, Carolyn S. Cunningham, Oland Keenan.

Davis S. Tanner, John L. Boussard, Mr. and Mrs. Leonard Clayton, Bernadette Broussard, Floyd H. Erickson, Janice M. Erickson, Mr. and Mrs. Albert J. Garcia.

Lupe S. Perez, Ollie G. Harrison, Carol J. Moore, Terry L. Hanley, Michael L. Long, Carrie Berry, Jean Younkin, Norma Fernandez, Sheila Hood.

HANOI'S WAR

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. CEDERBERG. Mr. Speaker, during the past 3 weeks we have again been hearing the hackneyed breast-beating of the left, crying about the supposed immortality of the renewed bombing of North Vietnamese military targets in response to the escalation of hostilities in South Vietnam. Some of the more virulent attacks on our President have come from those supposedly responsible men who would assume his position of leadership following the November elections.

It is interesting to note, however, that not a single voice among this group is raised to decry the naked aggression on the part of the enemy which precipitated our increased air activity. No one has even whispered the fact that the most recent action on the part of the enemy has stripped away any pretense which may have existed about this conflict being an insurgent "war of national liberation." This conflict is now, and always has been, the attempt of one nation to militarily overthrow the duly constituted government of another.

In this connection, Mr. Speaker, I would like to bring to the attention of my colleagues an article by John P. Roche which appeared in the Washington Post today, which I believe places the current situation in perspective. No one can call Mr. Roche an apologist for the Nixon administration. He has, on many occasions, expressed his displeasure with much of what the President has done. In this instance, however, he places the blame right where it belongs—I think that responsible Americans in all walks of life can and should do likewise:

NOBODY'S WAR BUT HANOI'S

(By John P. Roche)

When the North Vietnamese launched a conventional invasion of the South, complete with Soviet-made T-54 tanks and other heavy equipment, you might have thought that the question of who was doing what to whom would be conclusively settled. This was straight, naked aggression. Not even the most dedicated opponent of the war could argue that amphibious tanks were being constructed in peasant huts by the Vietcong.

Yet in subsequent weeks we have heard some of the strangest explanations of what allegedly occurred: some commentators have virtually suggested that President Nixon personally sponsored the invasion. When the bombers went north, the howl went up that we had escalated the war, and Sen. J. W. Fulbright suggested that we had provoked Hanoi by breaking off the Paris talks. Fulbright's logic was bizarre—in effect, he said that since we had refused to give the North Vietnamese what they want, they had no recourse except to go for military victory. The submerged premise of this extraordinary syllogism is, of course, that they are right and we are wrong.

Similarly, a letter to The New York Times from eight members of the House of Representatives contained this remarkable paragraph: "The President of the United States has called off the regular (Paris) meetings... And only this week the United States launched a massive air attack on both South and North Vietnam. In short, there are no signs of any moral leadership on the part of the administration to end the killings and the destruction of countries now." (4-16-72)

The Congressmen did not even mention the North Vietnamese invasion!

The harsh fact is that in terms of the arrangements made in 1968 as a precondition for a full bombing halt, the President was completely justified in taking the air war to the north. There has been a great deal of fudging about whether or not the Hanoi regime accepted any "understandings" and some people seem to have had odd memory lapses. What occurred in 1968 was that we insisted as a precondition for a total bombing halt that Hanoi agree (1) to respect the inviolability of the DMZ; (2) to cease shelling the cities of South Vietnam; and (3) to permit American aerial reconnaissance of the North.

It is true that Hanoi's representatives never signed on the dotted line; there is no formal piece of paper. But the President of the United States was assured by the Soviets that Hanoi would go along with these terms. Without that assurance Lyndon Johnson told me he would never have agreed to a total halt: "It would be strictly a one-way proposition."

This is not just a mat-time, Secretary of Defense Clark Clifford went on CBS-TV, "Face the Nation," and said in response to a question about the quid pro quo we had extracted from Hanoi, "The situation is that we had certain understandings reached with the North Vietnamese in Paris. They involved the DMZ and the shelling of the cities and the question of reconnaissance. There is the area of agreement." (12-15-68).

What Hanoi has done in the last few years is lay the groundwork for a heavy invasion through the DMZ. Four roads were built and supplies were stockpiled immune to air attack. And then they came in. They have been rocketing Saigon and other cities. In sum, they broke the agreement and, to repeat, Mr. Nixon is correct: all bets are off.

"Johnson's War," in other words, has not become "Nixon's War." The war is now and always has been "Hanoi's War."

FORBES MAGAZINE ATTACKS CATERPILLAR CO.

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Thursday, April 27, 1972

Mr. MICHEL. Mr. Speaker, it has come to my attention that the May 1 issue of

Forbes magazine has printed an editorial which attacks the Caterpillar Co. whose world headquarters are in my hometown of Peoria, Ill. It has become fashionable today to attack U.S. business, which is guilty of giving us the highest standard of living in the world's history, providing millions of jobs, and making our lives a lot easier than the good old days which some seem to believe we should step backward to recapture.

The Forbes editorial says:

A GOOD GIANT STUMBLES

It's always a disappointment when we witness a Good and Godly Corporation hit the low road after decades on the high one.

In the quality and ingenuity of its products; in its treatment of employees, distributors, and customers; in its public relations and advertising, Caterpillar for years has always been an outstanding example of enlightened self-interest.

Their current advertising—blatant car accident scare stuff—lobbies all out for making secondary roads wider, straighter, flatter—as if road spending didn't have a sufficient hunk of present government revenues, as if there were not other crying needs needing a tiny fraction of the money being spent on highways.

I guess Caterpillar has accustomed us to expecting a broader view from them than this crude self-serving.

The Caterpillar ads are realistic. It is embarrassing that a magazine such as Forbes, which presumes to speak with authority, does not realize that highway funds are earmarked. They cannot be spent for any other Federal function. What the Caterpillar firm is trying to point out is that there are other roads besides the interstate highways—which apparently the editors of Forbes have never left—and that rural Americans also have the right to decent, safe roads. Anyone who has driven over some of the tortuous, narrow back-country highways in American knows that we have a big job of straightening and widening to do.

The interstate highway system now has 33,000 out of 42,500 miles complete—about 77 percent. We are spending around \$3 billion a year on it. Much of the remaining mileage has been tied up in court proceedings and controversy over rights-of-way—a lot of it in urban areas where routing and the acquisition process is tedious.

The Nixon administration has proposed a single urban fund program, which in addition to moving some of the highway trust funds into urban transit systems, also provides for the rural Federal-aid fund and the rural general transportation fund, to channel more than \$400 million a year into select and supplemental roads, which will replace the designation now given to primary and secondary highways.

The Caterpillar Co. as Forbes points out grudgingly, has always maintained a high-caliber operation in its advertising, in its products, and in its treatment of its employees. It is unworthy of a magazine such as Forbes to ignore basic facts in order to make a crotchety point of its own displeasure. Caterpillar makes no case for starving any other Federal function to increase road expenditures.

Rural Americans pay gasoline taxes for

their cars, as do the millions who live in the Nation's smaller cities, towns, and hamlets. They deserve good roads just as much as the urban masses. Secretary of Transportation Volpe touched upon this problem in his remarks to the American Road Builders Association at their meeting in New Orleans on Monday of this week when he said:

The funding levels for these new proposals would insure a higher quality rural road system than presently exists. And for the first time, Federal funds could be used to help build county roads and bridges—so vital to mobility in rural communities. Our recommendation is that the new Rural General Transportation Fund start off at \$200 million annually beginning in FY 1974, and increase to \$400 million annually for FY 1976 through 1979, for transportation capital expenditures in rural areas.

This, of course, is in addition to \$800 million annually for the regular, rural aid system. Priorities under the new Rural Federal Aid System would be established locally, to give rural people the same flexibility that is being made available to urban areas.

This program recognizes the diverse transportation needs of this Nation.

Caterpillar has seen this need, and is doing a great public service in calling attention to the need for a switch from emphasis on the interstate, which is nearing completion, to the intrastate highways that have been going to pot-holes, and are long overdue for the straightening, widening, and flattening that Forbes seems to begrudge our rural residents.

Perhaps the editors of Forbes should travel a few miles out into the country and get some fresh air and a few fresh facts about road needs in the Nation today.

PONDERING THE FREEZE DISASTER

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. SISK. Mr. Speaker, too often those in other occupations regard the risk inherent in agriculture as someone else's problem.

They hear too much about Federal crop subsidies and not enough about our shrinking agricultural establishment.

They know too little and too late, often at the expense of their pocketbooks, of the risk the farmer takes from the weather when he plants his crop.

In most of the Nation, he is dependent on the beneficence of nature, the vagaries of the weather, for his loss or his gain.

He is totally unable to determine when he hitches the tractor to the planter whether it will be blight, rust, the boll weevil, the grasshopper, that reaps the harvest. He does not know whether it will rain too much too early, or too little too late.

We in this modern day and age have done a great deal to control our environment. In some areas we have to a slight degree been able to precipitate rainfall, or make up its lack with irrigation water.

But we have not been able to stop

rainfall or snow. We cannot make it warmer or colder. When a sudden freeze hits, a million orchard heaters are too few and the energy to fuel them too expensive.

So for the most part the farmer is at the mercy of tempestuous and temperamental changes in the weather, to say nothing of the market, and maybe a hundred other factors.

An editorial in the Fresno Bee on April 1 entitled "Pondering the Freeze Disaster" forcefully brought home to those not in agriculture the meaning the loss of his livelihood is to a farmer.

I insert the editorial so that all of us, in cities and towns, in urban life, may know what a farmer's risk can entail:

PONDERING THE FREEZE DISASTER

It is hard for a city man to understand fully what has happened to growers of crops destroyed by the unseasonable cold which followed unseasonable heat.

He can read about the freeze and if he drives in the country he can see how the lush green grape vines have wilted and turned an ugly dark brown in many places. He can note that the Board of Supervisors has asked Gov. Ronald Reagan to declare Fresno County a disaster area in order to make low-interest federal loans available. He can try to think about what a \$50 million crop loss means.

But still, to the city man, it is all rather abstract. All he knows, from his own experience, is that it got rather hot and then it got rather cold and he was hardly discomforted at all. By the time he climbed out of bed on those crucial days the freeze had come and gone and the only evidence he saw at first-hand was the distant pall of smoke from orchard heaters and other burning devices the desperate growers had used.

It would be appropriate, though, for the city man to reach out to the country man at times like these; to ponder what a difficult business it is to nurse crops to harvest, and how vulnerable the grower is to the whims of nature; to recall how he felt when his newly planted backyard grevillea was ruined by an early frost in October and then to image what it would be like if this was his livelihood as well as a growing thing he treasured.

The valley moves to the rhythm of the crop-dusting season. When that rhythm is interrupted, we all should feel distressed.

CAPITAL PUNISHMENT SHOULD NOT BE ABOLISHED

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. CRANE. Mr. Speaker, there has been much discussion in recent days about the question of capital punishment. The Supreme Court of California, for example, declared that capital punishment was "cruel and unusual," and although it based its decision on provisions of the California State constitution, rather than the U.S. Constitution, there is increasing pressure upon the Supreme Court to come to a similar conclusion.

Those who argue against capital punishment state that not only is it "cruel and unusual," but also express the view that it does not, in fact, act as a deter-

rent against crime. If it is "cruel" and does not even perform the function of deterrence, they argue, then it should be eliminated.

In the current discussion of this subject the defense of capital punishment often is not given the serious consideration which it merits. Such a defense was presented before the House Judiciary Committee on March 16, 1972, by Frank G. Carrington, executive director of Americans for Effective Law Enforcement.

Mr. Carrington begins his testimony by noting that—

If capital punishment should be abolished, it should be by legislative action rather than by judicial fiat.

The issue, Mr. Carrington stated—

Is properly one to be determined by the democratic process.

In December 1970, in a State constitutional election, the voters of Illinois rejected a proposition abolishing the death penalty, casting 1,218,791 votes against abolition to 676,302 for abolition, a margin of almost 2 to 1. This was cited by Mr. Carrington as evidence of public opinion with regard to this question.

More important, perhaps, are the substantive reasons why capital punishment should be retained. Setting forth the view of Americans for Effective Law Enforcement, Mr. Carrington notes that—

We believe that if the threat of capital punishment were to be a real, rather than an imagined, threat potential murderers in many cases would, in fact, be deterred from killing. Evidence to support this contention is to be found in a study conducted in 1970 and 1971 by the Los Angeles Police Department in an effort to measure the deterrent effect of the death penalty.

The study referred to involved a compilation of statements taken from persons who had been arrested for crimes of violence. Of 99 persons who gave a statement as to why they were unarmed during the commission of their crimes or why they did not use their weapons, the results were classified as follows: Fifty—or 50.5 percent were "Deterred by fear of death penalty from carrying weapon or operative weapon." Only 7—or 7.07 percent were "Unaffected by death penalty because it was no longer being enforced." Ten were "undeterred by death penalty, would kill whether it was enforced or not" and 32—or 32.3 percent were "Unaffected by death penalty because they would not carry a weapon in any event, primarily out of fear of being injured themselves or of injuring someone else."

Mr. Carrington notes that—

Thus we see a 5-to-1 ratio of deterrence over nondeterrence as reported by individuals who were in the best position to make such a judgment: the perpetrators themselves.

The testimony concludes that—

If capital punishment was once again to be made a real threat and that swift and sure execution followed upon conviction of the classes of murders we have discussed—the deterrent effect would be tremendous.

I wish to share Mr. Carrington's testi-

mony together with my introductory remarks which outline his background with my colleagues, and insert them into the RECORD at this time.

The material follows:

INTRODUCTORY REMARKS BY SENATOR CRANE

Mr. Chairman: I am pleased to introduce to this Subcommittee one of my constituents who has been invited to testify today: Mr. Frank Carrington, the Executive Director of Americans for Effective Law Enforcement.

Mr. Carrington appears here today as one well-qualified, professionally, academically, and by experience to testify about matters pertaining to the criminal justice system. He is an attorney, a graduate of the University of Michigan Law School; he has been awarded a Master of Laws Degree in Criminal Law from Northwestern University Law School and he has extensive police experience having served as a U.S. Treasury Agent and as a Police Legal Advisor to the Chicago and Denver Police Departments.

Americans for Effective Law Enforcement (AELE) is a national not-for-profit citizens organization the purpose of which is to give a voice to the law abiding citizen in our criminal justice system. I have been on AELE's mailing list almost from its inception and I am impressed with its objectives and accomplishments. I might add that AELE is totally non-partisan as is indicated by the fact that it has received the enthusiastic endorsement of former Attorney General John Mitchell and of Senator John L. McClellan. This Subcommittee is holding hearings upon a matter of the greatest importance—whether or not capital punishment is to be retained—I believe that AELE can aid the Subcommittee in its deliberations.

PREPARED STATEMENT BY FRANK G. CARRINGTON

Mr. Chairman, my name is Frank Carrington. I reside at 1341 Chestnut Street, Wilmette, Illinois. I am an attorney, and hold a Master of Laws degree in criminal law from Northwestern University. I have been in law enforcement work for the past 10 years, serving as a United States Treasury Agent and as a Police Legal Advisor with the Chicago and Denver Police Departments. I am currently the Executive Director of Americans for Effective Law Enforcement, Inc., 228 North La Salle Street, Chicago, Illinois.

Americans for Effective Law Enforcement, Inc. (AELE) is a national, not-for-profit organization, the purpose of which is to give a voice to the law-abiding citizen in our criminal justice system. AELE has been described as a conservative counterforce to the American Civil Liberties Union (ACLU) in the area of the criminal law. AELE believes that the right of the law-abiding citizen to be reasonably free from criminal harm should not be subordinated to the increasingly contrived "rights" which are being accorded to the violent and lawless elements in this country. To this end, AELE seeks to represent, here, and in the criminal courts, nationwide, the views of the law enforcement community and the interest of the actual and potential victims of crime in America. A summary of the aims, activities and accomplishments of AELE, together with a listing of its Board of Directors and Advisory Board, is contained in the brochure attached hereto as Exhibit # 1.

AELE'S POSITION ON THE ISSUE OF CAPITAL PUNISHMENT

AELE does not believe that capital punishment should be abolished in federal or state criminal justice systems. Our reasons for this position are set forth below, however, at

Footnotes at end of article.

this juncture we wish to state, as emphatically as possible, our view that if capital punishment should be abolished, it should be by legislative action rather than by judicial fiat. We refer, of course, to the recent decision of the California Supreme Court which banned the death penalty in that state as "cruel or unusual punishment."² In our opinion the California court in so holding substituted sociological abstractions for the law, and, based upon the personal feelings of the six majority justices, negated the very clear will of the California Legislature and of the citizens of that state. (According to Tom Wicker, an anti-capital punishment columnist, mail to the California Supreme Court chambers is running 2-to-1 in favor of capital punishment. See: *The New York Times*, March 7, 1972, p. 37m, col. 1).

The issue of abolishment or retention of the death penalty is properly one to be determined by the democratic process. For example, in December of 1970, in a state constitutional election, the voters of Illinois rejected a proposition abolishing the death penalty, casting 1,218,791 votes against abolishment to 676,302 for abolishment, a margin of almost 2-to-1.³

Be that as it may. That is, in fact, a legislative hearing; and we are here to express our opposition to the abolishment of the death penalty by legislative action for the following reasons:

CONSIDERATION SHOULD BE GIVEN TO THE VICTIMS OF CRIME

AELE is, frankly, a victim-oriented organization. We believe that many of those who advocate the abolition of the death penalty evidence a highly unrealistic and lofty disregard for: (a) the plight of the actual victims of countless murderers and (b) the safety of the potential victims of those who will kill in future.

Insofar as the actual victims are concerned, consider these questions: Who can name just one of the eight nurses murdered by Richard Franklin Speck? Likewise, if one of Charles Manson's victims had not been a famous movie actress, who would be able to recall the names of any of those who were murdered by Manson and his foul clan?

Yet the names Richard Speck and Charles Manson are, in truth, "household words" in the United States and, while their victims are lying in their graves, active efforts, evidenced by these proceedings, are under way to save Manson, Speck and others from the consequences of their acts.

We submit that past and future victims of crime are deserving of our consideration, especially in view of the fact that, beyond any question, our racial minorities and ghetto-dwellers are the principal victims of violent crimes, including those crimes for which the death penalty is provided.⁴ We concur with Illinois State Senator Raymond Ewing, a black, who refused to vote for a moratorium on the death penalty in Illinois because:

I realize that most of those who would face the death penalty are poor and black and friendless. I also realize that most of their victims are poor and black and friendless and dead.⁵ (emphasis supplied)

Our concern for the victims of murders leads inevitably to the abolitionist response that the execution of the death penalty upon killer "A" will not bring his victim "B" back to life. This is, of course, true; but the question goes deeper than that. The fact that "A" is executed will not, concededly, bring "B" back to life; however, such arguments ignore the fact that although "B" is beyond resurrecting, the fact that "A" has been executed for the crime: (1) may well deter "C", "D" and "E" from following "A"'s example of killing and (2) will make absolutely certain that "A" will never kill again.

This brings us to the main bases for our contention that capital punishment should not be abolished: the deterrence of capital crimes and the incapacity of a killer, once executed, to kill again.

CAPITAL PUNISHMENT AS A DETERRENT

We believe that if the threat of capital punishment were to be a real, rather than an imagined, threat potential murders in many cases would, in fact, be deterred from killing. Evidence to support this contention is to be found in a study conducted in 1970 and 1971 by the Los Angeles Police Department in an effort to measure the deterrent effect of the death penalty.⁶ The study involved a compilation of statements taken from persons who had been arrested for crimes of violence. Those interviewed had either been unarmed during the commission of their crimes or had been armed but did not use their weapons. Of 99 persons who gave a statement as to why they went unarmed or did not use their weapons the results were classified as follows:

Los Angeles Police Department Study of the Deterrent Effect of the Death Penalty, February, 1971

1. Deterred by fear of death penalty from carrying weapon or operative weapon, 50 (50.5%).
2. Unaffected by death penalty because it was no longer being enforced, 7 (7.07%).
3. Undeterred by death penalty, would kill whether it was enforced or not, 10 (10.1%).
4. Unaffected by death penalty because they would not carry weapon in any event, primarily out of fear of being injured themselves or of injuring someone else, 32 (32.3%).

Thus we see a 5-to-1 ratio of deterrence over non deterrence as reported by individuals who were in the best position to make such a judgment: the perpetrators themselves.

The conclusions drawn from this study by the Los Angeles Police are as follows:

1. The adoption of an effectively enforced death penalty system is a deterrent in the prevention of homicides. II. Though the death penalty has not been removed from the statutes in California, many suspects believe in reality that no death penalty exists as it is not being enforced. III. Some suspects, while realizing that the California death penalty exists in name only, disclose that the certainty of an executed death penalty sentence would deter them from being armed while committing crimes."

The report also notes that:

If this study contained only one and not the 50 documented cases supporting the fact that the death penalty is a deterrent, there should be no question of its retention and enforcement. In 1970 in the City of Los Angeles, 394 innocent people were victims of an unlawful execution without the right of due process of law. (emphasis supplied)

Additionally, Justice Marshall McComb of the California Supreme Court (who was the sole dissenter in the *Anderson* case in which the California Supreme Court held the death penalty to be "cruel or unusual") had, in an earlier case,⁷ cited, as evidence of the deterrent effect of the death penalty, another series of examples of violent criminals who did not kill because of the threat of death involved for capital crimes.

We are submitting verbatim these examples from Justice McComb's opinion as a part of our statement because we believe that they indicate very clearly the true deterrent nature of capital punishment. We urge this Subcommittee to consider them with care. These are cases in which lives were actually saved because a would-be killer, by his own admission, was deterred, by the threat of the death penalty, from murdering others in the course of violent crimes.

The cases cited by Justice McComb are as follows:

(i) Margaret Elizabeth Daly, of San Pedro, was arrested August 28, 1961, for assaulting Pete Gibbons with a knife. She stated to investigating officers: "Yeh, I cut him and I should have done a better job. I would have killed him but I didn't want to go to the gas chamber."

(ii) Robert D. Thomas, alias Robert Hall, an ex-convict from Kentucky; Melvin Eugene Young, alias Gene Wilson, a petty criminal from Iowa and Illinois; and Shirley R. Coffee, alias Elizabeth Salquist, of California, were arrested April 25, 1961, for robbery. They had used toy pistols to force their victims into rear rooms, where the victims were bound. When questioned by the investigating officers as to the reason for using toy guns instead of genuine guns, all three agreed that real guns were too dangerous, as if someone were killed in the commission of the robberies, they could all receive the death penalty.

(iii) Louis Joseph Turck, alias Luigi Furchiano, alias Joseph Farino, alias Glenn Hooper, alias Joe Moreno, an ex-convict with a felony record dating from 1941, was arrested May 20, 1961 for robbery. He had used guns in prior robberies in other states but simulated a gun in the robbery here. He told investigating officers that he was aware of the California death penalty although he had been in this state for only one month, and said, when asked why he had only simulated a gun, "I knew that if I used a real gun and that if I shot someone in a robbery. I might get the death penalty and go to the gas chamber."

(iv) Ramon Jesse Velarde was arrested September 26, 1960, while attempting to rob a supermarket. At that time, armed with a loaded .38 caliber revolver, he was holding several employees of the market as hostages. He subsequently escaped from jail and was apprehended at the Mexican border. While being returned to Los Angeles for prosecution, he made the following statement to the transporting officers: "I think I might have escaped at the market if I had shot one or more of them. I probably would have done it if it wasn't for the gas chamber. I'll only do 7 or 10 years for this. I don't want to die no matter what happens, you want to live another day."

(v) Orellus Mathew Stewart, an ex-convict, with a long felony record, was arrested March 3, 1960, for attempted bank robbery. He was subsequently convicted and sentenced to the state prison. While discussing the matter with his probation officer he stated: "The officer who arrested me was by himself, and if I had wanted, I could have blasted him. I thought about it at the time, but I changed my mind when I thought of the gas chamber."

(vi) Paul Anthony Brusseau, with a criminal record in six other states, was arrested February 6, 1960, for robbery. He readily admitted five holdups of candy stores in Los Angeles. In this series of robberies he had only simulated a gun. When questioned by investigators as to the reason for his simulating a gun rather than using a real one, he replied that he did not want to get the gas chamber.

(vii) Salvador A. Estrada, a 19-year-old youth with a four-year criminal record, was arrested February 2, 1960, just after he had stolen an automobile from a parking lot by wiring around the ignition switch. As he was being booked at the station, he stated to the arresting officers: "I want to ask you one question, do you think they will repeal the capital punishment law. If they do, we can kill all you cops and judges without worrying about it."

(viii) Jack Colevris, a habitual criminal with a record dating back to 1945, committed an armed robbery at a supermarket on April 25, 1960, about a week after escaping from San Quentin Prison. Shortly thereafter he was stopped by a motorcycle officer. Colev-

Footnotes at end of article.

ris, who had twice been sentenced to the state prison for armed robbery, knew that if brought to trial, he would again be sent to prison for a long term. The loaded revolver was on the seat of the automobile beside him, and he could easily have shot and killed the arresting officer. By his own statements to the interrogating officers, however, he was deterred from this action because he preferred a possible life sentence to death in the gas chamber.

(ix) Edward Joseph Lapienski, who had a criminal record dating back to 1948, was arrested in December 1959 for a holdup committed with a toy automatic type pistol. When questioned by investigators as to why he had threatened his victim with death and had not provided himself with the means of carrying out the threat, he stated, "I know that if I had a real gun and killed someone, I would get the gas chamber."

(x) George Hewlitt Dixon, an ex-convict with a long felony record in the East, was arrested for robbery and kidnapping committed on November 27, 1959. Using a screwdriver in his jacket pocket to simulate a gun, he had held up and kidnapped the attendant of a service station, later releasing him unharmed. When questioned about his using a screw driver to simulate a gun, this man, a hardened criminal with many felony arrests and at least two known escapes from custody, indicated his fear and respect for the California death penalty and stated, "I did not want to get the gas."

(xi) Eugene Freeland Fitzgerald, alias Edward Finley, an ex-convict with a felony record dating back to 1951, was arrested February 2, 1960, for the robbery of a chain of candy stores. He used a toy gun in committing the robberies, and when questioned by the investigating officers as to his reasons for doing so, he stated: "If I had a real gun and killed someone, I would get the gas, I would rather have it this way."

(xii) Quentin Lawson, an ex-convict on parole, was arrested January 24, 1959, for committing two robberies, in which he had simulated a gun in his coat pocket. When questioned on his reason for simulating a gun and not using a real one, he replied that he did not want to kill someone and get the death penalty.

(xiii) Theodore Roosevelt Cronell, with many aliases, an ex-convict from Michigan with a criminal record of 26 years, was arrested December 31, 1958, while attempting to hold up the box office of a theater. He had simulated a gun in his coat pocket, and when asked by investigating officers why an ex-convict with everything to lose would not use a real gun, he replied, "If I used a real gun and shot someone, I could lose my life."

(xiv) Robert Ellis Blood, Daniel B. Gridley, and Richard R. Hurst were arrested December 3, 1958, for attempted robbery. They were equipped with a roll of cord and a toy pistol. When questioned, all of them stated that they used the toy pistol because they did not want to kill anyone, as they were aware that the penalty for killing a person in a robbery was death in the gas chamber. (Emphasis in the original)

On a related point, we often hear the arguments of those who would abolish capital punishment that the ever increasing numbers of murders in the United States indicate that capital punishment, which is still in effect in most states, is not a deterrent to crime. This argument might have some validity if capital punishment had for the past few years constituted a genuine threat; however, it is common knowledge that because of judicial, legislative, and other legal maneuverings against the death penalty there have been no executions in this country since 1967 and very few executions before then. As a result the threat of capital punishment is not taken seriously by many killers. We submit that it is highly likely if in certain carefully delineated classes of crimes (premeditated murder, felony-murder, killing of law enforcement officers and prison guards, murder for hire, and multiple murder) the death penalty for the convicted perpetrator would be swift and sure, homicides would in fact decline in number.

tated murder, felony-murder, killing of law enforcement officers and prison guards, murder for hire, and multiple murder) the death penalty for the convicted perpetrator would be swift and sure, homicides would in fact decline in number.

THE "SECOND MURDERS"—KILLINGS BY PERSONS WHO HAVE KILLED BEFORE BUT WHO, NOT HAVING BEEN EXECUTED, HAD THE OPPORTUNITY TO KILL AGAIN

The brief of the State of California in its petition for rehearing in the *Anderson* case cites, at pages 17 and 18, cases in which persons who had been once convicted of murder had killed again, either in prison, after escaping, or after being paroled. Summaries of six such cases follow:

People v. Purvis, 52 Cal. 2d 871, 346 P. 2d 22 (1959)

In 1950 defendant was convicted of second degree murder of his wife and sentenced to prison. In 1954 he was paroled. In 1957 he murdered a woman and was convicted with the death penalty imposed. The California Supreme Court affirmed judgment but ordered a retrial on issue of penalty.

People v. Gilbert, 63 Cal. 2d 690, 408 P. 2d 365 (1965)

Gilbert was convicted in 1947 of second degree murder for killing a fellow prisoner at San Quentin. He was released on Parole in 1959 and convicted of burglary in 1960. He escaped in 1965 and committed a series of armed bank robberies. In 1964 he killed a police officer while committing a bank robbery. Gilbert was convicted of first degree robbery and kidnapping and received the death penalty.

People v. Robles, 2 Cal. 3d 205, 466 P. 2d 710 (1970)

Robles was serving life sentence for first degree murder. He had a prior conviction for assault with intent to commit murder. While in prison, he murdered an inmate by striking him on the head and then cutting his throat, from ear to ear. Robles was convicted of first degree murder and received the death penalty. The California Supreme Court reversed the penalty.

People v. St. Martin, 1 Cal. 3d 524, 463 P. 2d 390 (1970)

Defendant was serving a life sentence for second degree murder and robbery in the first degree. While a guard was trying to restrain him, defendant plunged a knife three times into an inmate's chest killing him. Defendant was convicted and given the death penalty. The California Supreme Court reversed the judgment.

People v. Peete, 28 Cal. 2d 306 (1946)

Defendant was convicted of murder in 1921 and after 18 years was released from prison. In 1944 defendant murdered another person and this time received the death penalty.

People v. Hall, 199 Cal. 451 (1926)

Hall escaped from prison while serving a life sentence for murder. Subsequently he committed another murder and was convicted and received the death penalty. The California Supreme Court reversed judgment.

People v. Morse, 70 Cal. 2d 711

Morse, serving a sentence of life imprisonment for two murders garrotted a fellow prisoner who owed him some cigarettes. Sentenced to death for this murder, Morse had the judgment reversed by the California Supreme Court.

Cases such as these, and other similar cases, nationwide, clearly indicate that misguided leniency towards one who has been proven to be a murderer can result in the loss of the lives of the victims of "second killings." Abolitionists often couch their opposition to the death penalty in terms of "reverence for human life;" however, this reverence appears to be directed solely towards the lives of the killers. It ignores the fact that the lives of the innocent "second victims" have also been taken—lives that could have been saved if one who had already dem-

onstrated a potential for killing had not been given a "second chance" to kill again.

EASY PAROLE LAWS

In California a "life sentence" actually means that the individual convicted is eligible for parole in seven years.³ Other states provide for parole eligibility after relatively short periods of confinement. Parole laws such as these indicate our preoccupation with the criminal and our total amnesia with regard to such rights to life as the victims might have had. Who can guarantee that, after a given period of years, Sirhan Sirhan, Richard Speck, Charles Manson and his followers or James Earl Ray might not be paroled by a high-minded parole board who saw before them an apparently repentant and rehabilitated individual? We believe that there are certain individuals who are, quite simply, not fit to return to society again (for example the person or persons who planted operable bombs of extreme explosive power aboard two airliners last week, in an attempt to extort two million dollars from Trans-World Airlines). Yet overly lenient parole laws, coupled with our tendency to deny any thought to the victims of crime, could act to return the most hideous of murderers to the community—perhaps to kill again.

SPECIAL CASES—LAW ENFORCEMENT OFFICERS AND PRISON GUARDS

We have, in the foregoing sections, spoken of our overall concern for the actual and potential victims of homicides. We turn now to two special cases: law enforcement officers and prison guards.

1. Law Enforcement Officers

In our society we have placed the responsibility for the prevention of crime and the apprehension of criminals squarely upon our law enforcement officers. As a part of their duty to protect the public, they must seek out confrontations with the criminal element which others are privileged to avoid. The average citizen who sees an armed robbery, a street mugging, or an attempted rape in progress has, as a general rule, no duty to intervene. Not so the policeman. On duty or off he must attempt to apprehend the perpetrator. Between 1966 and 1970, 261 law enforcement officers were killed answering disturbance call, responding to crimes in progress and making arrests (except traffic arrests).⁴

It is precisely because we require the policeman to engage in face-to-face confrontation with criminals on a day-to-day basis that they should be considered as special cases when we consider the punishment to be accorded to their killers. *AELE takes the unequivocal position that the punishment for the murder of a law enforcement officer engaged in his duties should be death.*

Consider the tragic statistics of law enforcement officers killed during the five year period 1967 to 1971:

1967	76
1968	64
1969	86
1970	100
1971	125

We believe that if a non-commutable death sentence were the only penalty upon conviction of the murderer of a law enforcement officer, these statistics would rapidly decline.

The other side of the coin is also true. As we have mentioned, "life imprisonment" in California now means that the convict is eligible for parole in seven years. In a recent case in Illinois the murderer of a policeman received a "tough" sentence of 100 to 200 years; the killer will, however, be eligible for parole in eleven years and three months. We believe that parole laws such as these make the already dangerous job of a law enforcement officer infinitely more hazardous. When an armed robber, rapist or fleeing killer is cornered by a police officer he may well consider that killing the officer

in order to escape apprehension may well be the best option open to him in view of the current lack of enforcement of the death penalty and our overly lenient parole laws.

A policeman, in his day-to-day confrontation with criminals, deserves the fullest protection that the law can give him; and that protection is assuredly *not* present in a state, such as California, where the would-be cop-killer knows that, if apprehended, seven years in prison may be the total penalty that he must face.

2. Prison Guards and Corrections Officers

Just as policemen are required to confront the criminals on the streets, prison guards confront them daily in our correctional institutions. Prison guards go unarmed among their charges and are vulnerable at any time to an attack. In the notorious "Soledad Brothers" case a guard was thrown to his death from a third floor tier, and, in the Attica riots and the escape attempt of George Jackson from San Quentin prison, unarmed guards were murdered by inmates.

Prison guards, like law enforcement officers, deserve the maximum protection of the law. We favor the death penalty for the killing of any prison guard or corrections officer while he is on duty.

CONCLUSION

AELE's presentation herein may be considered a hard line approach to the issue of capital punishment. If this is, indeed, true, the hard line approach is based upon our preoccupation with the rights of the actual and potential victims of murderers (most of whom will be members of minority races and ghetto dwellers) rather than with those of the murderers themselves. Additionally, we have a special regard for the safety of law enforcement and correctional officers.

We believe that if capital punishment was once again to be made a *real* threat and that swift and sure execution followed upon conviction of the classes of murders we have discussed herein, the deterrent effect would be tremendous. The execution of a human being by the state is never a pleasant thing; however, we believe that such executions would, in fact, deter potential murderers and prevent "second killings" by those who have already been proven to be killers, that the saving of these innocent lives far outweighs any concern that we should have for convicted killers, and that capital punishment should clearly be retained and made a reality once more.

Respectfully Submitted,

FRANK CARRINGTON,
Executive Director, Americans for
Effective Law Enforcement, Inc.

FOOTNOTES

¹ See: "A Counterweight to ACLU Thrives" by Fred P. Graham, *New York Times*, Feb. 22, 1971, page 30m.

² *California v. Anderson*, — Cal. —, Criminal No. 13617, Supreme Court of California (February 18, 1972).

³ Illinois Secretary of State, Constitution of the State of Illinois and the United States, 13, 15 (1971).

⁴ See e.g., Crime Control Digest, March 25, 1970, page 7, in which is described a study by Stanford Criminologist Herbert L. Packer which concluded that ghetto residents are 100 times as likely to become victims of violent crime as their more affluent suburban counterparts. See also: "Black Crime Preys on Black Victims" an Associated Press study appearing in the *Denver Post*, August 23, 1970, page 35; and "Black Law and Order" in the *National Observer*, May 10, 1971, page 1.

⁵ *Chicago Tribune*, "Ban Death Penalty, State House Visit Urges" April 15, 1971, section 1, page 1, col. 5.

⁶ Los Angeles Police Department, Detective Bureau, Administrative Analysis Section, A Study by the Los Angeles Police Department on Capital Punishment II (February, 1971).

This study was cited by the State of Cal-

ifornia in the Supreme Court of the United States in *Aiken v. California*, October Term 1971, No. 68-5027.

⁷ *People v. Love*, 56 Cal. 2d. 720, 336, P. 2d. 33, (1961) (McComb, Jr., dissenting).

⁸ California Penal Code, Section 3046.

⁹ FBI Uniform Crime Reports 1970.

THE EXTRATERRESTRIAL IMPERATIVE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. TEAGUE of Texas. Mr. Speaker, the eminent scientist and space program statesman, Dr. Krafft A. Ehrlicke, has defined some profound but significant issues in a New York Times article of Friday, March 31. Dr. Ehrlicke, who has had years of association with the advancement of technology in this country and with the aerospace industry, is eminently qualified to comment on the importance of making near space an integral part of our daily lives. The article eloquently states the case for the development of near space for utilitarian purposes. I commend the article to your reading:

[From the New York Times, Mar. 31, 1972]

THE EXTRATERRESTRIAL IMPERATIVE

(By Krafft A. Ehrlicke)

LOWNEY, CALIF.—Man's nature is attuned to an infinite, indestructible world. Earth has ceased to be such a world, and therein lies the great crisis of our time.

The dream that world peace will assure boundless growth has been relativized by mankind's apparently headlong approach to population, pollution and resources barriers. Meanwhile, his worst habits—shortsightedness and a paranoid fear of himself—are alive and well; the latter devouring unbelievable amounts of resources which would more than suffice to overcome the crises, the former contending that Man has finally come to face insurmountable obstacles and must stop growing or die.

If we value what has been achieved since the Renaissance, technology must advance. Technology yields industry and production, providing more than minimum-survival living standard. Technology gives us access to nature, the infinitesimal and the infinite, stretching the human mind and making it grow in a million dimensions. Renouncing this means to cease growing. To cease growing means to make a grim past the future's only option.

Civilization is a state of mental growth. But civilization cannot prevail without adequate material living standard. It is no coincidence that more progress, however imperfect, has been made toward humaneness since the Renaissance than in all previous history. But the majority of mankind still lingers below adequate living standards. It would be insane for the "haves" to rejoin the "have-nots" instead of employing their resources to assure growth and an unlimited future for all. Therefore, growth must continue.

Industrial civilization has benefited mankind greatly. Between 1900 and 1970, world productivity increased tenfold. The ratio of "haves" to "have-nots" rose from one in seven to one in 2.6. Still, differences in living standards are too great and the lowest level too low. Sharply divergent growth trends in industrial societies' wealth and developing countries' populations widen the differences dangerously. Therefore, continued global development is imperative even at zero population growth.

But global development can no longer mean just continued industrialization of our planet. Earth as a place to live for both Man and nature must, during the next hundred years, take increasing priority over Earth as an object of industrial exploitation. But, like nature, Man must "exploit" to live. Once civilizations had to be based on slave labor. Then machines relieved Man, placing the burden on biospheric resources. Further growth leads us beyond our planet, because technology will soon be able to exploit extraterrestrial resources on a growing scale. Life once was on the verge of extinction before learning to rely on an extraterrestrial resource through the biotechnological feat of photosynthesis. Once again, Man, the cutting edge of terrestrial life, has no rational alternative but to expand the environmental and resource base beyond Earth.

Global development, therefore, must be based on an open-world concept and include both the development of extraterrestrial resources and the wiser management of our terrestrial resources. This is the Extraterrestrial Imperative. Its central goal is the preservation of civilization. The central premise must be the indivisibility of Earth and space (including other worlds). This indivisibility has dual significance. Astroecologically, it promises (a) a broadening of mankind's resource base; (b) development of advanced technologies in the service of mankind, free of biospheric constraints and social complications, and (c) gradual separation from Earth of geoincompatible production processes—that cannot be integrated satisfactorily into the great physical, chemical and biological cycles of Earth. Geocologically, it promises integration of geocompatible industrial processes into the terrestrial cycles—a benign industrial revolution minimizing pollutive and biocidal side effects and requiring global management with extensive use of satellites and space stations.

The resulting division of labor represents maximum compatibility of activity with environment. Earth's nonuniqueness is as much a key to our future as is its uniqueness. Not all industrial processes are categorically bound to Earth. Growing independence of Earth is merely a logical consequence of our earlier emancipation from "nature." For example, beyond Earth full and efficient use can be made of nuclear technology for power generation for Earth without thermal pollution; for raw material extraction without chemical pollution; for manufacturing without increasing environmental burdens; and for economic transportation of extraterrestrial products to terrestrial consumers.

There was a time when the human mind was slow to accept growing evidence that Earth is not a flat center of the universe. Now the concept of a closed, isolated world must be overcome. Viewing our Earth from space should make it obvious that the world into which we can now grow is no longer closed. By ignoring this new reality, current predictive world dynamic models fall. Adhering to an obsolete closed-world view, they despair of our future growth prospects. The Extraterrestrial Imperative enjoins us to grow and live through openworld development which contains all the futures the human mind can hold.

JIM HUBBELL RETIRING

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. GUDE. Mr. Speaker, on May 5, Mr. Hubbell will clear his desk and retire from the Veterans' Administration,

bringing to an end a remarkable career with this great organization.

This young man, only a few months past his 55th birthday, is leaving an enviable record of service and achievement for the younger generation of veterans joining the Veterans' Administration for career opportunities to emulate.

Jim is a native of Bedford, Ohio, attending the local schools and then graduating from Oberlin College in 1938 with an AB degree, and in 1940, achieving his MA at the University of Cincinnati. This was followed by a short term teaching at the Grand River Academy in Ohio—but this was soon interrupted by the approaching war clouds.

He enlisted in Ohio's famous 107th Cavalry, which was called into Federal service in October 1941. His potential was soon recognized by appointment to officers candidate school—becoming a second lieutenant, Chemical Warfare Service, in 1942. Following stateside duty assignments, he was transferred to the rapidly developing Army Air Corps and shipped to the Pacific theater of operations. His overseas duties covered much of the far-flung area until after V-J Day—and then back to the States for separation as a captain in March 1946.

While becoming a brandnew lieutenant may have been important to a young serviceman, a ceremony in the chapel at Edgewood Arsenal 2 weeks later became a real milestone. On November 13, 1942, Miss Virginia Clements of Talbott, Ga., became the bride of Lieutenant Hubbell and was with him stateside until his departure for overseas—and greeted him in California when he returned. Three sons have been born to this union: William, Richard, and James. William is now a second lieutenant, U.S. Army stationed in Germany. There was the unexpected death of Richard on May 22, 1971; and James is with his parents at 10703 Brunswick Avenue in Kensington, Md. They are members of the Hughes Methodist Church at Plyers Mill Road and Georgia Avenue.

Returning to civilian pursuits in March 1946, he was attracted by an opportunity to be of service to his wartime comrades—joining the Veterans' Administration in the San Francisco branch 12 office that same month. Starting as a trainee, GS-7, he soon earned an advancement in the personnel field and in 1949 was the chief of field administrative section for branch 12's personnel service. He was transferred to VA's central office in July 1949, and started an enviable record of progress—becoming the director, personnel service, for the Department of Veteran's Benefits in September 1957. More important assignments followed: Executive assistant to the chief benefits director; acting area field director for area 4; and then, the assistant director for personnel for all of VA's widespread personnel program. In September 1965, a dream of all VA career people began to become a reality—he was detailed as acting manager of the sensitive Veteran's Benefits Office followed by confirmation as manager in February 1966. The title was changed to director in June 1970.

Two significant patterns stand out in his career: his constant effort to im-

prove himself for further advancement by school and study; and recognition of his talents by his superiors with important awards for outstanding performance and superior accomplishments in his assigned duties.

He started to add to an already adequate educational background as soon as he came with VA by attending specialized courses at the University of California and Golden Gate College in San Francisco. Since being transferred to Washington, a few high spots have been attendance at the Brookings Institute, the Federal Executive Institute at Charlottesville, Va., and receiving a masters degree in public administration from the George Washington University.

Outstanding ratings, superior accomplishment awards, and letters of commendation are found throughout his record, with several of these being signed by the incumbent Administrator of Veterans Affairs. One of the most significant was a letter dated July 20, 1971, from Administrator Donald E. Johnson recognizing an outstanding performance for the fiscal year 1971 in which operations at the VBO improved markedly; the U.S. Veterans Assistance Center had become one of the most successful in the Nation; and his personal efforts in the field of equal employment opportunity all attested to his personal leadership.

Nationally recognized veterans organizations have accorded recognition to his efforts and his empathy by numerous awards and citations. These include: The American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, AMVETS, Veterans of World War I, and the Maryland Veterans Commission.

His coworkers in VA, from central office and his own Veterans Benefits Office, plan a dinner to honor both Jim and "Ginney" on Wednesday, May 3, and wish them well in their future pursuits.

I wish to take this opportunity to add my personal best wishes to Jim Hubbell and am certain that all of my colleagues in the House of Representatives join me in this wish.

PRESIDENT NIXON MUST INTERCEDE WITH SOVIET LEADERS ON BEHALF OF THE UKRAINIAN PEOPLE

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Thursday, April 27, 1972

Mr. JAMES V. STANTON. Mr. Speaker, I have this day written a letter to the President of the United States which is self-explanatory and which I insert in the Record for the information of my colleagues and the public. The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 27, 1972.

The President,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: Last week, as you know, I had occasion to write to you urging that, on your forthcoming trip to the

Soviet Union, you make known your views relative to the plight of the Jewish people in that unhappy country. Today, I must write to you again on behalf of still another group in the Soviet Union who are victims of oppression. And again I ask you to intercede with the Soviet leaders—to attempt to do whatever you can on behalf of this much larger group—the Ukrainians.

I trust you will certainly find a place for this issue on your proposed agenda. Whether the plight of the Ukrainians is discussed formally or informally, publicly or privately, specifically or generally, directly or indirectly, is not at all as important as your earnestness in bringing it up, your persistence in terms of a followthrough and the results you achieve.

As a Member of the House of Representatives, I do not have the Constitutional duty, as do Members of the Senate, to advise you in the conduct of United States foreign policy. But being a Member of the House puts me in closer touch—at least in my District—with the feelings of the people. I want to report to you in this connection that, even though persons of Ukrainian descent are not numerous in my District, relatively speaking, nonetheless the people of Ohio's 20th District are on the whole outraged and appalled at the treatment accorded to national and religious minorities of all kinds in the repressive Soviet State.

Many of my constituents are Irish Catholics, and I believe the unfortunate events in Ulster—which prompted some earlier letters to you from me—cause these persons to identify with the persecuted Ukrainians. As a matter of fact, my constituents are of diverse ethnic backgrounds, and they take pride in what they are—and they also take pride in the fact that they live in a country that permits them, and even encourages them, to be what they are. This being the case, it is readily discernible why there should be advocacy on behalf of Ukrainians in a Congressional District where there are so few Ukrainians.

Naturally, the interests of the United States itself will predominate in your mind as you confer with the leaders of the Soviet Union. This is as it should be. But I have seen no evidence so far of any clash between the interests of this country and those of the Ukrainian minority in the Soviet Union. (As you know, the ironic aspect of this situation is that, theoretically, the Ukrainians inhabit an "independent" Soviet Republic which sends its "own" delegation to the United Nations).

Rather, it has always been in the broad interest of the United States to call attention to persecution of people wherever it exists, and to the denial of human rights everywhere. I submit to you that America must assert itself again and again as a champion of freedom in order to retain its leadership of the free world.

Don't you agree that a word or two from you might help, and that, uttered under the proper circumstances, it certainly could do no harm? I would appreciate your views on this subject. In the meantime, I attach for your information a letter I received recently from Cleveland's Olena Telih Branch of the Ukrainian Gold Cross.

Yours very sincerely,
JAMES V. STANTON,
Member of Congress.

UKRAINIAN GOLD CROSS,
IN THE UNITED STATES OF AMERICA,
Cleveland, Ohio, April 12, 1972.

HON. JAMES V. STANTON,
U.S. Congress,
Washington, D.C.

DEAR SIR: Recent reports in our nation's newspapers indicate that there has been a series of arrests in Ukraine of dissident intellectuals whose sole crime, it would appear, was a protest against the Russification of their country. Nineteen such arrests have

been made in recent weeks, including those of such noted men as Vyacheslav Chornovil, a journalist whose writings have been published here by McGraw-Hill, Ivan Dzyuba, whose book, "Internationalism or Russification?" has been published in five languages, and Ivan Svitlychny, a literary critic.

Further arrests are expected and are being executed under an article of the Ukrainian criminal code which prohibits promulgation of "deliberately false fabrications defaming the Soviet state." This is obviously an elastic article used by the Soviets to suppress any view contrary to their own.

As constituents, we ask that you strongly urge President Nixon, that when he is in Moscow, he request that such arrests end; that the Soviet Union honor the guarantees of civil liberties incorporated in its own constitution and that it pledged itself to with the United Nations Declaration of Human Rights; that he insist that political prisoners not be exploited as slave labor—specifically on projects which come under the provisions of the recently expanded United States-Soviet trade agreements.

Sincerely yours,

WOLODYMYRA KAWKA,
President.
MARUSIA POPVICH,
Secretary.

THE COUNCIL ON FOREIGN RELATIONS—1971

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES
Thursday, April 27, 1972

Mr. RARICK. Mr. Speaker, the prestigious CFR—dedicated to one-world government, financed by a number of the largest tax-exempt foundations, and wielding such power and influence over our lives in the areas of finance, government, business, labor, military, education, and mass communications media—should be familiar to every American concerned with good government and with preserving and defending the U.S. Constitution and our free enterprise system.

Yet the Nation's "right-to-know machinery"—the news media—usually so aggressive in exposures to inform our people remain conspicuously silent when it comes to the CFR, its members, and their activities. And I find that few university students and graduates have even heard of the Council on Foreign Relations.

The CFR is the establishment. Not only does it have influence and power in key decisionmaking positions at the highest levels of government to apply pressure from above but it also finances and uses individual and groups to bring pressure from below to justify the high level decisions for converting the United States from a sovereign constitutional Republic into a servile member state of a one-world dictatorship.

So that our colleagues may be informed about the membership of this powerful organization of the elite, I insert in the RECORD its membership list as given in the "Annual Report, Council on Foreign Relations, Year Ending June 30, 1971" followed by an article entitled "The Council on Foreign Relations—America's Unelected Rulers" which lists the members of the Council on Foreign

Relations nominated and appointed by President Nixon to government posts:

ANNUAL REPORT, COUNCIL ON FOREIGN RELATIONS, YEAR ENDING JUNE 30, 1971

MEMBERSHIP

The Membership Committee has continued its effort to achieve and maintain a diversified and balanced membership. In recommending to the Board candidates for election, the occupational, professional and intellectual composition of the membership as a whole is as important a factor as the qualifications of individual candidates. There is interest in attracting to the Council those whose expertise and backgrounds reflect new disciplines and varying points of view, and the Committee is particularly interested in younger people of exceptional promise. In accordance with the recommendations of a membership review made by the Board two years ago, the Committee will continue to seek members from groups and areas in which the Council is under-represented.

During the past year two sub-committees were in operation for this purpose. Alfred C. Neal, of the Council's Board, headed an *ad hoc* panel to seek exceptionally qualified candidates from the business community. Kenneth W. Thompson, of the Membership Committee, served as chairman of a committee on term memberships which will suggest for membership each year five to ten young men and women, in the age range of 21 through 27, for terms of five years each. The first group of term members was admitted in the fall.

As of June 30, 1971, there were 1,484 members (an increase of 17 during the preceding fiscal year), of whom 688 were resident and 796 non-resident.

Lorna Brennan,
Membership Secretary.

Resident members

A

Abel, Elie; Abram, Morris B.; Akers, Anthony B.; Albrecht-Carrier, Rene; Aldrich, Winthrop W.; Alexander, Archibald S.; Alexander, Robert J.; Allan, F. Aley;

Allen, Philip E.; Alley, James B.; Allport, Alexander W.; Alpern, Alan N.; Altschul, Arthur G.; Altschul, Frank; Ames, Amyas; Ammidon, Hoyt;

Anderson, Robert B.; Anschuetz, Norbert L.; Armour, Norman; Armstrong, Hamilton Fish; Armstrong, Willis C.; Ascoli, Max; Attwood, William; Ault, Bromwell.

B

Backer, George; Baird, Charles F.; Baldwin, Robert H. B.; Ball, George W.; Ballard, Allen B.; Bancroft, Harding F.; Banks, Louis L.; Barber, Charles F.; Barber, Joseph; Barker, Robert R.;

Barlow, William E.; Barnds, William J.; Barnes, Robert G.; Barnett, Frank R.; Barrand, Harry P., Jr.; Barrett, Edward W.; Barzun, Jacques; Bassow, Whitman; Bastedo, Philip; Bator, Peter A.;

Becker, Loftus E.; Beebe, Frederick S.; Belmecke, William S.; Bell, David E.; Benjamin, Robert S.; Benton, William; Beplat, Tristan E.; Berger, Peter L.; Bernstein, Robert L.; Bessie, Simon Michael;

Blenstock, Abraham L.; Bingham, Jonathan B.; Birkelund, John P.; Black, Joseph E.; Black, Peter; Blough, Roger M.; Blough, Roy; Blum, John A.; Bogdan, Norbert A.; Bolte, Charles G.

Bonsal, Dudley B.; Borch, Fred J.; Borton, Hugh; Bowers, John Z.; Boyd, Hugh N.; Boyd, William M., 2nd; Bradshaw, Thornton F.; Braxton, Carter M.; Breck, Henry C.; Brennan, Donald G.;

Brisco, Milo M.; Brittenham, Raymond L.; Bronk, Detlev W.; Brooks, John W.; Brown, Courtney C.; Brown, Irving; Brown, Walter L.; Brownell, George A.; Brzezinski, Zbigniew; Bullock, Hugh;

Bundy, McGeorge; Burden, William A. M.; Burgess, Carter L.; Burkhardt, Frederick;

Burnett, John G.; Burns, Patrick Owen; Bush, Donald F.; Bush, George H. W.; Bushner, Roland H.; Butcher, Willard C.; Butler, William F.; Buitenvieser, Benjamin J.

C

Cabell, Richard A.; Cahill, Jane P.; Calder, Alexander, Jr.; Calhoun, Alexander D.; Camp, Hugh D.; Campbell, John C.; Campbell, John Franklin; Campbell, Nicholas J., Jr.; Canfield, Cass; Canfield, Franklin O.;

Carey, Andrew G.; Carroll, Mitchell B.; Carter, George E.; Carter, William D.; Cary, William L.; Case, John C.; Cates, John M., Jr.; Chace, James C.; Chase, W. Howard; Chittenden, George H.;

Christopher, Robert C.; Chubb, Hendon, 2nd; Chubb, Percy, 2nd; Church, Edgar M.; Clay, Gen. Lucius D.; Cleveland, Harold van B.; Coffin, Edmund; Cohen, Jerome B.; Cohen, Stephen B.;

Coles, James S.; Collado, Emilio G.; Colwell, Kent G.; Conant, James B.; Conant, Melvin A.; Conner, John T.; Considine, Rev. John J., M. M.; Cook, Howard A.; Coolidge, Nicholas J.; Coombs, Charles A.; Cordier, Andrew W.; Costanzo, G. A.; Cotter, William R.; Coughran, Tom B.; Cousins, Norman; Cowan, Louis G.; Cowles, Gardner; Crassweller, Robert D.; Creel, Dana S.; Cummings, Robert L.; Curtis, Gerald L.; Cusick, Peter.

D

Darlington, Charles F.; Darrell, Norris; Davidson, Ralph K.; Davis, John A.; Davison, W. Phillips; Dean, Arthur H.; Debevoise, Eli Whittney; DeCubas, Jose; De Lima, Oscar A.; Deming, Frederick L.;

Dennison, Charles S.; De Rosso, Alphonse; Derryck, Vivian L.; De Vries, Henry P.; Diebold, John; Diebold, William J.; Dillon, Clarence; Dillon, Douglas; Dilworth, J. Richardson; Dodge, Cleveland E.; Dolin, Arnold;

Donahue, Donald J.; Donnell, Ellsworth; Donovan, Hedley; Dorr, Goldthwaite H.; Dorwin, Oscar John; Douglas, Lewis W.; Douglas, Paul W.; Dubinsky, David; Duffy, James H.; Durkee, William P.

E

Eagle, Vernon A.; Eaton, Frederick M.; Edelman, Albert I.; Edelstein, Julius C. C.; Edwards, Howard L.; Eichelberger, Clark M.; Elliott, L. W.;

Elliott, Osborn; Elson, Robert T.; Emmet, Christopher; Engel, Irving M.; Ewing, Sherman; Ewing, William, Jr.; Exter, John.

F

Feer, Mark C.; Field, William Osgood, Jr.; Finger, Seymour M.; Finlay, Luke W.; Finletter, Thomas K.; Finn, James; Finney, Paul B.; Fleck, G. Peter; Ford, Nevil;

Forrestal, Michael V.; Fowler, Henry H.; Fox, Joseph C.; Fox, William T. R.; Frankel, Charles; Franklin, George S., Jr.; Franche, Dean F.; Fredericks, J. Wayne; Freilighusen, Peter H. B.;

French, John; Freudenthal, David M.; Freund, Gerald; Friele, Berent; Friendly, Henry J.; Frye, William R.; Fuerbringer, Otto; Fuller, C. Dale; Funkhouser, E. N., Jr.

G

Gage, Harlow W.; Gallatin, James P.; Gardner, Richard N.; Garretson, Albert H.; Garrison, Lloyd K.; Garvin, Clifton C., Jr.; Garvy, George; Garwin, Richard L.; Gates, Thomas S.; Gelb, Richard L.;

Geneen, Harold S.; Gideonse, Harry D.; Gillespie, S. Hazard; Gilpatrick, Roswell L.; Golden, William T.; Goldin, Harrison J.; Goldstone, Harmon H.; Goodrich, Leland M.;

Gordon, Albert H.; Grace, J. Peter; Graff, Robert D.; Granville, Maurice F.; Grazier, Joseph A.; Greenfield, James L.; Griffith, Thomas.

Grimm, Peter; Gross, Ernest A.; Groover, Allen; Gruson, Sydney; Gurfeln, Murray I.

H

Hager, Eric H.; Haight, George W.; Halaby, Najeeb E.; Halberstam, David; Hall, Floyd D.; Hamilton, Edward K.; Hamilton, Fowler;

Hance, William A.; Harari, Maurice; Harrar, J. G.

Haskell, Broderick; Hauge, Gabriel; Hauser, Rita E.; Hayes, Alfred; Hayes, Samuel P.; Haynes, Ulric, Jr.; Haywood, Oliver G.; Hazard, John N.; Heath, Donald R.; Heckscher, August; Helander, Robert C.; Hellman, F. Warren; Helm, Harold H.; Henderson, William.

Henkin, Louis; Herod, W. Rogers; Herzog, Paul M.; Hester, James M.; Hickey, William M.; Highet, Keith; Hill, James T., Jr.; Hillsman, Roger; Hochschild, Harold K.; Hochschild, Walter; Hoffman, Paul G.; Hoglund, Elis S.; Hoguet, Robert L.

Hohenberg, John; Holland Kenneth; Holmes, Alan R.; Holt, L. Emmett, Jr.; Homer, Sidney; Hoover, Lyman; Horn, Garfield H.; Horton, Philip C.; Hottel, Richard C.; Houghton, Arthur A., Jr.; Hovey, Allan, Jr.; Howard, John B.; Howell, John I.; Hughes, Thomas L.; Hurewitz, J. C.; Hyde, Henry B.; Hyde, James N.

I

Inglis, John B.; Ireland, R. L., 3rd.; Isaacs, Norman E.; Iselin, O'Donnell; Issawi, Charles.

J

Jackson, Elmore; Jackson, William E.; James, George F.; Jamieson, J. K.; Jaretzki, Alfred, Jr.; Jastrow, Robert; Javits, Jacobs K.; Jessup, Alpheus W.; Jessup, John K.; Jessup, Philip C.; Johnson, Joseph E.; Jones, David J.; Jones, Gilbert E.; Josephson, William H.

K

Kahn, Herman; Kamner, Peter H.; Kane, R. Keith; Kasso, Allen H.; Katzenbach, Nicholas de B.; Keezer, Dexter M.; Keiser, David M.; Kempner, Maximilian W.

Kenney, F. Donald; Keppel, Francis; Kern, Harry F.; Kettanah, Francis A.; King, Frederic R.; Kirk, Grayson; Kleiman, Robert; Knight, Douglas.

Knight, Robert Huntington; Knoppers, Antonio T.; Knowlton, Winthrop; Koenig, Robert P.; Korbonski, Andrzej; Kreidler, Robert N.; Kristol, Irving.

L

Laboulisse, Henry R.; Lacy, Dan M.; Landry, Lionel; Larkin, Arthur E., Jr.; Larmon, Sigurd S.; LaRoche, Chester J.; Lary, Hal B.; Laukhuff, Perry.

LeBaron, Eugene; Lehman, John R.; Lehman, Orin; Lehrman, Hal; Leonard, James G.; Leroy, Norbert G.; Leslie, John C.; Levy, Walter J.

Lewis Flora; Lieberman, Henry R.; Lillenthal, David E.; Lilley, A. N.; Lindquist, Warren T.; Lindsay, George N.; Lindsay, John V.; Linen, James A.

Lissitzyn, Oliver J.; Locke, Edwin A., Jr.; Lockwood, John E.; Loeb, John L.; Loft, George; Loomis, Alfred L.; Loos, Rev. A. William; Lowenfield, Andreas F.

Loy, Frank E.; Lubar, Robert A.; Lubin, Isador; Luce, Charles F.; Luckey, E. Hugh; Ludt, R. E.; Luke, David L., 3rd.; Lyford, Joseph P.

M

McCance, Thomas; McCarthy, John G.; McCloy, John J.; McCloy, John J., 2nd.; McCough, C. Peter; McDermott, Walsh; McKee, James W., Jr.; McKeever, Porter; McLean, John G.; MacEachron, David W.

MacGregor, Ian K.; MacIntyre, Malcolm A.; Macomber, John D.; Maffry, August; Manning, Bayless; Manshel, Warren D.; Mark, Rev. Julius; Markel, Lester; Marron, Donald B.; Martinuzzi, Leo S., Jr.

Masten, John E.; Mathews, Edward J.; Mattison, Graham D.; Mayer, Gerald M., Jr.; Menke, John R.; Metzger, Herman A.; Meyer, John M., Jr.; Meyer, John R.; Millard, Mark J.; Model, Leo.

Moe, Sherwood G.; Moore, George S.; Moore, Maurice T.; Moore, Rt. Rev. Paul, Jr.; Moore, Walden; Moore, William T.; Moorman, Elliott D.; Morgan, Henry S.; Morgenthau, Hans J.; Morley, James William; Morris, Grinnell; Morrisett, Lloyd N.

Morse, David A.; Mosely, Philip E.; Moyers, Bill D.; Muir, Malcolm; Mulford, David C.; Munroe, George B.; Munroe, Vernon, Jr.; Munyan, Winthrop R.; Murden, Forrest D., Jr.; Murphy, Grayson M.P.; Murphy, J. Morde; Muse, Martha T.

N

Nagorski, Zygmunt, Jr.; Neal, Alfred C.; Nelson, Clifford C.; Nelson, Merlin E.; Newton, Quigg, Jr.; Nichols, Thomas S.; Nielsen, Waldemar A.; Nimitz, Chester W., Jr.; Nolte, Richard H.; Noiting, Frederick E., Jr.; Notestein, Frank W.; Novak, Michael; Noyes, Charles Phelps.

O

Oakes, John B.; Ogden, Alfred; Olmstead, Cecil J.; O'Neill, Michael J.; Osborn, Earl D.; Osborn, Frederick H.; Osborne, Stanley de J.; Ostrander, F. Taylor, Jr.; Overby, Andrew N.; Overton, Douglas W.

P

Pace, Frank Jr.; Page, Howard W.; Page, John H.; Page, Walter H.; Paley, William S.; Palfrey, John G.; Parker, Philo W.; Passin, Herbert; Patterson, Ellmore C.; Patterson, Frederick D.

Patterson, Herbert P.; Paul, Roland A.; Payne, Frederick B.; Payne, Samuel B.; Payson, Charles Shipman; Pearson, John E.; Pennoyer, Robert M.; Perkins, James A.; Perkins, Roswell B.; Perry, Hart.

Petersen, Gustav H.; Petschek, Stephen R.; Pfaff, William W., 3rd.; Philip, Nicholas W.; Phillips, Christopher H.; Picker, Harvey; Pickering, James V.; Piel, Gerard; Pierce, William C.

Piercy, George T.; Pierre, Andrew J.; Pierson, Warren Lee; Pifer, Alan; Pike, H. Harvey; Place, John B. M.; Platten, Donald C.; Plimpton, Calvin H.; Plimpton, Francis T. P.

Polk, Judd; Poor, J. Sheppard; Potter, Robert S.; Powers, Joshua B.; Pratt, H. Irving; Probst, George E.; Pulling, Edward; Pusey, Nathan M.

Q

Quigg, Philip W.

R

Rabi, Isidor I.; Reber, Samuel; Reed, J. V., Jr.; Reed, Philip D.; Reid Ogden R.; Reid, Whitelaw; Resor, Stanley R.; Reston, James B.; Rheinstein, Alfred; Richardson, Arthur Berry.

Riegleman, Harold; Riesel, Victor; Riordan, James Q.; Robbins, Donald G., Jr.; Roche, James M.; Rockefeller, David; Rockefeller, John D., 3rd.; Rockefeller Nelson A.; Rockefeller, Rodman C.; Rockhill, Victor E.; Rodriguez, Vincent A.

Roosa, Robert V.; Root Oren; Rosenstiel, Lewis; Rosenthal, A. M.; Rosenwald, William; Rosin, Axel G.; Ross, T. J.; Ruebansen; Oscar M.; Russell, T. W., Jr.; Rustow, Dankwart, A.

S

Sachs, Alexander; Salisbury, Harrison E.; Saltzman, Charles E.; Sargeant, Howland H.; Schachter, Oscar; Schaffner, Joseph Halle; Schiff, John M.; Schiller, A. Arthur; Schilling, Warner R.; Schlesinger, Arthur, Jr.

Schmidt, Herman J.; Schwartz, Harry; Schwarz, Frederick A. O.; Schwarz, Frederick, A. O., Jr.; Scott, John; Scott, Stuart N.; Seagrave, Norman P.; Seibold, Frederick C., Jr.; Seitz, Frederick.

Sellman, Eustace; Seymour, Whitney North; Shapiro, Isaac; Sharp, George C.; Sharp, James H.; Sheean, Vincent; Sheeline, Paul C.; Shepard, David A.; Shepard, Frank P.; Shulman, Marshall D.

Shute, Benjamin R.; Silvers, Robert B.; Silvert, K. H.; Sims, Albert G.; Slater, Joseph E.; Slawson, John; Smith, Carleton Sprague; Smith, Datus C., Jr.; Smith, David S.; Smith, Hayden N.; Smith, W. Mason.

Solbert, Peter O. A.; Sommers, Davidson; Sorensen, Theodore C.; Souby, E. E.; Spofford, Charles M.; Stackpole, Stephen H.; Stamas, Stephen; Stanton, Frank; Staples,

Eugene S.; Steadman, Richard C.; Stebbins, James H.; Stebbins, Richard P.; Steel, Ronald; Stein, Howard; Steinger, Edward L.; Stern, Fritz; Stern, H. Peter; Stewart, Robert McLean; Stoddard, George D.; Stoessinger, John G.; Stokes, Isaac N. P.; Stone, Robert G., Jr.; Straka, Jerome A.; Stratton, Julius A.; Straus, Donald B.; Straus, Jack I.; Straus, Oscar S.; Straus, Ralph I.; Straus, R. Peter; Strauss, Simon D.; Streibert, Theodore C.; Strong, Benjamin; Sulzberger, Arthur Ochs; Sutton, Francis X.; Swing, John Temple; Swinton, Stanley M.

T

Talbot, Phillips; Tavoulaareas, William P.; Taylor, Arthur R.; Thomas, Evan; Thomas, H. Gregory; Thompson, Earle S.; Thompson, Kenneth W.; Todaro, Michael P.; Tomlinson, Alexander C.; Topping, Seymour.

Townsend, Edward; Trager, Frank N.; Traphagen, J. C.; Travis, Martin B., Jr.; Trees, James F.; Trippe, Juan Terry; Trowbridge, Alexander B.; Tuchman, Barbara; Tweedy, Gordon B.

U

Uziell, Giorgio.

V

Vance, Cyrus R.; Vila, George R.; Von Klemperer, Alfred H.; Von Mehren, Robert B.; Voorhees, Tracy S.

W

Walker, A. Lightfoot; Walker, George G.; Walkowicz, T. F.; Wallace, Martha R.; Warburg, Eric M.; Ward, F. Champion; Warfield, Ethelbert; Warner, Rawleigh, Jr.; Wasson, Donald; Watson, Thomas J., Jr.

Watts John H., 3rd.; Wauchope, Vice Adm. George; Webster, Bethuel M.; Wells, Richard C.; Wernimont, Kenneth; Whidden, Howard P.; Whipple, Taggart; White, Frank X.; White, Theodore H.; Whitney, John Hay.

Whitridge, Arnold; Wilbur, C. Martin; Wilkins, Roger W.; Wilkinson, Theodore L.; Williams, Franklin H.; Wilson, Donald M.; Wilson, John D.; Wingate, Henry S.

Winslow, Richard S.; Wood, Thomas A.; Woodward, Donald B.; Woolley, Knight; Wriggins, W. Howard; Wriston, Henry M.; Wriston, Walter B.; Wyle, Frederic S.

Y

Yarmolinsky, Adam; Yost, Charles W.; Young, Edgar B.; Young, John M.; Young, Kenneth T., Jr.

Z

Zagoria, Donald S.; Zorthian, Barry; Zurcher, Arnold J.

NONRESIDENT MEMBERS

A

Abegglen, James C.; Abelson, Philip H.; Acheson, Dean G.; Achilles, Theodore C.; Adams, Ruth Salzman; Allen, Charles E.; Allen, Raymond B.; Allison, Graham T.; Amory, Robert, Jr.; Anderson, Dillon; Anderson, Adm. George W., Jr.; Anderson, Robert O.; Anderson, Roger E.; Angell, James W.; Apter, David E.; Armstrong, Brig. Gen. DeWitt C., 3rd.; Armstrong, John A.; Asher, Robert E.; Austin, Vice Adm. B. L.

B

Babcock, Maj. Gen. C. Stanton; Badeau, John S.; Baldwin, Hanson W.; Ballou, George T.; Barco, James W.; Barger, Thomas C.; Barghoorn, Frederick C.; Barker, James M.; Barker, Robinson F.; Barkin, Solomon; Barnett, Richard J.; Barnett, A. Doak; Barnett, Robert W.; Barnett, Vincent M., Jr.; Barrows, Leland; Bartholomew, Dana T.; Bartlett, Thomas Alva; Bass, Robert P., Jr.; Bator, Francis M.; Baumer, William H.; Baxter, James P., 3rd.; Baxter, Richard R.; Bayh, Birch E., Jr.; Bayne, Edward Ashley; Beam, Jacob D.; Bechtel, S. D.; Beckhart, Benjamin H.; Beckler, David Z.; Beer, Samuel H.; Behrman, Jack N.; Bell, Daniel; Bell, Holley Mack; Benbow, John R.; Bennett, Lt. Gen. Donald V.; Bennett, Jack F.; Bergsten, C. Fred; Bergsten, C. Fred; Bernstein, Edward M.; Berry, Brig. Gen. Sidney B.; Betts, Brig. Gen. Thom-

as J.; Billington, James H.; Bissel, Richard M., Jr.; Black, Cyril E.; Black, Brig. Gen. Edwin F.; Blake, Robert O.; Bliss, C. I.; Bloomfield, Lincoln P.; Blumenthal, Richard; Blumenthal, W. Michael; Boardman, Harry; Boeschstein, Harold; Boeschstein, William W.; Bohlen, Charles E.; Bonesteel, Gen. C. H., 3rd; Bonsal, Philip W.; Boorman, Howard L.; Boothby, Albert C.; Bowie, Robert R.; Bowles, Chester; Bowles, Frank; Braden, Thomas W.; Bradfield, Richard; Bradley, William L.; Braisted, Paul J.; Brewster, Kingman, Jr.; Briggs, Ellis O.; Brimmer, Andrew F.; Brinkley, George A.; Bronwell, Arthur; Brooks, Harvey; Brorby, Melvin; Bross, John A.; Brown, Harold; Brown, Harrison Scott; Brown, Lester R.; Brownell, Lincoln C.; Bruce, David K. E.; Brundage, Percival F.; Bryant, Ralph C.; Bucha, Capt. Paul W.; Bundy, William P.; Bunker Ellsworth; Bunnell, C. Sterling; Burchinal, Gen. David A.; Burgess, W. Randolph; Burns, Arthur F.; Bussey, Col. Donald S.; Butterworth, W. Walton; Byrne, James MacGregor; Byrnes, Robert F.; Byroade, Henry A.; Byrom, Fletcher;

C

Cabot, John M.; Cabot, Louis W.; Cabot, Thomas D.; Caldwell, Robert G.; Calkins, Hugh; Calleo, David P.; Camps, Miriam; Caraway, Lt. Gen. Paul W.;

Carpenter, W. Samuel, 3rd; Cary, Maj. Gen. John B.; Case, Clifford P.; Case, Everett N.; Cater, Douglas; Chapman, John F.; Charpie, Robert A.; Chaymes, Abram J.; Cheever, Daniel S.; Chenery, Hollis B.;

Cherrington, Ben M.; Childs, Marquis; Church, Frank; Cislser, Walker L.; Clark, Bronson P.; Clark, Paul G.; Clark, Ralph L.; Clark, Ramsey; Cleveland, Harlan; Cleveland, William B.;

Clough, Ernest T.; Coffey, Joseph Irving, Cohen, Benjamin V.; Cole, Charles W.; Coleman, James S.; Coleman, William T., Jr.; Collings, L. V.; Collingwood, Charles C.; Conlon, Richard P.; Conrad, Gen. Bryan;

Coombs, Philip H.; Cooper, Chester L.; Cooper, Franklin S.; Cooper, John Sherman; Cooper, Richard N.; Copeland, Lamont du Pont; Corson, Dale R.; Cotting, Charles E.; Cowan, L. Gray; Cowles, John;

Cowles, John, Jr.; Crane, Winthrop Murray, 3rd; Cross, James E.; Crotty, Homer D.; Crowe, Phillip K.; Curran, Jean A., Jr.; Curtis, Edward P.

D

Dale, William B.; Dallin, Alexander; David, Donald K.; Davidson, Alfred E.; Davies, Rodger P.; Davis, Nathaniel V.; Davis, Nathaniel; Davison, Daniel P.; Dawkins, Maj. Peter M.; Dean, Edgar P.;

Deaver, John V.; DeGuigne, Christian, 3rd; De Kiewiet, C. W.; De Palma, Samuel; Destler, I. M.; Deuel, Wallace R.; Deutch, Michael J.; Dexter, Byron; Dickey, John S.; Dickson, R. Russell, Jr.; Doherty, William C., Jr.;

Dominguez, Jorge; Donham, Paul Donnell, James C., 2nd; Donnelly, Lt. Gen. Harold C.; Dorr, Russell H.; Dorsey, Bob Rawls; Doty, Paul M., Jr.; Douglas, Donald W., Jr.;

Dowling, Walter; Draper, William H., Jr.; Dreier, John C.; Drummond, Roscoe; Ducas, Robert; Duke, Angier Biddle; Duncan, Ralph A.; Durdin, F. Tillman.

E

Eberle, W. D.; Eckstein, Alexander; Edwards, A. R.; Edwards, Robert H.; Edwards, William H.; Einaudi, Mario; Eliot, Theodore L., Jr.; Elliott, Byron K.; Elliott, Randle; Elliott, William Y.;

Ellsberg, Daniel; Emeny, Brooks; Emerson, Rupert; Enders, Thomas O.; Enthoven, Alain C.; Eppert, Ray R.; Ernst, Albert E.; Estabrook, Robert H.; Evans, John K.; Everton, John Scott.

F

Fahs, Charles B.; Fainsod, Merle; Fairbank, John King; Fairbanks, Douglas; Falk, Richard A.; Farmer, Garland R.; Farmer, Thomas L.; Fels, Herbert;

Fenn, William P.; Ferguson, Glenn W.; Fifield, Russell H.; Finkelstein, Lawrence S.; Firestone, Harvey S., Jr.; Fishel, Wesley R.; Fisher, Adrian S.; Fisher, Roger;

Flanigan, Peter M.; Florinsky, Michael T.; Ford, Thomas K.; Forkner, Claude E.; Fossdick, Raymond B.; Foster, William C.; Frampton, George T., Jr.; Frank, Charles R., Jr.; Frank Isaiah; Frankel, Max; Free, Lloyd A.; Freeman, Fulton; Frey, Donald N.; Fried, Edward R.; Friedman, Irving S.; Fuller, Carlton P.; Fuller, Robert G.

G

Gallagher, Charles F.; Gallagher, John F.; Gance, Charles S.; Gant, George F.; Gardner, John W.; Garthoff, Raymond L.; Gaud, William S.; Gaylord, Bradley; Geertz, Clifford; Geier, Paul E.;

Geiger, Theodore; George, W. H. Krome; Gerhardt, Maj. Gen. H. A.; Gerhart, Gen. John K.; Gibney, Frank B.; Griffin, Brig. Gen. Sidney F.; Gil, Peter P.; Gilbert, Carl J.; Gilbert, H. N.; Gilchrist, Huntington;

Gilpatrick, Chadbourn; Gilpin, Robert G.; Ginsburgh, Brig. Gen. Robert N.; Gleason, S. Everett; Glennan, T. Keith; Goheen, Robert F.; Goldberg, Arthur J.; Goldberger, Marvin L.; Goldman, Guido; Goldman, Marshall I.;

Goodhart, Arthur L.; Goodpaster, Gen. Andrew J.; Gordon, Kermit; Gordon, Lincoln; Gornick, Alan L.; Gorter, Wytze; Graham, Katharine; Grant, James P.; Graubard, Stephen R.; Gray, Gordon;

Green, Joseph C.; Greene, James C.; Greene, Brig. Gen. Michael J. L.; Greenwald, Joseph A.; Griffith, Brig. Gen. Samuel B., 2nd; Griffith, William E.; Grondahl, Teg C.; Gruenther, Gen. Alfred M.; Guillion, Edmund A.; Gurganus, William R.

H

Hall, John W. Halle, Louis J., Jr.; Halperin, Morton H.; Hamilton, Thomas J.; Hanes, John W., Jr.; Hansell, Maj. Gen. Haywood S., Jr.; Harbison, Frederick; Hare, Raymond A.; Hargrove, John L.; Harriman, W. Averell;

Harris, Irving B.; Harris, James T., Jr.; Harris, Patricia Roberts; Harsch, Joseph C.; Hart, Augustin S.; Hart, Parker T.; Hartley, Fred L.; Haskins, Caryl P.; Haviland, H. Field, Jr.; Haynes, Maj. Gen. Fred;

Hays, Brooks; Heintzen, Harry L.; Heinz, H. J., 2nd; Heldring, Frederick; Henderson, Julia; Henderson, L. J., Jr.; Henderson, Loy W.; Herter, Christian A., Jr.; Hesburgh, Rev. Theodore M., C.S.C.; Hewitt, William A.

Hill, George Watts; Hills, Robert C.; Hinchshaw, Randall; Hirschman, Albert O.; Hitch, Charles J.; Hobby, William P., Jr.; Hofer, Philip; Hoffman, Michael L.; Hoffmann, Stanley; Holbrooke, Richard C.; Holst, Willem; Holt, Pat M.;

Hoopes, Townsend W.; Hoover, Herbert W., Jr.; Hopkins, D. Luke; Hopper, Bruce C.; Hormats, Robert D.; Horton, Alan W.; Hoskins, Harold B.; Houghton, Amory; Houghton, Amory, Jr.; Hovde, Frederick L.; Huglin, Brig. H. C.; Huizenga, John W.;

Humphrey, Hubert H.; Hunsberger, Warren S.; Hunt, James Ramsey; Hunter, Clarence E.; Huntington, Samuel P.

I

Irwin, John N., 2nd; Iverson, Kenneth R.

J

Jacobson, Harold K.; Jaffe, Sam A.; Jansen, Marius B.; Jenney, John K.; Jessup, Philip C., Jr.; Johnson, Gen. Harold K.; Johnson, Howard C.;

Johnson, Howard W.; Johnson, James A.; Johnston, Henry R.; Johnstone, W. H.; Jones, Peter T.; Jones, Thomas V.; Jordan, Col. Amos A., Jr.; Jorden, William J.

K

Kahin, George McT.; Kaiser, Philip M.; Kalinski, Felix A.; Karmarck, Andrew M.; Katz, Milton; Katzenbach, Edward L., Jr.; Kaufmann, William W.; Kayson, Carl; Kearns, Doris; Kelly, George Armstrong;

Kempner, Frederick C.; Kenen, Peter B.;

Keniston, Kenneth; Kennan, George F.; Killefer, Tom; Killian, James R., Jr.; Kimberly, John R.; King, James E., Jr.; King, John A., Jr.; Kintner, Col. William R.;

Kissinger, Henry A.; Kitchen, Jeffrey C.; Knorr, Klaus; Knowlton, Maj. Gen. William A.; Kohler, Foy D.; Kohler, Walter J.; Korbel, Josef; Korry, Edward M.; Kotschnig, Walter M.; Kraft, Joseph.

L

Lacy, Alex S.; Ladejinsky, Wolf; La Farge, Francis W.; Laing, R. Stanley; Laise, Carol C.; Lake, William A. K.; Lamontagne, Raymond A.; Lampert, Lt. Gen. James B.; Lamson, Roy, Jr.; Lang, Robert E.;

Langer, Paul F.; Langer, William L.; Langsam, Walter Consuelo; Lanham, Maj. Gen. Charles T.; Lansdale, Maj. Gen. Edward G.; Larry, R. Heath; Lasswell, Harold D.; Lawrence, William H.; Laybourne, Lawrence E.; Laylin, John G.;

Lazarus, Ralph; Leddy, John M.; Lee, Charles Henry; Lee, Vice Adm. John M.; Leghorn, Richard S.; Leich, John P.; Lemnitzer, Gen. Lyman L.; Lerner, Michael; Le Sueur, Larry; Levine, Irving R.;

Levy, Marion J., Jr.; Lewis, John P.; Lincoln, Gen. G. A.; Linder, Harold F.; Lindley, Ernest K.; Lindsay, Franklin A.; Lingle, Walter L., Jr.; Linowitz, Sol M.; Lipson, Leon; Little, David; Little, L. K.;

Lockard, Derwood W.; Lockwood, Manice de F., 3rd; Lockwood, William W.; Lodge, George Cabot; Lodge, Henry Cabot; Long, Franklin A.; Longstreet, Victor M.; Loomis, Henry; Loucks, Harold H.; Lovestone, Jay; Lynch, Edward S.; Lyon, E. Wilson.

M

McCabe, Thomas B.; McClintock, Robert M.; McCone, John Alex; McCormack, Maj. Gen. James; McCracken, Paul W.; McCutcheon, John D.;

McDaniel, Joseph M., Jr.; McDougal, Myres S.; McFarland, Ross A.; McGee, Gale W.; McGhee, George C.; McGiffert, David E.; McHenry, Donald F.; McKay, Vernon; McKinney, Robert M.; McLaughlin, Donald H.;

McLean, Donald H., Jr.; McNamara, Robert S.; McNeill, Robert L.; McQuade, Lawrence C.; MacArthur, Douglas, 2nd; MacChesney, A. Brunson, 3rd; MacDonald, Gordon J. F.; MacDonald, J. Carlisle; MacIver, Murdoch; MacLaury, Bruce K.;

MacVeagh, Lincoln; Machold, William F.; Maddox, William P.; Mallinson, Harry; Mallory, George W.; Mallory, Walter H.; Malmgren, Harold B.; Manning, Robert J.; Mansager, Felix N.; Marcy, Carl;

Marshall, Burke; Marshall, C. Burton; Martin, Edwin M.; Martin, Malcolm W.; Martin, William McC., Jr.; Marvel, William W.; Mason, Edward S.; May, Ernest R.; Mayer, Ferdinand L.;

Mayer, Gerald M.; Meagher, Robert F.; Meek, John F.; Merchant, Livingston T.; Merriat, H. C. L.; Merriwether, Duncan; Metcalf, George R.; Meyer, Albert J.; Meyer, Charles A.; Meyer, Cord, Jr.;

Mickelson, Sig; Milbank, Robbins; Miller, Col. Francis P.; Miller, J. Irwin; Miller, William J.; Mills, Bradford; Mladek, Jan V.; Molina, Edgar R.; Montias, J. Michael; Moore, Ben T.; Moore, Hugh; Morgan, Cecil;

Morgan, George A.; Morgenstern, Oskar; Morse, F. Bradford; Morton, Louis; Mudd, Henry T.; Muller, Steven; Munger, Edwin S.; Munoz Marin, Luis; Munro, Dana G.; Murphy, Robert D.; Myers, Denis P.

N

Nason, John W.; Nathan, Robert R.; Nelson, Fred M.; Neustadt, Richard E.; Newman, Richard T.; Nichols, Calvin J.; Nichols, William I.; Nitze, Paul H.; Norstad, Gen. Lauris; Nover, Barnet; Noyes, W. Albert, Jr.; Nye, Joseph S.

O

O'Connor, Roderic L.; Oelman, R. S.; Oliver, Covey T.; Olson, Lawrence; Olson, William C.; Olvey, Lt. Col. Lee D.; Osborne, Lithgow; Osgood, Robert E.; Owen, Henry.

P
Packard, George R.; Paffrath, Leslie; Palmer, Norman D.; Pantzer, Kurt F.; Park, Richard L.; Parker, Barrett; Parker, Daniel; Parkhurst, George L.; Parsons, John C.; Patterson, Gardner;

Patterson, Hugh B., Jr.; Paul, Norman S.; Pearce, William R.; Peardon, Thomas P.; Pedersen, Richard F.; Pell, Claiborne; Pelzer, Karl J.; Penfield, James K.; Perera, Guido R.; Peretz, Don; Perkins, Courtland D.; Petersen, Howard C.; Peterson, Peter G.; Petty, John R.; Phleger, Herman; Pierotti, Roland; Piquet, Howard S.; Plank, John N.;

Platig, E. Raymond; Platt, Maj. Gen. Jonas M.; Pogue, L. Welch; Poletti, Charles; Polk, William R.; Pool, Ithiel DeSola; Posvar, Wesley W.;

Power, Philip H.; Power, Thomas F., Jr.; Praeger, Frederick A.; Price, Don K.; Prizer, John B.; Putzell, Edwin J., Jr.; Pye, Lucian W.

Q

Quester, George H.

R

Radway, Laurence I.; Ranis, Gustav; Rathjens, George W.; Ravenal, Earl C.; Ravenholt, Albert; Ray, George W., Jr.; Read, Benjamin H.; Redmon, E. Hayes; Reeves, Jay B. L.; Rehm, John B.;

Reischauer, Edwin O.; Reuss, Henry S.; Revelle, Roger; Reynolds, Lloyd G.; Rich, John H., Jr.; Richardson, David B.; Richardson, Dorsey; Richardson, Elliott L.; Richardson, John, Jr.; Ridgway, Gen. Matthew B.; Riles, Hans A.; Ripley, S. Dillon, 2nd; Roberts, Henry L.; Roberts, Walter Orr; Roche, John P.; Rogers, William D.; Roosevelt, Kermit; Rosengarten, Adolph G., Jr.; Ross, Roger; Rostow, Eugene V.;

Rostow, Walt W.; Roth, William M., Jr.; Rouse, Robert G.; Rowen, Henry S.; Rubin, Seymour J.; Ruina, J. P.; Rush, Kenneth; Rusk, Dean; Ryan, John T., Jr.

S

Salomon, Irving; Salzman, Herbert; Samuels, Nathaniel; Satterthwaite, Joseph C.; Sawyer, John E.; Scalapino, Robert A.; Schacht, Henry B.; Schaezel, J. Robert; Schelling, Thomas C.; Schiff, Frank W.;

Schmidt, Adolph W.; Schmoker, J. Benjamin; Schorr, Daniel L.; Schuyler, Gen. C. V. R.; Schwab, William B.; Schwebel, Stephen M.; Scoville, Herbert, Jr.; Seaborg, Glenn T.; Seabury, Paul; Sedwitz, Walter J.; Shaplen, Robert; Sharp, Walter R.; Shearer, Warren W.; Shepherd, Mark, Jr.; Sherbert, Paul C.; Shields, Murray; Shirer, William L.; Shishkin, Boris; Shuster, George N.; Simons, Howard;

Simpson, John L.; Sisco, Joseph J.; Skolnikoff, Eugene B.; Slocum, John J.; Smith, Gerard C.; Smith, Horace H.; Smith, Robert W.; Smithies, Arthur; Smyth, Henry DeW.; Solomon, Anthony M.;

Sonne, Christian R.; Sonnenfeldt, Helmut; Sontag, Raymond James; Soth, Lauren K.; Southard, Frank A., Jr.; Spaatz, Gen. Carl A.; Spaeth, Carl B.; Spain, James W.; Spang, Kenneth M.; Spencer, John H.;

Spencer, William C.; Spiegel, Harold R.; Sprague, Robert C.; Sprout, Harold; Staley, Eugene; Stanley, Timothy W.; Stason, E. Blythe; Stassen, Harold E.; Stein, Eric;

Steiner, Daniel; Stephens, Claude O.; Sterling, J. E. Wallace; Sterling, Richard W.; Stevenson, John R.; Stevenson, William E.; Stewart, Robert Burgess; Stilwell, Lt. Gen. Richard G.;

Stone, Donald C.; Stone, Jeremy J.; Stone, Shepard; Straus, Robert Kenneth; Straus-Hupe, Robert; Strayer, Joseph R.; Sullivan, William H.; Sulzberger, C. L.; Surrey, Walter Sterling; Swearer, Howard R.; Symington, W. Stuart.

T

Tanham, George K.; Tannenwald, Theodore, Jr.; Taylor, George E.; Taylor, Gen. Maxwell D.; Tennyson, Leonard B.; Thayer, Robert H.; Thompson, Llewellyn E.;

Thompson, James C., Jr.; Thorp, Willard L.; Timberlake, Clare H.; Tobin, James S.; Trezise, Philip H.; Triffin, Robert; Truman, David B.; Turkevich, John; Tuthill, John W.; Tyler, William R.

U

Ullman, Richard H.; Ulmer, Alfred C., Jr.; Uppgren, Arthur R.

V

Vaky, Viron P.; Valentine, Alan; Van Dusen, Rev. Henry P.; Van Slyck, DeForest; Vernon, Raymond; Volcker, Paul A.

W

Wagley, Charles W.; Wahl, Nicholas; Wait, Richard; Walker, George R.; Walker, Joseph, Jr.; Wallich, Henry C.; Walmsley, Walter N.; Waltz, Kenneth N.; Ward, Rear Adm. Chester; Ward, Robert E.

Warnke, Paul C.; Washburn, Abbott M.; Wasson, R. Gordon; Watkins, Ralph J.; Watson, Arthur K.; Weaver, George L. P.; Wehrle, Leroy S.; Weiner, Myron; Weisskopf, Victor F.; Welch, Leo D.;

Wells, Herman B.; West, Robert LeRoy; Westmoreland, Gen. W. C.; Westphal, Albert C. F.; Wharton, Clifton R., Jr.; Wheeler, Oliver P.; Whipple, Brig. Gen. William; Whitaker, Arthur P.; Whiting, Allen S.; Wiesner, Jerome B.;

Wight, Charles, A.; Wilbur, Brayton, Jr.; Wilcox, Francis O.; Wilcox, Robert B.; Wilcox, Wayne A.; Wilds, Walter W.; Wilhelm, Harry E.; Williams, Haydn; Williams, John H.; Williams, Langbourne M.;

Willits, Joseph H.; Wilmerding, Lucius, Jr.; Wilson, Carroll L.; Wimpfheimer, Jacques; Winton, David J.; Wofford, Harris L.; Wohlstetter, Albert;

Wohlstetter, Roberta; Wolf, Charles, Jr.; Wolfe, Thomas W.; Wood, Harleston R.; Woodbridge, Henry S.; Wright, Adm. Jerauld; Wyzanski, Charles E., Jr.

Y

Yntema, Theodore O.; Young, T. Cuyler; Youngman, William S.; Yudkin, Maj. Gen. Richard A.

Z

Zimmerman, Edwin M.

[From Network of Patriotic Letter Writers, Pasadena, Calif.]

THE COUNCIL ON FOREIGN RELATIONS—AMERICA'S UNSELECTED RULERS

Today the C.F.R. remains active in working toward its final goal of a government over all the world—a government which the *Insiders* and their allies will control. The goal of the C.F.R. is simply to abolish the United States with its Constitutional guarantees of liberty. And they don't even try to hide it. *Study No. 7*, published by the C.F.R. on November 25, 1959, openly advocates "building a new international order [which] must be responsive to world aspirations for peace, [and] for social and economic change . . . an international order [code word for world government] . . . including states labeling themselves as 'Socialist' [Communist]."

The reason is evident to those who have studied its membership for this little known semi-secret organization to be called "the Establishment." (See Chart 7) International banking organizations that currently have men in the C.F.R. include Kuhn, Loeb & Company; Lazard Freres (directly affiliated with Rothschild); Dillon Read; Lehman Bros.; Goldman, Sachs; Chase Manhattan Bank; Morgan Guaranty Bank; Brown Bros. Harriman; First National City Bank; Chemical Bank & Trust, and Manufacturers Hanover Trust Bank.

Among the major corporations that have men in the C.F.R. are Standard Oil, IBM, Xerox, Eastman Kodak, Pan American, Firestone, U.S. Steel, General Electric and American Telephone and Telegraph Company.

Also in the C.F.R. are men from such openly Leftist organizations as the Fabian Social-

ist Americans for Democratic Action, the avowedly Socialist League for Industrial Democracy—(formerly the Intercollegiate Socialist Society), and the United World Federalists which openly advocates world government with the Communists. Such devotedly Socialist labor leaders as the late Walter Reuther, David Dubinsky and Jay Lovestone have also been members of the C.F.R. In theory, these men and organizations are supposed to be the blood enemies of the banks and businesses listed above. Yet they all belong to the same lodge. You can see why that fact is not advertised.

The C.F.R. is totally interlocked with the major foundations and so-called "Think Tanks." Included in the interlock are the Rockefeller, Ford and Carnegie foundations and the Rand Corporation, Hudson Institute, Fund for the Republic and Brookings Institute "Think Tanks."

The fact that the C.F.R. operates in near-complete anonymity can hardly be accidental. Among the communications corporations represented in the C.F.R. are National Broadcasting Corporation, Columbia Broadcasting System, *Time*, *Life*, *Fortune*, *Look*, *Newsweek*, *New York Times*, *Washington Post*, *Los Angeles Times*, *New York Post*, *Denver Post*, *Louisville Courier Journal*, *Minneapolis Tribune*, the *Knight papers*, McGraw-Hill, Simon & Shuster, Harper Bros., Random House, Little Brown & Co., Macmillan Co., Viking Press, *Saturday Review*, *Business Week* and *Book of the Month Club*. Surely the C.F.R. could get a few blurbs of publicity if publicity were desired. If it seems impossible that one entity could control such a vast array of firms, it is because most people do not know that the so-called founders of such giants as the *New York Times* and NBC were chosen, financed and directed by Morgan, Schiff and their allies. The case of Adolph Ochs of the *Times* and David Sarnoff of RCA are examples of this control. Both were given early financial aid by Kuhn, Loeb & Company and Morgan Guaranty.

The American middle-class is being squeezed to death by a vise. In the streets we have avowed revolutionary groups such as the Students for a Democratic Society (which was started by the League for Industrial Democracy, a group with strong C.F.R. ties), the Black Panthers, the Yippies, the Young Socialist Alliance. These groups chant that if we don't "change" America, we will lose it. "Change" is a word we hear over and over. By "change" these groups mean Socialism. Virtually all members of these groups sincerely believe that they are fighting the Establishment. In reality they are an indispensable ally of the Establishment in fastening Socialism on all of us. The naive radicals think that under Socialism the "people" will run everything. Actually, it will be a clique of *Insiders* in total control, consolidating and controlling all wealth. That is why these schoolboy Lenins and teenage Trotskys are allowed to roam free and are practically never arrested or prosecuted. They are protected. If the Establishment wanted the revolutionaries stopped, how long do you think they would be tolerated?

MEMBERS OF THE COUNCIL ON FOREIGN RELATIONS NOMINATED AND APPOINTED BY PRESIDENT NIXON TO GOVERNMENT POSTS

Adm. George W. Anderson, Jr., Chairman, President's Foreign Intelligence Advisory Board.

Dr. George P. Baker, Advisory Council on Executive Organization.

George Ball, Foreign Policy Consultant to the State Department.

Jacob D. Beam, Ambassador to the Soviet Union.

David E. Bell, Member of the National Commission on Population Growth and the American future.

Lt. Gen. Donald V. Bennett, Director of the Defense Intelligence Agency.

C. Fred Bergsten, Operations Staff of the National Security Council.

Robert O. Blake, Ambassador to Mali.

Fred J. Borch, Member, Commission on International Trade and Investment Policy.

Dr. Harold Brown, General Advisory Committee of the U.S. Arms Control and Disarmament Agency, and senior member of the U.S. delegation for talks with the Soviet Union on Strategic Arms Limitations (S.A.L.T.).

William B. Buffum, Deputy Representative to the United Nations; Ambassador to Lebanon.

Ellsworth Bunker, Ambassador to South Vietnam.

Frederick Burkhardt, Chairman, National Commission on Libraries and Information Service.

Dr. Arthur Burns, Counsellor to the President—later Chairman of the Board of the Federal Reserve, succeeding C.F.R. member William McChesney Martin.

Henry A. Byroade, Ambassador to the Philippines.

Lincoln P. Bloomfield, Member, President's Commission for the Observance of the 25th Anniversary of the U.N.

Courtney C. Brown, Member, Commission on International Trade and Investment Policy.

David K. E. Bruce, Chief of the U.S. Delegation to the Paris Talks.

Harlan Cleveland, Ambassador to N.A.T.O.

Richard N. Cooper, Operations, Staff of the National Security Council.

Philip K. Crowe, Ambassador to Norway.

Gardner Cowles, Board of Directors of National Center for Voluntary Action.

William B. Dale, Executive Director of International Monetary Fund.

Nathaniel Davis, Ambassador to Chile.

C. Douglas Dillon, General Advisory Committee of the U.S. Arms Control and Disarmament Agency.

Seymour M. Finger, Alternate to the 25th Session of the General Assembly of the U.N.

Harvey S. Firestone, Jr., Chairman of the Board of Governors, United Service Organization, Inc.

William C. Foster, General Advisory Committee of the U.S. Arms Control and Disarmament Agency.

Thomas S. Gates, Chairman, Commission on an All-Volunteer Armed Force.

Carl J. Gilbert, Special Representative for Trade Negotiations.

Gen. Andrew I. Goodpaster, Supreme Allied Commander in Europe (succeeding C.F.R. member Gen. Lyman Lemnitzer).

Kermit Gordon, General Advisory Committee of the U.S. Arms Control and Disarmament Agency.

Joseph Adolph Greenwald, U.S. Rep. to the Organization for Economic Cooperation and development.

Gen. Alfred M. Gruenther, Commission on an All-Volunteer Armed Force.

John W. Gardner, Board of Directors, National Center for Voluntary Action.

Richard Gardner, Member, Commission on International Trade and Investment Policy.

T. Keith Glenn, U.S. Rep., International Atomic Energy Agency.

Gordon Gray, Member, President's Foreign Intelligence Advisory Board; Member, Civilian Defense Advisory Council.

Morton Halperin, Operations Staff of the National Security Council.

Christian A. Herter, Jr., Commissioner on the part of the U.S. on the International Joint Commission—U.S. and Canada.

Rev. Theodore M. Hesburgh, Chairman of the U.S. Commission on Civil Rights; Member of Commission on All-Volunteer Armed Force.

Samuel P. Huntington, Task Force on International Development.

John N. Irwin, II, Special Emissary to Discuss Current U.S. Relations with Peru.

J. K. Jamieson, Member National Industrial Pollution Control Council.

Sen. Jacob K. Javits, Rep. to 25th Session of General Assembly of U.N.

Joseph E. Johnson, Alternate Rep. to the 24th Session of the General Assembly of the U.N.

Howard W. Johnson, Member, National Commission on Productivity.

James R. Killian, General Advisory Committee of the U.S. Arms Control and Disarmament Agency.

William R. Kintner, Member of Board of Foreign Scholarships.

Henry A. Kissinger, Assistant to the President for National Security Affairs, Chief Foreign Policy Advisor.

Antonie T. Knoppers, Member of Commission on International Trade and Investment Policy.

Gen. George A. Lincoln, Director of the Office of Emergency Preparedness.

Henry Cabot Lodge, Chief Negotiator at the Paris Peace Talks.

George Cabot Lodge, Board of Directors, Inter-American Social Development Institute.

Henry Loomis, Deputy Director of the United States Information Agency.

Douglas MacArthur II, Ambassador to Iran.

Robert McClintock, Ambassador to Venezuela.

John J. McCloy, Chairman, General Advisory Committee on the U.S. Arms Control and Disarmament Agency.

Paul W. McCracken, Chairman of the Council of Economic Advisors.

Edward S. Mason, Task Force on International Development.

Charles A. Meyer, Assistant Secretary of State.

Bradford Mills, President of Overseas Private Investment Corporation.

Franklin D. Murphy, Member of the President's Foreign Intelligence Advisory Board.

Robert D. Murphy, Special Consultant on International Affairs.

Paul H. Nitze, Senior member, U.S. Delegation for Talks with the Soviet Union on Strategic Arms Limitations (S.A.L.T.)

Gen. Lauris Norstad, Commission on an All-Volunteer Armed Force; Member, General Advisory Committee of the U.S. Arms Control and Disarmament Agency.

Alfred C. Neal, Member, Commission on International Trade and Investment Policy.

Roderic L. O'Connor, Assistant Administrator for East Asia of the Agency for International Development.

Robert E. Osgood, Operations Staff of the National Security Council.

Frank Pace, Jr., Member of the President's Foreign Intelligence Advisory Board.

Richard F. Pedersen, Counselor of the State Department.

Sen. Claiborne Pell, Rep. to 25th Session of the General Assembly of the U.N.

John R. Petty, Assistant Secretary of the Treasury for International Affairs.

Christopher H. Phillips, Deputy Rep. in the U.N. Security Council.

Alan Pifer, Consultant to the President on Educational Finance.

Isidor I. Rabi, Consultant-at-Large to the President's Science Advisory Committee.

Stanley R. Resor, Secretary of the Army.

Elliot L. Richardson, Union Secretary of State—now head of the Dept. of Health, Education and Welfare.

John Richardson, Jr., Assistant Secretary of State for Educational and Cultural Affairs.

James Roche, Board of Directors, National Center for Voluntary Action; Member, National Commission on Productivity.

David Rockefeller, Task Force on International Development.

Nelson A. Rockefeller, Head of a Presidential Mission to Ascertain the Views of Leaders in the Latin American countries.

Rodman Rockefeller, Member, Advisory Council for Minority Enterprise.

Robert V. Roosa, Task Force on International Development.

Kenneth Rush, Ambassador to the Federal Republic of Germany.

Dean Rusk, General Advisory Committee of the U.S. Arms Control and Disarmament Agency.

John D. Rockefeller III, Chairman, National Commission on Population Growth and the American Future.

Nathaniel Samuels, Deputy Undersecretary of State.

Adolph William Schmidt, Ambassador to Canada.

Joseph J. Sisco, Assistant Secretary of State for the Middle East and South Asia.

Dr. Glenn T. Seaborg, Chairman of the Atomic Energy Commission.

Gerard Smith, Director of the Arms Control and Disarmament Agency.

Henry DeW. Smyth, Alternate Rep. of the 13th Session of the General Conference of the International Atomic Energy Agency.

Helmut Sonnenfeldt, Operations Staff of the National Security Council.

John R. Stevenson, Legal Advisor of the State Department.

Frank Stanton, U.S. Advisory Commission on Information.

Robert Strausz-Hupé, Ambassador to Ceylon and the Maldives Republic.

Leroy Stinebower, Member, Commission on International Trade and Investment Policy.

Maxwell D. Taylor, Chairman, President's Foreign Intelligence Advisory Board.

Llewellyn Thompson, Senior Member U.S. Delegation for talks with the Soviet Union on Strategic Arms Limitations (S.A.L.T.)

Philip H. Trezise, Assistant Secretary of State.

Cyrus Vance, General Advisory Committee of the U.S. Arms Control and Disarmament Agency.

Rawleigh Warner, Jr., Board of Trustees Woodrow Wilson International Center for Scholars.

Arthur K. Watson, Ambassador to France.

Thomas Watson, Board of Directors, National Center for Voluntary Action.

John Hay Whitney, Board of Directors, Corporation for Public Broadcasting.

Francis O. Wilcox, Member of President's Commission for the Observance of the 25th Anniversary of the U.N.

Franklin Hayden Williams, President's Personal Representative for the Negotiation of Future Political Status with the Trust Territory of the Pacific Islands.

Walter Wriston, Member, National Commission on Productivity.

Charles W. Yost, Ambassador to the United Nations.

PRIVATE PENSION TRANSFER ACT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, last April 19, I introduced H.R. 14470, the Private Pension Transfer Act, a bill aimed at removing an inequitable pension credits tax from employees moving from one job to another. The bill represents a step towards the "portability" of pension credits, a long overdue reform which allows pension moneys to move as the worker moves.

The act amends the Internal Revenue Code to allow employees to withdraw their retirement credits upon leaving a job and reinvest them in a new plan without those credits being subject to income tax. Our tax laws now permit

the gains from a house sale to be tax exempt if they are reinvested in a new home within a taxable year. We can apply a like principle to transferred retirement credits and permit them to be shifted without a tax liability.

The House Committee on Ways and Means will, on May 8, open hearings which are very pertinent to the present bill. The committee will be covering tax proposals affecting private pension plans, and I have learned that testimony on H.R. 14470 will be entirely in order. I plan to testify for the measure during those hearings and hope that other interested Members would also offer their support.

Today I reintroduce the bill with a long and eminent, almost perfectly bipartisan list of cosponsors. They include: Messrs. BINGHAM, BROYHILL of North Carolina, COLLINS of Illinois, CONTE, DANIELSON, DERWINSKI, DOW, FRENZEL, GALLAGHER, GARMATZ, GROVER, GUDE, HALPERN, HAMMERSCHMIDT, Mrs. HICKS of Massachusetts, Messrs. HORTON, HOSMER, KING, LEGGETT, MCCORMACK, MATHIS of Georgia, MIKVA, MOSS, QUILLIN, RANDALL, ROBINSON of Virginia, SCOTT, SMITH of New York, J. WILLIAM STANTON, SYMINGTON, and THONE.

REMARKS OF ASSISTANT SECRETARY OF AGRICULTURE CLARENCE D. PALMBY

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. GOODLING. Mr. Speaker, it is a rare occasion when one brief report clarifies a lot of unpublicized factors so highly important to American agriculture and its international implications. That is why I particularly appreciated the remarks of Assistant Secretary of Agriculture Clarence D. Palmby before the German-American Chamber of Commerce in New York City, April 19.

The Assistant Secretary outlined what is taking place in international trade, the enormous position of agriculture in U.S. balance of trade, and current developments which constantly change the outlook not only of our Government but those of other nations around the world.

I was impressed with one statement by Assistant Secretary Palmby which appears to be the basic theme of his discussion. He said:

... there is increasing recognition that trading partners no longer can view trade in agriculture and in industry as taking place in separate arenas.

A strong switch from grain consumption to meats is becoming apparent throughout the world, not just in the United States. It is this factor that brings greater opportunity for American agriculture to provide our extra grain for these new markets—as feed for livestock to supply the wants and needs of more people at home and abroad.

The kind of positive thinking displayed by the Assistant Secretary is of real

value in raising the hopes of our farmers as we look forward to additional markets that will make once burdensome surpluses into valuable assets benefiting America's agriculture and people everywhere.

I commend Assistant Secretary Palmby's talk to fellow Congressmen as "must" reading to obtain a better view of our agricultural position in today's rapidly changing international patterns:

REMARKS OF ASSISTANT SECRETARY OF AGRICULTURE CLARENCE D. PALMBY

I am glad to have the chance to meet with the German-American Chamber of Commerce. I have enjoyed my association, both here and abroad, with German businessmen, farmers, educators and government officials over a good many years, and it is always good to get together again.

And I am particularly glad for the opportunity to talk with you today because this has been a period of considerable discussion between the United States and the European Community, including Germany, of economic policies—particularly grain policies.

Most of you, I am sure, do not keep the agricultural policies of Europe or the United States uppermost on your "worry lists," but I suggest that, as businessmen and traders, you should be aware of what is happening "down on the farm," so to speak, in our respective countries.

I say this because I think there is increasing recognition that trading partners no longer can view trade in agriculture and in industry as taking place in separate arenas.

Certainly Germany and the United States are good trading partners, and agriculture plays a very important role in this relationship.

Last year, in calendar 1971, the United States imported \$3.6 billion worth of non-agricultural products from the Federal Republic of Germany. German makers of transport equipment had the biggest stake in this market—\$1.4 billion worth. Imports of German machinery approached \$1 billion.

In that same year, the United States exported to Germany, non-agricultural products valued at \$2.2 billion. That was a negative balance of \$1.4 billion so far as the United States is concerned—a deficit that would be difficult to live with.

This gap was narrowed by agricultural trade between the two countries. The U.S. imported \$74 million worth of farm commodities from West Germany in 1971, and at the same time we exported to Germany something like \$700 million worth of U.S. farm products, when you included those commodities transshipped through the Netherlands and other countries.

So trade in agricultural products showed a plus balance for the United States of more than \$600 million. It narrowed the gap in overall trade—farm and non-farm—to about \$800 million in favor of West Germany.

We, naturally, would like to narrow that gap still further by shipping more U.S. farm products to Germany, and I think that each of you, whether you import automobiles or wine, has a stake in this agricultural trade because it is almost a truism that trade in one sector of the economy tends to stimulate trade in another.

With that brief background, I would like for a few minutes to discuss what we have been talking about with Europe in terms of agricultural trade and agricultural policy.

It is no secret that the United States is suggesting that the European Community and Germany follow a different course with respect to grains, the foundation of the agricultural systems on the two continents, and a product which we produce in great quantity and competitively.

We have been urging upon our European friends a grain agriculture tuned more toward the market—towards the wants and needs of the people who consume the products of the farm.

As consumers everywhere enjoy rising incomes they turn toward animal proteins—livestock products—for an increasing share of their diet.

We have recognized this in U.S. agriculture, and under the impact of growing affluence in the United States, we have over the past two decades or so shifted our farm policies to emphasize the production of livestock, particularly quality beef.

With increases in consumer demand for grain as food limited largely to population growth, we have been moving grain to the consumer as livestock products, and this has resulted in a substantial increase to U.S. farmers of their gross receipts and net incomes.

Per capita beef consumption in the United States from 1950 to 1970 rose by 80 percent—from 63½ pounds to 114, and poultry consumption more than doubled.

A striking feature of this period was the large increase in the proportion of high quality beef produced for consumption—it went up by 267 percent during this period. Similar changes occurred in poultry meats.

Clearly, the housewives of the United States have been ready and able to spend more of their disposable incomes on high quality livestock products—particularly beef and poultry—and they are doing so.

What has this meant for grain consumption in the United States?

In the case of wheat, total consumption from 1950 to 1970 was up only moderately. Wheat as food showed hardly any increase, but its use as feed has doubled in the past few years over the 1950 levels and this is one of the bright spots in the wheat picture.

On the other hand, corn usage went up by 67 percent—and that represents two billion bushels, a very substantial increase.

The most important factor in this increase was the production of livestock, and particularly the feeding of cattle. Corn fed to all livestock went up by 43 percent, while corn consumed by cattle just about doubled from 600 million bushels to nearly 1.2 billion bushels.

In terms of exports, wheat shipments began to level off in the early sixties and while they continue above the levels of the fifties, the trend has not been up.

Corn exports rose by more than five times to 687 million bushels in 1965. Since then, they have shown no upward trend.

What I have been trying to show you, very briefly, is that U.S. farm policy has become directed toward the use of grain, rather than its storage or its export at a costly subsidized price, and that we have had some success.

We do not pretend that our farm programs are perfect—far from it—but they are aimed at helping farmers to compete more effectively for markets at home and abroad, based on the principle of comparative advantage.

We have been suggesting to the European Community that it move away from its traditional support of artificial grain prices toward stronger support of the livestock segments of the economy.

There are hopeful signs. The livestock industry is growing, even under the difficulties of a grain-protective policy. During the decade of the sixties, for example, poultry numbers in Germany went up by 59 percent and hog numbers by 34 percent from the average of the previous four years.

But there is as yet no quality beef industry in the EC, and despite the prosperity in Europe and the increase in livestock production, the average per capita consumption of poultry, eggs and beef remains far below that of the United States.

For my part, I feel the European house-

wife is just as ready and able as the American to serve more good beef.

There are, I think, several reasons why the Community has not yet moved to a course that would enable her to put more of these quality livestock products on the kitchen table.

One reason, paradoxically, is the strength of the German economy. Let me explain: The appreciation of the deutsche mark has made German farm support prices higher in relation to those in other Community countries. This is not permitted under the Community's Common Agricultural Policy, where prices are to be the same in each member state. Three times in the last five years, therefore, Germany has been asked to cut farm prices to bring them down to a common Community level. Germany feels prices in the other Community countries should come up to the German level instead.

Second, the Community has relied on price support increases to maintain farm income. Farmers and their governments have been distrustful or afraid of the cost of other means, such as direct income payments, to support farm income.

This attitude is beginning to change, however. For example, on March 16, Germany's Minister of Agriculture, Josef Ertl, said in an interview with the *General Anzeiger* that he intends to propose a Community review of the income situation and Community support policies. He said this examination will include the question of direct income subsidies.

Another reason that the Community has been slow to revise its agricultural policy has been the need, particularly in recent months, to give prior attention to other economic and monetary matters.

If the Community is to avoid another disruption of the Common Agricultural Policy on account of diverging exchange rates, the Community must make progress toward economic and monetary union—the adoption of joint policies to assure that the relative strength or weakness of one Community country can be supported by the Community as a whole.

We recognize the problems that our European friends face when we urge them to orient their grain production more toward the market.

On the other hand we also see great benefits:

to the European housewife who spends up to twice as much of the family income as the American housewife on food.

to the European consumer who eats half as much beef per person as the average American.

to both Europe and America in increased trade, because greater U.S. sales to Europe make possible greater European sales to the United States.

Continual rounds of variable import levy increases by the Community not only frustrate these objectives, but gravely aggravate international trade problems.

The price increases just approved by the Community for the 1972-73 marketing year are 4 to 5 percent for grains. At present world price levels this means, for example, a 7.5 percent increase in wheat levies, and an 11 percent increase in corn and barley levies.

In 1970, EC imports of products falling under its grain regulations totaled \$1.3 billion. You can understand our concern over these increases if you will imagine for a moment that they were instead, increases in U.S. duties on \$1.3 billion of imports into the United States.

Those are some of the matters that we in U.S. agriculture have been discussing with our counterparts in the European Community, and I appreciate the opportunity that you have given me to discuss them with you today.

I hope you will agree with me that the concerns of agricultural trade can't be iso-

lated from those of industry—that each country has its own comparative advantage in production, some in one sector, some in the other, and that each must be dedicated to the greater movement of goods for the benefit of all. This requires that the policies of no sector can be considered alone.

REMARKS OF H. E. ANGEL SAGAZ,
AMBASSADOR OF SPAIN, ON THE
OCCASION OF THE OPENING OF
THE HISPANIC MUSEUM OF PEN-
SACOLA, FLA., APRIL 21, 1972

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 28, 1972

Mr. SIKES. Mr. Speaker, it was the great privilege of the people of Pensacola in my district to have as a recent honored guest representing his country, His Excellency Angel Sagaz, the Ambassador of Spain. Ambassador Sagaz was in Pensacola to attend the Fiesta of Five Flags. This is Florida's leading historic pageant and it is based on the landing of Don Tristan de Luna at Pensacola in 1559 to found the Spanish colony.

During the distinguished ambassador's visit, he officially dedicated the Hispanic Museum of Pensacola, an occasion in which I also was privileged to participate. The dedication commemorated the formal acknowledgement of the Pensacola historic district as a national historic site an entry on the National Registry of the National Park Service. The Hispanic Museum is an impressive building which provides another link in the long and warm association between Spain and the people of Florida from Florida's Spanish colonial heritage to the present.

Ambassador Sagaz' inspiring remarks were very favorably received by his audience and I am happy to request that they be reproduced in the CONGRESSIONAL RECORD.

REMARKS OF H. E. ANGEL SAGAZ

Ladies and Gentlemen: It is both a pleasure and a privilege for me to participate today in the opening of the Hispanic Museum of Pensacola, and I would like to thank all those whose enthusiasm and dedication has made possible, to so great a degree, the realization of this museum.

In a world where suffering and despair so often prevail, where there is opposition and strife among peoples, an event such as this, which promotes the cultural awareness of the common heritage and beauty shared by the United States and Spain is a most praiseworthy undertaking. No other place could be more appropriate for such an endeavour than the State of Florida where, more than four centuries ago, Spaniards founded the first community in what is today part of the United States. No other city is more appropriate than Pensacola, witness to the great victory of the Spanish Governor, Bernardo de Galvez, during the War of American Independence.

As the Spanish philosopher, Ortega y Gasset pointed out, a museum perpetuates an era in the life of a nation. In the dress, paintings, furniture, and in other objects of art, the past is preserved. And the past, that is to say, History, helps to interpret the present, and can serve as an inspiration for the future. Thus, the Hispanic Museum of Pen-

sacola has before it a most constructive and worthy mission.

The cultural sphere is, without doubt, a privileged instrument in promoting mutual understanding among nations. If economic problems and ideological questions can be the roots of divergencies or conflicts of interests, cultural relations are invariably beneficial. In positive ways they contribute effectively to the mutual progress of Nations.

With this in mind, I am very pleased that the "Agreement of Cooperation and Friendship" signed between the United States and Spain in August of 1970 stressed to such a great extent our mutual cooperation in the cultural, educational and scientific spheres. Various programs are already underway, as I may state that my country has deep interest in realizing to the fullest extent all opportunities in these fields.

The common past linking our countries, which this Hispanic Museum of Pensacola exemplifies so brilliantly, today unites us in a dynamic present. It opens the way to a future, filled with the hope of great achievements, thanks to the joint efforts of private citizens, governments and institutions, such as this fine Museum.

ISRAEL CELEBRATES 24TH
BIRTHDAY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 28, 1972

Mr. ROSENTHAL. Mr. Speaker, last week many Members of this body joined in a salute to Israel on the occasion of her 24th birthday. We were guests at a luncheon in honor of His Excellency, the Ambassador of Israel, Lt. Gen. Yitzhak Rabin in the Rayburn Building on April 19. The luncheon was sponsored by the American-Israel Public Affairs Committee as part of its 13th annual policy conference. The host of this luncheon, as in the past, was our distinguished New York colleague, dean of the House, EMANUEL CELLER.

Leaders of the Senate and House joined in reaffirming American support for Israel's development and survival. I would like to introduce into the RECORD the significant statement made by the Ambassador of Israel, as well as the remarks of the chairman of the House Committee on Foreign Affairs, the Honorable THOMAS E. MORGAN; the greetings of the distinguished Speaker of the House, the Honorable CARL ALBERT, who followed Dr. MORGAN, and the greetings of the Honorable GERALD R. FORD, minority leader of the House.

The presiding officer on this occasion was Mr. Irving Kane, of Cleveland, chairman of the American-Israel Affairs Committee, a veteran and distinguished leader of the American Jewish community.

The gathering at the luncheon also heard addresses by Senator JAVITS of New York and the acting minority leader of the Senate, Senator ROBERT P. GRIFFIN of Michigan.

Their remarks follow.

REMARKS OF EMANUEL CELLER

I have always been interested in Israel. I sought to get votes for its creation at the United Nations back in the early days because I knew that the flame of democracy

would burn in Israel. Where that flame burns, we must nurture it. Israel holds a torch of freedom for all, and we must uphold that torch.

The United States has given ample evidence of support for Israel with economic aid and the supply of sophisticated weapons through military sales credits. We have not been niggardly in our help to Israel, and we have given ample evidence that we will continue our aid.

Israel has no physical resources. She has no iron, she has no bauxite or coal or oil, but she has that which is far more worth while. She has the spiritual, the cultural and the human values which we must indeed support and which we will support.

Israel will do wonders, great wonders, if Israel has the means. It is our duty to keep Israel viable and growing.

REMARKS OF LT. GEN. YITZHAK RABIN

Mr. Chairman, distinguished members of the Congress, distinguished members of the Administration, ladies and gentlemen:

Your presence, the warm words of friendship that were heard here on the Capitol Hill from the leaders of the Congress of the United States, today on the 24th anniversary of Israel independence, serve to reaffirm the friendship and understanding between the largest democracy in the world and the tiny and only free and democratic state in the Middle East.

We, in Israel, celebrate our Independence Day in our own way. We remember and commemorate those who have fallen in the defense of Israel. We rejoice and celebrate our achievements. But more than that, we reflect. We recall what has happened in the last year, what has been achieved, what has not been achieved. We look ahead to see what needs to be done in the future to advance Israel in every field of life.

Allow me to look back to the last year—between the 23rd anniversary of Israel's independence and the 24th.

I would say that the most significant developments in the last year can be summed up, first, by noting the overall improvement in the situation in the Middle East as it affects Israel. Secondly, there is increasing realization that a complicated conflict cannot be solved merely by good words or by beautiful words—that sometimes the long way toward a solution is the surest way. And the third significant development is a growing awareness on the part of some of the Arab countries and the Soviet Union that reliance on the use of force—war and shooting—would not lead to what they expected to achieve and might not serve their own purposes.

All me, first, to talk about a subject which I believe is close to all of us—the improvement of relations between your country and ours that has taken place in the last year.

I would say that the first point is the deepening of the understanding of Israel's position among the American people, in the United States Congress, and in the United States administration. Allow me to quote from the report which was submitted to Congress by the President on February 9, 1972, on the situation in the Middle East. It is written on page 135 in which the President describes Israel's position. I quote:

"The Israelis seek concrete security. To them this means more than an Arab offer of formal peace. It means Arab willingness to let Israel exist on terms which do not leave it vulnerable to future reversal of Arab policy. To Israel, security will require changes in its pre-1967 borders as well as such additional protection as demilitarization and international guarantees might provide. Israel points out—and cites the recent war in South Asia as an example—that a formal state of peace does not by itself assure secu-

rity, and that international guarantees are no substitute for the physical conditions and means for security. In the absence of a settlement negotiated by the parties without pre-conditions, Israel continues to hold the territories captured in the 1967 war."

I wouldn't say that the United States Government has accepted this Israeli position. But the deep understanding of Israel's position is the beginning of a realization of the problems that the United States will have to tackle in the Middle East.

Second, there is growing realization that it is the parties to the conflict who, through negotiations, should reach a settlement and that the powers have no right to make deals behind the backs of the parties and to impose them on the parties.

Allow me again to quote—this time from a report by the Secretary of State on U.S. foreign policy, on March 7, 1972. I quote:

"Four Power talks in New York have been held from time to time among France, Great Britain, the Soviet Union and ourselves. The positions of the four participants in these talks differ in important respects. The Soviet Union argues that the Four Powers should work out an agreed position on substantive issues to guide Ambassador Jarring in his negotiations with Israel and the Arabs. The United States, on the other hand, has maintained that a genuine peace settlement can only come from an agreement reached by the parties directly involved in the dispute and not from terms devised by Ambassador Jarring, the Four Powers or the Security Council. We did, however, agree to discuss in the Four Power forum the matter of supplementary guarantees for an overall settlement. The Soviets, however, have said they are unwilling to limit Four Power discussions to this question until agreement was reached on withdrawal. The last meeting took place on September 9, 1971."

The third point of improvement in American-Israeli relations is the realization on the part of the United States Government that regardless of how desirable it would be to go from war to peace in one act, realistically the best way at this moment in time to approach the process of peacemaking is through an effort to bring about an interim settlement. Israel has responded positively to the American initiative to negotiate an interim agreement in close proximity talks between Egypt and Israel on the reopening of the Suez Canal and normalization of civil life in that area.

For these talks to start, we lack only one thing—a positive response on the part of Egypt. The realistic political option to move towards peace has been offered by the United States, has been accepted by Israel, has not yet been responded to by Egypt.

The fourth point of improvement, for which Israel is more than thankful to the President of the United States—President Nixon—is his decision to translate the principle of maintaining the balance of power from words to deeds. Israel has been granted all its requests for arms needed for its defense. And it has been proved that all fears that such an act by the United States would bring an escalation of the arms race or might interrupt and destroy the cease-fire have not materialized. Indeed, I would say the opposite is true.

The fifth point, for which we thank the Congress of the United States is the legislation that has been approved by the Congress of the United States. Israel has been given the means to finance the purchase of arms and thus to relieve, to a certain extent, the heavy burden of defense that must be carried by Israel's people.

I would like to take this special opportunity to thank every member of the Congress for what has been done in order to make it possible for Israel to continue its development and at the same time to carry the burdens of defense.

I would say that the close relations that have been established between Israel and the United States have proved an effective deterrent to the Russians and to other countries in the area from taking any decision on a deadline for a resumption of hostilities unless their demands are fulfilled. I think that at the present time this common policy of offering an option for political negotiations and helping Israel to strengthen its defense and its economy is the best formula to prevent a renewal of hostilities and to move towards peace.

Therefore, I would say that at the present time the relations between our two countries have reached a peak of understanding since the outbreak of the six-day war.

In the Middle East the cease-fire continues. There is no imminent threat of breaking it, and the strength of Israel deters those who may be tempted to do so.

It was announced today that the Prime Minister of Israel would go to an official visit to Rumania. It is the first official visit of any Prime Minister of Israel to any Communist country in the last 24 years.

I don't have to add very much to what has been said about the unique phenomenon that came about as a result of the courageous determination of members of the Jewish community in the Soviet Union who risked everything and acted in a way that opened the gates of the Soviet Union for emigration to Israel on a scale that was unprecedented during the 50 years of Communist regime in Russia.

All this gives us encouragement and shows us that if we are determined, if we are courageous, if we do not seek quick solutions, if we follow the long and the hard road towards peace, then peace, in the long run, will be achieved.

We look ahead to the future. We know that we still face hardships and we will have to turn for understanding and help from the United States, from the American people, from the United States Congress, and from the United States President. What has been achieved last year gives us the confidence and the courage and the hope that we have set our foot on the right path towards what all of us would like to achieve . . . a real, durable and lasting peace in the Middle East.

STATEMENT BY IRVING KANE

This function is a major part of the Annual Conference of AIPAC. We meet each year in Washington to consider how we can best serve the cause of American-Israeli friendship—how we can deepen their mutual commitment—how we can help to achieve an Arab-Israeli peace.

And so it is appropriate that we take counsel with our Congressmen—today, as we shall tomorrow with the Department of State.

As you know, AIPAC is a non-partisan organization. We have always appealed to and won support from both sides of the aisle.

We and our predecessors have brought our story to the national political conventions since 1944, when both parties came out for restoration of the Jewish Commonwealth.

This year we shall again present our views to the Platform Committee of both conventions in the hope that we may again win bipartisan reaffirmation of American interest and support for Israel. We urge you who will be participating in these conventions, to help us achieve this objective.

Much has happened in the 12 months since we last met. Much of it has happened as a result of the initiative of the Congress, and we who are concerned about the survival and peace of Israel, offer you our thanks.

At this luncheon last year our Committee appealed to our Government to take measures to strengthen Israel's economy and defense. Since then the Congress has taken the initiative and included a supporting assistance grant in the Foreign Aid bill, the first such grant to Israel since 1959. In addi-

tion, Congress approved military credits, to enable Israel to acquire the weapons she must have, to deter further aggression against her.

Late last year, there was a renewed demonstration of support by the Congress, when 78 members of the Senate and 257 members of the House sponsored resolutions urging the United States, "without further delay," to take affirmative action on Israel's request for Phantom planes, and to provide such supporting equipment and assistance as are essential to maintain Israel's deterrent capability. That resolution also reaffirmed "the importance of secure and defensible borders as a vital element in a peace settlement to be negotiated by the parties themselves."

By this action, the Congress was informing the Administration that the people of our country are committed to Israel's survival. And equally important, the message was being conveyed to the Arab states and to the Soviet Union.

We have seen a convergence of American and Israeli interests in the Near East. United States recognition of Israel's economic and military needs is a manifestation of the closer relations that have developed since we last met. The Administration has responded vigorously in support of Israel.

There is now a far better understanding of America's interests and responsibilities in the Near East and we warmly commend the Administration for its much firmer commitment.

This year, we again urge you to give sympathetic consideration to Israel's needs for military credits and a supporting assistance grant. The Soviets, who have already provided Egypt and other Arab states with military equipment to the tune of many billions of dollars (some say over five billion), continue to provide them with sophisticated weapons, and at the rate, according to one estimate, of \$5 million per day.

Some 20,000 Russian personnel are now stationed in Egypt—a sinister threat to Israel. There should be no diminution or relaxation in our support or in our vigilance.

For their part, the Israelis themselves have shouldered the major burdens of defense. They do not ask for our soldiers. They are prepared to defend themselves and are paying a huge price. They have gone deeply into debt.

And now there is a new and moving chapter in Israel's history. Since she was established, Israel has opened her doors and given sanctuary to every Jew in search of home and freedom. Now suddenly, for whatever reasons, Russian Jews are allowed to make their way to Israel. But their absorption constitutes a new challenge to the Israelis. Many of you in the Senate and House have sponsored the pending legislation to assist Israel to discharge this enormous responsibility.

We are pleased to note that recently the Senate Foreign Relations Committee voted to include in the authorization for the Department of State the sum of \$85 million for this purpose. We are hopeful that this legislation will win final approval.

We appeal to you for your support of this humanitarian undertaking. You have—so many times in the past—reaffirmed the close ties of friendship between the U.S. and Israel. We trust that you will continue to do so, in the still perilous times ahead.

REMARKS OF REPRESENTATIVE THOMAS E. MORGAN

Thank you, Mr. Kane, Mr. Ambassador and my colleagues in the House and ladies and gentlemen. I am glad to have this opportunity to join the American Israel Public Affairs Committee in its salute to the distinguished Ambassador of Israel and, of course, in the celebration of the 24th birthday of Israel.

I had the high privilege of addressing the

American Israel Public Affairs Committee conference about eight years ago on its tenth birthday and, at that time, I noted that in the House Foreign Affairs Committee room we had helped write a little of the history of the Jewish people. And from that vantage point, we have been able to watch with deep sympathy the struggle of the Jewish people to establish the State of Israel, and to maintain an unfinished struggle to win peace for its people.

For it is a fact that Congress endorsed the Balfour Declaration in 1922 and called for the Jewish Commonwealth in 1945. And in 1951 the House Foreign Affairs Committee was the first legislative body to vote economic aid for Israel.

In the first three years of its existence, Israel welcomed some 684,999 displaced persons and almost doubled its population. In 1951 we voted a grant for Israel of \$50 million to resettle these Jewish refugees, along with a grant to integrate the Arab refugees into the economy.

That was a long time ago. Israel has made remarkable progress on the economic front and now we were able to terminate economic aid and grant assistance in the 1950's. At that time, we had generously helped Arab countries in the area, Jordan, Lebanon and several others. Our hope was that this could bring some semblance of peace by raising the standards of their people. And that they would turn away from hostilities and begin to work for cooperation among the people in the Middle East.

But no. The Soviet Union intervened in the Middle East in another way. It began to send weapons to Egypt, and in its own behalf and in its own communistic way and ambitions, it stimulated an arms race in the area. The record clearly shows that the Soviet Union has set the pace in the arms race, and that our country has reluctantly followed.

As a consequence, the peoples of the area have been compelled over a period of years to divert most of their resources from economic and social development to military procurement and training. Countries in that area, exposed to the neverending threat of war, cannot allocate to development the resources they find so difficult to acquire. U.S. capital and capital around the world was very, very difficult to direct into that area.

Now, deplorably, the Soviet Union has exploited many conflicts in the area to gain power, threatening the countries which have been friendly to the United States and which have tried to develop social institutions.

Last year, recognizing the defense problems and their effect on the Israel economy, and taking note of Israel's tremendous external debt, the House Committee on Foreign Affairs recommended a supporting assistance program—a grant for Israel—and this was approved by the Congress. Now, of course, the House Foreign Affairs Committee cannot take full credit because many Senators in this room—I see Senator Symington, etc.—took part in this conference with the conferees of the House and agreed on earmarking this first supporting assistance grant for Israel since 1951.

I am pleased to note here today that the Administration has taken the bait, and, on its own initiative, has this year recommended a further grant of supporting assistance to Israel.

Israel has two images. One is the image of a country able to defend itself and to preserve its independence because its people are deeply committed to life and freedom. A people that lost so many people by oppression cherishes every life. A second image of Israel appeals to the highest humanitarian impulses. It is an extraordinary fact that the 650,000 Jews who established the State of Israel in 1948 threw open their gates and gave sanctuary to double their number.

Now, once again, this image of Israel shines clearly before us as Israel opens its doors to the Jews from the Soviet Union, who came in search of a new life. The absorption of the Soviet Jews is another glowing chapter in Israel's history.

I believe that Congress is resolved to offer a partnership of the American people in this splendid undertaking. In your remarks, Mr. Kane, you said that the Senate has already beaten the House in the mark-up of the U.S. State Department in a bill which adds \$85 million for the resettlement of these people from the Soviet Union. I don't know whether this is the proper vehicle or not, but I want to assure you that the House will find the proper vehicle and will go over to the other side of the Capitol I can't say there is going to be an appropriation of \$85 million, but I can assure you that if we can sit down with Senator Symington's committee we will come out with a piece of legislation that will authorize the appropriation.

It will be up to Si Kenen and your organization to do the lobbying with the Appropriations Committee, but I'm almost certain that, with the lead taken by the other body, the House will follow and that there will be legislation on the statute books that will give us the authorization if I know Si Kenen here and the job he does in Washington, and I know some of the other people who have been working in behalf of Israel on Capitol Hill and all around the country, I am sure that there will be an appropriation that can be used for the great purpose of bringing these people back to their homeland and establishing them in a country where they will be free to do as they please.

I hope on this 24th birthday of Israel that we can look forward to peace in that part of the world—when the people of Israel can sit down with their neighbors and they can really talk together. I don't know whether we can be so optimistic as to say that next year, on Israel's 25th birthday, there will be peace in the Middle East. But I think we can be a little bit optimistic and say that next year, on your Silver Jubilee, Mr. Ambassador, that we will be further along the road toward stability in that part of the world and that your great and dynamic country will be able to use its resources to help the whole area to move forward economically. If Israel did not have to spend the majority of its income for weapons of defense, if Israel could import needed raw materials and make full use of energy resources and know-how, as Congressman Celler has said, what a great job it could do for civilization in that part of the world. Thank you.

REMARKS OF SPEAKER OF THE HOUSE CARL ALBERT

Mr. Chairman, Mr. Ambassador, Congressman Celler, Congressman Morgan and ladies and gentlemen, colleagues. I apologize, first of all, for not being here from the beginning. The House has been operating under a privileged point ever since we convened and I will have to leave soon because we are in a quorum call. But I would like to make just two or three observations.

First, I want to associate myself with the remarks of the distinguished Chairman of the Committee on Foreign Affairs, most of whose speech I was able to hear, to assure him, and you, that I will help him in any way I can to drive that vehicle through the House and also help lobby the Appropriation Committee at the appropriate time.

May I say, further, that I want to congratulate the great State of Israel, which I have had the honor of visiting, on its 24th anniversary. Ever since its birth, Israel has lived under the shadow of war and yet it has been able, in hostile surroundings, to become not only a showcase for democracy in an area where democracy is almost unknown, but also a dynamic showcase for democracy for liberty-loving people around the world.

REMARKS OF REPRESENTATIVE GERALD R. FORD

Mr. Ambassador, my colleagues in the Congress and distinguished guests and visitors. It is again a privilege to say a very few words on this occasion. In the previous meetings such as this, I set forth in greater detail my own views and some suggestions that at the time seemed desirable.

I am glad to be here this afternoon just to say hello and to welcome all of you. And I am glad to note that some of the things that all of us on both sides of the aisle—and all of you and many like you throughout the country have favored—have now materialized, particularly the growing friendship between Israel and the United States and the growing and greater impact of our friendship in the Middle East.

I look forward to the observations and comments of my dear friend, Chairman of the House Committee on Foreign Affairs, and my colleague from Michigan, Senator Bob Griffin. I don't think you could have gotten two finer spokesmen for your annual luncheon in the Capitol.

Thank you very much.

REMARKS BY SENATOR ROBERT P. GRIFFIN

It is a high personal privilege to be with you as your organization observes the 24th birthday of the State of Israel; and as you honor one of the great Ambassadors in the diplomatic corps of the world.

Within the month, Israel will be 24 years old. As we look back over that quarter-century, we see a world racked by wars and conflicts, interspersed with brief periods of calm and peace.

Here in America we talk about prospects for a generation of peace.

But Israel's only memory is a generation of war. And, even when there is an absence of open warfare in the Middle East, there have been constant threats and incidents of violence.

As Patrick Henry expressed it in 1775: "The gentlemen may cry: 'peace, peace,' but there is no peace."

Yet, I believe there is reason today to view the outlook for peace with some guarded hopefulness. There is some good news amid all the bad news which seems to be flooding the papers.

It is bad news, of course, that there still is no treaty of peace in the Mid-East nor even direct negotiations required to produce such a treaty. There continues to be strict restrictions placed on Jews in some countries who want to emigrate to Israel.

But there are also some reasons for hope and optimism.

There has been some loosening—some slight relaxations of those restrictions—as a result of world public opinion pressure.

The cease-fire in the Middle East which this Administration helped to initiate, does continue in effect. Notwithstanding the occasional skirmishes and the bombastic oratory that surfaces from time to time, there seems to be an awareness throughout the world that a major new war in the Middle East could be disastrous for the world.

The prospects for peace are enhanced. I suspect that the word of the U.S. is credible—that we have a President who says what he means—and who means what he says. That is important to the prospects for peace—not only in Indo-China but in the Middle East as well.

Near the end of his State of the Union message three months ago, President Nixon said: "In the final analysis, America is great not because it is strong, not because it is rich, but because it is good."

There was a time when a statement like that would have been regarded as obvious. It's the kind of remark you expect to hear at Fourth of July ceremonies.

Today, unfortunately the climate in our country seems to be different. Today, such a

modest remark could even be regarded under the heading of hot controversy. Today we live in an era when it is almost more common to hear those who denounce our country, its history, its traditions, its principles, its achievements, its dreams and its people.

I suggest Israel is also great—not because it is strong (which it is), not because it has taken a barren wasteland and turned it into unparalleled prosperity (which it has), but because it is good.

The Words of Emma Lazarus at the base of the Statue of Liberty, in New York, could as well be displayed at the Lod Airport in Tel Aviv:

"Give me your tired, your poor,
Your huddled masses yearning to breathe free,

The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tossed to me.

I lift my lamp beside the golden door!"

Today the world has another and relatively young land of hope for millions of the world's immigrants—and that new land, of course, is Israel.

In the face of many obstacles and discouragements, increasing numbers of Jews are applying to leave Russia—and reluctantly the Soviet Government has been granting more and more visas.

Indeed, 13,000 were granted in 1971—that was a record year.

Earlier this year, President Nixon urged freedom of emigration for Soviet Jews. This is precisely what is provided for by Article 13 of the United Nations Declaration of Human Rights.

The President will have many things to discuss on his forthcoming trip to the Soviet Union—and one that he should include is the matter of the oppression of Soviet Jews.

This is and must be an issue of bona fide concern to the American people—not only because of our close ties to Israel—the many family ties with Jews in Russia—but also because of the strong traditions—the strong interest of this country in freedom including freedom to emigrate.

Accordingly, I will recommend strongly that President Nixon take up this matter during his talks at the highest level with the Soviet Government in the near future.

But the burden of America's aid for the Jews of Eastern Europe and the Soviet Union is not the President's alone.

There are other things that we in Congress can do. For example, we can pass the \$85 million State Department bill to help Soviet Jews.

I believe the fight to preserve the voice of Radio Free Europe and of Radio Liberty is another example. Some cities say these broadcasts are relics of the Cold War. Opponents say the usefulness of these radio stations has passed.

In my view, their function is not a question of war—cold or hot. It is a question of freedom.

The Soviets have not been able to suppress the circulation of typewritten newspapers that circulate now. And the Soviets cannot effectively prevent the people behind the Iron Curtain from learning the truth by listening to radio broadcasts that reach across national borders.

In the face of the facts as they are, there should be no doubt about the need for radio stations that carry the truth behind the Iron Curtain.

Israel has demonstrated to the world its ability to stand on its own feet, muster its own defense, and progress by its own genius. In a sense, it stands as a prime example of the application of the Nixon doctrine—under which the United States does not seek to fight the wars of others, but does extend the hands of aid and friendship to those who are prepared to fight for their own freedom.

The United States can be proud that we have played a major role in stabilizing the situation in the Middle East in many ways. Since 1969, there has been an impressive flow of American economic and military assistance to Israel.

Indeed, during the period since 1969, we will have provided Israel with more economic and military aid than in the entire period between 1948 and 1969. So President Nixon has kept his word; he has kept all commitments he made in 1968.

And President Nixon has been working in diplomatic channels to encourage negotiations that would bring the peace and security that is needed.

Beyond extending military aid and friendship in the interest of peace, as we continue to do, there are other things that the United States can do to promote acceptance of the reality of Israel.

Among these, my good friend, Gerry Ford, who is here today, has proposed that we move the American Embassy from Tel Aviv to Jerusalem since Jerusalem is designated by Israel as the actual capital of the nation.

At the present time, some of the smaller nations have their embassies in Jerusalem, while others are represented in Tel Aviv.

Such a move would have a dramatic impact on the community of nations which share our concern for Israel and the Middle East.

REMARKS OF SENATOR JACOB K. JAVITS

We are all signally honored by the outstanding number of members of the House of Representatives and the Senate who are here today. And, of course, we are all greatly honored by the presence of Israel's Ambassador to the United States, who has made such an extraordinary record, Ambassador Rabin. . . .

For many years I have been able to tell you that there is no single individual on Capitol Hill who has more credibility in matters affecting the best relations between the United States and Israel than your own, your very own, Mr. Kenen. There's nobody else. And this has represented an extraordinary service. In my judgment, Si Kenen's adherence to this cause, ever since before Israel became a State, is one of the important reasons why it is possible to get miracles in the House, under Mannie Celler's gifted direction. But we also do miracles in the Senate. Seventy-seven senators, for example, joined together at the most crucial moment to let the President know that the course to pursue in respect to Israel was the course of arming it effectively so that it could defend itself.

Your organization is highly respected. For many years it was headed by Rabbi Bernstein, who is with us today, and it is now headed in a very effective way by Irving Kane, giving the Middle West a look in . . . I wish to add every encouragement I can to the work of this group and more than anything else to testify, which is the most important thing I can do, having been associated with this effort for so long, to its unbelievable effectiveness and to the unusually high credibility it has gained here in Washington.

A WOODSMAN'S PRAYER

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 28, 1972

Mr. SIKES. Mr. Speaker, John McMahon who is one of Florida's leading foresters has also a fine knack for expressing himself in prose and poetry. The American Forests for April 1972, car-

ries one of his works entitled "A Woodsman's Prayer." I insert it in the CONGRESSIONAL RECORD at this point:

A WOODSMAN'S PRAYER

(By John McMahon)

Lord, let me be as a tall green tree
Upright and pleasing unto thee
Thankful for my humble birth
And for my time upon the earth.

Lord, as I reach to touch the sky
Keep me in your watchful eye
And if I grow too tall and wide
Prune away my foolish pride.

Be with me Lord, as the seasons pass
And my dreams fade like the grass
The years will help me understand
That my life is in your hands.

I know time's axe will cut me down
And lay my bones upon the ground
Then Lord, I pray, remember me
In gardens of your memory.

CARGO THEFT—A NATIONAL DISGRACE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 28, 1972

Mr. PICKLE. Mr. Speaker, today I would like to insert in the RECORD for the Members' attention a March 20, 1972, article which appeared in *Traffic World* describing the Treasury Department efforts to curb cargo theft. This article was written by Eugene T. Rossides, who is Assistant Secretary of the Treasury. The Treasury Department is in a key position to help curb cargo theft through the Customs Bureau.

WHAT U.S. CUSTOMS IS DOING TO STOP CARGO THEFT

(By Eugene T. Rossides)

Early in this Administration, President Nixon directed a concerted attack on organized crime and drug smuggling. This concerted attack became Treasury's highest priority in the area of law enforcement.

The long neglected problem of cargo theft fell into both of these priority areas and Treasury quickly developed an action plan to combat it. The hearings held by the Senate select committee on small business headed up by Senator Bible focused attention on the nationwide nature of this problem and in 1971 the Interagency Committee on Cargo Security, chaired by the Department of Transportation, was formed to coordinate the response of the various agencies of the Federal Government.

I am pleased to report that Treasury has spearheaded this effort at all airports and seaports of entry and that substantial progress is being made. Passage of the Administration's proposed legislation—the customs port security act—would, in my judgment, result in the reduction to a minimum of cargo theft at all airports of entry throughout the United States within six months to one year, and a dramatic reduction of cargo theft at all seaports of entry within one year.

The estimate that cargo theft amounts to over \$1 billion annually has received much attention and does underscore the magnitude of the problem. However, the depredations of cargo thieves actually cost much more: in lost sales, markets, and jobs, in swollen insurance rates, and especially in unfair competition to the honest businessman. The government is also affected. Treasury may not be able to collect customs duties and internal

revenue taxes on imported merchandise that has vanished and income taxes are lost because importers have lower incomes and claim deductions for their uninsured theft losses. The loss of export cargo hurts our precarious balance of payments.

To stop this drain on the economy, the Treasury Department developed in 1969 a three-pronged program to curtail cargo theft at our airports and seaports of entry. Our goals were to improve physical protection for cargo, to tighten up carriers' accountability for cargo in their custody, and to obtain needed additional authority to combat this problem with full effectiveness.

The Bureau of Customs was charged with implementing this Treasury program, and the following is a report of what has been done.

The first phase of the program involved writing regulations to increase the protection given cargo in international trade and to ward off potential criminals from cargo areas. Most of these regulations became effective on April 1, 1971. They require all carriers to have special areas for the storage of high value and broken packaged merchandise and an adequate number of lockable vehicles to handle such cargo. Failure to comply will result in the denial of a permit to unlade international cargo. The regulations also provide for the use of a special pick-up document at places in a port where there is a high incidence of theft or pilferage. And there are other provisions aimed at identifying the role of organized criminals in cargo theft.

The new rules, which merely apply sound security measures where laxity has been a tradition, were developed partly out of Customs' experience with a pilot project still in progress at Kennedy International Airport in New York. Measures prescribed in the regulations have been put into practice there, plus others recommended by Customs for greater cargo security, such as locked boxes to keep papers out of unauthorized hands, and the use of cameras which simultaneously photograph the person who receives the merchandise, his identification card and the pick-up form.

The program has been getting results. According to the Airport Security Council, in the program's first year reported cargo thefts at JFK declined by 28 per cent, and dollar value of stolen goods by 69 per cent (from \$3.3 million). For the six-month period ending November 31, 1971, reductions of 27 per cent in number and 45 per cent in value, were achieved. This trend has continued to date.

Similar pilot projects have been started at selected piers in New York and the San Francisco waterfront is next. The initial results in New York are very encouraging.

The second phase of the Treasury Department's program was to develop statistics which would enable us to pinpoint the specific piers, terminals or warehouses, and the types and values of merchandise most involved in cargo theft. By regulations which also became effective April 1, 1971, we now require carriers to agree with importers on delivered quantities, and to report any discrepancies in manifested merchandise—whether shortages or overages. This new procedure was initially designed solely to improve the accountability for cargo landed in the United States because the tariff act requires that duty be paid on such cargo even if the intended consignee never receives it. An important by-product of this program is precise information on cargo thefts—the location, the commodity and the value.

The lack of precise data on thefts has impeded every law enforcement agency investigating cargo crimes by making it impossible to find out the extent and location of thefts and pilferage, or even the fact that they have been committed! In such cases, of course, legitimate business and taxpayers suffer the

loss, and the criminals remain at liberty to strike again. This is a problem which Customs still faces.

The system for reporting losses to Customs must be improved substantially if it is to be of maximum assistance to Customs and the importing public. Carriers are not reporting all losses, and some are filling inaccurate or unsubstantiated reports. A recent spot check throughout the nation revealed that the explanations given for shortages (other than theft loss) were not substantiated in about 28 per cent of the cases, and in some ports it was over 50 per cent.

To promote more accurate loss reporting, Customs officers have been checking cargo unladings and tallying deliveries. Carriers which suffer losses, but fail to report them on the appropriate form, CF 5931, are subject to penalties. Since this program originated in April, 1971, Customs has issued a substantial number of penalty notices for this violation and we will continue to crack down until we have full compliance with the law.

To date most loss reports have come from Customs inspectors and carriers. Importers and insurance companies, which surely have an immediate interest in cargo theft, have not contributed to our fund of knowledge about it.

The importing public would be helping itself by reporting shortages to Customs. Importers can obtain refunds of estimated duties if they file shortage reports. Insurance companies could also avoid paying claims for duties, in many instances, by requiring importers to file loss reports and obtain refunds of duties. Apart from the economic incentive, however, it must be stressed that prompt and complete reports of losses provide us with essential data for fighting cargo theft.

The third prong of the Treasury Department's program is the passage of federal legislation which will help government and industry develop as much strength to protect international cargo as criminals have to attack it. The proposed law identifies and plugs the loopholes still existing in Customs' control of the movement of international cargo. Called the customs port security act (S. 1654, the Bennett bill, and the identical H.R. 8476, the Mills-Byrnes bill), it has been referred to the Senate finance and the House ways and means committee. Its main features are the establishment of national standards for cargo security, the screening of persons seeking access to high-risk areas, and the restructuring of certain penalties to facilitate the prosecution of criminals—including the petty thief.

The customs port security act would give the Secretary of the Treasury authority to establish national standards for cargo security at Customs ports of entry. The standards would relate to matters such as special storage areas for high-value merchandise, lighting, fencing, alarm systems, patrols and guards, and separate private parking areas.

In the meantime, to provide guidance to industry and Customs officers in locating and correcting security problems, Customs has prepared a 14-page manual, "Standards for Cargo Security." These standards will form the basis for the national standards to be issued pursuant to the customs port security act. They constitute the physical and procedural security measures which we believe should be implemented by most terminal operators to provide a minimum level of cargo protection. Implementation of the simple, but effective measures recommended in this pamphlet should produce a significant reduction in cargo theft and we, therefore, hope there will be a substantial degree of voluntary observance of these standards by the industry.

Indeed some cargo-handling firms have already begun to plug up holes in their security systems. However, cargo security is by no means adequate at every port. Incomplete or spotty protection just does not work.

Thus, the thrust of the bill now before Congress is to empower the Secretary of the Treasury to make certain that minimum security measures are adopted at all international ports of entry.

Because these national standards may not be sufficient to curb theft in all instances, the bill also authorizes the Secretary to designate special Customs-security areas within ports where he finds there is an unusual risk of theft. Customs-security areas would be subject to even more stringent security measures. The Secretary would have the authority to license businesses whose employees have access to Customs-security areas, and to approve identification cards for anyone seeking access. Customs officers would carry out these procedures and control the restricted areas.

By requiring the same minimal security standards at all ports and terminals, the proposed legislation avoids any port obtaining a competitive advantage over another—a major defect of some regional programs to combat cargo theft. At the same time it controls costs by spotting Customs-security areas only where and when they are needed: Not an entire port if a dock area could be specified as especially vulnerable to theft, not an entire airport if a particular carrier terminal could be pinpointed. Treasury, in fact, expects that few Customs-security areas will be established and that those that are will not be needed long.

This is an action program which would make maximum use of the funds allocated to it. It also ties in with the two top priority concerns of President Nixon—the drive to stop smuggling of narcotics and dangerous drugs into the United States and the campaign against organized crime. If drug smugglers can steal their packages from the carriers, they do not have to worry that a Customs officer will discover the contraband when he opens the packages for examination. If cargo terminals function as supermarkets for thieves, organized crime, which fences or disposes of much of the loot, will flourish.

The Treasury Department and its action arm, the Bureau of Customs, views passage of the customs port security act as an appropriate development of Customs' inherent strength. The bureau is the only enforcement agency with a presence, and over 180 years experience, in the nation's ports. To carry out its mission to collect revenue and to intercept contraband, it has acquired an expertise in cargo matters that is second to none.

Customs inspectors, import specialists, special agents, patrol officers, and others, are continuously protecting cargo by their routine functions. An essential part of their jobs is to look for facts and circumstances which would indicate a possible theft or the potential for theft.

Customs inspectors observe the discharge of merchandise from ships, aircraft, trucks, railroad cars, and other vehicles. They reconcile manifests with entry documents, and compare the actual number of containers, and the markings on them, with the line items on the manifests. It is at this point that they discover possible losses. Inspectors also give special personal attention to merchandise with a high risk of theft and supervise its discharge.

Customs special agents are renowned for their interceptions of dangerous drugs and their pursuit of smugglers of drugs and other contraband. But they also spend much of their time investigating possible fraud against the U.S. revenue and reported cargo thefts.

Customs has also stationed squads of special agents and patrol officers in New York, San Francisco, and Los Angeles. Their sole task is to uncover cargo theft and pilferage, and apprehend the persons responsible.

The immediate vital need is the passage of the customs port security act. The legislation is supported by groups which know about

international cargo, including the Commerce and Industry Association of New York, the American Importers Association and the Transportation Association of America. Although the Treasury Department's security program centers on international cargo, a by-product should be improved security for much domestic cargo flowing through or temporarily stored at the same port facilities.

While Customs can lead the way, businesses engaged in handling cargo must do their part. This was the key to success at JFK Airport. Customs helped develop a few common sense rules. The airlines at JFK—under the guidance of their own Airport Security Council—pitched in with determination to protect the cargo they handled. This is the sort of joint effort that brings results.

I believe that the tide is turning in the war on cargo theft. With only a modest addition of funds and authority, Treasury, with the cooperation of industry, should be able to reduce cargo theft at our major airports and seaports to a minimum within a very short time. That would be an accomplishment of which we could all be proud.

HUNGARIAN FREEDOM FIGHTERS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 28, 1972

Mr. DERWINSKI. Mr. Speaker, I remind the Members that there are many organizations in the country who have had by their personal experiences and the motivation for their existent knowledge of the insidious nature of communism. Prominent among these is the Hungarian Freedom Fighters Federation, U.S.A. Their native land of Hungary is still subject to the misrule of a Soviet military imposed government. Having suffered the entire post-World War II European political history, they certainly know whereof they speak.

It is, therefore, with special emphasis that I direct the attention of the Members to a speech delivered by Istvan B. Gereben, cochairman of the Hungarian Freedom Fighters Federation, U.S.A., at the joint meeting of the executive committees of the Washington and Baltimore chapters of the Hungarian Freedom Fighters Federation, U.S.A., held on Friday, April 14, 1972, at the Watergate Hotel in Washington, D.C.

SPEECH BY ISTVAN B. GERE BEN

Mr. Chairman, Members of the Committees, Ladies and gentlemen, fellow Freedom Fighters!

Fifty-four years ago, on January 8, 1918 President Wilson delivered his famed "Fourteen Points" speech which instantly became the single great manifesto of World War I. It was western democracy's answer in its first full dress debate with international communism. It raised a standard to which men of good will in all nations could rally.

Wilson hoped that the Fourteen Points Address will lead to conversation with the powers at war concerning the conclusion of peace. Forces behind his control prevented complete vindications of the Points. The Armistice Agreement of November 11, 1918 was made upon the bases of Wilson's Fourteen Points. The Peace Treaty of Versailles violated every one of the principles expressed by Wilson and the Allied press repudiated his proposal. Senator Lodge blocked U.S. entry in the League of Nations.

It was a series of secret agreements between the participants of the Peace Conference which prevented every attempt at peace on the basis of self-determination.

The man who waged The War to end wars was a good man. He was a man who deeply believed in peace. Woodrow Wilson helped make the world safe for idealism.

He set an example to our present President who said on February 18, 1971 that; "By following that example, by not fearing to be idealist ourselves, we shall make the world safe for free man to live in peace."

We, Hungarian-Americans who's roots are in the Carpathian Basin, which suffered the most from the Peace Treaty which torpedoed the laudily and continuously professed principle of self-determination and sunk it to the position of a rather stale joke—are keenly aware of the dangers posed by being an idealist. We hope that our President, who does not fear to be an idealist, will make the world safe for free men to live in peace. We hope that he will achieve his goal for all men by creating an atmosphere which will allow all men to be free, we hope that he will succeed in what President Wilson failed: the practical implementation of the principle of self-determination for all nations, weak and strong. We sense a grain of humility when the President presents himself as pure idealist. We know better. His three Foreign Policy Reports to the Congress reveal that he is a realist inspired by high ideals, a practical policy maker, staunch negotiator who represents freedom's interests in a series of negotiations with enemies of everything we cherish. Survival, peace are his announced goals. We wish him well, hope and pray for his success.

As one American with strong ties to people suffering under totalitarian oppression I must express some concern over the implementation of the philosophical convictions upon which this Administration is proceeding to reshape American policies to the requirements of the new realities.

The President in his Address to the United States General Assembly on September 18, 1969 said:

"It is not my belief that the way to peace is by giving up our friends or letting down our allies."

The unfortunate wording of the Shanghai communique, jointly signed by Prime Minister Chou En-lai and the President, seems to contradict this statement. More clarification and explanation is needed to calm the concern of our citizens with Hungarian background. For us the President's virtual disavowal of a solemn American treaty obligation seems unprofitable and potentially dangerous.

The opening policy to China was welcomed in our circles with understanding of its necessity. The method chosen for the execution of that policy however was not necessarily approved by all of us.

The choice of China itself as the place of the meeting was—in the opinion of many of us—a generous gesture towards a government which labeled us as "imperialist dogs" for too many years and continuing to do so even after the summit.

The attendance of a "ballet"—with an obvious and degrading reference to the head of an allied state—by the President and Mrs. Nixon is rated by us as tasteless diplomacy.

In general the chance—provided by the ending of a sterile and barren relationship between Communist China and the United States—to cause alarm and discomfort in the Kremlin is received among us with cautious hope. The price—Taiwan—we paid for this hope is high. We react to the Shanghai communique with the same nervousness that we felt after Britain's Prime Minister Neville Chamberlain—sacrificing Czechoslovakia on the altar of appeasement of tyranny—returned from Munich with the proud announcement of his "peace in our time" deal

with Chancellor Adolph Hitler of Nazi Germany. Whether the meaningful results from the visit of the U.S. entourage to Peking will justify our hope or our nervousness still remain to be seen.

The initial step to replace bipolarism in World politics with more differentiated, triangular or quadrilateral relations will bring its results, good or bad, to a tired, apathetic world.

We are in near agreement on the President's Vietnam policy. Most Americans, among them the nationalities are convinced of the soundness of the Vietnamization Program.

We sincerely hope that the Viet-Cong offensive presently in progress will be successfully stopped by the forces of South Vietnam. It must be observed that most of the heavy weapons used in this offensive were supplied by the Soviet Union, who is trying to project the image of peacemaker, champion of virtue. This is the Soviet Union which will be visited by our President in search for peace, a generation of peace. In the light of this action of the Soviet Union can we be as optimistic as seemingly our President is about the future of our world? We joyfully notice the presidential statements assuring us that Vietnam will not be forced in a settlement contrary to the interests of the self-governing, self-sufficient, self-respecting people of South Vietnam.

I do not have the audacity to comment on our policy towards Latin America. The problems of that continent are not very well known for me. One observation however seems appropriate: Our friends on the South deserve more attention, more understanding and a more vigorous effort to bring them into the material wealth what the Western Nations so fortunately possess.

In a little more than one month the President will visit Moscow. As in the case of his recent visit to the Peoples' Republic of China Mr. Nixon's trip is part of his Administration's steady effort to achieve his main foreign policy goal: a generation of peace. We are, we were at war with the Soviet Union. We wage a cold war against each other. This war is still on, on more than one front. We want an end to this cold war. We want to change the era of confrontations to the era of negotiations. The good will on the part of the United States has been repeatedly expressed.

It is the dictate of the circumstances of the world struggle that the Soviet Union will not undertake anything which would mean either total war or total peace. The Soviets could not accept total war. If it were nuclear the risk would be too high. If it were not nuclear, Russia's cumbersome and oppressive regime would probably collapse, and the satellite nations would rise as one man against its tyranny. But a general peace would also be undesirable; it would mean the loss of the red flag of revolution. The navigators who are determining the course of the World must keep this in mind when sailing in the shallow waters of negotiation.

Now on the eve of Mr. Nixon's journey to the Kremlin may we quote from the two most successful leaders of Communism, Lenin and Stalin. Lenin said: "in war—cold or hot—never tie your hands with considerations of formality. It is ridiculous not to know the history of war, not to know that a treaty is the means of gaining strength." And Stalin wrote: "A diplomat's words must have no relation to action—otherwise what kind of diplomacy is it? Words are one thing, actions another. Good words are a mask for the concealment of bad deeds. Sincere diplomacy is no more possible than dry water or iron wood."

According to these axioms the masters and their pupils used international agreements and treaties as a particularly effective weapon in the Communist arsenal of strategic and

tactical maneuvers to get and keep us off balance, to exploit our weaknesses. We recall the statement of Leonard Schapiro, dean of Soviet Studies in Great Britain given to the Subcommittee on National and International Operations of the Senate Government Operations Committee: "Soviet policy is unremittingly dynamic. It is not directed toward achieving equilibrium or balance of forces, or peace, or collective security . . . Its ultimate aim is victory, which means communist rule on a world scale. However unrealistic this aim may seem, it is the case that it has been thoroughly inculcated into the minds of all Soviet leaders from Lenin onwards for over 50 years."

From the President's determination to go to the Kremlin summit meeting with Mr. Brezhnev, we conclude that he is convinced either that the Russians changed to honor the written word, gave up their aim, or that he can outmaneuver them. We hope that one of the possibilities is a reality.

It is comforting to us that many statements have been made in regard to American commitments to the defense of common interests with the free half of Europe. Americans of Polish, Czech, Slovak, Hungarian, Rumanian, Bulgarian and German origin were pleased to hear the repeated repudiation of the Brezhnev Doctrine by the President and Secretary Rogers.

The American view of the proposed Conference on European Security, as expressed by the speeches of Undersecretary Johnson Feb. 19, 1971, and Secretary Rogers, Dec. 1, Dec. 8, 1971; and January 4, February 24, 1972, cannot be faulted by anyone who knows the area, the problems and intentions of the participants and the realistic possibilities. A joint Memorandum of the American Hungarian Federation, the Hungarian Freedom Fighters Federation U.S.A. and the Federation of Free Hungarian Jurists which has been submitted to the President, Members of Congress and to Secretary Rogers in 1969, describes one approach—an approach favored by us—detailing the proposed solution to the problems which must be addressed by a Conference on European Security if it convenes. In general we object to a Conference which results in a degraded role of America in the Atlantic Community, a guarantee of the post-war status quo in Europe and which does not endorse the principle of self-determination and does not assure the sovereignty of the participants and of all those who are affected by the results of the Conference.

A major issue among ethnic Americans is the controversy surrounding Radio Liberty and Radio Free Europe. We know that Senator Fulbright is the key to solve the problem. We, however respectfully request the Administration to do whatever is possible to maintain these radios. We—if anyone—know the multiplicity of problems facing the managers and operators of these stations and other establishments of Free Europe Inc. Based on the reports prepared by the Library of Congress for Mr. Fulbright, we are convinced that the functions performed by these "stations" are essential and especially useful at the present time when America must keep all of the options at his disposal open to succeed in the series of negotiations with Russia and the Iron Curtain Countries to which Radio Liberty and Radio Free Europe beam the voice of freedom.

I must express our concern caused by the increasing efforts of the Communist Hungarian Government in the United States in order to discredit American-Hungarians prominent in public life, and infiltrate Hungarian churches, associations and other cultural, educational and political organizations. The arrival of the new ambassador, Dr. Karoly Szabo signaled a new and aggravated offensive against those who oppose the policies and methods of Mr. Kadar's regime. Our open and free society provides the Communist diplomats with

opportunities unimaginable under their own system. The opening of two consulates, in New York and in Cleveland, will greatly enhance the successful operation of the well trained and highly skilled propagandists and agents of the Hungarian regime, still kept in power by Soviet bayonettes.

The stand taken by the President on the issue of the Holy Crown of Saint Stephen is very much appreciated. According to State Department sources the recently published reports speculating about the possibility of the Crown's return to the Communist Hungarian Government are erroneous. The President's letter to Cardinal Mindszenty, stating that there are no plans for the release of the Crown from U.S. custody and a State Department announcement declaring that the United States have conducted no negotiations with the Government of Hungary on the subject of return of the Crown and it is not preparing to conduct such negotiations are received with much relief. We hope that the coming months will not change the determination of our President in this matter.

We also have to express our appreciation for the President's personal greetings sent to Cardinal Mindszenty on the occasion of his 80th birthday. The telegram is interpreted by us as repudiation of rumors about ill feelings between the Cardinal and the United States government. The President's kind and friendly words mean concern for and recognition of a former guest of America and the Primate of Hungary.

Security and detente are said to be the two pillars of the common policy of the NATO countries. These two pillars are of equal importance and rank. It would be unwise to pursue a policy of detente without security and also vice versa: a security policy without the will for detente would amount to nothing else but continuation of the cold war.

Security is provided by strength, military, spiritual, moral. But above all it requires strength of will to be strong! We want to be strong! We want the United States to be strong! We want our President to be strong! We want him to explore all avenues of peace. We want him to be an idealist, the Wilson of the 1970's without allowing secret diplomacy to destroy principles and instead of solving, creating problems. We know he wants an end to confrontations, he works for detente. But we do not want him to be the Chamberlain of the 1970's. We do not want him to appease! We want him to remain the President who said: "We must be more resourceful than ever in the pursuit of peace, and at the same time more determined than ever in the maintenance of our defense. For even as many things are changing in the world of the 1970's, one fact remains: American strength is the keystone in the structure of peace. . . . The strength that commands respect is the only foundation on which peace among nations can ever be built."

Thank you!

APOLLO 16 RETURNS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 28, 1972

Mr. TEAGUE of Texas. Mr. Speaker, the voyage of astronauts Young, Duke, and Mattingly has again given America and the world an example to be copied. Their sterling performance and outstanding achievements are a triumph for man in his attempt to understand the unknown. We all share a degree of relief in their safe return and pride in their

rigorous exploration. With only Apollo 17 remaining in the lunar flight program, the editorial in the New York Times of April 27 outlines the importance of continuing an aggressive space program in cooperation with the other nations of the world. I commend this editorial to your reading.

APOLLO 16 RETURNS

Astronauts Young, Duke and Mattingly have returned to the hero's welcome they deservedly received yesterday. Despite recurrent difficulties—climaxed by the first "wave off" from the moon last week—Apollo 16 turned out to be one of the most successful of lunar expeditions thus far. Orion's two-man crew spent more time exploring the lunar surface than any previous moon visitors; they collected and brought back a larger load of lunar rock and soil samples than any previous Apollo mission; and, not least important, they uncovered some major scientific surprises—notably in regard to lunar magnetism—which must profoundly affect all future scientific thinking about the moon.

By revealing so much that was unexpected about lunar geology and lunar magnetism, Apollo 16 reminded us once again that man's study of the moon is but in its infancy, and that the great bulk of the moon's territory is still completely unexplored. This is true even of the side of the moon facing earth, while the side always turned away from earth has never been visited at all, either by human explorers or by unmanned scientific probes. Yet only one more manned lunar mission is now scheduled—the flight of Apollo 17 at the end of this year.

Study of the moon is really study of the origin of the earth and of the solar system we all inhabit. The secrets of creation—at least so far as man's tiny corner of the universe is concerned—may well be uncovered by a sufficiently energetic and imaginative moon exploration program. Here is a project which calls out insistently for execution through international cooperation, based upon the realization that what unites men of all nations, ideologies, colors and races is far more important than what divides them.

As the Apollo program draws to an end, its enormous successes underline the opportunities on the moon and compel all men to lift their eyes to the heavens if they would understand whence and how our species, our world and our solar system came into being.

CURRENT LAWS AND REGULATIONS OF OUR SELECTIVE SERVICE SYSTEM

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 28, 1972

Mr. GONZALEZ. Mr. Speaker, there is no one document which contains all of the current laws and regulations of our Selective Service System.

Documents have been released here and there; some have been in the Federal Register, some are memos to draft boards amending existing regulations.

Although the attached material is quite lengthy, I feel that the importance of having this information available to my colleagues and to the American public warrants my inserting it at this time:

MILITARY SELECTIVE SERVICE ACT

Sec. 1. Policy and intent of Congress.—(a) This Act may be cited as the "Military Selective Service Act ———."

(b) The Congress hereby declares that an adequate armed strength must be achieved and maintained to insure the security of this Nation.

(c) The Congress further declares that in a free society the obligations and privileges of serving in the armed forces and the reserve components thereof should be shared generally, in accordance with a system of selection which is fair and just, and which is consistent with the maintenance of an effective national economy.

(d) The Congress further declares, in accordance with our traditional military policy as expressed in the National Defense Act of 1916, as amended, that it is essential that the strength and organization of the National Guard, both Ground and Air, as an integral part of the first line defense of this Nation, be at all times maintained and assured.

To this end, it is the intent of the Congress that whenever Congress shall determine that units and organizations are needed for the national security in excess of those of the Regular components of the Ground Forces and the Air Forces, and those in active service under this title, the National Guard of the United States, both Ground and Air, or such part thereof as may be necessary, together with such units of the Reserve components as are necessary for a balanced force, shall be ordered to active Federal service and continued therein so long as such necessity exists.

(e) The Congress further declares that adequate provision for national security requires maximum effort in the fields of scientific research and development, and the fullest possible utilization of the Nation's technological, scientific, and other critical manpower resources.

Sec. 2. (Repealed)

Sec. 3. Registration.—Except as otherwise provided in this title, it shall be the duty of every male citizen of the United States, and every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and twenty-six to present himself for and submit to registration at such time or times and place or places, and in such manner, as shall be determined by proclamation of the President and by rules and regulations prescribed hereunder. The provisions of this section shall not be applicable to any alien lawfully admitted to the United States as a nonimmigrant under section 101(a)(15) of the Immigration and Nationality Act, as amended (66 Stat. 163; 8 U.S.C. 1101), for so long as he continues to maintain a lawful nonimmigrant status in the United States.

Sec. 4(a). Training and service in general.—Except as otherwise provided in this title, every person required to register pursuant to section 3 of this title who is between the ages of eighteen years and six months and twenty-six years, at the time fixed for his registration, or who attains the age of eighteen years and six months after having been required to register pursuant to section 3 of this title, or who is otherwise liable as provided in section 6(h) of this title, shall be liable for training and service in the Armed Forces of the United States: *Provided*, That each registrant shall be immediately liable for classification and examination, and shall, as soon as practicable following his registration, be so classified and examined, both physically and mentally, in order to determine his availability for induction for training and service in the Armed Forces: *Provided further*, That, notwithstanding any other provision of law, any registrant who has failed or refused to report for induction shall continue to remain liable for induction and when available shall be immediately inducted. The President is authorized, from time to time, whether or not a state of war exists, to select and induct into

the Armed Forces of the United States for training and service in the manner provided in this title (including but not limited to selection and induction by age group or age groups) such number of persons as may be required to provide and maintain the strength of the Armed Forces.

At such time as the period of active service in the Armed Forces required under this title of persons who have not attained the nineteenth anniversary of the day of their birth has been reduced or eliminated pursuant to the provisions of section 4(k) of this title, and except as otherwise provided in this title, every person who is required to register under this title and who has not attained the nineteenth anniversary of the day of his birth on the date such period of active service is reduced or eliminated or who is otherwise liable as provided in section 6(h) of this title, shall be liable for training in the National Security Training Corps: *Provided*, That persons deferred under the provisions of section 6 of this title shall not be relieved from liability for induction into the National Security Training Corps solely by reason of having exceeded the age of nineteen years during the period of such deferment. The President is authorized, from time to time, whether or not a state of war exists, to select and induct for training in the National Security Training Corps as hereinafter provided such number of persons as may be required to further the purposes of this title.

No person shall be inducted into the Armed Forces for training and service or shall be inducted for training in the National Security Training Corps under this title until his acceptability in all respects, including his physical and mental fitness, has been satisfactorily determined under standards prescribed by the Secretary of Defense: *Provided*, That the minimum standards for physical acceptability established pursuant to this subsection shall not be higher than those applied to persons inducted between the ages of 18 and 26 in January 1945: *Provided further*, That the passing requirement for the Armed Forces Qualification Test shall be fixed at a percentile score of 10 points: *And provided further*, That except in time of war or national emergency declared by the Congress the standards and requirements fixed by the preceding two provisos may be modified by the President under such rules and regulations as he may prescribe.

No persons shall be inducted for such training and service until adequate provision shall have been made for such shelter, sanitary facilities, water supplies, heating and lighting arrangements, medical care, and hospital accommodations for such persons as may be determined by the Secretary of Defense or the Secretary of Transportation to be essential to the public and personal health.

The persons inducted into the Armed Forces for training and service under this title shall be assigned to stations or units of such forces. Persons inducted into the land forces of the United States pursuant to this title shall be deemed to be members of the Army of the United States; persons inducted into the naval forces of the United States pursuant to this title shall be deemed to be members of the United States Navy or the United States Marine Corps or the United States Coast Guard, as appropriate and persons inducted into the air forces of the United States pursuant to this title shall be deemed to be members of the Air Force of the United States.

Every person inducted into the Armed Forces pursuant to the authority of this subsection after the date of enactment of the 1951 Amendments to the Universal Military Training and Service Act shall, following his induction, be given full and adequate military training for service in the armed force into which he is inducted for a period of not

less than four months, and no such person shall, during this four months period, be assigned for duty at any installation located on land outside the United States, its Territories and possessions (including the Canal Zone): *Provided*, That no funds appropriated by the Congress shall be used for the purpose of transporting or maintaining in violation of the provisions of this paragraph any person inducted into, or enlisted, appointed, or ordered to active duty in, the Armed Forces under the provisions of this title.

No person in the medical, dental, and allied specialist categories shall be inducted under the provisions of this subsection if he applies or has applied for an appointment as a Reserve officer in one of the Armed Forces in any of such categories and is or has been rejected for such appointment on the sole ground of a physical disqualification.

No person, without his consent, shall be inducted for training and service in the Armed Forces or for training in the National Security Training Corps under this title, except as otherwise provided herein, after he has attained the twenty-sixth anniversary of the day of his birth.

(b) Length of service.—Each person inducted into the Armed Forces under the provisions of subsection (a) of this section shall serve on active training and service for a period of twenty-four consecutive months, unless sooner released, transferred, or discharged in accordance with procedures prescribed by the Secretary of Defense (or the Secretary of Transportation with respect to the United States Coast Guard) or as otherwise prescribed by subsection (d) of section 4 of this title. The Secretaries of the Army, Navy, and Air Force, with the approval of the Secretary of Defense (and the Secretary of Transportation with respect to the United States Coast Guard), may provide, by regulations which shall be as nearly uniform as practicable, for the release from training and service in the armed forces prior to serving the periods required by this subsection of individuals who volunteered for and are accepted into organized units of the Army National Guard and Air National Guard and other reserve components.

(c) Enlistment; Reservists' active duty; Volunteers for induction; N.S.T.C.—(1) Under the provisions of applicable laws and regulations any person between the ages of eighteen years and six months and twenty-six years shall be offered an opportunity to enlist in the regular army for a period of service equal to that prescribed in subsection (b) of this section: *Provided*, That, notwithstanding the provisions of this or any other Act, any person so enlisting shall not have his enlistment extended without his consent until after a declaration of war or national emergency by the Congress after the date of enactment of the 1951 amendments to the Universal Military Training and Service Act.

(2) Any enlisted member of any reserve component of the Armed Forces may, during the effective period of this Act, apply for a period of service equal to that prescribed in subsection (b) of this section and his application shall be accepted: *Provided*, That his services can be effectively utilized and that his physical and mental fitness for such service meet the standards prescribed by the head of the department concerned: *Provided further*, That active service performed pursuant to this section shall not prejudice his status as such member of such reserve component: *And provided further*, That any person who was a member of a reserve component on June 25, 1950, and who thereafter continued to serve satisfactorily in such reserve component, shall, if his application for active duty made pursuant to this paragraph is denied, be deferred from induction under this title until such time as he is ordered to active duty or ceases to serve satisfactorily in such reserve component.

(3) Within the limits of the quota determined under section 5(b) for the subdivision in which he resides, any person, between the ages of eighteen and twenty-six, shall be afforded an opportunity to volunteer for induction into the Armed Forces of the United States for the training and service prescribed in subsection (b), but no person who so volunteers shall be inducted for such training and service so long as he is deferred after classification.

(4) Within the limits of the quota determined under section 5(b) for the subdivision in which he resides, any person after attaining the age of seventeen shall with the written consent of his parents or guardian be afforded an opportunity to volunteer for induction into the Armed Forces of the United States for the training and service prescribed in subsection (b).

(5) Within the limits of the quota determined under section 5(b) for the subdivision in which he resides, at such time as induction into the National Security Training Corps is authorized pursuant to the provisions of this title, any person after attaining the age of seventeen shall with the written consent of his parents or guardian be afforded an opportunity to volunteer for induction into the National Security Training Corps for the training prescribed in subsection (k) of section 4 of this title.

(d) Transfer to Reserves; N.S.T.C.—(1) Each person who hereafter and prior to the enactment of the 1951 Amendments to the Universal Military Training and Service Act is inducted, enlisted, or appointed and serves for a period of less than three years in one of the armed forces and meets the qualifications for enlistment or appointment in a reserve component of the armed force in which he serves, shall be transferred to a reserve component of such armed force, and until the expiration of a period of five years after such transfer, or until he is discharged from such reserve component, whichever occurs first, shall be deemed to be a member of such reserve component and shall be subject to such additional training and service as may now or hereafter be prescribed by law for such reserve component: *Provided*, That any such person who completes at least twenty-one months of service in the armed forces and who thereafter serves satisfactorily (1) on active duty in the armed forces under a voluntary extension for a period of at least one year, which extension is hereby authorized, or (2) in an organized unit of any reserve component of any of the armed forces for a period of at least thirty-six consecutive months, shall, except in time of war or national emergency declared by the Congress, be relieved from any further liability under this subsection to serve in any reserve component of the Armed Forces of the United States, but nothing in this subsection shall be construed to prevent any such person, while in a reserve component of such forces, from being ordered or called to active duty in such forces.

(2) Each person who hereafter and prior to the enactment of the 1951 Amendments to the Universal Military Training and Service Act is enlisted under the provisions of subsection (g) of this section and who meets the qualifications for enlistment or appointment in a reserve component of the armed forces shall, upon discharge from such enlistment under honorable conditions, be transferred to a reserve component of the armed forces of the United States and shall serve therein for a period of six years or until sooner discharged. Each such person shall, so long as he is a member of such reserve component, be liable to be ordered to active duty, but except in time of war or national emergency declared by the Congress no such person shall be ordered to active duty, without his consent and except as hereinafter provided, for more than one month in any year. In case the Secretary of the Army, the Secretary of the

Navy, or the Secretary of the Air Force determines that enlistment, enrollment, or appointment in, or assignment to, an organized unit of a reserve component or an officers' training program of the armed force in which he served is available to, and can without undue hardship be filled by, any such person, it shall be the duty of such person to enlist, enroll, or accept appointment in, or accept assignment to, such organized unit or officers' training program and to serve satisfactorily therein for a period of four years. Any such person who fails or refuses to perform such duty may be ordered to active duty, without his consent, for an additional period of not more than twelve consecutive months. Any such person who enlists or accepts appointment in any such organized unit and serves satisfactorily therein for a period of four years shall, except in time of war or national emergency declared by the Congress, be relieved from any further liability under this subsection to serve in any reserve component of the armed forces of the United States, but nothing in this subsection shall be construed to prevent any such person, while in a reserve component of such forces, from being ordered or called to active duty in such forces. The Secretary of Defense is authorized to prescribe regulations governing the transfer of such persons within and between reserve components of the armed forces and determining, for the purpose of the requirements of the foregoing provisions of this paragraph, the credit to be allowed any person so transferring for his previous service in one or more reserve components.

(3) Each person who, subsequent to June 19, 1951, and on or before August 9, 1955, is inducted, enlisted, or appointed, under any provision of law, in the Armed Forces, including the reserve components thereof, or in the National Security Training Corps, prior to attaining the twenty-sixth anniversary of his birth, shall be required to serve on active training and service in the Armed Forces or in training in the National Security Training Corps, and in a reserve component, for a total period of eight years, unless sooner discharged on the grounds of personal hardship, in accordance with regulations and standards prescribed by the Secretary of Defense (or the Secretary of Transportation with respect to the United States Coast Guard). Each such person, on release from active training and service in the Armed Forces or from training in the National Security Training Corps, if physically and mentally qualified, shall be transferred to a reserve component of the Armed Forces, and shall serve therein for the remainder of the period which he is required to serve under this paragraph and shall be deemed to be a member of the reserve component during that period. If the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, or the Secretary of Transportation with respect to the United States Coast Guard, determines that enlistment, enrollment, or appointment in, or assignment to, an organized unit of a reserve component or an officers' training program of the armed force in which he served is available to, and can, without undue personal hardship, be filled by such a person, that person shall enlist, enroll, or accept appointment in, or accept assignment to, the organized unit or officers' training program, and serve satisfactorily therein.

(e) Pay and allowances.—With respect to the persons inducted for training and service under this title there shall be paid, allowed, and extended the same pay, allowances, pensions, disability and death compensation, and other benefits as are provided by law in the case of other enlisted men of like grades and length of service of that component of the armed forces to which they are assigned. Section 3 of the Act of July 25, 1947 (Public Law 239, Eightieth Congress), is hereby amended by deleting therefrom the follow-

ing: "Act of March 7, 1942 (56 Stat. 143-148, ch. 166), as amended". The Act of March 7, 1942 (56 Stat. 143-148), as amended, is hereby made applicable to persons inducted into the armed forces pursuant to this title.

(f) **Civilian compensation.**—Notwithstanding any other provision of law, any person who is inducted into the armed forces under this Act and who before being inducted into the armed forces under this Act and who before being inducted, was receiving compensation from any person may, while serving under that induction, receive compensation from that person.

(g) **National Security Council.**—The National Security Council shall periodically advise the Director of the Selective Service System and coordinate with him the work of such State and local volunteer advisory committees which the Director of Selective Service may establish, with respect to the identification, selection, and deferment of needed professional and scientific personnel and those engaged in, and preparing for, critical skills and other essential occupations. In the performance of its duties under this subsection the National Security Council shall consider the needs of both the Armed Forces and the civilian segment of the population.

(h) (Repealed)

(i) (Terminated)

(j) **National Advisory Committee, Medical.**—The President shall establish a National Advisory Committee which shall advise the Selective Service System and shall coordinate the work of such State and local volunteer advisory committees as may be established to cooperate with the National Advisory Committee, with respect to the selection of needed medical and dental and allied specialist categories of persons. The members of the National Advisory Committee shall be selected from among individuals who are outstanding in medicine, dentistry, and the sciences allied thereto, but except for the professions of medicine and dentistry, it shall not be mandatory that all such fields of endeavor be represented on the committee.

In the performance of these functions, the National Advisory Committee and the State and local volunteer advisory committees shall give appropriate consideration to the respective needs of the Armed Forces and of the civilian population for the services of medical, dental, and allied specialist personnel; and, in determining the medical, dental, and allied specialist personnel available to serve the needs of any community, such committees shall give appropriate consideration to the availability in such community of medical, dental, and allied specialist personnel who have attained the thirty-fifth anniversary of their birth.

It shall be the duty of the National Advisory Committee in conjunction with the State and local volunteer advisory committees to make determinations with respect to persons in residency training programs who shall be recommended for deferment for the purpose of completing such residency programs, and in making such determinations shall give appropriate consideration to the respective needs of the Armed Forces and the civilian population. The National Advisory Committee in conjunction with the State and local volunteer advisory committees are further authorized to make appropriate recommendations with respect to members of the faculties of medical, dental, veterinary, and allied specialists schools, schools of public health, and with respect to physician, dentists and veterinarians engaged in essential laboratory and clinical research, having due regard to the respective needs of the Armed Forces and the civilian population.

(k) **Decrease in period of service; Operation of National Security Training Commission and Corps.**—(1) Upon a finding by him that such action is justified by the strength of the Armed Forces in the light of international conditions, the President, upon rec-

ommendation of the Secretary of Defense, is authorized, by Executive order, which shall be uniform in its application to all persons inducted under this title but which may vary as to age groups, to provide for (A) decreasing periods of service under this title but in no case to a lesser period of time than can be economically utilized, or (B) eliminating periods of service required under this title.

(2) Whenever the Congress shall be concurrent resolution declare—

(A) that the period of active service required of any age group or groups of persons inducted under this title should be decreased to any period less than twenty-four months which may be designated in such resolution; or

(B) that the period of active service required of any age group or groups of persons inducted under this title should be eliminated,

the period of active service in the Armed Forces of the age group or groups designated in any such resolution shall be so decreased or eliminated, as the case may be. Whenever the period of active service required under this title of persons who have not attained the nineteenth anniversary of the day of their birth has been reduced or eliminated by the President or as a result of the adoption of a concurrent resolution of the Congress in accordance with the foregoing provisions of this section, all individuals then or thereafter liable for registration under this title who on that date have not attained the nineteenth anniversary of the day of their birth and have not been inducted into the Armed Forces shall be liable, effective on such date, for induction into the National Security Training Corps as hereinafter established for initial military training for a period of six months.

(3) There is hereby established a National Security Training Commission (herein called the Commission), which shall be composed of five members, three of whom shall be civilians and two of whom shall be active or retired members of the Regular components of any of the Armed Forces. Of the three civilian members, not more than two shall be of the same political party. Members of the Commission shall be appointed by the President by and with the advice and consent of the Senate, from among persons of outstanding national reputation. The President shall select the Chairman of the Commission from among its civilian members. No person who has been on active duty as a commissioned officer in a regular component of the Armed Forces shall be eligible for appointment as a civilian member of the Commission. The Commission shall have a seal which shall be judicially noted. At such time as the Commission shall be appointed, in accordance with this paragraph, there shall be established a National Security Training Corps.

(4) The term of office of each member of the Commission shall be five years, except that (A) the terms of office of the members first taking office shall expire, as designated by the President at the time of appointment, two at the end of two years, one at the end of three years, one at the end of four years, and one at the end of five years, after the date of enactment of this paragraph; and (B) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Members of the Commission, other than active members of the Regular components of the Armed Forces, while actually serving with the Commission, shall receive a per diem of not to exceed \$50 for each day engaged in the business of the Commission and shall be allowed transportation and a per diem in lieu of subsistence of \$9 while away from their homes or places of business pursuant to such business.

(5) The Commission shall, subject to the

direction of the President, exercise general supervision over the training of the National Security Training Corps, which training shall be basic military training. The Commission shall establish such policies and standards with respect to the conduct of the training of members of the National Security Training Corps as are necessary to carry out the purposes of this Act. The Commission shall make adequate provisions for the moral and spiritual welfare of members of the National Security Training Corps. The Secretary of Defense shall designate the military departments to carry out such training. Each military department so designated shall carry out such military training in accordance with the policies and standards of the Commission. The military department or departments so designated to carry out such military training shall, subject to the approval of the Secretary of Defense, and subject to the policies and standards established by the Commission, determine the type or types of basic military training to be given to members of the National Security Training Corps.

(6) The Commission is authorized, subject to the civil-service laws and the Classification Act of 1949, to employ and fix the compensation of such officers and employees as it deems necessary to enable it to perform its functions.

(7) Not later than four months following confirmation of the members of the Commission, the Commission shall submit to the Congress legislative recommendations which shall include, but not be limited to—

(A) a broad outline for a program deemed by the Commission and approved by the Secretary of Defense to be appropriate to assure that the training carried out under the provisions of this Act shall be of a military nature, but nothing contained in this paragraph shall be construed to grant to the Commission the authority to prescribe the basic type or types of military training to be given members of the National Security Training Corps;

(B) measures for the personal safety, health, welfare and morals of members of the National Security Training Corps;

(C) a code of conduct, together with penalties for violation thereof;

(D) measures deemed necessary to implement the policies and standards established under the provisions of paragraph (5) of this subsection; and

(E) disability and death benefits and other benefits, and the obligations, duties, liabilities, and responsibilities, to be granted to or imposed upon members of the National Security Training Corps.

All legislative recommendations submitted under this paragraph shall be referred to the Committees on Armed Services of the two Houses, and each of such committees shall, not later than the expiration of the first period of 45 calendar days, of continuous sessions of the Congress, following the date on which the recommendations provided for in this paragraph are transmitted to the Congress, report thereon to its House: *Provided*, That any bill or resolution reported with respect to such recommendations shall be privileged and may be called up by any member of either House but shall be subject to amendment as if it were not so privileged.

(8) No person shall be inducted into the National Security Training Corps until after—

(A) a code of conduct, together with penalties for violation thereof, and measures providing for disability and death benefits have been enacted into law; and

(B) such other legislative recommendations as are provided for in paragraph (7) shall have been considered and such recommendations or any portion thereof shall have been enacted with or without amendments into law; and

(C) the period of service required under this title of persons who have not attained

the nineteenth anniversary of the day of their birth has been reduced or eliminated by the President or as a result of the adoption of a concurrent resolution of the Congress in accordance with paragraph (2) of this subsection.

(9) Six months following the commencement of induction of persons into the National Security Training Corps, and semi-annually thereafter, the Commission shall submit to the Congress a comprehensive report describing in detail the operation of the National Security Training Corps, including the number of persons inducted therein, a list of camps and stations at which training is being conducted, a report on the number of deaths and injuries occurring during such training and the causes thereof, an estimate of the performance of the persons inducted therein, including an analysis of the disciplinary problems encountered during the preceding six months, the number of civilian employees of the Commission and the administrative costs of the Commission. Simultaneously, there shall be submitted to the Congress by the Secretary of Defense a report setting forth an estimate of the value of the training conducted during the preceding six months, the cost of the training program chargeable to the appropriations made to the Department of Defense, and the number of personnel of the Armed Forces directly engaged in the conduct of such training.

(10) Each person inducted into the National Security Training Corps shall be compensated at the monthly rate of \$30: *Provided, however,* That each such person, having a dependent or dependents as such terms are defined in the Career Compensation Act of 1949, shall be entitled to receive a dependency allowance equal to the sum of the basic allowance for quarters provided for persons in pay grade E-1 by section 302(f) of the Career Compensation Act of 1949 as amended by section 3 of the Dependents' Assistance Act of 1950 as may be extended plus \$40 so long as such person has in effect an allotment equal to the amount of such dependency allowance for the support of the dependent or dependents on whose account the allowance is claimed.

(11) No person inducted into the National Security Training Corps shall be assigned for training at an installation located on land outside the continental United States, except that residents of Territories and possessions of the United States may be trained in the Territory or possession from which they were inducted.

(1) Active duty and commissions of medical, dental, and allied specialists.—(1) The President may order to active duty (other than for training), as defined in section 101(22) of title 10, United States Code, for a period of not more than twenty-four consecutive months, with or without his consent, any member of a reserve component of the Armed Forces of the United States who is in a medical, dental, or allied specialist category, who has not attained the thirty-fifth anniversary of the date of his birth, and has not performed at least one year of active duty (other than for training). This subsection does not affect or limit the authority to order members of the reserve components to active duty contained in section 672 of title 10, United States Code.

(2) For the purposes of computation of the periods of active duty (other than for training) referred to in subsection (1), credit shall be given for all periods of one day or more performed under competent orders, except that no credit shall be allowed for periods spent in student programs prior to receipt of the appropriate professional degree or in intern training.

(3) Any person who is called or ordered to active duty (other than for training) from a reserve components of the Armed Forces

of the United States after September 5, 1950, and thereafter serves on active duty (other than for training) as a medical, dental, or allied specialist for a period of twelve months or more shall, upon release from active duty or within six months thereafter, be afforded an opportunity to resign his commission from the reserve component of which he is a member unless he is otherwise obligated to serve on active military training and service in the Armed Forces or in training in a reserve component by law or contract.

(4) Any physician or dentist who meets the qualifications for a Reserve Commission in the respective military department shall, so long as there is a need for the services of such a physician or dentist, be afforded an opportunity to volunteer for a period of active duty (other than for training) of not less than twenty-four months. Any physician or dentist who so volunteers his service, and meets the qualifications for a Reserve commission shall be ordered to active duty (other than for training) for not less than twenty-four months, notwithstanding the grade or rank to which such physician or dentist is entitled.

Sec. 5. (a) Selection.—(1) The selection of persons for training and service under section 4 shall be made in an impartial manner, under such rules and regulations as the President may prescribe, from the persons who are liable for such training and service and who at the time of selection are registered and classified, but not deferred or exempted: *Provided,* That in the selection of persons for training and service under this title, and in the interpretation and execution of the provisions of this title, there shall be no discrimination against any person on account of race or color: *Provided further,* That in the classification of registrants within the jurisdiction of any local board, the registrants of any particular registration may be classified, in the manner prescribed by and in accordance with rules and regulations prescribed by the President, before, together with, or after the registrants of any prior registration or registrations; and in the selection for induction of persons within the jurisdiction of any local board and within any particular classification, persons who were registered at any particular registration, may be selected, in the manner prescribed by and in accordance with rules and regulations prescribed by the President, before, together with, or after persons who were registered at any prior registration or registrations: *Provided further,* That nothing herein shall be construed to prohibit the President, under such rules and regulations as he may prescribe, from providing for the selection or induction of persons qualified in needed medical, dental, or allied specialist categories pursuant to requisitions submitted by the Secretary of Defense: *And provided further,* That notwithstanding any other provision of law, except section 314 of the Immigration and Nationality Act (8 U.S.C. 1425), no person who is qualified in a needed medical, dental, or allied specialist category, and who is liable for induction under section 4 of this title, shall be held to be ineligible for appointment as a commissioned officer of an Armed Force of the United States on the sole ground that he is not a citizen of the United States or has not made a declaration of intent to become a citizen thereof, and any such person who is not a citizen of the United States and who is appointed as a commissioned officer may, in lieu of the oath prescribed by section 1757 of the Revised Statutes, as amended (5 U.S.C. 16), take such oath of service and obedience as the Secretary of Defense may prescribe: *And provided further,* That—

(1) No local board shall order for induction for training and service in the Armed Forces of the United States any person who has not attained the age of nineteen unless

there is not within the jurisdiction of such local board a sufficient number of persons who are deemed by such local board to be available for induction and who have attained the age of nineteen to enable such local board to meet a call for men which it has been ordered to furnish for induction.

(2) no local board shall order for induction for training and service in the Armed Forces of the United States any person who has not attained the age of nineteen, if there is any person within the jurisdiction of such local board who (i) is as much as ninety days older, (ii) has not attained the age of nineteen, and (iii) is deemed by the local board to be available for induction; and

(3) no local board shall order for induction for training and service in the Armed Forces of the United States an alien unless such alien shall have resided in the United States for one year.

(2) Repealed by Public Law 91-124.

(b) Quotas.—Quotas of men to be inducted for training and service under this title shall be determined for each State, Territory, possession, and the District of Columbia, and for subdivisions thereof, on the basis of the actual number of men in the several States, Territories, possessions, and the District of Columbia, and the subdivisions thereof, who are liable for such training and service but who are not deferred after classification, except that credits shall be given in fixing such quotas for residents of such subdivisions who are in the Armed Forces of the United States on the date fixed for determining such quotas. After such quotas are fixed, credits shall be given in filling such quotas for residents of such subdivisions who subsequently become members of such forces. Until the actual numbers necessary for determining the quotas are known, the quotas may be based on estimates, and subsequent adjustments therein shall be made when such actual numbers are known. All computations under this subsection shall be made in accordance with such rules and regulations as the President may prescribe.

(c) Grade or rank in Armed Forces of medical, dental, and allied specialists.—Notwithstanding any other provision of law, any qualified person who—

(1) is liable for induction; or

(2) as a member of a Reserve component is ordered to active duty,

as a physician, or dentist, or in an allied specialist category in the Armed Forces of the United States, shall, under regulations prescribed by the President, be appointed, reappointed, or promoted to such grade or rank as may be commensurate with his professional education, experience, or ability: *Provided,* That any person in a needed medical, dental, or allied specialist category who fails to qualify for, or who does not accept, a commission, or whose commission has been terminated, may be used in his professional capacity in an enlisted grade.

(d) Whenever the President has provided for the selection of persons for training and service in accordance with random selection under subsection (a) of this section, calls for induction may be placed under such rules and regulations as he may prescribe, notwithstanding the provisions of subsection (b) of this section.

(e) Notwithstanding any other provision of this Act, not more than 130,000 persons may be inducted into the Armed Forces under this Act in the fiscal year ending June 30, 1972, and not more than 140,000 in the fiscal year ending June 30, 1973, unless a number greater than that authorized in this subsection for such fiscal year or years is authorized by a law enacted after the date of enactment of this subsection.

Sec. 6(a) Exemptions from registration and service.—(1) Commissioned officers, warrant officers, pay clerks, enlisted men, and

aviation cadets of the Regular Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, and the Environmental Science Services Administration; cadets, United States Military Academy midshipmen, United States Naval Academy; cadets, United States Air Force Academy; cadets, United States Coast Guard Academy; midshipmen, Merchant Marine Reserve, United States Naval Reserves; students enrolled in an officer procurement program at military colleges the curriculum of which is approved by the Secretary of Defense; members of the reserve components of the Armed Forces, and the Coast Guard, while on active duty; and foreign diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls and other consular agents of foreign countries who are not citizens of the United States, and members of their families, and persons in other categories to be specified by the President who are not citizens of the United States, shall not be required to be registered under section 3 and shall be relieved from liability for training and service under section 4, except that aliens admitted for permanent residence in the United States shall not be so exempted:

Provided, That any alien lawfully admitted for permanent residence as defined in paragraph (20) of section 101(a) of the Immigration and Nationality Act, as amended (66 Stat. 163, 8 U.S.C. 1101), and who by reason of occupational status is subject to adjustment to non-immigrant status under paragraph (15)(A), (15)(E), or (15)(G) of such section 101(a) but who executes a waiver in accordance with section 247(b) of that Act of all rights, privileges, exemptions, and immunities which would otherwise accrue to him as a result of that occupational status, shall be subject to registration under section 3 of this Act, but shall be deferred from induction for training and service for so long as such occupational status continues.

Any person who subsequent to June 24, 1948, serves on active duty for a period of not less than twelve months in the armed forces of a nation with which the United States is associated in mutual defense activities as defined by the President, may be exempted from training and service, but not from registration, in accordance with regulations prescribed by the President, except that no such exemption shall be granted to any person who is a national of a country which does not grant reciprocal privileges to citizens of the United States: *Provided*, That any active duty performed prior to June 24, 1948, by a person in the armed forces of a country allied with the United States during World War II and with which the United States is associated in such mutual defense activities, shall be credited in the computation of such twelve-month period: *Provided further*, That any person who is in a medical, dental, or allied specialist category not otherwise deferred or exempted under this subsection shall be liable for registration and training and service until the thirty-fifth anniversary of the date of his birth.

(2) Commissioned officers of the Public Health Service and members of the Reserve of the Public Health Service while on active duty and assigned to staff the various offices and bureaus of the Public Health Service, including the National Institutes of Health, or assigned to the Coast Guard, the Bureau of Prisons, Department of Justice, or the Environmental Science Services Administration shall not be required to be registered under section 3 and shall be relieved from liability for training and service under section 4. Notwithstanding the preceding sentence, commissioned officers of the Public Health Service and members of the Reserve of the Public Health Service who, prior to the enactment of this paragraph, had been detailed or assigned to duty other than that specified in the preceding sentence shall not

be required to be registered under section 3 and shall be relieved from liability for training and service under section 4.

(b) Veterans' exemptions.—(1) No person who served honorably on active duty between September 16, 1940, and the date of enactment of this title for a period of twelve months or more, or between December 7, 1941, and September 2, 1945, for a period in excess of ninety days, in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, the Public Health Service, or the armed forces of any country allied with the United States in World War II prior to September 2, 1945, shall be liable for induction for training and service under this title, except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title.

(2) No person who served honorably on active duty between September 16, 1940, and the date of enactment of this title for a period of ninety days or more but less than twelve months in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, the Public Health Service, or the armed forces of any country allied with the United States in World War II prior to September 2, 1945, shall be liable for induction for training and service under this title, except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title, if—

(A) the local board determines that he is regularly enlisted or commissioned in any organized unit of a reserve component of the armed force in which he served, provided such unit is reasonably accessible to such person without unduly interrupting his normal pursuits and activities (including attendance at a college or university in which he is regularly enrolled), or in a reserve component (other than in an organized unit) of such armed force in any case in which enlistment or commission in an organized unit of a reserve component of such armed force is not available to him; or

(B) the local board determines that enlistment or commission in a reserve component of such armed force is not available to him or that he has voluntarily enlisted or accepted appointment in an organized unit of a reserve component of an armed force other than the armed force in which he served.

Nothing in this paragraph shall be deemed to be applicable to any person to whom paragraph (1) of this subsection is applicable.

(3) Except as provided in section 5(a) of this Act, and notwithstanding any other provision of this Act, no person who (A) has served honorably on active duty after September 16, 1940, for a period of not less than one year in the Army, the Air Force, the Navy, the Marine Corps, or the Coast Guard, or (B) subsequent to September 16, 1940, was discharged for the convenience of the Government after having served honorably on active duty for a period of not less than six months in the Army, the Air Force, the Navy, the Marine Corps, or the Coast Guard, or (C) has served for a period of not less than twenty-four months (i) as a commissioned officer in the Public Health Service or (ii) as a commissioned officer in the Coast and Geodetic Survey, shall be liable for induction for training and service under this Act, except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title.

(4) No person who is honorably discharged upon the completion of an enlistment pursuant to section 4(c) shall be liable for induction for training and service under this title, except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title.

(5) For the purposes of computation of the periods of active duty referred to in para-

graphs (1), (2), or (3) of this subsection, no credit shall be allowed for—

(A) periods of active duty training performed as a member of a reserve component pursuant to an order to call to active duty solely for training purposes;

(B) periods of active duty in which the service consisted solely of training under the Army specialized training program, the Army Air Force college training program, or any similar program under the jurisdiction of the Navy, Marine Corps, or Coast Guard;

(C) periods of active duty as a cadet at the United States Military Academy or United States Coast Guard Academy, as or a midshipman at the United States Naval Academy, or in a preparatory school after nomination as a principal, alternate, or candidate for admission to any of such academies;

(D) periods of active duty in any of the armed forces while being processed for entry into or separation from any educational program or institution referred to in paragraphs (B) or (C); or

(E) periods of active duty performed by medical, dental, or allied specialists in student programs prior to receipt of the appropriate professional degree or in intern training.

(c) Reserve components exemptions.—(1) Persons who, on February 1, 1951, were members of organized units of the federally recognized National Guard, the federally recognized Air National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, the Coast Guard Reserve, or the Public Health Service Reserve, shall, so long as they continue to be such members and satisfactorily participate in scheduled drills and training periods as prescribed by the Secretary of Defense, be exempt from training and service by induction under the provisions of this title, but shall not be exempt from registration unless on active duty.

(2) (A) Any person, other than a person referred to in subsection (d) of this section, who—

(i) prior to the issuance of orders for him to report for induction; or

(ii) prior to the date scheduled for his induction and pursuant to a proclamation by the Governor of a State to the effect that the authorized strength of any organized unit of the National Guard of that State cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction under this title; or

(iii) prior to the date scheduled for his induction and pursuant to a determination by the President that the strength of the Ready Reserve of the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction, under this title;

enlists or accepts appointment, before attaining the age of 26 years, in the Ready Reserve of any Reserve component of the Armed Forces, the Army National Guard, or the Air National Guard, shall be deferred from training and service under this title so long as he serves satisfactorily as a member of an organized unit of such Reserve or National Guard in accordance with section 270 of title 10 or section 502 of title 32, United States Code, as the case may be, or satisfactorily performs such other Ready Reserve service as may be prescribed by the Secretary of Defense. Enlistments or appointments under subparagraphs (ii) and (iii) of this clause may be accepted notwithstanding the provisions of section 15(d) of this title. Notwithstanding the provisions of subsection (h) of this section, no person deferred under this clause who has completed six years of such satisfactory service as a member of the Ready Reserve or National Guard, and who during

such service has performed active duty for training with an armed force for not less than four consecutive months, shall be liable for induction for training and service under this Act, except after a declaration of war or national emergency made by the Congress after August 9, 1955. In no event shall the number of enlistments or appointments made under authority of this paragraph in any fiscal year in any Reserve component of the Armed Forces or in the Army National Guard or the Air National Guard cause the personnel strength of such Reserve component or the Army National Guard or the Air National Guard, as the case may be, to exceed the personnel strength for which funds have been made available by the Congress for such fiscal year.

(B) A person who, under the provision of law, is exempt or deferred from training and service under this Act by reason of membership in a reserve component, the Army National Guard, or the Air National Guard, as the case may be, shall, if he becomes a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, continue to be exempt or deferred to the same extent as if he had not become a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, so long as he continues to serve satisfactorily.

(C) Except as provided in subsection (b) and the provisions of this subsection, no person who becomes a member of a reserve component after February 1, 1951, shall thereby be exempt from registration or training and service by induction under the provisions of this Act.

(D) Notwithstanding any other provision of this Act, the President, under such rules and regulations as he may prescribe, may provide that any person enlisted or appointed after October 4, 1961, in the Ready Reserve of any reserve component of the Armed Forces (other than under section 511(b) of title 10, United States Code), the Army National Guard, or the Air National Guard, prior to attaining age of twenty-six years, or any person enlisted or appointed in the Army National Guard or the Air National Guard or enlisted in the Ready Reserve of any reserve component prior to attaining the age of eighteen years and six months and deferred under the prior provisions of this paragraph as amended by the Act of October 4, 1961, Public Law 87-378 (75 Stat. 807), or under section 262 of the Armed Forces Reserve Act of 1952, as amended, who fails to serve satisfactorily during his obligated period of service as a member of such Ready Reserve or National Guard or the Ready Reserve of another reserve component or the National Guard of which he becomes a member, may be selected for training and service and inducted into the armed force of which such reserve component is a part, prior to the selection and induction of other persons liable therefor.

(d) Officers' training; Deferment of students authorized.—(1) Within such numbers as may be prescribed by the Secretary of Defense, any person who (A) has been or may hereafter be selected for enrollment or continuance in the senior division, Reserve Officers' Training Corps, or the Air Reserve Officers' Training Corps, or the Naval Reserve Officers' Training Corps, or the naval and Marine Corps officer candidate training program established by the Act of August 13, 1946 (60 Stat. 1057), as amended, or the Reserve officers' candidate program of the Navy, or the platoon leaders' class of the Marine Corps, or the officer procurement programs of the Coast Guard and the Coast Guard Reserve, or appointed an ensign, United States Naval Reserve, while undergoing professional training; (B) agrees, in

writing, to accept a commission, if tendered, and to serve, subject to order of the Secretary of the military department having jurisdiction over him (or the Secretary of Transportation with respect to the United States Coast Guard) not less than two years on active duty after receipt of a commission; and (C) agrees to remain a member of a regular or reserve component until the eighth anniversary of the receipt of a commission in accordance with his obligation under the first sentence of section 651 of title 10, United States Code, or until the sixth anniversary of the receipt of a commission in accordance with his obligation under the second sentence of section 651 of title 10, United States Code, shall be deferred from induction under this title until after completion or termination of the course of instruction and so long as he continues in a regular or reserve status upon being commissioned, but shall not be exempt from registration. Such persons, except those persons who have previously completed an initial period of military training or an equivalent period of active military training and service, shall be required while enrolled in such program to complete a period of training equal (as determined under regulations approved by the Secretary of Defense or the Secretary of Transportation with respect to the United States Coast Guard) in duration and type of training to an initial period of military training. There shall be added to the obligated active commissioned service of any person who has agreed to perform such obligatory service in return for financial assistance while attending a civilian college under any such training program a period of not to exceed one year. Except as provided in paragraph (5), upon the successful completion by any person of the required course of instruction under any program listed in clause (A) of the first sentence of this paragraph, such person shall be tendered a commission in the appropriate reserve component of the Armed Forces if he is otherwise qualified for such appointment.

If, at the time of, or subsequent to, such appointment, the armed forces in which such person is commissioned does not require his service on active duty in fulfillment of the obligation undertaken by him in compliance with clause (B) of the first sentence of this paragraph, such person shall be ordered to active duty for training with such armed force in the grade in which he was commissioned for a period of active duty for training of not less than three months or more than six months (not including duty performed under section 270(a) of title 10 (United States Code), as determined by the Secretary of the military department concerned to be necessary to qualify such person for a mobilization assignment. Upon being commissioned and assigned to a reserve component, such person shall be required to serve therein, or in a reserve component of any other armed force in which he is later appointed, until the eighth anniversary of the receipt of such commission pursuant to the provisions of this section. So long as such person performs satisfactory service, as determined under regulations prescribed by the Secretary of Defense, he shall be deferred from training and service under the provisions of this Act. If such person fails to perform satisfactory service, and such failure is not excused under regulations prescribed by the Secretary of Defense, his commission may be revoked by the Secretary of the military department concerned.

(2) In addition to the training programs enumerated in paragraph (1) of this subsection, and under such regulations as the Secretary of Defense (or the Secretary of the Treasury with respect to the United States Coast Guard) may approve, the Secretaries of the military departments and the Secretary of the Treasury are authorized to

establish officer candidate programs leading to the commissioning of persons on active duty. Any person heretofore or hereafter enlisted in the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve, or the Coast Guard Reserve who thereafter has been or may be commissioned therein upon graduation from an Officers' Candidate School of such Armed Force shall, if not ordered to active duty as a commissioned officer, be deferred from training and service under the provisions of this Act so long as he performs satisfactory service as a commissioned officer in an appropriate unit of the Ready Reserve, as determined under regulations prescribed by the Secretary of the department concerned. If such person fails to perform satisfactory service in such unit, and such failure is not excused under such regulations, his commission may be revoked by such Secretary.

(3) Nothing in this subsection shall be deemed to preclude the President from providing, by regulations prescribed under subsection (h) of this section, for the deferment from training and service of any category or categories of students for such periods of time as he may deem appropriate.

(4) It is the sense of the Congress that the President shall provide for the annual deferment from training and service under this title of the numbers of optometry students and premedical, preosteopathic, preveterinary, preoptometry, and pre dental students at least equal to the numbers of male optometry, premedical, preosteopathic, preveterinary, preoptometry, and pre dental students at colleges and universities in the United States at the present levels as determined by the Director herein.

(5) Notwithstanding paragraph (1), upon the successful completion by any person of the required course of instruction under any Reserve Officers' Training Corps program listed in clause (A) of the first sentence of paragraph (1) and subject to the approval of the Secretary of the military department having jurisdiction over him, such person may, without being relieved of his obligation under that sentence, be tendered, and accept, a commission in the National Oceanic and Atmospheric Administration instead of a commission in the appropriate reserve component of the Armed Forces. If he does not serve on active duty as a commissioned Officer of the National Oceanic and Atmospheric Administration for at least six years, he shall, upon discharge therefrom, be tendered a commission in the appropriate reserve component of the Armed Forces, if he is otherwise qualified for such appointment, and, in fulfillment of his obligation under the first sentence of paragraph (1), remain a member of a reserve component until the sixth anniversary of the receipt of his commission in the National Oceanic and Atmospheric Administration. While a member of a reserve component he may, in addition to as otherwise provided by law, be ordered to active duty for such period that, when added to the period he served on active duty as a commissioned officer of the Environmental Science Services Administration, equals two years.

(e) Aviation cadet applicants.—Fully qualified and accepted aviation cadet applicants of the Army, Navy, or Air Force who have signed an agreement of service shall, in such numbers as may be designated by the Secretary of Defense, be deferred, during the period covered by the agreement but not to exceed four months from induction for training and service under this title but shall not be exempt from registration.

(f) Officials.—The Vice President of the United States; the governors of the several States, Territories, and possessions, and all other officials chosen by the voters of the entire State, Territory, or possession; members of the legislative bodies of the United

States and of the several States, Territories, and possessions; judges of the courts of record of the United States and of the several States, Territories, possessions, and the District of Columbia shall, while holding offices, be deferred from training and service under this title in the armed forces of the United States.

(g) Ministers of religion.—(1) Regular or duly ordained ministers of religion as defined in this title, shall be exempt from training and service, but not from registration, under this title.

(2) Students preparing for the ministry under the direction of recognized churches or religious organizations, who are satisfactorily pursuing full-time courses of instruction in recognized theological or divinity schools, or who are satisfactorily pursuing full-time courses of instruction leading to their entrance into recognized theological or divinity schools in which they have been pre-enrolled, shall be deferred from training and service, but not from registration, under this title. Persons who are or may be deferred under the provisions of this subsection shall remain liable for training and service in the Armed Forces under the provisions of section 4(a) of this Act until the thirty-fifth anniversary of the date of their birth. The foregoing sentence shall not be construed to prevent the exemption or continued deferment of such persons if otherwise exempted or deferrable under any other provisions of this Act.

(h) Deferment for occupations, dependency, fitness; extended liability; criteria.—Except as otherwise provided in this subsection the President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons whose employment in industry, agriculture, or other occupations or employment, or whose continued service in an Office (other than an Office described in subsection (f)) under the United States or any State, territory, or possession, or the District of Columbia, or whose activity in study, research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors is found to be necessary to the maintenance of the national health, safety, or interest: *Provided*, That no person within any such category shall be deferred except upon the basis of his individual status: *Provided further*, That persons who are or may be deferred under the provisions of this section shall remain liable for training and service in the Armed Forces under the provisions of section 4(a) of this Act until the thirty-fifth anniversary of the date of their birth. This proviso shall not be construed to prevent the continued deferment of such persons if otherwise deferrable under any other provisions of this Act. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces (1) of any or all categories of persons in a status with respect to persons (other than wives alone, except in cases of extreme hardship) dependent upon them for support which renders their deferment advisable, and (2) of any or all categories of those persons found to be physically, mentally, or morally deficient or defective. For the purpose of determining whether or not the deferment of any person is advisable, because of his status with respect to persons dependent upon him for support, any payments of allowances which are payable by the United States to the dependents of persons serving in the Armed Forces of the United States shall be taken into consideration, but the fact that such payments of allowances are payable shall not be deemed conclusively to remove the grounds for deferment when the dependency is based upon financial considerations and shall not

be deemed to remove the ground for deferment when the dependency is based upon other than financial considerations and cannot be eliminated by financial assistance to the dependents.

Except as otherwise provided in this subsection, the President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons who have children, or wives and children, with whom they maintain a bona fide family relationship in their homes. No deferment from such training and service in the Armed Forces shall be made in the case of any individual except upon the basis of the status of such individual. There shall be posted in a conspicuous place at the office of each local board a list setting forth the names and classifications of those persons who have been classified by such local board. The President may, in carrying out the provisions of this title, recommend criteria for the classification of persons subject to induction under this title, and to the extent that such action is determined by the President to be consistent with the national interest, recommend that such criteria be administered uniformly throughout the United States whenever practicable; except that no local board, appeal board, or other agency of appeal of the Selective Service System shall be required to postpone or defer any person by reason of his activity in study, research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors found to be necessary to the maintenance of the national health, safety, or interest solely on the basis of any test, examination, selection system, class standing, or any other means conducted, sponsored, administered, or prepared by any agency or department of the Federal Government, or any private institution, corporation, association, partnership, or individual employed by an agency or department of the Federal Government.

(i) Deferment of students.—(1) Any person who is satisfactorily pursuing a full-time course of instruction at a high school or similar institution of learning and is issued an order for induction shall, upon the facts being presented to the local board, have his induction postponed (A) until the time of his graduation therefrom, or (B) until he attains the twentieth anniversary of his birth, or (C) until he ceases satisfactorily to pursue such course of instruction, whichever is the earliest. Notwithstanding the preceding sentence, any person who attains the twentieth anniversary of his birth after beginning his last academic year of high school shall have his induction postponed until the end of that academic year if and so long as he continues to pursue satisfactorily a full-time course of instruction.

(2) Any person who while satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution is ordered to report for induction under this title, shall, upon the appropriate facts being presented to the local board, have his induction postponed (A) until the end of the semester or term, or academic year in the case of his last academic year, or (B) until he ceases satisfactorily to pursue such course of instruction, whichever is the earlier.

(j) Conscientious objectors.—Nothing contained in this title shall be construed to require any person to be subjected to combatant training and service in the armed forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. As used in this subsection, the term "religious training and beliefs" does not include essentially political, sociological, or philosophical views, or a merely personal moral code. Any person claiming exemption from combatant training and

service because of such conscientious objections whose claim is sustained by the local board shall, if he is inducted into the armed forces under this title, be assigned to non-combatant service as defined by the President, or shall, if he is found to be conscientiously opposed to participation in such non-combatant service, in lieu of such induction, be ordered by his local board, subject to such regulations as the President may prescribe, to perform for a period equal to the period prescribed in section 4(b) such civilian work contributing to the maintenance of the national health, safety, or interest as the Director may deem appropriate and any such person who knowingly fails or neglects to obey any such order from his local board shall be deemed, for the purposes of section 12 of this title, to have knowingly failed or neglected to perform a duty required of him under this title.

The Director shall be responsible for finding civilian work for persons exempted from training and service under this subsection and for the placement of such persons in appropriate civilian work contributing to the maintenance of the national health, safety, or interest.

(k) Duration of exemption or deferment.—No exception from registration, or exemption or deferment from training and service, under this title, shall continue after the cause therefor ceases to exist.

(l) Minority discharges.—Notwithstanding any other provisions of law, no person between the ages of eighteen and twenty-one shall be discharged from service in the armed forces of the United States while this title is in effect because such person entered such service without the consent of his parent or guardian.

(m) Moral standards.—No person shall be relieved from training and service under this title by reason of conviction of a criminal offense, except where the offense of which he has been convicted may be punished by death, or by imprisonment for a term exceeding one year.

(n) Appeals; Occupational deferments.—In the case of any registrant whose principal place of employment is located outside the appeal board area in which the local board having jurisdiction over the registrant is located, any occupational deferment made under subsection (h) of this section may, within five days after such deferment is made, be submitted for review and decision to the appeal board having jurisdiction over the area in which is located the principal place of employment of the registrant. Such decision of the appeal board shall be final unless modified or changed by the President, and such decision shall be made public.

(o) Except during the period of a war or a national emergency declared by Congress, no person may be inducted for training and service under this title unless he volunteers for such induction—

"(1) if the father or a brother or a sister of such person was killed in action or died in line of duty while serving in the Armed Forces after December 31, 1959, or died subsequent to such date as a result of injuries received or disease incurred in line of duty during such service, or

"(2) during any period of time in which the father or a brother or a sister of such person is in a captured or missing status as a result of such service.

As used in this subsection, the term 'brother' or 'sister' means a brother of the whole blood or a sister of the whole blood, as the case may be."

Sec. 7. (Repealed)

Sec. 8. Bounties; Substitutes; Purchases of release.—No bounty may be paid to induce any person to be inducted into an armed force. A clothing allowance authorized by law is not a bounty for the purposes of this section. No person liable for training and service under this Act may furnish a substi-

tute for that training or service. No person may be enlisted, inducted, or appointed in an armed force as a substitute for another. No person liable for training and service under section 4 may escape that training and service or be discharged before the end of his period of training and service by paying money or any other valuable thing as consideration for his release from that training and service or liability therefor.

Sec. 9. Reemployment.—(a) Any person inducted into the armed forces under this title for training and service, who, in the judgment of those in authority over him, satisfactorily completes his period of training and service under section 4 (b) shall be entitled to a certificate to that effect upon the completion of such period of training and service, which shall include a record of any special proficiency or merit attained. In addition, each such person who is inducted into the armed forces under this title for training and service shall be given a physical examination at the beginning of such training and service, and upon the completion of his period of training and service under this title, each such person shall be given another physical examination and, upon his written request, shall be given a statement of physical condition by the Secretary concerned: *Provided*, That such statement shall not contain any reference to mental or other conditions which in the judgment of the Secretary concerned would prove injurious to the physical or mental health of the person to whom it pertains: *Provided further*, That, if upon completion of training and service under this title, such person continues on active duty without an interruption of more than seventy-two hours as a member of the Armed Forces of the United States, a physical examination upon completion of such training and service shall not be required unless it is requested by such person, or the medical authorities of the Armed Force concerned determine that the physical examination is warranted.

(b) In the case of any such person who, in order to perform such training and service, has left or leaves a position (other than a temporary position) in the employ of any employer and who (1) receives such certificate, and (2) makes application for reemployment within ninety days after he is relieved from such training and service or from hospitalization continuing after discharge for a period of not more than one year—

(A) if such position was in the employ of the United States Government, its Territories, or possessions, or political subdivisions thereof, or the District of Columbia, such person shall—

(i) if still qualified to perform the duties of such position, be restored to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of the employer, be restored to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case;

(B) if such position was in the employ of a private employer, such person shall—

(i) if still qualified to perform the duties of such position, be restored by such employer or his successor in interest to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of such employer or his successor in interest, be restored by such employer or his successor in interest to such other position the duties of which he is

qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case, unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should—

(i) if still qualified to perform the duties of such position, be restored to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties or any other position in the employ of the employer, be restored to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

(c) (1) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be considered as having been on furlough or leave of absence during his period of training and service in the armed forces, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was inducted into such forces, and shall not be discharged from such position without cause within one year after such restoration.

(2) It is hereby declared to be the sense of the Congress that any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) should be so restored in such manner as to give him such status in his employment as he would have enjoyed if he had continued in such employment continuously from the time of his entering the armed forces until the time of his restoration to such employment.

(3) Any person who holds a position described in paragraph (A) or (B) of subsection (b) shall not be denied retention in employment or any promotion or other incident or advantage of employment because of any obligation as a member of a reserve component of the Armed Forces of the United States.

(d) In case any private employer fails or refuses to comply with the provisions of subsection (b), subsection (c) (1), subsection (c) (3), or subsection (g) the district court of the United States for the district in which such private employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, specifically to require such employer to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action: *Provided*, That any such compensation shall to . . . and shall not be deemed to diminish any of the benefits of such provisions. The court shall order speedy hearing in any such case and shall advance it on the calendar. Upon application to the United States Attorney or comparable official for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such United States Attorney or official, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof specifically to require such employer

to comply with such provisions: *Provided*, That no fees or court costs shall be taxed against any person who may apply for such benefits: *Provided further*, That only the employer shall be deemed a necessary party respondent to any such action.

(e) (1) Any person who is entitled to be restored to a position in accordance with the provisions of paragraph (A) of subsection (b) and who was employed, immediately before entering the armed forces, by any agency in the executive branch of the Government or by any Territory or possession, or political subdivision thereof, or by the District of Columbia, shall be so restored by such agency or the successor to its functions, or by such Territory, possession, political subdivision, or the District of Columbia. In any case in which, upon appeal of any person who was employed immediately before entering the armed forces by any agency in the executive branch of the Government or by the District of Columbia, the United States Civil Service Commission finds that—

(A) such agency is no longer in existence and its functions have not been transferred to any other agency; or

(B) for any reason it is not feasible for such person to be restored to employment by such agency or by the District of Columbia, the Commission shall determine whether or not there is a position in any other agency in the executive branch of the Government or in the government of the District of Columbia for which such person is qualified and which is either vacant or held by a person having a temporary appointment thereto. In any case in which the Commission determines that there is such a position, such person shall be restored to such position by the agency in which such position exists or by the government of the District of Columbia, as the case may be. The Commission is authorized and directed to issue regulations giving full force and effect to the provisions of this section insofar as they relate to persons entitled to be restored to positions in the executive branch of the Government or in the government of the District of Columbia, including persons entitled to be restored under the last sentence of paragraph (2) of this subsection. The agencies in the executive branch of the Government and the government of the District of Columbia shall comply with such rules and regulations and orders issued by the Commission pursuant to this subsection. The Commission is authorized and directed whenever it finds, upon appeal of the person concerned, that any agency in the executive branch of the Government or the government of the District of Columbia has failed or refuses to comply with the provisions of this section, to issue an order specifically requiring such agency or the government of the District of Columbia to comply with such provisions and to compensate such person for any loss of salary or wages suffered by reason of failure to comply with such provisions, less any amounts received by him through other employment, unemployment compensation, or readjustment allowances: *Provided*, That any such compensation ordered to be paid by the Commission shall be in addition to and shall not be deemed to diminish any of the benefits of such provisions, and shall be paid by the head of the agency concerned or by the government of the District of Columbia out of appropriations currently available for salary and expenses of such agency or government, and such appropriations shall be available for such purpose. As used in this paragraph, the term "agency in the executive branch of the Government" means any department, independent establishment, agency, or corporation in the executive branch of the United States Government.

(2) Any person who is entitled to be restored to a position in accordance with the provisions of paragraph (A) of subsection (b), and who was employed, immediately before entering the armed forces, in the legislative branch of the Government, shall be so restored by the officer who appointed him to the position which he held immediately before entering the armed forces. In any case in which it is not possible for any such person to be restored to a position in the legislative branch of the Government and he is otherwise eligible to acquire a status for transfer to a position in the classified (competitive) civil service in accordance with section 2(b) of the Act of November 26, 1940 (54 Stat. 1212), the United States Civil Service Commission shall, upon appeal of such person, determine whether or not there is a position in the executive branch of the Government for which he is qualified and which is either vacant or held by a person having a temporary appointment thereto. In any case in which the Commission determine that there is such a position, such person shall be restored to such position by the agency in which such position exists.

(3) Any person who is entitled to be restored to a position in accordance with the provisions of paragraph (A) of subsection (b) and who was employed, immediately before entering the armed forces, in the judicial branch of the Government, shall be so restored by the officer who appointed him to the position which he held immediately before entering the armed forces.

(f) In any case in which two or more persons who are entitled to be restored to a position under the provisions of this section or of any other law relating to similar reemployment benefits left the same position in order to enter the armed forces, the person who left such position first shall have the prior right to be restored thereto, without prejudice to the reemployment rights of the other person or persons to be restored.

(g) (1) Any person who, after entering the employment to which he claims restoration, enlists in the Armed Forces of the United States (other than in a reserve component) shall be entitled upon release from service under honorable conditions to all the reemployment rights and other benefits provided for by this section in the case of persons inducted under the provisions of this title, if the total of his service performed between June 24, 1948, and August 1, 1961, did not exceed four years, and the total of any service, additional or otherwise performed by him after August 1, 1961, does not exceed five years, provided that the service in excess of four years after August 1, 1961, is at the request and for the convenience of the Federal Government (plus in each case any period of additional service imposed pursuant to law).

(2) (A) Any person who, after entering the employment to which he claims restoration enters upon active duty (other than for the purpose of determining his physical fitness and other than for training), whether or not voluntarily, in the Armed Forces of the United States or the Public Health Service in response to an order or call to active duty shall, upon his relief from active duty under honorable conditions, be entitled to all of the reemployment rights and benefits provided by this section in the case of persons inducted under the provisions of this title, if the total of such active duty performed between June 24, 1948, and August 1, 1961, did not exceed four years, and the total of any such active duty, additional or otherwise, performed after August 1, 1961, does not exceed four years (plus in each case any additional period in which he was unable to obtain orders relieving him from active duty).

(B) Any member of a Reserve component of the Armed Forces of the United States

who voluntarily or involuntarily enters upon active duty (other than for the purpose of determining his physical fitness and other than for training) or whose active duty is voluntarily or involuntarily extended during a period when the President is authorized to order units of the Ready Reserve or members of a Reserve component to active duty shall have the service limitation governing eligibility for reemployment rights under paragraph (2) (A) of this subsection extended by his period of such active duty, but not to exceed that period of active duty to which the President is authorized to order units of the Ready Reserve or members of a Reserve component: *Provided*, That with respect to a member who voluntarily enters upon active duty or whose active duty is voluntarily extended the provisions of this paragraph shall apply only when such additional active duty is at the request and for the convenience of the Federal Government.

(3) Any member of a reserve component of the Armed Forces of the United States who is ordered to an initial period of active duty for training of not less than three consecutive months shall, upon application for reemployment within thirty-one days after (A) his release from that active duty for training after satisfactory service, or (B) his discharge from hospitalization incident to that active duty for training, or one year after his scheduled release from that training, whichever is earlier, be entitled to all reemployment rights and benefits provided by this section for persons inducted under the provisions of this title, except that (A) any person restored to a position in accordance with the provisions of this paragraph shall not be discharged from such position without cause within six months after that restoration, and (B) no reemployment rights granted by this paragraph shall entitle any person to retention, preference, or displacement rights over any veteran with a superior claim under the Veterans' Preference Act of 1944, as amended (5 U.S.C. 851 and the following).

(4) Any employee not covered by paragraph (3) of this subsection who holds a position described in paragraph (A) or (B) of subsection (b) of this section shall upon request be granted a leave of absence by his employer for the period required to perform active duty for training or inactive duty training in the Armed Forces of the United States. Upon his release from a period of such active duty for training or inactive duty training, or upon his discharge from hospitalization incident to that training, such employee shall be permitted to return to his position with such seniority, status, pay, and vacation as he would have had if he had not been absent for such purposes. He shall report for work at the beginning of his next regularly scheduled working period after expiration of the last calendar day necessary to travel from the place of training to the place of employment following his release, or within a reasonable time thereafter if delayed return is due to factors beyond the employee's control. Failure to report for work at such next regularly scheduled working period shall make the employee subject to the conduct rules of the employer pertaining to explanations and discipline with respect to absence from scheduled work. If that employee is hospitalized incident to active duty for training or inactive duty training, he shall be required to report for work at the beginning of his next regularly scheduled work period after expiration of the time necessary to travel from the place of discharge from hospitalization to the place of employment, or within a reasonable time thereafter if delayed return is due to factors beyond the employee's control, or within one year after his release from active duty for training or inactive duty training, whichever is earlier. If an employee covered by this paragraph is not qualified to

perform the duties of his position by reason of disability sustained during active duty for training or inactive duty training, but is qualified to perform the duties of any other position in the employ of the employer or his successor in interest, he shall be restored by that employer or his successor in interest to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

(5) Any employee not covered by paragraph (3) of this subsection who holds a position described in paragraph (A) or (B) of subsection (b) of this section shall be considered as having been on leave of absence during the period required to report for the purpose of being inducted into, entering or determining by a preinduction or other examination his physical fitness to enter the Armed Forces of the United States. Upon his rejection, upon completion of his preinduction or other examination, or upon his discharge from hospitalization incident to that rejection or examination, such employee shall be permitted to return to his position in accordance with the provisions of paragraph (4) of this subsection.

(6) For the purposes of paragraph (3) and (4), full-time training or other full-time duty performed by a member of the National Guard under section 316, 503, 504, or 505 of title 32, United States Code, is considered active duty for training; and for the purpose of paragraph (4), inactive duty training performed by that member under section 502 of title 32, or section 301 of title 37, United States Code, is considered inactive duty training.

(h) The Secretary of Labor, through the Bureau of Veterans' Reemployment Rights, shall render aid in the replacement in their former positions of persons who have satisfactorily completed any period of active duty in the armed forces of the United States or the Public Health Service. In rendering such aid, the Secretary shall use the then existing Federal and State agencies engaged in similar or related activities and shall utilize the assistance of volunteers.

(i) Right to vote; Poll tax.—Any person inducted into the armed forces for training and service under this title shall, during the period of such service, be permitted to vote in person or by absentee ballot in any general, special, or primary election occurring in the State of which he is a resident, whether he is within or outside such State at the time of such election, if under the laws of such State he is otherwise entitled to vote in such election; but nothing in this subsection shall be construed to require granting to any such person a leave of absence or furlough for longer than one day in order to permit him to vote in person in any such election. No person inducted into, or enlisted in, the armed forces for training and service under this title shall, during the period of such service, as a condition of voting in any election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, be required to pay any poll tax or other tax or make any other payment to any State or political subdivision thereof.

(j) Reports of separation.—The Secretaries of Army, Navy, Air Force, or Transportation shall furnish to the Selective Service System hereafter established a report of separation for each person separated from active duty.

Sec. 10(a) Selective Service System; O.S.S.R.—(1) There is hereby established in the executive branch of the Government an agency to be known as the Selective Service System, and a Director of Selective Service who shall be the head thereof.

(2) The Selective Service System shall include a national headquarters, at least one State headquarters in each State, Territory, and possession of the United States, and in

the District of Columbia, and the local boards, appeal boards, and other agencies provided for in subsection (b) (3) of this section.

(3) The Director shall be appointed by the President, by and with the advice and consent of the Senate.

(4) The functions of the Office of Selective Service Records (established by the Act of March 31, 1947) and of the Director of the Office of Selective Service Records are hereby transferred to the Selective Service System and the Director of Selective Service, respectively. The personnel, property, records, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of the Office of Selective Service Records are hereby transferred to the Selective Service System. The Office of Selective Service Records shall cease to exist upon the taking of effect of the provisions of this title: *Provided*, That, effective upon the termination of this title and notwithstanding such termination in other respects, (A) the said Office of Selective Service Records is hereby reestablished on the same basis and with the same functions as obtained prior to the effective date of this title, (B) said reestablished Office shall be responsible for liquidating any other outstanding affairs of the Selective Service System, and (C) the personnel, property, records, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of the Selective Service System shall be transferred to such reestablished Office of Selective Service Records.

(b) Officials, employees, and boards; Printing; Paroles; Leases.—The President is authorized—

(1) to prescribe the necessary rules and regulations to carry out the provisions of this title;

(2) to appoint, upon recommendation of the respective governor or comparable executive official, a State director of the Selective Service System for each headquarters in each State, territory, and possession of the United States and for the District of Columbia, who shall represent the governor and be in immediate charge of the State headquarters of the Selective Service System: *Provided*, That no State director shall serve concurrently in an elected or appointed position of a State or local government without the approval of the Director: to employ such number of civilians, and to order to active duty with their consent and to assign to the Selective Service System such officers of the selective service section of the State headquarters and headquarters detachments and such other officers of the federally recognized National Guard of the United States or other armed forces personnel (including personnel of the reserve components thereof), as may be necessary for the administration of the national and of the several State headquarters of the Selective Service System;

(3) to create and establish within the Selective Service System civilian local boards, civilian appeal boards, and such other civilian agencies, including agencies of appeal, as may be necessary to carry out its functions with respect to the registration, examination, classification, selection, assignment, delivery for induction, and maintenance of records of persons registered under this title, together with such other duties as may be assigned under this title: *Provided*, That no person shall be disqualified from serving as a counselor to registrants, including service as Government appeal agent, because of his membership in a Reserve component of the Armed Forces. He shall create and establish one or more local boards in each county or political subdivision corresponding thereto of each State, territory, and possession of the United States, and in the District of Columbia. The local board and/or its staff shall perform their official duties only within the county or political subdivision corresponding thereto

for which the local board is established, or in the case of an intercounty board, within the area for which such board is established, except that the staffs of local boards in more than one county of a State or comparable jurisdiction may be collocated or one staff may serve local boards in more than one county of a State or comparable jurisdiction, when such action is approved by the Governor or comparable executive official or officials.

Each local board shall consist of three or more members to be appointed by the President from recommendations made by the respective Governors or comparable executive officials. In making such appointments after the date of the enactment of the Act enacting this sentence, the President is requested to appoint the membership of each local board so that to the maximum extent practicable it is proportionately representative of the race and national origin of those registrants within its jurisdiction, but no action by any local board shall be declared invalid on the ground that any board failed to conform to any particular quota as to race or national origin. No citizen shall be denied membership on any local board or appeal board on account of sex. After December 31, 1971, no person shall serve on any local board or appeal board who has attained the age of 65 or who has served on any local board or appeal board for a period of more than 20 years. Notwithstanding any other provision of this paragraph, an intercounty local board consisting of at least one member from each component county or corresponding subdivision may, with the approval of the Governor or comparable executive official or officials, be established for an area not exceeding five counties or political subdivisions corresponding thereto within a State or comparable jurisdiction when the President determines, after considering the public interest involved, that the establishment of such local board area will result in a more efficient and economical operation. Any such intercounty local board shall have within its area the same power and jurisdiction as a local board has in its area. A local board may include among its members any citizen otherwise qualified under Presidential regulations, provided he is at least eighteen years of age. No member of any local board shall be a member of the Armed Forces of the United States, but each member of any local board shall be a civilian who is a citizen of the United States residing in the county or political subdivision corresponding thereto in which such local board has jurisdiction, and each intercounty local board shall have at least one member from each county or political subdivision corresponding thereto included within the intercounty local board area. Such local boards, or separate panels thereof each consisting of three or more members, shall, under rules and regulations prescribed by the President, have the power within the respective jurisdictions of such local boards to hear and determine, subject to the right of appeal to the appeal boards herein authorized, all questions or claims with respect to inclusion for, or exemption or deferment from, training and service under this title of all individuals within the jurisdiction of such local boards. The decisions of such local board shall be final except where an appeal is authorized and is taken in accordance with such rules and regulations as the President may prescribe.

There shall be not less than one appeal board located within the area of each Federal judicial district in the United States and within each territory and possession of the United States, and such additional separate panels thereof, as may be prescribed by the President. Appeal boards within the Selective Service System shall be composed of civilians who are citizens of the United States and who are not members of the armed

forces. The decision of such appeal boards shall be final in cases before them on appeal unless modified or changed by the President. The President, upon appeal or upon his own motion, shall have power to determine all claims or questions with respect to inclusion for, or exemption or deferment from training and service under this title, and the determination of the President shall be final. No judicial review shall be made of the classification or processing of any registrant by local boards, appeal boards, or the President, except as a defense to a criminal prosecution instituted under section 12 of this title, after the registrant has responded either affirmatively or negatively to an order to report for induction, or for civilian work in the case of a registrant determined to be opposed to participation in war in any form: *Provided*, That such review shall go to the question of the jurisdiction herein reserved to local boards, appeal boards, and the President only when there is no basis in fact for the classification assigned to such registrant. No person who is a civilian officer, member, agent, or employee of the Office of Selective Service Records, or the Selective Service System, or of any local board or appeal board or other agency of such Office or System, shall be excepted from registration or deferred or exempted from training and service, as provided for in this title, by reason of his status as such civilian officer, member, agent, or employee;

(4) to appoint, and to fix, in accordance with the Classification Act of 1949, the compensation of such officers, agents, and employees as he may deem necessary to carry out the provisions of this title: *Provided*, That the compensation of employees of local boards and appeal boards may be fixed without regard to the Classification Act of 1949: *Provided further*, That any officer on the active or retired list of the armed forces, or any reserve component thereof with his consent, or any officer or employee of any department or agency of the United States who may be assigned or detailed to any office or position to carry out the provisions of this title (except to offices or positions on local boards or appeal boards established or created pursuant to section 10(b) (3) may serve in and perform the functions of such office or position without loss of or prejudice to his status as such officer in the Armed Forces or Reserve component thereof, or as such officer or employee in any department or agency of the United States:

Provided further, That an employee of a local board having supervisory duties with respect to other employees of one or more local boards shall be designated as the "executive secretary" of the local board or boards: *And provided further*, That the term of employment of such "executive secretary" in such position shall in no case exceed ten years except when reappointed;

(5) to utilize the services of any or all departments and any and all officers or agents of the United States, and to accept the services of all officers and agents of the several States, Territories, and possessions, and subdivisions thereof, and the District of Columbia, and of private welfare organizations, in the execution of this title;

(6) to purchase such printing, binding, and blank-book work from public, commercial, or private printing establishments or binderies upon orders placed by the Public Printer or upon waivers issued in accordance with section 12 of the Printing Act approved January 12, 1895, as amended, and to obtain by purchase, loan, or gift such equipment and supplies for the Selective Service System, as he may deem necessary to carry out the provisions of this title, with or without advertising or forman contract;

(7) to prescribe eligibility, rules, and regulations governing the parole for service in the armed forces, or for any other special service established pursuant to this title, of any

person convicted of a violation of any of the provisions of this title;

(8) subject to the availability of funds appropriated for such purpose, to procure such space as he may deem necessary to carry out the provisions of this title and Public Law 26, Eightieth Congress, approved March 31, 1947, by lease pursuant to existing statutes, except that the provisions of the Act of June 30, 1932 (47 Stat. 412), as amended by section 15 of the Act of March 3, 1933 (47 Stat. 1517; 40 U.S.C. 278a), shall not apply to any lease entered into under the authority of this title;

(9) subject to the availability of funds appropriated for such purposes, to determine the location of such additional temporary installations as he may deem essential; to utilize and enlarge such existing installations; to construct, install, and equip, and to complete the construction, installation, and equipment of such buildings, structures, utilities, and appurtenances (including the necessary grading and removal, repair or remodeling of existing structures and installations), as may be necessary to carry out the provisions of this title; and, in order to accomplish the purpose of this title, to acquire lands, and rights pertaining thereto, or other interests therein, for temporary use thereof, by donation or lease, and to prosecute construction thereon prior to the approval of the title by the Attorney General as required by section 355, Revised Statutes, as amended;

(10) subject to the availability of funds appropriated for such purposes, to utilize, in order to provide and furnish such services as may be deemed necessary or expedient to accomplish the purposes of this title, such personnel of the armed forces and of Reserve components thereof with their consent, and such civilian personnel, as may be necessary. For the purposes of this title, the provisions of section 14 of the Federal Employees' Pay Act of 1946 (Public Law 390, Seventy-ninth Congress) with respect to the maximum limitations as to the number of civilian employees shall not be applicable to the Department of the Army, the Department of the Navy, or the Department of the Air Force.

(c) Delegation of authority.—The President is authorized to delegate any authority vested in him under this title, and to provide for the subdelegation of any such authority.

(d) Gifts.—In the administration of this title, gifts of supplies, equipment, and voluntary services may be accepted.

(e) (Repealed)

(f) Settlement of claims.—The Director is authorized to make final settlement of individual claims, for amounts not exceeding \$500, for travel and other expenses of uncompensated personnel of the Office of Selective Service Records, or the Selective Service System, incurred while in the performance of official duties, without regard to other provisions of law governing the travel of civilian employees of the Federal Government.

(g) Director's report to Congress.—The Director of Selective Service shall submit to the Congress semiannually a written report covering the operation of the Selective Service System and such report shall include, by States, information as to the number of persons registered under this Act; the number of persons inducted into the military service under this Act; the number of deferments granted under this Act and the basis for such deferments; and such other specific kinds of information as the Congress may from time to time request.

(h) If at any time calls under this section for the induction of persons for training and service in the Armed Forces are discontinued because the Armed Forces are placed on an all volunteer basis for meeting their active duty manpower needs, the Selective Service

System, as it is constituted on the date of the enactment of this subsection, shall, nevertheless, be maintained as an active standby organization, with (1) a complete registration and classification structure capable of immediate operation in the event of a national emergency, and (2) personnel adequate to reinstitute immediately the full operation of the System, including military reservists who are trained to operate such System and who can be ordered to active duty for such purpose in the event of a national emergency.

Sec. 11. Emergency medical care.—Under such rules and regulations as may be prescribed by the President, funds available to carry out the provisions of this title shall also be available for the payment of actual and reasonable expenses of emergency medical care, including hospitalization, of registrants who suffer illness or injury, and the transportation, and burial, of the remains of registrants who suffer death, while acting under orders issued under the provisions of this title, but such burial expenses shall not exceed the maximum that the Administrator of Veterans' Affairs may pay under the provisions of section 962(a) of title 38, United States Code, in any one case.

Sec. 12. Penalties.—(a) Any member of the Selective Service System or any other person charged as herein provided with the duty of carrying out any of the provisions of this title, or the rules or regulations made or directions given thereunder, who shall knowingly fail or neglect to perform such duty, and any person charged with such duty, or having and exercising any authority under said title, rules, regulations, or directions who shall knowingly make, or be a party to the making, of any false, improper, or incorrect registration, classification, physical or mental examination, deferment, induction, enrollment, or muster, and any person who shall knowingly make, or be a party to the making of, any false statement or certificate regarding or bearing upon a classification or in support of any request for a particular classification, for service under the provisions of this title, or rules, regulations, or directions made pursuant thereto, or who otherwise evades or refuses registration or service in the armed forces or any of the requirements of this title, or who knowingly counsels, aids, or abets another to refuse or evade registration or service in the armed forces or any of the requirements of this title, or of said rules, regulations, or directions, or who in any manner shall knowingly fail or neglect or refuse to perform any duty required of him under or in the execution of this title, or rules, regulations, or directions made pursuant to this title, or any person or persons who shall knowingly hinder or interfere or attempt to do so in any way, by force or violence or otherwise, with the administration of this title or the rules or regulations made pursuant thereto, or who conspires to commit any one or more of such offenses, shall, upon conviction in any district court of the United States of competent jurisdiction, be punished by imprisonment for not more than five years or a fine of not more than \$10,000, or by both such fine and imprisonment, or if subject to military or naval law may be tried by court martial, and, on conviction, shall suffer such punishment as a court martial may direct. No person shall be tried by court martial in any case arising under this title unless such person has been actually inducted for the training and service prescribed under this title or unless he is subject to trial by court martial under laws in force prior to the enactment of this title. Precedence shall be given by courts to the trial of cases arising under this title, and such cases shall be advanced on the docket for immediate hearing, and an appeal from the decision or decree of any United States district court or United States court of appeals shall take precedence

over all other cases pending before the court to which the case has been referred.

(b) Any person (1) who knowingly transfers or delivers to another, for the purpose of aiding or abetting the making of any false identification or representation, any registration certificate, alien's certificate of nonresidence, or any other certificate issued pursuant to or prescribed by the provisions of this title, or rules or regulations promulgated hereunder; or (2) who, with intent that it be used for any purpose of false identification or representation, has in his possession any such certificate not duly issued to him; or (3) who forges, alters, knowingly destroys, knowingly mutilates, or in any manner changes any such certificate or any notation duly and validly inscribed thereon; or (4) who, with intent that it be used for any purpose of false identification or representation, photographs, prints, or in any manner makes or executes any engraving, photograph, print, or impression in the likeness of any such certificate, or any colorable imitation thereof; or (5) who has in his possession any certificate purporting to be a certificate issued pursuant to this title, or rules and regulations promulgated hereunder, which he knows to be falsely made, reproduced, forged, counterfeited, or altered; or (6) who knowingly violates or evades any of the provisions of this title or rules and regulations promulgated pursuant thereto relating to the issuance, transfer, or possession of such certificate, shall, upon conviction, be fined not to exceed \$10,000 or be imprisoned for not more than five years, or both. Whenever on trial for a violation of this subsection the defendant is shown to have or to have had possession of any certificate not duly issued to him, such possession shall be deemed sufficient evidence to establish an intent to use such certificate for purposes of false identification or representation, unless the defendant explains such possession to the satisfaction of the jury.

(c) The Department of Justice shall proceed as expeditiously as possible with a prosecution under this section, or with an appeal, upon the request of the Director of Selective Service System or shall advise the House of Representatives and the Senate in writing the reasons for its failure to do so.

(d) No person shall be prosecuted, tried, or punished for evading, neglecting, or refusing to perform the duty of registering imposed by section 3 of this title unless the indictment is found within five years next after the last day before such person attains the age of twenty-six, or within five years next after the last day before such person does perform his duty to register, whichever shall first occur.

Sec. 13. Nonapplicability of certain laws.—(a) Nothing in sections 203, 205, or 207 of title 18 of the United States Code, or in the second sentence of subsection (a) of section 9 of the Act of August 2, 1939 (53 Stat. 1148), entitled "An Act to prevent pernicious political activities", as amended, shall be deemed to apply to any person because of his appointment under authority of this title or the regulations made pursuant thereto as an uncompensated official of the Selective Service System, or as an individual to conduct hearings on appeals of persons claiming exemption from combatant or noncombatant training because of conscientious objections, or as a member of the National Selective Service Appeal Board.

(b) All functions performed under this title shall be excluded from the operation of the Administrative Procedure Act (60 Stat. 237) except as to the requirements of section 3 of such Act. Notwithstanding the foregoing sentence, no regulation issued under this Act shall become effective until the expiration of thirty days following the date on which such regulation has been published in the Federal Register. After the publication of any regula-

tion and prior to the date on which such regulation becomes effective, any person shall be given an opportunity to submit his views to the Director on such regulation, but no formal hearing shall be required on any such regulation. The requirements of this subsection may be waived by the President in the case of any regulation if he (1) determines that compliance with such requirements would materially impair the national defense, and (2) gives public notice to that effect at the time such regulation is issued.

(c) In computing the lump-sum payments made to Air Force Reserve officers under the provisions of section 2 of the Act of June 16, 1936, as amended (U.S.C., title 10, sec. 300a), and to Reserve officers of the Navy or to their beneficiaries under section 12 of the Act of August 4, 1942, as amended (U.S.C., title 34, sec. 850k), no credit shall be allowed for any period of active service performed from the effective date of this title to the date on which this title shall cease to be effective. Each such lump-sum payment shall be prorated for a fractional part of a year of active service in the case of any reserve officer subject to the provisions of either such section, if such reserve officer performs continuous active service for one or more years (inclusive of such service performed during the period in which this title is effective) and such active service includes a fractional part of a year immediately prior to the effective date of this title, or immediately following the date on which this title shall cease to be effective, or both.

Sec. 14. Civil relief.—Notwithstanding the provisions of section 604 of the Act of October 17, 1940 (54 Stat. 1191), and the provisions of section 4 of the Act of July 25, 1947 (Public Law 239, Eightieth Congress), all of the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, including specifically article IV thereof, shall be applicable to all persons in the Armed Forces of the United States, including all persons inducted into the Armed Forces pursuant to this title or the Public Health Service, until such time as the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, is repealed or otherwise terminated by subsequent Act of the Congress: *Provided*, That, with respect to persons inducted into the armed forces while this title is in effect, wherever under any section or provision of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided with respect to military service performed while such Act is in force, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting, or other transaction.

Sec. 15. Notice of title; Voluntary enlistments.—(a) Every person shall be deemed to have notice of the requirements of this title upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 3.

(b) It shall be the duty of every registrant to keep his local board informed as to his current address and changes in status as required by such rules and regulations as may be prescribed by the President.

(c) If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remainder of the title, and the application of such provision to other persons or circumstances, shall not be affected thereby.

(d) Except as provided in section 4(c), nothing contained in this title shall be construed to repeal, amend, or suspend the laws now in force authorizing voluntary enlistment or reenlistment in the Armed Forces of the United States, including the reserve components thereof, except that no person

shall be accepted for enlistment after he has been issued an order to report for induction unless authorized by the Director and the Secretary of Defense and except that, whenever the Congress or the President has declared that the national interest is imperiled, voluntary enlistment or reenlistment in such forces, and their reserve components, may be suspended by the President to such extent as he may deem necessary in the interest of national defense.

Sec. 16. Definitions.—When used in this title—

(a) The term "between the ages of eighteen and twenty-six" shall refer to men who have attained the eighteenth anniversary of the day of their birth and who have not attained the twenty-sixth anniversary of the day of their birth; and other terms designating different age groups shall be construed in a similar manner.

(b) The term "United States," when used in a geographical sense, shall be deemed to mean the several States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

(c) The term "armed forces" shall be deemed to include the Army, the Navy, the Marine Corps, the Air Force, and the Coast Guard.

(d) The term "district court of the United States" shall be deemed to include the courts of the United States for the Territories and possessions of the United States.

(e) The term "local board" shall be deemed to include an intercounty local board in the case of any registrant who is subject to the jurisdiction of an intercounty local board.

(f) The term "Director" shall be deemed to mean the Director of the Selective Service System.

(g) (1) The term "duly ordained minister of religion" means a person who has been ordained, in accordance with the ceremonial ritual, or discipline of a church, religious sect, or organization established on the basis of a community of faith and belief, doctrines and practices of a religious character, to preach and to teach the doctrines of such church, sect, or organization and to administer the rites and ceremonies thereof in public worship, and who as his regular and customary vocation preaches and teaches the principles of religion and administers the ordinances of public worship as embodied in the creed or principles of such church, sect or organization.

(2) The term "regular minister of religion" means one who as his customary vocation preaches and teaches the principles of religion of a church, a religious sect, or organization of which he is a member, without having been formally ordained as a minister of religion, and who is recognized by such church, sect, or organization as a regular minister.

(3) The term "regular or duly-ordained minister of religion" does not include a person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect, or organization and does not include any person who may have been duly ordained a minister in accordance with the ceremonial rite or discipline of a church, religious sect or organization, but who does not regularly, as a bona fide vocation, teach and preach the principles of religion and administer the ordinances of public worship, as embodied in the creed or principles of his church, sect or organization.

(h) The term "organized unit", when used with respect to a reserve component, shall be deemed to mean a unit in which the members thereof are required satisfactorily to participate in scheduled drills and training periods as prescribed by the Secretary of Defense.

(i) The term "reserve component of the

armed forces" shall, unless the context otherwise requires, be deemed to include the federally recognized National Guard of the United States, the federally recognized Air National Guard of the United States, the Officers' Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, and the Coast Guard Reserve, and shall include, in addition to the foregoing, the Public Health Service Reserve when serving with the armed forces.

Sec. 17. Repeal of conflicting laws; Appropriations; Termination of induction.—(a) Except as provided in this title all laws or any parts of laws in conflict with the provisions of this title are hereby repealed to the extent of such conflict.

(b) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this title. All funds appropriated for the administrative expenses of the National Security Training Commission shall be appropriated directly to the Commission and all funds appropriated to pay the expenses of training carried out by the military departments designated by the Commission shall be appropriated directly to the Department of Defense.

(c) Notwithstanding any other provisions of this title, no person shall be inducted for training and service in the Armed Forces after July 1, 1973, except persons now or hereafter deferred under section 6 of this title after the basis for such deferment ceases to exist.

Sec. 18. Utilization of industry.—(a) Whenever the President after consultation with and receiving advice from the National Security Resources Board determines that it is in the interest of the national security for the Government to obtain prompt delivery of any articles or materials the procurement of which has been authorized by the Congress exclusively for the use of the armed forces of the United States, or for the use of the Atomic Energy Commission, he is authorized, through the head of any Government agency, to place with any person operating a plant, mine, or other facility capable of producing such articles or materials an order for such quantity of such articles or materials as the President deems appropriate. Any person with whom an order is placed pursuant to the provisions of this section shall be advised that such order is placed pursuant to the provisions of this section. Under any such program of national procurement, the President shall recognize the valid claim of American small business to participate in such contracts, in such manufacturers, and in such distribution of materials, and small business shall be granted a fair share of the orders placed, exclusively for the use of the armed forces or for other Federal agencies now or hereafter designated in this section. For the purposes of this section, a business enterprise shall be determined to be "small business" if (1) its position in the trade or industry of which it is a part is not dominant, (2) the number of its employees does not exceed 500, and (3) it is independently owned and operated.

(b) It shall be the duty of any person with whom an order is placed pursuant to the provisions of subsection (a), (1) to give such order such precedence with respect to all other orders (Government or private) theretofore or thereafter placed with such person as the President may prescribe, and (2) to fill such order within the period of time prescribed by the President or as soon thereafter as possible.

(c) In case any person with whom an order is placed pursuant to the provisions of subsection (a) refuses or fails—

(1) to give such order such precedence with respect to all other orders (Govern-

ment or private) theretofore or thereafter placed with such person as the President may have prescribed;

(2) to fill such order within the period of time prescribed by the President or as soon thereafter as possible as determined by the President;

(3) to produce the kind or quality of articles or materials ordered; or

(4) to furnish the quantity, kind, and quality of articles or materials ordered at such price as shall be negotiated between such person and the Government agency concerned; or in the event of failure to negotiate a price, to furnish the quantity, kind, and quality of articles or materials ordered at such price as he may subsequently be determined to be entitled to receive under subsection (d); the President is authorized to take immediate possession of any plant, mine, or other facility of such person and to operate it, through any Government agency, for the production of such articles or materials as may be required by the Government.

(d) Fair and just compensation shall be paid by the United States (1) for any articles or materials furnished pursuant to an order placed under subsection (a), or (2) as rental for any plant, mine, or other facility of which possession is taken under subsection (c).

(e) Nothing contained in this section shall be deemed to render inapplicable to any plant, mine, or facility of which possession is taken pursuant to subsection (c) any State or Federal laws concerning the health, safety, security, or employment standards of employees.

(f) Any person, or any officer of any person as defined in this section, who willfully fails or refuses to carry out any duty imposed upon him by subsection (b) of this section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not more than three years, or by a fine of not more than \$50,000, or by both such imprisonment and fine.

(g) (1) As used in this section—

(A) The term "person" means any individual, firm, company, association, corporation, or other form of business organization.

(B) The term "Government agency" means any department, agency, independent establishment, or corporation in the Executive branch of the United States Government.

(2) For the purposes of this section, a plant, mine, or other facility shall be deemed capable of producing any articles or materials if it is then producing or furnishing such articles or materials or if the President after consultation with and receiving advice from the National Security Resources Board determines that it can be readily converted to the production or furnishing of such articles or materials.

(h) (1) The President is empowered through the Secretary of Defense, to require all producers of steel in the United States to make available, to individuals, firms, associations, companies, corporations, or organized manufacturing industries having orders for steel production or steel materials required by the armed forces, such percentages of the steel production of such producers, in equal proportion deemed necessary for the expeditious execution of orders for such products or materials. Compliance with such requirement shall be obligatory on all such producers of steel and such requirement shall take precedence over all orders and contracts theretofore placed with such producers. If any such producers of steel or the responsible head or heads thereof refuses to comply with such requirement, the President, through the Secretary of Defense, is authorized to take immediate possession of the plant or plants of such producer and, through the appropriate branch, bureau, or department of the armed forces, to insure compliance with such requirement. Any such producer of steel or the responsible head or

heads thereof refusing to comply with such requirements shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment for not more than three years and a fine not exceeding \$50,000.

(2) The President shall report to the Congress on the final day of each six-month period following the date of enactment of this Act the percentage figure, or if such information is not available, the approximate percentage figure, of the total steel production in the United States required to be made available during such period for the execution of orders for steel products and steel materials required by the armed forces, if such percentage figure is in excess of 10 per centum.

Sec. 19. Saving provision.—Nothing in this title shall be deemed to amend any provision of the National Security Act of 1947 (61 Stat. 495).

Sec. 20. Effective date.—This title shall become effective immediately; except that unless the President, or the Congress by concurrent resolution, declares a national emergency after the date of enactment of this Act, no person shall be inducted or ordered into active service without his consent under this title within ninety days after the date of its enactment.

Sec. 21. Authority to order reserve components to active Federal service.—Until July 1, 1953, and subject to the limitations imposed by section 2 of the Selective Service Act of 1948, as amended, the President shall be authorized to order into the active military or naval service of the United States for a period of not to exceed twenty-four consecutive months, with or without their consent, any or all members and units of any or all Reserve components of the Armed Forces of the United States and retired personnel of the Regular Armed Forces. Unless he is sooner released under regulations prescribed by the Secretary of the military department concerned, any member of the inactive or volunteer reserve who served on active duty for a period of 12 months or more in any branch of the Armed Forces between the period December 7, 1941, and September 2, 1945, inclusive, who is now or may hereafter be ordered to active duty pursuant to this section, shall upon completion of 17 or more months of active duty since June 25, 1950, if he makes application therefor to the Secretary of the branch of service in which he is serving, be released from active duty and shall not thereafter be ordered to active duty for periods in excess of 30 days without his consent except in time of war or national emergency hereafter declared by the Congress: *Provided*, That the foregoing shall not apply to any member of the inactive or volunteer reserve ordered to active duty whose rating or specialty is found by the Secretary of the military department concerned to be critical and whose release to inactive duty prior to the period for which he was ordered to active duty would impair the efficiency of the military department concerned.

The President may retain the unit organizations and the equipment thereof, exclusive of the individual members thereof, in the active Federal service for a total period of five consecutive years, and upon being relieved by the appropriate Secretary from active Federal service, National Guard, or Air National Guard units, shall, insofar as practicable, be returned to their National Guard or Air National Guard status in their respective States, Territories, the District of Columbia, and Puerto Rico, with pertinent records, colors, histories, trophies, and other historical impediments.

Sec. 22. Procedural rights.—(a) It is hereby declared to be the purpose of this section to guarantee to each registrant asserting a claim before a local or appeal board, a fair hearing consistent with the informal and expeditious processing which is required by selective service cases.

(b) Pursuant to such rules and regulations as the President may prescribe—

(1) Each registrant shall be afforded the opportunity to appear in person before the local or any appeal board of the Selective Service System to testify and present evidence regarding his status.

(2) Subject to reasonable limitations on the number of witnesses and the total time allotted to each registrant, each registrant shall have the right to present witnesses on his behalf before the local board.

(3) A quorum of any local board or appeal board shall be present during the registrant's personal appearance.

(4) In the event of a decision adverse to the claim of a registrant, the local or appeal board making such decision shall, upon request, furnish to such registrant a brief written statement of the reasons for its decision.

PART 1600—MAINTENANCE OF HIGH ETHICAL AND MORAL STANDARDS OF CONDUCT BY OFFICERS AND EMPLOYEES OF THE SELECTIVE SERVICE SYSTEM

SUBPART A—GENERAL PROVISIONS

1600.735-1 Conduct Requirements in General.—(a) The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by Government employees and special Government employees is essential to assure the proper performance of the Government business and the maintenance of confidence by citizens in their Government.

(b) Employees of the Selective Service System shall conduct themselves in such a manner that the work of the System is effectively accomplished; shall be courteous, considerate, and prompt in dealing with or serving the public and shall conduct themselves in both their official and personal lives in a manner that will not bring discredit or embarrassment to the Selective Service System.

(c) Employees shall observe the applicable laws and regulations governing participation in political activities; avoid any discrimination because of race, color, religion, national origin, or sex; economically utilize, protect, and conserve Federal property entrusted to them; and conduct all their official activities in a manner which is above reproach and free from any indiscretions or acceptance of gratuities or favors which would cast doubt or suspicion upon themselves or the administration of the Selective Service System.

1600.735-2 Definitions.—The following definitions shall govern in this interpretation of regulations in this part.

(a) "Employee" means an officer or employee of the Selective Service System including uncompensated persons, but does not include a special Government employee or a member of the uniformed services.

(b) "Executive order" means Executive Order 11222 of May 8, 1965.

(c) "Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

(d) "Special Government employees" means a "special Government employee" as defined in section 202 of Title 18 of the United States Code who is employed in the executive branch, but does not include a member of the uniformed services. Excluding a person in the uniformed services, that section covers an officer or employee who is appointed or employed, with or without compensation, to perform temporary duties, either on a full-time or intermittent basis, for not more than 130 days in any period of 365 consecutive days. (For the benefit of Reserve and National Guard Officers it should be noted that under that section a Reserve or National Guard Officer, unless otherwise an officer or employee of the United States, is classified as a special Government employee

while on active duty solely for training and if serving on active duty involuntarily is classified as a special Government employee during the whole period of his involuntary service. A Reserve or National Guard Officer who is involuntarily serving a period of extended active duty in excess of 130 days is classified as an officer of the United States and is subject to all of the prohibitions imposed by the conflict-of-interest laws.)

(e) "Uniformed services" has the meaning given that term by section 101(3) of Title 37 of the United States Code, which states that "uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, Environmental Science Services Administration, and Public Health Service."

1600.735-3 Applicability to members of the uniformed services.—The Executive order applies to all officers and employees in the executive branch but the Civil Service regulations (5 CFR Part 735) and the regulations in this part do not. Separate regulations containing essentially the same provisions will be published by the agencies having jurisdiction over the members of the uniformed services.

1600.735-4 Informing employees of standards of conduct.—(a) The provisions of this part and available counseling service shall be brought to the attention of all compensated and uncompensated employees and special Government employees of the Selective Service System immediately after this part is issued and semiannually thereafter. New employees and special Government employees shall be informed thereof at the time of their appointment. A copy of this part shall be kept permanently posted on all bulletin boards and a copy shall be given to each employee and special Government employee.

(b) A presentation of "ethics in government" shall be included in orientation programs for new employees, in supervisory training courses, and in staff training conferences.

1600.735-5 Counseling service.—(a) The Director of Selective Service shall designate a counselor for the Selective Service System to serve as the designee to the Civil Service Commission on matters covered by the regulations in this part. The counselor shall be responsible for coordination of the counseling service as provided in paragraph (b) of this section and for assuring that counseling and interpretations on questions of conflicts of interest and other matters covered by this part are available to deputy counselors.

(b) The Director of Selective Service shall designate deputy counselors for the Selective Service System. Deputy counselors shall give authoritative advice and guidance to each employee and special Government employee who seeks advice and guidance on questions of conflicts of interest and on other matters covered by this part.

1600.735-6 Reviewing statements and reporting conflicts of interest.—All statements of employment and financial interests submitted under section 1600.735-62 shall be forwarded to the Director of Selective Service through the counselor. The employee or special Government employee shall be given an opportunity to explain any conflict of interest or any appearance of conflict.

1600.735-7 Disciplinary and other remedial action.—(a) In addition to any penalty prescribed by law appropriate disciplinary action shall be taken or initiated by the superiors of employees and special Government employees who violate laws, rules, or regulations on conduct or fail to observe the standards of conduct prescribed in this part.

(b) When, after consideration of the explanation of the employee or special Government employee provided by section 1600.735-6, the Director of Selective Service decides that remedial action is required, he shall take immediate action to end the conflicts or ap-

pearance of conflicts of interest. Remedial action may include, but is not limited to;

- (1) Changes in assigned duties;
- (2) Divestment by the employee or special Government employee of his conflicting interest;
- (3) Disciplinary action; or
- (4) Disqualification for a particular assignment. Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, executive orders, and regulations.

SUBPART B—ETHICAL AND OTHER CONDUCT AND RESPONSIBILITIES OF EMPLOYEES

1600.735-20 Proscribed actions.—An employee shall avoid any action, whether or not specifically prohibited by this subpart, which might result in, or create the appearance of:

- (a) Using public office for private gain;
- (b) Giving preferential treatment to any person;
- (c) Impeding Government efficiency or economy;
- (d) Losing complete independence or impartiality;
- (e) Making a Government decision outside official channels; or
- (f) Affecting adversely the confidence of the public in the integrity of the Government.

1600.735-21 Gifts, entertainment, and favors.—(a) Employees of the Selective Service System shall not solicit or accept, directly or indirectly, anything of economic value as a gift, gratuity, favor, entertainment, or loan which is, or may appear to be, designed to in any manner influence official conduct particularly from a person who:

- (1) Is seeking to obtain contractual or other business or financial relations with the Selective Service System; or
- (2) Has interests that may be substantially affected by the performance or nonperformance of his duty.

No gift shall be accepted whenever the employee has any reason to believe that it would not have been made except for his official position or that the donor's private interests are likely to be affected by his actions or actions of the Selective Service System.

(b) Appropriate exceptions to paragraph (a) of this section include those that:

- (1) Govern obvious family or personal relationships (such as those between the parents, children, or spouse of the employee and the employee) when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;
- (2) Permit acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance;
- (3) Permit acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans; and
- (4) Permit acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value.

(c) An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(d) An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342.

(e) Neither this section nor section 1600.735-22 precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, this paragraph does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under agency orders when reimbursement is proscribed by Decision B-128527 of the Comptroller General dated March 7, 1967.

1600.735-22 Outside employment and other activity.—(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include but are not limited to:

- (1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest; or
- (2) Outside employment which tends to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

(b) An employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Government.

(c) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law or this part. However, an employee shall not, neither for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Director of Selective Service gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

(d) [Revoked]

(e) This section does not preclude an employee from:

- (1) Participation in the activities of national or State political parties not proscribed by law.
- (2) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

1600.735-23 Financial interests.—(a) An employee shall not:

- (1) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities; or
- (2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

(b) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law or the provisions of this part.

1600.735-24 Use of Government property.—An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than offi-

cially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

1600.735-25 Misuse of information.—Employees shall not disclose official information without either appropriate general or specific authority under regulations of the Selective Service System, and shall not, directly or indirectly, make use of, or permit others to make use of, official information in the possession of the Selective Service System, not made available to the general public, for the purpose of furthering a private interest. Nothing in this section shall be construed as directing any employee to withhold unclassified information from the press or public. This section is intended solely to limit prior distribution of confidential information to an individual or group of individuals where the possession of such information would give the individual or individuals advantages not accorded to other citizens.

1600.735-26 Indebtedness.—An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require the agency to determine the validity or amount of the disputed debt.

1600.735-27 Gambling, betting, and lotteries.—An employee shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket.

1600.735-28 General conduct prejudicial to the Government.—An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

1600.735-29 Miscellaneous statutory provisions.—Each employee shall acquaint himself with the statutes relating to his ethical and other conduct as an employee including: (a) House Concurrent Resolution 175, 85th Congress, 2d session, 72 Stat. B12, the "Code of Ethics for Government Service". (Appendix C to this part.)

(b) Parts of Chapter 11 of Title 18, United States Code relating to bribery, graft, and conflict of interests. (Appendix A to this part.)

(c) Other laws concerning the conduct of employees. (Appendix B to this part.)

SUBPART C—ETHICAL AND OTHER CONDUCT AND RESPONSIBILITIES OF SPECIAL GOVERNMENT EMPLOYEES

1600.735-41 Applicable regulations.—The ethical and other conduct of special Government employees shall be governed by this subpart and such other provisions of this part as may be specifically applicable.

1600.735-42 Use of Government employment.—A social Government employee shall not use his selective service employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

(a) A special Government employee shall not use inside information obtained as a result of his selective service employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with

whom he has family, business, or financial ties. For the purpose of this part, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(b) Special Government employees may teach, lecture, or write in a manner not inconsistent with section 1600.735-22 in regard to employees.

1600.735-44 Coercion.—A special Government employee shall not use his selective service employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

1600.735-45 Gifts, entertainment, and favors.—(a) Except as provided in paragraph (b) of this section, a special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with his agency anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties.

(b) Special Government employees are subject to such appropriate exceptions as are authorized for employees in section 1600.735-21.

1600.735-46 Miscellaneous statutory provisions.—Each special Government employee shall acquaint himself with the statutes relating to his ethical and other conduct referred to in section 1600.735-29.

SUBPART D—REGULATIONS GOVERNING STATEMENTS OF EMPLOYMENT AND FINANCIAL INTERESTS

1600.735-61 Form and content of statements.—The statements of employment and financial interests required under this subpart for use by employees and special Government employees shall contain the information required by the Commission in the Federal Personnel Manual.

1600.735-62 Employees required to submit statements.—Except as provided in section 1600.735-63, the Director of Selective Service shall require statements of employment and financial interests from the following:

(a) The Deputy Director of Selective Service.

(b) The Chief, Office of Public Information.

(c) The General Counsel.

(d) The Chief, Office of Legislation and Liaison.

(e) The Assistant Deputy Director for Operations.

(f) The Assistant Deputy Director for Administration.

(g) Each State Director of Selective Service.

(h) Employees paid at a level of the Executive Schedule in Subchapter II of chapter 53 of title 5, United States Code.

Other positions may be designed from time to time by the Director of Selective Service.

1600.735-62a Employee's complaint on filing requirement.—An employee required to submit a statement under the provisions of this part who believes that his position has been improperly included under section 1600.735-62 may have the decision to include the position reviewed under the Selective Service grievance procedures.

1600.735-63 Employees not required to submit statements.—A statement of employment and financial interests is not required by this subpart from an agency head, a Presidential appointee in the Executive Office of the President who is not subordinate to the head of an agency in that Office, or a full-time member of a committee, board, or commission appointed by the President. These employees are subject to

separate reporting requirements under section 401 of the Executive order.

1600.735-64 Time and place for submission of employees' statements.—An employee required to submit a statement of employment and financial interests under the provisions of this part shall submit that statement to the Director of Selective Service not later than:

(a) Ninety days after the effective date of this part if employed on or before that effective date.

(b) Thirty days after his entrance on duty, but not earlier than ninety days after the effective date, if appointed after the effective date.

1600.735-65 Supplementary statements.—Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement as of June 30 each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of Title 18, United States Code, or Subpart B of this part.

1600.735-66 Interests of employees' relatives.—The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

1600.735-67 Information not known by employees.—If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

1600.735-68 Information prohibited.—This subpart does not require an employee to submit on a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

1600.735-69 Confidentiality of employees' statements.—Each statement of employment and financial interests, and each supplementary statement, shall be held in confidence. The Director of Selective Service, or qualified employees designated by him, shall review and retain the statements. Employees so designated are responsible for maintaining the statements in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this part. Information from a statement may not be disclosed except as the U.S. Civil Service Commission or the Director of Selective Service may determine for good cause shown.

1600.735-70 Effect of employees' statements on other requirements.—The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supple-

mentary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

1600.735-71 Specific provisions for special Government employees.—(a) Each special Government employee shall submit a statement of employment and financial interests which reports:

(1) All other employment; and
(2) The financial interests of the special Government employee which the Director of Selective Service determines are relevant in the light of the duties he is to perform.

(b) The Director of Selective Service may waive the requirement of paragraph (a) of this section for the submission of a statement of employment and financial interests in the case of a special Government employee who is not a consultant or an expert when he finds that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government. For the purpose of this paragraph, "consultant" and "expert" have the meanings given those terms by Chapter 304 of the Federal Personnel Manual, but do not include:

(1) A physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients; or

(2) A veterinarian whose services are procured to provide care and service to animals.

(c) A statement of employment and financial interests required to be submitted under this section shall be submitted not later than the time of employment of the special Government employee as provided in the agency regulations. Each special Government employee shall keep his statement current throughout his employment with the agency by the submission of supplementary statements.

APPENDIX A—BRIBERY, GRAFT, AND CONFLICT OF INTEREST LAWS

1. (a) Section 203 of Title 18 of the United States Code makes it unlawful for a Government officer or employee (including a special Government employee, as provided in paragraph 1(b) below) to, directly or indirectly, ask, receive, or agree to receive any compensation for any service rendered on behalf of another person before any department, agency, or officer of the United States in relation to any proceeding, contract, claim, or other particular matter in which the United States is a party or has a direct and substantial interest.

(b) Section 203 also makes it unlawful for a special Government employee to, directly or indirectly, ask, receive, or agree to receive any compensation for any services rendered on behalf of another person before any department, agency, or officer of the United States in relation to any proceeding, contract, claim, or other particular matter in which the United States is a party or has a direct and substantial interest (i) in which he has participated personally and substantially in the course of his Government duties or (ii) if it is pending in his department or agency and he has served therein more than 60 days in the immediately preceding period of 365 days, even though he has not participated in the matter personally and substantially.

2. (a) Under section 205 of Title 18 of the United States Code it is unlawful for a Government officer or employee, other than in the proper discharge of his official duties, (i) to act as agent or attorney for prosecuting any claim against the United States, including a claim in court, whether for compensation or not, or to receive a gratuity, or a share or interest in any such claim, for assistance in the prosecution thereof, or (ii) to act as agent or attorney for anyone else be-

fore a department, agency, or court in connection with any particular matter in which the United States is a party or has a direct and substantial interest.

(b) Section 205 has a limited application to a special Government employee and makes it unlawful for him to act as agent or attorney only (i) in a matter involving a specific party or parties in which he has participated personally and substantially in his governmental capacity, and (ii) in a matter involving a specific party or parties which is before his department or agency, if he has served therein more than 60 days in the immediately preceding period of 365 days.

3. Section 207 of Title 18 of the United States Code makes it unlawful for a former officer or employee, including a former special Government employee, to act as agent or attorney for anyone other than the United States in any particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which he participated personally and substantially as a Government officer or employee. Section 207 also makes it unlawful for any former officer or employee for one year after his Government employment ceases to appear personally as agent or attorney for another before any court or department or agency of the Government in connection with any particular matter in which the United States is a party or is directly and substantially interested and which was within the area of his official responsibility as a Government officer or employee within one year prior to the termination of such responsibility.

4. Under section 208 of Title 18 of the United States Code it is unlawful for an officer or employee, including a special Government employee, to participate personally and substantially in any Government action, proceeding, or other particular matter in which to his knowledge, he, his spouse, minor child, or partner has a financial interest, or in which a business or non-profit organization with which he is connected or is seeking employment has a financial interest.

5. Section 209 of Title 18 of the United States Code makes it unlawful for an officer or employee to receive, and for anyone to pay him, any salary or supplementation of salary from a private source as compensation for his services to the Government. Section 209 does not apply to a special Government employee or to anyone serving the Government without compensation, whether or not he is a special Government employee.

6. Under the provisions of section 13(a) of the Military Selective Service Act of 1967, sections 203, 205, and 207 of Title 18, United States Code, do not apply to uncompensated officers or employees of the Selective Service System or to the members of the National Selective Service Appeal Board.

APPENDIX B—OTHER LAWS CONCERNING THE CONDUCT OF EMPLOYEES

1. Section 1913 of Title 18 of the United States Code prohibits lobbying with appropriated money.

2. Section 7311 of Title 5 and section 1918 of Title 18 of the United States Code prohibits Federal employment of persons who are disloyal or assert the right to strike against the Government.

3. Section 784 of Title 50 of the United States Code prohibits the employment of a member of a Communist organization.

4. Section 798 of Title 18 of the United States Code and Section 783 of Title 50 of the United States Code prohibits the disclosure of classified information and section 1905 of Title 18 of the United States Code prohibits the disclosure of confidential information.

5. Section 7352 of Title 5 of the United States Code concerning the habitual use of intoxicants to excess.

6. Section 638a(c) of Title 31 of the United States Code prohibits the use of Government vehicles or aircraft for other than official purposes.

7. Section 1719 of Title 18 of the United States Code prohibits the use of official envelopes or labels to avoid payment of postage on private mail.

8. Section 1917 of Title 18 of the United States Code prohibits the use of deceit in an examination or personnel action in connection with Government employment.

9. Section 1001 of Title 18 of the United States Code prohibits fraud or false statements in a Government matter.

10. Sections 285 and 2071 of Title 18 of the United States Code prohibits the concealing, mutilation, destruction, or other improper use of Government documents or records.

11. Section 508 of Title 18 of the United States Code prohibits certain improper activities relating to Government transportation requests.

12. Sections 641, 643, and 654 of Title 18 of the United States Code prohibits the embezzlement of Government money or property, the failure to account for public money, and the embezzlement of the money or property of another person in the possession of an employee by reason of his employment.

13. Subchapter III of Chapter 73 of Title 5 of the United States Code and sections 602, 603, 607, and 608 of Title 18 of the United States Code prohibits certain political activities (Under section 13(a) of the Military Selective Service Act of 1967, 5 U.S.C. sections 7324-7327 do not apply to uncompensated officers and employees of the Selective Service System or to members of the National Selective Service Appeal Board).

14. Section 219 of Title 18 of the United States Code prohibits an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act.

APPENDIX C—HOUSE CONCURRENT RESOLUTION 175, 85TH CONGRESS, SECOND SESSION

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the following Code of Ethics should be adhered to by all Government employees, including officeholders:

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party or Government department.

2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.

3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.

4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.

5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

9. Expose corruption wherever discovered.

10. Uphold these principles, ever conscious that public office is a public trust.

PART 1602—DEFINITIONS

1602.1 Definitions to Govern.—The definitions contained in section 16 of the Military Selective Service Act of 1967, and the definitions contained in this part shall govern in the interpretation of the regulations in this chapter.

1602.2 Aliens.—(a) The term "alien" means any person who is not a national of the United States.

(b) The term "national of the United States" means (1) a citizen of the United States or (2) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

1602.3 County.—The word "county" includes, where applicable, counties, independent cities, and similar subdivisions, such as the independent cities of Virginia, the parishes of Louisiana, and the towns of the New England States.

1602.4 Violator.—A "violin" is a person required to be registered under the selective service law who falls or neglects to perform any duty required of him under the provisions of the selective service law.

1602.5 Governor.—The word "Governor" includes, where applicable, the Governor of each of the States of the United States, the Board of Commissioners of the District of Columbia, the Governor of Puerto Rico, the Governor of the Virgin Islands, the Governor of Guam, and the Governor of the Canal Zone.

1602.6 Inducted Man.—An "inducted man" is a man who has become a member of the armed forces through the operation of the Selective Service System.

1602.7 Induction Station.—The term "induction station" refers to any camp, post, ship, or station at which registrants who have been designated by a local board to fill a call are received by the military authorities and, if found acceptable, are inducted into military service.

1602.8 Military Service.—The term "military service" includes service in the Army, the Air Force, the Navy, the Marine Corps, and the Coast Guard.

1602.9 Registrant.—Except as otherwise specifically provided, a "registrant" is a person registered under the selective service law.

1602.10 Selective Service Law.—The term "selective service law" includes the Military Selective Service Act of 1967, and all the rules and regulations issued thereunder.

1602.11 State.—The word "State" includes, where applicable, the several States of the United States, the City of New York, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and the Canal Zone.

1602.12 Singular and Plural.—Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular, except where the context clearly indicates otherwise.

1602.13 Continental United States.—The term "continental United States" means the District of Columbia and all of the several States of the United States except the States of Alaska and Hawaii.

1602.14 Numbers.—Cardinal numbers may be expressed by Arabic or Roman symbols.

PART 1603—SELECTIVE SERVICE PERSONNEL IN GENERAL

1603.1 Citizenship.—No person shall be appointed to any position, either compensated or uncompensated, in the Selective Service System who is not a citizen of the United States.

1603.2 Voluntary Services.—Voluntary services in the administration of the selective service law may be accepted and should be encouraged.

1603.3 Uncompensated Services.—The services of registrars (except as the Director

of Selective Service may otherwise provide), members of local boards, medical advisors to the State Directors of Selective Service, advisors to registrants, and all other persons volunteering their services to assist in the administration of the selective service law shall be uncompensated, and no such person serving without compensation shall accept remuneration from any source for services rendered in connection with selective service matters.

1603.4 Oath of Office and Other Forms.—(a) Every person who undertakes to render voluntary uncompensated service in the administration of the selective service law shall, before he enters upon his duties, execute an Oath of Office and Waiver of Pay (SSS Form 400).

(b) Every person who undertakes to render compensated service in the administration of the selective service law shall execute an oath of office in the form prescribed by the United States Civil Service Commission, Standard Form 61.

(c) Compensated and uncompensated personnel appointed for duty in the Selective Service System shall execute such other forms as are required by law, Executive order of the President, the regulations of the United States Civil Service Commission, or the Director of Selective Service.

(d) When executed in the manner hereinbefore provided, the Oath of Office and Waiver of Pay (SSS Form 400) and such other forms as may be required shall be filed in accordance with instructions issued by the Director of Selective Service.

1603.5 Termination of Appointment.—The appointment of any deputy, officer, agent, employee, or other person engaged in the administration of the selective service law, whether with or without compensation, may be terminated by resignation, death, or removal, or, in appropriate cases, by transfer or retirement.

1603.6 Removal.—(a) Any person, other than a compensated civilian officer or employee, engaged in the administration of the selective service law may be removed by the Director of Selective Service. The Governor may recommend to the Director of Selective Service the removal, for cause, of any person engaged in the administration of the selective service law in his State. The Director of Selective Service shall make such investigation of the Governor's recommendation as he deems necessary and upon completion thereof shall take such action thereon as he deems proper.

(b) Any compensated civilian officer or employee engaged in the administration of the selective service law may be removed in accordance with the rules and regulations of the United States Civil Service Commission.

1603.7 Suspension.—The Director of Selective Service may suspend any deputy, officer, agent, employee, or other person engaged in the administration of the selective service law, pending his consideration of the advisability of removing any such person. Suspensions of persons entitled to veterans' preference under the Veterans' Preference Act of 1944, as amended, shall be in accordance with the regulations prescribed by the United States Civil Service Commission pursuant to the Act. During the period that any such person is suspended, he shall be disqualified to act in his official capacity.

1603.8 Vacancies.—Vacancies may be filled in accordance with instructions issued by the Director of Selective Service.

PART 1604—SELECTIVE SERVICE OFFICERS NATIONAL ADMINISTRATION

1604.1 Director of Selective Service.—The Director of Selective Service shall be responsible directly to the President. The Director of Selective Service is hereby authorized and directed:

(a) To prescribe such rules and regulations as he shall deem necessary for the administration of the Selective Service System, the

conduct of its officers and employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property.

(b) To issue such public notices, orders, and instructions as shall be necessary for carrying out the functions of the Selective Service System.

(c) To obligate and authorize expenditures from funds appropriated for carrying out the functions of the Selective Service System.

(d) To appoint, and to fix, in accordance with the Classification Act of 1949, as amended, so far as applicable, the compensation of, such officers, agents, and employees as shall be necessary for carrying out the functions of the Selective Service System.

(e) To procure such space as he may deem necessary for carrying out the functions of the Selective Service System by lease pursuant to existing statutes except that the provisions of the act of June 30, 1932 (47 Stat. 412), as amended by section 15 of the act of March 3, 1933 (47 Stat. 1517; 40 U.S.C. 278a), shall not apply to any lease so entered into.

(f) To perform such other duties as shall be required of him under the selective service law or which may be delegated to him by the President.

(g) To delegate any of his authority to such officers, agents, or persons as he may designate, and to provide for the subdelegation of any such authority.

(h) To purchase such printing, binding, and blankbook work from public, commercial, or private printing establishments or binderies upon orders placed by the Public Printer or upon waivers issued in accordance with section 12 of the Printing Act approved January 12, 1895, as amended, and to obtain by purchase, loan, or gift such equipment and supplies for the Selective Service System, as he may deem necessary to carry out the functions of the Selective Service System, with or without advertising or formal contract.

1604.6 National Selective Service Appeal Board.—(a) There is hereby created and established within the Selective Service System a civilian agency of appeal which shall be known as the National Selective Service Appeal Board hereafter referred to as the National Board. The President shall appoint members of the National Board from among citizens of the United States who are not members of the Armed Forces, and he shall designate one member as Chairman of the National Board. The National Board may sit en banc or, upon the request of the Director of Selective Service or as determined by the Chairman of the National Board, in panels, each panel to consist of at least three members. The Chairman of the National Board shall designate the members of each panel, and he shall designate one member of each panel as chairman. A majority of the members of a panel shall constitute a quorum for the transaction of business, and a majority of the members present at any meeting at which a quorum is present shall decide any question. Each panel of the National Board shall have full authority to act on all cases assigned to it. The National Board, or a panel thereof, shall hold meetings in Washington, D.C., and, upon request of the Director of Selective Service or as determined by the Chairman of the National Board at any other place.

(b) The National Board or a panel thereof is authorized and directed to perform all the functions and duties vested in the President by that sentence of section 10(b) (3) of the Military Selective Service Act, which reads as follows: "The President, upon appeal or upon his own motion, shall have power to determine all claims or questions with respect to inclusion for, or exemption or deferment from training and service under this title, and the determination of the President shall be final." The National Board, upon appeal to the President taken under

Part 1627 of these regulations, shall classify each registrant, giving consideration to the various classifications which a local board might consider, and shall give effect to the provisions of the Military Selective Service Act and the regulations promulgated thereunder, and the established policies of the Director of Selective Service.

(c) The National Board shall be in all respects independent of the Director of Selective Service except that the Director of Selective Service shall provide for the payment of the compensation and expenses of the members of the National Board, shall furnish that Board and its panels necessary personnel, suitable office space, necessary facilities and services. The Director of Selective Service shall establish the order, by category, in which appeals by registrants will be considered, but he shall not determine the sequence in which appeals within a given category shall be processed. The Director of Selective Service and the Chairman of the National Board shall furnish to each other such information, advice, and assistance as will further the attainment of the objectives of the Military Selective Service Act and promote the effective administration of the Act.

(d) Each member of the National Board shall: (1) Devote so much time to the affairs of the National Board as its responsibilities may require, (2) be compensated as provided in paragraph (e) of this section, and (3) while on the business of the National Board away from his home or regular place of business, receive actual traveling expenses and per diem in lieu of subsistence in accordance with rates established by Standardized Government Travel Regulations as amended.

(e) The compensation of each member of the National Board shall be governed by the following: (1) The member shall be compensated at an hourly rate for such time as is actually spent by him in the work of the National Board, or a panel thereof without limitation as to the number of hours compensable in any one day, (2) the member shall be compensated at an hourly rate for travel time away from his home or regular place of business while en route to or from any meeting of the National Board or while otherwise traveling on business of the National Board, but the compensable time for any trip to or from any such meeting or other business shall be limited to 8 hours, (3) duties performed on, and travel time occurring on a Saturday, Sunday, or holiday shall be compensable as if performed or occurring on any other day of the week, (4) the compensation shall be in accord with the provisions of section 5332 of title 5, United States Code, and (5) the compensable hours per week, Sunday through the following Saturday, shall not exceed 40 hours and the compensation in any pay period shall not exceed one twenty-sixth (1/26) of the governing annual rate of compensation.

STATE ADMINISTRATION

1604.11 Governor.—The Governor of each State is authorized to recommend a person to be appointed by the President as State Director of Selective Service for his State, who shall represent the Governor in all selective service matters.

1604.12 State Director of Selective Service.—Subject to the direction and control of the Director of Selective Service, the State Director of Selective Service for each State shall be in immediate charge of the State Headquarters for Selective Service and shall be responsible for carrying out the functions of the Selective Service System in his State. The State Headquarters for Selective Service shall be an office of record for selective service operations only, and no records other than selective service records shall be maintained in such office.

1604.13 State Director of Selective Service for New York City.—The Governor of the

State of New York is authorized to recommend a person to be appointed by the President as State Director of Selective Service for New York City, who shall represent the Governor in all selective service matters within the City of New York. Subject to the direction and control of the Director of Selective Service, the State Director of Selective Service for New York City shall be in immediate charge of the State Headquarters for Selective Service for New York City and shall be responsible for carrying out the functions of the Selective Service System within the City of New York. The State Director of Selective Service for the State of New York shall have no jurisdiction in selective service matters within the City of New York. The State Headquarters for Selective Service for New York City shall be an office of record for selective service operations only, and no records other than selective service records shall be maintained in such office.

1604.14 Staff of State Headquarters for Selective Service.—(a) Subject to applicable law and within the limits of available funds the staff of each State Headquarters for Selective Service shall consist of as many officers, either military or civilian, as shall be authorized by the Director of Selective Service.

(b) In accordance with limitations imposed by the Director of Selective Service, the State Director of Selective Service is authorized to appoint such civilian personnel as he considers are required in the operation of the State Headquarters for Selective Service.

APPEAL BOARDS

1604.21 Area.—In the Canal Zone, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, the State of Hawaii, the State of Idaho, the State of Montana, the State of Wyoming, and each State of the United States constituting one Federal judicial district, each State Director of Selective Service shall establish one appeal board area which shall comprise the entire State or possession. In each State which is divided into two or more Federal judicial districts, except the State of New York and the City of New York, each State Director of Selective Service shall establish for each such district an appeal board area which shall comprise the entire district. The State Director of Selective Service for the State of New York shall establish for each Federal judicial district or portion thereof in that State located outside of the City of New York an appeal board area which shall comprise the entire district or portion thereof. The State Director of Selective Service for New York City shall establish for each of the Federal judicial districts located partly within the City of New York an appeal board area which shall comprise the entire portion of such district located within the City of New York.

1604.22 Composition and appointment of appeal boards.—The Director of Selective Service will prescribe the number of members for the appeal board and panels thereof for each appeal board area. The President upon recommendation of the respective Governor, shall appoint members of appeal boards from among citizens of the United States who are residents of the area for which the respective boards have jurisdiction.

1604.23 Designation.—(a) When there is one appeal board in a State the board shall be called "Appeal Board for the State of _____" and, if the appeal board consists of more than one panel, each panel shall be given the designation "Appeal Board for the State of _____, Panel No. _____", in numerical order.

(b) Except in the State of New York and in the City of New York, when there are two or more appeal boards in a State, each board shall be called "Appeal Board for the Selective Service System in the _____ Federal Judicial District of the State of _____" and, if an appeal board consists

of more than one panel, each panel shall be given the designation "Appeal Board for the Selective Service System in the _____ Federal Judicial District of the State of _____, Panel No. _____", in numerical order.

(c) In the State of New York each appeal board shall be called "New York State Appeal Board for the Selective Service System in the _____ Federal Judicial District" and, if an appeal board consists of more than one panel, each panel shall be given the designation "New York State Appeal Board for the Selective Service System in the _____ Federal Judicial District, Panel No. _____", in numerical order.

(d) In the City of New York each appeal board shall be called "New York City Appeal Board for the Selective Service System in the _____ Federal Judicial District" and, if an appeal board consists of more than one panel, each panel shall be given the designation "New York City Appeal Board for the Selective Service System in the _____ Federal Judicial District, Panel No. _____", in numerical order.

1604.24 Jurisdiction.—The appeal board shall have jurisdiction to review and to affirm or change any decision appealed to it from any local board in its area or any decision appealed from any local board not in its area when such appeal is either transferred to it in the manner provided in these regulations, or is appealed to it by or on behalf of any registrant whose principal place of employment is located in its area or submitted to it in the manner required by law.

1604.25 Disqualification.—No member of an appeal board shall act on the case of a registrant who is his first cousin or closer relation, either by blood, marriage, or adoption, or who is an employer, employee, or fellow employee, or stands in the relationship of superior or subordinate in connection with any employment, or is a partner or close business associate of the member. If because of such provision, or for any other reason, an appeal board cannot act on the case of a registrant, and there is no panel of the appeal board to which the case may be transferred, the appeal board shall transmit such case to the State Director of Selective Service for transfer to another appeal board.

1604.26 Organization and Meeting.—Each appeal board or panel shall elect a chairman and a secretary. A majority of the members of an appeal board or panel when present at any meeting shall constitute a quorum for the transaction of business. A majority of the members present at any meeting at which a quorum is present shall decide any question. Every member present, unless disqualified, shall vote on every question or classification. In case of a tie vote on a question or classification, the board shall postpone action until it can be decided by a majority vote. If any member is absent so long as to hamper the work of the board, the chairman of the board or panel concerned shall recommend to the State Director of Selective Service that such member be removed and a new member appointed.

1604.27 Minutes of Meetings.—Each appeal board or panel of an appeal board shall keep minutes of each of its meetings.

1604.28 Signing Official Papers.—Official papers issued by an appeal board or panel may be signed by the clerk "By direction of the Appeal Board," if he is authorized to do so by a resolution duly adopted by and entered in the minutes of such appeal board or panel, provided that the chairman or a member of an appeal board or panel must sign a particular paper when specifically required to do so by the provisions of a regulation or by an instruction issued by the Director of Selective Service.

MEDICAL ADVISORS TO THE STATE DIRECTORS OF SELECTIVE SERVICE

1604.31 Medical Advisors to the State Directors of Selective Service.—The President

may appoint, upon recommendation of the Governor, from qualified physicians, one or more medical advisors to each State Director of Selective Service. It shall be the duty of such medical advisors to furnish such advice concerning the physical and mental condition of registrants as the State Director of Selective Service may require.

ADVISORS TO REGISTRANTS

1604.41 **Advisors to registrants.**—Advisors to registrants may be appointed by the Director of Selective Service upon recommendation of the State Director of Selective Service to advise and assist registrants in the preparation of questionnaires and other selective service forms and to advise registrants on other matters relating to their rights and liabilities under the selective service law. The names and addresses of advisors to registrants within the local board area shall be conspicuously posted in the local board office.

LOCAL BOARDS

1604.51 **Areas of local board.**—The State Director of Selective Service for each State shall divide his State into local board areas and establish local boards in accord with instructions of the Director of Selective Service. There shall be at least one local board in each county except where the Director of Selective Service approves the establishment of an intercounty local board. When more than one local board is established with the same geographical jurisdiction, registrants residing in that area will be assigned among the local boards as prescribed by the Director of Selective Service. The State Director of Selective Service may establish panels of local boards in accord with instructions of the Director of Selective Service.

1604.52 **Composition of local boards.**—The Director of Selective Service shall prescribe the number of members of local boards and intercounty local boards.

1604.53 **Designation.**—The State Director of Selective Service shall assign each local board and each intercounty local board within the State a specific identifying number by which it shall be known. Such identifying numbers shall be assigned in numerical sequence beginning with the numeral 1.

1604.54 **Jurisdiction.**—The jurisdiction of each local board shall extend to all persons registered with or subject to registration with that local board. It shall have full authority to do and perform all acts within its jurisdiction authorized by law.

1604.55 **Disqualification.**—(a) No member of a local board shall act on his own case or on the case of a registrant who is his first cousin or closer relation, either by blood, marriage, or adoption, or who is an employee or employer, or who is a fellow employee, or stands in the relation of superior or subordinate in connection with any employment, or is a partner or close business associate of the member. If because of this provision a majority of a local board cannot act on the case of a registrant, the local board shall request the State Director of Selective Service to designate another local board to which the registrant shall be transferred for action on his case.

(b) The local board shall be disqualified to consider the classification of any registrant who is a government appeal agent, associate government appeal agent, advisor to registrants, or employee of such local board and in each such case it shall advise the State Director of Selective Service of its disqualification. The State Director of Selective Service shall then designate another local board to classify such registrant, and the registrant shall be transferred for classification to the local board thus designated.

1604.56 **Organization and Meeting.**—Each local board shall elect a chairman and a secretary. A majority of the members of the local board shall constitute a quorum for the transaction of business. A majority of the members present at any meeting at which a

quorum is present shall decide any question or classification. Every member present, unless disqualified, shall vote on every question or classification. In case of a tie vote on any question or classification, the board shall postpone action on the question or classification until it can be decided by a majority vote. If any member is absent so long as to hamper the work of the local board, the chairman of the local board shall recommend to the State Director of Selective Service that such member be removed and a new member appointed.

1604.57 **Oath of Witnesses.**—A member of the local board shall administer the following oath to every person testifying before the local board:

"You swear (or affirm) that the evidence you give in the matter now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God."

1604.58 **Minutes of Meetings.**—Each local board shall keep a record of each meeting of the board on Minutes of Local Board Meeting (SSS Form 112) which shall be filed by the local board as minutes of its meetings.

1604.59 **Signing Official Papers.**—Official papers issued by a local board may be signed by any compensated employee of the local board if he is authorized to do so by resolution duly adopted by and entered in the minutes of the meetings of the local board: *Provided*, That the chairman or a member of the local board must sign a particular paper when specifically required to do so by the Director of Selective Service.

MEDICAL ADVISORS TO THE LOCAL BOARDS

1604.61 **Medical Advisors to the Local Boards.**—The President may appoint for each local board, from qualified physicians recommended by the Governor, one or more medical advisors to advise the local board regarding the physical and mental condition of its registrants. The State Director of Selective Service may authorize any duly appointed medical advisor to a local board to perform such functions for any local board within the State.

1604.62 **Disqualification.**—No medical advisor to the local board shall advise a local board regarding the physical or mental condition of any registrant who is his first cousin or a closer relation either by blood, marriage, or adoption, or who is an employee or employer or stands in relation of superior or subordinate in connection with any employment, or is a partner or close business associate of such medical advisor to the local board.

INTERPRETERS

1604.81 **Authorization and Oath.**—(a) When necessary, the local board is authorized to use interpreters.

(b) The following oath shall be administered to an interpreter each time he is used by a local board:

"You swear (or affirm) that you will truly interpret in the matter now in hearing. So help you God."

PART 1605—COMPENSATED CIVILIAN EMPLOYEES EMPLOYMENT IN GENERAL

1605.1 **Appointment and Tenure.**—Subject to the provisions of section 1605.31(b), and the provisions of section 10(b) (4) of the Military Selective Service Act of 1967 with respect to the tenure of Executive Secretary of Local Boards, all civilian officers and employees engaged in carrying out the functions of the Selective Service System who receive compensation from the United States for their services as such shall be appointed in accordance with the provisions of the Federal Civil Service Laws and the regulations of the U.S. Civil Service Commission issued pursuant thereto. Persons entitled to veterans' preference under the provisions of the Veterans' Preference Act of 1944 shall be given preference in employment and retention in employment.

COMPENSATION IN GENERAL

1605.11 **Fixing Compensation.**—(a) The compensation of all positions, with the exception of positions in local board and appeal board offices, shall be fixed in accordance with the provisions of the Federal Civil Service Laws and the regulations of the United States Civil Service Commission issued pursuant thereto.

(b) The compensation of all positions in local board and appeal board offices shall be fixed in accordance with instructions given and limitations imposed by the Director of Selective Service.

NATIONAL HEADQUARTERS EMPLOYEES

1605.21 **Appointment and Tenure.**—The Director of Selective Service shall determine the number and duties of compensated civilians to be employed by National Headquarters for Selective Service, and may designate an appointing officer to employ individuals approved by him or pursuant to his direction to fill such positions.

EMPLOYEES OF STATE HEADQUARTERS AND OTHER OFFICES WITHIN THE STATE

1605.31 **Appointment and Tenure of Employees of State Headquarters and Other Offices Within State.**—(a) In accordance with instructions given and limitations imposed by the Director of Selective Service, the State Director of Selective Service shall determine the number and duties of compensated civilian employees to fill positions in the State Headquarters for Selective Service, appeal boards, local boards, and other selective service offices within the State. The State Director of Selective Service may designate an appointing officer to employ individuals approved by him or pursuant to his direction to fill such positions.

(b) Subject to instructions given and limitations imposed by the Director of Selective Service, the principal supervisory compensated employee in every local board or a panel of such board which has an independent staff that is responsible only to the panel, and local board compensated employees having responsibility for supervising the work of two or more local boards shall be appointed as the "Executive Secretary" of the local board or local boards. Appointments of "Executive Secretary" shall be limited to 10 years but may be extended for additional 10-year periods by the State Director of Selective Service.

(c) Except with the prior approval of the State Director of Selective Service, no person shall be employed in any compensated position in any local board office or appeal board office who is related to any member of the local board or appeal board as close as or closer, by blood, marriage or adoption than a first cousin; provided, this paragraph shall not apply to any veteran or former member of the Merchant Marine who under the laws of the United States has restoration rights to his former position with the local board or appeal board.

(d) The State Director of Selective Service, when he deems it to be in the best interest of the Selective Service System, may authorize the appointment of Executive Secretaries to serve two or more local boards.

PART 1606—GENERAL ADMINISTRATION GENERAL

1606.1 **Administration of Oaths Generally.**—(a) Unless a specified person is designated to administer an oath required under the provisions of the regulations in this chapter, any civil officer authorized to administer oaths generally, any commissioned officer of the armed forces assigned for duty with the Selective Service System, any member or clerk of a local board or appeal board, any government appeal agent or associate government appeal agent, any advisor to registrants, any postmaster, acting postmaster, or assistant postmaster, may administer such oath.

(b) Whenever an oath is required, an af-

firmation in judicial form, if made by a person having conscientious scruples against the taking of oaths, shall be sufficient compliance.

(c) No fee or charge shall be made for the administration of oaths in the execution of the selective service law.

COMMUNICATIONS

1606.11 Letters.—Communication should generally be by letter. Official letters in execution of the selective service law may be sent in official penalty envelopes.

1606.12 Telegrams, Radiograms, and Cablegrams.—Official telegrams, radiograms, and cablegrams may be used for official business when speed is essential. The probable hour when the addressee will actually receive such a message, as compared to the probable hour when he would receive an ordinary or air mail letter, should be considered. Reasonable economy is necessary, and a more complete statement can usually be made in a letter.

1606.12 Long Distance Telephone.—Long distance telephone service may be used for official business at Government expense when absolutely essential. It is relatively very expensive and much more subject to faulty understanding between the parties than are written messages.

1606.14 Personal Messages.—No personal inquiries or messages shall be sent by official envelope, or at Government expense by telegram, radiogram, cablegram, or telephone. Messages regarding leave of absence, payment of salary, or expense account, and similar messages fall under this prohibition.

RECORDS IN GENERAL

1606.21 Records To Be Maintained.—(a) In addition to all other records required by the regulations in this chapter to be kept by selective service offices, each such office shall keep a full set of Selective Service Regulations and such forms as pertain to its functions. All such offices shall be required to keep up, day by day, amendments, memoranda, changes, and all other pertinent information published by the Director of Selective Service.

(b) Each selective service office shall retain all correspondence received and a copy of all correspondence sent in its files until authorization for its disposition is received from the Director of Selective Service.

1606.22 Protection of Records.—Selective service offices shall take all possible care to keep records from being lost or destroyed. Under no circumstances shall a record be entrusted to any person not authorized to have it in his custody. When the person charged with the custody of a record transmits or delivers it to another, he shall place a notation showing the person or agency to which it is transmitted or delivered in his files in the place from which the record was withdrawn. When cover sheets of registrants are transmitted by mail a strict accounting shall be maintained of the dispatch and receipt thereof.

1606.23 Entries on Records.—Selective service offices shall make entries on records with typewriter, black ink, or rubber stamp, except where the use of one is specifically directed. Red ink shall be used only as specifically directed.

1606.24 Signatures.—Signatures affixed to official papers of the Selective Service System must be written in pen and ink by the person signing. Rubber stamp facsimiles will not be used.

CONFIDENTIAL RECORDS

1606.31 What Records Confidential.—Except as provided by law or by the regulations in this part, the records in a registrant's file and the information contained in such records shall be confidential.

1606.32 Availability and Use of Confidential Records and Information.—(a) Information contained in records in a registrant's file may be disclosed or furnished to, or examined by, the following persons, namely:

(1) The registrant, or any person having written authority dated and signed by the registrant: *Provided*, That, whenever the time of the expiration of such authority is not specified therein, no information shall be disclosed, furnished, or examined under that authority after the expiration of a period of one year from its date.

(2) The legal representative of a deceased or incompetent registrant, or where there is no legal representative appointed for the estate of a deceased registrant, his next of kin; *Provided*, That proof of the registrant's death and proof of the relationship of the next of kin to the registrant have been submitted and are in his file. For the purpose of this subparagraph, the next of kin to the registrant shall be limited to his widow, child, mother, father, brother, or sister.

(3) All personnel of the Selective Service System while engaged in carrying out the functions of the Selective Service System.

(4) Any other agency, official, or employee, or class or group of officials or employees, of the United States or any State or subdivision thereof upon written request in individual cases, but only when and to the extent specifically authorized in writing by the State Director of Selective Service or the Director of Selective Service.

(b) Information contained in records in a registrant's file may be disclosed or furnished to, or examined by, a United States Attorney and his duly authorized representatives, including agents of the Federal Bureau of Investigation, whenever the registrant has been reported to the United States Attorney as a delinquent or for prosecution for violating the Military Selective Service Act of 1967, or the rules, regulations, or directions made pursuant thereto.

(c) Notwithstanding any other provisions of the regulations in this part, information contained in any record in a registrant's file may be disclosed or furnished to, or examined by, any person having specific written authority from the Director of Selective Service. No person shall use any information so disclosed, furnished, or examined for any purpose other than that designated in such written authority.

(d) No information shall be disclosed or furnished to, or examined by, any person under the provisions of this section, until such person has been properly identified as a person, or as the authorized representative of an agency, entitled to so obtain such information.

(e) Where a registrant has been indicted under the Military Selective Service Act of 1967 and must defend himself in a criminal prosecution, or where a registrant submits to induction and thereafter brings habeas corpus proceedings to test the validity of his induction, it is the policy of the Selective Service System to furnish to him, or to any person he may designate, one copy of his selective service file free of charge. Any other registrant may secure a copy of his file upon payment of the fees prescribed in section 1606.57(b).

1606.33 Forwarding Registrant's File to State Director of Selective Service.—A local board, on written request of the State Director of Selective Service of the State in which such local board is located, shall forward to such State Director of Selective Service the complete original file of any registrant under the jurisdiction of such local board.

1606.34 Waiver of Confidential Nature of Information.—The making or filing by or on behalf of a registrant of a claim or action for damages against the Government or any person, based on acts in the performance of which the record of a registrant or any part thereof was compiled, or the institution of any action against the Government or any representative thereof by or on behalf of a registrant involving his classification, selection, or induction, shall be a waiver of the confidential nature of all selective service records of such registrant, and, in addition,

all such records shall be produced in response to the subpoena or summons of the tribunal in which such claim or action is pending.

1606.35 Subpena of Records.—(a) In the prosecution of a registrant or any other person for a violation of the Military Selective Service Act of 1967, the Selective Service Regulations, any orders or direction made pursuant to such act or regulations, or for perjury, all records of the registrant shall be produced in response to the subpoena or summons of the court in which such prosecution or proceeding is pending. Any officer or employee of the Selective Service System who produces the records of a registrant in court shall be considered the custodian of such records for the purpose of this section.

(b) Except as provided in paragraph (a) of this section, no officer or employee of the Selective Service System shall produce a registrant's file, or any part thereof, or testify regarding any confidential information contained therein, in response to the subpoena or summons of any court without the consent, in writing, of the registrant concerned, or of the Director of Selective Service.

(c) Whenever, under the provisions of this section, a registrant's file, or any part thereof, is produced as evidence in the proceedings of any court, such file shall remain in the personal custody of an official of the Selective Service System, and permission of the court be asked, after tender of the original file, to substitute a copy of the file with the court.

1606.37 Disclosure or Furnishing of Information Relating to Physical or Mental Condition.—Information relating to the physical or mental condition of a registrant may be disclosed or furnished to the appropriate civil authorities by a medical advisor to the State Director of Selective Service or a medical advisor to the local board where he is required by law to report diseases or defects noted therein.

1606.38 "Disclose," "Furnish," and "Examine" Defined.—When used in this part, the following words with regard to the records of, or information as to, any registrant shall have the meaning ascribed to them as follows:

(a) "Disclose" shall mean a verbal or written statement concerning any such record or information.

(b) "Furnish" shall mean providing in substance or verbatim a copy of any such record or information.

(c) "Examine" shall mean a visual inspection and examination of any such record or information at the office of the local board or appeal board as the case may be.

1606.39 Searching or Handling Records.—Except as specifically provided in these regulations or by written authority of the Director of Selective Service, no person shall be entitled to search or handle any record.

1606.40 Furnishing Lists of Registrants.—Lists of registrants may be prepared and posted or furnished only as provided in these regulations or in accordance with written instructions from the Director of Selective Service.

1606.41 Addresses of registrants.—The addresses of registrants are confidential information.

1606.42 Disclosing Information to Former Employers.—A State Director of Selective Service may disclose to the former employer of a registrant who is serving in, or who has been discharged from, the armed forces whether the registrant has or has not been discharged and, if discharged, the date thereof, upon reasonable proof that the registrant left a position in the employ of the person requesting such information in order to serve in the armed forces.

SELECTIVE SERVICE FORMS

1606.52 Special Forms Must Be Authorized.—Whenever conditions within a State makes it necessary a form not prescribed by the Director of Selective Service or men-

tioned in the regulations in this chapter or the directives issued thereunder, the State Director of Selective Service shall, prior to adopting the proposed form, submit three copies thereof, together with a brief statement of the necessity and proposed use, to the Director of Selective Service. The form shall not be used until approved by the Director of Selective Service.

FURNISHING INFORMATION UNDER ADMINISTRATIVE PROCEDURE ACT

1606.55 Information to be made available.—Section 3(a)(3) of the Administrative Procedure Act, as amended by Public Law 90-23, provides in part that each Federal Government agency, on request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedures to be followed, shall make the records available to any person.

1606.56 General policy.—(a) It is the general policy of the Selective Service System to make information available to the public unless the disclosure thereof would constitute a clearly unwarranted invasion of personal privacy or is prohibited under law or Executive order or relates to internal memoranda, letters or manuals the disclosure of which would interfere with the functions of the Selective Service System. The Director of Selective Service reserves the right to make exceptions to the general policy in a particular instance giving due weight to the right of the public to know and the interests of the individual or individuals involved.

(b) Memoranda, correspondence, opinions, data, staff studies, information received in confidence, and similar documentary material prepared for the purpose of internal communication within the Selective Service System or between the Selective Service System and other organizations or persons generally are not information available to the public.

1606.57 Service charges for information.—(a) The Selective Service System furnishes the public free of charge reasonable quantities of information that has been printed or otherwise reproduced for that purpose.

(b) Requests for copies of identifiable documents or records other than those furnished free under paragraph (a) of this section or by purchase under paragraph (c) of this section, will require the payment of fees, in advance, as set forth in this paragraph.

(1) Requests for these documents or records shall be made in writing to the appropriate State Director of Selective Service at the address given in section 1606.58(f). If the request is based on a discovery motion granted by a United States District Court, a copy of the motion shall be attached to the request.

(2) The schedule of fees is

(i) For copies of cover sheets reproduced by a private concern at requester's expense: \$5 per hour, or fraction thereof in excess of one-quarter hour, for employee's time to monitor the reproduction, computed from the time of his departure until his return to his post.

(ii) For copies of identifiable documents other than Cover Sheets (SSS Form 101): \$1.00 per page, which cost includes time for searching and reproducing the document.

(iii) Documents or files will not be released to any requester until these fees are paid in full by check or money order made payable to the Selective Service System.

(c) Copies of the Military Selective Service Act of 1967, the Selective Service Regulations, and Local Board Memoranda are offered for sale and may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(d) Current Operations Bulletins, which are temporary in nature, may be inspected

at the office of any local board, the office of the State Director of Selective Service for any State, or at the Office of Public Information, National Headquarters, Selective Service System.

(e) Each local board maintains a Classification Record (SSS Form 102), which contains the name, selective service number, and the current and past classifications for each person registered with that board. This record is open to inspection by the public.

1606.58 Places where information may be obtained.—(a) The information contained in a registrant's selective service file is confidential, and may be revealed only upon strict compliance with the provisions of section 1606.32 of this part. Requests for information concerning a registrant shall be addressed to the local board where he is registered.

(b) Information concerning records obtained under the Selective Training and Service Act of 1940, Public Law 26, 80th Congress, establishing the Office of Selective Service Records, and those records acquired under the Military Selective Service Act of 1967, which are in Federal record depots of the several State Headquarters of Selective Service, is governed by the provisions of Part 1670—Records Administration in Federal Record Depots, of these regulations. Such information is confidential, and will be furnished by the State Director of Selective Service for the State where such records are kept when the person requesting the information shows to the satisfaction of the State Director that he is qualified to receive such information under the provisions of section 1670.8 of Part 1670.

(c) Records contained in the standby-reserve folder of a member of the Standby Reserve of the Armed Forces are confidential, and may be revealed to a person requesting information therefrom only when such person shows to the satisfaction of the Executive Secretary or clerk of the local board that he is qualified to receive such information under the provisions of section 1690.22 of Part 1690—Determination of Availability of Members of the Standby Reserve of the Armed Forces for Order to Active Duty.

(d) Requests for information concerning the administration of the Military Selective Service Act of 1967 within a particular State shall be addressed to the State Director of Selective Service for the State involved.

(e) Requests for information concerning the national administration of the Military Selective Service Act of 1967 shall be addressed to the Office of Public Information, National Headquarters, Selective Service System, 1724 F Street NW., Washington, D.C. 20435.

(f) Addresses of the office of the State Directors of Selective Service are as follows:

State and address

Alabama: Room 818, Aronov Building, 474 South Court Street, Montgomery, AL 36104.

Alaska: Room 248, Federal Building, 619 Fourth Avenue, Anchorage, AK 99501.

Arizona: Room 202, Post Office Building, 522 North Central Avenue, Phoenix, AZ 85004.

Arkansas: Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

California: Federal Building, 801 I Street, Sacramento, CA 95814.

Canal Zone: Post Office Box 2014, Balboa Heights, CZ (200-A Administration Building).

Colorado: Building 53, Room B 2906, Denver Federal Center, Post Office Box 25206, Denver, CO 80225.

Connecticut: Post Office Box 1558, Hartford, CT 06101.

Delaware: Prices Corner, 3202 Kirkwood Highway, Wilmington, DE 19808.

District of Columbia: 441 G Street NW., Washington, D.C. 20001.

Florida: 19 McMillan Street, Post Office Box 1988, St. Augustine, FL 32084.

Georgia: 901 West Peachtree Street NE., Atlanta, GA 30309.

Guam: Post Office Box 3036, Agana, Guam 96910 (RICA Building, second floor, Hernan Cortes Avenue and Soledad Drive).

Hawaii: Post Office Box 4006, Honolulu, HI 96813 (Hawaiian Life Building, fifth floor, 1311 Kapiolani Boulevard, Honolulu, HI 96813).

Idaho: 550 West Fort Street, Room 480, Federal Building, Boise, ID 83702.

Illinois: 405 East Washington Street, Springfield, IL 62701.

Indiana: Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

Iowa: Building 68, Fort Des Moines, Des Moines, Iowa 50815.

Kansas: New England Building, Suite 320, 508 Kansas Avenue, Topeka, KS 66603.

Kentucky: 220 Steele Street, Frankfort KY 40601.

Louisiana: Building 601-5-A, 4400 Dauphine Street, New Orleans, LA 70140.

Maine: Federal Building, 40 Western Avenue, Augusta, ME 04330.

Maryland: 31 Hopkins Plaza, Room 1110, Baltimore, MD 21201.

Massachusetts: John Fitzgerald Kennedy Federal Building, Room 2312, Government Center, Boston, Mass. 02203.

Michigan: Post Office Box 626, Lansing, MI 48903 (Arnold Building, 1120 East May Street, Lansing, MI).

Minnesota: Room 1503, Post Office and Customhouse, 180 East Kellogg Boulevard, St. Paul, MN 55101.

Mississippi: Cameron-Walker Building, 4785 Interstate 55 North, Jackson, MS 39206.

Missouri: 411 Madison Street, Jefferson City, MO 65101.

Montana: Post Office Box 1183, Helena, MT 59601 (616 Helena Avenue, Helena, MT).

Nebraska: 941 O Street, Lincoln, NE 68508.

Nevada: 1511 North Carson Street, Carson City, NV 89701.

New Hampshire: 55 Pleasant Street, Room 337, Post Office Box 427, Concord, NH 03301.

New Jersey: 402 East State Street, Trenton, NJ 08608.

New Mexico: Post Office Box 5175, Santa Fe, NM 87501 (The New Mexico National Guard Complex, 2600 Cerillo Road).

New York State: Federal Building, 441 Broadway, Albany, NY 12207.

New York City: Federal Building, Room 2337, 26 Federal Plaza, New York, NY 10007.

North Carolina: 310 New Bern Avenue, Post Office Box 26008, Room 448, Raleigh, NC 27611.

North Dakota: Federal Building, Post Office Box 1417, Bismarck, ND 58501.

Ohio: 85 Marconi Boulevard, Columbus, OH 43215.

Oklahoma: 417 Post Office Courthouse Building, Oklahoma City, Okla. 73102.

Oregon: 355 Belmont Street NE., Salem, OR 97301.

Pennsylvania: Post Office Box 1266, 228 Walnut Street, Harrisburg, PA 17108.

Puerto Rico: 398 Fernandez Juncos Avenue, San Juan, PR 00906.

Rhode Island: 1 Washington Avenue, Providence, RI 02905.

South Carolina: 1801 Assembly Street, Columbia, SC 29201.

South Dakota: Annex Box 3105, Rapid City, SD 57701.

Tennessee: Room 500, 1717 West End Building, Nashville, Tenn. 37203.

Texas: Room G161, Federal Building, 300 East Eighth Street, Austin, TX 78701.

Utah: 333 South Second East, Salt Lake City, UT 84111.

Vermont: Federal Building, Post Office Box 308, Montpelier, VT 05602.

Virginia: 400 North Eighth Street, Richmond, VA 23240.

Virgin Islands: Post Office Box 360, Charlotte Amalie, St. Thomas, VI 00801.

Washington. Post Office Box 5247, Tacoma,

WA 98405 (Washington National Guard Armory, South 10th and Yakima).

West Virginia: Federal Office Building, Charleston, W. Va. 25301.

Wisconsin: Post Office Box 2157, 1220 Capitol Court, Madison, WI 53701.

Wyoming: 308 West 21st Street, Cheyenne, WY 82001.

1606.59 Time for Obtaining Information.—A request for information under these regulations may be made in writing or orally during business hours on a regular business day. When information to be furnished is not readily available, the employee responsible for obtaining the information shall make it available within a reasonable time.

1606.60 Identification of Information Requested.—Any person who requests information under these regulations shall provide a reasonably specific description of the information sought so that it may be located without undue search or inquiry. Information that is not identified by a reasonably specific description is not an identifiable record, and the request for that information may be declined.

1606.61 Public Information Policy.—In addition to the policies relative to the disclosure of information when requested by a member of the public, the Selective Service System has a positive public information policy under which information is brought to the attention of the public. Under this policy, the Selective Service System brings to the public, through news releases, regular question and answer releases, pamphlets, and educational courses for distribution to high schools; information concerning important events, the application of the Military Selective Service Act of 1967, Selective Service Regulations, and the functions of the Selective Service System. Orientation books, containing background information on the Selective Service System, are also available for distribution to clubs, libraries, schools, business firms, labor unions, religious bodies, and other organizations. Information concerning sources and location of research material will be supplied, upon request, by the Office of Public Information, National Headquarters, Selective Service System.

1606.62 Request for names, addresses and and personal data concerning officials and employees.—(a) In accordance with Federal Personnel Manual Letter 294-1, March 17, 1966, issued by the Civil Service Commission, the names, position titles, grades, salaries, and duty stations of employees of the Selective Service System are public information.

(b) The names of board members and advisors to registrants will be posted in an area available to the public at each board office to which such personnel are assigned.

(c) In accordance with the reasoning of Federal Personnel Manual Letter 711-8, August 2, 1967, issued by the Civil Service Commission the home addresses and other personal data concerning the officials designated in paragraph (b) of this section will not be released unless (1) the person to whom the data relates consents to such release or (2) the board chairman determines in writing, after consultation with the person to whom the data relates, that disclosure would not harm such person, and would not constitute a clearly unwarranted invasion of his personal privacy.

1606.63 Demands of courts or other authorities for records or information protected by these regulations.—(a) Authority to release records or information the disclosure of which is prohibited or restricted by these regulations, including personal information bearing on the qualifications of an official to serve in the position he occupies, is reserved to the Director of Selective Service. A request, demand or order to produce such information (hereafter "demand") will not be honored by any employee of the System without prior approval of the Director.

(1) Whenever such demand is made upon an employee of the System by or through a court or other authority, he will immediately notify the Director of Selective Service and the United States Attorney for the district in which the issuing court or other authority is located.

(2) If response to the demand is required before instructions from the Director of Selective Service are received, the employee responsible for responding shall request the United States Attorney to represent him, shall appear before the court or other authority, shall cause the court or other authority to be furnished a copy of this section and section 1606.62, and shall cause it to be informed that the demand has been or is being, as the case may be, referred for the prompt consideration of the Director of Selective Service. The employee or his representative should respectfully request the court or other authority to stay the demand pending receipt of instructions from the Director of Selective Service.

(b) If the court or other authority declines to stay the effect of the demand, or rules that the demand must be complied with regardless of the instructions from the Director of Selective Service, the employees will respectfully decline to comply with the demand (*United States ex rel. Touhy v. Ragen*, 340 U.S. 462, 71 S.Ct. 416).

PART 1607—FINANCE ADMINISTRATION

1607.1 Disbursement of Funds.—Disbursements of funds shall be made in accordance with United States Government fiscal procedures and such rules and regulations pertaining thereto as may be prescribed by the Director of Selective Service.

1607.2 State Director of Selective Service May Authorize Certain Expenditures.—Subject to the provisions of applicable regulations and to any limitation imposed by the Director of Selective Service, the State Director of Selective Service, or his designee, may authorize such lawful expenditures as he determines to be necessary for the operation and maintenance of the Selective Service System in his State.

1607.4 Limitation on Obligations.—Obligations may be incurred only for purposes authorized by law and in amounts not in excess of funds authorized by the Director of Selective Service.

1607.5 Report of Obligations.—A report of obligations incurred shall be submitted for each State Headquarters at such times and in such manner as the Director of Selective Service may prescribe.

PART 1608—PAYMENT FOR PERSONAL SERVICES

1608.1 Payments.—Compensated civilian personnel of the Selective Service System shall be paid on bi-weekly payrolls in accordance with instructions issued by the Director of Selective Service.

PART 1609—EXPENDITURES OTHER THAN FOR PERSONAL SERVICES

PROPERTY, EQUIPMENT, SUPPLIES, OFFICE SPACE, AND SERVICES

1609.1 Procurement.—(a) The procurement of necessary property, equipment, supplies, office space and services for the Selective Service System shall be accomplished under the direction of the Director of Selective Service and only by his duly authorized representatives.

(b) In each State the procurement of property, equipment, supplies, office space, and services, unless otherwise provided for by regulations or instructions of the Director of Selective Service, shall be performed by the State Director of Selective Service, or his designee.

(c) No contract shall be negotiated or entered into for the procurement of supplies or services from any firm or company with which any persons authorizing or making

the purchase is in any way connected as a member, officer, agent, or employee.

(d) Except when circumstances justify other action, the procurement of property, equipment and supplies shall be accomplished through the General Services Administration.

(e) The selective service law permits the Selective Service System to accept, by loan or gift, equipment and supplies.

1609.2 Requisitions.—Equipment, supplies and services required by selective service offices within the State will be obtained by requisition on the State Director of Selective Service, or his designee.

1609.11-Lease of Offices.—(a) When practicable, the offices of State Headquarters, local boards, and appeal boards should be located in rent-free premises.

(b) When premises for offices cannot be secured rent-free, they may be leased in the manner prescribed by the Director of Selective Service.

1609.12 Alterations, improvements, and repairs.—The State Director of Selective Service may authorize in writing alterations, improvements, and repairs to State Headquarters, local board, and appeal board premises in the manner prescribed by the Director of Selective Service.

TELEPHONE AND TELEGRAPH IN STATE OFFICE

1609.21 Telephone: Authorization.—(a) A telephone may be installed in State Headquarters for Selective Service and in the office of a local board or appeal board when requested by the chairman. Telephones shall be used for official business only.

(b) Contracts, when required, for telephone installation shall be executed by the General Services Administration.

1609.22 Certification of Bills.—(a) Telephone and telegraph bills shall contain the class of persons designated by the State following certificate signed by a person or class of persons designated by the State Director of Selective Service:

I certify that the above account is correct and that the service was rendered for prompt transaction of official business.

(b) With reference to long distance telephone tolls, attention is called to the following statutory provisions: " * * * hereafter no part of this or any other appropriation for any executive department, establishment, or agency shall be used for the payment of long distance telephone tolls except for the transaction of public business which the interests of the Government require to be so transacted; and all such payments shall be supported by a certificate by the head of the department, establishment, or agency concerned, or such subordinates as he may specially designate, to the effect that the use of the telephone in such instances was necessary in the interest of the Government." (Sec. 4, act of May 10, 1939, 53 Stat. 738; 31 U.S.C. 680(a))

(c) The Director of Selective Service will designate one or more certifying officers at State Headquarters for Selective Service for the purpose of executing the following prescribed certificate which shall support all payments of official long distance telephone calls:

"Pursuant to section 4 of the act approved May 10, 1939, 53 Stat. 738. I certify that the use of the telephone for the official long distance calls listed herein was necessary in the interest of the Government."

(d) Telegrams, cablegrams, and radiograms on official business shall be endorsed "Selective Service System—Official Business—Government rate" and shall indicate the class of message (telegram, day letter, night letter). On the face of the message the sender shall make the following certificate:

"I certify that this message is on official business necessary for the public service in the administration of the selective service law."

(Signature).

(Official title.)

VOUCHERING PROCEDURE

1609.31 Invoices and Other Claims.—Invoices and other claims for payment from Federal funds appropriated to the Selective Service System shall be vouchered and certified in accordance with instructions issued by the Director of Selective Service.

TRAVEL AND SUBSISTENCE

1609.41 Travel: Authorization.—(a) To the extent provided by appropriation made therefor, the following may authorize travel at Government expense in carrying out the functions of the Selective Service System:

(1) The Director of Selective Service or any other official designated by him.

(2) The State Director of Selective Service, for the travel of the personnel of the Selective Service System of his State to any point within the boundaries of his State, unless travel beyond such boundaries is required in answer to a subpoena issued by the United States District Court, or has been authorized by the Director of Selective Service.

(b) Travel of members of the armed forces assigned to duty with the Selective Service System shall be authorized in the manner prescribed by the Director of Selective Service.

(c) A local board or a person duly authorized by the Director of Selective Service or the State Director of Selective Service may authorize the transportation of registrants by commercial carrier or privately owned vehicle whichever would be in the better interest of the Government.

1609.42 Travel and Subsistence Expenses.—Except as otherwise provided for by law or in section 1609.43, the amount of travel and subsistence expense or the per diem allowance is fixed in Standardized Government Travel Regulations.

1609.43 Special Provisions Concerning Travel and Subsistence Expenses.—(a) The travel of a person serving without compensation in carrying out the functions of the Selective Service System shall be specifically authorized, and such person so authorized may be reimbursed in accordance with applicable law and regulations governing travel of uncompensated personnel at Government expense for transportation and traveling expenses incurred while traveling on official business, including travel from home to the office of the board to which such person is assigned and return.

(b) The rates of the per diem in lieu of actual expenses for subsistence authorized by law and regulations represent the maximum allowable and not the minimum. It is the responsibility of the issuing official to authorize only such per diem rates as are justified by the nature of the travel. Care should be exercised to prevent the fixing of a per diem rate in excess of that required to meet the necessary authorized expenses.

(c) Members of the armed forces who are on active duty in the service of the United States and assigned to duty with the Selective Service System, when properly authorized to travel, shall be reimbursed from selective service funds at rates authorized by the Director of Selective Service.

1609.44 Government Requests for Transportation.—Government requests for transportation shall be used for official travel by air, land and water, including inland waterways, and shall be issued only by those persons designated by the Director of Selective Service or the State Director of Selective Service for:

(a) Transportation of registrants.

(b) Travel of officers and employees engaged in carrying out the functions of the Selective Service System.

1609.45 Government Requests for Meals or Lodgings for Civilian Registrants.—Government requests for meals or lodgings for civilian registrants shall be issued only by a local board or a person duly authorized by the Director of Selective Service or the

State Director of Selective Service. They shall be issued for purposes and in such values as the Director of Selective Service may prescribe.

EMERGENCY MEDICAL CARE, HOSPITALIZATION, AND TRANSPORTATION AND BURIAL OF REMAINS

1609.51 Claims.—(a) Funds appropriated for the operation and maintenance of the Selective Service System shall be available for payment of actual and reasonable expenses of (1) emergency medical care, including hospitalization of registrants who suffer illness or injury, and (2) the transportation and burial of the remains of registrants who suffer death, while acting under travel orders issued by or under the authority of the Director of Selective Service. Burial expenses shall not exceed the maximum prescribed in section 11 of the Military Selective Service Act in any one case. No expenses arising from the illness, injury, or death of a registrant shall be payable under the provisions of this section when such illness, injury, or death occurs while the registrant is performing civilian work contributing to the maintenance of the national health, safety, or interest which he has been ordered to perform by the local board.

(b) The term "emergency medical care, including hospitalization" as used in this section shall be construed to mean such medical care or hospitalization that normally must be rendered promptly after occurrence of the illness or injury as a result of which it is required, and discharge by a physician or facility subsequent to such medical care or hospitalization shall prima facie terminate the period of emergency.

(c) The death of a registrant shall be deemed to have occurred while acting under orders issued by or under the authority of the Director of Selective Service if it results directly from an illness or injury suffered by the registrant while so acting and occurs prior to the completion of an emergency medical care, including hospitalization, occasioned by such illness or injury.

(d) Claims for payment of expenses incurred for the purposes set forth in paragraph (a) of this section shall be presented to the State Director of Selective Service of the State in which the expenses were incurred, who shall determine whether the claim shall be allowed or disallowed, in whole or in part, subject to appeal within 60 days to the Director of Selective Service.

(e) Payment of such claims when allowed shall be made only (1) directly to the person or facility with which the expenses were incurred, or (2) by reimbursement to the registrant, a relative of the registrant, or the legal representative of the registrant's estate, for original payment of such expenses.

(f) No such claim shall be paid unless it is presented within the period of one year from the date on which the expenses were incurred.

(g) No such claim shall be allowed in case it is determined that the cause of injury, illness, or death was due to negligence or misconduct of the registrant.

PART 1610—PROPERTY ACCOUNTABILITY

1610.1—Property of the United States.—(a) All equipment and supplies of whatever character acquired by the Selective Service System by purchase with Government funds, transfer from another Federal agency, donation, are the property of the United States and shall be used solely for the transaction of Government business.

(b) All equipment and supplies shall be accounted for in the manner prescribed by the Director of Selective Service.

(c) The classification of property as between expendable and nonexpendable shall be determined by the Director of Selective Service.

1610.2 Government Property; Responsibility and Accountability.—(a) The State Director of Selective Service shall designate for each selective service office in the State an officer or a compensated civilian employee who shall be responsible for property of the United States in the possession of that office.

(b) The State Director of Selective Service, or his designee, shall be accountable for all U.S. Government property purchased by, or issued, transferred, or donated to the Selective Service System within his State, and accurate records of such property shall be maintained and reports rendered as may be prescribed by the Director of Selective Service.

1610.3 Transfer of Responsibility and Accountability.—The transfer of responsibility and accountability for Government property shall be accomplished in the manner prescribed by the Director of Selective Service.

1610.4 Nonexpendable Property; Lost, Stolen, Destroyed, Damaged, or Unserviceable.—Whenever any article or nonexpendable property is lost, stolen, destroyed, damaged, or becomes unserviceable through fair wear and tear in service it shall be cleared from the records by means of a report of survey. The reports of survey shall be prepared and processed in accordance with instructions issued by the Director of Selective Service.

1610.5 Obsolete Blank Forms: Disposition of.—Obsolete blank forms and other printed matter shall be disposed of only as ordered by the Director of Selective Service.

PART 1611—DUTY AND RESPONSIBILITY TO REGISTER

1611.1 Persons Required to be Registered.—(a) Except as otherwise provided by the regulations in this part, it shall be the duty of every male citizen of the United States, and every other male person, except an alien male person who is in a medical, dental, or allied specialist category, residing in or who hereafter enters the United States, who shall have attained the 18th anniversary of the day of his birth and who shall not have attained the 26th anniversary of the day of his birth on the day or any of the days fixed for registration by Presidential proclamation to present himself for and submit to registration under the provisions of section 3 of the Military Selective Service Act at such time or times and place or places, and in such manner as is required by proclamation of the President and the regulations of this part. Every alien male person who is in a medical, dental, or allied specialist category residing in the United States or who hereafter enters the United States, who shall have attained the 18th anniversary of the day of his birth and who shall have not attained the 35th anniversary of the day of his birth on the day or any of the days fixed for registration by Presidential proclamation is required to present himself for and submit to registration under the provisions of section 3 of the Military Selective Service Act at such time or times and place or places, and in such manner as is required by proclamation of the President and the regulations of this part.

(b) Every male person required to register shall present himself for and submit to registration before a duly designated registration official or the local board having jurisdiction in the area in which he has his permanent home or in which he may happen to be on the day or any of the days fixed for his registration.

1611.2 Persons Not Required to be Registered.—(a) Under the provisions of section 6(a) of the Military Selective Service Act the following persons are not required to be registered:

(1) Commissioned officers, warrant officers, pay clerks, enlisted men, and aviation cadets of the Regular Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Na-

tional Oceanic and Atmospheric Administration and the Public Health Service;

- (2) Cadets, U.S. Military Academy;
- (3) Midshipmen, U.S. Navy;
- (4) Cadets, U.S. Air Force Academy;
- (5) Cadets, U.S. Coast Guard Academy;
- (6) Midshipmen, Merchant Marine Reserve, U.S. Naval Reserves;

(7) Students enrolled in an officer procurement program at military colleges the curriculum of which is approved by the Secretary of Defense;

(8) Members of the reserve components of the Armed Forces, the Coast Guard, and the Public Health Service, while on active duty, provided that such active duty in the Public Health Service that commences after the enactment of the Military Selective Service Act is performed by members of the Reserve of the Public Health Service while assigned to staff any of the various offices and bureaus of the Public Health Service, including the National Institutes of Health, or while assigned to the Coast Guard, the Bureau of Prisons of the Department of Justice, or the National Oceanic and Atmospheric Administration; and

(9) Foreign diplomatic representatives, technical attaches of foreign embassies and legations, consuls general, consuls, vice consuls, and other consular agents of foreign countries who are not citizens of the United States and members of their families.

(b) A male alien who is now in or who hereafter enters the United States and who has not been admitted for permanent residence in the United States shall not be required to be registered under section 3 of the Military Selective Service Act, and shall be relieved from liability for training and service under section 4 of said Act, provided:

(1) He is lawfully admitted to the United States as a nonimmigrant under section 101(a)(15) of the Immigration and Nationality Act, as amended (66 Stat. 163; 8 U.S.C. 1101), for so long as he continues to maintain a lawful nonimmigrant status in the United States;

(2) He is a person who has entered the United States and remains therein pursuant to the provisions of section 11 of the agreement between the United Nations and the United States of America Regarding the Headquarters of the United Nations as approved August 4, 1947 (61 Stat. 756);

(3) He is a member of a group of persons who have been temporarily admitted to the United States under an arrangement with the government of the country of which they are nationals, or an appropriate agency thereof, for seasonal or temporary employment, and continues to be employed in the work for which he was admitted;

(4) He is a national of a country with which there is in effect a treaty or international agreement exempting nationals of that country from military service while they are within the United States; or

(5) He is a person who has entered the United States and remains therein pursuant to the provisions of the Agreement between the parties to the North Atlantic Treaty Regarding the Status of their Forces, or the agreement on the Status of the North Atlantic Treaty Organization, National Representatives and International Staff, or the Protocol on the Status of International Military Headquarters Set Up Pursuant to the North Atlantic Treaty.

(c) Each alien who is in the category described in paragraph (b)(1) of this section must have in his possession and available for examination any visa or other official document which was issued to him by a diplomatic, consular, or immigration officer of the United States evidencing that he is within the United States pursuant to the provisions of section 101(a)(15) of the Immigration and Nationality Act.

(d) Each alien who is in the category described in paragraph (a)(9) of this section

or who is in one of the categories described in paragraph (b)(2), (3), (4), and (5) of this section must have in his personal possession, at all times, an official document issued pursuant to the authorization of or described by the Director of Selective Service which identifies him as a person not required to present himself and submit to registration.

1611.3 Change of Status.—Except as otherwise provided by the regulations in this part, every male person who would have been required to be registered on a day or one of the days fixed by Presidential proclamation except for the fact that he was in one of the categories described in section 1611.2 shall present himself for and submit to registration before a local board when a change in his status removes him from such category.

1611.4 Registration of Male Persons Separated From Armed Forces.—Every male person who (a) has been separated from active service in the Armed Forces, the National Oceanic and Atmospheric Administration or the Public Health Service, (b) has not been registered prior to such separation, (c) would have been required to be registered except for the fact that he was in such active service on the day or days fixed for his registration by Presidential proclamation, and (d) has not discharged his current military obligation under the Military Selective Service Act shall present himself for and submit to registration before a local board within the period of 30 days following the date on which he was so separated.

1611.6 Inmate of Institution.—Unless he has already been registered, every person subject to registration who is an inmate of an insane asylum, jail, penitentiary, reformatory, or similar institution shall be registered on the day he leaves the institution.

1611.7 Responsibility for Performance of Duty.—(a) Every person subject to registration is required to familiarize himself with the rules and regulations governing registration and to comply therewith.

(b) Every person who, on the day or one of the days fixed for registration, is required to be registered is personally charged with the duty of presenting himself before the proper officials and submitting to registration.

(c) The duty of every person subject to registration to present himself for and submit to registration shall continue at all times, and if for any reason any such person is not registered on the day or one of the days fixed for his registration, he shall immediately present himself for and submit to registration before the local board in the area where he happens to be.

(d) Persons required to present themselves for and submit to registration shall not be paid for performing such obligation nor shall they be paid travel allowances or expenses.

PART 1612—REGISTRATION DUTIES

NATIONAL DUTIES

1612.1 Responsibility of Director of Selective Service.—Whenever the President by proclamation or other public notice fixes a day or days for registration, the Director of Selective Service shall take the necessary steps to prepare for registration and, on the day or days fixed, shall supervise the registration of those persons required to present themselves for and submit to registration. The Director of Selective Service shall also arrange for and supervise the registration of persons who present themselves for registration at times other than on the day or days fixed for any registration.

STATE DUTIES

1612.11 Responsibility of State Director of Selective Service.—The State Director of Selective Service shall supervise the registration of persons who present themselves for

registration before local boards in his State. Each State Director of Selective Service may, with the approval of the Director of Selective Service, make such modifications of the procedures outlined in the regulations contained in this part as may be necessary in order to properly effect a complete registration.

LOCAL BOARD DUTIES

1612.21 Duties of Chairman of Local Board.—(a) Whenever the President by proclamation or other public notice fixes a day or days for registration, the chairman of the local board, under the general supervision and direction of the State Director of Selective Service, shall take necessary action to prepare for registration in his local board area. On the day or days fixed for registration, he shall supervise the registration of those persons who present themselves for registration.

(b) No expense shall be incurred in connection with the registration except upon the prior approval of the State Director of Selective Service.

1612.22 Establishing and Making Ready Places of Registration.—(a) The chairman of the local board shall procure, designate, and establish within the boundaries of the area of his local board as many suitable places of registration as are necessary for the efficient accomplishment of the registration.

(b) The chairman of the local board shall make certain that all places of registration are made ready prior to the time fixed for registration and are open on the day or days and during the hours fixed for registration in the Presidential proclamation.

1612.23 Registrars.—(a) Any member or compensated employee of a local board may perform the duties of registrar without special appointment. The chairman of the local board may appoint as registrars qualified persons whose services can be secured without compensation. When the services of registrars cannot be secured without compensation, the chairman of the local board will recommend the appointment by the State Director of Selective Service of registrars on a compensated basis. Compensated employees of the local board shall serve as registrars whenever possible in lieu of appointing other persons as registrars to serve with compensation.

(b) Each person who is appointed as registrar to serve without compensation shall execute an Oath of Office and Waiver of Pay (SSS Form 400) before undertaking any duties as registrar.

(c) For each place of registration the chairman of the local board shall designate a chief registrar who shall be responsible to him for the proper conduct of the registration at each such place.

(d) The chairman of the local board shall see that all registrars are instructed in their duties and are familiar with the regulations and procedures governing the registration.

1612.24 Interpreters.—Whenever the services of interpreters are necessary in conducting the registration, the chairman of the local board may appoint such interpreters as may be necessary pursuant to the provisions of section 1604.81 of this chapter.

1612.25 Care and Custody of Registration Cards and Registration Certificates.—The chairman of the local board is charged with the care and custody of the Registration Cards (SSS Form 1) and the Registration Certificates (SSS Form 2) received by him from the State Director of Selective Service. He shall guard against their loss or destruction and shall not permit anyone to tamper with them and shall warn all persons concerned against entrusting them to the custody of unauthorized persons.

PART 1613—REGISTRATION PROCEDURES

1613.1 Registration procedures.—Persons required by selective service law to register

shall be registered in accord with procedures prescribed by the Director of Selective Service.

1613.2 Local board of jurisdiction.—The local board having jurisdiction over the place of residence entered in item 2 of the Registration Questionnaire (SSS Form 100) at the time of initial . . .

PART 1617—REGISTRATION CERTIFICATE IN GENERAL

1617.1 Effect of failure to have unaltered registration certificate in personal possession.—Every person required to present himself for and submit to registration must, after he has registered, have in his personal possession until his liability for training and service has terminated his Registration Certificate (SSS Form 2) prepared by his local board which has not been altered and on which no notation duly and validly inscribed thereon has been changed in any manner after its preparation by the local board. The failure of any person to have his Registration Certificate (SSS Form 2) in his personal possession shall be prima facie evidence of his failure to register. When a registrant is inducted into the Armed Forces or enters upon active duty in the Armed Forces, other than active duty for training only or active duty for the sole purpose of undergoing a physical examination, he shall surrender his Registration Certificate (SSS Form 2) to the commanding officer of the Armed Forces Examining and Entrance Station or to the responsible officer at the place to which he reports for active duty. Such officer shall return the certificate to the local board that issued it.

1617.2 Effect of date of birth that appears on Registration Card (SSS Form 1).—The date of birth of the registrant that appears on his Registration Card (SSS Form 1) on the day before the lottery is conducted to establish his Random Selection Sequence will be conclusive as to his date of birth in all matters pertaining to his relations with the Selective Service System.

ISSUING DUPLICATE OF REGISTRATION CERTIFICATE

1617.10 Duty of Registrant Separated From Active Duty in Armed Forces.—Every registrant who is separated from active duty in the Armed Forces and who does not have a Registration Certificate (SSS Form 2) shall, within 10 days after the date of his separation, request his local board to issue to him a duplicate Registration Certificate (SSS Form 2). The registrant shall make this request by a letter mailed to his local board or on a Request for Duplicate Registration Certificate or Notice of Classification (SSS Form 6) which he shall file with his own or any other local board.

1617.11 Issuing of Duplicate Registration Certificate.—A duplicate Registration Certificate (SSS Form 2) shall be issued to a registrant by the local board with which he is registered upon receipt of his request therefor made by letter or on a Request for duplicate Registration Certificate or Notice of Classification (SSS Form 6) and the presentation of satisfactory proof to the local board that the Registration Certificate (SSS Form 2) of the registrant has been lost, destroyed, mislaid, or stolen.

1617.13 Return of Registration Certificate to Local Board.—Whenever a registrant at the time he receives a duplicate Registration Certificate (SSS Form 2) from his local board has in his possession any such certificate previously issued to him by the local board or thereafter finds or regains possession of any such certificate previously issued to him, it shall be the duty of the registrant to immediately return to the local board the certificate previously issued to him upon his receipt of the duplicate certificate or upon his thereafter finding or regaining possession of such certificate previously issued to him.

PART 1619—CANCELLATION OF REGISTRATION

1619.1 Cancellation of registration by local board.—The local board may cancel the registration of a person who has improperly registered at a time when he was exempt from registration and there has been no subsequent change in his status which would render him liable for registration, except the local board will not cancel the registration of any registrant who is 17 years of age and has volunteered for induction with the written consent of his parents or guardian, or, if such a registrant has been inducted into and remains in the Armed Forces as the result of his premature registration, while he remains in the Armed Forces.

1619.2 When cancellation authorized by Director of Selective Service.—The Director of Selective Service may authorize or direct the cancellation by a local board of the registration of any particular registrant or of a registrant who comes within a specified group of registrants. Whenever the Director of Selective Service authorizes or directs the cancellation of the registration of any particular registrant or of a registrant within a specified group of registrants, the local board shall cancel the registration and shall take such other action as the Director of Selective Service may prescribe.

PART 1621—PREPARATION FOR CLASSIFICATION

1621.2 Selective Service Number.—(a) Every registrant shall be given a selective service number which shall identify him, the State within which he is registered, the local board with which he is registered, and his year of birth. The selective service number shall be a composite number made up from four numbers determined in the manner provided in this section.

(b) The first element of the selective service number, reading from left to right, shall be the number representing the numerical position of the State in which the registrant is registered as shown on the following list of States, Territories, and possessions:

1. Alabama.
2. Arizona.
3. Arkansas.
4. California.
5. Colorado.
6. Connecticut.
7. Delaware.
8. Florida.
9. Georgia.
10. Idaho.
11. Illinois.
12. Indiana.
13. Iowa.
14. Kansas.
15. Kentucky.
16. Louisiana.
17. Maine.
18. Maryland.
19. Massachusetts.
20. Michigan.
21. Minnesota.
22. Mississippi.
23. Missouri.
24. Montana.
25. Nebraska.
26. Nevada.
27. New Hampshire.
28. New Jersey.
29. New Mexico.
30. New York.
31. North Carolina.
32. North Dakota.
33. Ohio.
34. Oklahoma.
35. Oregon.
36. Pennsylvania.
37. Rhode Island.
38. South Carolina.
39. South Dakota.
40. Tennessee.
41. Texas.
42. Utah.
43. Vermont.
44. Virginia.

45. Washington.
46. West Virginia.
47. Wisconsin.
48. Wyoming.
49. District of Columbia.
50. New York City.
51. Alaska.
52. Hawaii.
53. Puerto Rico.
54. Virgin Islands.
55. Guam.
56. Canal Zone.

(c) The second element of the selective service number shall be the number of the registrant's local board within the State. Each State Director of Selective Service shall assign each local board and each intercounty local board within his State a specific identifying number in numerical sequence beginning with the numeral 1, by which it shall be known.

(d) The third element of the selective service number shall be the last two digits of the year in which the registrant was born. For example, if a registrant was born in 1928, the third element of his selective service number would be the number 28.

(e) The fourth element of the selective service number shall be the number assigned to the registrant by his local board among the other registrants of the local board having the same year of birth. Every local board shall assign each of its registrants who were born in the same year a specific identifying number in numerical sequence, beginning with the numeral 1. A separate series of identification numbers shall be so assigned to registrants of each year of birth. Identification numbers shall be assigned to registrants by a method most convenient to the person assigning them, provided that each time a number is assigned the next number in sequence for a given year of birth is used.

1621.3 Method of Writing Selective Service Number.—(a) Where four blocks are provided on any form for the entry of the selective service number, the first element of the selective service number shall be entered in the left block and the remaining three elements of such number entered consecutively from left to right in the remaining three blocks. For example, the selective service number to be given to a registrant in Alabama (1), registered with Alabama Local Board No. 24 (24), born in the year 1928 (28) and being number 206 among the registrants of his local board who were born in 1928, would be entered in the four blocks as follows: Block 1; block 24; block 28; block 206.

(b) Where the four blocks are not provided for the entry of the selective service number, each of the four elements of the number, written from left to right, shall be separated by a hyphen. For example, the selective service number of the registrant mentioned in paragraph (a) of this section would be written without the blocks as follows: 1-24-28-206.

1621.9 Furnishing Registration Questionnaire (SSS Form 100).

(a) The local board shall furnish a Registration Questionnaire (SSS Form 100) to each registrant according to the rules prescribed by the Director of Selective Service.

(b) The date upon which the Registration Questionnaire (SSS Form 100) is furnished shall be entered in the Classification Record (SSS Form 102).

1621.10 Time Allowed To Return Questionnaire.—

(a) Unless the local board grants an extension of time as provided in paragraph (b) of this section, the registrant shall complete and return his Registration Questionnaire (SSS Form 100) within 10 days after the date on which it is mailed to him.

(b) If the registrant has a valid reason, the local board may grant him an extension of time for returning the Registration Questionnaire (SSS Form 100).

1621.11 Special Form for Conscientious

Objector.—A registrant who claims to be a conscientious objector shall offer information in substantiation of his claim on a Special Form for Conscientious Objector (SSS Form 150) which, when filed, shall become a part of his Classification Questionnaire (SSS Form 100). The local board, upon request, shall furnish to any person claiming to be a conscientious objector a copy of such Special Form for Conscientious Objector (SSS Form 150).

1621.12 Claims for, or Information Relating to, Deferment or Exemption.—The registrant shall be entitled to present all relevant written information which he believes to be necessary to assist the local board in determining his proper classification. Such information should be included in or attached to the Registration Questionnaire (SSS Form 100) or a Current Information Questionnaire (SSS Form 127) and may include any document, affidavits, or depositions. The affidavits and depositions shall be as concise and brief as possible.

1621.13 Inadequate Questionnaire.—When a registrant's Classification Questionnaire (SSS Form 100) omits needed information, contains material errors, or shows that the registrant failed to understand the questions, the local board may return the Classification Questionnaire (SSS Form 100) to the registrant for correction and completion and direct him to return the same so completed and corrected on or before a specified date.

1621.14 Securing Information From Welfare and Governmental Agencies.—(a) The local board is authorized to request and receive information from local welfare and governmental agencies whenever such information will assist it in determining the proper classification of a registrant.

(b) The local board is authorized to request the State Director of Selective Service to secure information from State or National welfare and governmental agencies when such information will assist it in determining the proper classification of a registrant.

1621.15 Subpoena Power of Local Board.—To the extent necessary for carrying out its function, the local board shall have authority (a) to subpoena any person to appear before it, (b) to direct such person to produce such papers and records as may be deemed necessary, and (c) to require him to testify, under oath, in regard to any pertinent matter within his knowledge. It shall be the duty of any person subpoenaed to appear, to produce the papers and records described in the subpoena, and to testify. The local board shall use for the purpose a Subpoena to Witnesses to Appear Before Local Board (SSS Form 161). The original of such a subpoena shall be served upon the individual who is required to appear as a witness. Such service may be made by any person who is 21 years of age or over, and it shall be made in the manner provided by the law of the State in which the subpoena is served. Any person subpoenaed may be compelled to appear and testify before the local board in the same manner as persons subpoenaed by a court of the United States may be compelled to appear and testify in proceedings before such court. The local board may apply to a court of the United States for summary aid to compel a person within its jurisdiction who has failed or refused to testify to appear before such local board, to produce such papers and records as may be deemed necessary, or to testify.

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

GENERAL PRINCIPLES

1622.1 General Principles of Classification.—(a) It is the local board's responsibility to decide the classification in which each registrant shall be placed. Each registrant will be considered as available for military service until his eligibility for deferment or

exemption from military service is clearly established to the satisfaction of the local board. The local board will receive and consider all information, pertinent to the classification of a registrant, timely presented to it. The mailing by the local board of a Current Information Questionnaire (SSS Form 127) to the latest address furnished by a registrant shall be notice to the registrant that unless information is presented to the local board, within the time specified for the return of the questionnaire, which will justify his deferment or exemption from military service the registrant will be classified in Class 1-A.

(b) In classifying a registrant there shall be no discrimination for or against him because of his race, creed, or color, or because of his membership or activity in any labor, political, religious, or other organization. Each such registrant shall receive equal justice.

1622.2 Classes.—Each registrant shall be classified in one of the following classes:

CLASS 1

Class 1-A: Available for military service.
Class 1-A-O: Conscientious objector available for noncombatant military service only.
Class 1-C: Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration, or the Public Health Service.

Class 1-D: Member of reserve component or student taking military training.

Class 1-H: Registrant not currently subject to processing for induction.

Class 1-O: Conscientious objector available for alternate service.

Class 1-W: Conscientious objector performing alternate service in lieu of induction.

CLASS 2

Class 2A: Registrant deferred because of civilian occupation (except agriculture) or nondegree study.

Class 2-C: Registrant deferred because of agriculture occupation.

Class 2-D: Registrant deferred because of study preparing for the ministry.

Class 2-S: Registrant deferred because of activity in study.

CLASS 3

Class 3-A: Registrant with a child or children; and registrant deferred by reason of extreme hardship to dependents.

CLASS 4

Class 4-A: Registrant who has completed military service.

Class 4-B: Officials deferred by law.

Class 4-C: Aliens.

Class 4-D: Minister of religion.

Class 4-F: Registrant not qualified for military service.

Class 4-G: Registrant exempted from service during peace.

Class 4-W: Conscientious objector who has completed alternate service in lieu of induction.

CLASS I

1622.10 Class I-A: Available for Military Service.—In Class I-A shall be placed every registrant who has failed to establish to the satisfaction of the local board, subject to appeal hereinafter provided, that he is eligible for classification in another class.

1622.11 Class I-A-O: Conscientious Objector Available for Noncombatant Military Service Only.—In Class I-A-O shall be placed every registrant who would have been classified in Class I-A but for the fact that he has been found, by reason of religious, ethical, or moral belief, to be conscientiously opposed to participation in combatant training and service in the Armed Forces.

1622.12 Class I-C: Member of the Armed Forces of the United States, the Environmental Science Services Administration, or the Public Health Service.—In Class I-C shall be placed:

(a) Every registrant who is, or who by enlistment, or appointment becomes a commissioned officer, a warrant officer, a pay clerk, an enlisted man or an aviation cadet of the Regular Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, Environmental Science Services Administration or the Public Health Service.

(b) Every registrant who is a cadet, United States Military Academy; or a midshipman, United States Navy; or a cadet, United States Air Force Academy; or a cadet, United States Coast Guard Academy.

(c) Every registrant who by induction becomes a member of the Army of the United States, the United States Navy, the United States Marine Corps, the Air Force of the United States, or the United States Coast Guard.

(d) Exclusive of periods for training only, every registrant who is a member of a reserve component of the Armed Forces and is on active duty, and every member of the Reserve of the Public Health Service on duty prior to the enactment of the Military Selective Service Act of 1967 or who after such enactment is on active duty and assigned to staff the various offices and bureaus of the Public Health Service including the National Institutes of Health, or assigned to the Coast Guard, or the Bureau of Prisons of the Department of Justice, or the Environmental Science Services Administration.

1622.13 Class I-D: Member of Reserve Component or Student Taking Military Training.—(a) In Class I-D shall be placed any registrant who prior to attaining the age of 18 years and 6 months, and prior to the September 3, 1963, became by enlistment or appointment a member of an organized unit of the Army National Guard or the Air National Guard. Such registrant shall remain eligible for Class I-D so long as he continues to serve satisfactorily as such member or as a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be.

(b) In Class I-D shall be placed any registrant who (1) has been selected for enrollment or continuance in the Senior (entire college level) Reserve Officers' Training Corps, or the Air Reserve Officers' Training Corps, or the Naval Reserve Officers' Training Corps, or the Naval and Marine Corps officer candidate program of the Navy, or the platoon leader's class of the Marine Corps, or the officer procurement programs of the Coast Guard and the Coast Guard Reserve, or is appointed an ensign, U.S. Naval Reserve, while undergoing professional training; (2) has agreed, in writing, to accept a commission, if tendered, and to serve subject to order of the Secretary of the military department having jurisdiction over him (or the Secretary of Transportation with respect to the U.S. Coast Guard), not less than 2 years on active duty after receipt of a commission; and (3) has agreed to remain a member of a regular or reserve component until the sixth anniversary of his receipt of a commission. Such registrant shall remain eligible for Class I-D until completion or termination of the course of instruction and so long thereafter as he continues in a reserve status upon being commissioned except during any period he is eligible for Class 1-C under the provisions of § 1622.12.

(c) In Class I-D shall be placed any registrant who is a fully qualified and accepted aviation cadet applicant of the Army, Navy, or Air Force, who has signed an agreement of service and is within such numbers as have been designated by the Secretary of Defense. Such registrant shall be retained in Class I-D during the period covered by such agreement but in no case in excess of four months.

(d) In class I-D shall be placed any registrant who is a student enrolled in an officer procurement program at a military college the curriculum of which is approved by the Secretary of Defense.

(e) In Class 1-D shall be placed any registrant who prior to August 1, 1963, enlisted for a period of eight years in a unit of the Ready Reserve of any reserve component of the Armed Forces under the provisions of section 262 of the Armed Forces Reserve Act of 1952, as amended. Such registrant shall remain eligible for Class 1-D so long as he continues to serve satisfactorily, as determined under regulations prescribed by the Secretary of the department concerned, as a member of such reserve component or of another reserve component, the Army National Guard, or the Air National Guard, as the case may be.

(f) In Class 1-D shall be placed any registrant, other than a registrant referred to in paragraph (b) or (g) of this section, who—

(1) prior to the issuance of orders for him to report for induction; or

(2) prior to the date scheduled for his induction and pursuant to a proclamation by the Governor of a State to the effect that the authorized strength of any unit of the National Guard of that State cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction; or

(3) prior to the date scheduled for his induction and pursuant to a determination by the President that the strength of the Ready Reserve of the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction;

enlists or accepts appointment, before attaining the age of 26 years, in the Ready Reserve of any Reserve component of the Armed Forces, the Army National Guard, or the Air National Guard. Such registrant shall remain eligible for Class 1-D so long as he serves satisfactorily as a member of an organized unit of such Ready Reserve or National Guard, or satisfactorily performs such other Ready Reserve service as may be prescribed by the Secretary of Defense, or serves satisfactorily as a member of the Ready Reserve of another reserve component, the Army National Guard, or the Air National Guard, as the case may be.

(g) In Class 1-D shall be placed any registrant who at any time has enlisted in the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve, or the Coast Guard Reserve and who thereafter has been commissioned therein upon graduation from an Officers' Candidate School of such Armed Force and has not been ordered to active duty as a commissioned officer. Such registrant shall remain eligible for Class 1-D so long as he performs satisfactory service as a commissioned officer in an appropriate unit of the Ready Reserve, as determined under regulations prescribed by the Secretary of the department concerned.

(h) In Class 1-D shall be placed any registrant who is serving satisfactorily as a member of a reserve component of the armed forces and is not eligible for Class 1-D under the provisions of any other paragraph of this section: *Provided*, That for the purposes of this paragraph, a member of a reserve component who is in the Standby Reserve or the Retired Reserve shall be deemed to be serving satisfactorily unless the armed force of which he is a member informs the local board that he is not serving satisfactorily.

1622.14 Class I-O: Conscientious objector available for alternate service.—In Class I-O shall be placed every registrant who would have been classified in Class I-A but for the fact that he has been found, by reason of religious, ethical, or moral belief, to be conscientiously opposed to participation in war in any form and to be conscientiously opposed to participation in both combatant and noncombatant training and service in the Armed Forces.

1622.16 Class I-W: Conscientious ob-

jector performing alternate service in lieu of induction.—In Class I-W shall be placed any registrant who has entered upon and is performing alternate service contributing to the maintenance of the national health, safety, or interest, in accordance with the order of the local board.

1622.18 Class I-H (Holding Classification): Registrant not subject to processing for induction.—In Class I-H shall be placed any registrant (a) who is not currently subject to processing for induction according to these regulations and the rules prescribed by the Director of Selective Service, or (b) who is 26 years of age, whose liability for training and service has been extended to age 35, and who is not in a medical, dental or allied specialist category.

CLASS II

1622.20 General Rules for Classification in Class II.—(a) On the local board is placed the responsibility, under applicable rules and regulations, of deciding which men should be deferred because of their civilian activities. It is in the national interest and of paramount importance to our national security that civilian activities which are contributing to the national health, safety, or interest should be disrupted as little as possible, consistent with the fundamental purpose of the Military Selective Service Act of 1967.

(b) No deferment from training and service shall be made in the case of any individual except upon the basis of the status of such individual.

(c) The local board may avail itself of the assistance of all Federal, State, or local agencies to obtain information which will help it to determine whether a claim for occupational deferment should be granted.

(d) No local board, appeal board, or other agency of appeal of the Selective Service System shall be required to postpone or defer any person by reason of his activity in study, research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors found to be necessary to the maintenance of the national health, safety, or interest solely on the basis of any test, examination, selection system, class standing, or any other means conducted, sponsored, administered, or prepared by any agency or department of the Federal Government or any private institution, corporation, association, partnership, or individual employed by an agency or department of the Federal Government.

1622.21 Length of Deferments in Class II.—(a) Class II deferments shall be for a period of one year or less. If there is a change in the registrant's status during the period of deferment in Class II, his classification shall be reopened and considered anew.

(b) At the expiration of the period of a registrant's deferment in Class II, his classification shall be reopened and he shall be classified anew in the manner provided in part 1625 of this chapter. The registrant may be continued in Class II for a further period of one year or less if such classification is warranted. The same rules shall apply when classifying a registrant at the end of each successive period for which he has been classified in Class II.

(c) Nothing in this section shall be construed to require the local board to retain in Class II any registrant when the reason for his occupational classification has ceased to exist.

1622.22 Class 2-A: Registrant deferred because of civilian occupation (except agriculture) or nondegree study.

(a) In Class 2-A shall be placed any registrant whose continued service is found to be necessary to the maintenance of the national health, safety, or interest in an activity identified as essential by the Director of Selective Service upon the advice of the National Security Council, provided that any registrant in Class 2-A under the provisions of

this paragraph in effect prior to April 23, 1970 may be retained in such class so long as he qualified under those provisions. In addition, any registrant qualified for classification in Class 2-A prior to such effective date may be placed and retained in such class if request thereof has been made prior to such effective date.

(b) In Class 2-A shall be placed any registrant who (1) was satisfactorily pursuing an approved full-time course of instruction, not leading to a baccalaureate degree, in a junior college, community college, or technical school during the 1970-71 academic school year, (2) is engaged in an approved apprenticeship training program which he began prior to July 1, 1971, or (3) is satisfactorily pursuing approved full-time training, begun prior to July 1, 1971, in a technical or trade school not on an academic year. Deferment under the authority of this paragraph will continue until such registrant fails to pursue satisfactorily such full-time course of instruction or training or until the expiration of the period of time normally required to complete such course of full-time instruction or training.

1622.23 Necessary Employment Defined.—(a) A registrant's continued service in an occupation identified pursuant to section 1622.22(a) shall be considered to be necessary to the maintenance of the national health, safety, or interest only when all of the following conditions exist:

(1) The registrant is, or but for a seasonal or temporary interruption would be, engaged in such activity.

(2) The registrant cannot be replaced because of a shortage of persons with his qualifications or skill in such activity.

(3) The removal of the registrant would cause a material loss of effectiveness in such activity.

(b) A registrant's activity as an apprentice in an apprenticeship training program may be considered to be necessary to the maintenance of the national health, safety, or interest when all of the following conditions exist:

(1) The apprenticeship training program meets the standards and requirements prescribed by the Director of Selective Service based upon the recommendations of the Secretary of Labor.

(2) The program has been accepted by the Director of Selective Service for deferment purposes.

(3) The registrant has satisfactorily completed in the program a minimum amount of training prescribed by the Director of Selective Service.

(4) The registrant is satisfactorily pursuing his training in the program and meeting the requirements, and standards of performance prescribed by the Director of Selective Service.

(c) Revoked.

1622.23a Standards and Requirements for Apprenticeship Training Programs and Acceptance of Such Programs for Deferment Purposes Under Paragraph (b) of Section 1622.23.—(a) Under the provisions of subparagraph (1) of paragraph (b) of section 1622.23 an apprenticeship training program must meet all of the standards and requirements prescribed in paragraphs (b), (c), and (d) of this section.

(b) The apprenticeship training program must be an organized plan, written or implied, embodying the terms and conditions of employment, training, and supervision of one or more apprentices in one or more apprenticeship occupations, as defined in paragraph (c) of this section, and subscribed by a sponsor who has undertaken to carry out the apprenticeship training program. The sponsor may be an employer of labor, a joint apprenticeship committee, a trade union, a group of employers of labor, or an association of journeymen.

(c) The apprenticeship training program must

offer apprentice training in an occupation which—

(1) customarily has been learned in a practical way through training on-the-job;

(2) requires 4,000 or more hours of work experience to learn;

(3) is clearly identified and commonly recognized throughout the industry;

(4) requires during each year of apprenticeship the completion of 144 hours or more of organized and systematic related trade instruction designed to provide the apprentice with learning in theoretical and technical subjects related to the occupation;

(5) is not merely a part of an occupation normally learned through apprenticeship;

(6) involves a development of skill sufficiently broad to be applicable in like occupations throughout an industry rather than of restricted application to the products of one employer; and

(7) does not fall within any of the following categories:

(i) selling, retailing or similar occupations in the distributive field;

(ii) managerial occupations;

(iii) clerical occupations;

(iv) professional or semi-professional occupations including occupations for which entrance requirements customarily include education of college level; or

(v) agricultural occupations which include occupations such as the growing of crops, fruits or nuts, and the raising of livestock or poultry.

(d) The apprentice training program must have been in operation with apprentices actually being trained therein for a period of at least one year.

(e) Each State Director of Selective Service is authorized to accept for deferment purposes apprentice training programs within his State which are submitted to him by the sponsors of the programs when the programs meet the standards and requirements prescribed in paragraphs (b), (c), and (d) of this section. Any program so submitted to the State Director of Selective Service which is not so accepted by him may be submitted to the Director of Selective Service for his consideration for such acceptance. In making requests to the State Director of Selective Service for such acceptance of apprentice training programs sponsors shall comply with the following procedures:

(1) If the apprentice training program has been registered with a State apprenticeship agency the certificate of such agency stating that the program meets all the standards and requirements prescribed in paragraphs (b), (c), and (d) of this section shall accompany the request for acceptance when it is submitted to the State Director of Selective Service by the sponsor for consideration.

(2) If the apprentice training program is registered with the Bureau of Apprenticeship of the United States Department of Labor the certificate of that agency stating that the program meets all the standards and requirements prescribed in paragraphs (b), (c), and (d) of this section shall accompany the request for acceptance when it is submitted to the State Director of Selective Service by the sponsor for consideration.

(3) If the apprentice training program has not been registered with either a State apprenticeship agency or the Bureau of Apprenticeship of the United States Department of Labor, the certificate of the sponsor stating that the program meets the standards and requirements prescribed in paragraphs (b), (c), and (d) of this section shall accompany his request for acceptance when it is submitted to the State Director of Selective Service.

(f) Under the provisions of subparagraphs (3) and (4) of paragraph (b) of section 1622.23 a registrant's activity as an apprentice in an apprentice training program may be considered to be necessary to the maintenance of the national health, safety or inter-

est when all of the following conditions exist:

(1) The program sponsor has submitted to the local board a request for the occupational deferment of the registrant accompanied by the certificate of the sponsor that (i) the apprentice training program has been accepted for the purpose of deferment by the State Director of Selective Service for the State within which the program is being operated or by the Director of Selective Service, and (ii) the registrant is meeting the conditions prescribed in subparagraph (2) of this paragraph.

(2) The registrant currently is meeting all the standards and requirements of the apprentice training program and is satisfactorily performing and progressing in his on-the-job training and related trade instruction.

1622.24 Class II-C: Registrant Deferred Because of Agricultural Occupation.—(a) In Class II-C shall be placed any registrant who is employed in the production for market of a substantial quantity of those agricultural commodities which are necessary to the maintenance of the national health, safety, or interest, but only when all of the conditions described in Paragraph 1622.23(a) are found to exist and only if the registrant was classified in Class II-C prior to the effective date of this paragraph in its present form. In addition, any registrant qualified for classification in Class II-C prior to such effective date may be placed and retained in such class if request therefor has been made prior to such effective date.

(b) The production for market of a substantial quantity of agricultural commodities should be measured in terms of the average annual production per farm worker which is marketed from a local average farm of the type under consideration. The production of agricultural commodities for consumption by the worker and his family, or traded for subsistence purposes, should not be considered as production for market. Production which is in excess of that required for the subsistence of the farm families on the farm under consideration should be considered as production for market.

1622.25 Class II-S: Registrant Deferred Because of Activity in Study.—(a) In Class 2-S shall be placed any registrant who requests such classification, who was satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning during the 1970-1971 regular academic school year and who is satisfactorily pursuing such course, such classification to continue until such registrant completes the requirement for his baccalaureate degree, fails to pursue satisfactorily full-time course of instruction, or attains the 24th anniversary of the date of his birth, whichever occurs first.

(b) In determining eligibility for deferment in Class II-S, a student's "academic year" shall include the 12-month period following the beginning of his course of study.

(c) A student shall be deemed to be "satisfactorily pursuing a full-time course of instruction" when, during his academic year, he has earned, as a minimum, credits toward his degree which, when added to any credit earned during prior academic years, represent a proportion of the total number required to earn his degree at least equal to the proportion which the number of academic years completed bears to the normal number of years established by the school to obtain such degree. For example, a student pursuing a four-year course should have earned 25% of the credits required for his baccalaureate degree at the end of his first academic year, 50% at the end of his second academic year, and 75% at the end of his third academic year.

(d) It shall be the registrant's duty to provide the local board each year with evidence that he is satisfactorily pursuing a

full-time course of instruction at a college, university, or similar institution of learning.

1622.26 Class II-S: Registrant Deferred Because of Activity in Graduate Study.—(a) In Class II-S shall be placed any registrant who is satisfactorily pursuing a course of graduate study in medicine, dentistry, veterinary medicine, osteopathy, optometry or podiatry, or in such other subjects necessary to the maintenance of the national health, safety, or interest as are identified by the Director of Selective Service upon the advice of the National Security Council.

(b) Revoked

1622.27 Class 2-D: Registrant deferred because of study preparing for the ministry.

(a) In Class 2-D shall be placed any registrant who is a student preparing for the ministry under the direction of a recognized church or religious organization, who is satisfactorily pursuing a full-time course of instruction in a recognized theological or divinity school, or who is satisfactorily pursuing a full-time course of instruction required for entrance into a recognized theological or divinity school in which he has been pre-enrolled.

(b) A registrant will be deemed to be satisfactorily pursuing a full-time course of instruction when he is making proportionate progress. For example, if the registrant is enrolled in a 4-year course of instruction, the registrant must complete at least one-fourth of the total requirements by the end of the first academic year, at least one-half by the end of the second academic year, at least three-fourths by the end of the third academic year, and all requirements by the end of the fourth academic year. The registrant's academic year, for the purpose of this paragraph, shall terminate on the anniversary of his entrance into the course of study.

CLASS III

1622.30 Class III-A: Registrant With a Child or Children; or Registrant Deferred by Reason of Extreme Hardship to Dependents.—(a) In Class III-A shall be placed any registrant whose induction into the armed forces would result in extreme hardship (1) to his wife, divorced wife, child, parent, grandparent, brother, or sister who is dependent upon him for support, or (2) to a person under 18 years of age or a person of any age who is physically or mentally handicapped whose support the registrant has assumed in good faith: *Provided*, That a person shall be considered to be a dependent of a registrant under this paragraph only when such person is either a citizen of the United States or lives in the United States, its Territories, or possessions.

(b) The term "child" as used in this section shall include a legitimate or an illegitimate child from the date of its conception a child legally adopted, a stepchild, a foster child, and a person who is supported in good faith by the registrant in a relationship similar to that of parent and child but shall not include any person 18 years of age or over unless he is physically or mentally handicapped.

(c) In Class III-A shall be placed any registrant who prior to the effective date of this paragraph in its present form submitted to his local board information establishing his eligibility for deferment on the grounds of fatherhood under regulations in effect prior to such date, or who is so classified prior to such date, and who continues to maintain a bona fide family relationship in their home with his child or children, except that this paragraph shall not apply to any registrant who subsequently becomes a physician, dentist, or veterinarian.

(d) In the consideration of a dependency claim, any payments of allowances which are payable by the United States to the dependents of persons serving in the Armed Forces of the United States shall be taken into consideration, but the fact that such payments

of allowances are payable shall not be deemed conclusively to remove the grounds for deferment when the dependency is based upon financial considerations and shall not be deemed to remove the grounds for deferment when the dependency is based upon other than financial considerations and cannot be eliminated by financial assistance to the dependents.

1622.30a. Registrants Included in the Term "Allied Specialist Category" as Used in Paragraph (a) of Section 1622.30.—Revoked.

CLASS IV

1622.40 Class IV-A: Registrant Who Has Completed Service; Sole Surviving Son.—(a) In Class IV-A shall be placed any registrant who falls within any of the following categories:

(1) A registrant who subsequent to September 16, 1940, was discharged or transferred to a reserve component of the Armed Forces for the convenience of the Government after having served honorably on active duty for a period of not less than six months in the Army, the Air Force, the Navy, the Marine Corps, or the Coast Guard.

(2) A registrant who has served honorably on active duty after September 16, 1940, for a period of not less than one year in the Army, the Air Force, the Navy, the Marine Corps, or the Coast Guard.

(3) A registrant who has served on active duty for a period of not less than twenty-four months as a commissioned officer in the Environmental Science Services Administration or in the Public Health Service, provided that such period of active duty in the Public Health Service as a commissioned reserve officer commencing after the date of enactment of the Military Selective Service Act of 1967 shall have been performed by the registrant while assigned to staff any of the various offices and bureaus of the Public Health Service including the National Institutes of Health, or while assigned to the Coast Guard, or the Bureau of Prisons of the Department of Justice, or the Environmental Science Services Administration.

(4) A registrant who has served on active duty subsequent to June 24, 1948, for a period of not less than 12 months in the armed forces of a nation determined by the Department of State to be a nation with which the United States is associated in mutual defense activities and which grants exemption from training and service in its armed forces to citizens of the United States who have served on active duty in the Armed Forces of the United States subsequent to June 24, 1948, for a period of not less than 12 months; *Provided*, That in computing such 12-month period, there shall be credited any active duty performed by the registrant prior to June 24, 1948, in the armed forces of a country allied with the United States during World War II and with which the United States is associated in such mutual defense activities; *And provided further*, That all information which is submitted to the local board concerning the registrant's service in the armed forces of a foreign nation shall be written in the English language.

(5) A registrant who after becoming a member of a unit of the Ready Reserve of a reserve component of the Armed Forces by enlistment prior to August 1, 1963, under the provisions of section 262 of the Armed Forces Reserve Act of 1952, as amended, has continued to serve satisfactorily as such member or as a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, and who completed eight years of such satisfactory service during which he has performed an initial period of active duty for training of not less than three months.

(6) A registrant who after becoming a member of an organized unit of the Army National Guard or the Air National Guard by enlistment or appointment prior to attain-

ing the age of 18 years and 6 months and prior to September 3, 1963, has continued to serve satisfactorily as such member or as a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, and who has completed eight years of such satisfactory service during which he has performed active duty for training with an armed force for not less than three consecutive months.

(7) A registrant who after becoming a member of the Ready Reserve of any reserve component of the Armed Forces, the Army National Guard, or the Air National Guard by enlistment or appointment on or after September 3, 1963, and prior to attaining the age of 26 years, has served satisfactorily as such member or as a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, and who has completed six years (or eight years if so obligated under the provision of section 6(d)(1) of the Military Selective Service Act of 1967) of such satisfactory service during which he has performed active duty for training with an armed force for not less than four consecutive months.

(8) A registrant who after completion of six years of satisfactory service as a member of one or more reserve components of the Armed Forces has ceased to be a member of any reserve component of the Armed Forces.

(9) A registrant, other than a registrant referred to in subparagraph (5) or (6) of this paragraph, who has completed six years of satisfactory service as a member of one or more of the Armed Forces including the reserve components thereof.

(b) For the purpose of computation of periods of active duty referred to in subparagraphs (1), (2), or (3), of paragraph (a) of this section, no credit shall be allowed for—

(1) Periods of active duty training performed as a member of a reserve component pursuant to an order on call to active duty solely for training purposes;

(2) Periods of active duty in which the service consisted solely of training under the Army specialized training program, the Army Air Force college training program, or any similar program under the jurisdiction of the Navy, Marine Corps, or Coast Guard;

(3) Periods of active duty as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, or in a preparatory school after nomination as a principal, alternate, or candidate for admission to any of such academies;

(4) Periods of active duty in any of the Armed Forces while being processed for entry into or separation from any educational program or institution referred to in subparagraphs (2) or (3) of this paragraph; or

(5) Periods of active duty performed by medical, dental, or allied specialists in student programs prior to receipt of the appropriate professional degree or in intern training.

(6) Periods of active duty of members of the Reserve of the Public Health Service commencing after the date of enactment of the Military Selective Service Act of 1967 other than when assigned to staff any of the various offices and bureaus of the Public Health Service, including the National Institutes of Health, or the Coast Guard or the Bureau of Prisons of the Department of Justice, or the Environmental Science Services Administration.

1622.41 Class IV-B: Officials Deferred by Law.—In Class IV-B shall be placed any registrant who is the Vice President of the United States; a governor of a State, Territory or possession, or any other official chosen by the voters of the entire State, Territory or possession; a member of a legislative body of the United States or of a State, Territory

or possession; a judge of a court of record of the United States or of a State, Territory or possession, or the District of Columbia.

1622.42 Class 4-C: Aliens.—(a) In Class 4-C shall be placed any registrant who is an alien and who has not resided in the United States for 1 year. When such a registrant has been within the United States for two or more periods (including periods before his registration) and the total of such periods equals 1 year, he shall be deemed to have resided in the United States for 1 year. In computing the length of such periods, any portion of 1 day shall be counted as 1 full day. When any such registrant has resided in the United States for 1 year, he shall be classified as available for military service unless he is found to be eligible for another classification for a reason other than his alien status.

(b) In Class 4-C shall be placed any registrant who is an alien who establishes that he is exempt from military service under the terms of a treaty or international agreement between the United States and the country of which he is a national, and who has made application to be exempted from liability for training and service in the Armed Forces of the United States.

(c) In Class 4-C shall be placed any registrant who is an alien and who has departed from the United States. If any registrant so classified under this paragraph returns to the United States, his classification shall be reopened and he shall be classified anew.

(d) In Class IV-C shall be placed an alien who has registered at a time when he was required by the selective service law to present himself for and submit to registration and thereafter has acquired status within one of the groups of persons exempt from registration.

(e) In Class 4C—shall be placed any registrant who is an alien lawfully admitted for permanent residence as defined in paragraph (20) of section 101(a) of the Immigration and Nationality Act, as amended (65 Stat. 163, 8 U.S.C. 1101), and who by reason of occupational status is subject to adjustment to nonimmigrant status under paragraph (15)(A), (15)(E), or (15)(G) of such section 101(a) but who executes a waiver in accordance with section 247(b) of that Act of all rights, privileges, exemptions, and immunities which would otherwise accrue to him as a result of that occupational status. A registrant placed in Class 4-C under the authority of this paragraph shall be retained in Class 4-C only for so long as such occupational status continues.

1622.43 Class 4-D: Minister of religion.—In Class 4-D shall be placed any registrant who is a regular or duly ordained minister of religion as defined in section 16(g) of the Military Selective Service Act.

1622.44 Class 4-F: Registrant not qualified for military service.—(a) In Class 4-F shall be placed any registrant who is found under applicable physical, mental, and moral standards to be not qualified for service in the armed forces either currently, or in time of war or national emergency declared by the Congress, except that no such registrant whose further examination or reexamination may be justified shall be placed in Class 4-F until such further examination as the Director of Selective Service deems appropriate has been accomplished and such registrant continues to be found not qualified for military service.

(b) In Class 4-F shall be placed any registrant in the medical, dental, and allied specialist categories who has applied for an appointment as a Reserve officer in one of the Armed Forces in any of such categories and has been rejected for such appointment on the sole ground of a physical disqualification.

1622.45 Class 4-G: Registrant exempted from service during peace.—In Class 4-G shall be placed and registrant who meets

the requirements of section 6(o) of the Military Selective Service Act or section 101 (d) (3) of Public Law 92-129: *Provided*, That no registrant who volunteers for induction shall be placed or retained in Class 4-G.

1622.46 Class 4-W: Registrant who has completed alternate service in lieu of induction.—In Class 4-W shall be placed any registrant who subsequent to being ordered by the local board to perform alternate service in lieu of induction has been released from such service by the local board after satisfactorily performing the work for a period of 24 consecutive months or has been released from such service by the Director of Selective Service.

MISCELLANEOUS PROVISIONS

1622.60 Director May Direct That Eligibility for Particular Classification be Disregarded.—The Director of Selective Service, notwithstanding any other provisions of the regulations in this chapter, may direct that any registrant shall be classified or reclassified without regard to his eligibility for a particular classification.

PART 1623—CLASSIFICATION PROCEDURE

1623.1 Commencement of Classification.—

(a) Each registrant shall be classified as soon as practicable after his registration.

(b) The registrant's classification shall be determined on the basis of the official forms of the Selective Service System and such other written information as may be contained in his file: provided that the board shall proceed with the registrant's classification whenever he fails to provide the board in a timely manner with any information concerning his status which he is requested or required to furnish. Since it is imperative that appeal agencies have available to them all information on which the local board determined the registrant's classification, oral information shall not be considered unless it is summarized in writing and the summary placed in the registrant's file. Under no circumstances shall the local board rely upon information received by a member personally unless such information is reduced to writing and placed in the registrant's file. None of the provisions of this section shall impair the power of the local board to take notice of the birthday of any registrant and of the fact that the Congress has made registrants of his age liable for induction for military service and in the absence of any other information, when the registrant has failed to furnish such information within the time prescribed, to classify the registrant as available for military service.

1623.2 Consideration of Classes.—Every registrant shall be placed in Class 1-A under the provisions of section 1622.10 of this chapter except that when grounds are established to place a registrant in one or more of the classes listed in the following table, the registrant shall be classified in the lowest class for which he is determined to be eligible, with Class 1-A-O considered the highest class and Class 1-C considered the lowest class according to the following table:

Class: 1-A-O, 1-O, 2-A, 2-C, 2-S, 2-D; 3-A, 4-B, 4-C, 4-D, 1-H, 4-P; 4-A, 4-G, 1-W, 4-W, 1-D, 1-C.

1623.3 Physical Examination.—Physical examination of registrants classified in Class 1-A, Class 1-A-O, or Class 1-O shall be accomplished under the provisions of part 1628 of this chapter.

1623.4 Action To Be Taken When Classification Determined.—(a) As soon as practicable after the local board has classified or reclassified a registrant (except a registrant who is classified in Class 1-C because of his entering active service in the armed forces) shall mail a notice thereof. When a registrant is classified in Class 2-A, Class 2-C, Class 2-D, or Class 2-S, the date of the termination of the deferment shall be entered on such notice.

(b) After each local board meeting, a notice listing the registrants who have been classified or whose classification has been changed, shall be posted in a conspicuous place in the office of the local board. When a person is unable to ascertain the current classification of a registrant from the posted notice, an employee of the local board, upon request shall consult the Classification Record (SSS Form 102) and shall furnish the person making the inquiry the current classification of such registrant.

(c) In the event that the local board classifies the registrant in a class other than that which he requested it shall record its reasons therefor in his file. The local board shall inform the registrant of such reasons in writing at the time it mails to him a notice of his classification.

1623.5 Persons Required To Have Notice of Classification (SSS Form 110) in Personal Possession.—Every person who has been classified by a local board must have in his personal possession until his liability for training and service has terminated a valid Notice of Classification (SSS Form 110) issued to him showing his current classification. When any such person is inducted into the Armed Forces or enters upon active duty in the Armed Forces, other than active duty for training and only for active duty for the sole purpose of undergoing a physical examination, he shall surrender his Notice of Classification (SSS Form 110) to the commanding officer of the Armed Forces Examining and Entrance Station or to the responsible officer at the place to which he reports for active duty. Such officer shall return the notice to the local board that issued it.

1623.6 Wrongful Possession of, or Making, Altering, Forging, or Counterfeiting, Notice of Classification (SSS Form 110) Prohibited.—It shall be a violation of these regulations for any person to have in his possession a Notice of Classification (SSS Form 110) issued to some other person, or to permit a Notice of Classification (SSS Form 110) issued to him to be in possession of any other person except as provided in the instructions upon such form; or to falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or to willingly aid or assist another to falsely make, alter, forge, or counterfeit, any Notice of Classification (SSS Form 110), or to utter or publish as true, or cause to be uttered or published as true, or have in his possession with the intent to utter or publish as true, any such false, altered, forged, or counterfeited Notice of Classification (SSS Form 110); or to exhibit or present to any person any such false, altered, forged, or counterfeited Notice of Classification (SSS Form 110), knowing the same to be false, forged, altered, or counterfeited.

1623.7 Issuing a Duplicate of a Lost, Destroyed, Mislaid, or Stolen Notice of Classification (SSS Form 110).—A duplicate Notice of Classification (SSS Form 110) may be issued to a registrant only by the local board which mailed the original Notice of Classification (SSS Form 110) to him upon his written request therefor . . . and the presentation of proof satisfactory to the local board that his Notice of Classification (SSS Form 110) has been lost, destroyed, mislaid, or stolen.

1623.9 Registrants Transferred for Classification.—(a) After returning the Classification Questionnaire (SSS Form 100), and before the local board of origin has undertaken the classification of a registrant, he may be transferred to another local board for classification if he is so far from his local board as to make complying with notices a hardship.

(b) After returning the Classification Questionnaire (SSS Form 100), a registrant may be transferred to another local board for classification at any time (1) when the local

board cannot act on his case because of disqualification under the provisions of section 1604.52a or section 1604.55 of this chapter, or (2) when a majority of the members of the local board, or a majority of the members of every panel thereof if the board has separate panels, withdraw from consideration of the registrant's classification because of any conflicting interest, bias, or other reason.

(c) The State Director of Selective Service may transfer a registrant to another local board for classification at any time (1) when any member of the local board cannot act on the registrant's case because of disqualification under the provisions of section 1604.52a or section 1604.55 of this chapter, or (2) when the State Director of Selective Service deems such transfer to be necessary in order to assure equitable administration of the selective service law.

1623.10 Procedure Upon Transfer for Classification.—(a) The local board from which the registrant is transferred shall prepare, in triplicate, an Order for Transfer for Classification (SSS Form 114), shall send one copy thereof to the registrant, and shall transmit the original to the local board to which the registrant is transferred, together with all papers pertaining to the registrant except the Registration Card (SSS Form 1) and the remaining copy of the Order for Transfer for Classification (SSS Form 114). The local board from which the registrant is transferred shall, with red ink note the transfer in the "Remarks" column of the Classification Record (SSS Form 102).

(b) The local board to which the registrant is transferred shall classify the registrant. It shall follow the same procedure as in the case of one of its own registrants if a request for hearing, a request for reopening, or an appeal is filed. It shall give the same notices and maintain the same records as are sent and maintained for its own registrants, except that it shall use a separate page in its Classification Record (SSS Form 102) for transferred registrants and shall make all entries on that page in red ink. The local board to which the registrant is transferred shall prepare a duplicate Cover Sheet (SSS Form 101). After the classification, after the hearing, when requested, and after the determination on appeal, when taken, the local board to which the registrant is transferred shall return to the local board of origin all papers pertaining to the registrant except the duplicate Cover Sheet (SSS Form 101) and the Order for Transfer for Classification (SSS Form 114). In the proper column of the Classification Record (SSS Form 102) the local board to which the registrant is transferred shall note the date of the returning of the papers.

(c) The classification made by the local board to which a registrant is transferred shall be appealed through that local board only. The local board of origin shall accept and enter on its records, without any change, the classification reported by the board which classified the registrant. If the local board of origin receives new information that might affect the registrant's classification, the board shall send the information and the registrant's file to the board to which he was transferred for further consideration; provided, that if the disqualification of the local board or other reason for the original transfer for classification no longer exists, the local board may consider the new information and classify the registrant in the same manner as if he had never been transferred for classification.

PART 1624—PERSONAL APPEARANCE BEFORE LOCAL BOARD

1624.1 Opportunity for personal appearance.—(a) Every registrant after his classification is determined by the local board, except a classification which is determined

upon an appearance before the local board under the provisions of this part, shall have an opportunity to appear in person before the local board.

(b) A registrant who has filed a claim for classification in Class 1-O, Class 1-A-O, or Class 3-A. Upon his request, shall be afforded an opportunity to appear in person before the local board before his classification is determined by the local board. Should such registrant appear in person before the local board in advance of his classification being determined, the provisions of § 1624.4 shall apply and he shall not be afforded an opportunity to appear concerning such classification after such determination.

1624.2 Request for personal appearance.—A registrant, other than one who has filed a request in accord with § 1624.1 (b), who desires a personal appearance before his local board, must file a written request therefor within 15 days after the local board has mailed a Notice of Classification (SSS Form 110) to him. Such 15-day period may be extended by the local board when it is satisfied that the registrant's failure to request a personal appearance within such period was due to some cause beyond his control.

1624.3 Appointment for personal appearance.—The local board, not less than 15 days (unless the registrant requests an earlier appointment) in advance of the meeting at which he may appear, shall inform the registrant of the time and place of such meeting and that he may present evidence, including witnesses, bearing on his classification. Should the registrant fail to appear at such meeting, except for good cause that he establishes to the satisfaction of the local board, he shall not be afforded an opportunity to appear at a subsequent meeting. The registrant must file a written statement of the reasons for his failure to appear at his scheduled meeting within 5 days after such failure or the registrant will be deemed to have waived his right to an opportunity to appear at a subsequent meeting of the local board. Such period may be extended by the local board when it is satisfied that the registrant's failure to file a written statement of the reasons for his failure to appear at his scheduled meeting within 5 days was due to some cause beyond his control.

1624.4 Procedure during personal appearance before local board.—(a) A quorum of the local board shall be present during all personal appearances.

(b) At any such appearance, the registrant may present evidence, including witnesses, may discuss his classification, may point out the class or classes in which he thinks he should have been placed, and may direct attention to any information in his file which he believes the local board has overlooked or to which he believes it has not given sufficient weight. The registrant may present such further information as he believes will assist the local board in determining his proper classification. Such information shall be in writing or if oral, shall be summarized in writing by the registrant and, in either event, shall be placed in the registrant's file. The information furnished should be as concise as possible under the circumstances.

(c) A registrant is entitled to such time for his personal appearance as is reasonably necessary for the fair presentation of his claim. Normally 15 minutes shall be deemed adequate for this purpose, consistent with the informal and expeditious processing required in selective service cases. If it appears to the board that further time is reasonably necessary, the board shall extend the time. During the time available to a registrant, he may present the testimony of not more than three witnesses.

(d) If the registrant does not speak English adequately he may appear with a person to act as interpreter for him. Such inter-

preter will not be deemed to be a witness unless he testifies in behalf of the registrant.

(e) No registrant may be represented at his personal appearance before the local board by anyone acting as attorney or legal counsel, but a registrant may invite an attorney to appear solely as a witness.

1624.5 Procedure when registrant fails to appear.

(a) Whenever the registrant for whom a personal appearance has been scheduled fails to appear in accord with such schedule, the local board shall consider any explanation of such failure that has been filed within 5 days (or extension thereof granted by the local board) after such failure in accordance with § 1624.3. Should the local board determine that the registrant's failure to appear for his personal appearance was without good cause, or if within 5 days (or extension thereof granted by the local board) after such failure to appear the registrant offers no explanation of such failure, the registrant will be deemed to have had his personal appearance and the local board (1) will take such action with respect to the classification of a registrant who has requested a personal appearance following his classification as is appropriate in light of the provisions concerning reopening of classification in § 1625.2, or (2) of this chapter if such registrant requested a personal appearance in advance of his classification in accordance with § 1624.1 (b), the local board shall classify the registrant. The local board will notify the registrant of the action taken by Notice of Classification (SSS Form 110) or letter, as appropriate.

(b) A notation that the registrant has failed to appear before his local board shall be entered on his Registration Questionnaire (SSS Form 100).

1624.6 Procedure of local board following personal appearance.

(a) After the registrant has appeared before the local board, it shall again classify the registrant and, as soon as practicable thereafter, it shall mail notice thereof on Notice of Classification (SSS Form 110) to the registrant. In the event that the local board classifies the registrant in a class other than that which he requested, it shall record its reasons therefor in his file. The local board shall inform the registrant of such reasons in writing at the time it mails his Notice of Classification (SSS Form 110).

(b) A notation that the registrant has appeared before his local board shall be entered on his Registration Questionnaire (SSS Form 100).

1624.7 Appearance before local board stays induction or order to report for alternate service.—The local board shall not issue an order for a registrant to report for induction or for alternate service in lieu of induction either during the period afforded the registrant to request a personal appearance before the local board or, if the registrant has requested such appearance, during the period such personal appearance is pending. Any order to report for induction or for alternate service which has been issued during either of such periods shall be ineffective and shall be canceled by the local board.

PART 1625—REOPENING AND CONSIDERING A NEW REGISTRANT'S CLASSIFICATION

REOPENING REGISTRANT'S CLASSIFICATION

1625.1 Classification Not Permanent.—(a) No classification is permanent.

(b) Each classified registrant shall, within 10 days after it occurs, report to the local board in writing any fact, such as, but not limited to, any change in his occupational, marital, military, or dependency status, or in his physical condition, that might result in his being placed in a different classification.

(c) The local board shall keep informed of the status of classified registrants, except those classified in Class 1-H. Registrants may be questioned or physically or mentally reex-

amined, employers may be requested to furnish information, police officials or other agencies may be requested to make investigations, and other steps may be taken by the local board to keep currently informed concerning the status of classified registrants.

1625.2 Reopening of classification.—(a) The local board will reopen and consider anew the classification of a registrant (1) upon the written request of the Director of Selective Service or the State Director of Selective Service and upon receipt of such request shall immediately cancel any order to report for induction or alternate service which may have been issued to the registrant; (2) who is in Class 1-H and becomes subject to processing for induction according to these regulations and the rules prescribed by the Director; (3) in any classification for the purpose of classifying him in Class 1-H according to these regulations and the rules prescribed by the Director; (4) upon the written request of the registrant that is accompanied by written information presenting facts not considered when the registrant was classified or which, in the opinion of the board, justify a change in the registrant's classification; or (5) upon its own motion if such action is based upon facts not considered when the registrant was classified which, in the opinion of the board, would justify a change in the registrant's classification: *Provided*, That in the event of subparagraphs (4) or (5) of this paragraph the classification of a registrant shall not be reopened after the local board has mailed to such registrant an order for induction or alternate service or, in the event the order to report for induction or alternate service was postponed and a subsequent letter from the local board establishes the date for induction or for reporting for alternate service, unless the local board first specifically finds there has been a change in the registrant's status resulting from circumstances over which the registrant had no control.

1625.3 [Revoked.]

§ 1625.4 Refusal to reopen and consider anew registrant's classification.—When a registrant files with the local board a written request to reopen and consider anew the registrant's classification and the local board is of the opinion that the information accompanying such request fails to present any facts in addition to those considered when the registrant was classified or, even if new facts are presented, the local board is of the opinion that such facts, if true, would not justify a change in such registrant's classification, it shall not reopen the registrant's classification. In such a case, the local board (a) shall record in the registrant's file the reasons for its decision not to reopen his classification, and (b) shall advise the registrant by letter of its decision not to reopen his classification and the reasons therefor.

CLASSIFICATION ANEW

1625.11 Classification Considered Anew When Reopened.—When the local board reopens the registrant's classification, it shall consider the new information which it has received and shall again classify the registrant in the same manner as if he had never before been classified. Such classification shall be and have the effect of a new and original classification even though the registrant is again placed in the class that he was in before his classification was reopened.

1625.12 Notice of Action When Classification Considered Anew.—When the local board reopens the registrant's classification, it shall, as soon as practicable after it has again classified the registrant, mail notice thereof.

1625.13 Right of Appeal Following Reopening of Classification.—Each such classification shall be followed by the same right of appeal before the local board and the same right of appeal as in the case of an original classification.

fore whom the registrant appeared shall classify him.

(g) In reviewing the appeal and classifying the registrant, the appeal board shall not receive or consider any information other than the following:

(1) Information contained in the record received from the local board:

(2) General information concerning economic, industrial and social conditions; and

(3) Oral statements by the registrant and written evidence submitted by him to the appeal board during his personal appearance.

(h) The appeal board shall classify the registrant, giving consideration to the various classes in the same manner in which the local board gives consideration thereto when it classifies a registrant.

(1) In the event that the appeal board classifies the registrant in a class other than that be requested it shall record its reasons therefor in his file. The local board shall inform the registrant of such reasons in writing at the time it mails his Notice of Classification (SSS Form 110).

12626.5 Procedure of local board when advised of decision of appeal board.—When the local board receives notice of the decision of a case by the appeal board, it shall mail a Notice of Classification (SSS Form 110) to the registrant, and enter upon such form the record of the vote of the appeal board as follows: "Vote of appeal board—Yes-----No-----" At the time of mailing of the Notice of Classification (SSS Form 110), the local board, if the classification by the appeal board was not by unanimous vote, shall notify the registrant in the manner prescribed by the Director of Selective Service of his right to appeal to the National Selective Service Appeal Board.

1626.6 Appeal stays induction or order to report for alternate service.—The local board shall not issue an order for a registrant to report for induction or for alternate service in lieu of induction either during the period afforded the registrant to take an appeal to the appeal board or during the period such an appeal is pending. Any order to report for induction, or for alternate service in lieu of induction, which has been issued during either of such periods shall be ineffective and shall be canceled by the local board. Whenever an appeal to the appeal board has been taken during the time allowed for taking appeals by a person entitled to do so, any order to report for induction or for alternate service which has been previously issued to the registrant shall be ineffective and shall be canceled by the local board.

PART 1627—APPEAL TO THE PRESIDENT

1627.1 Persons who may appeal to the President.

(a) The Director of Selective Service, the State Director of Selective Service of the State in which the local board which classified the registrant is located, or the State Director of Selective Service of the State in which the appeal board is located may appeal to the President from any determination of an appeal board at any time prior to the induction of the registrant.

(b) When a registrant has been classified by the appeal board and one or more members of the appeal board dissented from that classification, he may appeal to the President within 15 days after the mailing by the local board of the Notice of Classification (SSS Form 110) notifying him of his classification by the appeal board. The local board may permit any registrant who is entitled to appeal to the President under this section to do so at any time prior to the date the local board issues to him an order to report for induction or for alternate service, even though the period of taking such an appeal has elapsed. If it is satisfied that his failure to appeal within

PART 1626—APPEAL TO APPEAL BOARD

1626.1 Who may appeal.—The Director of Selective Service and the State Director of Selective Service as to the local boards in his State may appeal from any determination of a local board at any time. The registrant may appeal to an appeal board from his classification by the local board except his initial administrative classification into Class 1-H.

1626.2 Time limit within which registrant may appeal.—The registrant must file his appeal and his request for a personal appearance before the appeal board, if such personal appearance is desired, within 15 days after the date the local board mails to the registrant a Notice of Classification (SSS Form 110) or letter pursuant to § 1624.5 of this chapter. At any time prior to the date the local board mails to the registrant an Order to Report for (SSS Form 252) or Order to Report for Alternate Service (SSS Form 153), the local board will permit him to appeal even though the period for taking an appeal has elapsed, if it is satisfied that his failure to appear within such period was due to some cause beyond his control. If the local board grants an extension of time to appeal to the registrant, he may within such extended period also request a personal appearance before the appeal board.

1626.3 Procedure for taking an appeal.— (a) Any person entitled to do so may appeal to the appeal board by filing with the local board a written notice of appeal. If the Director of Selective Service or the State Director of Selective Service appeals to the appeal board he shall place in the registrant's file a written statement of his reasons for taking such appeal.

(b) Whenever an appeal is taken from a local board's classification by the Director of Selective Service or the State Director of Selective Service, the local board shall notify the registrant in writing of the action, the reasons therefor, and inform him that (1) his appeal will be considered by the appeal board for the area in which his local board is located unless he files, within 15 days from the date on the letter of notification, a written request with the local board that the appeal be considered by the appeal board having jurisdiction over the area in which is located his principal place of employment or residence and (2) he may request a personal appearance before the appeal board if he files with the local board within 15 days from the date on the letter of notification a written request for such personal appearance. The 15-day period may be extended by the local board when it is satisfied that the registrant's failure to file a written request within such period was due to some cause beyond his control.

(c) If the registrant is taking the appeal, he may also request an opportunity to appear in person before the appeal board having jurisdiction over the area in which is located his principal place of employment or residence. The notice of appeal need not be in any particular form, but must include the name of the registrant and his request. Any notice shall be liberally construed so as to permit the appeal.

(d) The appeal board for the area in which the registrant's local board is located shall consider the appeal of the registrant's classi-

1626.4 Review by appeal board.

(a) The appeal board shall consider appeals in the order of the relative imminence of induction of the registrant, the most imminent being considered first, unless otherwise directed by the Director of Selective Service, in which event appeals shall be considered in such order as the Director of Selective Service shall prescribe.

(b) Upon receipt of the registrant's file, the appeal board shall ascertain whether the registrant has requested a personal appearance before the appeal board. If no such request had been made, the appeal board may classify the registrant not less than 15 days after the receipt of the registrant's file.

(c) Not less than 15 days (unless the registrant requests an earlier appointment) in advance of the meeting at which his classification will be considered, the appeal board shall inform any registrant who has requested a personal appearance that he may appear at such meeting and present evidence, other than witnesses, bearing on his classification. Should the registrant fail to appear at such meeting, except for good cause he establishes to the satisfaction of the appeal board, he shall not be afforded an opportunity to appear at a subsequent meeting. The registrant must file a written statement of the reasons for his failure to appear at his scheduled meeting within 5 days after such failure or the registrant will be deemed to have waived his right to an opportunity to appear at a subsequent meeting. Such 5-day period may be extended by the appeal board when it is satisfied that the registrant's failure to file such written statement was due to some cause beyond his control.

(d) A registrant is entitled to such time for his personal appearance before an appeal board as the board determines is reasonably necessary for the fair presentation of his claim, consistent with the informal and expeditious processing required in selective service cases, but shall not be entitled to present witnesses. No registrant may be represented at his personal appearance before an appeal board by anyone acting as attorney or legal counsel.

(e) At any such personal appearance, there shall be present a quorum of the members of the board to which the registrant may present evidence, may discuss his classification, may point out the class or classes in which he thinks he should have been placed, and may direct attention to any information in his file which he believes the local board has overlooked or to which he believes it has not given sufficient weight. The registrant may present such further information as he believes will assist the board in determining his proper classification. Such statement shall be summarized in writing by the registrant and shall be placed in the registrant's file. The information furnished should be as concise as possible under the circumstances.

(f) The appeal board shall classify a registrant who has requested a personal appearance after (1) he has appeared before the board, (2) he withdrew his request to appear, (3) he waived his right to an opportunity to appear, or (4) he failed to appear without establishing to the satisfaction of the appeal board good cause therefor. When a registrant appears before the appeal board, only those members of the appeal board be-

such period was due to some cause beyond his control.

1627.2 Procedure for taking an appeal to the President.

(a) An appeal to the President may be taken by the Director of Selective Service (1) by mailing to the local board, through the State Director of Selective Service, a written notice of appeal or (2) by placing in the registrant's file a written notice of appeal and, through the State Director of Selective Service, advising the local board thereof.

(b) An appeal to the President may be taken by the State Director of Selective Service (1) by mailing to the local board a written notice of appeal and directing the local board to forward the registrant's file to him for transmittal to the Director of Selective Service or (2) by placing in the registrant's file a written notice of appeal and advising the local board thereof. Before he forwards the registrant's file to the Director of Selective Service, the State Director of Selective Service shall place in such file a written statement of his reasons for taking such appeal.

(c) An appeal to the President by the registrant shall be taken by filing with the local board a written notice of appeal. Such notice need not be in any particular form but must state the name of the registrant and the fact he wishes the President to review the determination of the appeal board.

1627.3 Procedure on appeal to the President.

(a) When an appeal to the President is taken by the Director of Selective Service or a State Director of Selective Service, the local board shall notify the registrant that the appeal has been taken. If the registrant's file is in the local board's possession, it shall forward the entire file to the State Director of Selective Service and the local board shall enter on the Classification Record (SSS Form 102) under "Remarks" the date the file is forwarded or the date it receives notice that an appeal to the President has been taken.

(b) When an appeal to the President is taken, the State Director of Selective Service shall check the file which is in his possession or which is forwarded to him to be sure that all procedural requirements have been properly complied with, including notice to the registrant that such an appeal has been taken, and, if he discovers any procedural defects, return the file for correction. If any information has been placed in the file which was not considered by the local board in making the classification from which the appeal to the President is taken, the State Director of Selective Service shall review such information and, if he is of the opinion that such information, if true, would justify a different classification of the registrant, return the file to the local board with instructions to reopen the registrant's classification and classify the registrant anew.

(c) When the State Director of Selective Service has complied with the provisions of paragraph (b) of this section, he shall, unless the file is returned to the local board, forward the file to the Director of Selective Service.

(d) Whenever the Director or State Director appeals to the President, the registrant shall be notified by his local board in writing of the action and informed that if he desires to appear before the National Board he must, within 15 days from the date on the letter of notification, request such an appearance in writing, addressed to his local board. Such 15-day period may be extended by the local board when it is satisfied that the registrant's failure to request an appearance within such period was due to some cause beyond his control. The local board shall forthwith notify the National Board of the registrant's request to appear before it.

(e) If the registrant is taking the appeal, he may at the same time also file a written request with the local board to appear before the National Board. The local board shall forthwith notify the National Selective Service Appeal Board of such request.

1627.4 Procedures of the National Selective Service Appeal Board.

(a) An appeal to the President is determined by the National Board by its classification of the registrant.

(b) The National Board shall proceed forthwith to classify any registrant who has not requested a personal appearance after the specified time in which to request a personal appearance has elapsed.

(c) Not less than 5 days in advance of the meeting at which his classification will be considered, the National Board shall inform any registrant who has requested a personal appearance that he may appear at such meeting and present evidence, other than witnesses, bearing on his classification. Should the registrant fail to appear at such meeting, except for good cause he establishes to the satisfaction of the National Board, he shall not be afforded an opportunity to appear at a subsequent meeting. The registrant must file a written statement of the reasons for his failure to appear at his scheduled meeting within 5 days after such failure or the registrant will be deemed to have waived his right to an opportunity to appear at a subsequent meeting. Such 5-day period may be extended by the National Board when it is satisfied that the registrant's failure to file a written statement within such period was due to some cause beyond his control.

(d) The registrant is entitled to 15 minutes for his personal appearance. The National Board may, in its discretion extend the time of the registrant's personal appearance. No registrant may be represented at his personal appearance before the National Board by anyone acting as attorney or legal counsel. The registrant shall not be entitled to present witnesses.

(e) At any such appearance, the registrant may discuss his classification, may point out the class or classes in which he thinks he should have been placed, and may direct attention to any information in his file which he believes the local board has overlooked or to which he believes it has not given sufficient weight. The registrant may present such further information as he believes will assist the National Board in determining his proper classification, at the time he requests a personal appearance.

(f) The National Board shall classify a registrant who has requested a personal appearance before the National Board, (2) he has withdrawn his request to appear, (3) waived his right to an opportunity to appear, or (4) failed to appear without establishing to the satisfaction of the National Board good cause therefor. When a registrant appears before the National Board, only those members of the Board before whom the registrant appeared shall classify him.

(g) In reviewing the appeal and classifying the registrant, the National Board shall not receive or consider any information other than the following:

(1) Information contained in the registrant's record received from the local board; (2) General information concerning economic, industrial, and social conditions; and (3) Oral statements by the registrant and written evidence submitted by him to the National Board during his personal appearance.

(h) In the event that the National Board classifies the registrant in a class other than that he requested it shall record its reasons therefor in his file. Upon the receipt by the local board of a written request by the registrant mailed within 30 days after the mailing of a Notice of Classification (SSS Form

110) in accord with § 1627.6 it shall furnish to such registrant a brief statement of the reasons for the decision of the National Board.

1627.5 File to be returned after appeal to the President is decided.—When the appeal to the President has been decided, the file shall be returned to the local board through the appropriate State Director of Selective Service.

1627.6 Procedure of local board after file is returned.—When the file of the registrant is received by the local board it, shall: (a) Mail a Notice of Classification (SSS Form 110) to the registrant and (b) enter on the Classification Record (SSS Form 102) and on the Classification Questionnaire (SSS Form 100) the classification given the registrant by the President and the date of mailing of the Notice of Classification (SSS Form 110).

1627.7 Appeal to the President stays induction.—The local board shall not issue an order for a registrant to report for induction either during the period afforded the registrant to take an appeal to the President or during the period such appeal is pending. Any order to report for induction which has been issued during either of such periods shall be ineffective and shall be canceled by the local board. Whenever an appeal to the President has been taken by a person entitled to do so, any order to report for induction which has previously been issued to the registrants shall be ineffective and shall be canceled by the local board.

PART 1628—EXAMINATION OF REGISTRANTS

1628.1 Who will be examined.—(a) Every registrant, before he is ordered to report for induction or ordered to perform alternate service contributing to the maintenance of the national health, safety, or interest, shall have his acceptability for military service determined under standards of acceptability prescribed by the Secretary of Defense, except that a registrant who has volunteered for induction or a registrant who has failed or refused to report for and submit to an armed forces examination may have his acceptability determined at the time he reports for induction.

(b) The Director of Selective Service shall prescribe procedures for the selection and delivery of registrants for armed forces examination.

(c) Based on lists of various medical conditions or physical defects that disqualify registrants for service in the armed forces, as may be issued from time to time by the Surgeon General of the Department of the Army, the local board, under such rules and regulations as the Director of Selective Service may prescribe shall determine whether a registrant who has or who may have such disqualifying medical condition or defect shall be delivered for an armed forces examination.

1628.2 Preliminary determination of acceptability.—(a) Whenever the local board has reason to believe that a registrant has a disqualifying medical condition or physical defect enumerated in the list described in § 1628.1(c), it shall determine whether (1) he has such medical condition or physical defect, (2) he should be delivered for armed forces examination, or (3) only the medical information in such registrant's file together with the medical advisor's recommendation, if applicable, shall be forwarded to the AFES for review and determination. In making this determination, the local board shall consider the report and recommendation, if available, of a medical advisor following a medical interview.

1628.3 Registrants to be given medical interview.—Whenever the local board is of the opinion that a registrant has one or more of the disqualifying medical conditions or physical defects which appear in the list described in § 1628.1(c), it may order the registrant to present himself for medical interview at a

specified time and place by mailing to such registrant a Notice to Registrant to Appear for Medical Interview (SSS Form 219). It shall be the duty of the registrant to present himself to the medical advisor to the local board at the time and place designated and to submit to examination.

1628.4 Duties of medical advisors to local board.—The medical advisor to the local board shall (a) give each registrant who presents himself for medical interview such examination as he deems necessary to determine whether the registrant has one or more of the disqualifying medical conditions or physical defects which appear in the list described in § 1628.1(c), or (b) review each affidavit of a reputable physician or official statement of a representative of a Federal or State agency referred to him by the local board. No laboratory or X-ray work shall be authorized but reports of laboratory or X-ray work performed previously and presented by the registrant may be given consideration by the medical advisor. From such examination or review, the medical advisor to the local board shall determine whether the registrant has one or more of the disqualifying medical conditions of physical defects which appear in the list described in § 1628.1(c) and shall report his findings to the local board.

1628.5 Transfer for medical interview.—Any registrant who has received a Notice to Registrant to Appear for Medical Interview (SSS Form 219) and who is so far from his own local board that presenting himself to the medical advisor of his local board would be a hardship may file a written request with the local board having jurisdiction of the area in which he is at that time located for his transfer for medical interview to that local board. The local board with which the request for transfer for medical interview is filed shall forward the request to the registrant's own local board.

1628.6 Order to Report for Armed Forces Examination.—(a) In accordance with instructions of the Director of Selective Service, the State Director of Selective Service shall periodically issue to each local board in his State an Examination Call on Local Board (SSS Form 202) for registrants to be delivered for armed forces examination and the time and place fixed for their delivery.

(b) A local board member, or the Executive Secretary or clerk if so authorized, shall select and order for Armed Forces examination registrants in accordance with the instructions of the Director of Selective Service. The date specified for reporting for such examination shall be at least 15 days after the date on which the Order to Report for Armed Forces Examination (SSS Form 223) is mailed, except that a registrant who has volunteered for induction may be ordered to report for such examination on any date after he has so volunteered.

(c) The local board shall also order for armed forces examination those registrants who have not attained age 26 and who have not previously had such an examination, who request such an examination. Requests for examinations must be submitted in writing to the registrant's local board. The local board shall establish a specific date for the examination, which date shall be within 60 days of the receipt of the applicant's request, and the registrant shall be given written notice thereof at least 15 days prior to the date of such examination. A registrant shall have the right to receive only one preinduction examination on his own request. The Director of Selective Service may temporarily suspend the provisions of this paragraph for particular States or particular local boards if he determines that the number of such requests, if granted, would adversely affect the processing of men toward induction or would increase the total workloads of the respective Armed Forces Examining and Entrance Stations beyond their capacities. If any registrant is found acceptable upon ex-

amination at his request, he will not be selected for induction until his random sequence number is reached.

1628.7 Postponement of armed forces examination.—The issuance of an Order to Report for Armed Forces Examination (SSS Form 223) may be delayed or the forwarding of a registrant under such an order may be postponed to the same extent and in the same manner as provided in § 1632.2 of this chapter with reference to an Order to Report for Induction (SSS Form 252); provided, that any such delay or postponement under the provisions of this section shall terminate whenever the local board determines that the induction of the registrant is imminent, in which event the local board shall order the registrant to report for armed forces examination.

1628.8 Transfer of registrants for examination.—(a) Any registrant who has received an Order to Report for Armed Forces Examination (SSS Form 223) and who is so far from his own local board that reporting to his own local board would be a hardship may, subject to the provisions of this section, be transferred for armed forces examination to the local board having jurisdiction of the area in which he is at that time located.

(b) Any such registrant desiring to be so transferred shall immediately report to the local board having jurisdiction of the area in which he is at that time located, present his Order to Report for Armed Forces Examination (SSS Form 223) and apply for transfer by completing Part 1 of Transfer for Armed Forces Examination or Induction (SSS Form 230).

(c) The registrant shall be required to report in accordance with the Order to Report for Armed Forces Examination (SSS Form 233), which he received from his own local board, if his application for transfer is disapproved.

1628.9 Transfer for armed forces examination directed by Director of Selective Service.—(a) The Director of Selective Service may direct that a particular registrant or a registrant who comes within a described group of registrants be transferred for armed forces examination to such local board or local boards as he shall designate.

1628.10 Duty of registrant to report for and submit to armed forces examination.—(a) When the local board mails to a registrant an Order to Report for Armed Forces Examination (SSS Form 233), it shall be the duty of the registrant to report for such examination at the time and place fixed in such order unless, after the date the Order to Report for Armed Forces Examination (SSS Form 233) is mailed and prior to the time fixed therein for the registrant to report for his armed forces examination, the local board cancels such Order to Report for Armed Forces Examination (SSS Form 223) or postpones that time when such registrant shall so report and advises the registrant in writing of such cancellation or postponement.

(b) If the time when the registrant is ordered to report for armed forces examination is postponed, it shall be the duty of the registrant to report for armed forces examination upon the termination of such postponement and he shall report for armed forces examination at such time and place as may be fixed by the local board. Regardless of the time when or the circumstances under which a registrant fails to report for armed forces examination when it is his duty to do so, it shall thereafter be his continuing duty from day to day to report for armed forces examination to his local board and to each local board whose area he enters or in whose area he remains.

(c) Upon reporting for armed forces examination, it shall be the duty of the registrant (1) to follow the instructions of a member, executive secretary, or local board clerk as to the manner in which he will be trans-

ported to the location where his armed forces examination will take place, (2) to obey the instructions of the leader or assistant leaders appointed for the group being forwarded for armed forces examination, (3) to appear for and submit to such examination as the commanding officer of the examining station shall direct, and (4) to follow the instructions of a member, executive secretary, or clerk of the local board as to the manner in which he will be transported on his return trip from the place where his armed forces examination takes place.

PART 1630—VOLUNTEERS

1630.1 Who May Volunteer.—(a) Any registrant who has attained the age of 18 years and who has not attained the age of 26 years may volunteer for induction into the Armed Forces by completing and filing with his local board an Application for Voluntary Induction (SSS Form 254) which shall be completed and filed in duplicate if he has not attained the age of 18 years and 6 months.

(b) Any person who has attained the age of 17 years and who has not attained the age of 18 years may volunteer for induction into the Armed Forces by completing and filing with his local board two copies of the Application for Voluntary Induction (SSS Form 254) on both copies of which the consent to his induction has been signed by his parents or guardian.

1630.2 Where Person May Volunteer.—(a) If a man has been registered and desires to volunteer for induction, he may so volunteer only through his own local board. If a man has not been registered and desires to volunteer for induction, he may register and then volunteer, but may do so only through the local board having jurisdiction of the area in which his place of residence is located.

(b) A registrant who is so far from his local board that it would be a hardship for him to appear in person at such local board in order to volunteer may present himself at the local board having jurisdiction of the area in which he is at the time located, and such local board shall assist him by correspondence or other means to volunteer through his own local board to the end that all uncompleted procedure with reference to such man's registration, classification, selection, and induction may be completed as soon as possible, including when necessary, transfer for classification, transfer for physical examination, transfer for delivery, or any of such steps which may be considered proper for the purpose.

1630.3 Registration of Certain Volunteers.—(a) If a person who is required to be registered but who has failed to register volunteers for induction, he shall be registered and shall be given a selective service number in the same manner as in the case of a late registrant.

(b) If a person not required to be registered volunteers for induction, including a person who volunteers under the provisions of paragraph (b) of section 1630.1, he shall be registered and shall be given a selective service number in exactly the same manner as any other registrant.

(c) In registering the volunteer, the local board shall follow the procedure set forth in Part 1613 of this chapter, and the local board for the area in which is located the place of residence of the registrant indicated in item 2 of the Registration Card (SSS Form 1) shall have jurisdiction of such registrant.

1630.4 Classification of Volunteers.—When a man files an Application for Voluntary Induction (SSS Form 254) under the provisions of section 1630.1, he shall be classified as soon as possible and placed in a class available for military service unless:

(a) Disregarding all other grounds for deferment, he would be classified in Class II-A, Class II-C, or Class III-A;

(b) He is the Vice President of the United States, a Governor of a State, any State

official chosen by the voters of the entire State, a member of the Congress of the United States, a member of a State legislative body, or a judge of a court of record of the United States or of a State, required to be deferred by law; or

(c) He is found to be physically, mentally, or morally not qualified for service in the Armed Forces.

PART 1631—ALLOCATION OF INDUCTIONS

1631. Random selection sequence for induction.—The Director of Selective Service shall establish a random selection sequence for induction. Such random selection sequence will be established by a drawing to be conducted in Washington, D.C., once each year on a date the Director shall fix, and shall be applied nationwide. The random selection method shall use 365 days or, when appropriate, 366 days to represent the birth-days (month and day only) of all registrants who, during the calendar year within which occurs the date fixed for the drawing, shall have attained their 19th but not their 20th year of age. The drawing, commencing with the first day selected and continuing until all 365 days or, when appropriate, 366 days are drawn, shall be accomplished impartially. The random selection sequence thus obtained shall, in accordance with the Selective Service Regulations, determine the order of selection of such registrants. The random sequence number thus determined for any registrant shall apply to him so long as he remains subject to induction for military training and service by random selection. A random sequence number established for a registrant shall be equivalent, for purposes of selection, to the same random sequence established for other registrants in other drawings, including the drawings of December 1, 1969, and of July 1, 1970, and the random selection sequences obtained in those drawings shall continue to determine the order of selection of the registrants covered thereby in accordance with the Selective Service Regulations. Selection among registrants who have the same random sequence number shall be based upon the supplemental drawing conducted December 1, 1969, which determined alphabetically a random selection sequence by name.

1631.2. Allocation of inductions under random selection.—When persons are selected for training and service in accordance with random selection, allocations of inductions shall be placed under such rules and regulations as the Director of Selective Service may prescribe.

1631.3. Calls by the Secretary of Defense.—The Secretary of Defense may from time to time place with the Director of Selective Service a call or requisition for men required for induction into the Armed Forces. The Secretary of Defense may also from time to time place with the Director of Selective Service a call or requisition for men in any medical, dental, or allied specialist category required for induction into the Armed Forces.

1631.4. Allocations by the Director of Selective Service.—(a) The Director of Selective Service shall, upon receipt of a call or requisition from the Secretary of Defense for men to be inducted into the Armed Forces, issue a call or requisition to the several States. (b) Upon receipt of a call or requisition from the Secretary of Defense for men in a medical, dental, or allied specialist category to be inducted into the Armed Forces, the Director of Selective Service shall issue a call or requisition to the several States.

1631.5. Allocations by State Director of Selective Service.—The State Director of Selective Service shall direct each local board to select and deliver men for induction in accordance with the rules and regulations as the Director of Selective Service may prescribe.

1631.6. Action by local board upon receipt

of allocation.—(a) When an allocation is received from the State Director of Selective Service, the Executive Secretary or clerk, if so authorized, or a local board member shall select as provided herein, and issue orders to report for induction to those men required to fill the call from among its registrants who have been classified in Class 1-A or Class 1-A-O and have been found acceptable for service in the Armed Forces and to whom a Statement of Acceptability (DD Form 62) has been mailed: *Provided*, That notwithstanding Part 1628 or any other provision of these regulations, when a registrant in whatever classification has refused or otherwise failed to comply with an order of his local board to report for and submit to an Armed Forces examination, he may, after he is reclassified into Class 1-A or 1-A-O be selected and ordered to report for induction even though he has not been found acceptable for service in the Armed Forces and a Statement of Acceptability (DD Form 62) has not been mailed to him, and in such case the Armed Forces examination shall be performed after he has reported for induction as ordered and he shall not be inducted until his acceptability has been satisfactorily determined: *Provided further*, That a registrant who has volunteered for induction may be selected and ordered to report for induction to fill an induction call notwithstanding the fact that he has not been found acceptable for service in the Armed Forces and regardless of whether or not a Statement of Acceptability (DD Form 62) has been mailed to him, but in such case the Armed Forces examination shall be performed after he has reported for induction as ordered and he shall not be inducted until his acceptability has been satisfactorily determined.

(b) Registrant shall be selected and ordered to report for induction in the following categories and in the order indicated:

(1) Volunteers who have not attained the age of 26 years in the sequence in which they have volunteered for induction.

(2) Nonvolunteers in the Extended Priority Selection Group in the order of their random selection procedures prescribed in accordance with § 1631.1.

(3) Nonvolunteers in the First Priority Selection Group in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1631.1.

(4) Nonvolunteers in each of the lower priority selection groups, in turn, within the group in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1631.1.

(5) Nonvolunteers who have attained the age of 19 years during the calendar year but who have not attained the age of 20 years, in the order of their dates of birth with the oldest being selected first.

(6) Nonvolunteers who have attained the age of 26 years in the order of their dates of birth with the youngest being selected first.

(7) Nonvolunteers who have attained the age of 18 years and 6 months and who have not attained the age of 19 years in the order of their dates of birth with the oldest being selected first.

(c) Definitions:

(1) Extended Priority Selection Group consists of registrants who on December 31 were members of the First Priority Selection Group whose random sequence number had been reached but who had not been issued orders to report for induction.

(2) First Priority Selection Group:

(i) 1970. In the calendar year 1970, nonvolunteers in Class 1-A, 1-A-O, or 1-O born on or after January 1, 1944, and on or before December 31, 1950, who have not attained the 26th anniversary of the dates of their birth.

(ii) 1971 and later years. In the calendar year 1971 and each calendar year thereafter,

nonvolunteers in Class 1-A, Class 1-A-O, Class 1-O or Class 1-II who prior to January of each such calendar year have attained the age of 19 years but not of 20 years and nonvolunteers who prior to January 1 of each such calendar year have attained the age of 19 but not of 26 years and who during that year are classified into Class 1-A, Class 1-A-O, Class 1-O or Class 1-H.

(3) Lower priority selection groups: One or more priority selection groups lower than the First Priority Selection Group in a given year.

(4) "Reached" random sequence number: A registrant's random sequence number will be deemed to have been "reached" if such number is equal to or lower than the random sequence number set by the Director of Selective Service or the highest random sequence number to be ordered for induction for that calendar year for any registrant in that priority selection group.

(d) Procedures:

(1) Local boards shall identify registrants in the appropriate groups as provided in this section.

(2) Members of the First Priority Selection Group on December 31 in any calendar year whose random sequence numbers have not been reached by that date, or members of any subgroup which was not reached during such calendar year, shall be assigned to the priority selection group which is next below the First Priority Selection Group for the immediately succeeding calendar year.

(3) On December 31 of each year, each priority selection group below the first priority selection group shall be reduced one step further in priority. In this manner the second priority selection group would become the third, the third would become the fourth, and so on.

(4) Members of the First Priority Selection Group on December 31 in any calendar year whose random sequence number had been reached but who had not been issued order to report for induction during the calendar year shall be assigned to the Extended Priority Selection Group for the immediately succeeding calendar year.

(5) Members of the Extended Priority Selection Group who have not been issued orders to report for induction and originally scheduled for a date prior to April 1 shall forthwith be assigned to the lower priority selection group to which they would have been assigned had they never been assigned to the Extended Priority Selection Group; except that members of the Extended Priority Selection Group who would have been ordered to report for induction to fill the last call in the first quarter of the calendar year but who could not be issued orders shall remain in the Extended Priority Selection Group and shall be ordered to report for induction as soon as practicable. Circumstances which would prevent such an order shall include but not be limited to those arising from a personal appearance, appeal, pre-induction physical examination, reconsideration, judicial proceeding, or inability of the local board to act.

(6) Any registrant assigned to a lower priority selection group or the Extended Priority Selection Group, who while in such priority selection group receives a deferment or exemption, and who subsequently is reclassified into Class 1-A, Class 1-A-O, or Class 1-II, shall be assigned to the priority selection group which, at the time of such reclassification, is in the same corresponding position as was the priority selection group of which he was a member when he received such deferment or exemption.

(7) A registrant in category (b) (2), (3), or (4) (paragraph (b) (2), (3), or (4) of this section) can be inducted under those provisions after he has attained the age of 26 only if he has extended liability and has been issued an order to report for induction prior to such birthday.

(8) Within category (3) and (4) listed in (b) (paragraph (b) (3) or (4) of this section) there shall be a subgroup consisting of registrants who have a wife whom they married on or before August 26, 1965, and with whom they maintain a bona fide family relationship in their homes. Registrants in any such subgroup shall be subject in all respects to this section except that they shall be selected after other registrants in the group of which that subgroup is a part.

1631.7 Registrants who shall be inducted without calls.—(a) Notwithstanding any other provision of the regulations in this chapter, any registrant enlisted or appointed after October 4, 1961, in the Ready Reserve of any reserve component of the Armed Forces (other than under section 511(b) of title 10, United States Code), the Army National Guard, or the Air National Guard, prior to attaining the age of 26 years, or any registrant enlisted or appointed in the Army National Guard or the Air National Guard prior to attaining the age of 18 years and 6 months and prior to September 3, 1963, and deferred under the provisions of section 6(c) (2) (A) of the Military Selective Service Act which were in effect prior to September 3, 1963, or any registrant enlisted in the Ready Reserve of any reserve component of the Armed Forces prior to attaining the age of 18 years and 6 months and prior to August 1, 1963, and deferred under section 262 of the Armed Forces Reserve Act of 1952, as amended, who fails to serve satisfactorily during his obligated period of service as a member of such Ready Reserve or National Guard or the Ready Reserve of another reserve component or the National Guard of which he becomes a member as certified by the respective armed force, shall be ordered to report for induction by the local board regardless of the class in which he is classified and without changing his classification. Any registrant who is ordered to report for induction under this paragraph shall be forwarded for induction at the next time the local board is forwarding other registrants for induction or at any prior time when special arrangements have been made with the induction station, without any calls being made for the delivery of such registrants. Whenever the local board desires to deliver such a registrant specially, it shall request the State Director of Selective Service to make the special arrangements for the time and place at which the registrant may be delivered for induction.

(b) At the induction station, each registrant who is forwarded for induction under paragraph (a) of this section shall be inducted into the armed force of which the reserve component in which the registrant is a member is a part.

(c) Notwithstanding any other provision of law, any registrant who has failed or refused to report for induction shall continue to remain liable for induction and when available shall be immediately inducted.

PART 1632—DELIVERY AND INDUCTION GENERAL

1632.1 Order to Report for Induction.—(a) Immediately upon determining which men are to report for induction, the local board shall prepare for each man an Order to Report for Induction (SSS Form 252). The date specified to report for induction shall be at least 30 days after the date on which the Order to Report for Induction (SSS Form 252) is mailed, except that a registrant who has volunteered for induction may be ordered to report for induction on any date after he has so volunteered.

(b) Any registrant who has been ordered for induction and who is distant from his local board of origin, must report at the time and place specified on the notice ordering him for induction, unless he voluntarily submits to processing for induction at any

Armed Forces Examining and Entrance Station and is actually inducted into the Armed Forces on or before the third day prior to the day that he was required to report in accordance with his local board's induction order.

(c) If the registrant is inducted or if the registrant is found not qualified for induction pursuant to paragraph (b) thereof, the Armed Forces Examining and Entrance Station shall inform the local board which ordered the registrant for induction of such event, and in either even the registrant shall not be required to comply with the local board's order.

1632.2 Postponement of Induction.—(a) In case of death of a member of the registrant's immediate family, extreme emergency involving a member of the registrant's immediate family, serious illness of the registrant, or other emergency beyond the registrant's control, the local board may, after the Order to Report for Induction (SSS Form 252) has been issued, postpone until a date certain the time when such registrant shall report but such date shall not be later than 60 days from the date of such postponement. In case of imperative necessity, the local board may grant one further postponement to a date certain but such date shall not be later than 60 days from the date of such postponement.

(b) The Director of Selective Service or any State Director of Selective Service (as to registrants registered within his State) may, for a good cause, at any time prior to the issuance of an Order to Report for Induction (SSS Form 252), postpone the issuance of such order until such time as he may deem advisable, or the Director of Selective Service or any State Director of Selective Service (as to registrants registered within his State) may, for good cause, at any time after the issuance of an Order to Report for Induction (SSS Form 252), postpone the induction of a registrant until such time as he may deem advisable.

(c) The local board shall postpone the induction of a registrant in accord with section 6(i) (1) or section 6(i) (2) of the Military Selective Service Act.

(d) The local board shall issue to each registrant whose induction is postponed a Postponement of Induction (SSS Form 264). A copy of such form shall be mailed to the State Director of Selective Service, and a copy filed in the registrants Cover Sheet (SSS Form 101). The local board shall note the date of the granting of the postponement and the date of its expiration in the "Remarks" column of the Classification Record (SSS Form 102).

(e) A postponement authorized in paragraph (b) or (c) of this section in excess of 40 days or without limit may be terminated when the issuing authority so directs and upon not less than 30 days nor more than 40 days notice to the registrant. The registrant shall then report for induction at such time and place as may be fixed by the local board.

(f) No registrant whose induction has been postponed shall be inducted into the Armed Forces during the period of any such postponement. A postponement of induction shall not render invalid the Order to Report for Induction (SSS Form 252), which has been issued to the registrant but shall operate only to postpone the reporting date and the registrant shall report on the new date without having issued to him a new Order to Report for Induction (SSS Form 252).

TRANSFER FOR INDUCTION

1632.9 Certain Registrants May Request Transfer for Induction.—Rescinded.

1632.10 Transfer for Induction Directed by Director of Selective Service.—(a) The Director of Selective Service may direct that a particular registrant or a registrant who comes within a described group of registrants

be transferred for induction to such local board or local boards as he shall designate.

(b) Whenever the Director of Selective Service has directed that a registrant shall be transferred for induction, the registrant's own local board or the clerk thereof shall take the following actions:

(1) Prepare in quadruplicate Transfer for Armed Forces Physical Examination or Induction (SSS Form 230) by inserting in Part 1 the date, the name, selective service number, and present address of the registrant, the name and address of the local board to which the registrant is transferred, and the words "Transferred for induction by direction of the Director of Selective Service" and by completing Part 3 of the form.

(2) Mail one copy of Transfer for Armed Forces Physical Examination or Induction (SSS Form 230) to its State Director of Selective Service and file one copy in the registrant's Cover Sheet (SSS Form 101).

(3) Mail to the local board to which the registrant is transferred for induction the original and one copy of Transfer for Armed Forces Physical Examination or Induction (SSS Form 230), the original and three copies of the Record of Induction (DD Form 47), all other records referred to in subparagraph (2) of paragraph (a) of section 1632.5, and any other records designated by the Director of Selective Service.

(4) Enter a notation that the registrant has been transferred in the "Remarks" column of the Classification Record (SSS Form 102).

(c) When the local board to which the registrant has been transferred for induction receives the papers from the registrant's own local board, as provided in paragraph (b) of this section, it shall proceed to deliver him for induction as soon as practicable.

INDUCTION

1632.14 Duty of Registrant to Report for and Submit to Induction.—(a) When the local board orders the registrant for induction it shall be the duty of the registrant to report for induction at the time and place ordered by the local board. If the time when the registrant is ordered to report for induction is postponed, it shall be the continuing duty of the registrant to report for induction at such time and place as may be ordered by the local board. Regardless of the time when or the circumstances under which a registrant fails to report for induction when it is his duty to do so, it shall thereafter be his continuing duty from day to day to report for induction to his local board.

(b) Upon reporting for his scheduled induction as ordered by his local board, it shall be the duty of the registrant (1) to follow the instructions of a member or clerk of the local board as to the manner in which he shall be transported to the location where his induction will be accomplished, (2) to obey the instructions of the leader or assistant leaders appointed for the group being forwarded for induction, (3) to appear at the place where his induction will be accomplished, (4) to obey the orders of the representatives of the Armed Forces while at the place where his induction will be accomplished, (5) to submit to induction, and (6) if he is found not qualified for induction, to follow the instructions of the representatives of the Armed Forces as to the manner in which he will be transported on his return trip to the local board.

1632.15 Forwarding Registrants for Induction.—When the registrants who are to be forwarded for induction have assembled, the local board shall proceed as follows:

(a) The roll shall be called, using the previously prepared Delivery List (SSS Form 261) and noting any absences thereon in the "Remarks" column. If any registrant fails to report for delivery, fails to report at the place of induction, is transferred to another local board for delivery, or is found not

qualified for induction, the local board shall not furnish a replacement for such registrant.

(b) A leader and assistant leaders shall be appointed and each given a completed Appointment of Leader or Assistant Leader (SSS Form 340). Leaders and assistant leaders shall have such authority as is necessary to deliver the group to the place of induction.

(c) The leader shall be given the following in a sealed packet:

(1) The original and two copies of the Delivery List (SSS Form 261).

(2) For each registrant being forwarded, the original and three copies of the Record of Induction (DD Form 47), all other records referred to in subparagraph (2) of paragraph (a) of section 1632.5, and any other records designated by the Director of Selective Service.

(d) When it is necessary, travel tickets or transportation requests, and meal and lodging requests for the group, covering their trip to the place of induction, shall be issued. The leader shall be instructed to deliver the sealed packet containing the original and two copies of the Delivery List (SSS Form 261), the originals and three copies of the Record of Induction (DD Form 47), and all other information concerning the registrants in the group to the commanding officer of the induction station or to his representative.

(e) The local board shall inform all registrants in the group, who are reporting for scheduled inductions as ordered by their local boards, that it is their duty to obey the instructions of the leader or assistant leaders during the time they are going to the place of induction; that they will be met by representatives of the Armed Forces at the place of induction; that while they are at the place of induction they will be subject to and must obey the orders of the representatives of the Armed Forces; that they must present themselves for and submit to induction; and that, if they are found not qualified for induction, the representatives of the Armed Forces will, to the extent prescribed by the regulations of the Armed Forces, provide transportation and subsistence for their return trip.

(f) The local board shall mail one copy of the Delivery List (SSS Form 261) to the State Director of Selective Service and shall file one copy.

1632.16 Induction.—At the induction station the selected men who have been forwarded for induction and found qualified will be inducted into the Armed Forces.

DISPOSITION OF RECORDS

1632.20 Records Returned to Local Board.—(a) The commanding officer of the induction station will return to the local board the following documents concerning registrants forwarded for induction:

(1) The original Delivery List (SSS Form 261), indicating in column 4 the disposition of each registrant forwarded for induction.

(2) For each registrant inducted, a copy of the Record of Induction (DD Form 47), a copy of the Report of Medical Examination (Standard Form 88), and any previous records of induction and reports of medical examinations submitted.

(3) For each registrant found not qualified for service in the Armed Forces, the original and one copy of the Record of Induction (DD Form 47), the original Report of Medical Examination (Standard Form 88), one copy of the Report of Medical History (Standard Form 89), and one copy of the Application for Voluntary Induction (SSS Form 254) submitted.

(b) Except as otherwise provided in section 1632.10, the local board, upon receipt of the documents described in paragraph (a) of this section, shall take the following action:

(1) File the original Delivery List (SSS Form 261).

(2) For each registrant inducted, file the copy of the Record of Induction (DD Form 47) and the copy of the Report of Medical Examination (Standard Form 88) in the Cover Sheet (SSS Form 101).

(3) For each registrant found not qualified for service in the Armed Forces, file the original Record of Induction (DD Form 47), the original Report of Medical Examination (Standard Form 88), the copy of the Report of Medical History (Standard Form 89), and any copy of the Application for Voluntary Induction (SSS Form 254) in the Cover Sheet (SSS Form 101) and forward to the State Director of Selective Service the copy of the Record of Induction (DD Form 47).

1632.21 Disposition of Other Records by the Armed Forces.—The commanding officer of the induction station will dispose of the documents described below concerning registrants forwarded for induction as follows:

(a) For each registrant inducted, retain the original and two copies of the Record of Induction (DD Form 47), the original and two copies of the Report of Medical Examination (Standard Form 88) together with any X-ray film, two copies of the Report of Medical History (Standard Form 89), and any copy of the Application for Voluntary Induction (SSS Form 254) submitted.

(b) For each registrant found not qualified for service in the Armed Forces, retain two copies of the Record of Induction (DD Form 47), one copy of the Report of Medical Examination (Standard Form 88) together with any X-ray film, and one copy of the Report of Medical History (Standard Form 89).

(c) Retain one copy of the Delivery List (SSS Form 261).

(d) Forward one copy of the Delivery List (SSS Form 261) to the State Director of Selective Service.

RECLASSIFICATION

1632.30 Classification of Registrants Inducted or Finally Found Not Qualified.—Upon receiving notice from the induction station that a selected man who has been forwarded for induction has been inducted or finally found not qualified for service in the Armed Forces, the local board shall reopen his classification and classify him anew.

1632.31 Registrants Enlisted in the Armed Forces.—When the local board receives official information showing that a registrant has enlisted in the Armed Forces, it shall reopen his classification and classify him anew.

PART 1641—NOTICE

1641.1 Notice of Requirements of Military Selective Service Act of 1967.—Every person shall be deemed to have notice of the requirements of the Military Selective Service Act of 1967, upon publication by the President of a proclamation or other public notice fixing a time for any registration. This provision shall apply not only to registrants but to all other persons.

1641.2 Failure To Take Notice.—(a) If a registrant or a person required to present himself for and submit to registration fails to perform any duty prescribed by the selective service law, or directions given pursuant thereto, within the required time, he shall be liable to fine and imprisonment under section 12 of the Military Selective Service Act of 1967.

(b) If a registrant or any other person concerned fails to claim and exercise any right or privilege within the required time, he shall be deemed to have waived the right or privilege.

1641.3 Communication by Mail.—It shall be the duty of each registrant to keep his local board advised at all times of the address where mail will reach him. The mailing of any order, notice, or blank form by the local board to a registrant at the address last reported by him to the local board shall constitute notice to him of the contents of

the communication, whether he actually receives it or not.

1641.5 Classification Record (SSS Form 102).—The Classification Record (SSS Form 102) shall be open to the public at the local board office. It shall be the duty of each registrant to keep himself informed of his status, and any entry concerning him on the Classification Record (SSS Form 102) shall constitute due legal notice thereof to him and to all other interested persons.

1641.6 Computation of Time.—The period of days allowed a registrant or other person to perform any act or duty required of him shall be counted as beginning on the day following that on which the notice to him is posted or mailed.

1641.7 Reporting by Registrants of Their Current Status.—(a) It shall be the duty of every classified registrant, until his liability for training and service has terminated, to keep his local board currently informed of his mailing address, and, in accord with instructions of the Director of Selective Service, facts concerning his status that the local board requests.

(b) A classified registrant shall submit to his local board in writing all information which the local board may at any time request from him concerning his occupational, marital, family, dependency, or military status or his physical condition or his receipt of a professional degree. The registrant shall submit such information to his local board within 10 days after the date on which the local board mails him a request therefor, or within such longer period as may be fixed by the local board.

PART 1643—PAROLE

1643.1 Parole—General.—Any person required to register under the provisions of the Military Selective Service Act of 1967, and any proclamation of the President thereunder, who is convicted of a violation of any of the provisions of the Military Selective Service Act of 1967, or any rules or regulations prescribed thereunder, shall be eligible for release from custody on parole for service in the Armed Forces of the United States or for civilian work contributing to the maintenance of the national health, safety, or interest, in the manner and under the conditions provided for in the regulations in this part.

1643.2 Authority To Grant Parole.—In accordance with the procedures specified in section 1643.3 and upon the recommendation of the Director of Selective Service, as authorized in section 1643.4, the parole of a convicted person provided for in section 1643.1 may be granted by the Attorney General if in his judgment it is compatible with the public interest and the enforcement of the Military Selective Service Act of 1967. In recommending the parole of any such person, the Director of Selective Service shall also recommend whether he should be paroled (a) for induction into the Armed Forces of the United States, (b) for induction into the Armed Forces of the United States for noncombatant service, but only in cases in which the person's claim for exemption from combatant service has been sustained in his latest classification on the merits by his local board or by the appeal board in the case of an appeal, or (c) subject to the provisions of section 1643.10(a) of this part, for assignment to civilian work contributing to the maintenance of the national health, safety, or interest in lieu of induction into the Armed Forces of the United States. If the parole is granted by the Attorney General, it shall conform to such recommendation.

1643.3 Application for Parole and Recommendation of Director of Selective Service.—(a) Any person who has been convicted of a violation described in section 1643.1 may apply to the Attorney General for parole. He shall submit with his application a consent in writing to induction, or if he claims

to be a conscientious objector to both combatant and noncombatant service, shall execute a consent to assignment to civilian work contributing to the maintenance of the national health, safety, or interest.

(b) If the Attorney General determines that the application for parole should receive consideration, he shall cause the applicant to be physically and mentally examined in the light of Armed Forces induction standards and to be given an intelligence test. A written report shall be prepared setting forth the level of mental ability attained in the test.

(c) The papers executed under section 1642.31 and paragraphs (a) and (b) of this section, including the chest X-ray film and the report of serology, shall be transmitted to the Director of Selective Service by the Attorney General with a request that the Director of Selective Service determine whether he will recommend the parole.

1643.4 Action Upon Recommendation or Advice of the Director.—The Director of Selective Service shall either recommend to the Attorney General that the registrant be paroled or shall advise the Attorney General that he does not recommend the parole of the registrant, and he shall forward the papers and chest X-ray film and report of serology referred to in section 1643.3, together with a copy of his recommendation or advice, to the appropriate State Director of Selective Service for transmittal to the proper local board.

1643.5 Induction of Paroled Registrant.—(a) If the Attorney General grants parole to a registrant for induction into the Armed Forces, or for induction into the Armed Forces for noncombatant service only, he shall send the local board a certified copy of an order suspending parole supervision of the registrant during military service.

(b) Upon receipt of the certified copy of the order suspending parole supervision, the local board shall proceed to order the registrant to report for induction in the same manner as in the case of a delinquent registrant. Whenever the institution in which the registrant is confined is not located within the area over which his local board has jurisdiction, the registrant shall be transferred for induction, in the manner provided in section 1632.10 of this chapter, to the local board having jurisdiction of the area in which such institution is located. Arrangements shall be made by the Attorney General for the delivery of the registrant to the examining and entrance station of the Armed Forces so that he may comply with the order to report for induction.

(c) In addition to other records required to be forwarded by a local board in delivering a delinquent registrant, for each paroled registrant there shall be forwarded to the examining and entrance station of the Armed Forces:

(1) the written consent of the registrant to induction;

(2) the certified copy of the order suspending parole supervision of the registrant during military service granted by the Attorney General;

(3) a certified copy of a statement from the Director of Selective Service recommending such parole which will indicate whether the individual is paroled for induction into the Armed Forces for combatant or noncombatant service;

(4) the report of the registrant's intelligence test;

(5) the original and three copies of the Report of Medical Examination (Standard Form 88) completely filled out by the examining physician of the institution of custody;

(6) the Report of Medical History (Standard Form 89);

(7) Serology (Standard Form 514c) original and duplicate copy; and

(8) the chest X-ray films which were completed by the institution physician.

The Delivery List (SSS Form 261) should be separate from any other delivery list and should identify the registrants as paroled registrants.

1643.6 Reclassification of Registrant.—The local board shall reopen the classification of a registrant who is granted a parole by the Attorney General and is delivered for induction. If the registrant is inducted into the Armed Forces he shall be placed in Class I-C. If he is rejected at the induction station he shall be placed in the lowest class for which he is determined to be eligible under the provisions of section 1623.2 of this chapter.

1643.7 Disposition of Person Paroled Who Are Not Inducted into the Armed Forces.—Any person who, under the provisions of the regulations in this part, is granted a parole for service in the Armed Forces of the United States but is not actually inducted into such Forces shall be returned to a penal or correctional institution to complete the sentence originally imposed.

1643.8 Disposition of Persons Paroled Who Are Inducted into the Armed Forces and Who Are Discharged Under Other Than Honorable Conditions.—Any person who is paroled for service in the Armed Forces of the United States and who after induction into such Forces is discharged therefrom under other than honorable conditions (other than "honorable discharge" or "general discharge") shall, if there remains uncompleted any portion of the sentence originally imposed, be returned to a penal or correctional institution or to parole status as a civilian as may be determined in accordance with law.

1643.9 Disposition of Persons Paroled Who Are Inducted into the Armed Forces and Who Are Discharged Under Honorable Conditions.—(a) Any person who is paroled for service in the Armed Forces of the United States and who, after induction and before completion of the service specified in the order granting the parole, is discharged from such Forces under honorable conditions ("honorable discharge" or "general discharge") shall be permitted to remain on parole until the termination of his sentence subject to the provisions of law with respect to Federal prisoners on parole.

(b) Any person who is paroled for service in the Armed Forces of the United States and who is inducted into such Forces and completes his period of service under honorable conditions ("honorable discharge" or "general discharge") as required by the Military Selective Service Act of 1967, shall be discharged from further confinement and supervision.

1643.10 Parole for Assignment to Civilian Work Contributing to the Maintenance of the National Health, Safety, or Interest.—(a) No person shall be considered for parole for the purpose of assignment to civilian work contributing to the maintenance of the national health, safety, or interest unless his conviction and incarceration resulted from his failure or refusal to perform civilian work ordered by his local board pursuant to Part 1660 of this chapter.

(b) If the Attorney General grants a parole to a person for assignment to civilian work contributing to the maintenance of the national health, safety, or interest, the Attorney General shall send to the local board a certified copy of his order paroling the registrant for such assignment.

(c) Upon receipt of a certified copy of an order paroling a registrant for assignment to civilian work contributing to the maintenance of the national health, safety, or interest, the State director shall direct the Executive Secretary or clerk, if so authorized, or a local board member of the registrant's local board to order him to a job which the State director selects as appropriate for him to perform.

(d) Any person paroled for assignment to civilian work contributing to the maintenance of the national health, safety, or interest, who fails or refuses to perform any such work satisfactorily, shall be reported by the Director of Selective Service to the Attorney General who may, in his discretion, revoke the parole of such person and return him to a penal or correctional institution to complete the sentence originally imposed with or without credit for the time spent on parole as the Attorney General may deem appropriate.

1643.11 Authority of the Attorney General to Control Parolees.—The Attorney General may impose such terms and conditions as he may deem proper upon any person paroled under the provisions of this part. Paroles authorized by this part may be revoked at any time in the discretion of the Attorney General. In any such case the parolee shall be returned to the proper penal or correctional institution to complete the sentence originally imposed.

1643.12 Application of General Parole Laws.—Nothing in the regulations in this part shall be construed to limit or restrict the application of the parole provisions contained in Title 18 of the United States Code.

1643.13 Functions of Board of Parole and Other Officials.—References in the regulations in this part to the Attorney General shall be construed to refer to the Board of Parole or to other officers or employees of the Department of Justice insofar as such references involve functions vested by statute in, or delegated by the Attorney General to, the Board of Parole or other officers or employees of the Department of Justice.

PART 1655—REGISTRATION OF UNITED STATES CITIZENS OUTSIDE OF THE UNITED STATES AND CLASSIFICATION OF SUCH REGISTRANTS

GENERAL

1655.1 Applicability of Regulations in This Part.—The registration of citizens of the United States outside of the United States not previously registered and the classification of registrants who are outside of the United States shall be governed by the provisions of the regulations in this part and the provisions of such other regulations in this chapter as are not in conflict with the provisions of this part.

REGISTRATION

1655.2 Duty to Register.—(a) Unless he is a person excepted from registration by section 6(a) of the Military Selective Service Act of 1967, every male citizen of the United States outside the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, and the Canal Zone who has not been registered and who on July 31, 1952, had attained or who thereafter shall have attained the eighteenth anniversary of the day of his birth and who on July 31, 1952, had not attained the twenty-sixth anniversary of the day of his birth, is required, on the day or days fixed by Proclamation of the President, to present himself for and submit to registration before—

(1) any diplomatic or consular officer of the United States who is a citizen of the United States, all of whom are hereby appointed chief registrars; or

(2) any other person who may be appointed by the Director of Selective Service as chief registrar; or

(3) any registrar appointed as provided in section 1655.3.

(b) Any person subject to registration under the provisions of this section who, because of circumstances over which he has no control, is prevented from presenting himself for and submitting to registration on the day or any of the days and in the manner required by the Proclamation of the President, shall present himself for and sub-

mit to registration immediately upon its becoming possible for him to do so.

1655.3 Appointment of Registrars.—Any chief registrar is authorized to appoint any reliable citizen of the United States as a registrar. Whenever necessary such appointment may be made by mail. Before entering upon his duties, every person appointed as chief registrar or as registrar shall sign the oath of office portion of the Oath of Office and Waiver of Pay or Compensation—Foreign (SSS Form 450) and, unless he is in the employ of the United States, also shall sign the waiver of pay or compensation portion of that form. When so signed, the Oath of Office and Waiver of Pay or Compensation—foreign (SSS Form 450) shall be transmitted to the Director of Selective Service.

1655.5 District of Columbia Local Board No. 100 (Foreign).—(a) There is hereby created and established a local board designated as District of Columbia Local Board No. 100 (Foreign) which shall consist of three or more members and which shall have its office in the District of Columbia. Such local board shall act as an independent local board and shall have all the rights, powers, duties and responsibilities of a local board.

(b) District of Columbia Local Board No. 100 (Foreign) shall have jurisdiction for all purposes under selective service law over any person who at the time of his registration under the provisions of the regulations in this part does not designate for entry on line 2 of his Registration Questionnaire (SSS Form 100) an address of a place within the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone.

PART 1660—ALTERNATE SERVICE

1660.1 Responsibility for Administration.—(a) The State director, under the supervision of the Director, will assure compliance with the law, the regulations, and Selective Service policy concerning the program of alternate service for registrants who have been classified in class 1-O.

(b) The State director of the State in which a registrant is registered will have primary responsibility for the initial placement of the registrant in alternate service. That State director will coordinate any job placement activities in any State outside his own with the State director of that State. In assigning a registrant outside his own State, the assigning State director must have the approval of the "receiving" State director or the Director of Selective Service.

(c) Alternate service to be performed outside the geographical area under the jurisdiction of any State director will be administered by the Director of Selective Service after the assignment to such work has been made by the State director.

1660.2 Examination of Registrants.—A registrant classified in class 1-O shall be ordered to report for Armed Forces examination in the same manner as any other registrant. If he fails to report for or submit to this examination, or if he is found to be qualified for service, he shall be ordered to the appropriate alternate service job when his Random Sequence Number is reached.

1660.3 Volunteer for alternate service.—Only registrants classified in Class 1-O may volunteer for alternate service in lieu of induction. Any registrant in Class 1-O may submit Application of Volunteer for Alternate Service (SSS Form 151) to his local board. If the volunteer wishes to propose jobs which he feels would be approved for his alternate service he will submit each job on an Employer's Statement of Availability of a Job as Alternate Service (SSS Form 156) simultaneously with his completed Application of Volunteer for Alternate Service (SSS Form 151). The State director will approve or disapprove the proposed jobs. If the registrant fails to locate a suitable job or if the job

submitted on the Employer's Statement of Availability of a Job as Alternate Service (SSS Form 156) are not approved, the State director will not request the issuance of the Order to Report for Alternate Service (SSS Form 153) until 60 days after the registrant would have begun processing in accordance with § 1660.4 had he not volunteered. After the 60-day period has ended, the State director may direct the local board to order the registrant to an available job.

1660.4 Selection of Nonvolunteer for Alternate Service.—(a) A nonvolunteer will not be ordered to perform alternate service in lieu of induction before registrants with his RSN who are classified in Class 1-A or 1-A-O are ordered for induction.

(b) When a registrant in the medical, dental, or allied specialist category is classified in Class 1-O, he will be ordered to alternate service in lieu of induction at the time that he would have been called for induction if he were in Class 1-A or 1-A-O.

(c) When the RSN of a registrant classified in Class 1-O is within the range of RSNs which are currently being reached for induction, the local board will send him Selection for Alternate Service (SSS Form 155), and retain a copy in the Registrant File Folder (SSS Form 101). Conscientious Objectors Skills Questionnaire (SSS Form 152) and three copies of Employer's Statement of Availability of a Job as Alternate Service (SSS Form 156) will also be sent to the registrant at this time.

(d) Mailing of the Selection for Alternate Service; Rights and Obligations of Conscientious Objectors in the Alternate Service Assignment Process (SSS Form 155) by the local board is the effective beginning of processing for alternate service in lieu of induction for the affected registrant. If the registrant has not been ordered to an alternate service job with a reporting date within 270 days after he has exhausted his 60-day job search, he will be placed in a lower priority selection group. Delays in processing due to litigation instituted by the registrant, litigation pending against the registrant, or a postponement of processing for alternate service granted the registrant under § 1660.7 will not count toward the 270-day time period.

1660.5 Eligible Employers of Registrants Performing Alternate Service.—Employment which may be considered to be appropriate as alternate service in lieu of induction into the Armed Forces by registrants who have been classified in Class 1-O shall be limited to the following:

(a) Employment by the U.S. Government, or by a State, Territory, or possession of the United States or by a political subdivision thereof, or by the District of Columbia;

(b) Employment by a nonprofit organization, association, or corporation which is primarily engaged either in a charitable activity conducted for the benefit of the general public or in carrying out a program for the improvement of the public health or welfare, including educational and scientific activities in support thereof, when such activity or program is not principally for the benefit of the members of such organization, association, or corporation, or for increasing the membership thereof; or

(c) Employment in an activity of an organization, association, or corporation which is either charitable in nature performed for the benefit of the general public or is for the improvement of the public health or welfare, including educational and scientific activities in support thereof, and when such activity or program is not for profit.

1660.6 Eligible Jobs for Registrants Performing Alternate Service.—(a) Five elements will be considered as a basis for determining whether a specific job is acceptable as alternate service for a registrant classified in Class 1-O:

(1) National Health, Safety or Interest.

The job must fulfill specifications of the law and regulations.

(2) Noninterference with the competitive labor market. The registrant cannot be assigned to a job for which there are more numerous qualified applicants not in Class 1-O than spaces available. This restriction does not prohibit the approval of special programs such as Peace Corps or VISTA for alternate service by registrants in Class 1-O.

(3) Compensation. The compensation will provide a standard of living to the registrant reasonably comparable to the standard of living the same man would have enjoyed had he gone into the service.

(4) Skill and talent utilization. A registrant may utilize his special skills.

(5) Job location. A registrant will work outside his community of residence. Subparagraphs (3), (4), and (5) of this paragraph are waivable by the State director when such action is determined to be in the national interest and would speed the placement of registrants in alternate service.

1660.7 Assigning Alternate Service.—(a) Processing of the registrant for assignment to alternate service will continue even though he fails to return SSS Form 152 (Conscientious Objectors Skills Questionnaire) within 15 days.

(b) The registrant will submit Employer's Statement of Availability of a Job as Alternate Service (SSS Form 156) to the State director, who will determine whether the work is acceptable. A letter from an employer may, at any time, substitute for such SSS Form 156. When a job is approved, the State director will direct the Executive Secretary or clerk, if so authorized, or a local board member of a registrant's local board to issue an Order to Report for Alternate Service (SSS Form 153). Any time the State director disapproves a job proposed on Employer's Statement of Availability of a Job as Alternate Service (SSS Form 156) submitted by the registrant, he will inform the registrant of his decision within 10 days after the State director receives such form.

(c) At any time following 60 days after a registrant's SSS Form 155 (Selection for Alternate Service; Rights and Obligations of Conscientious Objectors in the Alternate Service Assignment Process) has been mailed, if the registrant has submitted no SSS Form 156 (Employer's Statement of Availability of a Job as Alternate Service) or if the submitted jobs have been disapproved, the State director may direct the Executive Secretary or clerk, if so authorized, or a local board member of a registrant's local board to order him to a job which the State director selects as the registrant's alternate service.

(d) A registrant classified in Class 1-O may take a job anticipating that it might later be approved as alternate service. If such a job is approved, the registrant will be credited with having performed acceptable service, when in fact he has performed such service, from the date he started the job, or the date he was classified in Class 1-O, whichever is later. No more than 24 months of service will be required. Time spent looking for an initial job is not creditable toward the 24 months of service.

(e) A registrant who prior to the lapse of the 60-day period established in paragraph (c) of this section, finds a job (jobs), but whose job(s) is (are) not approved by his State director, may request that the State director's decision(s) be reviewed by the Director prior to his being mailed an SSS Form 153 (Order to Report for Alternate Service). The registrant's case will be considered by the Director on only one occasion prior to his initial assignment to alternate service. However, he may request a review of as many as three such adverse decisions on jobs in this one review. The Director will either approve a job proposed by the registrant or, if the 60 days have elapsed, authorize a mandatory work order. Decisions by the Director will

be carried out by the appropriate State director and local boards and their employees.

(f) Any reason for granting a postponement for an induction order is sufficient for granting the postponement of processing for alternate service in lieu of induction.

(g) A registrant in Class 1-W, working in an approved job, may request the supervising State director to transfer him to a new job. The request must be made while the registrant is working in an approved job, and the registrant must remain on the job until the transfer is accomplished. The registrant must at the time of the request, offer an alternative job to the State director for approval as alternate service. If the new job is approved, the State director may direct the registrant's local board to order him to the new job.

1660.8 Performance of Alternate Service.—Any registrant who knowingly fails or neglects to obey an order from his local board to perform alternate service contributing to the maintenance of the national health, safety, or interest in lieu of induction or who constructively fails or neglects to obey such order by his failure to comply with reasonable requirements of an employer shall be deemed to have knowingly failed or neglected to perform a duty required of him under the Military Selective Service Act. The registrant shall have failed to meet the standards or failed to perform satisfactorily if he did not meet the standards of performance demanded by the employer of his other employees in similar jobs.

1660.9 Administration of Alternate Service.—(a) Whenever a registrant is refused employment by an employer who had previously agreed to hire him, whenever the registrant refuses employment, whenever a registrant's employment is terminated, or whenever he leaves his job, the State director administering the registrant's case will consider the circumstances surrounding the refusal, termination, or departure to determine whether the registrant had failed to perform his job or to conduct himself satisfactorily.

(b) Whenever the State director has reason to believe that a registrant refused or constructively refused employment, or was relieved for cause or left his job unjustifiably he will conduct an investigation which will include the following steps; obtain a statement from the former employer describing the circumstances, send such statement to the registrant; obtain a statement from the registrant in his defense, if he wishes to make one; and compile any other evidence he feels is relevant. He will then determine whether the termination was for cause or whether the departure was unjustifiable. If he determines that the registrant's departure was without justification he will report the registrant for prosecution.

(c) If, after completing the investigation in accord with paragraph (b) of this section, the State director finds no failure of the registrant to perform satisfactorily he will order the registrant to another job as quickly as possible. A local board member of the registrant's local board or the Executive Secretary or clerk if so authorized, as the direction of the State director, will issue a new work order when any transfer or reorder is required. If the registrant complies with the order to report to the new job, the intervening time between jobs will not constitute a break in the required period of alternate service.

(d) The State director may direct the Executive Secretary or clerk, if so authorized, or a local board member of the registrant's local board to reassign and reorder a working registrant at any time that he determines the original job ceases to be acceptable as alternate service as defined in § 1660.6.

(e) The Director of Selective Service or the State Director of Selective Service will issue travel orders, tickets or transportation

requests and meal and lodging requests to the registrant, upon his request, for his travel (1) from the office of his local board or local board nearest the place of his residence at the time he is selected for alternate service to the place of performance of the alternate service to which he is ordered within the United States, (2) for his return travel from such place to the office of the local board from which he traveled to the place of performing alternate service upon his satisfactorily completing his period of work or his travel to any other place upon his satisfactorily completing his period of alternate service whenever the cost of such transportation would not exceed the cost of travel to the local board from which he traveled, and (3) for his travel from one place of employment to another when his employment is transferred under the provisions of paragraph (c) or (d) of this section.

1660.10 Release from Alternate Service.—The State director of the State in which a registrant is working or the Director, when the registrant is not under the supervision of a State director may release a registrant prior to his completion of 24 months of service upon a determination of a hardship, medical, or other bona fide basis for such early release. If the registrant is working outside the State in which he is registered, the decision should be made in consultation with the State director of the State in which the registrant is registered. When such a release takes place prior to completion of 6 months of alternate service, the State director of the State in which the registrant is registered may direct a reopening of the registrant's classification by the local board.

1660.11 Completion of Alternate Service.—(a) After a registrant has completed his alternate service obligation, the State director will return (through another State director if necessary) the registrant's selective service file to the appropriate local board.

(b) When the local board receives the registrant's selective service file, it shall inform the registrant that he has satisfactorily completed his alternate service. He shall be classified in Class 4-W.

1660.12 Information Concerning Alternate Service.—A registrant who is outside the area of his local board may seek information relative to any aspect of processing for alternate service from the local board or State director of his new place of residence. The assisting State director or local board will not assume the responsibility of the State director or local board of jurisdiction.

PART 1670—RECORDS ADMINISTRATION IN FEDERAL RECORD DEPOTS

1670.1 Applicability of Regulations in This Part.—The provisions of the regulations in this part shall govern the administration, preservation, custody, use, and availability of all records which are now in or may hereafter be placed in Federal record depots which shall include (a) all extant records obtained under the Selective Training and Service Act of 1940, as amended, which are in the possession of the Selective Service System, (b) all extant records obtained under Public Law 26, 80th Congress, which are in the possession of the Selective Service System, and (c) all records obtained under the Military Selective Service Act of 1967 which have been or may be designated for placement in such depots by the Director of Selective Service.

1670.2 Federal Record Depots.—Within each State Headquarters for Selective Service, as a division thereof, the Federal record depot established under the Office of Selective Service Records shall be continued and operated with the functions of maintaining custody of and preserving and servicing all records which are now in or may hereafter be placed in such depot, which records shall remain intact therein, subject to the provision of such directives as may hereafter be promulgated by the Director of Selective Service.

1670.3 Federal Record Depot for National Headquarters.—A Federal record depot shall be established at National Headquarters for Selective Service for the custody, preservation, servicing, and disposal of such records as may be designated by the Director of Selective Service.

1670.4 Protection of Records.—(a) Records of or in the physical custody of the Federal record depots of the Selective Service System shall not be loaned, transmitted, or delivered into the physical custody of any person or agency other than an official or office of the Selective Service System without the approval of the Director of Selective Service. When records are transmitted between offices of the Selective Service System in different States, they shall be channeled through State Headquarters for Selective Service. When cover sheets of registrants are transmitted by mail between Federal record depots and other offices of the Selective Service System, strict accounting shall be maintained of the dispatch and receipt thereof.

(b) Selective service personnel shall take all possible care to keep records from being lost or destroyed. Under no circumstances shall a record be entrusted to any person not authorized to have it in his custody. When the person charged with the custody of a record transmits or delivers it to another, he shall place a notation showing the person or office of the Selective Service System to which it is transmitted or delivered in his files in the place from which the record was withdrawn.

1670.5 Confidential records.—All records obtained under the Selective Training and Service Act of 1940, as amended, except Registration Cards (DSS Form 1) and Classification Records (DSS Form 100), and all records obtained under Public Law 26, 80th Congress, and the Military Selective Service Act of 1967, which are in Federal record depots of the several State Headquarters for Selective Service and the information contained in such records shall be confidential, and shall not be available in any manner or used for any purpose except as provided by the regulations in this part. Information on Registration Cards (DSS Form 1) and information contained in Classification Records (DSS Form 100) shall be available to the public.

1670.6 "Registrant," and "Registrant's File" Defined.—(a) When used in the regulations in this part, the term "registrant" shall be deemed to mean a person who registered under the provisions of the Selective Training and Service Act of 1940, as amended, or the Military Selective Service Act of 1967, whose cover sheet is in a Federal record depot.

(b) When used in the regulations in this part, the term "registrant's file" shall include his cover sheet, if any, and contents.

1670.7 "Disclose," "Furnish," and "Examine" Defined.—When used in this part, the following words with regard to any record in a Federal record depot, or to information contained in any such record, shall have the meaning ascribed to them as follows:

(a) "Disclose" shall mean a verbal or written statement concerning any such record or information.

(b) "Furnish" shall mean providing in substance or verbatim a copy of any such record or information.

(c) "Examine" shall mean a visual inspection and examination of any such record or information at the office and in the presence of a State Director of Selective Service or his designated agent.

1670.8 Availability and Use of Confidential Records and Information.—(a) Information contained in records in a registrant's file may be disclosed or furnished to, or examined by, the following persons, namely:

(1) The registrant, or any person having written authority signed by the registrant.

(2) The legal representative of a deceased registrant upon presentation of letters tes-

tamentary or letters of administration, or where there is no legal representative appointed for the estate of a deceased registrant, his next of kin; provided, that proof of the registrant's death and proof of the relationship of the next of kin to the registrant have been submitted and are in his file. For the purpose of this subparagraph the next of kin of a registrant shall be limited to his widow, child, mother, father, brother, or sister.

(3) All personnel of the Selective Service System while engaged in carrying out the functions of the Selective Service System.

(4) United States Attorneys and their duly authorized representatives, including agents of the Federal Bureau of Investigation.

(5) Any agency, official, or employee, or class or group of officials or employees, of the United States or any State or subdivision thereof, but only when and to the extent specifically authorized in writing by the State Director of Selective Service or the Director of Selective Service.

(b) Notwithstanding any other provisions of the regulations in this part, information contained in any record in a Federal record depot may be disclosed or furnished to, or examined by, any person having specific written authority from the Director of Selective Service. A State Director of Selective Service may disclose or furnish information to, or permit the examination thereof by, any such person but only when and to the extent and for the purpose designated by such written authority of the Director of Selective Service. No person shall use any information so disclosed, furnished, or examined for any purpose other than that designated in such written authority.

1670.11 Supplying Information.—In General.—Requests for information contained in the records in a Federal record depot should be made either in writing or in person. No such information shall be supplied until the person making the request has been identified as a person, or as an authorized representative of an agency, entitled to obtain such information pursuant to the regulations in this part.

1670.12 Searching or Handling Records.—Except as specifically provided by regulations in this part or by written authority of the Director of Selective Service, no person shall be entitled to search or handle any record which is in a Federal record depot.

1670.16 Supplying Information to the Congress.—All communications received by State Directors of Selective Service from individual members of Congress, from committees of the House of Representatives, or the Senate, or from the Congress as a body, requesting information from the records in a Federal record depot shall be forwarded to the Director of Selective Service for reply.

1670.17 Subpoena of Records.—(a) In the prosecution of a registrant or any other person for a violation of the Selective Training and Service Act of 1940, as amended, or of Public Law 26, 80th Congress, or of the Military Selective Service Act of 1967, or any regulations issued under any of said laws, or any orders or directions made pursuant to any such laws or regulations, or in any Federal court proceeding arising out of the Selective Training and Service Act of 1940, as amended or Public Law 26, 80th Congress, or of the Military Selective Service Act of 1967, all records of the registrant may be produced in response to the subpoena or summons of the court in which such prosecution or proceeding is pending.

(b) Except as provided in paragraph (a) of this section, no officer or employee of the Selective Service System shall produce a registrant's file, or any part thereof, in response to the subpoena or summons of any court without the consent, in writing, of the registrant concerned, or of the Director of Selective Service.

(c) Whenever, under the provisions of this

section, a registrant's file, or any part thereof, is produced as evidence in the proceedings of any court, such file shall remain in the personal custody of an official of the Selective Service System, and permission of the court be asked, after tender of the original file, to substitute a copy of the file with the court.

1670.18 Supplying Lists of Registrants.—A State Director of Selective Service, upon request, may supply lists of names of registrants inducted or enlisted into the armed forces to local governmental, civic, patriotic, or fraternal organizations for the purpose of preparing honor rolls of men who have served in the armed forces. In the preparation of such lists of names, no distinction shall be made or indicated between registrants enlisted and registrants inducted, nor will addresses, branch of service or other information be given. No such list shall be supplied in any case where the State Director of Selective Service has reason to believe that the list will not be used for the purpose requested, or will be used for a commercial purpose.

PART 1690—DETERMINATION OF AVAILABILITY OF MEMBERS OF THE STANDBY RESERVE OF THE ARMED FORCES FOR ORDER TO ACTIVE DUTY

1690.1 Authority of Local Boards.—(a) Local boards are authorized to determine the availability of members of the Standby Reserve of the armed forces, male or female, for involuntary order to active duty under section 672(a) of title 10 of the United States Code, as amended, in time of war or national emergency declared by the Congress or whenever otherwise authorized by law, except when it is determined by the Director as provided in section 1690.15.

(b) Hereafter in this part a member of the Standby Reserve is referred to as a "reservist" which term shall include both male and female members of the Standby Reserve.

1690.2 Local Board Which Has Jurisdiction.—(a) Whenever a member of the Standby Reserve of the armed force is to be ordered involuntarily to active duty, in time of war or national emergency declared by the Congress or whenever otherwise authorized by law, the reservist, will be ordered by his armed force to report immediately to any selective service local board convenient to him for a determination of his availability for active duty. Copies of such orders should be provided to the Director of Selective Service.

(b) Notification shall be fully and sufficiently accomplished by the Reserve Component concerned through the mailing of the orders addressed to the reservist concerned at the mailing address which records of the activity mailing the orders indicate as the most recent one furnished by that individual as an address at or from which official mail will be received by or forwarded to him.

(c) Absence of indication of delivery, or return as undeliverable, of orders addressed as above is alike immaterial as respects its efficacy as notice to or notification of the reservist concerned.

(d) It is the responsibility of each member of a Reserve Component to assure that the military records pertaining to him accurately and currently reflect a mailing address at which he can be reached.

(e) Notwithstanding the provisions of paragraph (a) of this section, the Director of Selective Service may, at any time, designate the local board which shall have jurisdiction to determine the availability for order to active duty of any reservist.

1690.3 Quorum, Meetings, and Disqualification of Local Board and Its Members.—The provisions of sections 1604.52a, 1604.55, and 1604.56 of this chapter and the provisions of paragraphs (b) and (c) of section 1623.9 of this chapter concerning the

quorum, meetings, and disqualification of a local board and the disqualification of members of a local board with respect to the classification of a registrant shall be applicable to a local board and its members when determining the availability of a reservist for order to active duty under this part.

1690.4 Minutes of Meetings of Local Board.—A record of each meeting of the local board held for the purpose of determining the availability of a reservist for order to active duty shall be kept by the board on Minutes of Local Board Meeting—Standby Reserve (SSS Form 82) which shall be completed in duplicate. The original shall be filed in the local board office as minutes of such meetings and the copy shall be forwarded to the State Director of Selective Service.

1690.5 Standby Reserve Folder (SSS Form 90).—The local board shall open an individual file for each reservist who reports to the local board as prescribed in § 1690.2 by preparing a Standby Reserve Folder (SSS Form 90) which file hereafter in this part is referred to as the "standby reserve folder." Every paper and document pertaining to the determination of the availability of the reservist for order to active duty, except such papers and documents as may be designated by the Director of Selective Service, shall be filed in his standby reserve folder.

1690.6 Standby reserve questionnaire (SSS Form 80).—(a) The local board shall furnish a Standby Reserve Questionnaire (SSS Form 80) to each reservist for immediate completion by the reservist at the local board.

(b) When appropriate, the reservist shall be given the opportunity to submit additional written information, including information from dependents and employers, within 5 working days after he has completed the Standby Reserve Questionnaire.

1690.7 Assignment of Standby Reserve Number.—(a) After a reservist who is not required to be registered under the Military Selective Service Act of 1967, has completed the Standby Reserve Questionnaire (SSS Form 80), the local board shall assign the reservist a standby reserve number, if he has not previously been assigned a standby reserve number by this local board. The first element of the standby reserve number, reading from left to right, shall be the number of the State in which the local board is located as shown on the list of States, Territories, and possessions in paragraph (b) of section 1621.2 of this chapter. The second element of the number shall be the number of the reservist's local board within the State. The third element of the number shall be assigned in numerical sequence, beginning with the numeral 1, according to the sequence in which the local board assigns standby reserve numbers to nonregistrant reservists. The fourth element of the number shall be the one of the following symbols which identifies the Standby Reserve of which the reservist is a member: "A" for Army Reserve, "AF" for Air Force Reserve, "N" for Naval Reserve, "MC" for Marine Corps Reserve, or "CG" for Coast Guard Reserve.

(b) The local board shall keep a record of all standby reserve numbers it assigns to reservists on the Standby Reserve Register (SSS Form 81). Once a standby reserve number has been assigned to a reservist, the same number shall never be used again.

1690.8 Duty of local board to determine reservist's availability promptly.—(a) Notwithstanding any previous determinations of availability, local boards shall determine the reservist's availability promptly by holding a special local board meeting if necessary, or, if a meeting cannot be held, by telephone poll with the Executive Secretary or clerk. In determining the availability of a reservist for order to active duty and his category consideration shall be given to (1) the information contained in his Standby Reserve Ques-

tionnaire (SSS Form 80), (2) such other written information as may be contained in his standby reserve folder, and, if he is a registrant, in his Cover Sheet (SSS Form 101), and (3) current instructions issued by the Director of the Selective Service.

(b) Standby reservists determined by the local board to be available for military service shall promptly proceed to station of initial assignment as prescribed in the orders issued by the Reserve Component concerned; those Standby reservists determined by the local board to be not available for military service will proceed back to their home and so notify the reserve Component who issued orders with the least practicable delay.

1690.9 Category I-R: Reservist Available for Order to Active Duty.—In Category I-R shall be placed every reservist who is found to be available for order to active duty.

1690.10 Category II-R: Reservist Not Available for Order to Active Duty Because of Civilian Occupation.—In Category II-R shall be placed any reservist whose continuance in his civilian employment, occupation, activity, or other endeavors in time of war or national emergency declared by the Congress is found to be more essential to the maintenance of the national health, safety, or interest than the performance by him of active duty in the Armed Forces.

1690.11 Category III-R: Reservist Not Available for Order to Active Duty by Reason of Extreme Hardship to Dependents.—(a) In Category III-R shall be placed any reservist who is found to be not available for order to active duty solely because his performance of active duty in the Armed Forces in time of war or national emergency declared by the Congress would result in extreme hardship (1) to the reservist's husband, wife, divorced wife, child, parent, grandparent, brother, or sister who is dependent upon the reservist for support, or (2) to a person under 18 years of age or a person of any age who is physically or mentally handicapped whose support the reservist has assumed in good faith: *Provided*, That a person shall be considered to be a dependent of a reservist under this paragraph only when such person is either a citizen of the United States or lives in the United States, its Territories, or possessions.

(b) The term "child" as used in this section shall include a legitimate or an illegitimate child from the date of its conception, a child legally adopted, a stepchild, a foster child, and a person who is supported in good faith by the reservist in a relationship similar to that of parent and child but shall not include any person 18 years of age or over unless he is physically or mentally handicapped.

1690.12 Category IV-R: Reservist Not Found Available for Order to Active Duty Who Is Not Eligible for Another Category.—In Category IV-R shall be placed any reservist who is not found to be available for order to active duty and who is not eligible for either Category II-R or Category III-R.

1690.13 Reconsideration and Redetermination by Local Board of Reservist's Availability and Category.—(a) The local board shall reconsider and redetermine a reservist's availability for order to active duty and his category upon request of the Director of Selective Service or the State Director of Selective Service.

(b) The local board may reconsider and redetermine a reservist's availability for order to active duty upon request of the reservist if such request is received by the local board within 5 days after the reservist receives notice of his category and if such request is accompanied by written information presenting facts not considered when the reservist's category was determined, which, if true, would justify a change in the reservist's category. If the local board is of the opinion that the information accompanying such request fails to present any facts in addition to those considered when the original determination

was made, or even if new facts are presented, the local board is of the opinion that such facts, if true, would not justify a change in the reservist's category it shall not reconsider and redetermine the reservist's availability.

1690.14 Government appeal agent.—In accordance with the provisions of section 1604.71 of this chapter, it shall be the duty of the Government Appeal Agent and, in his absence or inability to act or at his direction, the duty of the associate Government Appeal Agent:

(a) To recommend to the local board a reconsideration and redetermination of a reservist's category where the interest of justice, in his opinion, requires such action and to submit to the local board, any additional information which has caused him to arrive at his decision that the case should be reconsidered;

(b) To forward recommendation to the Director for resolution of the reservist's availability under the provisions of section 1690.15 when, in the opinion of the Government Appeal Agent, local action under paragraph (a) of this section, requires further consideration and resolution at the Director level.

1690.15 Determination of Availability and Category by Director of Selective Service.—Notwithstanding any other provisions of this part, the Director of Selective Service may at any time determine whether any reservist is available or not available for order to active duty and place the reservist in any category he may deem appropriate. Such action under this section by the Director of Selective Service shall be final unless he thereafter requests the local board to reconsider and redetermine the reservist's category.

1690.16 Notification and Recording of Availability and Category.—As soon as practicable after the local board has determined or redetermined the reservist's availability and category and also after the local board receives notice of the determination of a reservist's case by the Director of Selective Service, the local board shall:

(a) Enter on the Standby Reserve Questionnaire (SSS Form 80) a notation of the determination of the reservist's availability and category.

(b) Inform his original local board of jurisdiction by letter of the determination of availability if he is a registrant or a standby reservist of that local board.

(c) Inform the reservist as to determination of his availability as soon as possible.

1690.17 Notifying Armed Force of Availability of Reservist.—The local board shall notify the armed force of which a reservist is a member of his availability for order to active duty in accordance with the instructions in his military orders.

1690.18 Records Which Are Confidential.—The records in a reservist's standby reserve folder and the information contained in such records shall be confidential.

1690.19 Availability and Use of Confidential Records and Information.—(a) Information contained in records in a reservist's standby reserve folder may be disclosed or furnished to, or examined by, the following persons:

(1) The reservist, or any person having written authority signed by the reservist.

(2) All personnel of the Selective Service System while engaged in carrying out the functions of the Selective Service System or the functions conferred by this part.

(3) Any person having specific written authority from the Director of Selective Service.

(b) In the prosecution of a reservist for a violation of the Military Selective Service Act of 1967, the regulations in this chapter, any orders or directions made pursuant to such act or regulations, or for perjury, any records in the reservist's standby reserve folder shall be produced in response to the subpoena of the court in which such prosecution is pending.

(c) Except as provided in paragraph (b)

of this section, no officer or employee of the Selective Service System shall produce a reservist's standby reserve folder, or any part thereof, or testify regarding any confidential information contained therein, in response to the subpoena of any court without the consent, in writing, of the reservist concerned, or of the Director of Selective Service.

(d) Whenever, under the provisions of this section, a reservist's standby reserve folder, or any part thereof, is produced as evidence in the proceedings of any court, such folder shall remain in the personal custody of an official of the Selective Service System and permission of the court be asked, after tender of the original folder, to substitute a copy of the folder with the court.

1690.20 Identification of Records of Reservists.—All forms in the titles of which the words "Standby Reserve" do not appear and all other records used by the Selective Service System in carrying out the functions conferred by this part shall be identified by stamping or otherwise placing thereon the words "Standby Reserve."

NEW AGE MAGAZINE ARTICLES

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 28, 1972

Mr. SIKES. Mr. Speaker, the New Age magazine published in Washington, D.C., is the official publication of the Supreme Council of Scottish Rite Freemasonry. It is a worthy publication which consistently upholds the belief in the traditions which made America great. It contains many interesting articles on surprisingly varied subjects. For instance, the April 1972 issue contains articles on both Frederick the Great and Franklin Delano Roosevelt. Their contents are so interesting that I submit both for reprinting in the RECORD:

THE MEDICAL MARVELS OF FREDERICK THE GREAT

(By Irving I. Lasky, M.D.)

"A society which employs itself only in sowing the seed and bringing forth the fruit of every kind of virtue in my dominion may always be assured of my protection. It is the glorious task of every sovereign and I will never cease to fulfill it." The Masonic devotion and affection that King Frederick had for Freemasonry was thus exemplified in July, 1774, when he granted his protection to the National Grand Lodge of Germany and officially approved of the treaty, by that Grand Lodge, with the Grand Lodge of England. Frederick II was King of Prussia from 1740-1786. He was known as "Frederick the Great" for his military success in 1746 against Maria Theresa of Austria, but Frederick was "Great" in many non-military fields also. Contrary to his father's wishes for a strictly military upbringing, Frederick showed preponderant intellectual leanings, a love for music, literature, and a freethinking philosophy.

The ideal government became, for Frederick, an "enlightened" but "absolute" monarchy serving the welfare of the people under the ruler's sense of responsibility. He immediately put his humane principles into practice. Exiled scholars were recalled, torture was abolished, and penalties for crime were mitigated. Lavish patronage was extended to music and the arts, and an opera house was built in Berlin. This *roi philosophe* (philosopher king) held court with outstanding minds from all over Europe; but it soon became clear that he was also a states-

man and soldier and in no way planned to inaugurate an easy-going regime.

In the subsequent decade of peace (1746-1756), following the war with Austria, a matured King devoted all his energies to the service of the state. Frederick's own literary work reached its height in his *Histoire de Mon Temps* (*History of My Times*), vastly superior in style, clarity and political judgment to most other contemporary academic writings. It was also in this period of his life that this King accomplished what may be accorded the medical marvels of that day and, for that matter, this very time.

Medicine in Frederick's lifetime was exceedingly meager. Diagnosis was made by establishing the rate of the pulse and by gauging the body temperature. Fever was judged by complexion of the skin and delirium, not by thermometer readings. The clinical thermometer, as we know it today, was not in general use until James Thompson established the absolute scale in thermometry in 1849. A further diagnostic criterion was the examination of the urine. Few diseases were actually known: gout, intermittent fevers (malaria), smallpox, the plague, typhus, dysentery, influenza, venereal disease, hemorrhoids, kidney stones and hernia.

Treatment for the last two was surgery (without anesthesia or antisepsis which were not known). Venereal disease was treated with mercury ointment and vapors. For malaria there was cinchona bark, also known as Jesuit bark, now known as quinine. Because of its effect in malaria cases, it was sometimes also used on all feverish diseases. Smallpox was ever present and led to the first attempts at inoculation. In gout the recommendation was a careful diet and abstinence from "red meats, wine, and high living." Gout was thought to be a disease of the well-born and well-to-do. It was believed that turning to more frugal habits would be the cure. We now know, however, that gout is a disease of the metabolism which can be effectively treated with proper medication.

The diet, therefore, has very little to do with causing the disease. In the case of plague, there was only prayer. Wounds, injuries, and fractures were treated by surgeons and Feldschers (paramedics), who took charge and did the best they could under the circumstances.

Frederick was not a well man. In retrospect, it is thought that he suffered from an inherited disease known as porphyria. His chronic gastric colics, violent sweating, moodiness, painful limbs, and dark red urine (which accounts for the name of this disease) attest to this diagnosis. Porphyria is usually diagnosed by the urine turning dark red when it is exposed to light. This color change results from the effect of the light rays on the porphyrins. This substance is found to be normally present in the body tissue and not in the urine. Its presence in the urine, as in the case of Frederick, is abnormal and is diagnostic of porphyria.

It is a well-known dictum in medicine that individuals who suffer from a disease know that disease best. A person with diabetes, as an example, will know a great deal about this disorder, how to treat it, and how to control it. Most probably this is related to man's basic desire for survival.

Therefore Frederick the Great, similarly, wanted relief from his pain and suffering. He used his brilliance, high office, and those opportunities that prevailed therefrom to accomplish his "medical marvels" not only for himself but for his fellowman as well.

In the army, for instance, the king ordered that the wounded be not left to their fate. It appears, therefore, that it was Frederick the Great (not Napoleon's Baron Larrey or the American Civil War) who conceived the idea of and introduced field hospitals and mobile (the so-called "flying") ambulances.

To supplement this service for the soldiers,

Frederick hired a group of well-schooled physicians, the "young Aesculapes" as he called them, suitable in wartime staffs for the army hospitals and troops. He instructed his court physicians to figure the cost of a well-run field hospital as well as a perfectly stocked field pharmacy. The Prussian military medical service served as a model for all armies.

The King's concern for military medicine was vastly overshadowed by enormous problems relating to public health and hygiene in general. He took measures to control the frequent epidemics of plague, cholera, smallpox and typhus. He undertook the intelligent use of quarantine when it seemed indicated. Frederick actually attempted to disarm two of the most devastating diseases of the day—rabies and smallpox.

Smallpox was the first disease that had ever given rise to attempts at preventive medicine. The earliest records on the prevention of smallpox came from China in the twelfth century. Inoculation was practiced by applying ground and pulverized scab from the skin of victims of light cases of the disease. In order to make Prussia safe from smallpox, the King commissioned several English physicians to carry out inoculations in Berlin and to train Prussian doctors in this method. Thus Frederick the Great had succeeded in introducing the first important public health measure in the kingdom of Prussia.

The King studied anatomy with the dedication of a first-year medical student, proclaiming that no one could possibly aspire to be a good physician and surgeon who was not conversant thoroughly with the anatomy of the human body. Still today the fundamental training period in basic science for the young physician starts with the elemental anatomy of earthworms, crayfish, frogs, sharks, and cats—eventually leading to dissection of the human body.

Frederick read most of the contemporary medical journals and, whenever an article struck him as pertinent to his own health or any patients about whom he was concerned he would cut it out and send it to the attending physician with the request that he consider the treatment. He furthermore collected samples of various vegetables or mineral drugs that came into his possession and requested that they be analyzed by his physicians and that a determination be made of their value in certain diseases. Such preparations were subsequently put into general use for the sick and wounded of that day. The surprising similarity of this interest and what medical scientists do today in collecting and reporting important data for such similar purposes is quite remarkable.

Besides the aspect of general medicine, Frederick was also involved in the theory of the medical and natural sciences on an international platform. His foremost interest was in the fundamentals of fertilization and conception. His other interests in "spontaneous regeneration," with which he disagreed, and the circulation in embryos and cold-blooded animals were the original efforts in what is known as the "basic sciences."

King Frederick the Great, although a non-conformist and iconoclast in many ways, remained a highly religious man to the day of his death. During one of the most trying moments of his personal life, he made a sketch on the flyleaf of his Bible of a man on his knees with two swords hanging crosswise over his head. At the bottom are these words from Psalm 73:

"Whom have I in heaven but thee? and there is none upon earth that I desire beside thee. My flesh and my heart falleth: but God is the strength of my heart, and my portion for ever."

It is understandable that Frederick's wisdom kept him aloof and totally indifferent to any aspect of German nationalism. He

himself would have viewed his likeness with strenuous reservations had he seen it as it was frequently shown during the Nazi regime, side by side with the anti-Masons Hitler, Goering and Goebbels. These despots, in the final analysis, destroyed everything Frederick the Great had wanted to build.

The death mask of King Frederick reveals much of his character and, as it were, his life history. The most powerful mark left on the face is that of regal dignity and self-discipline. One may also perceive a touch of resignation. Even more clearly expressed is the sense of peace which stems from the satisfaction of accomplishment and having done one's work to the best of one's ability.

The credo of Scottish Rite Masonry—"the cause of human progress is our cause, the enfranchisement of human thought our supreme wish, the freedom of equal rights to all people everywhere, the end of our contention"—was assuredly embodied in the medical marvels of Frederick the Great.

FRANKLIN DELANO ROOSEVELT

(By Walter W. Hubbard)

Four of the thirteen United States Presidents known to have been Masons had the distinction of serving two full terms: Washington, Monroe, Jackson and Franklin Delano Roosevelt, popularly known as F.D.R. The latter, however, who was the 12th of our Masonic Chief Executives and an Empire State Democrat, had overwhelming public support at the polls on four successive occasions. His White House occupancy exceeded the combined terms of William H. Harrison, Garfield, Taylor, Harding, Fillmore and Kennedy.

January 30, 1882, was a day of rejoicing for James and Sara Delano Roosevelt of Hyde Park, New York, when their son, Franklin Delano, only child of his father's second marriage, arrived. The boy's mother was 26 years younger than her husband, who died while Franklin was in his teens, and she played a dominant role in F.D.R.'s life, even after he became President.

As a youngster, Franklin was healthy and robust, a factor which influenced his later physical and mental life. Many years later, N. G. Werthing, a United States Government graphologist, was shown penmanship samples of a teen-age boy and asked to comment. "It has great maturity, drive, organization, leadership. If that's really a 15-year old boy, I want to know what happens to him," said Werthing. "Then they told me it was Franklin Roosevelt's writing."

The family being well-to-do, Franklin's early education was acquired under private tutors and through trips abroad. Later, when enrolled in Groton School in Massachusetts, he learned to speak, read and write French and German. An exemplary student, he graduated in 1900, at the age of 18.

It was then he met a New Jersey-born President whose eight hectic years in the White House were drawing to a close. "Franklin," said Grover Cleveland, "I hope you never become President."

Four years at Harvard earned F.D.R. his degree, plus a year of graduate work. He majored in history, edited the *Harvard Crimson*, had an active social life, and went on to three years at Columbia University Law School. Admitted to the bar in 1907, he practiced law for three years.

In 1905, when he was 23, he married Anna Eleanor Roosevelt, a distant cousin and daughter of Elliott and Anna L. H. Roosevelt. President "Teddy" E. Roosevelt, a fifth cousin of F.D.R. and uncle of Eleanor, gave the bride away. A daughter, named after her mother, and five sons were born between 1906 and 1916. A summer home was acquired on Campobello Island, New Brunswick, Canada, where the family enjoyed canoeing, swimming, sailing and rowboating.

In 1910, F.D.R.'s first public office resulted from a patronizing nomination by his party

for State Senator from Dutchess County, New York, from whence no Democrat had been elected in half a century. Taking the nomination seriously, Roosevelt motored over every rural road, visiting farmers and freeholders, and won by a substantial majority.

During his first year at Albany, and being of Dutch descent, he applied for Masonic membership in Holland Lodge No. 8 in New York City. He was Raised November 28, 1911.

For the young man who, as a member of Harvard's 1902 debating team, had said that Pearl Harbor could play a major role for the United States Navy, life's outlook was rosy. He had a New York City townhouse on East 65th Street, still extant. Through common ancestry, blood and marriage, he was related to 11 United States Presidents: Washington, John Adams, Madison, John Quincy Adams, Van Buren, William H. Harrison, Taylor, Grant, Benjamin Harrison, Theodore Roosevelt and Taft. He could also claim relationship with Jefferson Davis, President of the short-lived Confederate States of America.

From 1913 to 1920, he was Assistant Secretary of the Navy, a position his Masonic cousin, Theodore, had held under Masonic President McKinley. President Wilson sent him to Europe on World War I Army inspections and, in 1919, in charge of demobilization.

After being defeated in his bid for the Vice Presidency in 1920, he resumed law practice with the firm of Emmet, Marvin and Roosevelt, and became vice president of Fidelity & Deposit Company.

While vacationing on Campobello Island in August, 1921, Roosevelt suffered a poliomyelitis attack, which hopelessly paralyzed both legs. He was to spend the rest of his life using crutches, wheelchairs, canes and leg braces. Jonas Edward Salk, later to become a doctor and developer of a polio vaccine, was then but a boy of seven.

Mrs. Sara Roosevelt, F.D.R.'s mother, early set the stage for the invalid's permanent, convalescent Hyde Park retirement. F.D.R. and Eleanor had other ideas, however, which were agreed upon before he was carried on a stretcher from their Campobello home. In his New York townhouse he strengthened shoulder and arm muscles by wrestling with his sons, climbing stairs and operating his homemade wheelchair. Geopolitical studies were continued through extensive reading and stamp collecting. Months of treatments were spent at Warm Springs, Georgia, where Roosevelt gave land, money and legal talent to create the Warm Springs Foundation, and where, more than 20 years later, he died in 1945.

Less than three years after being stricken at Campobello, he returned to practicing law, and in 1924 he presented the name of Governor Alfred E. Smith to the Democratic presidential convention as the party's standard bearer. At the 1928 convention he again proposed Smith and, at the New York State convention, received, himself, the nomination for Governor of the Nation's most populous state. Smith lost his presidential bid, but F.D.R. landed in Albany's Executive Mansion.

While Governor, Roosevelt received in Albany on February 28, 1929, the Degrees of the Scottish Rite (Northern Masonic Jurisdiction), and became a Noble in Cypress Shrine Temple. Membership in the Grotto, Tall Cedars of Lebanon, and honorary memberships in other Masonic Lodges, Almas Shrine Temple in Washington, and National Sojourners followed. Later, during his second year in the White House, he became the first Honorary Grand Master. Order of DeMolay. Three sons, Elliott, James and Franklin D., Jr., also became Masons.

Being re-elected New York's Governor by nearly three-quarters of a million votes made F.D.R. the leading contender for the Presidential nomination in 1932, and he was nominated on the fourth ballot at the convention

in Chicago. (It was, significantly, the year Japan's Navy—jealous of its Army's 1931 seizure of Manchuria—launched a major attack on Shanghai, setting an example Hitler was to follow eight years later.) F.D.R. flew to the Windy City to accept the nomination, becoming the first President-to-be to use air travel.

Seventeen days before taking office, Roosevelt, while visiting Miami, was shot at by Joseph Zangara, whose bullets injured several persons and killed Chicago's Mayor Cermak. The State of Florida tried, convicted and executed the criminal within 33 days.

F.D.R. was the last President to be inaugurated on March 4th, and the first to be inaugurated on January 20th. He was also the first whose mother could have voted for him, as she was alive when he was inaugurated and lived, in fact, until 1941.

From March 4, 1933, when F.D.R. assumed office and enunciated a Latin American "Good Neighbor" policy, until his death on April 12, 1945, when the Nazis were throwing in the towel, the sum total of Roosevelt's activities during 12 years and 39 days in office looms larger than those of any other President. Most of his administration's accomplishments, from a financial and unemployment crisis to a Churchill-Stalin conference two months before he died, are familiar to every wearer of a Masonic apron.

F.D.R.'s White House residency divides itself, roughly, into three periods: Four years to rescue the Nation from a depression, four years to prepare for the conflict Hitler and Hirohito were making inevitable, and four years to put America on the way to winning World War II.

The first period, starting with a bank "holiday," included monumental reforms and social advances now a part of our everyday lives.

The second period commenced with the start of World War II, on July 7, 1937, at Peking, 90 days after which F.D.R. delivered his "quarantine" speech against aggressors. It included Japan's U.S.S. *Panay* bombing on December 12, 1937, which sought to determine if Uncle Sam was too lethargic, cowardly or disinterested to fight, with Hitler joining the war 21 months later. It included, too, F.D.R.'s swap of old-age destroyers for bases, the military draft, and efforts to beat Germany in creating an atom bomb.

The last period ranged from Pearl Harbor to Patton's plea to Eisenhower to take Berlin before the Communists did. Roosevelt favored this, but death saved him from the frustration of learning that United States troops remained outside the city while Red armies surged into the German capital.

The remains of our 32nd President rest beneath a plain white marble monument, beside a similar one for his wife, in a small rose garden at Hyde Park. Visiting there, we might remember the President's words and take heart:

"The only thing we have to fear is fear itself. . . . In every hour of our national life a leadership of frankness and vigor has met with that understanding and support of the people themselves which is essential to victory."

SECOND SUPPLEMENTAL APPROPRIATIONS, 1972

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mrs. GRASSO. Mr. Speaker, the valiant effort to secure a record teller vote on the Stephens amendment to appropriate \$650 million for HUD's section 702 program for basic water and sewer facilities

grants was unsuccessful despite the crying need in towns throughout the country for funding of these essential services.

Last June I supported a similar amendment regarding this important issue. At that time localities searching for funds for water and sewer projects were informed that no money was available. To provide some of these needed funds, the House approved the Stephens-Widnall amendment to the Agriculture Appropriations Act which has since become law.

Yet, 10 months later, the need for these funds is as pressing as ever.

Projects funded by the Stephens amendment would have helped to meet the ever-increasing problem of waste disposal. This amendment would have been a necessary complement to the Water Pollution Control Act which provides funds for sewage treatment plants. Without sewer lines, the plants are useless.

Mr. Speaker, continually, vital local projects which remain unfunded come to our attention. If we are to realize our goal of clean water, then we must provide resources that will permit the construction of water and sewer lines.

Funds for this program will not only benefit the environment. They will also stimulate our economy through the creation of jobs—jobs desperately needed to ease the continuing unemployment problem in our Nation. I sincerely trust that the conference report which, of necessity, will emerge from this legislative exercise, will provide the additional funding so urgently needed.

NATIONAL SECRETARIES WEEK

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 28, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, for the 21st consecutive year, National Secretaries Week is being observed, April 23-29, 1972, with Secretaries Day being designated as April 26. The theme "Better Secretaries Mean Better Business" is stressed to promote the significance of teamwork throughout the business world.

In 1952, in cooperation with the U.S. Department of Commerce, the National Secretaries Association—International—now the largest secretarial association in the world, originated Secretaries Week. The involvement of all secretaries for this observance reemphasizes the importance of continued loyalty of secretaries to their employers and their responsibility to their profession.

Official proclamations are issued throughout the United States and Canada designating Secretaries Week and Secretaries Day. Locally, Mayor Beatley, of Alexandria, has presented a proclamation to the local Secretaries Week Committee recognizing Secretaries Week, and Mayor Washington, of the District of Columbia, will soon present his proclamation to the committee.

Locally, District of Columbia, Capital and Bethesda Chapters, of the National Secretaries Association—International—sponsored such events as: Church services on April 23 at St. John's Lafayette Square, with brunch afterward; a Secretaries Day banquet on April 26, at the Touchdown Club of Washington, with guest speaker Patti Cavin, a member of COST, and musical entertainment by Davey Jones; and a luncheon and fashion show on April 29, at the Kenwood Country Club.

VIETNAM CHILD CARE AGENCY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 28, 1972

Mr. FRASER. Mr. Speaker, on April 5, 1972, Dr. Joseph C. Kiser, a cardiovascular surgeon practicing in Minneapolis, Minn., testified before the Senate Foreign Relations Committee in behalf of the Vietnam child care agency bill. I am a sponsor of similar legislation in the House.

Dr. Kiser has been affiliated with the Metropolitan Medical Center in Minneapolis, an institution involved in providing hospital care for heart-crippled Vietnamese children.

Much human misery and suffering already has been caused by the war in Vietnam and now thousands of new refugees are fleeing from the combat areas. This child care legislation is aimed at fulfilling in part the moral obligation we have to help rebuild the devastated society of South Vietnam.

Dr. Kiser's fine statement follows:

TESTIMONY OF DR. JOSEPH C. KISER

Mr. Chairman, distinguished members of the Committee: Thank you for this opportunity to speak to you about the problems of the children of South Viet Nam. I am Joseph C. Kiser, a cardiovascular surgeon practicing in Minneapolis, Minnesota.

For the past two and one-half years, my associates and I at Metropolitan Medical Center in Minneapolis have been engaged in a program which offers remedial surgery for Vietnamese children suffering from crippling heart defects.

When considered in the total picture of the medical needs of the children of Viet Nam, our program is really a pitifully small contribution. But, for the purposes of consideration of the bill before you today, the program is important in what its existence says about the scope and nature of medical needs in Viet Nam, and what attempts are being made to meet those needs, and about who is and who is not attempting to meet them.

Let me begin by telling you about TRAN THI PHU, a 16 year old Vietnamese girl. On April 26th, 1971, she was identified by physicians of a German Red Cross hospital ship as having severe heart problems. The physicians' report to us described her as being very thin, with a pronounced blue-ness due to oxygen starvation, labored breathing and given to much coughing. They recommended her as a candidate for our program. It is very likely that on that same day the U.S. airline which has brought all our patients from Viet Nam at no cost could have put her on board a plane for Minneapolis. We at Metropolitan Medical

Center, within a very few days of her arrival, could have scheduled her surgery and accomplished it at no inconvenience to our regular patients.

Five months later, on November 26, 1971, Tran Thi Phu was still in Vietnam. She was still there because there was no one available to initiate and monitor the lengthy, tedious process of obtaining administrative clearance from the Vietnamese Government for her to come to the United States. Prior to that time 17 children had come to Minneapolis for treatment, but at the time Tran Thi Phu's problems were discovered, the volunteer person who had done the processing for the others had been called out of Viet Nam. No one who could devote the several hours of time, several days a week, over as many as three months, to accomplish this task had been found to replace him. On November 27, 1971, Tran Thi Phu died of heart failure.

The dangers of irregular service, or of gaps in service are characteristic of volunteer efforts. Yet today volunteer efforts by private American voluntary agencies are virtually alone in carrying the burden of humanitarian assistance to the children of Viet Nam.

While on the one hand the United States Government, according to press reports, has spent 120 billion dollars to wage war in Viet Nam, its Agency for International Development's budget for medical assistance to Viet Nam has been reduced from 10.5 million dollars in 1967 to 2.7 million in 1971. Only an "infinitesimal" amount, according to the Senate Refugee Subcommittee, is expended on support for a few organizations working with Vietnamese war victims.

Not long ago we wrote one of our Minnesota congressmen asking what the United States government is doing by way of humanitarian assistance for the children of Viet Nam. Appropriately, he forwarded the inquiry to the State Department. The State Department sent a booklet dated March, 1971, entitled "South Viet Nam—Assistance Programs of U.S. Non-Profit Organizations", published by the Technical Assistance Information Clearing House. This booklet described 33 programs operated by U.S. non-profit organizations in Viet Nam, and 31 U.S. non-profit organizations that provide aid to Vietnamese institutions. Of the 64 total programs—many of them operating on an extremely limited scale—it appears that only 42 offer any kind of medical assistance. Even one of the best of these programs—the American Medical Association's Volunteer Physicians for Viet Nam—can put only 12 to 16 doctors in the field at any given time, according to information in this booklet.

In Viet Nam, the primary source of medical care for Vietnamese people is the government of Viet Nam itself. A colleague who has spent several years in Viet Nam with a voluntary medical project informs us that the Vietnamese government has only one dollar to spend on medical care per person per year. Yet that amount represents 20 per cent of its non-military budget.

It is clear that the dollar amount for medical assistance to the people of Viet Nam by their government is grossly inadequate. The same seems true of the assistance now being provided by U.S. voluntary agencies. Furthermore, as I have pointed out, the nature of the service the latter can provide is often irregular and uncertain.

When you consider those conclusions in the light of the overwhelming medical needs of the children of Viet Nam, the picture becomes very black. The same colleague I referred to previously tells us that one out of every five children in Viet Nam will die before reaching the age of five from causes not involving war injuries. He cites bacillary dysentery, pneumonia, tuberculosis and cholera—all preventable and remediable diseases—as the primary causes of these deaths.

Our experiences in treating Vietnamese children with heart defects in Minneapolis gives a hint of the kind of health problems children in Viet Nam face. For example, the very first treatment that must be given on their arrival is to rid them of the intestinal parasites that have been present in nearly every case. These children have not been accustomed to eating meat and other protein foods in adequate quantity. Fresh milk is to them an exotic American beverage. Dental caries are prevalent. Though it could be provided while they are with us, treatment for dental problems, other than extractions, has not been recommended by those who are familiar with the diet in Viet Nam and with the probabilities of continued dental care in the villages of Viet Nam.

The very existence of the heart defects we are treating suggests a great deal about the conditions under which children are born and live in Viet Nam, and about how they affect their health. Of the seventeen Vietnamese children we have treated to date, fourteen were afflicted with congenital heart defects—that is, they were born with malfunctions of the heart. Congenital heart defects are not all unavoidable. Some are inherent, but more often they result from inadequate or unfavorable pre-natal conditions. Malnutrition in the mother can cause congenital heart defects. Illnesses suffered during pregnancy can cause congenital heart defects.

Last night four additional Vietnamese children suffering from congenital heart defects arrived at Metropolitan Medical Center for surgery, and four more are being processed to come. During the short span of this program, the names of at least a dozen or more similarly afflicted Vietnamese children have crossed my desk, children who, for one reason or another, sometimes death, have never reached us. We have knowledge of at least five others who have been treated for the same problem at other hospitals in the United States. An unknown number have been sent to Switzerland and Germany for similar care.

Given the lack of diagnostic and treatment facilities in Viet Nam today and the correspondingly slim chances of a child's ever being identified as having a congenital heart defect; and given the fact that in virtually every such case, the child's situation must come to the attention of some volunteer agency or individual who has the initiative and the time to discover and pursue help for him in an out-of-country facility, it is indeed remarkable that such a large number of South Vietnamese children so afflicted have become known to us.

In this respect, our experiences enable us to speak with authority on the need for enactment of Section 2, Subsection b(4) of the bill under discussion today, which relates to establishment of training in matters of child health care and pre-natal and post-natal care. One of the first children we treated at Metropolitan Medical Center was a three-year-old girl with extremely severe congenital heart anomalies. In her case, complete repair was not possible but palliative measures have extended her life by perhaps a few decades. At least one of this child's several siblings was similarly afflicted—and the mother of these children has born at least one additional child. This family and others like them would certainly benefit from the measures proposed.

Hopefully, at some time in the future, measures taken after enactment of this bill will reduce the number of children being born in Viet Nam with congenital defects. But what of the children already born with such defects and those now being born. At present, with its meager medical budget and with such large numbers of children dying from more easily remediable causes—to say nothing of those suffering injuries resulting from combat action—the South Vietnamese

government cannot logically justify allocating its financial resources to the development of such highly complex and costly capabilities as that required for open heart surgery.

The majority of Vietnamese children with heart defects can be salvaged by therapeutic surgery available in many hospitals across the United States, and in light of the medical picture in Viet Nam, it is appropriate that they be treated in the United States. But do not conclude that treatment in the United States through voluntary programs is the answer. The Minneapolis project and the few others like it that have been able to survive are dependent on too many tenuous arrangements. We have established a charity fund for the project, but it alone cannot provide all the required financial support. Private organizations, private businesses, and individual volunteers cannot be depended upon indefinitely to finance every aspect of this program.

The key reason that I was able to tell you about the four children that arrived in Minneapolis last night is that five months ago a group of concerned citizens of Minnesota discovered the need and, since then, have been raising enough money out of their own pockets each month to pay to have the processing work done in Viet Nam. This group numbers no more than thirty, none of whom, I would guess, earns over \$15,000 a year, and they have had a struggle to raise their monthly quota on time. They are very willing, but none of us knows how long their resources will continue to equal their concern and generosity.

I need hardly state I suppose that as long as combat action continues in Viet Nam, the task of trying to meet the medical needs of children in Viet Nam will be like that of Sisyphus, condemned forever to push a very heavy rock up a steep hill, only to have it roll back down as it nears the summit.

Apart from all that, it appears to me that the measures proposed in this bill are necessary and appropriate. I believe further that it is necessary and appropriate to expand these measures to provide not only for prevention of disease among the children of Viet Nam, but to provide assistance in amelioration of those already faced with health emergencies, so that the preservation of South Viet Nam's human resources need not be dependent upon the fortunes and foibles of volunteers, but will be assured by legislation that will enable all of America's capabilities to come into play.

Thank you again.

QUESTIONS AND ANSWERS

Senator PELL. Thank you very much. What is the number of surgeons who can handle—who have had adequate training in Vietnam. Are there any men who can give heart surgery there?

Dr. KISER. Zero.

Senator PELL. Zero. Why would that be? I thought they had received their own training in France and other centers of medicine; some of them have?

Dr. KISER. Well, as you are well aware, even the risk of heart surgery in this country varies a great deal across the United States. The risk of heart surgery in Vietnam, I would say, would be extremely high. Precisely why that occurs is a complex answer. Ten years ago you could number on one hand the places in the United States where the risk of obtaining heart surgery was reasonable. Now in most major cities the risk averages probably 10%. Vietnam has got to be at least 10 years behind us. The risk of a child being operated there would be close to 90%, I would think.

Senator PELL. When you say risk, you mean chance of death?

Dr. KISER. Right. So it is totally unreasonable, I think, for a child to submit to heart surgery there until such time as the level

of their training and support services can be brought up to where they are in this country.

We have great hopes of establishing relationship in Saigon with the group there so that we can help them come to that level; but that takes time.

Senator PELL. Do you have any knowledge of the relative height of medical advance in Saigon versus Hanoi?

Dr. KISER. No; I don't. I am sorry, I don't have that.

Senator PELL. In Saigon as opposed to, or South Vietnam as opposed to Cambodia and Laos?

Dr. KISER. No; I really don't. Our only contact has been with South Vietnam.

Senator PELL. Do you, as a medical man, have any views as to why the mortality rate of children, of infants, is 90% in South Vietnam?

Dr. KISER. With heart surgery problems?

Senator PELL. No; no; in general. I am leaving heart surgery.

Dr. KISER. I really don't. All I can speak about is what we have observed in our program of heart surgery; that is really the only knowledge that I have.

Senator PELL. Does Medico have any teams of doctors in South Vietnam, to the best of your knowledge?

Dr. KISER. I can't answer that. Certainly not doing complex surgery such as this.

Senator PELL. If you wanted to send out a team to Saigon, are conditions adequate in hospitals there so that Americans can perform heart surgery?

Dr. KISER. I really don't think so. I think it is impractical. The cost involved would be far greater. We already can get the children here absolutely free and we need relatively little per child to do them here, and the children then go home alive and well. The cost for establishing and maintaining a facility such as this in Vietnam, would be prohibitive at this time.

THE OPENING OF THE GULF ISLANDS NATIONAL SEASHORE IN PENSACOLA, FLA.

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 28, 1972

Mr. SIKES. Mr. Speaker, on Friday, April 21, in Pensacola, a meeting was held which marked the formal opening of the Gulf Islands National Seashore. Our principal guest of honor was the Honorable Rogers C. B. Morton, Secretary of the Interior. Other honored guests were: Congressman WAYNE ASPINALL, chairman of the House Committee on Interior and Insular Affairs, and Congressman WILLIAM M. COLMER, who was cosponsor with me of the authorizing legislation for the project, and Honorable Nathaniel P. Reed, Assistant Secretary of the Interior.

It was indeed a happy occasion for me to see this excitingly beautiful and historic project officially launched. I have been confident from the inception of efforts to make it an actuality that it would in time to come be one of the really important attractions of the Nation in preserving priceless treasures of nature and of history for posterity.

The master of ceremonies for the program was Mr. J. Earle Bowden, editor of

the Pensacola News-Journal, and vice chairman of the Gulf Islands National Seashore Advisory Commission. His opening remarks give marvelous insight into the dream for a Gulf Islands National Seashore. They are so well stated that I have claimed the privilege of asking that they be reproduced in the CONGRESSIONAL RECORD. Mr. Bowden, who sparked the long campaign for the Gulf Islands project, used these remarks prior to introducing me. It was then my privilege to introduce Congressman COLMER, Congressman ASPINALL, and Secretary Morton.

Subsequent to the luncheon program, the deed for Fort Pickens State Park, representing over 8 miles of Santa Rosa Island, and comprising both gulf and bay beaches was presented to Secretary Morton by Maurice Harling, representing Florida Governor Reubin Askew; and the official transfer papers for an additional 7.9 miles of Santa Rosa Island was presented by Henry C. Lane, Chairman, Escambia County Commissioner.

Mr. Bowden's opening remarks follow:

Ladies and gentlemen, distinguished governmental leaders on behalf of the Seashore Commission, the U.S. Navy and the Pensacola Area Chamber of Commerce, we welcome all of you . . . we honor you . . . for the people in this room have worked diligently at all levels of community endeavor to bring us to this day.

The day we talk about a magnificent national recreation project . . . the day we preview the years and the labors that have led to the creation of a national park in this historic harbor . . . the day a member of President Nixon's Cabinet came here to tell us of plans and hopes and dreams of the years ahead, the generations to come, the vast national potential of a great national resource, the Gulf Islands National Seashore.

Today we travel the barrier islands to recreation, history, heritage. From the Mississippi Sound west to Destin Pass. From Fort Massachusetts to Fort Pickens. From Santa Rosa Island to the Mississippi Islands. From Perdido Key to the stately old trees in Naval Live Oaks Reservation.

Indeed it's a new era in our town—a new, refreshing thought—this national park coming into reality after all of those dreams seemingly washing ashore unnoticed. It marks a New era of appreciation for those of us who really do love the heritage of the Gulf Coast.

The magnificent natural beauty. The ecological uniqueness. Treasures glistening sugar white, uncluttered, unspooled on barrier islands rimming the coastlines of Florida and Mississippi. With most significant military and social history . . . its Indian and early colonial culture . . . its developing lifestyles spanning more than four centuries, from the arrival of the Spanish in the 16th century to the hoisting of Old Glory over Fort San Carlos de Barrancas . . . the intriguing, history-shaping events that weigh heavily upon the chapters of American history.

Today, in this room, not far from our historic harbor—and not far removed from the atmosphere of 19th century America, the stately forts and landmarks that helped shape America . . . we have a symbolic representation of that great heritage.

From the individual citizen of our region who loves the land and the American story and has been willing to fight to save it . . . the military leadership whose command responsibilities in the 1970s typify the duty and devotion of early military commanders who handled the defenses and the campaigns of our Gulf Coast . . . and the city and the

county and West Florida and Tallahassee and Washington leaders who govern our land . . . and who, sometimes—as on this day—recognize and set aside and preserve and enhance and protect a few bits and pieces of unspoiled America . . . who are willing to work to create an ecological storehouse unequalled anywhere along America's vanishing coastline.

It has not been easy; in fact, it has been an exhausting task, pulling together what will be America's eighth national seashore. It has keen minds and perseverance to conceive and develop the idea and the plan that surely in our lifetime will be a model for coastal communities that refuse to spoil their natural treasures . . . that choose to live with nature, not selfishly, not destructively. But in the interest of the nation. And the American people.

Many, many years ago the dreams and hopes came while our forts crumbled and bleached in the sun. And with the growing thrust of an accelerated conservation movement, came the concept of combining natural heritage with human history, and the National Park Service gave serious attention to this unique recreational park.

So, we have been discovered.

And now, finally on this historic day, the nation will discover us.

But we're here today to make things happen.

And the people here came to make things happen. People who work tirelessly to put this project into Congress . . . and the men who worked on the legislation . . . put the language in the bill; and the men who at the Executive level are entrusted with this great development . . . and we must acknowledge the men of the National Park Service who face the tough challenge of creating from these environmental and historical treasures one of the great parks of our land.

We should recognize everyone here today, but that would leave no time for some more important actors in this drama. But there are many here today who should be singled out for special introduction.

First, let us welcome our generous hosts.

The Navy, as you know, is a big factor and a major participant in the Seashore development. And Navy officials here and in Washington have been most helpful and cooperative in working with Park Service personnel to help establish the national monument area of the seashore.

And much of this cooperative spirit in recent months has come from the ranking Naval commander of our region. I'd like to introduce the newest Naval innovator, the first commander of all Navy training, Vice Admiral Malcolm Cagle, who is also director of Navy Education and Training.

And the enterprising lumber baron from Century who helped make this luncheon possible, the president of the Pensacola Area Chamber of Commerce, Warren Briggs.

And it is indeed a pleasure and a privilege to have a man who reflects the strong Spanish heritage of our city and our region, the new ambassador from Spain, His Excellency, Senor Don Angel Sagaz. We feel sure the people of your country will appreciate what we do here today.

It's always a pleasure to have this man back in Pensacola. He's a dynamic individual and his work as assistant Interior Secretary in charge of the National Park Service in recent months has certainly brought to life the Gulf Islands Seashore. The former director of Florida's environmental Control Agency under both Governor Kirk and Governor Askew, Nathaniel Reed.

And this man has been running night and day since moving to Tallahassee to coordinate development plans and land acquisition in Florida and Mississippi. He's the guy who has fought the battles in recent months,

the director of the Florida-Caribbean District of the National Park Service, Joe Brown.

And representing Governor Askew, a former newspaperman, the sage of the Tallahassee press corps, the press representative of our Governor from Pensacola, Maurice Harling; representing the City of Pensacola, the Mayor pro tem, Dr. Paul Bruno; and, of course, the chairman of the Escambia County Commission, Ret. Marine Brig. Gen. Henry Lane.

And in the audience, the newly appointed manager of the Florida portion of the Seashore, our new neighbor who did a great job with the development of the DeSoto National Monument at Bradenton, Arthur Graham.

We need only three words to recognize the woman who battled long and hard for this park. She's always a great bundle of enthusiasm and energy, the little lady who led the forces into battle, the firebrand of the Citizens for the Seashore, Mary Turner Rule (Mrs. Ron Reed of Seattle, Wash.) Mary Turner left us some time ago, but the legacy of her energies will forever be remembered by Pensacolians. Welcome home.

And, of course, one of the brighter spots of our Fiesta Week, Miss Florida from Winter Park, Miss Barbara Jo Ivey.

Last evening, I was privileged to be among more than 500 newspaper editors who attended a reception for the American Society of Newspaper Editors at the White House.

I told President Nixon that I would be back in Pensacola today with Secretary Morton, Secretary Reed, Congressman Sikes, Congressman Colmer and Congressman Aspinall to participate in this Seashore Luncheon.

"They are good men," the President said. "Very good men. And you will have a good park."

We're here to listen to these good men talk about our good park.

I had the pleasure of introducing this next gentleman when I was in the 10th grade at a small West Florida high school in 1944.

And he has not lost his enthusiasm for his country and its heritage. And much of his heart and soul is in the Gulf Islands National Seashore.

The senior member of the Florida congressional delegation, a retired major general in the U.S. Army Reserve, a strong right arm of the U.S. military, a former weekly newspaperman, a member of Congress since 1940, chairman of the House Military Appropriations subcommittee, the co-sponsor of the Seashore legislation, a face well known here and throughout America, The Honorable Bob Sikes who will introduce our distinguished guests from Washington. Congressman Sikes . . .

WES FARRELL

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 28, 1972

Mr. REES. Mr. Speaker, a rather remarkable and unique combination of artist and businessman has come to my attention. He is Wes Farrell—a young, talented man in his early thirties, who in the short period of 6 years has developed his Wes Farrell Organization, a major independent music publishing and record company, into a dominant position in the entertainment industry.

Farrell formed the West Farrell Organization in 1966, with the personal premise "that music had to be part of a total creative environment in order to achieve its full potential."

In the less than 6 years since its in-

ception, he has created on both the east and west coasts a major publishing, producing, and commercial management complex.

It controls divisions devoted to record production, theatrical and television production, motion pictures, commercials for radio and television, music publishing and artist management.

Farrell garnered the NARM Award last year for the biggest selling single record of the year, "I Think I Love You" by the Partridge Family which he produced on the Bell Records label.

Over the past 18 months, Farrell as writer, producer or publisher has sold approximately 40 million records and tapes.

He recently formed a division to produce an animated music series for television. Discussions are now on with networks and potential sponsors.

Also, in recent weeks the Wes Farrell Organization and RCA Records formed a new record label, Chelsea Records, the product of which will be manufactured and marketed by RCA Records. Top talent in all areas—singers, writers, composers—are being assembled under this new label.

Wes Farrell is the musical inspiration and guiding force behind the staggering success of David Cassidy and the Partridge Family.

Farrell combines a highly analytical mind with a thorough business background. Extremely articulate, Wes is so tuned in to the youth culture that he often acts as a spokesman for his industry.

He wears success with dignity and constant openmindedness.

Wes Farrell is, indeed, an outstanding example of American enterprise at its highest level.

AAFES OUT OF STEP—AGAIN

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 28, 1972

Mr. GUBSER. Mr. Speaker, under leave to extend my remarks, I am inserting in the RECORD today an editorial from a recent issue of Exchange and Commissary News concerning some questionable policies of the Army-Air Force Exchange Service.

I am concerned that these policies deny military families an important convenience in being able to learn from an advertisement whether a product is available in the exchange. In addition, it seems to me that action might constitute restraint of trade and is an interference with free-enterprise business firms, which is certainly beyond the prerogative of the exchange service.

I suppose the policies derive from a desire to avoid having the exchange appear in competition with private retailers. The objective might be commendable, but the reasoning is ridiculous. The Navy and Marine Corps exchanges and all service commissaries get along very well without any such artificial restrictions on sup-

pliers. AAFES has no right to set itself up as judge of business firms in this way; a company has a right to set its own advertising policy. One thing we do not need is additional secrecy in procurement matters. And we do not need unnecessary policies which hide information from military families.

The editorial follows:

EVERYONE OUT OF STEP BUT AAFES? AGAIN!

Once again AAFES is out of step with the policies of NSRO, the Marine Corps Exchange System, and the commissary branches of all Services with its new policy strongly prohibiting any firm from noting in its promotional literature, radio or TV broadcasts, print advertising or any other medium that its products are sold in Army or Air Force exchanges.

Even such an innocuous phrase as "available in your base exchange" to help acquaint customers with a new product, or new line, will put a supplier in the position of being vulnerable to losing his PAB and his sales to AAFES. Without trial or due process, of course.

By contrast neither the Navy exchange system nor the Marines have such a policy. In the case of commissary stores, such phrases are encouraged as officials feel they help advise customers of new items, or specials, and thus help move merchandise as well as provide an information service to the customer.

Under the harsh AAFES rules, the president of a large firm which may be proud of its sales and service to military personnel could not even refer to the fact in a speech or his firm could be barred from doing further business with AAFES.

It is interesting that this prohibition applies to suppliers only. One division of AAFES encourages post and base newspapers to run shopping columns calling attention to what is available in the post or base exchange. Some Army and Air Force exchanges also publish flyers and other promotional materials with the same purpose in mind.

It might be noted here also that AAFES has a strict policy of prohibiting a firm from mentioning it has a Price Agreement Bulletin with AAFES. Neither the Navy nor Marines have any such rule. The commissary systems encourage firms to list their SB numbers to make ordering easier for the ordering clerks.

We recognize that the government has a legal right to protect the names "Post Exchange, Base Exchange, PX" etc. . . . and in the past this has resulted in the prevention of civilian retail stores from using those terms which might mislead customers. The legal basis for this has been established.

Interestingly enough the General Services Administration has, for the first time, published the brand names of items it purchases. This is in line with government policy on greater disclosure in the areas of procurement.

Thus a vendor cannot admit he sells to AAFES. AAFES in turn will not reveal the names of firms it buys from nor the dollar amount. And all procurement is then kept in total secrecy. As the Congress recently noted in a related case, this only encourages more noted collusion, more dishonesty, more corruption. AAFES should know. It has had its share of it.

Once again AAFES stands alone.

HEALTH CARE FOR THE ELDERLY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 28, 1972

Mr. ROSENTHAL. Mr. Speaker, this Nation has chronically neglected its re-

sponsibility in providing the elderly with adequate health care. Today, millions of our senior citizens are being deprived of the level of health care which they both deserve and require. Adequate health care is not a privilege to be enjoyed solely by the wealthy but is a fundamental right of all Americans.

Lack of financial resources is the root cause of the many problems which plague our elderly in times of ill health. Most of our elderly live on fixed retirement incomes which cannot keep pace with the astronomical increases in doctors' and hospitals' fees, and which are further diluted by spiraling inflation and increased taxes. As a result, our older Americans, even with medicare and medicaid, are unable to meet the costs of health care.

An elderly person, on the average, pays \$791 a year for medical bills. Over the past 3 years, room charges in hospitals have increased 65 percent, doctors' fees have climbed 12 percent, and the costs of drugs have risen 5 percent. Health bills for the country's approximately 20 million elderly citizens are currently averaging \$800 million a year, nearly six times the total for children and triple that for individuals in the 19 to 64 age bracket. With 25 percent of our elderly living in poverty, and another 25 percent close to it, something must be done to make certain the elderly receive adequate health care.

But cost is only one factor limiting the utilization of health services by the elderly. Lack of adequate coverage under medicare and medicaid is another important area of concern. Medicare, for example, does not cover home drugs, dental care, eyeglasses, hearing aids, many diagnostic and treatment services, long-term nursing home care, routine physical examination, and other preventive health services. In addition, medicare recipients must pay a monthly premium—currently \$5.60, but going up to \$5.80 in July—to obtain partial coverage for physicians' services. For an elderly couple, the premium charge alone for supplemental, part B, medical insurance amounts to \$134.20 per year. This charge, by itself, exceeds the monthly social security benefits of \$131 for the typical retired worker. In short, medicare was never intended to meet all health-service costs, and experience has shown that it has done even less than expected.

The Federal-State health care plan, medicaid, has likewise proven to be ineffective in meeting the health needs of our needy elderly. The services to be provided under medicaid are left largely to the discretion of economy-minded State legislatures. Thus, for example, the New York State Legislature has twice reduced the level of exempt income for medicaid applicants and recipients and has consistently voted to limit the types of medical service that the program would cover.

The limitations associated with medicare and medicaid inhibits many older individuals from seeking out health services and, by doing so, acts as a barrier to optimal health. This, in turn, retards the development of preventive health services that might help many elderly people avoid illness and institutionaliza-

tion. Prolonged hospital or nursing home stays, besides being excruciatingly expensive, can have a tragic psychological impact on an elderly patient.

Says Dr. Amos N. Johnson, past president of the American Academy of Family Physicians:

When people are isolated from their normal environments, no longer see their friends and loved ones, no longer contribute to society, they regress and die.

Another major problem affecting the health care of the elderly is the status and background of the present health manpower pool. It is common knowledge that there are insufficient numbers of physicians, dentists, nurses, therapists, and psychologists to meet the overall health requirements of the Nation. With respect to the elderly, this shortage is further aggravated by the fact that the care of our elderly citizens is usually neglected in the physician's training. Elderly persons with ailments that can only be eased or managed and with the certainty of death—the ultimate defeat for the physician—lying ahead, do not offer instant rewards for members of the medical profession and the elderly, as a consequence, are denied adequate attention by doctors and others in the health sciences field.

What then can be done to guarantee the elderly adequate health care? A big first step would be the adoption of a comprehensive prepaid national health insurance plan covering all U.S. residents. A bill embodying such provisions has been introduced in Congress by Senator KENNEDY and Representative GRIFFITHS. I am proud to be a sponsor of that legislation. Passage of such legislation, however, would not abolish the personal doctor-patient relationship, a most desirable feature of health care. Nor would this bill mean that the Government owns and operates all facilities and everybody works for the Government.

What I envision is a true partnership between the private and public sectors, between the health professional and the patient. There will be Government financing and administrative management accompanied by private provision of personal health services through private practitioners, institutions, and other providers of medical care.

Only a few weeks ago, I introduced the Social Security Amendments Act of 1972, a bill which, if enacted, would go a long way toward assuring the elderly of adequate health care. One of the bill's most salient features is the extension of medicare coverage to include the out-of-hospital prescription drugs, thus eliminating the need for the elderly to be admitted to hospitals in order to qualify for medicare coverage of drug purchases. While the elderly represent only 10 percent of our population, they account for 25 percent of the Nation's prescription drug expenditures, or about \$1 billion a year.

My bill would also eliminate the present 100-day limit on posthospital extended care services under the hospital insurance program and would exempt individuals with less than \$4,800 gross annual income from paying for their supplemental medicare coverage.

Free annual physical examinations for

the elderly are also provided. This provision would encourage preventive care rather than crisis treatment, possibly eliminating the need for future extended hospital stays and avoiding the harmful side effects associated with such an occurrence. It would contribute to a healthier elderly population.

The state of medical care for the elderly is anything but healthy. It is a national disgrace that millions of individuals who have worked so diligently throughout the years to make this Nation great should now, in their "golden years," be deprived of adequate health care.

The elderly of this country have become "forgotten citizens." They have their own special problems, interests and needs which, all too often, have gone unnoticed. We, in Congress, as well as the public at large, have a moral obligation to help older Americans live a more comfortable and healthy life.

ADAM POWELL: A BLACK APPRAISAL

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 28, 1972

Mr. ROONEY of New York. Mr. Speaker, the New York Times of today, April 28, 1972, contains a very interesting article written by Mr. Roy Wilkins, executive director of the National Association for the Advancement of Colored People. It pertains to my longtime friend and former colleague, the late Honorable Adam Clayton Powell, and reads as follows:

ADAM POWELL: A BLACK APPRAISAL
(By Roy Wilkins)

The unique disturber, Adam Clayton Powell Jr., is dead. Our white folks fretted and moralized and wondered and kept up running "analyses" trying to find out what made Adam tick. They classified Negroes by the degree of their approval or disapproval of Adam, only to shake their bewildered heads when blacks came up with the same answers for Adam that whites would give on whites occupying the same spot.

Adam was a perfect example of a man who made the system work for his people. He thoroughly enjoyed all his endeavors as he worked to benefit his constituents, whom he believed to be not just those in this Harlem district, but all the disadvantaged in the nation. Now he prodded the system, lashing with a brash, disrespectful vocabulary at first one, whom he in his scornful estimation classed as an enemy, then, without warning, at another.

It is the fashion among "black" historians and commentators to believe that the civil rights struggle began in the nineteen-sixties with the marches and jailings. Nothing of course, could be farther from the truth. These events were but a new phase of an old struggle to which many unsung black and white heroes and heroines had contributed.

Let no one assert that Adam was so busy with his fancy plans that he ignored the plight of his people. In his Abyssinian Baptist Church, during the years of the Great Depression, he operated a day nursery for working mothers, a grocery store and other services all with a staff of twenty workers. He got jobs in 125th Street by demands, marches and selective buying campaigns.

But his great service was rendered after his election to Congress. His talents and his ability cut through the booby traps of legis-

lation to find the harm directed at the poor and black populations. He became a maverick. It was his continued re-election that finally brought him the chairmanship of the powerful House Committee on Education and Labor.

Adam Powell showed how the system could work if one worked at it. He had a brilliant career as a committee chairman and helped speed the enactment of many pieces of social legislation, including Title 7 of the Civil Rights Act of 1964.

He ran afoul of the moral astigmatism that abounds in America. People who benefited from practices which were not 100 per cent legitimate ganged up on Adam for what they considered his unorthodox behavior. Most Negro Americans are firmly convinced that the punishment meted out to Adam was "by the book" primarily because he was black, because he thumbed his nose at his accusers and because he was unafraid.

He was controversial, even among his own people. But he was also colorful and acted his part on the world stage with a style (whether one agreed with him or not) that evoked reluctant admiration. So, he went off on racial and personal tangents? What matter, even if his barbs made one wince?

He showed to a superb degree how the American electoral and legislative processes can be made to work for an abused citizenry. For this time alone, disregarding his flamboyance and his wisecracks, white America, plagued on the race problem, should say a prayer for Adam Clayton Powell. We need desperately his special combination of the sharpened stick and the sweet-sour carrot.

NATIONAL TEXTILE WEEK

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 28, 1972

Mr. DORN. Mr. Speaker, it is a very special pleasure during this first National Textile Week to pay tribute to the more than 2½ million Americans associated with the American textile community. As an organizer and now Secretary of the House Informal Textile Community we are especially aware of the magnificent contributions made to our national economy and our national defense made by the textile industry. In our area, every businessman, every professional man, every church and every charitable organization is dependent on the well-being of the textile industry. And in terms of national defense, the textile industry is second only to steel.

The textile industry is America's first industry. It was the beginning of the American Industrial Revolution. Starting with Slater's Mill in New England, the textile and apparel industry now provide employment for more than 2½ million Americans. Although our oldest industry, the textile industry is alive with bold new ideas, with modern and efficient production techniques. Most important, however, are the outstanding Americans associated with the industry at all levels. In our area we are especially aware of and grateful for their splendid contributions made to every aspect of community improvement.

Mr. Speaker, we are now hopeful that the industry can plan and project with some certainty for continued progress. This would have been impossible without some relief from the ruinous flood of

cheap, low wage imports that threatened the very life of the American textile community. Throughout the Nation, but especially in our area, the textile industry has been a unique gateway to well-paying industrial jobs for important segments of our population. In many of our smaller towns and cities, the economy is totally reliant on textiles. As Secretary of the Informal Textile Committee we are hopeful that our committee's efforts for orderly international trade in textiles and apparels and the efforts of the administration have produced the circumstances necessary for the continued growth of this vital national asset. We enthusiastically endorse this national recognition of the textile industry and salute those millions of dedicated, devoted, and patriotic Americans who comprise the textile community.

SMALL BUSINESS SUPPORTS BUSING AMENDMENT

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, April 28, 1972

Mr. HUNT. Mr. Speaker, I am sure everyone is aware of the hearings currently in progress in the House Judiciary Committee on legislation proposing an amendment to the Constitution relative to school busing and neighborhood schools.

I wish to call to your attention the statement submitted by the legislative director of the National Federation of Independent Business, an organization representing the interests of more than 305,000 small business member firms spread throughout the United States. It will interest you to know that when NFIB polled its members in February on the question of busing, the response was the largest ever in the organization's 29-year history. An overwhelming 86 percent answered in the affirmative on the proposition of "a constitutional amendment prohibiting compulsory assignment or busing of children to schools on the basis of race, creed, color, or national origin".

Mr. Speaker, I commend the position of the National Federation of Independent Business, as expressed in the following statement, to all the Members of this body:

TESTIMONY OF JAMES A. GAVIN, LEGISLATIVE
DIRECTOR OF NFIB

Mr. Chairman, distinguished members of this Committee. My name is James A. Gavin, Legislative Director of the National Federation of Independent Business. On behalf of our more than 305,000 member firms across the United States, I want to thank you for this opportunity to present our testimony on busing before you today.

The National Federation of Independent Business is the largest organization of its kind in the world. We represent the views of the small, independent businessman. These views are current, and are based upon our regular, systematic pollings of all member firms on important issues pending before the Congress. This, the Federation has done continually since its inception back in 1943.

In February of this year, we polled our member firms on the question of busing.

Specifically, we polled the question regarding a proposed constitutional amendment prohibiting compulsory assignment or busing of children to schools on the basis of race, creed, color or national origin. Our members reacted by giving us the largest return of completed ballots ever received in the 29-year history of our organization.

The results showed: 86% for a constitutional amendment; 9% against; 5% no opinion.

With such a large return, and with such a wide disparity in the results, there can be no doubt where the small, independent businessman of America stands on the question of forced busing. An in-depth study of the returns indicate the results show little geographical variation.

Although polling only the constitutional amendment approach, we interpret the tremendous response we received as evidence that people want relief—through the quickest, most practical approach available—from the consequences of forced busing.

Some typical unsolicited comments from the respondents show the National range involved. I would, just briefly, like to call to your attention a few of these:

"Forced anything is unAmerican"—a Minnesota plastics manufacturer

"Busing children to an inferior school does not improve the school or the teacher."—a California businessman

"I am in favor of non-forced integration."—a Texas building supplier

"Forced busing can never work. All it can do is aggravate and separate communities and neighbors."—No state or occupation given

Mr. Chairman, the question of forced busing is one of the most emotional issues to confront 20th Century Americans. All throughout the width and breadth of our land, people are upset and dismayed over busing, as unelected theoreticians not only blunt and thwart the intent of the Law of the Land, but in so doing use innocent school children as one would use pawns in a game of chess.

Literally countless times every school day across America, children are uprooted from neighborhood schools and bused 5, 10, 15, 20 miles, and in many cases even further, to an unfamiliar school in unfamiliar surroundings only to achieve some egalitarian theory of racial balance.

I have mentioned thwarting the law. It does not take the proverbial Philadelphia lawyer to recognize that the 1964 Civil Rights Act expressly forbids assignment of pupils to schools on account of race. Going even further back to the 1954 Supreme Court decision in the *Brown vs. Topeka* case, the high court held that assignment of pupils to schools strictly because of their particular race was unconstitutional. This decision made no mention of forced racial quotas.

Today, however, we have made a complete cycle back to 1954. The busing of children solely on the basis of race is as wrong today as it was in the past. And today, the courts—despite the 1964 Law of the Land enacted by the Congress—hold that race must be a factor in the forced assignment of children to public schools.

Busing tramples upon the very principle the 1954 *Brown* case sought to establish. White children are shipped here, black children are shipped there, in the Carolinas red children are shipped somewhere else, while on the West Coast yellow children are shipped elsewhere. All this is done to obtain what the theoreticians call "racial balance."

Let me emphasize again that all this is being done with complete disregard for the wishes of the majority of parents of all races. And, regrettably, this is being done because of the color of a child's skin. What could be more unAmerican? Is not justice color blind?

The most recent Gallup poll on busing reveals that 76 per cent of the public opposes

busing. Some 47 per cent—or a majority of those blacks expressing their views on the subject—were opposed to it.

Among the reasons given by those opposed were:

1—Children should go to school where they live; busing is unfair to them and to their parents.

2—Busing is an unneeded and undesired expense; the money could be better spent improving the quality of education for both races.

3.—The time spent on long bus trips is enervating to the child, as well as a waste of time.

Of those 18 per cent who favored forced busing, their chief reasons were:

1—Busing will upgrade the quality of education for blacks.

2—It will improve race relations in the Nation.

The remaining six per cent had no opinion.

Proponents of forced busing are worlds apart from the view adopted by the recent grass roots Black National Political Convention meeting in Gary, Indiana. The Convention, according to a report in the Washington Post of March 13, 1972, "Condemned busing to achieve school desegregation as 'racist, suicidal methods' that are based on the 'false notion that black children are unable to learn unless they are in the same setting as white children.'"

The newspaper report states that the Convention stand was taken "by a loud, overwhelming voice vote" of the delegates.

William Raspberry, in his column in the same newspaper on January 20, 1972, wrote:

"Virtually no one wants busing on the level it would take to integrate the schools in most metropolitan areas."

"I, for one, would be willing to take one step backward, to honest desegregation. That is, let us move forthrightly against any attempt at official discrimination. But at the same time, let us end the humiliation of chasing after rich white children."

"And it is humiliating. For one thing it says to black children that there is something inherently wrong with them, something that can be cured only by the presence of white children. Some of us don't believe that."

"Some of us believe that given adequate resources, financial and otherwise, black children can learn, no matter what color their seatmates happen to be." For informational purposes, William Raspberry is a respected black journalist in Washington news circles.

Busing, we believe, has yet to disclose what tangible value can be gained for the children involved. Instead, only negative results surface in the issue. Quality education no longer exists. Forced busing has caused just plain, everyday Americans, in addition to parents and grandparents, to become more and more alarmed over the issue.

Unless—and until—a remedy is found, these millions upon millions of our citizens will, without doubt, reflect their frustration and consternation at the polls come Election Day.

This volatile and emotional issue, we believe, can only be effectively defused by a Constitutional Amendment. The weak argument advanced by some that the Constitutional Amendment approach would take too long is folly. Consider the rapidity with which the latest Constitutional Amendment granting to 18-year-olds the right to vote in state elections was adopted.

However, should this Committee decide not to report a measure calling for a Constitutional Amendment on busing, perhaps it will publicly encourage the various states to hold referendums on busing, thereby allowing rank and file Americans to express publicly their feelings on this issue.

Perhaps if this course is pursued, the various states will, through their legislatures, petition for a Constitutional Convention on the forced busing issue. Maybe even such a

Convention would not then be necessary, for certainly it would be obvious to all in the Congress exactly how the American people feel regarding busing of school children.

Federation members strongly favor the Constitutional Amendment approach. An Amendment would provide a sane, uniform law that would be applicable all over the United States equally without regard to race.

We urge that such legislation be favorably reported as soon as possible.

Thank you.

INCREASED GOVERNMENT CONTRIBUTION UNDER FEDERAL EMPLOYEES HEALTH BENEFITS

SPEECH OF

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 1972

Mr. FRENZEL. Mr. Speaker, it was with regret that yesterday I was compelled to vote against H.R. 12202, the Federal Employee Health Benefits Act.

A key factor in my decision to oppose this bill on final passage was the earlier addition of the Waldie amendment. The Waldie amendment added at least \$100 million per year extra cost to H.R. 12202 which was calculated to cost in total, after the Waldie amendment, nearly \$1 billion per year more.

The real inequity in the Waldie amendment is that the Postal Service employees had established their own collective bargaining units and did their own bargaining under the Postal Service Corporation Bill. In the middle of the present contract the Waldie amendment would give them a \$100 million package of employee benefits which could only destroy the credibility of future collective bargaining.

If the Federal Government is to underwrite the health insurance benefits of postal workers, it would seem to me that we really don't need the Postal Service Corp., and we should then go back to the old way. Under the Waldie corporation, this one special group of Federal employees has a chance to eat its cake—the extra health insurance benefits—and have it—extra wages under the bargaining agreement—too.

The debate on this subject also indicates that the Postal Service Corp. cannot absorb the extra costs of the Waldie amendment, and will have to pass it on to all the mail users in our country in higher postage rates. Since these employees have already received substantial raises under their bargaining agreement, it seems to me that the people of the U.S. would not take too kindly to stamp increases to service this health insurance cost.

With the Waldie amendment and the other high costs of benefits to other Federal Government employees, H.R. 12202 far exceeds the budget at a time when I think it is absurd for the Congress to authorize or appropriate more when the budget itself threatens to show a multi-billion-dollar deficit for the third year in a row. If we are trying to be serious

about inflation, we should certainly look to our own appropriating process and make sure we did not add to a budget that is too high and has too much red ink in it already.

I believe that improvements are needed in the Federal employees health insurance program and that the Federal Government has a responsibility to accept a greater share of the costs of these programs. I believe that H.R. 12202 has some excellent features which should become law. However, burdened as it was by the Waldie amendment, H.R. 12202 did not earn my vote.

TRIBUTE TO WALTER LANTZ

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 28, 1972

Mr. REES. Mr. Speaker, next month Mr. Walter Lantz will celebrate his golden anniversary as a motion picture producer. This is, so far as I know, a record of longevity unmatched by any producer now active in either animation or live action. The occasion will be observed on May 23, when a tribute will be paid to him by Universal Studios, with which he has been associated for 43 years.

Mr. Lantz is the creator and producer of Woody Woodpecker. Through Woody and his many other cartoon characters, he has brought laughter to motion picture and television audiences around the world. Woody, for example, is presently seen in 72 countries.

When Mr. Lantz was 15 he worked for the Gregory La Cava cartoon studio in New York, and was thus firmly on the ground floor of the fledgling but booming cartoon profession. He drew such memorable characters as the Katzenjammer Kids, Happy Hooligan, Krazy Kat, and Mutt and Jeff.

In 1926 he decided to pack his bags and head for Hollywood. For more than a year he wrote stories and gags for Mack Sennett, and in 1928 he joined Universal Studios. For the next 10 years Mr. Lantz produced the popular Oswald Rabbit cartoons. He also produced the first technicolor cartoon, "The King of Jazz," featuring Paul Whiteman's orchestra and a young singer named Bing Crosby.

Mr. Lantz married Broadway and screen actress Grace Stafford in 1941. The newlyweds' honeymoon had scarcely begun when a persistent bird pecked his way through the roof of their cottage and permanently into their lives. The Lantzes named their intruder Woody Woodpecker, and Walter became intrigued with the idea of using the bird as an animated character. Woody gained instant audience favor following his introduction into one of Mr. Lantz's Andy Panda cartoons. Soon a new star was born, one that would eventually be heard, enjoyed, and recognized by millions of

people throughout the world. Last year Woody celebrated his 30th birthday. The Lantzes work as a team; Mrs. Lantz has been Woody's voice for many years.

In November of 1969 the Lantzes set out on a USO-sponsored tour of wounded servicemen. They visited every one of the 24 hospitals in the U.S. Pacific Command, including outposts in Japan, the Philippines, Guam, Okinawa, and Korea. They toured for 31 days and flew more than 30,000 miles in all.

New honors will be tended Mr. Lantz this summer, soon after his golden anniversary. "Zagreb '72," the international animated film festival, will salute Walter Lantz as one of the great pioneers in this unique art form, one which knows no language barriers and is truly universal.

I am certain that my colleagues will want to join me in paying tribute to Mr. Lantz for his 50 years of outstanding service to both the motion picture industry and cartoon lovers everywhere.

"LET'S TELL OUR STORY!"

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 28, 1972

Mr. SIKES. Mr. Speaker, the Farm Bureau magazine, *Florida Agriculture*, for March 1972, has an excellent editorial from the pen of Walter J. Kautz, president, Florida Farm Bureau Federation. It tells an important story and the Nation should listen.

The editorial follows:

LET'S TELL OUR STORY!

(By Walter J. Kautz)

Our public image should be rated at the top of the list of major concerns for which we must find satisfactory answers in agriculture.

The average farmer and rancher is literally flabbergasted, amazed and stunned by the volume of bad publicity agriculture is getting, free of charge, in so many different areas. The food producer is painted as some kind of public criminal as a reward for toiling for years and years to produce food without enjoying the level of prosperity received by most other segments of our economy.

As so many of our smart friends have pointed out, no one has forced the farmer to stay on the land. Many of them haven't stayed because economics forced them off. Many have stayed because of their love for the rural life, and many because they have no other trade. The fact that so many of our rural youth are leaving the farm is a true indicator of their appraisal of the future potential of farming. They have no intention of toiling from daylight to dark only to reap a harvest of criticism from the American public as their reward.

Many members both singularly and collectively in the agricultural community are burning midnight oil seeking the best methods for telling our side of the story to the consuming public—for example, the fact that the American family spends only 17 per cent of its income for food compared to 50 per cent in Russia and even higher in other countries.

Judging from the reaction of the house-

wife to increased food prices since the enactment of Phase II it is apparent that the public isn't interested nor do the consumers want to hear the facts about cheap food.

Our national policy of cheap food for its people has been accepted as a right by the consuming public rather than as a reward for outstanding accomplishment by producers of food. In order for our government to subsidize the cheap food policy, many of our farmers have been forced to feed at the public trough against their will. Our liberal friends have been having a hayday with this one.

Since only 5 per cent of our population is directly involved in food production, it is questionable that anything we might say about why food prices should be higher would be acceptable to the consumer.

Human nature being what it is, housewives within our own ranks have been known to be real critical of higher prices they have to pay for food products not produced on their own farm. While the ranch family may be happy to receive a living wage from increased meat prices, this same family may resent having to pay more for milk, eggs and vegetables.

Again, many of the consumers that are crying about higher food prices after going to the grocery store need to look in their basket and see how many items purchased are food items and what percentage of the grocery check involves toiletries, cigarettes, washing powders and a long list of other household and personal requirements. It's so easy to lump all these items together and then be critical of higher food prices.

Convenience packaging and various stages of food preparation which are a real blessing to working mothers are services which add to the cost of food but add not one cent to the farmer's return. Transportation and handling costs of raw and processed food products which have increased with each labor settlement, again increase the cost of food without any benefit to the producer.

We need to tell this story to consumers so they will understand why higher prices paid to the producers are justified and needed if they are going to continue to supply food requirements?

While we may need to tell our story to a public with an unwilling ear to listen, we must concentrate on a marketing system which will permit producers to charge for their products on the same basis that industry does, that is, cost of production, plus a return on investment. We cannot expect our consumers to pay any more than they have to, nor can we price our commodities any higher than absolutely necessary. Within this framework we must proceed. We must be able to project an image of businessmen capable and willing to solve our problems in a complex world. We can and we must!

MAN'S INHUMANITY TO MAN— HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 28, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?