Q. Arthur Jensen engendered a debate by his claim that the reason for the failures of compensatory education can be found in the lower I.Q.'s of minority group children. You have already indicated your displeasure with the Jensen thesis. Certainly the article has been more attacked than praised, hasn't it?

A. It hasn't been attacked enough. It is an insidious article; that is, it is an insidious approach. Scientifically, it's preposterous. Dr. Jensen doesn't know what he's talking about when he talks about genes, about genetic determination. The whole area of genetics is so complex, so unexamined. In this complicated and mysterious area of biology, geneticists are only beginning to understand the relationship between gene partners and *physical* characteristics. They are a long way from understanding the relationship between genetic determiners and psychological characteristics. I don't think Dr. Jensen is a racist, he's just naive. Apparently, he has never understood the work of Franz Boas or Otto Klineberg and the cultural anthropologists, who, as early as the 1930s, were presenting evidence to show that the significant variable in understanding differences among human beings was not, as far as we know, inherent biological determinants, but the complexity of social and environmental forces that interact with whatever biological potential exists in particular individuals.

Q. Along these lines, some time ago, you remarked upon the wastefulnes of attempting to create a culture-free I.Q. test. Have you had any second thoughts on that subject?

A. No, I haven't. I.Q. tests are what they are. They have their uses. Their results reflect the complexity of those forces I was speaking of. They attempt to measure the individual potential, a capacity not too well understood, and I don't expect that it will be during my lifetime, as it interacts with the complexity of social and environment influences to which the individual has been subjected since birth and before birth. And they are further complicated by the complexity of the forces involved in the construction and validation and administration of these tests. They leave much to be desired, but they are the best we have. It is preposterous to talk about their being culture-free. They exist in a culture. A culture-free test would be useless. No individual functions outside of a culture.

Q. Most of the books and articles that have been appearing about the education of black children, at least those that have sold widely, seem to me to have been basically personal success stories. The I'm-the-only-one-who-really-understands sort of thing—such books as "Death At An Early Age," "The Way It Spozed to Be," "Thirty-Six Children." What do you think of the effects and values of this particular school of writers?

A. Well, I would certainly be more inclined to accept their frailties before I would accept the Jensen-type frailties. It's true that you see in many of these personal reports a kind of self-righteous, positive sentimentalism. This may be necessary. This kind of approach might be much more effective in stimulating change than the rational, matter-of-fact mathematical approach that I have. But I'm inclined to say, "Look. If you teach these children, you don't have to love them. You don't have to be sentimental."

I recall my own history in the schools as I was growing up in Harlem. I don't remember some of my better teachers loving me as such. The thing that stands out in my mind is that these good teachers held me to standards. In this regard, I sensed, maybe not at the time but looking back on it, that in holding me to the same standards they would hold everoyne else to they were conveying to me a respect and an acceptance of me as a person, which I then responded to positively. I don't remember love as such. In fact, some of the teachers who seemed to be emotional and positive in their affection for me were not particularly good teachers, if I remember them correctly. They were too easy, too accepting of shoddy performance on my part. I remember the man who introduced me to algebra in the junior high. He was a German by the name of Ruprecht. He was tough, hard. But somehow or other, at the end of my contact with Ruprecht I recognized that there had been real warmth there. He manifested it by his insistence that I do my homework and go up to the board to solve problems. These were manifestations of his respect for me as a human being.

And I think this is what is at the heart of what is needed now. The ghetto child needs to sense from his teachers that they respect him as a person. And the only way he can sense it is through his accomplishments and through teachers providing the parameters for accomplishment. This is where the whole thing about pride comes in. I am convinced that black children or any other group of children can't develop pride by just saying they have it, by singing a song about it, or by saying I'm black and beautiful or I'm white and superior. These approaches are senseless. Pride comes through demonstrable achievement. The people who know this best are the people in the ghettos. The children know when they are able to accomplish something and when they are failing. They know when they are being relegated to the dung heap of academia. They know when they can't read as well as others or when they can't do arithmetic. To set them apart and give their groups the names of birds or animals doesn't fool them a bit. I don't know a single child who is so unintelligent as not to know when his school has given up on him. I don't know of a single child who can be fooled by being told that it doesn't matter whether he knows how to read or write or do arithmetic because he has a glorious culture or because of his great color. They don't buy it. That's why they become junkies, to escape from themselves, to escape from that second-class kind of reality. If you want to change that reality, you've got to change it in the schools.

THE DOCTRINE OF "DIFFERENCE"

Q. Do you see any hopeful trends in ghetto education? Are the established school systems getting anywhere, or are they all capitulating to this easy doctrine of "difference"?

A. Frankly, I think there is too much capitulation to this "difference." It's the fad now, and this fad is being reinforced by the black separatists, black nationalists, white sentimentalists and white segregationists. I'll have none of it. It must be counteracted. I think we are going to have to get school districts with tough-minded leadership that will reject this kind of nonsense and demonstrate what can be done with top level education. We are going to have to get competitive educational systems, private, pseudo-private, semi-private, quasi-private—what you will. We are going to have to have schools for the employes of big industries, subsidized by these big industries—AT&T, Western Electric, banks. And we'll have to use these new forms of semi-public systems, subsidized school systems, to do today what the private school systems did 30 or 40 years ago.

Q. Before they joined the group? Many private school educators, as you know, also subscribed to the doctrine of "difference."

A. But they haven't joined on the whole quality-of-education issue, as they apparently have on the jargon level. My son went to a private New England school, and in the fourth and fifth forms (tenth and eleventh grades) he was reading books and being held to standards of writing and criticism more rigid than we find set for some college freshmen. American education is most undemocratic when it accepts ideas of inferiority. The independent schools never really succumbed to the dilution of standards that seem to prevail in the public schools. Furthermore, many of the schools in suburbia never really succumbed to it, either. The chief victims of the dilution of educational standards have been the lower-income white and minority-group youngsters in the inner city.

HOUSE OF REPRESENTATIVES—*Monday, February 16, 1970*

The House met at 12 o'clock noon.

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

Teach me to do Thy will; for Thou art my God; Thy spirit is good; lead me into the land of uprightness.—Psalm 143: 10.

O God, our Father, whose will is peace, whose nature is love, and whose desire is that we live in peace with Thee and in love with one another grant unto us a vision of Thy purpose for mankind as we lean on the windowsill of heaven and look up to Thee in prayer.

Deliver us from antagonisms that annoy us, from trifles that try us, from disagreements that make us disagreeable, and by Thy spirit make us great in goodness, good in our greatness, and genuine in all our endeavors on behalf of our beloved country.

Amid the problems that perplex us and the difficulties that dismay us do Thou strengthen and sustain our spirits and lead us in the paths of righteousness for Thy name's sake. Amen.

THE JOURNAL

The Journal of the proceedings of Tuesday, February 10, 1970, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on February 11, 1970, the President approved and signed a joint resolution of the House of the following title:

H.J. Res. 888. Joint resolution to authorize the President to designate the period beginning February 13, 1970, and ending February 19, 1970, as "Mineral Industry Week."

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 8020. An act to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the naval service on permanent duty aboard a ship overhauling away from home port whose dependents are residing at the home port; and

H.R. 14464. An act to amend the act of August 12, 1968, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physically handicapped.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2595. An act to amend the Agricultural Act of 1949 with regard to the use of dairy products, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

FEBRUARY 11, 1970.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: Pursuant to authority granted on February 10, 1970, the Clerk received from the Secretary of the Senate today the following messages which passed the Senate without amendment:

H.R. 8664, to authorize an increase in the number of flag officers who may serve on certain selection boards in the Navy and in the number of officers of the Naval Reserve and Marine Corps Reserve who are eligible to serve on selection boards considering Reserves for promotion;

H.R. 9485, to remove the $10,000 limit on deposits under Section 1035 of Title 10, United States Code, in the case of any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict;

H.R. 9564, to remove the restrictions on the grades of the director and assistant directors of the Marine Corps Band;

H.R. 11548, to amend title 10, United States Code, to permit naval flight officers to be eligible to command certain naval activities and for other purposes; and

H. Con. Res. 207, General Omar N. Bradley.

Respectfully yours,
W. PAT JENNINGS, *Clerk.*
By W. RAYMOND COLLEY.

JUDGE HOFFMAN COMMENDED

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

Mr. SIKES. Mr. Speaker, those who believe in government by law and who seek to uphold the courts will take heart from the strong and courageous action of Judge Hoffman in Chicago. During the 5-month-long trial of those charged with conspiracy to disrupt the Democratic National Convention in Chicago, he was subjected to a series of calculated indignities the like of which had never been heard in an American court. The stiff sentences which he handed out for contempt were deserved.

The amazing thing was the patience which he exhibited time after time when he was subjected to insult by defense attorneys and defendants alike. They sought to make a mockery of the trial and to destroy the prestige of the court, just as the demonstrators destroyed the prestige of the Democratic Convention.

Judge Hoffman has distinguished himself by his action, and he has taken a bold step to strengthen the reputation of American judicial processes.

LET US NOT CONFUSE LEADERSHIP FIGHTS WITH INSTITUTIONAL REFORM

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

Mr. CONABLE. Mr. Speaker, there has been a good deal of notice in the press and over TV lately about members of the Democrat Party who, because of their dedication to the goal of congressional reorganization, are pressing an assault on the leadership and the seniority system. These releases have been good personal publicity, but I question whether they represent a responsible step in the battle for institutional reform.

If the Democrat Party has its leadership problems, they should not be confused with congressional reorganization. A power struggle will bring only harm to the organization effort. The Rules Committee has been working on a reorganization bill and allegedly it will soon be ready to send to the floor. We do not know the form of this bill yet, although in its initial stages, when many of us testified in hearings on it, it constituted a step in the right direction. But, in the light of the history of the reorganization bill of 1968, does anyone seriously think we will be permitted to consider any degree of congressional reorganization on the floor if that issue is tangled with the leadership issue? Leadership fights are only symptomatic. What this institution needs is basic reorganization. If, because of lack of discipline, Democratic intraparty personality struggles, or the insecurity of majority party leadership in the face of repeated press assaults, this body fails this year to make any substantial progress toward more responsive processes, this will be a major political issue in the fall's congressional election campaign. The fault will lie not just with the apostles of the status quo in both parties; it will lie also with those young liberal Democrats who confuse leadership fights or their natural desire for personal publicity with the more serious business of institutional reform.

A VERMONTER HAS DONE IT AGAIN

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

Mr. STAFFORD. Mr. Speaker, it is without the slightest bit of humility and indeed with overflowing pride that I take this opportunity to advise my colleagues that a Vermonter has done it again.

As reported in this morning's papers, Billy Kidd of Stowe, Vt., became the first U.S. male skier to win a world or Olympic gold medal when he won the alpine combined at the International Ski Federation championships in Val Gardena, Italy, yesterday.

I say a Vermonter has done it again because the only other gold medal ever captured in world ski competition by an American skier went to Andrea Mead Lawrence in the 1952 Olympics and Andrea is from my own hometown of Rutland, Vt.

Just as I watched Andrea develop into a world-famous skier on the slopes near Rutland, I have witnessed the tremendous tenacity and courage which led to Billy Kidd's victory yesterday. Although he has suffered injuries which have sidelined him some part of every year since 1962, he kept trying and won his gold medal yesterday after skiing in a corset to support his weakened back.

I would be remiss also if I did not pay tribute to Billy Kidd's teammates from Vermont who were responsible for such an outstanding showing by the U.S. team. In addition to the gold medal for ranking highest in the combined alpine events, Billy also captured a bronze medal in the slalom, while Barbara Cochran of Richmond, Vt., captured a silver medal in the women's slalom, and her sister, Marilyn Cochran, won a bronze medal in the women's combined. They and all the rest of the U.S. skiers deserve the greatest recognition and honor.

For those of you who love to ski, I can only say as one who has skied the Vermont mountains since childhood, come to Vermont and ski. It is the land of Billy Kidd and the country's other top ski champions.

TRIBUTE TO JUDGE HOFFMAN

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

Mr. ABERNETHY. Mr. Speaker, I am not acquainted with Judge Julius Hoffman, who has presided over the conspiracy trials in Chicago. Undoubtedly he must be one of the most patient men in this country. During the last few months he and his Illinois court authorities have been compelled to endure the most ruthless and ugliest conduct ever to be witnessed in a trial court of our country.

There is no doubt that the contempt citations and the sentences which the judge handed out were necessary and proper. There is no doubt that these people had coming to them that which the judge gave to them, and possibly more.

In the meantime I noticed some criticism in some of the press of the manner in which Judge Hoffman conducted his court. Evidently the press and editorial writers, who made the criticism, did not realize the difficult circumstances under which the judge was attempting to conduct the trial. He was compelled to be patient and careful in order not to include a reversible error in the record. It was incumbent upon him that he be very careful. The defendants and their attorneys were doing their best to provoke Judge Hoffman into making some statement or some improper ruling that would give them grounds for reversal in an appellate court. Although taking much abuse, the judge was too smart and too cool for them. He maintained his balance until the trial was concluded; then he

moved against the defendants and their counsel on charges of contempt, as he should have done. He is, indeed, a wise judge. He knew what he was doing and he did it right.

I predict, Mr. Speaker, that Judge Hoffman will go down in the history of this country and of the great State of Illinois as one of the great jurists of our time. He certainly has proven himself to be an able, learned, and fair man.

I might also say, Mr. Speaker, that Judge Hoffman was dealing with one of the most ruthless lawyers ever admitted to the bar in this country; that is, this man by the name of Kunstler.

Most of the Members here do not know him. I know him. I have felt his slashes and unscrupulous tactics.

He prepared a complaint to this Congress a few years ago, with no client, with no one having complained to him. He prepared a trumped up complaint regarding my election and that of my other colleagues from Mississippi. Then he went down to my State searching for clients. The original complaint left blank the names of those complaining because no one had complained. But after tramping over my State he came up with some so-called clients and imaginary complainants. He and his northeastern compatriots opened an office in New York City and disseminated literature around the country for the purpose of collecting funds to support the "challenge" of our delegation. No one outside of the Kunstler clique knows or will ever know just how many thousands upon thousands of dollars they raked off the public with this so-called challenge.

Regrettably he persuaded about 80 percent of enough Members of this House to vote to unseat us and to leave my State without representation in this body. This challenge was a fraud and Kunstler knew it was a fraud.

But this is not the purpose of my rising, Mr. Speaker. I mentioned this only to let this House know something of the kind of man Kunstler happens to be.

He has lived his life representing leftist clients, furthering leftist movements, and feathering his nest with leftist dollars.

He made every attempt, in the defense of his Chicago clients, to make a riot of the courtroom. He exhibited no respect for either the court or the law. His conduct was a horrible reflection on the ancient, learned, and respected profession of that of the practice of law.

He attempted to trample on the administration of justice, but Judge Hoffman did not let him get away with it. He is on the way to just what he deserves, a long rest in the Cook County jail.

My hat is off to Judge Hoffman, who serves his court and his people so well.

PERMISSION FOR THE COMMITTEE ON THE DISTRICT OF COLUMBIA TO SIT DURING GENERAL DEBATE TODAY AND TOMORROW

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may be permitted to sit during general debate this afternoon and tomorrow afternoon.

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

There was no objection.

ELECTION TO COMMITTEE ON PUBLIC WORKS

Mr. MILLS. Mr. Speaker, I offer a privileged resolution (H. Res. 834) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 834

Resolved, That Robert A. Roe, of New Jersey, be, and he is hereby, elected a member of the standing committee of the House of Representatives on Public Works.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–257)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Science and Astronautics and ordered to be printed with illustrations:

To the Congress of the United States:

The activities of the National Science Foundation are essential in increasing the nation's fund of scientific knowledge, providing science training for our youth, and harnessing the forces of science for the good of our citizens. I am today submitting to the Congress the Nineteenth Annual Report of the Foundation, which tells of significant accomplishments in fiscal year 1969.

In that 12-month period, the Foundation provided $225 million to support scientific research in every State of the Union; it invested more than $106 million to improve science education at every level from elementary school through the university; and it supported the improvement of our institutions of higher education through development-related grants totaling more than $50 million.

All of these investments will, I am confident, produce important benefits for our society. I am pleased to note that a number of such benefits were realized in fiscal year 1969 as a direct result of Foundation programs. As we go forward into the decade of the 70s, the role of science will surely become more and more important in the search for solutions to our problems and in the effort to enhance our environment.

RICHARD NIXON.

THE WHITE HOUSE, *February 16, 1970.*

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

PROVIDING FOR ADMISSION TO UNITED STATES OF CERTAIN INHABITANTS OF BONIN ISLANDS

The Clerk called the bill (H.R. 4574) to provide for the admission to the United States of certain inhabitants of the Bonin Islands.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

REMOVING CLOUD ON TITLES OF PROPERTY LOCATED IN MALIN, OREG.

The Clerk called the bill (H.R. 2036) to remove a cloud on the titles of certain property all located in Malin, Oreg., and owned by the city of Malin; Marian H. Peck, Merrill, Oreg.; Marion R. Rupert, Malin, Oreg.; and Blanche Fields, Malin, Oreg.

There being no objection, the Clerk read the bill as follows:

H.R. 2036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby releases and quitclaims those interests reserved pursuant to the Act of August 30, 1890 (26 Stat. 371, 391), relating to the right of the United States to construct ditches and canals upon and through certain lands all as shown on that certain supplemental plat of Malin (Klamath County), Oregon, filed July 5, 1939, as follows:

(1) To the city of Malin, Oregon, its successors and assigns, that certain interest reserved by the United States in lots 1, 2, and 3, in block 29;

(2) To Marian H. Peck, a widow, her heirs and assigns, Box 255, Merrill, Oregon, that certain interest reserved by the United States in lots 8, 9, and 10, in block 29;

(3) To Marion R. Rupert, unmarried, his successors and assigns, Malin, Oregon, that certain interest reserved by the United States in lots 1 and 2, in block 30; and

(4) To Blanche Fields, a widow, her heirs and assigns, Box 208, Malin, Oregon, that certain interest reserved by the United States in lots 3, 4, and 6 in block 30.

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

"That the United States hereby releases and quitclaims to the owners of record of the lots hereinafter named those interests reserved pursuant to the Act of August 30, 1890 (26 Stat. 371, 391), relating to the right of the United States to construct ditches and canals upon and through Lots 1, 2, 3, 8, 9, and 10 in Block 29, and Lots 1, 2, 3, 4, 5, and 6 in Block 30 in Malin, Oregon, all as shown on that certain supplemental plat of Malin (Klamath County) Oregon, filed July 5, 1939."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to remove a cloud on the titles of certain property located in Malin, Oregon."

A motion to reconsider was laid on the table.

HEALTH CARE COST-SHARING ARRANGEMENTS FOR CERTAIN SURVIVING DEPENDENTS

The Clerk called the bill (H.R. 8413) to amend title 10, United States Code, to prescribe health care cost-sharing arrangements for certain surviving dependents, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, may I inquire as to why this bill is not on the Consent Calendar as printed and circulated today and whether or not the others so listed, Nos. 115, 116, and 117, are to be called?

Mr. McFALL. Mr. Speaker, will the gentleman yield for an explanation?

Mr. HALL. I will be glad to yield.

Mr. McFALL. I am informed that this was a clerical error by the tally clerk. It is eligible and it was filed, but it is a mere error by the clerk.

Mr. HALL. And the reports, Mr. Speaker, are available. Is that correct?

Mr. McFALL. I am so advised.

Mr. HALL. I thank the gentleman.

Mr. Speaker, I am very familiar with the bill. It comes out of a committee on which I have served, and it has passed previously.

I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 8413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 55 of title 10, United States Code, is amended as follows: (1) by adding the following new subsection at the end of section 1079:

"(g) When a member dies while he is eligible for receipt of hostile fire pay under section 310 of title 37, United States Code, or from illness or injury incurred while eligible for such pay, his dependents who are receiving benefits under a plan covered by subsection (d) of this section shall continue to be eligible for such benefits until their eligibility is otherwise terminated."

(2) by adding the following new section at the end thereof:

"§ 1088. Cost sharing for certain dependents

"Notwithstanding any other provisions of this chapter, when a member dies while he is eligible for the receipt of hostile fire pay under section 310 of title 37, United States Code, or from illness or injury incurred while eligible for such pay, his dependents shall, for a period of one year following the date of his death, pay for benefits under this chapter on the same basis prescribed for the dependents of members of the uniform services who are on active duty."

(3) the analysis is amended by inserting the following item:

"1088. Cost sharing for certain dependents."

SEC. 2. The amendments made by this Act shall be effective as of January 1, 1967.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That chapter 55 of title 10, United States Code, is amended as follows: (1) by adding the following flush sentence at the end of section 1079(d):

" 'However, notwithstanding clause (4) of this subsection, the plan covered by subsection (a) may include institutional care in other than private nonprofit institutions and facilities and transportation to and from such institutions and facilities if such care is determined to be necessary to carry out the purpose of this chapter.'

and (2) by adding the following new subsection at the end of section 1079:

" '(g) When a member dies while he is eligible for receipt of hostile-fire pay under section 310 of title 37, United States Code, or from illness or injury incurred while eligible for such pay, his dependents who are receiving benefits under a plan covered by subsection (d) of this section shall continue to be eligible for such benefits until their eligibility is otherwise terminated.'

"(3) by adding the following new section at the end thereof:

" '§ 1088. Cost-sharing for certain dependents.

" 'Notwithstanding any other provisions of this chapter, when a member dies while he is eligible for the receipt of hostile fire pay under section 310 of title 37, United States Code, or from illness or injury incurred while eligible for such pay, his dependents shall, for a period of one year following the date of his death, pay for benefits under this chapter on the same basis prescribed for the dependents of members of the uniform services who are on active duty.'

"(4) the analysis is amended by inserting the following item: '1088. Cost-sharing for certain dependents.'

"Sec. 2. The amendments made by this Act, except for clause (1) of section 1, shall be effective as of January 1, 1967."

The committee amendment was agreed to.

(Mr. HÉBERT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HÉBERT. Mr. Speaker, I rise in support of this legislation.

In the second session of the 90th Congress, the House passed H.R. 18673, a bill to amend title 10, United States Code, to prescribe health care cost-sharing arrangements for certain surviving dependents of members of the uniformed services who die while eligible for hostile-fire pay—or from illness or injury incurred while eligible for such pay—to continue for varying periods to receive benefits under the civilian health and medical programs of the uniformed services in the same manner as though the members were still alive.

The bill, H.R. 8413, before us today is practically identical to the bill passed by the House at that time.

In the case of regular health care, the bill provides that dependents shall, for a period of 1 year following the date of the member's death, pay for cost-sharing medical care benefits on the same basis prescribed for dependents of military personnel.

Traditionally, families of deceased service personnel are provided medical care on the same basis as retirees and their dependents. Retirees and their dependents and dependents of deceased personnel are eligible for care in military facilities on a space-available basis. The law also provides for care of dependents of active duty personnel and retirees and their dependents and dependents of deceased personnel at civilian sources. But the law provides a higher level of charges for retirees and their dependents and dependents of deceased personnel than for dependents of active duty personnel for care from civilian sources.

For care in civilian hospitals the dependents of active duty personnel pay the first $25 of charges, or $1.75 a day, whichever amount is the greater. Dependents of deceased personnel pay 25 percent of the charges for inpatient care from civilian hospitals. Similarly, for outpatient care from civilian sources, dependents of deceased personnel pay the first $50 of charges for all types of care authorized in each fiscal year plus 25 percent of all additional charges during the year; dependents of active duty personnel pay the first $50 each fiscal year plus 20 percent of remaining charges.

There have come to the attention of the Committee on Armed Services cases of service wives who were pregnant at the time their husbands died in Vietnam. Under present law, if they subsequently receive their maternity care at civilian hospitals they would be charged as a dependent of a deceased person. Instead of $25 or $1.75 a day, whichever is greater, the cost would be 25 percent of all charges. Thus, a dependent wife could find herself paying several times more than she expected to pay for maternity care because her husband was killed in combat.

For dependents who are receiving benefits under section 1079(d) of title 10, United States Code, the bill provides they shall continue to be eligible for such benefits until their eligibility is otherwise terminated. Section 1079(d) is a program that provides support for the care of mentally retarded or physically handicapped dependents of active duty military personnel.

Although the committee recommends that the eligibility for care under the mentally retarded or physically handicapped program be enacted identical to the one passed in the 90th Congress which was totally supported at that time by the Department of Defense, this year it was recommended by the Department of Defense that benefits be limited to 1 year following the death of the serviceman. The committee action in rejecting the 1-year limitation suggested by the Department of Defense is predicated on the basis that a special duty is owed by the Government to those dependents of servicemen who are killed or died while receiving hostile-fire pay.

We also added an amendment which would permit care for mentally retarded children or physically handicapped children in other than private nonprofit institutions.

Experience has shown that during the almost 3 years the program for the handicapped has been in effect, there are some places within the United States where the only suitable facility offering the type of service which the mentally retarded or physically handicapped child needs are in profit institutions. In other instances, experience has shown that although there may be both types of institutions in a particular area, in some instances the so-called profit institution is offering better services at a lower cost to the Government than a nonprofit institution. The committee feels that the prohibition on the use of profit insti-

tutions should be removed from the law so that in a given instance, the best available and reasonably priced facility could be utilized.

Except for the benefits to be conferred under clause (1), the amendments to title 10, United States Code, made by the bill would be effective as of January 1, 1967, the date when the program for care of mentally retarded and physically handicapped dependents went into effect.

While it is not possible to precisely determine the cost of the bill, the Department of Defense's best estimate is that the cost for a 12-month period will not exceed $255,000. The cost can be absorbed within the present appropriations.

I urge each of you to support this important bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 11]

Adair	Ford, William D.	Moss
Adams	Fraser	Myers
Albert	Frelinghuysen	Nichols
Anderson, Tenn.	Fulton, Tenn.	O'Konski
Ashbrook	Gallagher	Ottinger
Ashley	Gray	Patman
Aspinall	Griffiths	Pelly
Barrett	Gubser	Pepper
Betts	Hagan	Pettis
Bevill	Halpern	Powell
Blanton	Hamilton	Quie
Blatnik	Hanna	Railsback
Brock	Harrington	Reid, N.Y.
Brotzman	Hathaway	Rodino
Brown, Calif.	Helstoski	Roudebush
Brown, Ohio	Henderson	Ruppe
Buchanan	Jones, Ala.	St Germain
Burton, Calif.	Kastenmeier	St. Onge
Burton, Utah	King	Scheuer
Button	Kirwan	Springer
Cabell	Kleppe	Stokes
Chisholm	Landgrebe	Stubblefield
Clark	Landrum	Symington
Clawson, Del	Lennon	Taft
Clay	Long, La.	Taylor
Conyers	Long, Md.	Teague, Calif.
Cramer	Lujan	Teague, Tex.
Culver	Lukens	Tunney
Dawson	McCarthy	Udall
Delaney	McCloskey	Van Deerlin
Devine	McKneally	Watkins
Dickinson	Mahon	Watson
Diggs	Mathias	Weicker
Dwyer	May	Wiggins
Eckhardt	Mink	Wilson, Charles H.
Eshleman	Monagan	Yates
Fallon	Moorhead	Zablocki
Findley	Morse	
Fisher	Morton	

The SPEAKER. On this rollcall 316 Members have answered to their names, a quorum.

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

TAMPA BAY DISASTER

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

Mr. GIBBONS. Mr. Speaker, on last Friday a Greek tanker ran aground in the Tampa Harbor. As a result of this grounding, many thousands of gallons of heavy oil, destined for a powerplant in Pinellas County, were dumped into Tampa Bay.

Although the Tampa Port Authority had made an effort to be prepared for such a disaster, this accident occurred outside of their jurisdiction. However, they rendered whatever assistance they had available.

Unfortunately, there was no emergency type of equipment or agency available to clean up this mess, and the damage to the bay is difficult to estimate, but there is no doubt that it will be substantial.

What makes this occurrence doubly unfortunate, Mr. Speaker, is that legislation to clean up this kind of mess has been pending in the Congress for a long, long time. I hope that those responsible for this unconscionable delay will move rapidly to get the necessary legislation on the books, so that communities hit by such a disaster, will be able to have the necessary Federal authority available to aid them in their cleanup job.

The delay on legislation to cope with this growing pollution problem reaches back into 1968. A similar bill in that year was finally killed through prolonged haggling over a point similar to one now keeping conferees apart. The conferees are now meeting on H.R. 4148, and have been for several months.

In 1968, they could not agree to including offshore and onshore installations as well as ships in the statute and it was the House side who balked on these provisions. These installations are in H.R. 4148, however.

However, the type and degree of liability on the part of the accused polluter is now holding up and has held up the bill since last October. The House passed its version in April of 1969 and the Senate in October, and they have met off and on ever since.

The Senate conferees seek a provision which would make the alleged polluter liable for costs except where the oil or other pollutant spillage was caused by an act of God, or war.

The House conferees seek to limit liability to only those situations where blame can be clearly and unequivocably proved.

This protracted delay should continue no longer. The conferees should agree on a reasonable bill and thereby empower the Federal Government to promptly clean up such spillage and other pollution and to equally promptly assess costs against offenders.

We have waited too long already in enacting such a law.

PRESIDENT BANS TOXIN WEAPONS

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

Mr. GUDE. Mr. Speaker, on Saturday, the President took firm action to ban production and use of toxins for germ warfare purposes, regardless of whether these poisons emanate from biological or chemical sources. This action clears up any confusion about the scope of his decision to renounce the use of biological weapons and to pledge that the United States will never be the first to resort to lethal chemical weapons. In deciding to extend his ban on biological weapons to toxins regardless of their origin, the President chose the most restrictive alternative open to him, and rejected the recommendation of the Defense Department that part of the toxin program be continued. In so doing, he has advanced the cause of peace with no sacrifice to our national security.

As a member of the Conservation and Natural Resources Subcommittee of the House Government Operations Committee, I participated in the subcommittee's investigation of the Dugway nerve gas testing incident, and have given considerable thought to the advantages and disadvantages of these dreadful weapons. There is a serious question whether chemical and biological weapons, attended by such great hazards to our own health and environment, contribute in any way to our national security. I think they do not.

The same conclusion was reached in a study on CBW and national security sponsored by Congressmen JOHN DELLENBACK, of Oregon, CHARLES MOSHER, of Ohio, HOWARD ROBISON, of New York, and FRED SCHWENGEL, of Iowa, and joined in by 12 other Republican Congressmen, including myself. The study concluded with this proposal:

> Consideration of applying the breaks in our headlong rush toward developing chemical and biological killers should be a matter of the greatest urgency. These weapons seem ill-suited to today's military strategies. At best, they might be characterized as unacceptable substitutes for weapons already in use. Their abandonment could provide a greater atmosphere of rationality in military calculations and a more secure state of mind for modern day man by removing one horrifying threat to his existence.

To his great credit, the President has recognized the urgency of restricting chemical and biological weapons and has placed the United States squarely on the side of rationality in controlling the arms race and increasing the prospects for peace.

THE PROBLEM OF OIL SPILLS

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

Mr. KEITH. Mr. Speaker, it is just 1 week since I made my last statement about oil spills, and here we are faced with another major disaster, this time in Tampa, Fla. More oil, more dead marine life, more ruined beaches, and yet we still await results from our colleagues who are working on the conference version of the Water Quality Improvement Act.

In March of 1967 the tanker *Torrey Canyon* went aground off the coast of England, a disaster which brought the dangers of oil pollution to the world's attention. Since then the toll has been staggering—hardly a coastline exists which has not suffered from oil spillage. In the United States alone, 714 major spills were reported by the Coast Guard last year. And 3 years after the *Torrey Canyon*, we in Congress have still not enacted meaningful legislation aimed at controlling the problem.

The most disturbing aspect of all this is that the dangers of oil spillage threaten to get worse rather than better. The damage done in England 3 years ago might be considered minimal in comparison to what the large supertankers—nearly twice the size of the *Torrey Canyon*—could inflict on a shoreline. And as we discover and tap more oil fields throughout the world, the probability of accident during transport of the oil becomes greater all the time.

The possible—no, probable—effect on our environment is awesome if we fail to act and act promptly, Mr. Speaker. I urge the conferees to hasten consideration of this necessary legislation and return it to the Congress for final consideration at the earliest possible moment. And I hope that we, here in the House, will be able to approve the conclusions of the conferees.

Only by acting positively and quickly can we convince the country of the reality of our concern for the preservation of our shorelines and our whole environment.

ANADROMOUS FISH CONSERVATION ACT

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1049) to amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first proviso contained in the second sentence of subsection (a) of the first section of the Act of October 30, 1965 (16 U.S.C. 757a(a)), is amended by inserting ", except as provided in subsection (c) of this section," immediately before "the Federal share".

(b) The first section of such Act of October 30, 1965 (16 U.S.C. 757a), is further amended by adding at the end thereof the following new subsection:

"(c) Whenever two or more States having a common interest in any basin jointly enter into a cooperative agreement with the Secretary under subsection (a) of this section to carry out a research and development program to conserve, develop, and enhance anadromous fishery resources of the Nation, or fish in the Great Lakes that ascend streams to spawn, the Federal share of the program costs shall be increased to a maximum of 60 per centum. Structures, devices, or other facilities, including fish hatcheries, constructed by such States under a cooperative agreement described in this subsection shall be operated and maintained without cost to the Federal Government. For the purpose of this subsection, the term 'basin' includes rivers and their tributaries, lakes, and other bodies of water or portions thereof."

SEC. 2. Subsection (a) of section 4 of such Act of October 30, 1965 (16 U.S.C. 757d(a)), is amended by adding at the end thereof the following new sentences: "There is authorized to be appropriated to carry out this Act, not to exceed $6,000,000 for the fiscal year ending June 30, 1971, not to exceed $7,500,000 for the fiscal year ending June 30, 1972, not to exceed $8,500,000 for the fiscal year ending June 30, 1973, and not to exceed $10,000,000 for the fiscal year ending June 30, 1974. Sums appropriated under this subsection are authorized to remain available until expended.".

SEC. 3. Such Act of October 30, 1965 (16 U.S.C. 757a–757f), is amended by adding at the end thereof the following new section:

"SEC. 7. This Act may be cited as the 'Anadromous Fish Conservation Act'."

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

(Mr. JOHNSON of California (at the request of Mr. DINGELL) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JOHNSON of California. Mr. Speaker, I rise today to voice my full support of H.R. 1049, a bill to amend the Anadromous Fish Conservation Act.

I have long been associated with the development of the Anadromous Fish program of this country. Many here today will recall the efforts that were made back in the 86th Congress by our late colleague, Clem Miller, and myself to encourage the development of salmon, steelhead, and other fishery resources in northern California.

In 1965, the Merchant Marine and Fisheries Committee spearheaded the enactment of the basic Anadromous Fish Conservation Act and I was delighted to join in supporting a nationwide program which I felt not only beneficial to northern California fisheries, but to those throughout the country. The success of this outstanding program has been tremendous.

I want to commend the Merchant Marine and Fisheries Committee for its vision in recommending the establishment of the program in the first place, and for the proposal now before us to extend and expand this very fine program. I am pleased that the recommendations of the committee will solve a technical problem which we in California have faced in the administration of this program and which I sought to correct in the introduction of H.R. 9546.

In California and in many other States, State matching funds for each specific project must be budgeted as much as 18 months in advance of the Federal appropriation. The legislature is usually most reluctant to appropriate State matching funds when there is no assurance that the Federal Government will approve the specific project when submitted. Under California law, obligating the State by agreement with the Federal Government is not possible unless the State matching funds have been appropriated. As a result, on those projects which have to be specifically budgeted, the current Federal appropriations cannot be obtained.

Accordingly, Mr. Speaker, I urge my colleagues to lend their support to H.R. 1049 which will not only solve this technical problem but will also permit the continuation of an outstanding fisheries effort.

Mr. DINGELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 1049 is to extend and expand the program for the conservation, development, and enhancement of our Nation's anadromous fish and the fish in the Great Lakes that ascend streams to spawn.

Mr. Speaker, briefly explained, anadromous fish are those species of fish that begin their life in fresh water, where they live for varying periods, then migrate to salt water where they usually spend most of their adult lives and finally return to fresh water—usually to the stream of their birth—to spawn, after which many die, having completed their life span. There are many species of fish in the Great Lakes similar to anadromous fish; however, they are not considered anadromous because they do not migrate to salt water. Some examples of the species of fish with which this program is concerned are the Atlantic salmon, five species of the Pacific salmon, shad, striped bass, steelhead, arctic char, sheefish, and the Dolly Varden trout.

As the Members will recall, in 1965 the Anadromous Fish Conservation Act was enacted in response to an urgent need for a comprehensive national program designed to benefit the anadromous fishery resources of our Nation. The 1965 act authorized the Secretary of the Interior to enter into cooperative agreements with the States, either separately or jointly, for the conservation, development, and enhancement of anadromous fish and those stocks of fish in the Great Lakes that ascend streams to spawn. The Federal share of the total cost of any project approved by the Secretary of the Interior is limited to an amount not to exceed 50 percent of such costs, with the remaining cost to be paid for by the States.

Since the enactment of the act the program has met with enthusiastic response from all of the eligible States. For instance, through research significant progress has been made in the development of techniques for fish disease detection, development of accurate forecasts of life and timing of salmon runs, and the use of artificial spawning and incubation channels for steelhead trout. Other accomplishments have included the construction of fishways in dams and rivers in Rhode Island, Connecticut, Delaware, Massachusetts, and many other New England States, and the construction of fish hatcheries in Oregon, Washington, California, and Alaska. Resource inventories are being conducted in Alaska; the Atlantic, Pacific, and Gulf Coastal States; and in the Great Lakes.

With respect to the Great Lakes, the anadromous fish program has played a prominent role in the development of a completely new fishery. This program began in 1965 with the transplanting of

the west coast coho salmon into the Great Lakes. Not only has this program produced a new fishery, but it has had a tremendous effect on the economy of the area. It is estimated that each coho salmon in the sport fishery is worth about $50 to the economy. In fact, the Department of the Interior has estimated that each million dollars of Federal funds expended under the Anadromous Fish Conservation Act generates approximately $9 million of benefits to the States.

Mr. Speaker, briefly explained, section 1 of the bill would add a new subsection (c) to section 1 of the act to provide that whenever two or more States having a common interest in any basin jointly enter into a cooperative agreement with the Secretary of the Interior, the Federal share of the program costs would be increased to 60 percent with the remaining costs to be borne by the States. Operation and management of facilities constructed under this section would be operated and maintained exclusively by the States. The term "basin" as defined in the act would include "rivers and their tributaries, lakes, and other bodies of water."

The reason for this section of the bill stems from the fact that many States have indicated an interest to participate in the program provided multistate projects were funded at a higher level than 50 percent. The bill as introduced would have authorized up to 75 percent of Federal funding for multistate projects, however, after considering all of the testimony presented at the hearings on the legislation, the Committee on Merchant Marine and Fisheries felt—and I think wisely—that 60 percent would be sufficient to encourage such joint participation on the part of the States and thusly amended bill to provide accordingly.

With respect to section 2 of the bill, under present law there is authorized to be appropriated for the 5-year period ending June 30, 1970, not to exceed $25 million to carry out the act. Since its enactment and through fiscal year 1970, $16,389,000 of the $25 million authorization has been appropriated. However, during that same period there were additional requests from the States amounting to over $6 million that could not be funded because of inadequate appropriations; of this amount over $4 million was applicable to 1970 requests.

In view of the foregoing, the Committee on Merchant Marine and Fisheries amended section 2 of the bill to be more in accordance with anticipated State needs. As amended, section 2 would extend the program for an additional 4 years and at the following level of funding: not to exceed $6 million for fiscal year 1971, $7.5 million for 1972, $8.5 million for 1973, and $10 million for 1974.

Section 3 of the bill would add a new section 7 to the act to officially cite the act as the "Anadromous Fish Conservation Act."

Mr. Speaker, there have been tremendous accomplishments under this act since its inception in 1965. Not only has it provided valuable assistance to the conservation and development of anadromous fish but the program has been most beneficial to other species of fish. The need for continuation of this program becomes more apparent when the anticipated tremendous increase in sport and commercial fishing over the next decade is considered.

Mr. Speaker, H.R. 1049 was unanimously reported by the Committee on Merchant Marine and Fisheries and I urge its prompt passage.

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

Mr. DINGELL. I will be happy to yield to my friend, the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding to me, and I appreciate the opening statement made by the gentleman about the Anadromous Fish Conservation Act, and its extension.

I have only two questions to ask:

The first question is on the statement made by the gentleman about the 9-to-1 feasibility payback. In one place in the report it says that on the basis of the one-for-one matching funds of the Federal Government with the various States——

Mr. DINGELL. The Federal Government matches one for one under the old program, but this refers to where one State or one or more States get together to develop their fishery resources on a particular river or body of water within their boundaries. These programs are on a 50–50 matching fund basis and will continue to be on a 50–50 basis under H.R. 1049. However, there is a section in the bill which would authorize up to 60 percent of Federal funds whenever two or more States enter into a cooperative agreement with the Secretary to carry out a joint program in a basin, lake, or other body of water. What I refer to is the fact that for each dollar spent under this program there has been a $9 return in terms of improved fisheries and fishery income.

Mr. HALL. That would not ordinarily, Mr. Speaker, be on the same basis, would the gentleman say, as to the feasibility of an impoundment, if that is needed, for this legislation to support the anadromous fisheries; is that correct?

Mr. DINGELL. I cannot answer the gentleman's question in precisely that fashion, because this legislation does not provide for the construction of impoundments and things of that kind.

Mr. HALL. I understand that. In fact, it was to overcome the results of impoundment; but, Mr. Speaker, if the gentleman would advise us how do we get this 9 for 1 elsewhere in the report wherein it says:

> Following is a table prepared by the Department of the Interior which indicates that each million dollars of Federal funds expended under this program generates approximately $9 million of benefits to the States.

I have studied that table, and I cannot understand where we get the 9-to-1 ratio instead of the 1-to-1 ratio that is referred to on page 3.

Mr. DINGELL. Mr. Speaker, I would refer my good friend to pages 18 and 19 of the hearings of the Subcommittee on Fisheries and Wildlife Conservation, a copy of which I will be more than willing to make available to the gentleman from Missouri. It states—and I am reading from the report:

> The objectives and accomplishments have been carefully reviewed, and the value of the resources affected has been appraised. This appraisal basically involves three elements as appropriate—(1) the dockside value of commercial fish, (2) the value of a day of sport fishing as determined by the survey, and (3) an estimate of economic benefits to the area involved as a result of sport-fishing expenditures as based on survey information.

And it was on the basis of these three criteria that for each dollar spent $9 came back to the States and benefited the economy in the area.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's statement, and I appreciate the gentleman yielding to me, and I am sorry that I did not have the hearings available. They have now been made available to me at the minority desk.

Mr. Speaker, let me ask the gentleman the other question I had in mind.

What in the wisdom of the committee is the justification for the substitution or amendment of section 2, and extending this act for a 4- or 5-year period, rather than as in the amendment recommended by the Department, and originally by the committee itself, so as to bring this before the House from time to time, every year or 2 years, or at least on a Congress-to-Congress basis so that we might review the program as needed, and indeed which has proved most successful, instead of over a 4- or a 5-year period?

Mr. DINGELL. The gentleman, I am sure, is aware that the committee does follow a policy of reviewing these kinds of programs periodically, and it has been our attempt to have programs last long enough so that they could be efficient, and so that the expenditures would not go on a particular crash basis. Therefore, as a result of that feeling we have extended the program for 4 additional years.

The figures furnished are those that, as nearly as the committee could possibly ascertain, approximate the amounts that could actually be spent in the program.

They fall rather less than the demands that are available, including the carry-over demands from the States and the anticipated new demands based upon estimates by the Department of the Interior and other agencies.

It was the opinion of the subcommittee and of the full committee that to extend the proposal for 1 year would be a waste of money because States would either fail to come in at all or States would come in with unwise programs. We were not satisfied to give the programs a 1-year extension. States must plan their programs 2 or 3 or 4 years in advance because of the way legislation and appropriations are and to extend the program for 1 year would constitute a waste of money.

We have disregarded the advice of the Interior Department and the Bureau of the Budget and continued the program which provides for orderly programs and funding and in which economies and orderly funding can be obtained and the

States can proceed with an intelligent and effective program.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, all these beautiful words and rhetoric amount to an "educated guess" as to the built-in escalating of costs; is that not right?

Mr. DINGELL. No, I would state to my good friend, the gentleman from Missouri, that the estimates we have at this time are that we can spend significantly more than this efficiently and effectively.

For example, right now there are those who think for this fiscal year the expenditure could be about $5 million more. We have carryover requests of about $4 million, which is a total of $9 million. For fiscal year 1971, we have only authorized an expenditure of $6 million, which is about two-thirds of the amount, which our best intelligence indicates is necessary.

Mr. HALL. I thank the gentleman.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Speaker, I thank the gentleman from Iowa for his generous dispensation of the time.

It has always seemed to me that the unique spawning habits of these anadromous fish make them potentially one of the most important sources of food from the sea. With amazing regularity, anadromous fish—salmon, striped bass, sturgeon, alewives, and certain species of trout—return through fishruns to the waters of their birth.

In the very near future, as we are all well aware, we are going to have acute problems associated with population growth and urbanization. One of the biggest problems will be assuring an adequate food supply for this vastly expanded population. With careful planning and development now, our anadromous fisheries can contribute greatly to our food resources—and our economy—in the future.

In the 5 years it has existed, this program has proven to be a beneficial one, to the New England States in particular and to the Nation as a whole, through a more bountiful supply of fish resources. The costs are not great, and the potential gains are enormous.

Anadromous fish respect no State boundaries, and Congress clearly has a significant role to play in their enhancement and propagation. The current act has proven to be a sound and workable one, and I strongly urge its continuance in the form the committee has presented.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. KEITH. I yield to the gentleman.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in strong support of H.R. 1049, the Anadromous Fish Conservation Act.

If the Nation is to enhance its supply of anadromous fishes, then it is absolutely essential that the provisions of this Act be extended beyond the present expiration date. The legislation now before us does just that by extending the appropriation authority until June 30, 1974.

Representing, as I do, a district which is recognized as one of the prime commercial fishing areas of California, and is one of the greatest sport fishing regions in the country, I am fully cognizant of the need to enhance the supply of salmon and steelhead. This legislation is designed to provide that enhancement.

The extension of the act will allow the States to plan and budget for future projects to assist in their overall programs which are designed to maximize the potential of our fresh-water resources for both commercial and recreational purposes.

We can and must meet our responsibility to insure the long-term yield of these valuable fishery resources. In addition, we must meet our moral obligation to the future and fulfill our economic obligation to the present.

It is extremely difficult to measure such a program in terms of dollars because of the long-range effects of such programs as spawning channels, fish ladders, hatcheries, and rejuvenating stream beds to promote increased populations of anadromous fish and because, in the case of the sportsman, the benefit is difficult to calculate and is not always definable in terms of dollars and cents.

In my judgment, the extension of this measure will promote and facilitate systematic exploration, enlightened development, and responsible exploitation of one of our greatest natural resources and food providers—the sea.

It is our responsibility to make adequate provisions to accommodate our ever-increasing population—by intensifying our fishery conservation programs.

A recent statistical release from the fish and game department of the State of California indicates an alarming decline in the numbers of steelhead and salmon available in the California streams. This comes at a time when more and more people are seeking access to the great outdoors and relief from the pressures of urban life.

Therefore, we must encourage and maximize fish conservation in the rivers and streams of America.

In closing, I urge my colleagues to consider very carefully the legislation before us with the previous comments in mind and act favorably on this legislation.

Mr. GROSS. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I listened with interest to the gentleman from Michigan (Mr. DINGELL), and I would agree with my good friend, the gentleman from Missouri (Mr. HALL), that we did hear a good deal of rhetoric, and not too much light on this subject.

May I ask the gentleman what kind of information was fed into the computer that brought out the answer of a 9-to-1 ratio of so-called benefits?

Mr. DINGELL. Mr. Speaker, I have referred the gentleman to the pages in the hearings—pages 18 and 19 in the hearings—and I would also refer the gentleman to the top of page 19 and also to the estimated returns from the State and Federal dollars invested under the Anadromous Fish Act and Public Law 89–304, fiscal years 1969–70 inclusive, which appears on page 19.

There the gentleman will find that $14,962,915 in Federal investment generated a return of $146,594,387.

Mr. GROSS. Well, what kind of wonderful material was fed into the computer to get this kind of answer?

Mr. DINGELL. Let me read to my good friend from the record of the hearing on page 18:

> This appraisal basically involves three elements as appropriate—(1) the dockside value of commercial fish, (2) the value of a day of sport fishing as determined by survey, and (3) an estimate of economic benefits to the area involved as a result of sport-fishing expenditures as based on survey information.

For example, in the Great Lakes—let me just tell my good friend that we have used this program on the coho salmon in the Great Lakes.

Each coho salmon, not according to Federal figures, although Federal figures corroborate what I shall state, but according to the figures used by the Michigan Chamber of Commerce and the Michigan Findings on Natural Resources indicate that one of those coho salmon is worth $50 to the area in terms of various expenditures. So you can see that a program of this kind, wisely and well used, will result in an enormous return.

Mr. GROSS. I would suggest that if there is that kind of return to that area of the country, and there are many States around the Great Lakes, why do they not take this program over?

Am I reading the report correctly that you want to go to a 4-year program with more than $32 million of Federal funds instead of a 1-year program and $5 million?

Mr. DINGELL. The gentleman is aware of that. He was on this committee, I believe, when the original anadromous fish bill was considered. At that time the committee decided that we would go to a program which would give the States time enough to work out the program. I point out to the gentleman that the program would benefit not only Michigan but also Ohio, Illinois, Indiana, Wisconsin, Minnesota, Pennsylvania, and New York—all of the lake-facing States.

Mr. GROSS. Since the return from the expenditure of this Federal money would particularly benefit the Great Lakes area, why do you not take over the brunt of carrying this program?

The next question that occurs to me is, where is it proposed to get the $32 million? I might go along with a 1-year $5 million program, but now you are asking for a 4-year $32 million program, plus what is in the pipeline for 1970. Where do you propose to get that kind of money?

Mr. DINGELL. The gentleman has raised a question that I am sure will plague us many times this year. I would expect the funding for this program would come from the same place that money comes from for all the other desirable programs we have.

I would like to say to my good friend that this program is now available to 31 States in this country. Every single coastal State has an application pending and intends to spend money under it because they see the enormous benefits

that will result from the building of fisheries.

Mr. GROSS. I do not blame the States for having their hands out. As long as we continue to provide it, you can be sure their hands will be outstretched to take the money for this and a lot of other purposes.

The question is, When do you expect to make a contribution to what this country has got to do, and that is to slow down spending in order to stop inflation? When is it expected to make that kind of contribution? That is the issue before the House.

I would go along with you on a 1-year, $5 million continuation of the present program under the circumstances that confront the country, but I cannot go along with you on 4 years and $32 million-plus. This is too rich for my blood. That is the point I am trying to make.

Mr. DINGELL. I am sorry to hear my good friend is distressed over this. I do want to point out again to the gentleman that to curtail the expenditure of $4 or $5 or $10 million for commercial fisheries and facilities for sports fishing that have the kind of payout I have described in terms of return to the Nation, in terms of new resources, new opportunity, new recreation, and new food sources is, I believe, very unwise. We have given you an extremely wise program which I think in terms of cost benefits has been successful. If the gentleman wants to cut the budget, I am sure that he with his experience in this area can find many instances in which he can cut programs which confer much less benefit to the Nation than this would.

Mr. GROSS. You are spending now at the rate of $5 million a year, is that correct?

Mr. DINGELL. $5 million is the presently allocated amount.

Mr. GROSS. And you are getting returns of $50 in the Great Lakes region?

Mr. DINGELL. For each fish.

Mr. GROSS. What more do you want?

Mr. DINGELL. For each fish we get that amount. What I am saying to my good friend is that this is money that generates new revenue, new opportunity, and it does it for the people. It creates new income tax receipts. It creates new business opportunity. I believe this is the kind of program we should be spending money on rather than cutting back. I agree with the gentleman that we have to do some cutting back, but I would say let us find for that purpose programs that do not have the payout that this one has. Let us not cut a program that brings in $9 for each dollar spent. To me that is a foolish kind of practice. It is like a businessman who, when he sees his business turn down, cuts out his profitable lines. I am saying that this is one of the profitable lines of business that the Federal Government is engaged in.

I would say on the basis of that accomplishment, which is significant and which is carefully detailed in the hearings, that we ought to continue it.

Mr. GROSS. The next time I have an opportunity to do a little extra reading, I want to look over the information that was fed into the computers to get a 9 to 1 ratio. This I want to learn more about at some other time.

Obviously when a bill is brought in as this one is under a suspension of the rules, we cannot amend it so as to bring us back to some sense of fiscal responsibility. There is not much we can do about it, those of us who feel this program should make a contribution to economy, as well as all the other legislation that is to come before us. I am willing to go to $5 million for another year and then take a look at it. I do not know whether this Government will be busted or just badly bent next year, so let us take another look at it next year.

Mr. DINGELL. The gentleman from Iowa, I would like to say, was a very valuable member of the subcommittee when he served on it. He contributed to the legislation. We recognize our responsibility to the House. I extend an invitation to the gentleman to sit with us the next time we have the Department of the Interior before us, and we will extend him a full opportunity and full courtesy to question them about these and other matters.

I also assure my good friend, the gentleman from Iowa, that when this matter comes before the House, it will have the most careful scrutiny.

I promise one other thing, that the Subcommittee on Fisheries and Wildlife Conservation will continue its careful scrutiny of the programs, and one of the programs we will be watching with great care is the program which we are now extending.

Mr. GROSS. I have no desire to take any more time on this bill, except to note that the Department which is most directly interested in this bill, the Department of the Interior, is opposed to it and asks that Congress enact a 1-year program at a cost of $5 million.

Mr. DINGELL. I would just assure my friend, the gentleman from Iowa, that it was the judgment of the subcommittee and the judgment of the full committee that if we enact a 1-year extension, we might as well kill the bill, because very few of the States will be able to take advantage of it, which means the termination of many of the programs.

Mr. GROSS. This is the kind of program we have had in the past?

Mr. DINGELL. No; we have not. We have given aid to 2-, 3-, or even 4- or 5-year programs. Our committee does not believe in having 1-year programs, because it does not afford an adequate level of flexibility and opportunity to plan efficiently to make wise expenditures.

Mr. GROSS. The gentleman does not even give us an opportunity to make it a 2-year program at $5 million a year.

Mr. DINGELL. I would be happy to have my good friend, the gentleman from Iowa sit with us, and if he has amendments to offer, I would be glad to have him visit with us and offer them.

Mr. GROSS. That would be after the fact, would it not?

Mr. DINGELL. That is the best offer I can make.

Mr. GROSS. Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. GARMATZ).

Mr. GARMATZ. Mr. Speaker, a vote to extend the Anadromous Fish Conservation Act is a vote for conservation. I hope every Member of the House understands that and appreciates the fact that this act is essential to the preservation of much of our Nation's valuable fishery resources. Unless the act is extended, and unless these funds are made available, then certain species of fish will forever disappear from the waters of our world. It is unthinkable that this would be allowed to happen.

Some of the funds which the extension of this act will make available will be used to protect the anadromous fish from the ravages of pollution, land filling, construction projects and other man-made hazards.

But this legislation will do more than simply provide money. It is designed to provide an incentive for States to join together in cooperative ventures to attack fishery problems that are common to large regional areas—instead of to limited State areas. In this way, larger, more effective programs, involving multistate participation, can be successfully implemented.

The multistate venture is an activity that needs encouragement; it is an extremely important and essential requirement, if our national effort to save invaluable fisheries resources is to be successful. In the past, there has been a lack of coordination and a lack of motivation to share responsibility. This is both unfortunate and inequitable. Because of the nature of the anadromous fish—which lead migratory lives—many other areas besides those in which spawning occurs benefit from the anadromous fish program.

As I said earlier, the legislation before us today is designed to stimulate multistate ventures. When two or more States agree to share the expenses of any given program, the Federal Government will contribute 60 percent of the total program cost—instead of the normal 50 percent, as in most matching fund programs. Also, the total cost to the States is reduced as more States join the project. This 60–40 arrangement will, of course, only apply to so-called basin areas, such as the Great Lakes, the Chesapeake Bay, and other similar bodies of water; the term "basin" would include rivers and their tributaries, lakes and other bodies of water as defined in the legislation.

I might also mention that the anadromous fish program already has been met with gratifying response from 31 States. Every coastal area of our Nation has participated in this program, including the Great Lakes, the gulf, and east and west coasts, Hawaii, and Alaska.

Mr. Speaker, this is a most important bill, and I urge its rapid passage. I am also hopeful that the Senate will follow our example, so that the very worthy proposals this legislation contains can be implemented as soon as possible.

Mrs. GREEN of Oregon. Mr. Speaker, I would like to express my wholehearted support for extension and expansion of the Anadromous Fish Conservation Act.

There is no question in my mind that this act should be extended for it is one of the most successful pieces of legislation of its kind that has passed the Congress in recent years. Tremendous benefits have come from the relatively small amount of funds that have been put into the act since it first became law in 1965. Depleted fish stocks have been replenished as literally millions of anadromous fish have been added to the Nation's waters. Thousands upon thousands of sports fishermen are once again returning to our rivers and streams to fish—with some reasonable expectation of catching something. Commercial fishing has been enhanced and millions more additional pounds of salmon and other anadromous fish are available for the tables of America.

The economic impact of this legislation in the 4 years it has been funded has been unexpectedly good. The $15 million in Federal grants, together with matching State funds, have returned close to $150 million to the economy. Oregon and the other west coast States receive a sizable portion of the allocations but the benefits are certainly not limited to that area. In fact. I am a little envious of the return other regions are getting. A $6 million total investment in the Great Lakes region, for example, has generated returns of over $62 million to that region's economy. In all, 29 States have participated in this program with an average return of almost $5 for every $1 invested.

Artificial propagation as well as research and conservation projects are essential to the survival and growth of the delicate anadromous fish for we have so disrupted and dirtied our waters that nature's methods no longer work. As we continue to clean up our rivers, streams and lakes in the years ahead, let us continue to replace the fish we have driven out. Continuation of this act will help.

Mr. VANDER JAGT. Mr. Speaker, I am in strong support of this legislation to amend the Anadromous Fish Conservation Act of 1965. The program has been of great value to my district in western Michigan. Its assistance to recreation fishing in the Midwest alone would make the program worthwhile and I am certain that its benefits are of equal value to our States with salt water anadromous fisheries.

Not too many years ago, following the catastrophic decline in predator fish species in the Great Lakes brought about by the ravages of the sea lamprey, those lakes, particularly Lakes Michigan, Huron, and Superior were a tragically wasted recreation resource. Low quality forage fish; namely alewives, took over Lakes Michigan and Huron in population explosions. The imbalance they brought resulted in massive die-offs in 1967 with the resultant severe contamination of water supplies and otherwise beautiful beaches. 1967 was a year of deep pessimism in the tourist industry of that area.

But, an answer to this disastrous problem appeared in the new predator fish program developed by the far-sighted and imaginative efforts of the Michigan Department of Natural Resources. Coho and Chinook salmon were imported from Alaska and the State of Washington. Steelhead trout were raised in State hatcheries.

The salmon have proved an enormous success as have the trout programs. To provide a local and continuing source of salmon new hatcheries have been required because natural reproduction in spawning streams is insufficient for the carrying capacity of the Great Lakes. The Anadromous Fish Conservation Act has provided substantial assistance for the constuction of those hatcheries.

This reintroduction of predator fish species has helped bring the alewife population under control. Both the salmon and the trout consume prodigious quantities of alewives.

At the same time these anadromous sport fish have provided a recreation program in the Great Lakes of unprecedented proportions. Fishermen have come from all parts of the Nation to catch coho salmon up to 22 pounds, Chinooks up to 35 pounds—some still have a year to go to reach full maturity—and steelhead in the 20- to 25-pound range. These fish are caught in Illinois and Indiana waters of Lake Michigan early in the spring and migrate through the summer to Michigan and Wisconsin waters, then concentrate at spawning streams in the fall. Upward of $25 million a year in new tourist and recreation business has been brought to Michigan alone.

Mr. Speaker, the facts speak for themselves. The Anadromous Fish Conservation Act should be extended in the form proposed here today for the long-term benefits of conservation and recreation in this Nation.

Mr. DINGELL. Mr. Speaker, I have no further requests for time.

Mr. GROSS. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Michigan that the House suspend the rules and pass the bill H.R. 1049, as amended.

The question was taken.

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

The SPEAKER pro tempore. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 301, nays 19, not voting 111, as follows:

[Roll No. 12]

YEAS—301

Abbitt	Betts	Broyhill, N.C.
Abernethy	Biaggi	Broyhill, Va.
Addabbo	Biester	Burke, Fla.
Alexander	Bingham	Burke, Mass.
Anderson, Calif.	Blackburn	Burleson, Tex.
Anderson, Ill.	Boggs	Burlison, Mo.
Andrews, Ala.	Boland	Bush
Andrews, N. Dak.	Bolling	Byrne, Pa.
Annunzio	Bow	Byrnes, Wis.
Arends	Brademas	Cabell
Ayres	Brasco	Caffery
Baring	Bray	Camp
Beall, Md.	Brinkley	Carey
Bennett	Brooks	Carter
	Broomfield	Casey
	Brown, Mich.	Cederberg
Celler	Hogan	Podell
Chamberlain	Holifield	Poff
Chappell	Horton	Pollock
Clancy	Hosmer	Preyer, N.C.
Clark	Howard	Price, Ill.
Clausen, Don H.	Hull	Price, Tex.
Cleveland	Hungate	Pryor, Ark.
Cohelan	Hunt	Pucinski
Collier	Hutchinson	Purcell
Collins	Ichord	Quillen
Colmer	Jacobs	Randall
Conable	Jarman	Reid, Ill.
Conte	Johnson, Calif.	Reid, N.Y.
Corbett	Johnson, Pa.	Reifel
Corman	Jonas	Reuss
Coughlin	Jones, N.C.	Rhodes
Crane	Jones, Tenn.	Roberts
Cunningham	Karth	Robison
Daddario	Kazen	Roe
Daniel, Va.	Kee	Rogers, Colo.
Daniels, N.J.	Keith	Rogers, Fla.
Davis, Ga.	Kluczynski	Rooney, N.Y.
Davis, Wis.	Koch	Rooney, Pa.
de la Garza	Kuykendall	Rosenthal
Dellenback	Kyl	Rostenkowski
Dent	Kyros	Roth
Derwinski	Langen	Roybal
Dingell	Latta	Ruth
Donohue	Lloyd	Ryan
Dorn	Lowenstein	Sandman
Dowdy	McClory	Satterfield
Downing	McClure	Saylor
Dulski	McDade	Schadeberg
Duncan	McDonald, Mich.	Scheuer
Edmondson	McEwen	Schneebeli
Edwards, Ala.	McFall	Schwengel
Edwards, Calif.	McMillan	Scott
Edwards, La.	Macdonald, Mass.	Shipley
Eilberg	MacGregor	Sikes
Erlenborn	Madden	Sisk
Esch	Mahon	Slack
Evans, Colo.	Mailliard	Smith, Iowa
Evins, Tenn.	Mann	Stafford
Farbstein	Marsh	Staggers
Fascell	Martin	Stanton
Feighan	Matsunaga	Steed
Fish	Mayne	Steiger, Wis.
Flood	Meeds	Stephens
Flowers	Melcher	Stratton
Flynt	Meskill	Stuckey
Foley	Michel	Sullivan
Ford, Gerald R.	Mikva	Talcott
Fountain	Miller, Calif.	Taylor
Frey	Miller, Ohio	Thompson, Ga.
Friedel	Mills	Thompson, N.J.
Fulton, Pa.	Minish	Thomson, Wis.
Fulton, Tenn.	Mink	Tiernan
Fuqua	Minshall	Udall
Galifianakis	Mizell	Ullman
Garmatz	Mollohan	Van Deerlin
Gaydos	Montgomery	Vander Jagt
Gettys	Moorhead	Vanik
Giaimo	Morgan	Vigorito
Gibbons	Mosher	Waggonner
Gilbert	Murphy, Ill.	Waldie
Goldwater	Murphy, N.Y.	Wampler
Gonzalez	Natcher	Watts
Goodling	Nedzi	Weicker
Green, Oreg.	Nelsen	Whalen
Green, Pa.	Nix	Whalley
Griffin	Obey	White
Grover	O'Hara	Whitehurst
Gude	Olsen	Whitten
Haley	O'Neal, Ga.	Widnall
Hanley	O'Neill, Mass.	Williams
Hansen, Idaho	Passman	Wilson, Bob
Harsha	Patman	Wold
Harvey	Patten	Wolff
Hastings	Perkins	Wright
Hathaway	Philbin	Wyatt
Hawkins	Pickle	Wylie
Hébert	Pike	Wyman
Hechler, W. Va.	Pirnie	Yatron
Heckler, Mass.	Poage	Young
Hicks		Zion
		Zwach

NAYS—19

Belcher	Hammer-schmidt	Skubitz
Cowger	Mize	Smith, N.Y.
Denney	Rarick	Snyder
Dennis	Scherle	Steiger, Ariz.
Foreman	Sebelius	Utt
Gross	Shriver	Winn
Hall		

NOT VOTING—111

Adair	Bell, Calif.	Buchanan
Adams	Berry	Burton, Calif.
Albert	Bevill	Burton, Utah
Anderson, Tenn.	Blanton	Button
Ashbrook	Blatnik	Chisholm
Ashley	Brock	Clawson, Del
Aspinall	Brotzman	Clay
Barrett	Brown, Calif.	Conyers
	Brown, Ohio	Cramer

Culver	Jones, Ala.	Pettis
Dawson	Kastenmeier	Powell
Delaney	King	Quie
Devine	Kirwan	Railsback
Dickinson	Kleppe	Rees
Diggs	Landgrebe	Riegle
Dwyer	Landrum	Rivers
Eckhardt	Leggett	Rodino
Eshleman	Lennon	Roudebush
Fallon	Long, La.	Ruppe
Findley	Long, Md.	St Germain
Fisher	Lujan	St. Onge
Ford,	Lukens	Smith, Calif.
William D.	McCarthy	Springer
Fraser	McCloskey	Stokes
Frelinghuysen	McCulloch	Stubblefield
Gallagher	McKneally	Symington
Gray	Mathias	Taft
Griffiths	May	Teague, Calif.
Gubser	Monagan	Teague, Tex.
Hagan	Morse	Tunney
Halpern	Morton	Watkins
Hamilton	Moss	Watson
Hanna	Myers	Wiggins
Hansen, Wash.	Nichols	Wilson,
Harrington	O'Konski	Charles H.
Hays	Ottinger	Wydler
Helstoski	Pelly	Yates
Henderson	Pepper	Zablocki

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Albert with Mr. Adair.
Mrs. Griffiths with Mrs. Dwyer.
Mr. Teague of Texas with Mr. Smith of California.
Mr. Rodino with Mr. Morse.
Mr. Delaney with Mr. Morton
Mr. Ashley with Mr. Ashbrook.
Mr. Charles H. Wilson with Mr. Roudebush.
Mr. Fallon with Mr. McKneally.
Mr. St. Onge with Mr. Del Clawson.
Mr. Gallagher with Mr. Button.
Mr. Hays with Mr Brotzman.
Mr. St Germain with Mr. Kleppe.
Mr. Gray with Mr. Landgrebe.
Mr. Long of Maryland with Mr. Berry.
Mr. Leggett with Mr. Brown of Ohio.
Mr. Blatnik with Mr. Lukens.
Mr. Aspinall with Mr. Gubser.
Mr. Adams with Mr. Burton of Utah.
Mr. Henderson with Mr. Brock.
Mr. Zablocki with Mr. Wydler.
Mr. Yates with Mr. McCloskey.
Mr. Kirwan with Mr. Lujan.
Mr. Jones of Alabama with Mr. Watson.
Mr. Burton of California with Mr. Wiggins.
Mr. Culver with Mr. Buchanan.
Mr. Fisher with Mr. Cramer.
Mr. Hamilton with Mr. McCulloch.
Mr. Stubblefield with Mr. Findley.
Mr. Rivers with Mr. King.
Mr. Pepper with Mr Watkins.
Mr. Ottinger with Mr. Bell of California.
Mr. Nichols with Mrs. May.
Mr. Moss with Mr. Mathias.
Mr. Monagan with Mr. Frelinghuysen.
Mr. Anderson of Tennessee with Mr. Quie.
Mr. Barrett with Mr. Myers.
Mr. Helstoski with Mr. Eshleman.
Mr. Blanton with Railsback.
Mr. Kastenmeier with Mr. O'Konski.
Mr. Hanna with Mr. Devine.
Mr. William D. Ford with Mr. Taft.
Mr. Long of Louisiana with Mr. Dickinson.
Mr. Rees with Mr. Pelly.
Mrs. Hansen of Washington with Mr. Teague of California.
Mr. Fraser with Mr. Conyers.
Mr. Stokes with Mr. Brown of California.
Mr. Tunney with Mr. Ruppe.
Mr. Clay with Mr. McCarthy.
Mr. Eckhardt with Mr. Pettis.
Mr. Harrington with Mr. Springer.
Mr. Hagan with Mr. Riegle.
Mrs. Chisholm with Mr. Powell.
Mr. Diggs with Mr. Symington.
Mr. Bevill with Mr. Landrum.

Mr. DUNCAN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill H.R. 1049.

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

There was no objection.

AMENDING TITLE 44, UNITED STATES CODE, TO FACILITATE THE DISPOSAL OF GOVERNMENT RECORDS AND TO ABOLISH THE JOINT COMMITTEE ON THE DISPOSITION OF EXECUTIVE PAPERS

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14300) to amend title 44, United States Code, to facilitate the disposal of Government records without sufficient value to warrant their continued preservation, to abolish the Joint Committee on the Disposition of Executive Papers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 14300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 33 (relating to disposal of records) of title 44, United States Code, is amended by inserting immediately after section 3303 thereof the following new section:

"§ 3303a. Examination by Administrator of General Services of lists and schedules of records lacking preservation value; disposal of records

"(a) The Administrator of General Services shall examine the lists and schedules submitted to him under section 3303 of this title. If the Administrator determines that any of the records listed in a list or schedule submitted to him do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government, he may—

"(1) notify the agency to that effect; and

"(2) empower the agency to dispose of those records in accordance with regulations promulgated under section 3302 of this title.

"(b) Authorizations granted under schedules submitted to the Administrator under section 3303(3) of this title shall be permissive and not mandatory.

"(c) The Administrator may request advice and counsel from the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives with respect to the disposal of any particular records under this chapter whenever he considers that—

"(1) those particular records may be of special interest to the Congress; or

"(2) consultation with the Congress regarding the disposal of those particular records is in the public interest.

However, this subsection does not require the Administrator to request such advice and counsel as a regular procedure in the general disposal of records under this chapter.

"(d) The Administrator shall make an annual report to the Congress concerning the disposal of records under this chapter, including general descriptions of the types of records disposed of and such other information as he considers appropriate to keep the Congress fully informed regarding the disposal of records under this chapter.".

SEC. 2. (a) Section 3308 (relating to disposal of similar records where prior disposal was authorized) of title 44, United States Code, is amended by striking out "by Congress".

(b) Section 3309 (relating to preservation of claims of Government until settled in General Accounting Office) of title 44, United States Code, is amended by striking out "under sections 3306–3308 of this title" and inserting in lieu thereof "under this chapter".

(c) The following sections of chapter 33 of title 44, United States Code, are hereby repealed:

(1) section 3304 (relating to lists and schedules of records lacking preservation value and their submission to Congress by the Administrator of General Services);

(2) section 3305 (relating to examination of lists and schedules by the joint congressional committee for the disposition of certain records of the United States Government and the report of that joint committee to the Congress);

(3) section 3306 (relating to disposal of records by agency heads upon notification by the Administrator of General Services of the action of the joint congressional committee); and

(4) section 3307 (relating to disposal of records upon failure of the joint congressional committee to act).

SEC. 3. The table of sections of chapter 33 of title 44, United States Code, is amended by striking out—

"3304. Lists and schedules of records lacking preservation value; submission to Congress by Administrator of General Services.
"3305. Examination of lists and schedules by joint congressional committee and report to Congress.
"3306. Disposal of records by head of Government agency upon notification by Administrator of General Services of action by joint congressional committee.
"3307. Disposal of records upon failure of joint congressional committee to act."

and inserting in lieu thereof—

"3303a. Examination by Administrator of General Services of lists and schedules of records lacking preservation value; disposal of records.".

SEC. 4. Section 2909 (relating to retention of records) of title 44, United States Code, is amended by striking out "approved by Congress" wherever occurring therein.

The SPEAKER pro tempore (Mr. ROSTENKOWSKI). Is a second demanded?

Mr. HANSEN of Idaho. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 14300, cosponsored by the gentleman from Michigan (Mr. NEDZI) and the gentleman from California (Mr. PETTIS), Democratic and Republican members of the Joint Committee on the Disposition of Executive Papers, would amend various sections of title 44, United States Code, to facilitate the disposal of Government records without sufficient value to warrant their continued preservation, to abolish the Joint Committee on the Disposition of Executive Papers, and for other purposes.

This bill is designed to vest full authority in the General Services Administration for the disposal of useless executive papers, a function which has been within the jurisdiction of the Joint Committee of the Disposition of Executive Papers since the Reorganization Act of 1946. The joint committee would be abolished under this act.

Under existing law various departments and agencies submit disposal recommendations to the General Services Administration. These are reviewed in GSA and in the National Archives where they are subject to adjustment. When agreement at the agency level is reached on disposal requests, the material to be disposed of is catalogued and assigned a disposal schedule. This schedule in the form of a coded reference list of numbers is referred to the joint committee for appropriate attention. Members of the joint committee are called upon to approve this disposal schedule.

Briefly, the basis for this proposal lies in the fact that there are numerous Federal departments and agencies throughout the United States and, in fact, the world which are involved in varying degrees. It is virtually impossible for a congressional committee to maintain a realistic oversight over the disposal of executive papers because of the complexity, volume, and location of the various agencies and material concerned.

The bill proposes to authorize the General Services Administration in conjunction with the National Archives, to handle the matter at that level. The bill would retain a certain congressional oversight in that General Services Administration would be able to refer controversial matters to the House Administration Committee and to the Senate Rules and Administration Committee for mediation or settlement.

The joint committee, as authorized in the Reorganization Act and under the rules of the House is comprised of two House Members and two Senators. There is no chairman, no separate staff, and the committee has not formally met at least in the past 14 years. The paperwork involved in congressional authorization for the disposal of executive papers has always been handled by the staff of the Committee on House Administration. Under the existing arrangement, members of the joint committee are called upon to approve disposal lists and schedules about which they have no knowledge beyond the recommendation of the General Services Administration. Further, as pointed out earlier, it is impractical to attempt to develop a system which would give the joint committee members full background information on the disposal requests.

Both General Services Administration and the National Archives are in full support and recommend passage of H.R. 14300.

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

Mr. DENT. Mr. Speaker, I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, what executive papers are covered? Does this cover the papers of a former President?

Mr. DENT. As long as they are executive records, it is my understanding they would come under that disposal plan.

Mr. GROSS. So it covers Presidential papers as well as papers of other executive officers, Cabinet officers of the Government?

Mr. DENT. When that particular agency which has jurisdiction over the papers requests that the material be disposed of, then the GSA makes its study and decides on the time for disposal of such papers. The move to dispose of the papers must originate within the department or agency that has jurisdiction.

Mr. GROSS. I did not suppose there were any Presidential papers left, for any former President to dispose of. They all have libraries, and I understand they take everything that is loose and perhaps some of the stuff that is not loose when they leave office.

Will this have anything to do with a tax exemption or the appraisal of papers? Let me put the question this way: Do Presidents take a tax exemption on papers they turn over to libraries, either the library that bears their name or a university library?

Mr. DENT. I will yield to the chairman of the subcommittee to tell the gentleman what he thinks about that.

Mr. NEDZI. I thank the gentleman for yielding.

This is really irrelevant to the issue. The point is that this subcommittee did not have anything to say about disposing of the papers anyway. We did not know what they were. I, as a member of that subcommittee, received a list of numbers from the executive department. When I made some inquiry as to what I was signing to be disposed of, nobody knew. It was at that point I decided that the subcommittee was performing an absolutely useless function.

It was the General Services Administration which reviews reports from the various departments, and that is not just Presidential papers but other papers, such as Defense Department papers. The Agricultural Department and all the executive departments submit lists of documents they feel should be disposed of to the General Services Administrator, who then authorizes their disposition subject to the signatures of the members of the Joint Committee on the Disposition of Executive Papers.

I felt that was a totally useless function.

Mr. GROSS. I would have to say, in view of the explanation given by the gentleman from Pennsylvania and the gentleman from Michigan, that it must be more than an exercise in futility to be confronted with a situation of this kind.

I can understand the reason for the legislation, but I am still curious about these Presidential papers and the papers of certain other executives of the Government.

Will this cover the papers of Members of Congress?

Mr. NEDZI. Congress is not an executive agency; not yet.

Mr. GROSS. The gentleman is right. I thank the gentleman for yielding.

Mr. HANSEN of Idaho. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill. We are indebted to the distinguished gentleman from Michigan (Mr. NEDZI) and the distinguished gentleman from California (Mr. PETTIS) for calling the attention of the Congress to the necessity for this bill.

I believe it is a rather unusual but a very encouraging sign, when we see Members appointed to a committee who can bring back to us the information that the committee serves no useful purpose and the recommendation that it be abolished. I hope this bill will set some kind of a precedent. Its passage will streamline operations and save tax dollars.

Mr. Speaker, this bill—H.R. 14300—provides the House of Representatives with an opportunity to help streamline the procedures to handle the job of evaluating and disposing of useless executive papers and at the same time eliminate a nonessential committee of Congress.

Creation of the Joint Committee on Disposition of Executive Papers undoubtedly was based on sound enough reasoning originally. It was established to provide the machinery to make the final decisions as to the disposition of papers of the executive agencies and, by agreement, of the courts.

Under the present system the heads of the agencies of Government submit to the General Services Administration lists and schedules of records which they believe do not have sufficient value to warrant their retention. The Administrator of the General Services Administration reviews the proposals and forwards to Congress the lists of records when he agrees that they are not of sufficient value to retain. The lists come to the joint committee for final approval authorizing disposal of the records.

As a practical matter, however, approval by the joint committee of proposals to dispose of records can be nothing more than perfunctory since it is impossible to review and evaluate even the smallest portion of the many hundreds and thousands of documents and records involved.

In essence, members of the joint committee are expected to sign lists authorizing the disposal of records when they have no information as to their content and as a practical matter no way to find out.

This bill would eliminate the Joint Committee on Disposition of Executive Papers and provide that the Administrator of General Services could empower the various agencies to dispose of the records in line with the regulations promulgated by GSA covering disposal of records.

To assist the Administrator in carrying out this authority, the bill provides that if it is considered that any particular records may be of special interest to Congress or consultation with Congress about the disposal of any particular records is in the public interest, he may request advice and counsel of the Senate Committee on Rules and Administration and the Committee on House Administration of the House of Representatives.

Congressional oversight is also maintained under the bill in that it provides that the Administrator of the General Services Administration would be required to make an annual report to Congress concerning the disposal of records

under this bill, to include such information as the description of the type of records to be disposed of and other information deemed appropriate to keep Congress fully informed.

Mr. Speaker, I believe the approach embodied in H.R. 14300 is reasonable and sound. It would eliminate a nonessential committee here in the Congress and would provide more efficient machinery within the executive branch to deal with the problem of disposing of records, documents, and other materials which are determined to be no longer needed. I urge the House to support H.R. 14300.

Mr. DENT. Mr. Speaker, I yield such time as he may require to the gentleman from Michigan (Mr. NEDZI).

Mr. NEDZI. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to thank the gentleman from Idaho for his support. In behalf of myself and the gentleman from California (Mr. PETTIS) I would like to express our deep appreciation to the chairman of the subcommittee (Mr. DENT) for cooperating and sharing the same kinds of concerns that we had about this joint committee. Without his help this bill would not be on the floor today. I think all of us in the Congress should be grateful for his assistance.

Mr. Speaker, H.R. 14300 was introduced by the gentleman from California (Mr. PETTIS) and myself and has as its purpose the abolition of the Joint Committee on the Disposition of Executive Papers.

The bill would vest authority in the General Services Administration for the disposal of useless executive papers, a function under the nominal jurisdiction of the aforementioned joint committee since the Reorganization Act of 1946.

When Congressman PETTIS and I were assigned as the House Members on this four-man joint committee we soon discovered that we had no meaningful role to play in the disposition of the mountains of executive papers which had been selected for elimination.

The established procedure calls for the head of each agency of the U.S. Government to submit to the Administrator of General Services a list of papers for disposition. The Administrator of General Services, in turn, forwards the list to Congress where it is passed on to the joint committee for perfunctory approval.

Each member of the joint committee merely affixes his signature to a sheet listing numbers and the names of departments with no other description. There is no chairman, no separate staff, and no meetings. Indeed, I am told that the committee has not met in at least the past 14 years.

I believe that the General Services Administration can handle the matter in its entirety. However, our bill would retain some congressional oversight in that GSA would refer any controversial matters to the House Administration Committee and to the Senate Rules and Administration Committee for meditation or settlement.

The need to dispose of useless papers, film, X-rays, and so forth, is unquestioned. Disposal saves money and space. I do not think that it is practical to try to develop a system where the joint committee would get more deeply involved. The General Services Administration should be able to handle the job.

The history of Congress indicates a proliferation of committees, subcommittees, and joint committees, a proliferation that is rarely checked.

This is one small case where abolition of one small committee will be utterly painless.

I can assure you that this committee will never be missed.

Mr. DENT. Mr. Speaker, I have no further requests for time.

Mr. HANSEN of Idaho. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania, that the House suspend the rules and pass the bill H.R. 14300, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TO INCREASE CRIMINAL PENALTIES UNDER SHERMAN ANTITRUST ACT

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14116) to increase criminal penalties under the Sherman Antitrust Act.

The Clerk read as follows:

H.R. 14116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 1, 2, and 3 of the Act of July 2, 1890 (26 Stat. 209), as amended, are hereby further amended by striking out, in each section where it appears, the phrase "fine not exceeding fifty thousand dollars" and in each instance substituting in lieu thereof the phrase "fine not exceeding five hundred thousand dollars if a corporation or fifty thousand dollars if any other person."

The SPEAKER pro tempore. Is a second demanded?

Mr. POFF. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. CELLER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. CELLER asked and was given permission to revise and extend his remarks and to include a letter from the Attorney General.)

Mr. CELLER. Mr. Speaker, H.R. 14116 increases from $50,000 to $500,000 the maximum fine which may be imposed upon a corporation in a criminal suit for violation of the Sherman Antitrust Act—15 United States Code 1, 2, and 3. At the present time the maximum penalty which may be imposed upon conviction for each count of an indictment under the Sherman Act is a fine not exceeding $50,000, imprisonment not exceeding 1 year, or both, at the discretion of the court. H.R. 14116 makes no change in the penalties applicable to natural persons. The court will continue to exercise discretion in the imposition of punishment after consideration of the gravity and duration of the offense, its consequences upon the national economy, and the need to deter future practices of comparable nature.

When the Sherman Act was enacted in 1890, it provided for a fine of not more than $5,000 or imprisonment for not more than 1 year, or both. Shortly thereafter there were complaints that the fine, the penalty applicable to corporate violators, was inadequate and that effective antitrust enforcement required sanctions that would have more significance in corporate financial operations.

Notwithstanding these complaints and the manifest inadequacy of the fine as a deterrent when compared to profits realizable to a corporation from illegal practices, no change was made in the penalty for 65 years. In 1955, the only time the penalty provision had been amended, the maximum fines for both individuals and corporations were increased to $50,000.

The inadequacy that was corrected in 1955 is once again apparent. The amount of the maximum fine available to deter criminal activities is paltry when compared to the additional profits that may flow from the violation. The fine is so low that it may be regarded by some corporate executives as a good business risk.

The Attorney General urges prompt enactment of this legislation. The Attorney General in his letter stated:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., September 29, 1969.

The SPEAKER,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: There is enclosed for your consideration and appropriate reference a legislative proposal "To increase criminal penalties under the Sherman Antitrust Act."

This proposal would increase from $50,000 to $500,000 the maximum fine which may be imposed upon a corporation for a criminal violation of the Sherman Act. (15 U.S.C. 1 *et seq.*) These violations involve principally price-fixing, boycotting, allocation of customers, and allocation of territories. It would effect no change in the fine with respect to natural persons.

The maximum fine for violations of the Sherman Antitrust Act was increased to $50,000 in 1955. Since that time the assets and profits of corporations have increased dramatically, while the purchasing power of the dollar has decreased greatly. Consequently, the basic purpose of such a fine—to punish offenders and to deter potential offenders—are frustrated because the additional profits available through prolonged violation of the law can far exceed the penalty which may be imposed. The $50,000 statutory maximum makes fines in criminal antitrust cases trivial for major corporate defendants.

To maintain the intended effect of the maximum fine established in the 1955 amendment to the Sherman Act, which is related to corporate profits of fourteen years ago, the increase is obviously needed.

It is also needed as an additional tool with which to combat organized crime. The increased penalty will constitute a more effective deterrent against the invasion or conduct of legitimate business by criminal organizations in ways which violate the antitrust laws.

This proposed increase would be of valuable assistance in the effective enforcement of the Sherman Act in regard to large corporations without placing an undue hardship upon small business enterprises. There is no minimum fine provision and the courts and

this Department would continue to exercise discretion in the imposition and the recommendation of fines.

The Department of Justice urges the prompt enactment of this important measure.

The Bureau of the Budget has advised that there is no objection to the submission of this proposal from the standpoint of the Administration's program.

Sincerely,

———— ————,
Attorney General.

Mr. POFF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am happy to join with the distinguished chairman of the Committee on the Judiciary in urging the enactment of the Nixon administration's bill to increase certain criminal penalties under the Sherman Act.

The Sherman Act's strictures against contracts, combinations or conspiracies in restraint of trade and against monopolization seek to guarantee a vital economy in which free competition can assure consumers the best possible product at the lowest possible price. Of such fundamental importance is the Sherman Act in the attainment of this goal that its violation is deemed criminal conduct.

As originally enacted in 1890, the act provided for a maximum fine of $5,000. Hopelessly inadequate to provide an effective deterrent to violations of the Sherman Act by large wealthy corporations, nevertheless, the penalty was not increased until 1955, when, at the conclusion of the work of Attorney General Brownell's National Committee To Study the Antitrust Laws, a maximum fine of $50,000 was enacted.

Even if the 1955 increase was adequate then to prevent price fixing, division of markets, and monopolization, such deterrence has been dramatically undercut by greatly increased corporate profits and by inflation-caused devaluation of the dollar. Today, most corporations can, in cynical, calculated disrespect for the law and for the vitally important interests the law seeks to protect, shrug off the minimal penalties as a minor irritant, slightly increasing their cost of doing business. Such arrogant defiance of the law cannot be tolerated. While preserving the current maximum fine under the act with respect to natural persons, this bill will help restore respect for law by insuring a strong contemporary deterrent for corporate violators of the Sherman Act.

Mr. Speaker, I am proud to say that the Nixon administration will not countenance disrespect for laws, whether on the streets or in corporate board rooms. I urge prompt enactment of this important measure.

Mr. CELLER. Mr. Speaker, I yield to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, I rise in support of this legislation. However, I wonder if the distinguished chairman of the Committee on the Judiciary could give use some idea as to how well the Sherman Antitrust Act is working, in his opinion.

It seems to me one of the reasons for this continuing inflation is the fact that we have had a great deal of competitive enterprise being eliminated in this country, particularly in the new or so-called new phenomena of conglomerates, where under the guise of diversification they go in and buy up a company and then quietly put it out of business or close it down as being inefficient and unprofitable.

Mr. Speaker, in the field of competition I have had many small businessmen, particularly in the distributive industry, complain to me that the opportunities for them to compete are becoming ever and ever smaller, whereas the large corporations such as those engaged in the hardware business and the various other enterprises, that the small businessman today has practically no chance to survive and, in my opinion, it is safe to assume that probably within the next one-half decade there will not be any small businessmen left in America because they are being swallowed up every day by the mergers and the monopolistic activities of our large corporations.

So, it would seem to me that by making the penalties larger without actually improving the machinery for the alleviation of the ills of the aggrieved small business concerns whereby they could get some assistance is very meaningless.

I do not have the immediate statistics before me, but I got the feeling in talking to my business people in my district——

Mr. CELLER. Mr. Speaker, if the gentleman will yield, is the gentleman asking me a question or making a speech?

Mr. PUCINSKI. I am asking the chairman to say whether or not the statements made to me by small businessmen in my district to the effect that it is becoming increasingly more difficult for small businesses to stay afloat, especially in view of the monopolistic practices which are being carried on by the large corporations, if there is any merit to these claims that what is being done is within the framework of this act.

Mr. CELLER. It might interest the gentleman to know that the House Committee on the Judiciary has appointed the Antitrust Subcommittee, Subcommittee No. 5, to make an inquiry in depth into the growth of conglomerate corporations. These conglomerates, they alleged, barge in on small industries, and even large industries, and take them over without the consent of their managers. Sometimes there are rather unusual methods and means used to gain control through devious methods.

We have been conducting these hearings for several months, and we will continue these hearings. Quite hopefully we will bring forth some constructive legislation that will prevent some of the evil activities of these so-called conglomerates.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield further?

Mr. CELLER. I yield further to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I would ask the gentleman if there is any hope of seeing that legislation reported out by the Committee on the Judiciary in this session of the Congress, this year?

Mr. CELLER. I am of the opinion that we may be able to get something in this session of the Congress. The hearings will go on for about 2 more months. Then we will deliberate and hopefully come up with some solution by way of changes in legislation.

Mr. PUCINSKI. Mr. Speaker, I thank the distinguished chairman for yielding me this time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CELLER) that the House suspend the rules and pass the bill H.R. 14116.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AMENDING THE UNITED STATES CODE TO AUTHORIZE WAIVER OF CLAIMS OF UNITED STATES ARISING OUT OF CERTAIN ERRONEOUS PAYMENTS

Mr. DONOHUE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13582) to amend titles 5, 10, and 32, United States Code, to authorize the waiver of claims of the United States arising out of certain erroneous payments, and for other purposes, as amended.

The Clerk read as follows:

H.R. 13582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 165 of title 10, United States Code, is amended—

(1) by adding the following new section:

"§ 2774. Claims for overpayment of pay and allowances, other than travel and transportation allowances

"(a) A claim of the United States against a person arising out of an erroneous payment of any pay and allowances, other than travel and transportation allowances, made before or after the effective date of this section, to or on behalf of a member or former member of the uniformed services, as defined in section 101(3) of title 37, the collection of which would be against equity and good conscience and not in the best interest of the United States, may be waived in whole or in part by—

"(1) the Comptroller General; or

"(2) the Secretary concerned, as defined in section 101(5) of title 37, when—

"(A) the claim is in an amount aggregating not more than $500;

"(B) the claim is not the subject of an exception made by the Comptroller General in the account of any accountable officer or official; and

"(C) the waiver is made in accordance with standards which the Comptroller General shall prescribe.

"(b) The Comptroller General or the Secretary concerned, as the case may be, may not exercise his authority under this section to waive any claim—

"(1) if, in his opinion, there exists, in connection with the claim, an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the member or any other person having an interest in obtaining a waiver of the claim; or

"(2) after the expiration of three years immediately following the date on which the erroneous payment of pay and allowances, other than travel and transportation allowances, was discovered.

"(c) A person who has repaid to the United States all or part of the amount of a claim, with respect to which a waiver is granted under this section, is entitled, to the extent of the waiver, to refund, by the department concerned at the time of the erroneous payment, of the amount repaid to the United States, if he applies to that department for that refund within two years following the effective date of the waiver. The Secretary concerned shall pay from current applicable appropriations that refund in accordance with this section.

"(d) In the audit and settlement of accounts of any accountable officer or official, full credit shall be given for any amounts with respect to which collection by the United States is waived under this section.

"(e) An erroneous payment, the collection of which is waived under this section, is considered a valid payment for all purposes.

"(f) This section does not affect any authority under any other law to litigate, settle, compromise, or waive any claim of the United States."; and

(2) by adding the following new item at the end of the analysis:

"2774. Claims for overpayment of pay and allowances, other than travel and transportation allowances."

SEC. 2. Chapter 7 of title 32, United States Code, is amended—

(1) by adding the following new section:

"716. Claims for overpayment of pay and allowances, other than travel and transportation allowances

"(a) A claim of the United States against a person arising out of an erroneous payment of any pay and allowances, other than travel and transportation allowances, made before or after the effective date of this section, to or on behalf of a member or former member of the National Guard, the collection of which would be against equity and good conscience and not in the best interest of the United States, may be waived in whole or in part by—

"(1) the Comptroller General; or

"(2) the Secretary concerned, as defined in section 101(5) of title 37, when—

"(A) the claim is in an amount aggregating not more than $500;

"(B) the claim is not the subject of an exception made by the Comptroller General in the account of any accountable officer or official; and

"(C) the waiver is made in accordance with standards which the Comptroller General shall prescribe.

"(b) The Comptroller General or the Secretary concerned, as the case may be, may not exercise his authority under this section to waive any claim—

"(1) if, in his opinion, there exists, in connection with the claim, an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the member or any other person having an interest in obtaining a waiver of the claim; or

"(2) after the expiration of three years immediately following the date on which the erroneous payment of pay and allowances, other than travel and transportation allowances, was discovered.

"(c) A person who has repaid to the United States all or part of the amount of a claim, with respect to which a waiver is granted under this section, is entitled, to the extent of the waiver, to refund, by the department concerned at the time of the erroneous payment, of the amount repaid to the United States, if he applies to that department for that refund within two years following the effective date of the waiver. The Secretary concerned shall pay from current applicable appropriations that refund in accordance with this section.

"(d) In the audit and settlement of accounts of any accountable officer or official, full credit shall be given for any amounts with respect to which collection by the United States is waived under this section.

"(e) An erroneous payment, the collection of which is waived, under this section, is considered a valid payment for all purposes.

"(f) This section does not affect any authority under any other law to litigate, settle, compromise, or waive any claim of the United States."; and

(2) by adding the following new item at the end of the analysis:

"716. Claims for overpayment of pay and allowances, other than travel and transportation allowances."

SEC. 3. Chapter 55 of title 5, United States Code, is amended as follows:

(1) Section 5584 is amended by—

(A) adding at the end of the catchline "and allowances, other than travel and transportation allowances and relocation expenses";

(B) inserting after "pay" in subsection (a) "and allowances, other than travel and transportation allowances and relocation expenses payable under section 5724a of this title";

(C) striking out "or" at the end of subsection (b)(1);

(D) striking out from subsection (b)(2) "the effective date of this section" and inserting "October 21, 1968" in place thereof; and

(E) substituting "; or" for the period at the end of subsection (b)(2) and adding a new paragraph (3) to subsection (b) to read as follows:

"(3) after the expiration of three years immediately following the date on which the erroneous payment of allowances was discovered or three years immediately following the effective date of the amendment authorizing the waiver of allowances, whichever is later."

(2) The analyses is amended by adding "and allowances, other than travel and transportation allowances and relocation expenses" after "pay" in item 5584.

The SPEAKER pro tempore. Is a second demanded?

Mr. SMITH of New York. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts will be recognized for 20 minutes, and the gentleman from New York will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. DONOHUE. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. DONOHUE. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. PHILBIN).

Mr. PHILBIN. Mr. Speaker, the purpose of the bill as reported is to amend titles 5, 10, and 32 of the United States Code to provide uniform statutory authority to relieve members of the uniformed services and the National Guard of erroneous payments of pay and allowances, other than travel and transportation allowances, under certain conditions.

The proposed statutory language would provide the same general authority for the waiver of claims, now contained in section 5584 of title 5, United States Code, applying to civilian employees of the Federal Government for erroneous payment of pay.

In short, existing law contains adequate authority to permit the waiver of claims for overpayments of pay for civilian employees of the Federal Government—5584 of title 5. This authority would now be extended to include members and former members of the uniformed services.

BACKGROUND

Existing law does not provide adequate authority to the Secretaries of the military departments to remit or cancel indebtedness of uniformed services personnel in all cases in which equity and good conscience suggest that such action would be in the best interests of the U.S. Government.

As a consequence of this deficiency, the House Armed Services Committee favorably reported, during the 90th Congress, H.R. 2629, House Report No. 1304, a bill which would have satisfied this deficiency in the statutes. This legislation was passed by the House unanimously on May 6, 1968. Unfortunately, the Senate failed to act on the legislation and it died with the termination of the 90th Congress.

The proposal before the House today is one reported favorably by the Judiciary Committee and would have a similar objective to that contained in H.R. 2629, previously passed by the House.

FEATURES OF THE BILL

1. WAIVER AUTHORITY

The authority to waive overpayments, and so forth, will be vested in the Secretary of the service concerned, when the amount does not exceed $500.

If the amount exceeds $500, the remission authority will be vested in the Comptroller General.

2. CRITERIA FOR WAIVER

Waivers would be authorized in instances where an erroneous payment was received in good faith and without any wrongdoing on the part of the person involved.

3. RETROACTIVITY

Action to obtain a cancellation or remission of indebtedness must be made within 3 years of the discovery of the overpayment. This relatively short retroactive feature was established by the committee to preclude an avalanche of claims previously denied.

4. FREQUENCY OF USE

It is impossible to predict with any certainty the number of cases which might arise under this authority. However, based upon current departmental experience, it is believed that the occasion for use of this authority would be relatively small in number. See page 4 of House Report No. 1304 on H.R. 2629.

5. FISCAL ASPECTS

Enactment of the legislation will not result in any requirement for increased appropriations for the Department of Defense.

6. DEPARTMENTAL POSITION

The executive branch supports enactment of the legislation.

SUMMARY

This bill, H.R. 13582, will, if enacted, provide members and former members of the uniformed services with the same opportunity to obtain waiver or remission of indebtedness now provided civilian employees of the Federal Government.

In the absence of this legislative enactment, there will be no adequate relief available to provide for meritorious cases other than through private relief legislation.

In view of these circumstances, and since the Committee on Armed Services and the House of Representatives has previously acted favorably on legislation which has this objective, I urge its approval by the House of Representatives.

Mr. DONOHUE. Mr. Speaker, the purpose of H.R. 13582, as amended, is to amend titles 10 and 32 of the United States Code, to provide uniform authority to relieve members of the uniformed services and the National Guard of erroneous payments of pay and allowances, other than travel and transportation allowances, under certain conditions. The provisions concerning the uniformed services and the National Guard follow closely the language of section 5584 of title 5 of the United States Code which presently provides such authority for the waiver of claims against civilian employees for erroneous payments of pay. The bill would also amend section 5584 to provide authority to waive overpayments of allowances other than travel and transportation allowances and relocation expenses of civilian employees.

The bill H.R. 13582 is a revised bill which contains the changes suggested in the reports and in the course of a hearing on the earlier bill, H.R. 7363, of the present Congress. The bill now being considered includes language suggested by the interested departments and the Comptroller General. The language of the two sections this bill would add to titles 10 and 32 closely follows the language now found in section 5584 of title 5 of the United States Code. This section was added to title 5 by Public Law 90–616 in 1968 and authorizes the waiver of overpayments of pay of civilian employees of an executive agency when collection would be against equity and good conscience and not in the best interest of the United States. However, since the law did not refer to military personnel or personnel of the uniformed services the same relief cannot be granted them. Therefore, the basic purpose of this bill is to correct this inequity and provide the same type of waiver authority to uniformed services personnel as is now available to civilian employees.

As I have stated, this bill provides waiver authority for pay and allowances other than travel and transportation allowances. The reference to such allowances was necessary in order to place uniformed services personnel on a par with civilian employees. The reason for this is that in addition to basic pay, personnel of the uniformed services receive regular nontravel allowances which actually form a part of the regular military compensation received by them. Still, there are instances where civilian personnel are paid a similar type of allowance so it is proper that the waiver authority of title 5 extend to this type of allowance. For this reason, the bill provides for the necessary amendment of section 5584 of title 5.

The allowances included within the waiver authority provided in this bill do not include travel and transportation allowances of military personnel. Similarly, the waiver will not extend to travel and transportation allowances and relocation expenses of civilian personnel. The committee concluded that the allowances of this category are not regular payments received by the individual but rather are allowances paid in connection with a single move. They therefore partake of a special allowance rather than a regular payment which is more in the nature of pay. On the advice of the General Accounting Office, the committee limited the waiver authority defined in the bill in this manner.

I feel that the considerations which prompted the enactment of Public Law 90–616 which added section 5584 concerning waiver of civilian pay to title 5 are clearly relevant to the bill now being considered. The legislative history of that law reflects an awareness of the need for this waiver authority under present day conditions. The Senate report on the bill observed that employees who received payments in good faith are unaware of any error when such administrative errors are made in interpreting those laws, and that waiver authority provides a practical and just solution in many instances. That report pointed out that a general policy should be established to waive such claims rather than limiting relief to the ofttimes uncertain remedy of private legislation. That policy has been established by the Congress in the enactment of waiver authority for overpayments to civilian employees. It is only right and equitable that equivalent authority be granted concerning overpayments to members of the uniformed services. H.R. 13582 has been carefully drafted to accomplish this result. I urge that the bill with the committee amendments be favorably considered.

ANALYSIS OF THE BILL

Sections 1 and 2: Section 1 would add a new section 2774 to chapter 165 of title 10 of the United States Code to provide authority for a waiver of a claim of the United States against a person arising out of an erroneous payment of pay and allowances, other than transportation allowances, to or on behalf of a member or former member of the uniformed services when the collection of the amount claimed would be against equity and good conscience and not in the best interest of the United States. Section 2 would add a new section 716 to chapter 7 of title 32 of the United States Code to provide similar authority for the waiver of a claim of the United States against a person arising out of an erroneous payment of pay and allowances other than transportation allowances, to or on behalf of a member or former member of the National Guard when the collection of the amount claimed would be against equity and good conscience and not in the best interest of the United States. The provisions of both section 2774 and section 716 as to the official authorized to grant the waiver of the restrictions and statutory limitations as to that authority, parallel those of section 5584 of title 5 of the United States Code providing similar waiver authority as to erroneous payment of pay to civilian employees of the Government. However, while section 5584 of title 5 permits the waiver of erroneous payments dating back to July 1, 1960, this bill in the sections to be added to titles 10 and 32 would only authorize consideration of claims for waiver "after the expiration of 3 years immediately following the date on which the erroneous payment of pay and allowances, other than travel and transportation allowances, was discovered." Again, as provided in section 5534 of title 5, a person granted a waiver of an erroneous payment is given a 2-year period from the effective date of the waiver to apply for a refund. That refund is limited by the extent of the waiver. The committee feels that this is an important point for a partial waiver can be made in light of all of the circumstances in a case in order to accomplish justice and equity in a given situation. The bill recognizes this fact by providing that any refund will be limited by the amount waived.

The presently effective language of section 5584 of title 5 provides that claims arising out of erroneous payments to civilian employees of executive agencies may be waived in whole or in part where the collection would be against equity and good conscience and not in the best interest of the United States. The new sections to be added to titles 10 and 32 differ in that section 2774 refers to payments to "members or former members of the uniformed services" and section 716 refers to "member or former member of the National Guard." As has been noted, the waiver authority, in addition to applying to "pay" would also extend to "allowances, other than travel and transportation allowances." The experience of the committee has been that the term "pay" is too restrictive and the present waiver authority has been held not to apply to certain payments of allowances to civilian personnel. This would be even more true in the case of military personnel who receive regular allowances which are very similar to payments of compensation but technically would not qualify as "pay." This bill is intended to correct the present inequity in the law which makes it possible to waive overpayments made to civilian employees but provides no such authority for military personnel. In line with this principle of equal consideration, section 3 of the bill provides for amendments to section 5584 of title 5 so that that section will also contain parallel provisions authority to waive erroneous payment of similar allowances to civilian personnel to that provided in the new sections in titles 10 and 32.

Both sections provide that the authority to waive claims is vested in the Comptroller General in the first instance. Second, such authority is vested in the Secretary concerned "as defined in section 101(5) of title 37" to

waive claims of not more than $500 in accordance with standards prescribed by the Comptroller General. A claim which is the subject of an exception made by the Comptroller General in the account of any accountable officer or official cannot be waived by the Secretary under either section 2774 of title 10 or section 716 of title 32. The purpose of the reference to section 101(5) of title 37 in defining "the Secretary concerned" is to refer to the Secretary who has authority over each of the uniformed services as would be covered by section 2774 of title 10, and the National Guard as would be provided in section 716 of title 32. Since title 37 of the United States Code concerns pay and allowances of the uniformed services, this use of common terminology is particularly appropriate for legislation of this type having to do with waiver of claims for erroneous payments of pay and allowances. Again as is the case under the present law applicable and to civilian employees, a claim may not be waived by the Comptroller General or the Secretary concerned under either new section 2774 of title 10 or new section 716 of title 32 when, in his opinion, there exists, in connection with the claim, an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the member or any other person having an interest in obtaining a waiver of the claim. This language is found in subsection (b) of each of the new sections. The committee feels that these restrictions are clearly required to protect the United States. They also serve to emphasize the essentially equitable nature of the relief contemplated under this legislation. The bill would authorize a waiver only in instances where an erroneous payment was received in good faith and without any wrongdoing on the part of the person involved.

In order to provide for an orderly settlement of the accounts in instances where waiver is granted, both new sections provide that in the audit and settlement of accounts of any accountable officer or official, full credit shall be given for any amounts with respect to which collection by the United States is waived. Similarly, it is provided that when the collection of an erroneous payment is waived under either section, it is to be considered a valid payment for all purposes. Both of these provisions are identical to the language now contained in subsections (d) and (e) of section 5584 of title 5.

The enactment of these two sections is not intended to affect any authority under any other law to litigate, settle, compromise, or waive any claim of the United States. Subsection (f) in both sections contains this language. It is therefore clear that the remedy provided under either section is in addition to any other remedies or procedures, and will not be interpreted as affecting or preempting the authority provided in other laws. This language in subsection (f) of both of the new sections is identical to that found in subsection (f) of section 5584 of title 5 of the United States Code.

Section 3: As amended, section 3 of the bill provides for the amendment of section 5584 of title 5 so that the waiver authority now provided in that section will extend to claims for payments of allowances, other than travel and transportation allowances and relocation expenses payable under section 5724(a) of title 5. As has been previously noted, these amendments are intended to provide parallel authority for the waiver of claims in the sections relating to the uniformed services, the National Guard, and civilian employees of the executive agencies. As will be discussed further in this report, the Comptroller General originally suggested that the authority to waive erroneous payments of allowances to members of the Armed Forces be modified by excluding travel and transportation allowances. H.R. 13582 was drafted to include such language.

However, after its introduction, the General Accounting Office after reviewing its provisions informally advised the committee that it was concerned with the intended scope of the term "travel and allowances" as originally included in section 3 of the bill as a proposed amendment to section 5584 of title 5. It was pointed out that the various allowances payable under section 5724(a) of title 5 are of a transitory nature since they are payable only as incident to a permanent change of station. The General Accounting Office pointed out that even those allowances under section 5724(a) which might not be strictly classified as travel allowances are similar in nature to travel allowances. It, therefore, suggested that the committee consider the exclusion of the allowances set forth in section 5724(a). After a review of these provisions the committee agreed that this limitation should be included as to the waiver authority applicable to civilian employees. Accordingly, the language of section 3 of the bill, as amended by the committee, is to provide waiver authority for "allowances, other than travel and transportation allowances and relocation expenses payable under section 5724(a) of this title." "This title" refers, of course, to title 5.

The amended section permits a period of 3 years from discovery of the erroneous payment or 3 years from the date of enactment of the amendment authorizing the waiver of allowances during which the Comptroller General or the head of the executive agency would be authorized to grant a waiver as to allowances as provided in the amendments of section 3. This would grant persons who receive erroneous payments of allowances, other than travel and transportation allowances and relocation expenses payable under 5 U.S.C. 5724(a), a similar time period within which to file claims covering retroactive periods as was granted employees receiving erroneous payments of pay under Public Law 90-616 adding section 5584 to title 5.

In addition to the amendment of section 5584 of title 5, the catch line of the section and the corresponding item in the chapter analysis of chapter 55 of title 5 is amended by adding "and allowances, other than travel and transportation allowances and relocation expenses." A clarifying amendment has been recommended substituting the date of the enactment of Public Law 90-616, October 21, 1968, for the words "the effective date of this section" in subsection (b)(2) of section 5584.

Mr. SMITH of New York. Mr. Speaker, this bill, H.R. 13582, is somewhat in the nature of a housekeeping measure in that it does allow waivers of claims for overpayments and some allowances by the Comptroller General and by the Secretary involved up to $500—the same rights of waiver as are now allowed for Secertaries for overpayments to civilian employees.

Its function is to make the law uniform for both civilian employees who are now coverd and for the uniformed services and for the National Guard.

Mr. Speaker, I trust the House will pass the bill, H.R. 13582.

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

Mr. SMITH of New York. Yes, I am delighted to yield to my colleague, the gentleman from Iowa.

Mr. GROSS. Do I understand that the bill, as I believe the gentleman from Massachusetts (Mr. DONOHUE) said, is retroactive; or is it prospective?

Mr. SMITH of New York. If the gentleman will bear with me here for just a moment, this bill will permit a period in which a waiver may be made of 3 years from the discovery of the erroneous payment or 3 years from the date of enactment of the amendment authorizing the waiver. So it will be retroactive only to the extent that any overpayment which has been made prior to 3 years from the enactment of the statute may be treated under the statute.

Mr. GROSS. Yes, so it is retroactive for a period of 3 years; is that correct? I am wondering why the bill was not made prospective instead of retroactive. I wonder if the records in some cases are available on a retroactive basis?

Mr. SMITH of New York. If the gentleman will bear with me, I understand that the purpose was to make it parallel with the present waiver of the statute covering civilian employees.

Mr. GROSS. And retroactivity is to be found in the statute covering civilian employees?

Mr. SMITH of New York. That is the present law covering civilian employees.

Mr. GROSS. Now did the committee incorporate the language that was suggested by the General Accounting Office; and if not, why not?

Mr. SMITH of New York. Mr. Speaker, it is my understanding that the committee did use the language suggested by the General Accounting Office. The General Accounting Office wanted to except allowances for travel and transportation, for the reason that these were in the nature of a one-shot allowance, and the person who was overpaid on a travel or transportation allowance should know that he was overpaid at that time. Therefore, a requirement to have him pay it back has not been waived. So the committee did adopt the language requested by the General Accounting Office.

Mr. GROSS. I believe that there is justification for this legislation since

legislation has been enacted with respect to civilian employees. But will the gentleman not agree with me that even with the adoption of this legislation, which only supplements that which was previously passed, that we are still not getting at the root of the evil of overpayment, and frankly, I do not know how can we get at it—to hold someone responsible for the altogether too many costly mistakes that are being made throughout the Government.

Mr. SMITH of New York. I will agree with the gentleman that perhaps there are too many such errors made. It would seem to me, however, that if the authority for waiver up to $500 is given to the Secretary concerned in these cases then, as an administrative matter, it would seem the Secretary concerned would be able to tighten up the operation in his department if there were too many of these overpayments.

Mr. GROSS. Let us hope that will be the result, but I do not see much of a diminution in number of claims bills as a result of the administrative settlement that has been provided the civilian branch of the Government.

Mr. SMITH of New York. I would thank the gentleman for helping to make the legislative record in this regard, because I think all of us here in the House are interested in having this sort of thing tightened up.

Mr. GROSS. That is exactly right. I hope it has the effect of tightening up the administrative procedure so that we will see fewer and fewer of these overpayments showing up on the Private Calendar. I think the gentleman will agree with me that it is an event when an adjustment for an underpayment is sought. They are all overpayments, or practically all of them. I cannot recall in many, many months, if not years, where a mistake was made in underpaying an employee. The mistakes are overpayments.

Mr. SMITH of New York. Those are probably self-correcting. The employee who is underpaid knows very quickly when he is underpaid.

Mr. GROSS. Yes. I thank the gentleman for yielding.

Mr. SMITH of New York. I thank the gentleman.

Mr. DONOHUE. Mr. Speaker, I have no further requests for time.

Mr. SMITH of New York. I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Massachusetts that the House suspend the rules and pass the bill H.R. 13582, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended, was passed.

A motion to reconsider was laid on the table.

JOB EVALUATION POLICY ACT OF 1970

Mr. HANLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13008) to improve position classification systems within the executive branch, and for other purposes, as amended.

The Clerk read as follows:

H.R. 13008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Job Evaluation Policy Act of 1970".

TITLE I—CONGRESSIONAL FINDINGS WITH RESPECT TO JOB EVALUATION AND RANKING IN THE EXECUTIVE BRANCH

SEC. 101. The Congress hereby finds that—

(1) the tremendous growth required in the activities of the Federal Government in order to meet the country's needs during the past several decades has led to the need for employees in an ever-increasing and changing variety of occupations and professions, many of which did not exist when the basic principles of job evaluation and ranking were established by the Classification Act of 1923. The diverse and constantly changing nature of these occupations and professions requires that the Federal Government reassess its approach to job evaluation and ranking better to fulfill its role as an employer and assure efficient and economical administration;

(2) the large number and variety of job evaluation and ranking systems in the executive branch have resulted in significant inequities in selection, promotion, and pay of employees in comparable positions among these systems;

(3) little effort has been made by Congress or the executive branch to consolidate or coordinate the various job evaluation and ranking systems, and there has been no progress toward the establishment of a coordinated system in which job evaluation and ranking, regardless of the methods used, is related to a unified set of principles providing coherence and equity throughout the executive branch;

(4) within the executive branch, there has been no significant study of, or experimentation with, the several recognized methods of job evaluation and ranking to determine which of those methods are most appropriate for use and application to meet the present and future needs of the Federal Government; and

(5) notwithstanding the recommendations resulting from the various studies conducted during the last twenty years, the Federal Government has not taken the initiative to implement those recommendations with respect to the job evaluation and ranking systems within the executive branch, with the result that such systems have not, in many cases, been adapted or administered to meet the rapidly changing needs of the Federal Government.

TITLE II—STATEMENT OF POLICY

SEC. 201. It is the sense of Congress that—

(1) the executive branch shall, in the interest of equity, efficiency, and good administration, operate under a coordinated job evaluation and ranking system for all civilian positions, to the greatest extent practicable;

(2) the system shall be designed so as to utilize such methods of job evaluation and ranking as are appropriate for use in the executive branch, taking into account the various occupational categories of positions therein; and

(3) the United States Civil Service Commission shall be authorized to exercise general supervision and control over such a system.

TITLE III—PREPARATION OF A JOB EVALUATION AND RANKING PLAN BY THE CIVIL SERVICE COMMISSION AND REPORTS AND RECOMMENDATIONS TO CONGRESS

SEC. 301. The Civil Service Commission, through such organizational unit which it shall establish within the Commission and wihch shall report directly to the Commission, shall prepare a comprehensive plan for the establisment of a coordinated system of job evaluation and ranking for civilian positions in the executive branch. The plan shall include, among other things—

(1) provision for the establishment of a method or methods for evaluating jobs and alining them by level;

(2) a time schedule for the conversion of existing job evaluation and ranking systems into the coordinated system;

(3) provision that the Civil Service Commission shall have general supervision of and control over the coordinated job evaluation and ranking system, including, if the Commission deems it appropriate, the authority to approve or disapprove the adoption, use and administration in the executive branch of the method or methods established under that system;

(4) provision for the establishment of procedures for the periodic review by the Civil Service Commission of the effectiveness of the method or methods adopted for use under the system; and

(5) provision for maintenance of the system to meet the changing needs of the executive branch in the future.

SEC. 302. In carrying out its functions under section 301 of this Act, the Commission shall consider all recognized methods of job evaluation and ranking.

SEC. 303. The Civil Service Commission is authorized to secure directly from any executive agency, as defined by section 105 of title 5, United States Code, or any bureau, office, or part thereof, information, suggestions, estimates, statistics, and technical assistance for the purposes of this Act; and each such executive agency or bureau, office, or part thereof is authorized and directed to furnish such information, suggestions, estimates, statistics, and technical assistance directly to the Civil Service Commission upon request by the Commission.

SEC. 304. (a) Within one year after the date of enactment of this Act, the Commission shall submit to the President and the Congress an interim progress report on the current status and results of its activities under this Act, together with its current findings.

(b) Within two years after the date of enactment of this Act—

(1) the Civil Service Commission shall complete its functions under this Act and shall transmit to the President a comprehensive report of the results of its activities, together with its recommendations (including its draft of proposed legislation to carry out such recommendations), and

(2) the President shall transmit that report (including the recommendations and draft of proposed legislation of the Commission) to the Congress, together with such recommendations as the President deems appropriate.

(c) The Commission shall submit to the Committees on Post Office and Civil Service of the Senate and House of Representatives once each calendar month, or at such other intervals as may be directed by those committes, or either of them, an interim progress report on the then current status and results of the activities of the Commission under this Act, together with the then current findings of the Commission.

(d) The Commission shall periodically consult with, and solicit the views of, appropriate employee and professional organizations.

(e) The organizational unit established under section 301 of this Act shall cease to exist upon the submission of the report to the Congress under subsection (b) of this section.

The SPEAKER pro tempore. Is a second demanded?

Mr. CUNNINGHAM. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without

objection, a second will be considered as ordered.

There was no objection.

Mr. HANLEY. Mr. Speaker, H.R. 13008 states that it is the sense of Congress that, to the greatest extent practicable, the executive branch shall operate under a coordinated classification plan, utilizing several methods of classification. The coordinated plan would be under the general supervision of the Civil Service Commission.

The bill establishes a separate unit within the Commission responsible only to the Commissioners. This unit will be responsible for developing the Commission's recommendations, and will cease to exist upon submission of these recommendations.

The independence of this unit from any other bureau within the Commission is considered essential to the objectivity required by this project.

Other mechanisms have been built into H.R. 13008 to assure that all relevant points of view are given due weight. The Commission is required to consult frequently with employee and professional organizations whose members may be affected by the new system.

We feel that this is extremely important, because no good classification program can be fully effective without the support and understanding of the employees under that program.

The bill also requires that the Commission provide the House and Senate Post Office and Civil Service Committees with monthly progress reports. We on the House side intend to use these reports in a continuing program of legislative oversight, including hearings, if necessary.

Finally, the bill requires that the Commission submit its final report along with legislative recommendations to the President and to the Congress within 2 years after enactment.

Mr. Speaker, this legislation makes no change in existing law. It abolishes no classification system currently exempt from the provisions of the Classification Act. Therefore, the bill exempts no executive branch agency from its provisions. Over the years more than 50 classification systems have been exempted from the provisions of that act. Some of these exemptions may still be justified, but many of them could be profitably brought under a coordinated plan. We have taken no stand on which exemptions should be allowed to stand, but we do feel that the Commission should have complete latitude to study all systems in preparation of its recommendations.

The support which H.R. 13008 has received has certainly been most gratifying. It was sponsored by all the members of the Subcommittee on Position Classification; it has been endorsed by the Civil Service Commission as well as the Bureau of the Budget, and it was ordered reported unanimously by the Post Office and Civil Service Committee. During our extensive hearings on the bill, all witnesses endorsed its underlying concepts.

Position classification is a highly complex matter which is little understood outside the personnel management fraternity. Yet the methods by which jobs are evaluated and ranked can have an enormous impact on the expenditures of our tax dollars. Poor or inconsistent classification administration is wasteful, not only because some jobs may be paid more or less than they are worth, but also because it can lead to the improper allocation of manpower.

Because of the extreme complexity of the subject matter, Congress has generally been reluctant to become deeply involved in studies and investigations of classification systems. For the past 47 years, we have been content to establish some broad guidelines, and leave the administration of the systems, thus established, to the executive branch. The original Classification Act, enacted in 1923, was the result of the studies conducted by the Congressional Joint Committee on Reclassification of Salaries. From that time until 1968, Congress conducted no full-scale study of the administration of or the principles underlying position classification as it is practiced in the Federal Government.

In 1968, the Subcommittee on Position Classification embarked on a major study of position classification systems. The results of this study were printed early in 1969 in the House report entitled "Report on Job Evaluation and Ranking in the Federal Government." This report is, to my knowledge, the most extensive investigation of Federal position classification systems ever published.

The report presented 31 major findings and made 11 specific recommendations. The findings pinpointed major problems in three basic areas:

First. The lack of flexibility in the general schedule system which made that system inadequate to meet the needs of modern personnel management;

Second. The existence of a multitude of relatively unrelated classification systems leading to a number of unwarranted inconsistencies among those systems; and

Third. Unevenness in the administration of classification systems throughout the Federal Government.

Further, interestingly enough, the findings and recommendations of this report closely paralleled less comprehensive studies conducted years ago by the two Hoover Commissions and the Interdepartmental Committee on Civilian Compensation. The recommendations on classification reform of these eminent groups, however, were never acted upon.

The subcommittee wanted to make sure that this experience was not duplicated. Therefore, we drafted H.R. 13008, which requires the Civil Service Commission to submit to Congress in legislative form a complete plan for reform of executive branch classification systems.

Mr. Speaker, I earnestly hope that the House will see fit to approve this legislation.

Mr. CUNNINGHAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 13008, to improve position classification systems within the executive branch, and for other purposes, is a good and important piece of legislation. It should be approved.

The reasons for its adoption are many, but I would like for my colleagues to consider just a few.

First. Today, the Federal Government operates under an estimated 50 different classification systems.

Second. There is no consistency under the present systems because all departments and agencies in the executive branch administer their own system, with no review by the Civil Service Commission.

Third. The structure of the General Schedule system is lacking in flexibility to meet needs of a modern government.

This results in an inconsistent and unfair way to treat our most important resource; our Federal employees.

So, we propose in this legislation that the Civil Service Commission, with advice from labor and professional organizations, and appropriate agencies and departments, conduct a thorough study into this subject and report back to the Congress in 2 years with a legislative proposal.

During the study, the Commission will be required to issue monthly reports on its progress. Our Post Office and Civil Service Committee expects to hold public hearings on the development of this report and invite all interested parties to testify.

That is all this bill does. It gives us a chance to have a fair classification system developed to meet our present and future needs. A system that affords equal pay for equal work throughout the Federal Government.

I am hopeful my colleagues will approve this legislation, for I believe, a sound classification system is as fundamental to our Federal Government structure as railroad tracks are to a railroad company.

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

Mr. CUNNINGHAM. I yield to the gentleman from Connecticut.

Mr. MESKILL. Mr. Speaker, I am pleased to rise in support of H.R. 13008, to improve position classification systems within the executive branch and for other purposes.

This is good, sound legislation which provides a first necessary step to modernize our Federal job evaluation system. A step we cannot afford not to take.

This legislation proposes to mandate the Civil Service Commission to develop a fair and uniform classification system. In other words, a coordinated plan to award equal pay for equal work regardless of location or agency. The Commission in preparing its report should consult with labor unions, professional organizations, and other parties of interest.

During the preparation of this study, the Commission will submit monthly progress reports to the House and Senate Post Office and Civil Service Committees. This provision will allow our committee an opportunity to review the recommendations in public hearings.

The Commission will then submit a final legislative proposal to the Congress, within 2 years.

In closing, let me repeat, this is a good bill. It should be approved.

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

Mr. CUNNINGHAM. I yield to the gentleman from Idaho.

Mr. McCLURE. Mr. Speaker, I rise in support of H.R. 13008, which I cosponsored, to improve position classification systems within the executive branch and for other purposes.

It is a good piece of legislation and deserves our approval.

For nearly 3 long years now, the Subcommittee on Position Classification has been considering this subject. This bill has now been unanimously reported from our subcommittee and full Post Office and Civil Service Committee. I am hopeful my colleagues will do likewise today.

This legislation proposes to do one important thing; that is, to reform our Federal classification systems. It intends to do this by authorizing the Civil Service Commission to conduct a thorough review and study of this subject. In all phases of this program, the Commission should consult and involve employee unions, professional organizations, all departments and agencies of the Government, and other interested parties.

Also, the Commission will report monthly to the House and Senate Post Office and Civil Service Committees on its progress. Our committee intends to take this opportunity to hold public hearings and invite all interested parties to testify.

At the conclusion of this study, and within 2 years, the Commission will submit a final legislative proposal to the Congress.

Since the Congress is already on record in support of a comparable wage for our Federal employees, I ask you to consider the words of the Chairman of the Civil Service Commission, Bob Hampton, who testified before our subcommittee:

> We need to look for a better job evaluation system, because if we're going to pay a comparable wage then it should truly be comparable.

In closing, I strongly urge support of this needed legislation.

Mr. HANLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Rhode Island (Mr. TIERNAN).

Mr. TIERNAN. I thank the gentleman for yielding to me.

Mr. Speaker, H.R. 13008 is an important bill which could ultimately have a great impact on personnel management throughout the Federal Government. The recommendations which will come to us as a result of this legislation will represent the first major overhaul of our classification systems since the passage of the Classification Act of 1949. H.R. 13008 is the necessary first step in this important job of reform.

As pointed out in our "Report on Job Evaluation and Ranking in the Federal Government," a major problem in consistency across agency lines has arisen because of the existence of a multitude of unrelated classification systems which are exempt from the provisions of the Classification Act. To put it bluntly, we have not always lived up to the ideal of "equal pay for equal work."

An important provision of H.R. 13008 grants the Civil Service Commission the authority to study and make recommendations concerning those classification systems which are not under its jurisdiction. We anticipate that many of these systems can be consolidated under a flexible, coordinated plan. Even should the Civil Service Commission recommend the continuation of some exemptions, H.R. 13008 will have performed a valuable service by having fostered a fresh and independent review of all classification systems in the executive branch.

To cite just one example, I have long been interested in the personnel management program of the Foreign Service. Every indication points to the great need for a serious and objective reappraisal of all of the concepts underlying the personnel system of the Foreign Service.

We are told that a rank-in-the-man system is essential for flexibility in assignment. Yet the Department of Defense has many more positions abroad than the Foreign Service, and these positions are classified under the general schedule. The Department of Defense has no complaints, why should the Foreign Service?

We are told that selection-out is necessary for orderly promotions. Yet, this mechanism has caused the dismissal of countless qualified and useful specialists because it was claimed they did not have the "potential" to rise to the Olympian heights of career minister or ambassador.

We have been assured that evaluation of an officer's performance is completely objective. Yet, no position description exists against which an officer's performance can be measured.

We have been supplied with information attesting to the "objectivity" of the Foreign Service selection process. Yet, there is still a notable lack of minority group representation within its ranks.

In short, there appears to be a notable gap between what we are told and reality.

Many of the personnel problems in the Foreign Service cannot be attributed to its classification program or, more accurately, its lack of a classification program. To the extent that they are, however, H.R. 13008 will perform a valuable function.

I look forward with anticipation to the results of the intensive investigation of classification and ranking within the Foreign Service, as well as the other systems within the executive branch which are exempt from the Classification Act. If we can take one step toward order out of the relative chaos which now exists, our efforts here will be rewarded.

Therefore, Mr. Speaker, I shrongly recommend that the House pass H.R. 13008.

Mr. DULSKI. Mr. Speaker, H.R. 13008 was developed in our Subcommittee on Position Classification. It is part of that subcommittee's efforts to foster reform and modernization of the position classification systems used throughout the executive branch.

During the 3 years of its existence, the subcommittee has performed a great service to the Congress and the public. Its "Report on Job Evaluation and Ranking in the Federal Government," issued last year, is the result of more than a year of intensive study. It is considered one of the best reports on the subject ever published.

The subcommittee held extensive hearings on H.R. 13008. All told, there were 58 witnesses representing 34 employee organizations, departments, and agencies. All of these witnesses agreed on the general purpose of the bill. H.R. 13008 has also been endorsed by the administration.

Mr. Speaker, the Subcommittee on Position Classification and its chairman, JIM HANLEY, are to be highly commended. They have worked hard and well on a difficult subject. We are all very hopeful that H.R. 13008 will be the means by which much-needed reforms are eventually put into effect. I, therefore, heartily endorse the bill and urge all of my colleagues to give it favorable consideration.

Mr. WILLIAM D. FORD. Mr. Speaker, position classification is one of the keystones of modern personnel management. The process by which we describe the duties and responsibilities of a job and determine its relative value has important implications in such diverse areas as budgeting, manpower allocation, recruitment, training, organizational structure, and pay.

One of the major findings of our subcommittee's report on job evaluation and ranking was that classification in most departments and agencies was not being utilized fully as a management tool. The reasons for this failure are many and complex, and we need not go into them today. Our study made it clear, however, that the time has come to insist on a rethinking of the concepts underlying our Federal classification systems.

Mr. Speaker, we are all aware that the tenor and tempo of Government are quite different today than they were in 1923 when the first Classification Act was passed. In 1923, the functions of Government were limited and Government jobs, on the while, were relatively easy to categorize.

Today, the Federal Government is intimately involved in all aspects of the social, economic, and scientific life of this country. We now hire countless thousands of specialists whose occupations did not even exist in 1923. It is relatively easy to rank a clerk-typist's position according to duties and responsibilities, but how can we use these same principles to classify a microbiologist, a specialist in high-energy physics, or a teacher whose duties and responsibilities do not fit into neat little cubbyholes.

Although the function of Government has changed radically in the past four decades, it is surprising that no full-scale effort has been made to revise the fundamental concepts of position classification. We are still, to a great extent, operating within the framework established by the 1923 act. And we are still laboring under the assumption that exemptions from the act which were approved 20, 30, or 40 years ago are still justified today.

It is high time that we require a complete reassessment. In 1968, the subcommittee conducted a far-ranging study which pinpointed the major deficiencies. In H.R. 13008 we are taking another step by requiring that the experts take a good, searching look at all of the systems and make specific recommendations. The administration agrees with us, as both the Civil Service Commission and the Bureau of the Budget have endorsed the bill.

Mr. Speaker, H.R. 13008 is a good bill, and I am confident that the House and Senate will approve it.

Mr. HANLEY. Mr. Speaker, I have no further requests for time.

Mr. CUNNINGHAM. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York that the House suspend the rules and pass the bill H.R. 13008, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. HANLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, H.R. 13008.

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

There was no objection.

ELECTION TO COMMITTEE

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 835) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 835

Resolved, That Wiley Mayne of Iowa be, and he is hereby, elected a member of the standing committee of the House of Representatives on Judiciary.

The resolution was agreed to.

A motion to reconsider was laid on the table.

UNTIL YABLONSKI MURDERS ARE SOLVED, THERE WILL BE NO PEACE IN THE COAL FIELDS

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

Mr. HECHLER of West Virginia. Mr. Speaker, 6 weeks have passed since Joseph A. Yablonski, his wife, and his daughter were brutally murdered as they peacefully slept in their Clarksville, Pa., home. It was a crime which shocked the Nation. The Federal Bureau of Investigation has done a remarkable preliminary job in tracking down the criminals and a grand jury in Cleveland has returned four murder indictments, yet those who paid for and contracted for this dastardly crime still remain at large.

I have contended from the start that UMWA President W. A. Boyle and the top officials of the United Mine Workers Union neither directed nor condoned these murders even though the indictments themselves charge a conspiracy to prevent Mr. Yablonski from testifying before a grand jury concerning illegal activities within the union. When the murders were discovered, I telegraphed Mr. Boyle urging that UMWA offer a $100,000 reward to find the killers. A few days later, the union put up $50,000, but beyond that has done little or nothing to help solve this crime.

If this terrible crime had resulted in the deaths of Mr. Titler, Mr. Carey, or any of the top officers of the UMWA, there would have been a relentless manhunt directed throughout all the districts and locals of the United Mine Workers. Mr. Boyle should immediately order every district and local UMWA official to put top priority on running down every possible lead which may help to solve this crime which has rocked the union and the Nation.

Mr. Boyle need have no fear, if indeed he is correct that the crime is not union connected. Those who now contend that Mr. Yablonski had many enemies should immediately mobilize every man in the union to find out which enemy is responsible for this dastardly crime.

But instead Mr. Boyle has spent more time and effort impugning the character of a dead man who cannot respond than he has in helping to solve the crime.

Last Thursday Mr. Boyle issued a press release which contended:

> There has been no press investigation of significance regarding the background of Joseph Yablonski. Yet Yablonski had questionable associations and political connections which merit journalistic investigation.

If Mr. Boyle has any specific information, let him now come forward with it on this point instead of maligning the character of a dead man.

There will be no peace in the coal fields, and the coal miners will not rest, until those who paid for and contracted for this crime are brought to justice.

ROGERS INTRODUCES COMPREHENSIVE HEALTH PLANNING AND SERVICES ACT OF 1970

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

Mr. ROGERS of Florida. Mr. Speaker, I am today introducing the Comprehensive Health Planning and Services Act of 1970 which would amend and extend for 3 years the present partnership for health law which began with Public Law 89–749 and was amended by Public Law 90–174. The present law expires on June 30, 1970.

The bill that I am introducing would authorize a total of $787.5 million over a 3-year period, ending June 30, 1973. This money would provide for the continuation of grants to the States for comprehensive State Health planning; project grants for areawide health planning and for training, studies, and demonstrations. In addition, the grant programs for comprehensive public health services and project grants for health services development would be continued.

This bill would provide for a closer coordination between the 314(a) State planning agencies and the regional medical programs which are operating in many of the States by providing that the regional medical program representatives will be members of the State health planning councils. There will be no change in present law which requires that at least 50 percent of the membership of such State planning councils be composed of consumers of health servvices.

This legislation that I am introducing would also provide for the establishment of an areawide health planning council which would include representatives of public, voluntary, and nonprofit private agencies, institutions, and organizations concerned with health, including representatives of the interests of local government, of the regional medical program and consumers of health services. At least 50 percent of the membership of the areawide health planning council would be composed of consumers of health services.

I believe that by creating this areawide council under section 314(b) of the law we will make more progress in bringing the necessary care, skills, treatment, and technology of medical servvices to the community level.

This areawide health planning council will provide for assisting health care facilities in its area to develop a program for capital expenditures for replacement, modernization, and expansion which is consistent with an overall State plan. The State agency established under section 314(a) of the law would continue to give its approval to any grant made by the Secretary.

Mr. Speaker, I do not intend to dwell at this time on the progress that we are making under the Partnership for Health Act.

I am concerned that many of the States are not moving as rapidly as the Congress envisioned they would when this law was first enacted. Perhaps some of this delay has been administrative in nature and perhaps in part the existing legislation or the subsequent guidelines from HEW have been the cause.

In any event, I am sure that the Subcommittee on Public Health and Welfare will want to look closely into these problems when hearings are held within the next month or so.

DISCLOSURE OF FINANCIAL INVESTMENTS

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

Mr. THOMPSON of Georgia. Mr. Speaker, I was privileged to be one of the Members who helped establish a system of financial disclosure by the Members of their financial investments.

Recent events have led me to believe that there is also a need for disclosure of financial interests by those members of the press who are privileged to use the Senate and House galleries as well as to cover the White House.

The specific item which has prompted me in this matter is the unexplained interest of Jack Anderson—who writes "The Washington Merry-Go Round"—in certain legislation before the Subcommittee on Commerce and Finance. Mr. Anderson has several times attempted to convey the false impression that those who do not support the passage of a certain bill are swindling the public when, in fact, Mr. Speaker, it is very evident that were this bill to be passed, the large banks would be able to enter into the mutual fund business and competition to the multibillion-dollar mutual funds from the smaller funds would be lessened. The smaller funds and certainly the individual salesmen who are out trying to make a living selling mutual funds would be hurt.

Mr. Speaker, such activity as Mr. Anderson has engaged in leads one to question whether or not he may have a financial involvement with a bank or a multibillion-dollar mutual fund management company. Obviously, should Mr. Anderson have such a financial involvement this should be known to the public in order that they may be able to put his remarks in proper perspective just as the public now has a means of knowing of the financial involvement of the Members of Congress.

Mr. Speaker, I will shortly introduce legislation which will have as its purpose assuring the public that they have a means of knowing the financial involvement of the members of the Capitol Hill press. The public may then relate any financial involvement of a member of the Capitol Hill press to legislation being formulated and decide for themselves whether a conflict of interest exists.

With this information, Mr. Speaker, the public should be in a better position to recognize whether a columnist is attempting to use the news media for his own private gain or not. Of course, Mr. Speaker, one must always recognize that in reporting news, and particularly by the political columnists, opinions may be inserted even inadvertently which are not, in fact, correct. However, when a columnist or news reporter seems to be attempting to bring pressure on Members of Congress, through their method of reporting, to pass or defeat certain legislation, the public has a right to know whether there is any possibility of personal gain or benefit to the columnist or newsman.

POLLUTION ABATEMENT ACT OF 1970

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

Mr. WHITEHURST. Mr. Speaker, I have today submitted a bill that will create a single agency to manage and conduct the war on pollution, the National Environment Control Commission. My bill is the Pollution Abatement Act of 1970.

There is no doubt that pollution control is needed. The natural wealth and beauty of this great land has been squandered by past generations, and the burgeoning growth of our cities and industrial plants have forced us to finally direct our attention to the need to control our wastes. Congress and the public are primed for action. The President's special message on pollution is an outstanding program and gets the attack moving.

We all know the end result we want: clean air, clean water, clean landscape, control of our wastes, and a substantial reduction of all pollutants. The main thing lacking in the pollution abatement effort is the machinery to direct the attack. Currently the agencies responsible for pollution control are scattered across the Government departments. Under present conditions it is too easy for the left hand to not know what the right hand is doing. It may be one more reason why the pollution control has not been effective so far. If we are to meet the President's concern and call for action in this field, an orderly system of doing business must be established. The funds proposed for the war on pollution may be unnecessarily wasted unless proper management is given to aim the attack.

The National Environment Control Commission established by my bill, the Pollution Abatement Act of 1970, would be given full enforcement powers to coordinate and promulgate all actions involved in the attack on pollution, and incorporate all future programs dealing with pollution. The Commission would have full powers to fund research, in the form of grants, loans, and pilot projects, to approve and inspect pollution abatement equipment, and to establish standards.

Concentrating the pollution control effort in one agency will enable more efficient use of the tax dollars being spent to restore, renew and reform. Central management in one agency to solve problems and work with the States and public will speed the effort to eliminate this blight over our Nation. We have been warned over and over by conservationists that time is getting short to clean up many areas of pollution, and in fact may already be too late. In our desire for quick action we must not waste the funds expended. A single agency could oversee the operation to eliminate duplicated effort, and insure the largest return for the dollars spent.

The National Environment Control Commission would be made up of seven commissioners, appointed by the President with the advice and consent of the Senate, and serve 6-year terms. No more than four could be named from the same political party. The President would designate the chairman of the Commission.

The Pollution Abatement Act of 1970 would also combine the scattered programs now carried on by several branches of Government. Currently such programs are vested in the Secretary of the Interior, the Federal Water Pollution Control Administration, and the Secretary of Health, Education, and Welfare. Personnel also operate under the Federal Water Pollution Control Act, the Oil Pollution Act, the Solid Waste Disposal Act, and the National Emission Standards Act. All these functions would be transferred to the Commission. The Pollution Abatement Act of 1970 would authorize the President to transfer to the Commission any other function relating to the prevention, control, or abatement of environmental pollution presently vested in any other branch of Government. Any legal action currently underway by the various departments regarding pollution control would be transferred to the Commission.

President Nixon stated in his Midwest meeting with several Governors investigating pollution that a "total mobilization" of the Nation's resources is necessary to fight pollution. In that meeting he announced the three new "R's," reform, restoration, and renewal. At that meeting the President called for reform of our Government institutions, bringing them up to date into the 20th century so that we can deal with our problems. I believe the Pollution Abatement Act of 1970 is in that spirit. This return will clear the way for the other two "R's," restoration and renewal, in an orderly, efficient fashion.

SPEECH BY SECRETARY OF AGRICULTURE BEFORE NATIONAL FARM INSTITUTE IN DES MOINES

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

Mr. MAYNE. Mr. Speaker, last Thursday evening I had the privilege of hearing Secretary of Agriculture Clifford Hardin address the National Farm Institute in Des Moines. Appearing before a distinguished audience of rural Americans, the Secretary gave a most impressive forecast of the ways in which the Department of Agriculture will play an important part in helping to wage the Nixon administration's war on pollution. He cited six major policy objectives toward which the Department will strive in improving the environmental quality of all Americans:

First, programs affecting land resources will foster environmental improvement and sustain productivity;

Second, our forests will be managed to provide habitat for wildlife, access for recreation, water harvest, and grass for livestock as well as better timber;

Third, pollutants originating in agriculture will be reduced and where possible eliminated. Nonchemical methods of pest control will be used and recommended when available and effective;

Fourth, a greater attempt will be made to reverse rural-to-urban migration by improving opportunity in rural America for all Americans;

Fifth, ways must be found to bring farmers a fairer and more adequate income so that they too many benefit from the environmental improvement they will be helping to foster; and

Sixth, the President has ordered a study of all public lands to insure that all of them serve the highest public good. The Department will cooperate fully

with local communities in adapting Federal programs and facilities to community development.

I commend Secretary Hardin's excellent speech to my colleagues and to the American people as a whole, and include it in the RECORD, following my remarks:

ADDRESS BY SECRETARY OF AGRICULTURE CLIFFORD M. HARDIN AT THE NATIONAL FARM INSTITUTE, DES MOINES, IOWA, FEBRUARY 12, 1970

It may be coincidence that we are meeting on Abraham Lincoln's birthday—but it is altogether fitting and proper. The Administration of our sixteenth President left significant marks on agriculture—for it was during those years that three lasting pieces of legislation came into being—the Morrill Act providing for the Land-Grant Colleges and Universities, the Act creating the United States Department of Agriculture, and the Homestead Act. Together they set the pattern for American agriculture. The Homestead Act resulted in the settling of half a continent and placed the management of our basic soil and water resources in the hands of independent free-hold farmers.

The 19th century brought progress and it brought exploitation. The century began with a patent for the first cast iron plow; it ended with the invention of the gasoline engine and the automobile.

Today we are very much aware that our technological advances which have done so much for us and for the world also are seriously offending and polluting our environment. The alarm has been sounded, and just the day before yesterday, President Nixon sent to the Congress a comprehensive 37-point program, embracing 23 major legislative proposals and 14 new measures taken by the administrative action or Executive Order.

In view of the rising public concern and against the backdrop of the President's new initiatives, it is imperative that those of us with agricultural responsibilities re-think and re-assess the special role of agriculture.

As the President said in his message, "The fight against pollution, however, is not a search for villains. For the most part, the damage done to our environment has not been the work of evil men, nor has it been the inevitable by-product either of advancing technology or of growing population. It results not so much from choices made, as from choices neglected; not from malign intention, but from failure to take into account the full consequences of our actions."

Too often we have responded only to crisis. But when we have responded, sometimes the results have had far-reaching impact.

The Dust Bowl of the 1930's brought more progress into range management and dryland conservation than the preceding 50 years of Great Plains farming.

Widespread flooding in the Mississippi Basin in 1951 and 1952 brought more support for watershed protection than did a generation of campaigning by conservationists.

A 5-year drought in the Northeast in the 1960's focused more public attention on urban water needs than did decades of talk about possible shortages.

A smog crisis in a few major cities has had a greater impact on public thinking than 50 years of steadily worsening air pollution.

A few seashore accidents have directed more attention to wildlife ecology than all the voices of all the naturalists since Audubon.

Urban congestion and related problems of squalor and crime have brought new interest in the need of people for recreation and open space.

When the first English settlers arrived in America, nature was the enemy. The forests seemed endless and foreboding. Winters were severe. Crops were uncertain.

At the same time, bird and animal life appeared infinite. Streams ran free of human waste, and certainly there was no thought of contamination of such great waters as the Hudson River and some of our Great Lakes.

We are no longer a few million people living a comparatively simple life. We are 204 million people living on a major scale. We must plan for another 100 million Americans and the pressures they will create at the same time as we attempt to deal with our existing environmental crises.

Our responsibility, as I conceive it, is to manage the environment for the widest range of beneficial uses, without degrading it, without risk to health or safety, without loss of future productivity, and without being tyrannized by pests.

Nature itself, without man's stewardship, has rarely been productive enough to meet man's needs—certainly not in the numbers in which we exist today and will exist in the future. Yet our resources must serve every economic and social need of mankind. The challenge is to maximize the productivity of the environment for both necessities and amenities and assure continued use into the very long future.

This requires an integrated approach to assure:

1. The necessities of life: Adequate food, fiber, shelter, and raw materials for industry.

2. The safety of man: Safe and adequate water, clean air, productive and safe soil held in place, sanitation, disease and pest control, the perpetuation of basic life processes.

3. A quality of life: Space to live, attractive surroundings, suitable habitat for plants and animals, outdoor recreation, and esthetic satisfaction.

The farmer, the rancher, and the forester are managers of an important share of these environmental values.

Nearly three-fifths of the Nation's land area is used to produce crops and livestock. More than one-fifth is ungrazed forest land. Thus the watersheds that sustain urban America are largely in farms and forests. And the Nation must look to the managers of these lands for most of its land treatment as well as management of its water supplies.

The fact that the President in his special message made only limited reference to agriculture does not mean that he is unaware of the role of agricultural interests or of the great value of the on-going programs in agriculture and forestry. Quite the contrary: He was recommending new initiatives and new programs to deal with problems which urgently demand new approaches. While the agricultural work is far from complete, the record is impressive.

Since the Dust Bowl days of the 30's, more than 2 million individual farmers, ranchers, communities, and other land users have voluntarily signed cooperative agreements to put conservation plans into effect. The land involved runs to three-quarters of a billion acres—all enrolled in conservation programs without the need for regulation or coercion.

At the same time, farmers have performed their primary production job so well that Americans take for granted the constant availability of food, its wholesomeness, its variety and quality. Even more fundamentally, U.S. agriculture has freed Americans from what otherwise might be a total preoccupation with getting enough to eat.

Farmers have freed *manpower*. At the time of the American Revolution, this was a nation of farmers. Even 50 years ago, over a fourth of all Americans were farmers. If our agriculture had remained at the 1920 level of efficiency we would today have some 20 million workers in agriculture, instead of fewer than 5 million.

Farmers have freed *income*. Fifty years ago, the basic requirements of life—food, clothing, and shelter—required about 80 percent of all consumer spending. Today these essentials take less than 65 percent. So the average family can spend over 35 percent of its take home pay—instead of 20—for health, education, travel, recreation, and the other considerations that add to life's quality. A major part of this gain derives from a decline in the relative cost of food.

Farmers have also freed *time*. Fifty years ago, the average work week in manufacturing was 51 hours, and paid vacations were few. Many things have helped, but you can be sure that if food and fiber production still required a fourth of the work force, industrial workers would not now have a work week averaging below 41 hours.

Farmers have freed *space*. Fifty years ago, it required 350 million acres of crops to provide for a nation of 107 million. In recent years we have harvested fewer than 300 million acres. If farmers had remained at the 1920 level of efficiency, we would now need to harvest 500 to 550 million acres—even if we stopped exporting. The acres spared by farm efficiency add hugely to soil and water protection, wildlife, and recreation; these afford land for new towns and open space.

These benefits—income, time, space, and the better use of manpower—are enormously important when you think about improving the quality of life. Yet, in accomplishing these things, we have manipulated the environment—no question about it. And we must manipulate it more in the future.

This involves a whole complex of considerations—natural, technical, economic, social, legal and political. It involves a recognition that, in agriculture as in industry, new technology has presented new problems in environmental quality. And it will require great wisdom to correct these problems, while retaining the gains that have come to us through science and technology.

EXAMPLES

Use of synthetic fertilizers has decreased the demand for manure. At the same time, new farming systems have concentrated animals and poultry in feedlots and other enclosures—creating a problem of odors and waste and in some instances, contamination of underground waters.

Chemical fertilizers themselves are adding to the nutrients in streams and reservoirs, contributing to plant and bacterial growth.

Some of the persistent pesticides, which over the years have saved many thousands of lives, are now found guilty of air and water pollution and appear to adversely affect certain species of wildlife.

Siltation is still the largest single pollutant of water. In the past third of a century, the silt that has been kept out of streams by the establishment of permanent cover alone would displace a volume of water equal to a 10-year supply for all U.S. households.

Because agriculture is both user and custodian of most of the Nation's soil and water, the Department of Agriculture recognizes a major responsibility for protecting and enhancing the quality of the environment. In line with this, we have within the past year taken a number of actions to reduce the use of persistent pesticides—and to strengthen Department programs in the interest of the total environment:

Many DDT uses were cancelled last fall, and we intend to phase out other non-essential uses by the end of 1970. We will be taking similar action toward other pesticides that persist in the environment. A determined effort is being made to insure that decisions and judgments concerning pesticides be made in an atmosphere of scientific detachment and be based on scientific data.

Increased research is being applied to biological control of pests—offering much long-term promise in reducing the need for chemical pesticides. Genetic resistance, parasites,

predators, and insect disease organisms all have been used with success.

Last June, all heads of USDA agencies were instructed to lead a nationwide effort to improve water quality through prevention of pollution from Federal activities. The order also provided for periodic reports which amount to a "monitoring" system throughout the farm and forested areas of the Nation.

In the past year, 130 small watershed projects have been approved for Department help—nearly one-seventh of all the projects approved in the 15-year history of the program.

In 1969, the Great Plains Conservation Program was extended for another 10 years, and its provisions were broadened to do a better job in pollution control, fish and wildlife improvement, and recreation.

Already this year, we have approved USDA planning help to 12 new Resource Conservation and Development projects—for a total of 68 now underway. Most of these projects include accelerated soil and water conservation, development of water resources, social and economic development.

The proposed Agricultural Act of 1970 would include three long-term crop retirement programs for pilot operation, including an "open spaces" program to help communities acquire land for conservation and recreation.

As we look to the future, the Department has before it six major policy objectives relative to environmental quality:

1. Department programs affect at least three-fourths of the nation's land resources. These programs will be administered in such a way as to foster environmental improvement and sustain productivity. For example, all USDA programs will recognize the relationship between soil erosion and water quality.

2. The Department will manage our National Forests and help private owners to manage their forests in such a way as to provide habitat for birds and wildlife, access for recreation, water harvest, and grass for livestock. These purposes will be integrated in well-managed ecosystems that will produce increased kinds and qualities of timber.

3. The Department will strive to reduce pollutants originating in agriculture and to ameliorate the effects on agriculture of those originating from other sources. It will practice and encourage the use of those past control methods which provide the least potential hazard. Non-chemical methods, biological or cultural, will be used and recommended whenever such mehtods are available and effective.

4. The Department will strive for a reversal in the rural-to-urban migration that has been taking place since World War II. It will seek to improve opportunity in rural America for all Americans by encouraging community development, productive employment, the enhancement of scenic and recreation opportunities, improved housing, adequate water and sewer systems.

5. The Department will strive to help farmers gain a fair income from their enterprises—so that they too may benefit from the environmental improvement that they help to foster.

6. The President has issued an executive order directing that a study be made of all public lands to insure that all of them serve the highest public good. Additionally, I have directed Department of Agriculture agencies to cooperate to the fullest possible extent with local communities in adapting Federal programs and facilities to the enhancement of community development.

The environmental job cannot and should not be done alone by one agency or even by the entire Federal Goverment. It requires cooperation with State and local agencies and private organizations.

Above all, this is a challenge to individual citizens—those who live in rural America and manage its agricultural lands but also those of all ages and origins who stand to benefit from measures taken there in the interest of the total environment.

Particularly heartening is the interest that young Americans are taking in conservation and environmental questions. We must be eager to accept this energy and enthusiasm and to recognize this cause as one "of particular concern to young Americans," as President Nixon put it.

To some of us who have been concerned with conservation for a long time, it may be startling to find that environmental quality is now a new cause—a new crusade.

The challenge to the young people of America is to join with people of all ages in what President Nixon has called "a common cause of all the people in America." This means commitment to a lifelong involvement in the quality of environment.

The challenge to farmers, to conservationists, to scientists and educators, and writers is to join in a "new conservation" movement that reflects the energy and enthusiasm of the young and the young at heart.

Abraham Lincoln, speaking before the Wisconsin Agricultural Society in 1859, said it this way:

"Let's us hope . . . that by the best cultivation of the physical world beneath and around us, and the best intellectual and moral world within us, we shall secure an individual, social, and political prosperity and happiness, whose course shall be onward and upward, and which, while the earth endures, shall not pass away."

REPLY TO UNWARRANTED CRITICISM OF SUGAR BEET DEVELOPMENT IN MAINE

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

Mr. KYROS. Mr. Speaker, remarks were recently made on the floor of this House regarding the Maine sugar industries which I believe to be distorted, inaccurate, and a disservice to the individuals who have been involved in this project.

It is all too easy to criticize the Economic Development Administration when certain projects come into difficulty. The proposal of Maine sugar industries to construct a beet sugar processing plant in northern Maine was recognized at the very beginning to involve certain risks. If it were a no-risk situation, there would be no need for the Economic Development Administration and the State of Maine to have become involved; private entrepeneurs would have undertaken the project on their own.

Unfortunately, however, the economically depressed areas of our Nation do not lend themselves to no-risk projects. If this were the case, these areas would not be economically depressed. In establishing the Economic Development Administration, the Congress specifically recognized the fact that it would be necessary for Federal and State authorities to assist in ventures in which success was not guaranteed at the outset. Those who oppose this concept of course have every right to criticize projects which subsequently are found to be in difficulty. I would hope, however, that such criticism could be free from attempts at politically partisan recrimination. When such attempts are made, they should at least be accurate.

The recent criticism of the sugar beet refining project in Maine implies criticism of the "sponsors" of this project, and states that the president of Vahlsing, Inc., was "persuaded" to undertake the venture. Who were these sponsors? They included the farmers of Aroostook County. They included a politically bipartisan group, counting not only the junior Senator in the other body, but also the senior Senator, the Republican-controlled State Legislature of Maine, and Republican Members of this body representing the State of Maine, including my own predecessor.

And they certainly did not "persuade" Vahlsing, Inc., to undertake the beet refining venture. This firm had taken close note of Great Western Sugar's interest in such venture, and moved forward on its own when the latter withdrew. It is, of course, correct that the classification of the Prestile Stream was downgraded in connection with the establishment of the sugar beet refinery. This was not done because the sugar beet refinery intended to pollute the Prestile Stream. The sponsors of the project certainly had no desire to see this stream polluted, and Vahlsing Inc., promised that the refinery would be bulit to assure that there would be no water pollution. This promise has been kept. At the time of the refinery's construction, closed-cycle water treatment facilities were installed which are as modern and effective as exists anywhere in this country today. Water from the beet-processing facility does not go into the Prestile Stream, and this stream has not been polluted by the beet refinery.

At the time of planning for construction of the refinery, however, it was not possible to legally guarantee that the proposed refinery would not pollute the Prestile Stream. It was, however, legally required that financing proposals not be advanced in support of a project which could conceivably violate Maine's pollution classification status. As Maine's then Gov. John H. Reed stated in a personal appearance before the State legislature on March 5, 1965:

> The financing . . . proposal that is being prepared by the corporation that is proceeding with the plans now, will not receive favorable approval unless some modification in this stream classification is forthcoming.

This reclassification was designated as temporary. It was not criticized by any member of Maine's congressional delegation. It proved, as all had hoped and trusted, to be unnecessary with regard to the establishment of the beet refinery.

It has been alleged that the reclassication was in fact only a subterfuge to permit the existing potato plant of Vahlsing, Inc., to pollute the Prestile Stream. This allegation may be appealing to some. In fact, however, it is untrue. Rather than go into the detailed history of the matter, I would point to the concluding paragraph of an article which appeared in the Portland Press Herald of February 5, 1970. The author of this article, Mr. Donald C. Hansen, has a thorough knowledge of events in Maine's

State Legislature. His concluding sentence reads:

> But one thing appears likely: the downgrading of the Prestile was not an attempt at subterfuge in order to allow Vahlsing's potato plant to legally pollute the Prestile.

I will certainly not deny that the Maine sugar industries project is in trouble. I would hope, however, that our efforts could be directed at putting together a program which will succeed. Such efforts are in the best interest of the State of Maine. They are in the best interest of the farmers of Aroostook County. They are in the best interest of creditors. The people of Maine have a substantial amount of money invested in this project, and I assure you that they are just as interested as the gentleman from Iowa (Mr. GROSS) in fiscal integrity.

TO INSURE DOMESTIC TRANQUILLITY

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

Mr. MIKVA. Mr. Speaker, we have been hearing much lately from the administration about how to fight crime. The Attorney General assures us that preventive detention is constitutional and the Justice Department appears urging no-knock warrants. But while the administration has been spending its time figuring out how to circumvent the Bill of Rights, some of us have been working on anticrime legislation which will be effective, which will treat the causes as well as the symptoms of violent crime in America, and which is clearly constitutional.

Today, with my colleagues from California (Mr. WALDIE) and Indiana (Mr. JACOBS), I am introducing three bills which I believe will take us a long way toward law enforcement which is both effective and decent. Two things should be clear from the beginning. First, as the distinguished chairman of the Judiciary Committee has wisely pointed out, the amount that the Federal Government can do in the area of crime reduction is limited. We do not want a national police force. Law enforcement always has been, and should remain, primarily the responsibility of State and local authorities in America. Washington can help; it can provide loans and grants; it can help provide training and modern crime fighting techniques; and it can set an example to be emulated by the States. But the problem of crime is essentially a local problem and if it is to be solved it must be solved in the cities of our Nation where it is occurring.

Second, the feeling among many members that America's increasing fear of crime in the streets is merely a coverup for racism will no longer hold water. Anticrime proposals need not be antiliberal or unconstitutional, as I hope my proposals will show. In fact, if we really care about the poor and the deprived in this country, we are dutybound to act to reduce crime, for the poor and the deprived are—as they always have been—the primary victims of crime. It may be the middle class neighborhoods and the white suburbs which are afraid, but it is for the most part the poor neighborhoods and inner-city blacks who are being mugged, robbed, assaulted, and murdered. Crime hits the poor hardest. One of the best things we can do for them is to improve the administration of criminal justice in their cities to make it swift and certain. Those of us who reject fearmongering appeals to "law and order" and embrace "law with justice" instead need to remember that justice requires that the guilty be caught and punished as well as that the rights of the innocent be protected. I believe that my bills can help us establish both order and justice—to insure domestic tranquillity.

OMNIBUS CRIME CONTROL ACT AMENDMENTS

In 1968 the Congress enacted what it intended to be an effective crime control measure. The Omnibus Crime Control and Safe Streets Act provided many weapons in the war on crime which hard-line law enforcers had argued for years were necessary. Some of the act's provisions—like wiretapping authorizations and repeal of Supreme Court decisions on criminal procedure—are as inappropriate now as when the act was passed. But even the "money" provisions of the Law Enforcement Assistance Administration are not working. The money is not getting to where it is needed most—the cities and high crime urban areas. Moreover, even when the money does get to cities, the limited jurisdiction of mayors and city councils limits the use which they are able to make of the funds they receive. Normally, city governments control only their own police; the criminal courts and the corrections system—integral parts of the criminal justice system—are State agencies. Finally, the Omnibus Crime Act's LEA provisions are inadequate because the act views law enforcement as consisting entirely of police work—almost totally ignoring the enormous importance of criminal courts and corrections.

The amendments to the Omnibus Crime Act which I introduce today will meet these objections. First, the definition of "law enforcement," and thus of all the Law Enforcement Assistance Administration's—LEAA—activities, is broadened to include all agencies involved in administration of the criminal law. Thus not only police, who deter crime and apprehend violators, but the criminal courts, who try and sentence them, and the corrections system, which is supposed to rehabilitate them, may be assisted by Federal money.

COORDINATION OF CRIMINAL JUSTICE ACTIVITIES REQUIRED

Another feature of the bill is that it requires, both in the statewide law enforcement plan and in allocation of resources by State planning agencies, coordination of all elements of the criminal justice system. Where appropriate, the LEAA may require a State, a county, or a city to form a criminal justice coordinating council to oversee the smooth functioning of the entire system in an integrated way. This is the kind of council suggested by the National Violence Commission as essential to more effective administration of criminal justice.

MORE MONEY FOR CITIES

Not only does the bill change the percentage of money which LEAA is authorized to grant directly to cities, but it provides incentives to States and statewide planning agencies to use their own money to support law enforcement in high crime, urban areas. Thus a State can increase its overall grants from LEAA if it shows that it is putting its effort where the problems really are.

Another limitation on the grants which can be made under the act requires that no more than one-half of the money appropriated can be used to support police or police-related activities. The other half must be divided between improving criminal court procedures and upgrading the corrections system. Neither of these two latter activities could get less than one-sixth of the total amount of grants. All elements of the criminal justice system would be assured of at least some attention.

Finally, the Omnibus Crime Act amendment increases by five times the amount of money authorized to be appropriated for law enforcement assistance. Last year less than $300 million was appropriated for this activity. Although the Johnson administration had talked of seeking $1 billion for fiscal 1971, the Nixon administration has recently indicated that it will seek less than half that amount—only $480 million. My amendments would authorize $750 million for fiscal 1971, $1.25 billion for fiscal 1972, and $1.5 billion for fiscal 1973. If we are really serious about improving the administration of criminal justice in America, this is the kind of money we have to talk about. The Nixon administration is concentrating on quick and easy solutions: preventive detention, wiretapping, no-knock warrants. My belief is that the criminal justice system we have will work if we give it the resources it needs. This is what the battle of priorities between Congress and the administration is all about.

IMPROVED PRETRIAL CRIME REDUCTION ACT

The second bill in the package I am introducing today is a revised and improved version of the Pretrial Crime Reduction Act which I introduced earlier this year. The new bill still places its primary emphasis where it should be in order to reduce pretrial crime by defendants released on bail—on speedy trials. It would establish a congressionally mandated set of time limits for the completion of criminal trials. For crimes of violence, the limit would be 60 days. For other crimes—except unusually complicated criminal trials like those under the tax laws, the securities laws, and the antitrust laws—the limit would be 120 days. These limits are phased in over a long enough period of time that the courts involved will have time—and will be required—to formulate their own plans for meeting the time limits. Part of this planning will require an assessment of what additional resources are needed to meet the deadlines Congress imposes. This bill will establish the machinery for collating these assessments and sending them to Congress. Thus, by the time 60- and 120-day limits become effective, Congress will have in hand a

comprehensive report from the front lines—from the judges, the prosecutors, the defense counsel, marshals, bailiffs, court management personnel, probations officers, and others—on what these officials need to do their jobs within the time limits we impose. Having established our speedy trial mandate, the burden will then be on Congress to give the courts and related agencies what they need to carry out this speedy trial policy.

PRETRIAL SERVICES AGENCIES

Another approach to reducing crime committed by persons released prior to trial is contained in the bill: pretrial services agencies. The bill establishes such agencies in five judicial districts and the District of Columbia on a demonstration basis. These agencies would assist judges in enforcing the conditions which they impose on pretrial release. Thus the conditions which judges are now authorized to impose on the release of defendants prior to trial—conditions which are now ineffective to stop commission of another crime—will have some real meaning. They will have meaning because a pretrial service agency will have the personnel to supervise such pretrial releases, as well as the resources to provide necessary medical services, job counseling, and other care. The ability to provide medical care is especially important in light of the high rate of drug addiction among defendants released prior to trial. To release a man while he is still addicted, without providing some means for him to deal with his dependency on narcotic drugs, is simply to invite him to commit another crime in order to help feed his habit. Pretrial services agencies could provide the treatment necessary to keep the addict—the potential violent offender—out of trouble.

BAIL REFORM ACT AMENDMENTS

One of the criticisms which has been made of the 1966 Bail Reform Act is that in its attempt to make the right to pretrial release in noncapital cases a reality, it has exposed society to the danger of many "dangerous" defendants who are released on their own recognizance without sufficient supervision and during too long a period of time. The administration's response to this criticism has been to propose preventive detention, which would place the decision about whether to release a defendant whom a judge considered "dangerous" almost entirely within the discretion of that single judicial officer. As indicated above, my approach is speedy trials to reduce the time during which such defendants are released, and to provide adequate supervisory personnel and facilities through pretrial services agencies. There are, however, three additional changes in present bail procedures which I believe can contribute significantly to reducing pretrial crime.

First, this bill would amend the Bail Reform Act to make clear that a judge can consider dangerousness in making a bail determination to the extent that such consideration overlaps, or involves factors common to, the likelihood of the defendant's appearance at trial. As every judge knows, the same factors which make a man a bad risk of flight may also make him dangerous. The language added to the Bail Reform Act by this bill would make clear to the courts Congress' feeling that "dangerousness" need not be consciously ignored. It could be considered when it overlapped with determinations of risk of flight.

Second, the bill would provide additional penalties for crimes committed by defendants released on bail prior to trial. Thus, in addition to the basic penalty for the crime committed, a defendant convicted of a crime committed while out on bail could receive a sentence of up to an additional 3 years. This would provide a deterrent to the commission of crimes while a person is released on bail and might, along with speedy trials, take us back to the days when we looked to the criminal law to deter crimes—not to preventive detention to make them impossible.

Finally, the revised Pretrial Crime Reduction Act provides a new approach to the problem of crime committed by persons who are probationers or parolees from State or Federal courts or corrections agencies. For these persons, over whom State and Federal court jurisdiction is already clear, the bill provides means for immediate revocation of probation or parole in the case of probationers and parolees arrested for crimes of violence. The bill does not require immediate revocation, but it does require immediate consideration of revocation. In the case of Federal probationers and parolees, the bill provides a means whereby the jurisdiction over a probationer or parolee who is outside the area in which he is being supervised can be immediately transferred to a court in the area where the man is charged. After this automatic, but temporary, transfer of jurisdiction takes place, the court which exercises jurisdiction makes a decision whether to terminate the man's probation or parole exactly as it would in the case of any person on probation or parole. In the case of State probationers or parolees charged with Federal crimes of violence or with crimes of violence in another State, the Federal court for the district in which the person is charged is authorized to temporarily detain the person and to act in accordance with the instructions of the court or parole agency which is supervising the probationer or parolee.

In sum, what these new provisions do is to authorize a limited form of pretrial detention as to a small and select group of persons—probationers and parolees—who are already subject to the supervision of some criminal justice agency.

REVISED CORRECTIONAL SERVICES IMPROVEMENT ACT

The third bill in this crime reduction package is a revision and improvement of the Correctional Services Improvement Act which was introduced last year. Most of the act's important provisions remain unchanged. The Attorney General is still authorized to build, staff, and then turn over to the States model correctional centers. The provisions for greater flexibility in parole determinations and for civil commitment of offenders found not guilty by reason of insanity in Federal courts remain unchanged. Federal probation and parole authorities are encouraged to use halfway houses to increase the flexibility of their treatment of convicted offenders. In addition to these provisions, however, several notable improvements have been made in the revised proposal.

First, in place of the unified U.S. Corrections Service which was proposed in title III of the original Correctional Services Improvement Act, this new bill provides for a Federal Corrections Coordinating Council. This Council would allow the Federal probation service to remain under the control of the U.S. courts, as it now is, but would encourage greater coordination and interchange of experience and techniques among Federal corrections agencies. The Coordinating Council would have power to issue guidelines to insure greater coordination of Federal corrections activities and high personnel and training standards. The Federal corrections agencies represented on the Council—the Bureau of Prisons, the Board of Parole, the U.S. courts, and the Division of Probation of the Administrative Office of the U.S. courts—are directed to comply with the Council's guidelines.

Second, the bill broadens the Attorney General's power to enter contracts with the States for minimum standards for corrections and to make grants to help maintain those standards. In the previous Correctional Services Improvement Act, the standard setting and grant power was limited only to local prisons and jails. This limitation focused the standard setting and grant power on an aspect of corrections which many experts believe already receives too much emphasis—incarceration—as opposed to non-institutional corrections activities, like probation adn parole. Thus the new revision broadens the Attorney General's standard setting and grant powers to cover correctional services as well as correctional facilities. The kinds of services for which standards could be set and grants awarded are "probation, parole, counseling, medical, psychiatric, and vocational rehabilitation services."

Finally, in order to make available to hard pressed State and local corrections agencies the expertise and training which is now available in the Federal system, the revised Correctional Services Improvement Act established a Federal Corrections Academy which would be both a study and evaluation center for new correctional techniques and a training facility for Federal, State and local corrections specialists. Modeled on the FBI law enforcement academy, this Federal Corrections Academy would help to develop the kind of professionalism and pride which is so necessary in the corrections field. It would also help to bring to State and local corrections personnel a level of specialized training which would probably be otherwise completely unavailable.

A CONSTITUTIONAL ANTICRIME PACKAGE

Mr. Speaker, I believe that the three bills which the gentleman from Indiana (Mr. JACOBS), the gentleman from California (Mr. WALDIE), and I are introducing today will be effective weapons in the fight against violent crime. I also be-

lieve that unlike many of the proposals the administration is pushing they are constitutional and show a concern for the rights of all our citizens. I commend them to the attention of my colleagues. I believe that they are the kind of anti-crime bills which Congress can enact without constitutional doubts and with confidence that they will help control and reduce crime.

CAMBRIDGE CENTER TO CLOSE

(Mr. O'NEILL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL of Massachusetts. Mr. Speaker, on December 29, Dr. Thomas O. Paine announced the closing of the Electronics Research Center in Cambridge. I, of course, am initially and most directly concerned for the people of my area whose very livelihood depends upon that Center and related research and development in industries in the Boston area. This Center has meant a great deal to the economy of Cambridge and surrounding cities through jobs and spin-off and because industry has been attracted to the area.

But since this action was forced upon us, we have been given an opportunity to once again seek the reordering of the priorities of our Nation. Two and one-half weeks ago, I called a meeting of the entire Massachusetts delegation to meet with representatives of Cambridge, Boston, the legislature, and the Governor's office to discuss the future of the NASA site. We wanted to explore all possibilities so that the vast funds that have been put into the NASA site would not go to waste and so that an equally large and important program could be found to replace the work that has been done there. This has opened up several possibilities in various fields of the Federal Government. But I think perhaps what is most important is that we, in the Congress, and the entire Nation in fact, have an opportunity to begin something new that will benefit the entire Nation and generations to come.

For several years many of us have been talking about reordering our priorities. We have tried to put weight behind these words through votes on appropriation measures, by attempting to emphasize the various domestic needs of our Nation and the importance of cutting back on defense spending, now, before it is too late, and before our domestic problems overwhelm us.

The President's reorganization of Federal departments will take effect soon. Regional offices of the Departments of Transportation: Health, Education, and Welfare; and of Housing and Urban Development will be located in Boston. This action, coupled with the closing of the NASA site, gives us a great opportunity to begin to seek the deevlopment of human potential and the exploration of human resources. I do not want to be vague or philosophical about this, but it seems to me that in the past we have let serious social problems and economic inequities come upon us when we were unprepared and unable to meet the challenge of those problems. We have not sufficiently foreseen major upheavals in our society or major changes that might affect the quality of our lives.

We must begin now to plan for changes that will inevitably occur because of the degree of technology, the concentration of our population, and the increasingly higher education of the majority of our people. If we do not make plans and allowances for these major changes, we will be unable to cope with them.

For instance, automation, and cybernation are facts. The extension of their use and the growth of their influence are inevitable. We have to make plans for changes in our society that will come because of the growth of automation, that is, we can foresee that there will be a time in the not too distant future when machines will be doing much of the work that men now do—in the fields of construction, industry, and many of the sciences. A 20- or 30-hour workweek will be possible and may even be mandatory in order to give everyone an opportunity to work. We will have twice as much leisure time as we have now, and because we will have so much leisure time, there will be a need to use that time constructively. There will not be enough games and hobbies to fill the day. But we will have a great opportunity, if we use our funds and knowledge in the right way, to educate fully every American, to provide each child with more than just a basic education, but rather to educate him in all fields that now are available only to a minority. We may see a growth in culture, in the arts and sciences, in literature and the humanities that was never thought possible.

Modern technology makes much of this possible, but most of these changes can only be brought about by directing man's will and energy toward creating a better society. If we begin now to establish programs, seeking the total development of mankind as a unique and complex being, we may be able to see the realization of man's great potential. We must now begin to truly educate our children and ourselves. We must make a commitment to eradicate disease from our midst. No longer can we allow individuals to languish in the darkness of poverty, discrimination, ill health or isolation. It is to the detriment of the Nation when a single individual is not allowed to develop to his fullest capacity.

We have all been told that a chain is as strong as its weakest link. This is true and our Nation cannot be strong, truly great or really good until every individual has sufficient resources to be able to become himself. The resources of which I am speaking are not only financial, but include opportunity of every type—a good education, the availability of interesting work, health care so that he is not hampered by illness, and political freedom so that he may pursue his interests without fear of reprisal and condemnation, so long as he does not infringe upon another man's rights.

Much of this can be done through developing and utilizing our technology. We can clean up the environment, we can develop high-speed, clean, silent transportation, we can build beautiful and inexpensive homes, create new cities, and search for the end to disease. I think this must be the first part of the battle. But beyond that, we must prepare for certain changes that are bound to come when a man no longer needs to work half of his life at a dull job just to support his family, when an individual's opportunities are no longer restricted by poor health, insufficient education, or the circumstances of his birth.

We cannot be satisfied with remedial programs. We must not be content to relieve the congestion of the cities by building new cities; we cannot look only to a minimum income to compensate for a lifetime of discrimination or an unequal share of the good this Nation has to offer. We must pursue these programs now as an interim measure, but we should be working for the day when we will not have to compensate for poor education, lack of health care, or discrimination.

It is not just the quantity of American life that will change, as hopefully the abundance of a nation will be more equally shared and the power of the political process will be available to everyone, but it is also the quality that will change. It will be possible, and I am sure of this, for every American to develop his potential to its fullest capacity, to pursue his interest, to work, and to play as he chooses, to be knowledgeable and to enjoy life and to be free from the anxieties of poverty, discrimination, and dependence, that we now see about us.

This is possible if we work toward that goal and if we begin now. I mention this program that I have thought and talked about for many years because the closing of the NASA site, an action that was not hoped for, gives us an opportunity to begin something. If we choose to utilize the expertise that is in the Cambridge area—in the great universities, in the abundance of talent and knowledge of the people, in the skilled workmen, and the strong industries—we can begin a program of the greatest magnitude and of the greatest importance for our Nation. We will have in the Boston area regional headquarters for those departments of Government that will have the greatest impact on the future. The problems we now face are great, and I believe we must seek to solve those problems immediately.

But we must also plan for a future that is farther distant and for changes that are less immediate. And it is to this end that I ask my colleagues to consider very deeply what I have discussed here today. We cannot allow problems to creep upon us, we cannot allow ourselves to be caught unprepared for major changes.

We are the richest Nation on the face of the earth—rich in many ways, but we could be something much greater and much more significant. The people of America, and indeed of the world, have the potential to be truly free and to be that which mankind was meant to be. In order to accomplish this, we must allow each man to develop his own resources and to be as great as he, as an individual, can be. I think this should be the utmost priority. Present problems demand immediate solutions but we must look to the future, beyond those problems, when we will have the ability to allow mankind to truly develop, if we only have the will.

CHICAGO'S CONSPIRACY TRIAL

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

Mr. PUCINSKI. Mr. Speaker, this Nation should be grateful to a brave judge who yesterday had the courage to restore dignity and decorum to the American judiciary by imposing a total of more than 15 years in jail sentences for contempt on the seven defendants in the conspiracy trial in Chicago and on their two attorneys.

Federal Judge Julius J. Hoffman has earned his rightful place in American judicial history as a defender of the very institutions which offer the greatest degree of hope and protection for those who preach the doctrine of dissent.

No judge in modern history has taken as much abuse and filth from the seven defendants, who are now properly ensconced in the county jail of Cook County, and the complete lack of judicial respect by their two defense attorneys, as has Judge Hoffman.

I believe Judge Hoffman deserves special commendation for the severe penalty of 4 years in prison for contempt of court that he imposed on Chief Defense Counsel William M. Kunstler.

Throughout this trial, Mr. Kunstler's conduct as an officer of the court has been contemptuous of the very system that he as an attorney has a duty to respect, if not defend.

Mr. Speaker, the final outcome of the jury, which is still deliberating this case, is really anticlimactic.

By his bold and heroic action, Judge Hoffman has served the ends of justice. In sentencing these contemptuous defendants and lawyers to jail not for conspiracy—this is a matter for the jury to decide—but for contempt, Judge Hoffman restores respect for our entire judiciary.

It is my hope that Judge Hoffman's action will now restore decorum to other similar cases pending in other courts around the country.

Judge Hoffman made it crystal clear that any shortcomings the defendants or their counsels want to attribute to the trial court could find ample expression and redress in our appellate procedures.

At the conclusion of my remarks I shall place in the RECORD today the list of contemptuous actions for which these seven defendants and their two attorneys have been jailed.

I believe we also owe a debt of eternal gratitude to Chief Prosecutor Thomas Foran who with his highly dedicated staff of associates brought this action against the defenders and in a brilliant manner presented to the jury a chronological order of the evidence on which he hopes to win his conviction.

The final judgment of this case belongs to the jury, but I believe that Mr. Foran and his associates have performed an exemplary public service by letting the Nation see during the past 4½ months of this trial the full ugliness of those who, under the guise of dissent, would destroy the very fabric of this Republic and its free institutions.

I believe we also owe a debt of gratitude to U.S. Marshal John Meizner and his very loyal and dedicated assistants who throughout this very difficult trial maintained order and preserved under great difficulty a semblance of decorum both in and around the courtroom. They have performed a public service of enormous quality.

Finally, Mr. Speaker, this Nation can never forget the huge contribution made by Chief Judge William Campbell who in the first instance ordered a grand jury investigation of the rioting which sparked the Chicago convention and which ultimately led to these indictments and to this trial.

Judge Campbell is preparing to retire shortly, but his brilliant record of many years of service to this country will be capped with his bold and brave decision to set the parameters on dissent in this country.

Judge Campbell and Judge Hoffman have earned an eternal place in the annals of American jurisprudence as two outstanding examples of the high degree of perfection that we Americans seek and expect from our judiciary.

The chronology of contemptuous actions by those sentenced by Judge Hoffman follows:

[From the Chicago Tribune, Feb. 16, 1970]

RECORD OF CONTEMPT, WHAT IT COST THEM

Following is a resume of the contempt findings by Judge Julius Hoffman against each defendant, and the sentences.

David Dellinger, 54, cited 32 times, sentenced to 30 months and 16 days.

Oct. 15—argued with Judge Hoffman, called him "Mr." 6 months.

Oct. 16—Made sarcastic remarks to witness. 1 month.

Oct. 25—Shouting support of Bobby Seale. 7 days.

Oct. 27—Yelling at a witness, "Do you believe a word of that?" 3 months.

Oct. 28—Complaining about a ruling againt defense lawyer William M. Kunstler. 7 days.

Oct. 29—Voicing support of Bobby Seale. 7 days.

Oct. 30—Making loud remarks in court. 7 days.

Nov. 12—Laughing in court. 2 days.

Nov. 19—Exchanging words with prosecutor Richard Schultz. 4 days.

Nov. 20—Commenting "Ah, Jesus." Remarking to Judge Hoffman, "You're acting like a fascist court." 4 days.

Nov. 26—Complaining because Judge would not excuse the jury for Thanksgiving, 3 days.

Nov. 26—Exchanging comments with the judge, saying "If you call me a liar you are liar." 6 days.

Dec. 11—Exchanging comments with prosecutor Schultz and the judge. 2 days.

Dec. 15—Starting argument as Stuart Ball Jr., a member of the defense team, is removed from court. 6 days.

Dec. 30—Exchanging comments with Schultz. 4 days.

Jan. 9—Arguing over use of a bathroom in the lockup instead of the hallway. 3 days. Laughing. 3 days. Calling evidence "ridiculous" and calling judge's ruling "hypocritical." 5 days. Laughing and telling the judge he will "go down in infamy." 6 months.

Jan. 17—Exchanging remarks with prosecutor Foran. 7 days.

Jan. 23—Exchanging remarks with the judge. 4 months.

Jan. 24—Saying, "Oh, my God," when Foran said he knew Robert F. Kennedy better than the defendants.

Jan. 24—Using the word "pig" at the end of a session. 2 days.

Jan. 30—Exchanging words with the court. 7 days.

Jan. 30—Use the word "bull . . ." 5 months.

Feb. 6—Exchanging words with the judge. 7 days.

Feb. 7—Making sarcastic remarks. 7 days.

On 4 days he refused to rise for the judge and got 1 day for each charge.

Rennard (Rennie) Davis, 25 months and 14 days on 23 counts:

Oct. 1—Arrived 20 minutes late, presented a birthday cake to Seale. 2 days.

Nov. 26—Said, "Why don't you gag all of us?" to the judge. 14 days.

Dec. 15—Laughing. 7 days.

Jan. 9—Telling the judge, "We are guilty until proven innocent." 7 days.

Jan. 12—Making statements in court. I day.

Jan. 13—Making statements in court. 7 days.

Jan. 23—Accusing the judge of not reading a document in evidence. 2 months.

Jan. 23—Accusing the judge of sleeping on the bench. 2 months.

Jan. 23—Disregarding a warning by the judge about keeping testimony within the scope of the questions. 6 months.

Jan. 25—Criticizing Foran. 3 months.

Feb. 2—Applauding. 14 days.

Feb. 2—Making statements in court. 7 days.

Feb. 4—Making remarks in support of Dellinger. 2 months.

Feb. 4—Making remarks to the judge after he revoked Dellinger's bond. 2 months.

Feb. 5—Making remarks to the judge. 14 days.

Feb. 7—Making remarks to the judge. 1 day.

Davis on 6 days refused to rise for the judge and got 1 day for each charge. He also received 2 months for telling the jury that the marshals had "tortured Seale" on Oct. 30.

Thomas Hayden, 14 months and 14 days on 11 counts:

Oct. 29—Making remarks. 1 month.

Oct. 30—Making speech in behalf of Seale. 3 months.

Oct. 30—Yelling on behalf of Seale. 4 months.

Jan. 9—Laughing while the judge was making a ruling. 1 day.

Jan. 28—Telling Asst. U.S. Atty. Schultz, "That is not true." 7 days.

Jan. 28—Telling the jury that the former Atty. Gen. Ramsey Clark was not allowed to testify for the defense. 6 months.

Hayden shook his fist and got 2 days and refused to rise for the judge five times and got 5 days for that.

Abbie Hoffman, eight months on 23 counts:

Sept. 26—Blowing a kiss to the jurors, 1 day.

Oct. 23—Exchanging words with the judge. 7 days.

Oct. 30—Rising to Seale's defense and saying, "You might as well kill him as gag him." 2 months.

Nov. 12—Laughing. 7 days.

Nov. 26—Telling Judge Hoffman, "I lost my last name," and other comments. 1 month.

Dec. 15—Laughing. 14 days.

Dec. 30—While testifying, speaking out of turn. 14 days.

Jan. 9—Laughing. 7 days.

Jan. 14—Laughing. 1 day.

Jan. 15—Making a joke to the judge after being told not to assist marshals in moving the lectern. Judge Hoffman later dropped this count, at the urging of defense lawyer Leonard Weinglass.

Jan. 21—Making a series of remarks to the judge. 42 days.

Jan. 23—Making remarks to the judge. 14 days.

Jan. 23—Making remarks to the judge. 7 days.

Feb. 2—Making comments, making "sarcastic" remarks. 2 days.

Feb. 4—Lifting shirt—thereby "baring body" to jury—and dancing around, showing what hippies do. 4 days.

Feb. 4—Telling judge he's "a disgrace to the Jews." 5 days.

Feb. 4—Makes an unflattering reference to the judge in Yiddish, and makes other comments. 6 days.

Feb. 6—Enters court in judicial robes. 7 days.

Five times Abbie Hoffman refused to rise for the judge and received 1 day for each charge.

Jerry Rubin, 2 years, 1 month, and 23 days, on 15 counts:

Oct. 30—Protesting binding and gagging of defendant Bobby Seale, 4 months.

Jan. 15—Outbursts during examination of a witness. 1 month.

Jan. 23—Shouted "they're dragging out my wife," as marshals removed his friend, Nancy Kersham, from the courtroom. 6 months.

Feb. 3—Mockingly attempted to shake hands with government rebuttal witness. 2 months.

Feb. 4—Cried out, "everything in this court is bull . . .". 6 months.

Feb. 5—Called Judge Hoffman a "disgrace" and compared him to Adolf Hitler. 6 months.

Feb. 6—Wears black robes to court and tells Judge Hoffman they are judicial robes. 7 days.

Feb. 6—Tells government witness Irwin Bock after testimony, "tough luck, Irv." 7 days.

Feb. 7—Shouts in court, "we refuse to rest." 3 days.

Refuses to rise for judge on six occasions. 6 days.

John Froines, 5 months and 15 days on 10 counts:

Oct. 28—Laughed at witness. 1 month.

Dec. 6—Outbursts in court. 1 month.

Dec. 17—Outbursts in court. 1 month.

Feb. 2—Makes an outburst to the jury. 14 days.

Feb. 2—Makes another outburst to the jury. 14 days.

Feb. 2—Cries out as witness leaves the stand, "That man is trying to put us away for 10 years by lying." 2 months.

Feb. 5—Cries out in court. 14 days.

Refuses to rise three times. 3 days.

Lee Weiner, 2 months and 18 days on seven counts:

Oct. 28, Oct. 29, and Oct. 30—Refusing to rise. 4 days.

Dec. 1—Shouts while government witness James Rochford is testifying, "The executioner is mumbling and I can't hear him." 1 month.

Jan. 14—Applauds a speech made by defendant David Dellinger in courtroom. 14 days.

Jan. 28—Insults prosecutor, Richard Schultz. 1 month.

William Kunstler, 4 years, 13 days on 24 counts:

Oct. 9—Attempts to cross-examine witness about a document not in evidence. 1 month.

Oct. 15—Participates with the defendants in efforts to observe the Viet Nam moratorium in courtroom, 14 days.

Oct. 30—Describes Judge Hoffman's courtroom as a "medieval torture chamber." 3 months.

Oct. 30—Refuses to sit down when ordered to do so. 14 days.

Dec. 9—Leaves the courtroom during proceedings and accuses the court of interfering with the defense case. 14 days.

Dec. 12—Accuses court of treating the government differently than the defense. 3 months.

Dec. 23—Charges that the government is about to launch an attack on the jury. 3 months.

Jan. 6—Defies court order not to move in the presence of the jury that Mayor Daley be declared a hostile witness. 6 months.

Jan. 12—Refuses to sit down when ordered to do so. 21 days.

Jan. 13—Refuses to sit down when ordered to do so. 14 days.

Jan. 14—Refuses to sit down. 7 days.

Jan. 16—Deliberately asks a question of a witness when ordered not to. 14 days.

Jan. 20—Refuses to sit down. 14 days.

Jan. 22—Refuses to sit down. 21 days.

Jan. 22—Tells court that he sanctions moaning and groaning from defense table. 21 days.

Jan. 22—Continues argument after ordered not to. 2 months.

Jan. 23—Argues a motion after court has ruled and encouraged disorders in the courtroom. 4 months.

Jan. 23—Compares Judge Hoffman to a child before the jury. 1 month.

Jan. 28—Disrespectful to prosecutor. 1 month.

Feb. 2—Defies Judge Hoffman's order not to tell the jury that the Rev. Ralph David Abernathy would not testify that day, and launches into a tirade against the court. 6 months.

Feb. 2—Brings Rev. Abernathy into the courtroom and openly embraces him being ordered not to discuss him, and tells the jury, "This is the ultimate outrage." 6 months.

Feb. 4—Accuses Judge Hoffman of causing the disturbances in the courtroom. 4 months.

Feb. 5—Refuses to sit down when ordered to do so. 1 month.

Feb. 5—Accuses the court of being wrong when it wasn't. 2 months.

Leonard Weinglass, 1 year, 8 months, 1 week, and 2 days on 14 counts:

Sept. 24—Disregards court order to discontinue argument. 2 days.

Oct. 1—Repeatedly asks questions on cross-examination which are beyond the scope of direct examination. 4 months.

Oct. 30—Criticizes judge and accuses him of being unethical. 14 days.

Nov. 26—Criticizes Judge Hoffman for not recognizing him. 14 days.

Jan. 13—Criticizes judge for not hearing a defense motion. 1 month.

Jan. 13—Makes sarcastic comments regarding judge's ruling on a defense motion. 14 days.

Jan. 13—Criticizes judge's handling of motions. 1 month.

Jan. 16—Continues argument after ordered to stop. 1 month.

Jan. 17—Continues argument after judge has ruled. 1 month.

Jan. 20—Refers to a document after objection to its introduction has been sustained. 3 months.

Jan. 22—Makes statement in open court during examination of a witness after being ordered to stop commenting. 1 month.

Jan. 24—Insults judge and continues to argue after a ruling. 5 months.

Jan. 26—Argues motion after it had been overruled. 1 month.

Feb. 5—Defies court order to discontinue argument. 21 days.

THE CIVIL RIGHTS ACT OF 1964

The SPEAKER pro tempore (Mr. ROSTENKOWSKI). Under a previous order of the House the gentleman from Louisiana (Mr. WAGGONNER) is recognized for 60 minutes.

Mr. WAGGONNER. I rise, Mr. Speaker, as I have on almost uncountable occasions, to address myself to a subject, to a problem, to a crisis, that engulfs this land and I respectfully urge your patient attention to my words.

Six years ago, on almost this very day of February, I stood here in the well and presumed to speak as the conscience of this country. I look back over a transcript of my words on that 10th day of February in 1964 and there is not much I would change. I would have, had I the oratorical wit or wisdom to do so, spoken with more fervor than even these words which I used to express my opposition to the Civil Rights Act of 1964:

We have come now to the end of a long, long trail in the consideration of this bill, the likes of which I doubt we will ever see again. Those of us who have been privileged to serve here in this House in these last few days have been a part of history. It is a part of history that I predict some of you are going to live to see the day you will regret. Mr. Chairman, this is a sad day. Not sad because we have been a part of history, but sad because of the now uncertain future. Some of you have young children at home. Some of you, a little older, have grandchildren. How in God's name could you do this to them? Some of you who vote for this bill have sold your birthright and the freedom of future generations for a mess of political votes. Man after man has told me, "I wish I had the guts to vote against this legislation; it is no good." I wish you did, too, and only for the sake of this country and its welfare.

That was, my colleagues, an admittedly impassioned plea, but, again I say, I would not today alter or diminish the fervor of it.

Time after time, in the days the House considered that bill, I rose to urge, to cajole, to wheedle, even to beg for temperance in what this body was about to do; to urge caution and above all commonsense. But that rare commodity was not to prevail.

Nor did it prevail when this body, on the following year, rushed headlong through the brief consideration we gave the Voting Rights Act.

Nor did it prevail in 1968 when this body was swept up by the beguiling emotional arguments that supported the so-called fair housing legislation, arguments so slender, so tenuous, so nebulous that they must haunt the consciences of those who offered them up.

In each of these instances, this body bowed to the will of a militant few of the minority and stripped the majority of almost every vestige of their freedom to choose between legal alternatives. And, so doing, this body set the peaceful majorities of two races down upon a collision course of violence, distrust, and hatred that will, as inevitably as the coming of tomorrow's dawn, end only when race warfare tears this country apart, unless we undo in some measure the mischief which previous Congresses did.

The unctuous, the hypocrite, the demagog will continue to look the other way and pretend this crisis is not upon us, just as he looked the other way in 1964, in 1965, and 1968. The selfish whose only interest is his own perpetuation in office will continue to peddle his soul for votes, just as he did in 1964, 1965, and 1968.

But from the others, the majority, those who made an error of the heart and mind, the Nation now demands, not an apology, but simply the necessary action to set right these wrongs. It is this challenge I am today placing before you.

The press has marveled in recent days

over the New England Senator who admits that "the North is guilty of monumental hypocrisy" in its treatment of the minority. Of course this is true. What a travesty on commonsense it is that his admission should make the front page of a newspaper. What a biting commentary it is that it is front-page news when a Senator takes the position that the laws of the Nation should apply to all its people and not one section of the Nation chosen to be the whipping boy of the other. How ironic it is that it should be front-page news that a Senator has said, "Perhaps we in the North need the mirror held up to us." And, "If Senator STENNIS wants to make honest men of us Northern liberals, I think we should help him."

I thank the Senator for his candor. I welcome him to the thin ranks of those who have the courage to confess their errors of judgment and want to correct them at any hour of the struggle.

I congratulate President Nixon, too, for the candor of his statement issued at a press conference last Thursday in which he spelled out again the administration's position on recent Court decisions and actions of his own Department of Health, Education, and Welfare which have, in effect, taken the administration of our schools out of the hands of professional educators and elected local officials and put it in the hands of a group of unqualified judges and unqualified employees of HEW.

In his statement, the President said:

The President has consistently opposed, and still opposes, compulsory busing of school children to achieve racial balance. This practice is prohibited by the Civil Rights Act of 1964. The Administration is in full accord with the provisions of the statute.

School desegregation plans prepared by the Department of Health, Education and Welfare on request by school boards or pursuant to court order will be directed to the greatest possible extent toward preserving rather than destroying the neighborhood school concept. It is the President's firm judgment that in carrying out the law and court decisions in respect to desegregation of schools, the primary objective must always be the preservation of quality education for the school children of America.

It is the view of this Administration that every law of the United States should apply equally in all parts of the country. To the extent that the "uniform application" amendment offered by Senator John Stennis would advance equal application of law, it has the full support of this Administration. Just as this Administration is opposed to a dual system of education in any part of the United States, so also is the Administration opposed to a dual system of justice or a dual system of voting rights.

Am I an alarmist, a pessimist, when I speak of what is thundering down on us as a crisis, as a threat to our very survival as a Nation? Experience born of reason and commonsense tells me no, that I am neither alarmist nor pessimist. I am a realist.

I say with all modesty that I have some experience in the field of education. In 1954, before coming to the Congress, I was elected to the Bossier Parish School Board, which is the county governing board in my home county, or parish as they are called in Louisiana. I was elected president of this board in 1956 and re-elected without opposition in 1960. I was, in that same year, elected to the Louisiana State Board of Education and, the following year, elected president of the United Schools Committee of Louisiana and elected president of the Louisiana School Boards Association.

I add this to my remarks, not to show that I am endowed with any special profundity in school matters, but to state my qualifications to discuss the problems of education. The field is, at least, my second love and my second interest, behind only my interest and concern invested in my position as a Member of Congress.

I look at the state of the Nation's schools today and it is clear that education as we have known it in the past, in our colleges, in high schools, and in intermediate schools, has collapsed. It is not threatened with collapse; it has collapsed. The racial conflict that seethes or rages in our schools has brought education to a halt. I am not talking about the District of Columbia where armed police patrol the halls, where a majority of the student body is armed with knives and guns, I am talking about Phoenix, Ariz., Los Angeles, San Francisco, Oakland, Riverside, and San Bernardino, Calif.; Chicago, Blue Island, and Harvey, Ill.; Muncie, Ind.; Kansas City, Kans.; Springfield, Mass.; Detroit and Pontiac, Mich.; St. Paul, Minn.; Las Vegas, Nev.; Atlantic City, N.J.; New York City; Pittsburgh, and Philadelphia, Pa.; and Charleston, W. Va., to name but a few cities.

All these cities have been the scene of confrontations and racial violence in recent months, according to the Urban Research Corp. of Chicago as reported in the New York Times of February 9. The Times also reports that student truancy in New York City high schools is now running from 40 to more than 50 percent. This, gentlemen, is what prompts me to say that education is not threatened with collapse. It has, as a matter of fact, collapsed, if 40 or 50 percent of the students are absent because of racial violence or the threat of it. These institutions are no longer schools in any sense that I understand the word.

You gentlemen read the Washington newspapers every day as I do and you know what the situation is here in the Nation's Capital. You know that forced integration in the schools here was supposed to have been a very model for all the country to admire and emulate. You know, too, what happened. The whites fled to the suburbs of Maryland and Virginia and today, except for a few whites scattered here and there, the school system in the District of Columbia is entirely black. The blacks now make up almost 95 percent of the school population.

These are not schools being operated here; they are armed camps with students living in fear of their lives every hour they are within the walls. Teaching and learning are sidelines. The major interest in District of Columbia schools is survival.

Last Friday's Washington Post gives in graphic, horrifying detail the highlights of a typical day in the District of Columbia school system in these random stories:

STUDENTS FORCED SCHOOL CLOSINGS: COOLIDGE WALKOUT LEADS TO SHUTDOWN HOUR EARLY

(By Lawrence Feinberg)

Militant members of the Black Student Union led a walkout yesterday at Washington's Coolidge High School that disrupted classes so severely authorities closed the school one hour early.

During the disorder, groups of students in army jackets and black berets went from room to room, shouting "school is out." In one case they pulled several reluctant girls up from their seats.

The walkout made Coolidge, at 5th and Tuckerman Streets NW, the fourth Washington high school this week at which militant black students disrupted normal activities.

Student protest leaders from two of the other schools affected, Western and Roosevelt, were at Coolidge yesterday, and spoke at the end of the assembly at which the walkout was called.

On Monday, Michael Blakey, 17, president of the Coolidge Black Student Union spoke to an assembly at Western High at the start of a widespread two-day boycott there.

On Tuesday, about 70 Western students went to Roosevelt to try to start a walkout, but police were massed on the school steps, and only about 30 students left class.

On Wednesday, a false fire alarm emptied Wilson High School, and a group of black students—several from other schools—ran up a black, red, and green Black Liberation flag, on the flag pole. Nearly all students returned to class.

The same liberation flag was raised at Coolidge yesterday, as television film crews, who had been alerted by tipsters, recorded the scene. Nearby the American flag was being folded into a neat triangle by the black students who had just taken it down.

Blakey, who is called the "Ghana" or president of the 35-member Black Student Union, was allowed to speak at the end of an assembly by Coolidge's principal, William Rountree.

Although the principal did not expect it, Blakey introduced Tyrone Atkins, 19, the "minister of education" of Western High's Organization of Afro-American Students. Atkins who was introduced as Lumumba, listed his group's demands, which already have led to the departure of Western principal Sidney Zevin. He said that if the rest of the demands for more black studies and student power were not met by Tuesday, the Western boycott would resume.

Blakey, who is the son of a dentist, then said that Coolidge was "surrounded by pigs (police)," and that a police helicopter was overhead. He said students who "don't want to be treated like niggers" should walk out of school for a rally at the flag pole.

About a third of the 1,000 students in the auditorium cheered and raised the clenched-fist black power salute.

At the time, Rountree said, there was only one policeman in the school building. When several squad cars rushed up a few minutes later, along with Deputy Police Chief Tilmon O'Bryant, Rountree said he asked the police to leave.

Few classes were able to resume after the assembly. Teachers said it was impossible to determine how many of the school's 1,700 students left as part of the boycott, how many were intimidated into leaving, and how many took the rest of the day off as a lark.

Coolidge has an enrollment of 1,743, with 1,709 Negro and 34 white students.

Carl Boykins, president of the Coolidge Student Council, said the majority of students opposed the boycott.

The teacher who is the adviser to the Black

Student Union, Samuel Taylor, 26, said the group that led the walkout had "double-crossed me." At the same time as they were secretly planning the walkout, he said, they were taking an active part in school reform committees, which also include parents. The committees are making specific criticisms of teaching and are working to bring about change, Taylor said.

Blakey, in an interview later, said the walkout would speed the reform effort because "it is a show of our power to them (the teachers.)"

"If they (the teachers) do not do what we want," Blakey said, "we will eliminate their jobs because students will take themselves out of the school rather than listening to all the bull . . ."

In the afternoon, Blakey said, "several hundred" Coolidge students went to the Center for Black Education, 14th and Fairmont Streets NW., and to the Black Panther office on 18th Street NW.

"That's where we can get some real education," Blakey said.

The Black Education Center is headed by James Garrett, former head of the black studies program at Federal City College who is an outspoken advocate of "black revolution."

SCHOOL PATROL CUTS PLANNED

(By Herbert H. Denton)

Washington's Acting School Superintendent Benjamin Henley said yesterday he plans to cut back sharply some of the pending proposals for combating school violence because their cost could take money from educational programs.

School officials, parents and a safety committee of the school board have been discussing school safety proposals since last month's fatal shooting of a student at Hine Junior High School. Concern has been intensified by boycotts and demonstrations recently at city high schools.

The school board is due to adopt measures dealing with violence at a special meeting Saturday.

Late last month, the board's safety committee proposed hiring 350 community aides to patrol school halls, but Henley said yesterday he would recommend only 80 "because I can't afford any more.

"We ought to use what funds we have to get at the real root problem of inadequate education," Henley told reporters yesterday.

School officials are considering the possibility of trying to get more money from the mayor's anticrime programs to hire more aides, Henley said.

The superintendent said he also planned to ask for "less than a million dollars" in next year's school construction budget to hire night watchmen and to install alarm systems in the schools.

Earlier, at a hearing on that budget, City Councilman Joseph Yeldell urged Henley and other school officials to go to Congress with a one-shot request for the amount of money needed to get alarm systems and plastic windows in all schools.

School officials had testified that losses from theft, vandalism and window breakage totaled about $700,000 last year. They estimated that it would cost about $5 million to equip all schools with the plastic breakage-resistant windows and the alarm systems.

YOUTHS ROB STUDENT AT GUNPOINT

Six youths robbed an 18-year-old Anacostia High School student of $250 at gunpoint inside the school yesterday.

After the robbery, the victim became hysterical and broke several windows with his fists, according to vice principal Arthur Jenkins. The student, Dwight Wimbush, was treated for hand cuts at D.C. General Hospital and released.

According to Jenkins, the robbery was committed by "outsiders" who came into the school when they learned Wimbush was carrying $250.

The student intended after classes yesterday to pay the rent and utilities on an apartment where he lives alone, Jenkins said, and had mentioned it to several students.

Although Anacostia has a full-time policeman assigned to the school, neither the policeman nor faculty members saw the non-students come inside. Jenkins said the intruders waited for Wimbush to leave a classroom and then surrounded him.

STUDENT RAPED BY 6 YOUTHS AT TAFT JUNIOR HIGH

A 14-year-old student at Taft Junior High School was raped by six youths yesterday in a backstage area of the school auditorium, police reported.

Sex squad detectives said the girl had entered a small room behind the stage shortly after 1 p.m. The school is at 18th and Perry Streets NE.

Several minutes after the girl went into the room, six youths arrived.

She was immediately grabbed and beaten as she struggled with members of the group, each of whom forced the girl to have sexual relations, police said.

The girl was treated and released at D.C. General Hospital.

Police have notified the parents of six juveniles allegedly involved in the incident to appear with their sons for a police interview today.

Prompted first by the Supreme Court's decision reversing the traditional separate but equal school system, the Congress expanded on that philosophy in the three legislative acts I have mentioned. As bad as this was, that was only the beginning. From this takeoff point, the Federal bureaucracy, principally the Department of Health, Education, and Welfare, and the courts have gone insane in their demands for forced mixing of the races, demands that go far beyond any idea ever conceived by the Congress.

We have come to a point now when courts are handing down with feverish regularity "laws of the land" which cannot be implemented by anyone. Yet they demand that their directives be carried out.

In Los Angeles, a county superior court judge has said that the minority cannot exceed 49 percent in any school, no matter what has to be done to prohibit it. Now, if this is "the law of the land," it should, in all commonsense, be applicable here in Washington, and New York City and Detroit, and every other city in the Nation. Yet you know and I know that here in Washington, for instance, it is physically impossible to put 50 percent white children into these schools because they do not live here and cannot be kidnaped from neighboring States. At least, not yet.

Last Friday's Washington Post headlined a story which said that Federal officials here in Washington were "stunned" by this decision. These same officials say if it is carried out it could produce a new "national crisis in education." Well, Federal officials, whoever you are, welcome to the fold. I am only sorry that commonsense did not tell you of this impending crisis in 1954 when the Supreme Court overstepped the Constitution with its first major decision in the area of education, or in 1964 when the civil rights bill was forced on the people. But, as I have said, you are welcome to join those of us who have been trying to tell you this all these years, even though you are many years late in arriving.

The Post story is worth reading in its entirety:

LOS ANGELES DECISION ON SCHOOLS STUNS OFFICIALS

(By Robert J. Donovan)

Federal authorities were stunned yesterday by what they understood to be the scope of the Los Angeles school desegregation decision. They feared that, if eventually upheld by the Supreme Court, it could produce a new national crisis in education.

As viewed here, Los Angeles County Superior Court Judge Alfred Gitelson's decision on Wednesday went well beyond existing federal law and beyond Supreme Court rulings in the matter of school desegregation.

Officials maintained—with considerable dismay—that the decision complicated the law on the subject by obliterating the distinction between de jure segregation (segregation imposed by law, as in some southern states) and de facto segregation (segregation caused by neighborhood racial patterns).

The Gitelson decision, of course, took the opposite position. The judge held that the Los Angeles case was an instance of de jure segregation, and he ruled on that premise.

The immediate shock here was occasioned by visions of untold sums that would be needed for thousands upon thousands of school buses throughout the United States if the decision became applicable nationally.

Officials here were at a loss to know where large new sums for buses would come from in the prevailing budgetary squeeze at all levels of government. Certainly they were not optimistic that voters would approve bond issues for buses in the circumstances.

Furthermore, education officials were worried that classrooms would be further starved of funds as school districts scrounged for money for buses.

"Is this the right way to allocate resources," a high official asked, "when we have so many hard-core poverty area schools that are desperate for money?"

The cost of busing is already becoming a problem. The Charlotte-Mecklenburg district of North Carolina, for example, has suddenly been confronted, because of a court decision, by the need for at least 200 new buses, the bulk of them by April 1.

To complicate matters North Carolina has passed a law prohibiting the spending of state funds for transporting school children for the purpose of achieving a racial balance in schools.

Automobile manufacturers' representatives here say that on an average school buses cost about $8,000 each.

In Los Angeles Robert Kelly, acting superintendent of schools, said that the Gitelson decision would cost the city about $180 million over the next eight years. In his decision the judge had ridiculed any such estimate.

This is the ridiculous extent to which the mischief of that Pandora's box has spread. There are as many orders to our schools as there are courts and there is no uniformity of any kind. Today's schools are not being operated by uniform laws or regulations, they are being operated by the whim and caprice of judges who are totally without qualification to run school systems.

It has been said that, in forced integration, the wealthier who can afford to do so, vote with their feet; they pack up and move out. As long as they have money, power, and ingenuity, they will avoid this conflict. But what about the average income earner? What can he do? Where is his freedom? He does not have it because he can not buy it and that is a shameful condition to put a free man in.

At every point along the way in your consideration of what is being done to this Nation, beginning with the Civil

Rights Act of 1964, I ask you to keep in mind one central fact that the courts, HEW, and others refuse to acknowledge, and that is that, as bad as this legislation was, it addressed itself only to "discrimination." That is the key word: Discrimination. Discrimination was outlawed, as it should be. But, and here I quote section 401 of title IV, "desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Yet, time and time again, HEW and the courts fly in the face of this specific declaration. The whole thrust is not "discrimination" but forcing mixing of the races by percentages, down to infinity. This is not only illegal, it is immoral to deprive citizens of the United States of their freedom of choice.

In the President's statement last Thursday, which I quoted earlier, paragraph 2 states:

> The President has consistently opposed, and still opposes, compulsory busing of school children to achieve racial balance.

Yet, the Los Angeles school decision requires an absolute, mathematical balance down to the last Negro, oriental, Puerto Rican, white, Indian, or other ethnic being. Who will prevail? Will it be the President of the United States or this California court? Will it be the President of the United States or Secretary Finch of the Department of Health, Education, and Welfare, who has consistently violated this policy? I, for one, have long since abandoned the idea that the courts or HEW will reform themselves and adhere to the laws as we in the Congress have made them. More is required of us; more in the way of specific prohibitions as to what the courts and HEW can and cannot do in stretching, torturing, and warping the explicit laws we make here in the Congress.

The New York Times is the bible of the liberal-to-radical element of political thought in this country. If there is any limit to which it will not go to promote the actions of the left, it is a narrow one. Yet, even the Times has surveyed and been forced to report the truth of the Nation's education crisis. This crisis must be dire if even the Times admits it.

In the Feburary 9 issue, two stories were carried on the front page and continued for a full page inside. It is chapter and verse of what has been done to the children of this country by this suicidal drive for forced integration of the races in every facet of their lives despite the repeated and continuing determination of both races to resist it.

No parent, indeed, no decent American, can read these two stories without a feeling of horror at what is being done to the youth in an effort to assuage the appetites of the equalitarians. These stories follow:

[From the New York Times, Feb. 9, 1970]

RACIAL STRIFE UNDERMINES SCHOOLS IN CITY AND NATION; CITY HIGH SCHOOLS AFFECTED

(By Joseph Lelyveld)

Racial fears and resentment are steadily eroding relations between white teachers and administrators and black students in many, possibly most, high schools here.

In a few schools, this erosion has gone so far as to create conditions of paralyzing anarchy in which large police detachments have been deemed necessary to keep classrooms functioning and put down sporadic outbursts of violence by rebellious students.

More generally, the widening gulf between white adults and black youths in the schools convinces increasing numbers of blacks and whites that the fading promise of school integration can never be more than a hollow piety.

A two-month survey by The New York Times of a cross-section of the city's 62 academic high schools—some predominantly black, others mostly white, some troubled and others ostensibly calm—indicated that racial misunderstanding appears in some schools not just as a fever that flares now and then but as a malignant growth.

In such schools adults and youths seize on narrow one-dimensional views of each other.

In the eyes of many teachers, students who express feelings of racial pride by donning the African shirts called dashikis and wearing talismans, or by sewing the emblems of various black power movements to Army combat jackets, surrender the status of children for that of "hard-core militants."

"We are faced with a very, very specific political movement," charged James Baumann, a co-chairman of the United Federation of Teachers chapter at Franklin K. Lane High School, a neocolonial fortress on the Brooklyn-Queens border where a force of 100 policemen was stationed last October after an outbreak of racial violence. "A small, dedicated group of militants is trying to polarize the student body and establish a totally black school."

A respected Brooklyn principal, who didn't want to be quoted by name, talked not of small minorities but uncontrollable masses. "What can you do," he asked, "when you have 1,000 blacks in your school, all programed for special behavior and violence?"

In the eyes of many black students, teachers given to such interpretations lose their identity and vocation and merge into that monolith of rigid, hostile authority known collectively as "the Man."

"A FALLEN HOUSE"

"As soon as they get the cops behind them, they show how racist they are," said a Lane student regarded by teachers as a "militant" leader. "We're trying to get ourselves together but they don't like that. They want to get us out. That's boss [great]! Black people shouldn't go to that school."

A black senior at George W. Wingate High School put his disaffection more broadly: "The school system? Like man, it's a fallen house."

Often under pressure the two sides conform precisely to each other's expectations with results that are mutually disastrous. Then teachers are openly taunted and abused, firebombs and Chemical Mace are discovered in stairwells, and racial clashes erupt between black and white youths who normally keep a safe, formal distance between them.

In 1969 incidents of this type were reported in more than 20 high schools here.

"The youngsters are militant—everyone's militant," said Murray Bromberg, principal of Andrew Jackson High School in Queens.

Much of the anger of teachers and students can be traced to the frustrations both suffer in classrooms.

"WE AIM HIGHER"

In the furor over whether it is the schools that are failing to teach blacks and other nonwhites or the students themselves who are failing to learn there is one undisputed fact—that the results are catastrophic.

The level of educational achievement accepted as a norm in many schools was indicated last month by a letter sent to the parents of all students at Lane. "We are not satisfied just to bring every senior up to the eighth-grade level of reading," it said. "We aim higher."

Many black students are registered in watered-down "modified" courses that lead nowhere. Even in schools that boast of being integrated, these classes are often all-black.

But the small minority of students labeled "militants" are almost never drawn from the mass of undisciplined students, semiliterate dropouts, truants or drug users. Frequently they are among the most aware and ambitious black students in the school—the very students, teachers commonly say, who should concentrate on their studies and "make something of themselves."

IRONIC SITUATION

Some observers regard it as ironic, even tragic, that these students and their capacity for commitment should be seen as a threat. "The fact is that they are an articulate and committed group of youngsters looking for change and reform," says Murray Polner, assistant to Dr. Seymour P. Lachman of the Board of Education.

But that has been distinctly the minority view, especially since the three teacher strikes over the community control issue in Ocean Hill-Brownsville late in 1968.

"That was the precipice," said Paul Becker, a Wingate teacher who broke with the union after the second strike and now is active in the Teachers Action Committee, which favors community control. "After that it was downhill all the way. It was 'us' against 'them.'"

Many black students are still outraged by the memory of epithets and abuse from U.F.T. picket lines. "There were teachers shouting, 'Nigger!'" recalled Billy Pointer, a Wingate senior, in the course of a recent group discussion on human relations.

"No, Billy, that's not right," said Martin Goldberg, a social studies teacher. "I have to admit that some teachers used unprofessional language but I'm almost sure that none of them used the word 'nigger.' That must have been parents."

Later, the teacher commented: "I hate it when people who aren't racists say 'nigger.'"

That the clash of values has not been exclusively racial was demonstrated at Jackson where black students last year agitated successfully for the appointment of a black assistant principal.

This fall the new man, Robert Couche, was stunned to find himself denounced as a "house nigger" after having been regarded himself, he says, as an "extremist" at his previous school.

More recently, these same black students threatened demonstrations to block the transfer of young white teachers whom they considered sympathetic.

Negro school administrators like Mr. Couche find themselves in a lonely, uncomfortable position where their motives are often over-interpreted or misinterpreted by both their white colleagues and black students. Nevertheless there are many who believe that the advancement of more blacks to positions of real authority in the system offers one of the few possibilities of blunting the racial confrontation.

At present few high schools have faculties that are less than 90 per cent white; only three have Negro principals. White teachers often complain that Negroes are being favored for promotion, while many blacks say that the system advances only the "safest" Negroes.

"Now if you don't bite your tongue, you're a 'militant,' said Charles Scott, a former head of the U.F.T. chapter at Jackson who is a leader of a faculty Black Caucus there that sees itself as a counterpoise to the union.

STUDENT "WILLING TO DIE"

Many white teachers are convinced that there is a carefully plotted conspiracy for a black "takeover" of the high schools—those of North Brooklyn and South Queens, in par-

ticular—by the same forces that were active in Ocean Hill-Brownsville. The evidence they most often cite is the words and rhetoric of black student activists and adults who influence them.

A newsletter of the African-American Teachers Association calls for support of black students who "seek 'through any means necessary' to make these educational institutions relevant to their needs."

At Lane, a student sent tremors through the faculty by proclaiming his willigness "to die for the cause."

What do such declarations mean? John Marson, the self-possessed chairman of the African-American Students Association, replied that violence was the only power students had to "back up what they say," comparing it to the power of the U.F.T. to strike.

But he scoffed at the ideas many teachers hold about a conspiracy. No one can tell the students in the various schools what to do, he said.

That wasn't the way it seemed last semester to Max Bromer, the beleaguered Wingate principal. "It's all planned, it's all planned," he insisted when he was visited one day in his office, which looked like a station-house annex with four or five police officers lounging at a conference table and a police radio crackling in the background.

Pressure was building up in the school, he said, and he had reliable intelligence warning him of a likely cafeteria riot in the sixth period.

A white teacher came into the office and reported that the cafeteria was quieter than it had been in weeks. "They're massing," the principal surmised.

When the sixth period passed without incident, his anxiety shifted to the eighth. Finally the school emptied. Was it all a false alarm? "No," he said, "it was psychological warfare."

Mr. Bromer's responses can't simply be written off as jitters, for he had seen his school brought to the edge of a breakdown by racial hysteria and violence, despite what he thought had been a successful effort the previous semester to negotiate an "understanding" with the "militants."

As regularly happens, he has also seen many of his most experienced white teachers flee the school as the proportion of nonwhite students shot past the 50 percent mark.

Wingate's troubles last term boiled out of a controversy over where to draw the line on expression by black students—the starting point of most racial explosions in the high schools. That line had been clearly transgressed, most teachers felt, in an assembly program staged by the school's Afro-American club.

Two passages were seen as particularly offensive—a recitation of an old Calypso ballad popular among Black Muslims ("A White Man's Heaven is a Black Man's Hell") and a line from a skit ("Brothers and sisters, we can't live if we continue to support the pigs by buying their dope and kissing their —— and letting them label us.")

BLACKS AROUSED

White students weren't shocked by these lines but by the angry pitch to which black students in the audience seemed to have been aroused. "I was actually embarrassed to be white," one girl said, "because I thought they hated me for something I didn't do."

Teachers saw the program as a deliberate provocation. "The nerve! The nerve! The nerve!" one fumed.

A week later racial clashes broke out in which many more white students than blacks were injured. In fact, many teachers had assumed that a racial confrontation had been in progress ever since the assembly. Black students identified as "militants" complained that they immediately became objects of suspicion.

Many Wingate teachers assumed the students were being manipulated by "outside influences." They singled out Leslie Campbell and Sonny Carson, two fiery figures in the Ocean Hill-Brownsville dispute.

"I WAS WHITELISTED"

Mr. Campbell, a 29-year-old Lane alumnus who is softspoken in conversation and anything but that in confrontation, lost his teaching post in the demonstration project last fall—"I was whitelisted," he says—and has just started a "liberated" high school, in Brooklyn for black students with the backing of the African-American Students Association.

Called the Uhuru Sasa (Freedom Now) School, its curriculum will include courses in martial arts, Swahili and astrology.

Asked to describe his relation to the students, Mr. Campbell didactically sketched a diagram on a pad before him.

"This is the soil," he said, pointing with a pencil. "The minds of these kids is fertile soil but it just lays there in the schools. We supply the seed—an understanding of black nationalism and the political situation."

Mr. Campbell said he was out of "the demonstrations bag." Mr. Carson, a onetime leader of Brooklyn CORE, is still in it. He likes working with students, he said, because they haven't been compromised by "the system."

Black students here reflect a mood of self-awareness that can be found at almost any high school or college in the country with a significant black enrollment. Some are imbued with sloganistic fervor. Some want an outlet for anger. Others are tentatively working out a life style. Many are just happy to "belong."

A few imagine romantic futures for themselves as black revolutionaries. But most think in conventional terms of gaining skills that will make them useful to their people.

"Most of them seem more indifferent than hostile to whites. "I can only care about the people I relate to and the people I relate to are all black," said a youth in Panther garb at Jackson.

Linda Jacobs, a black senior at Thomas Jefferson High School in Brooklyn, was similarly casual when asked about her reaction to the flight of whites from her school, which has gone from 80 per cent white to 80 per cent nonwhite in only five years. "It doesn't bother me, not one bit," she said.

FAKE ADDRESSES USED

Many whites from the Jefferson district have used fake addresses to send their children across the racial boundary formed by Linden Boulevard to Canarsie High School, which is about 75 per cent white—"a nice, solid ethnic balance," according to its principal, Isadore S. Rosenman.

But Canarsie has had its troubles. After rioting last year it found it expedient to eliminate the lunch period, as a way of preventing racial clashes in the lunch room.

Canarsie has also tried positive measures to overcome the disinclination of black students to become involved in the school's extracurricular life. For instance, it is now routine to have two bands at all dances, one black, the other white.

Teachers use words like "magnificent" and "beautiful" to describe relations at Canarsie. But most black students appeared to agree with Vernon Lewis, a senior, who said, "Here you always have the feeling there is someone behind you, looking at you."

A SHARP CONTRAST

They contended that they would have more freedom of expression at a predominantly black school like Jefferson. The contrast between the bulletin boards of the Afro-American clubs at the two schools indicated the range. The Canarsie board told of scholarships available to blacks; the one at Jefferson carried the Black Panther newspaper.

Despite the publication of a code of students' rights by the Board of Education last October, there remain extraordinary variations in the degree of expression on controversial issues—racial issues, especially—permitted to students.

At Brooklyn Tech—a "special" school for bright students that is more than 80 per cent white—a dean last year ordered the removal of a picture of Eldridge Cleaver from the cafeteria on the ground that the author and Black Panther spokesman was a "fugitive from justice."

This year the principal, Isador Auerbach, summoned a police escort to remove a black "liberation flag" on the ground that state law forbade any banner but the American flag in the schools.

Ira Glasser, associate director of the New York Civil Liberties Union, termed this a typical case of "the lawlessness of principals." There is no such provision, he said.

ANOTHER VIEW

By contrast, Bernard Weiss, principal of Evander Childs High School in the Bronx, saw no need to react to the posting of a picture of Huey Newton, the Black Panther Minister of Defense, on a bulletin board in his school.

"We want kids to read, we want kids to discuss," he explained. "We don't teach revolution. But if that's what they want to discuss, at least we can make sure they hear both sides."

Evander is about 50 per cent white, and most of its white students are from predominantly Italian, deeply conservative neighborhoods of the Upper Bronx—the perfect ethnic mix, it is sometimes said, for an explosion. But though the school has had some close calls and thorny issues, it has had no major eruptions of racial violence.

The school that has come closest to a breakdown—and has thereby raised the specter of ultimate disaster for the whole system—is Franklin K. Lane, which is set next to the mausoleums of the Cyprus Hills Cemetery.

On one recent afternoon, chemical Mace was released on a staircase, a fire was started in a refuse can in the lunchroom, and a tearful white girl, reporting that a gang of blacks was waiting to ambush her, demanded a police escort to her bus stop.

"Just a normal afternoon," said Benjamin Rosenwald, a dean.

Normality at Lane also included an ominous stand-off in the cafeteria between white policemen with little metal American flags stuck in their caps and black students standing guard beside a "liberation flag." Routinely, the students taunted "the pigs." The officers masked their reactions behind stiff smiles, but not one of them had his nightstick pocketed.

Many white students are afraid even to set foot in the cafeteria, known to them as "the pit." A handful have been kept out of school altogether by their parents for the last three months.

There are those who find a simple explanation for Lane's woes—the racial incongruity between the school and its locale.

Lane is about 70 per cent black and Puerto Rican but stands in a neighborhood that is entirely white and aroused on racial issues. Mainly Italian and German by ethnic background, the district sends Vito P. Batista, the Conservative, to Albany as its Assemblyman.

But, in fact, the residents were not the first group to become militant over the racial situation at Lane. Neither were the black students. Militancy began with the local chapter of the United Federation of Teachers, whose leaders complained five years ago that Lane was becoming "a dumping ground."

THE U.F.T. POSITION

The U.F.T. demanded that the Board of Education hold the blacks to under 50 per cent and, when that point was passed, they demanded that a racial balance be restored.

The teachers insist that their only interest has been "quality integrated education." But the U.F.T. has never proposed that black students cut from Lane's register be sent to schools now predominantly white.

George Altomare, a union vice president and a social studies teacher at Lane, was asked recently if he thought a black-white balance would also be a good idea for a predominantly white school like Canarsie. "Ideally yes," he replied slowly, adding the proviso that more high schools would first have to be built to relieve overcrowding.

But Mr. Altomare believes there must be no delay in implementing a union proposal to make Lane a "prototype" of effective integrated education—to be accomplished by cutting its register by one-third and introducing special training in job skills for students not continuing to college.

It is only on paper that Lane is now overcrowded, for its average daily attendance is under 60 per cent.

Black students find a simple explanation for the faculty's insistence on reducing the student body. "Lane doesn't like us and we don't like Lane," one declared.

Since the strikes in 1968, Lane has gone from crisis to crisis. Last year a shop teacher, identified in the minds of some students as a supporter of George C. Wallace, was assaulted by young blacks who squirted his coat with lighter fluid and set it on fire.

ACTION OVERRULED

The assault, which was followed by the threat of a teacher walkout, led to the placing of a strong police detachment in the school and the dropping of 678 students—mostly blacks—from its register, an action later declared illegal by a Federal judge.

Even before the assault, the union chapter had placed a special assessment on its members for "a public relations and publicity campaign" aimed at winning the support of "business, civic, political and parent groups" for its position.

This effort helped arouse the surrounding white community, which formed an organization called the Cypress Hills-Woodhaven Improvement Association specifically to protest disorders at Lane.

Michael Long, chairman of the group, said the union had hoped to use it as the "battering ram," then disowned it when it demonstrated for the removal of the school's principal, Morton Selub.

Now Mr. Long worries that he may not be able to control vigilante sentiment in the community if there are further disorders at Lane.

A FAMILIAR DISPUTE

The breakdown at Lane last October had a familiar genesis—a dispute over whether black students had the right to fly the "liberation flag" in place of the American flag in a classroom where they studied African culture.

After the flag had been removed from the room two days running, the students staged a sit-in to protect it, setting off the cycle of confrontation, suspensions and riots.

Black student activists at Lane don't deny that they have resorted to violence to press their demands, or "raise tensions to help a brother," or to "keep things out in the open."

They also acknowledge that they have not tried to discourage assaults on whites by younger black students outside their own group who want, as one activist put it, "to express their anger and let the white students know how it feels."

What they do deny is that their insistence on the "liberation flag" was an attempt to do anything but stake out a single classroom where they would be able to express themselves freely.

"Students want to relate to what's happening in their school," said Eugene Youell who prefers the adopted name of Malik Mbulu to his "slave name" and now has enrolled in Leslie Campbell's new school.

FOCUS OF PRESSURES

Some schools see a point in struggling to prove to themselves and their most aroused black students that there is a place for them in the schools and an incentive to study.

At Jackson, a school that appears to be on its way to becoming all-black, the principal has become the focus of a wide range of pressures—from white teachers, black teachers, middle-class Negro parents who want their sons and daughters protected from radical influences, and some black students who believe they have the right to conduct public readings of the thoughts of Mao Tse-tung or anyone else.

Recently the principal, Murray Bromberg, went before a history class devoted to "the evolution of today's African-American experience" and boasted, "This is the school of the future."

He said it was time for white school administrators and teachers to revise their assumption that standards must inevitably be lower in an all-black school.

His audience seemed to be itching to provide the principal with a list of assumptions about black youths that white adults could revise. But if they were "militants," they were also very obviously teen-agers who found no incongruity in wearing a big "I Support Jackson Basketball" pin next to a "Free Huey" button.

In fact, the African-American Club at Jackson has discovered it cannot hold meetings on the same day as a basketball game. Too many of its members are boosters.

INTEGRATION GOAL PROVING ELUSIVE—SURVEY OF 62 SITES SHOWS WIDE PATTERN OF MALIGNANT RACIAL MISUNDERSTANDING—NATIONAL TRENDS FOUND

(By Wayne King)

Racial polarization disruptions and growing racial tensions that sometimes explode into violence are plaguing school administrators in virtually every part of the country where schools have substantial Negro enrollments.

The degree of racial unrest was detailed in reports from a number of cities and in studies conducted by Government and private sources. They pointed to the following trends:

While there are indications that the dramatic increase in "issue-oriented" disruptions in the major urban areas last year may have leveled off, primarily as a result of some apparent accommodation by school officials, racial tensions continue at a high level and appear to be increasing.

The same kinds of disruptions and clashes that have occurred in major cities, particularly in the North, are cropping up increasingly in medium-size cities.

The pattern of school-oriented racial protest and tension is becoming more apparent in the border states and the South as schools there become more integrated.

Racial tensions seem to be moving downward in grade levels, with problems becoming more apparent at lower secondary levels and below.

Many of those studying or involved directly in school racial problems are outspoken in the attitude that an evenhanded, "colorblind" approach will not work. Instead, administrators are increasingly being urged to become "color-conscious," to meet problems head-on and stringently to avoid apparently repressive measures, such as calling in the police.

No section of the country appears to be free of serious racial problems in schools.

THE 39 RACIAL INCIDENTS

In a study of "confrontation and racial violence," the Urban Research Corporation in Chicago collected newspaper accounts of racial incidents that occurred at schools in 39 cities, towns or counties, from the beginning of the school year, last September into January. The private research corporation monitors national trends and prepares reports for various subscriber groups and organizations, including governments.

The incidents occurred in the following places:

Phoenix, Ariz.; Little Rock, Ark.; Los Angeles, Oakland, Riverside, San Bernardino and San Francisco, Calif.

Also Chicago, Blue Island and Harvey, Ill.; Muncie, Ind.; Kansas City, Kan.; New Iberia, La.; Springfield, Mass.; Pomfret and Prince Georges County, Md.

Also, Detroit and Pontiac, Mich.; St. Paul, Minn.; St. Louis, Mo.; Las Vegas, Nev.; Asheville, Chaptel Hill, Lexington and Sanford, N.C.

Also, Atlantic City and New Brunswick, N.J.; Albany, Belport and Middle Island, N.Y.; Cleveland, Ohio; Portland, Ore.

Also Philadelphia and Pittsburgh, Pa.; Greenville and Ridgeville, S.C.; Crystal City, Tex.; Arlington, Va., and Charleston, W. Va.

John Naisbitt, president of the research corporation, noted that the study included only those incidents reported by the press and that some communities had had a series of incidents. Eleven reports, for instances, were gathered in Chicago alone.

"A UNIVERSAL TOOL"

Many of the incidents, Mr. Naisbitt continued, involved boycotts or closings of the schools. In Portland, Ore., for example, students at Roosevelt High School reportedly walked out over grievances, gained adult support and turned the protest into a citywide issue. "The school boycott," Mr. Naisbitt said, "is almost a universal tool."

He also noted rising black-white tensions. "In some cities like Chicago," he said, "biogotry is gaining respectability in the face of increased black awareness and black pride."

"These two social forces are on a collision course," Mr. Naisbitt added, "and one of the places it's finding its focus is in our integrated schools."

But the prevailing opinion of human relations directors and others involved with school racial problems was that polarization was traceable more to the quest for "black identity" and unity, and the reaction to it, rather than to racial animosities.

RAPID INTEGRATION

In some cases the two seem to overlap as blacks and whites come under the stresses of rapid integration.

In Detroit's Cooley High School, where fist fights between blacks and whites broke out last fall, black and white students tend to sit on opposite sides of the school cafeteria.

Other Detroit schools have had relative peace, however, and the difficulties at Cooley may be explained with some statistics. In 1964, more than 90 per cent of the students at Cooley were white. Today, more than 50 per cent are black.

White resistance to school integration has also generated some problems.

Gage High School in southwestern Chicago, for example, was integrated in 1965 and now has 400 Negroes in its enrollment of 2,600. The school has had a number of racial student disorders.

About 120 arrests were reported in and near the school last fall, including 92 during the week of Oct. 28.

BLACK REACTION

Explaining the clashes, a 16-year-old Negro student Columbus Tapps, Jr., said: "Black students are going to react to insults. A month ago somebody hung a dummy on a rope from a tree with a sign, "Niggers Die."

A white student, Terry Conwell, also 16, said: "Only a few cause the trouble. Most of the whites [living in this area] want to keep this community white and resent integration of our school. But most of the kids have sense enough to know the fighting isn't worth it."

In Philadelphia, a spokesman for the school system's Office of Inter-group Education observed that "social separation [between races] has been total and complete."

The office operates in part on a principle it calls "conflict utilization." Once a conflict occurs, the office attempts to capitalize on the focus it creates to investigate and dramatize the underlying causes—community attitudes, conscious and unconscious discrimination, teacher attitudes, etc.—that often have little to do with the immediate cause of the incident.

"FANTASTIC" GAP

"The understanding gap," the Philadelphia spokesman said, "is fantastic."

A similar view was expressed by Dr. Alan F. Westin, a political science professor and director of the Center for Research and Education in American Liberties at Columbia University.

Dr. Westin, who was cochairman of a panel that investigated the causes of the Columbia disruptions in 1968, has been monitoring 1,800 daily newspapers to gather data on student disruptions in secondary schools across the country.

"The color-blind approach although it works in some areas such as treating everyone alike in restaurants and in public transportations, won't work in education," he said. "If there is a sudden influx of blacks into a school and school authorities take the attitude that they're color-blind, it's guaranteed to create disruption because of the special needs of blacks."

Dr. Westin found that, of 675 secondary school protests reported in the newspapers he monitored last year, 46 per cent were caused by racial problems. The study included only demonstration, sit-ins, fighting or other disruptions. And nearly one out of every five incidents—18.5 per cent whites and blacks.

Although a detailed analysis of the protests in the current school year has not been completed, Dr. Westin said there were preliminary indications that the "big city problems" of protest were occurring more frequently in medium-size cities.

"PATTERN OF PROTEST"

"There is also a distinct pattern of protest developing in the border states and the South," Dr. Westin said, with Negro student demands centering on the hiring of more black school personnel, the revamping of school curriculums, and similar issues.

He also said there were indications that, in many big cities, the number of serious disruptions growing out of black demands for change had declined.

At the same time, Dr. Westin continued, there is no evidence that racial tensions have diminished. He noted, for instance, "a steady drumfire of fights in cafeterias and out of school, between blacks and whites."

Dr. Westin agreed with authorities who maintained that racial conflicts reflected the black students' striving for identity.

For example, he noted that a major issue last year was the lack of black cheerleaders. Other demands included the serving of "soul food" in school cafeterias and the placing of portraits of black heroes, such as Malcolm X, in school buildings.

Such demands were "symbolic of a need to imprint a sense of blackness on the schools," he said. "The black kids wanted to feel their heritage was as valid as the whites."

These stories correctly state that racial fears and resentment have created conditions of paralyzing anarchy. They point out that this kind of forced integration of the races against their wills can never be more than a hollow piety. This racial strife is not just a fever that flares now and then but is a malignant growth and on the increase.

In a desperate effort to accommodate the minority militants, the schools have watered down the courses offered them. The emphasis has been shifted from training students to cope with the world in which they will live as adults, to an emphasis on getting along, accommodating the unruly and praying for graduation day. Courses in Swahili and astrology have taken the place of English grammar and mathematics. I know of no demand for Swahili-speaking astrologers in today's real world, but a man who has been trained to think and speak can always find a job. It is lunacy to allow the minority militants to dictate the courses they will take, the behavioral patterns they will abide by, the regulations they will obey, yet this is becoming the pattern of the Nation's schools. The generation it will produce will be incapable of living in a structured, orderly society.

What can this Congress do to forestall the crisis? Many things, most of them absurdly simple.

First of all, abandon the unreasonable, unworkable philosophy that heterogeneity is a dirty word. Heterogeneity has been a working force in man's life for a half million years since Peking man, Sinanthropus Pekingensis, walked, heavy-jawed but upright on the vast plain of North Cathay.

Man has always sought to differentiate himself and it is as natural for him to do so as for a horse to walk on four legs. Certainly a horse can be made to walk on his hind legs, but it is unnatural and cruel to force him to do so for long periods of time.

In his schools as in all other things, man has always supported various forms of heterogeneity, in girls' schools and boys' schools, in Catholic schools, military academies, business colleges, art schools, and innumerable other examples. This was freedom of choice and it is as it should be. But in an effort to satisfy the equalitarian ideology that all men must be like all other men, man, God or nature notwithstanding, this freedom of choice has been destroyed and a false condition set up which neither man, God nor nature intended.

What else can this Congress do? Second, it can pass in forceful, unequivocal language a freedom of choice law. As a beginning point for consideration, I can suggest a resolution which I have cosponsored with six other Members of the Louisiana delegation. It is a simple statement framed as a constitutional amendment and one any reasonable man should support. It says:

The Congress shall make no law restricting freedom of choice in any area of human discretion wherein a person has a lawful right to choose between two legal alternatives; in particular, all persons shall have freedom of choice in selecting schools, domicile, marital status, employment and the ownership, use and disposal of property.

Now, you and I know that all of this is guaranteed by the Constitution of the United States already. It would be idiocy to say that the framers of the Constitution did not mean for us to have at least these basic rights. Yet, you and I know as well, too, that we do not have these rights today, thanks, in part to the Congress and thanks in part to the Supreme Court and other courts. They must then, be specifically stated.

For instance, we cannot select the schools our children will go to. We cannot select the employees we want to hire and we cannot dispose of our property as we see fit. We have to meet whatever standards the courts and the bureaucracy set up, unreasonable, unworkable standards which effectively strip us of these rights.

I mention this particular resolution, House Joint Resolution 846, as an example of what this Congress must do. There are dozens of others in the dead files of the Judiciary Committee. I, myself, have submitted one or two on this subject in each of the 9 years I have been here. It makes no difference to me and it makes no difference to the people which one is passed. My abiding interest and theirs is that something be done by the Congress to curb the courts and the zealots of HEW and other agencies.

If the Congress turns its back on the people in this crisis, I do not dare contemplate what the people will do. It may be the revolution which the militant minority is promoting. It may be a civil war with whites pitted against blacks. It may take the form of an acceleration in the present trend away from accepted moral standards, respect for authority, religious faith and ethics. Regardless of which, this Nation cannot continue on this path and this Congress cannot continue to allow, even, condone it.

This is not the hour for any man to play the demagog. The hope this Nation has held out to mankind is the only hope of the world today. This legacy carries the obligation to preserve that hope and pass it on to future generations. We are not doing so by participating in this destruction of our educational system.

In all solemnity, I tell you gentlemen we are either at midnight on the clock or zero-zero-zero one. It may be that it is already too late. We must pray it is not. We must work as if it is not.

I guarantee you I will leave no stone unturned, no idea untried, to save education in Louisiana and the rest of the Nation. I owe it to the people I represent and you do too.

"DE FACTO" OR "DE JURE—A MEANINGLESS DISTINCTION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Louisiana (Mr. RARICK) is recognized for 30 minutes.

Mr. RARICK. Mr. Speaker, the time has come to attempt to shed a little light on a question which has been deliberately and, in my judgment, dishonestly clouded for the sole purpose of partisan political advantage. I refer to the entirely artificial distinction invented by the technicrats as a shallow justification for their treatment of the South on an entirely different basis than the rest of the country—for the revival of the shameful "conquered province" doctrine of the racial Republicans of the last century.

While there is a genuine legal difference between the existence of a situation

"de jure" or by law, and its existence "de facto" or only in actuality, the difference has no real meaning whatsoever when either the constiutional, the statutory or the procedural aspects of school segregation are involved. It is patently dishonest to differentiate between the present racial separation in our schools, throughout the Nation, on the artificial theory that in the Southern States the segregation occurred pursuant to law while elsewhere it arose from custom.

Let us candidly examine the facts as to racial separation in our land.

As a beginning we must concede that from the very first settlement racial differences were recognized. They were recognized by the English, the French, the Dutch, the Swedes, the Spanish—by all of the peoples who settled our land.

Slavery was recognized—and not just in the cotton-producing sections of the land. Indentured service for a term was common, and for life well known, even in Massachusetts. Legal distinctions between the races were general, as they were everywhere in the civilzed world.

We came of age as a nation and adopted our Constitution with full understanding that legislation was quite proper when based on race—the constitutional command being against an arbitrary distinction, not against discrimination. Discrimination was common, accepted, and entirely unquestioned.

Slavery was never a real issue in the War Between the States. Among the States remaining in the Union were the "slave" States of Delaware and Maryland. When the Emancipation Proclamation was signed as a war measure by Abraham Lincoln, it took care to exclude from emancipation the slaves held in those States and in the District of Columbia. In fact, by its own terms, it did not apply to one slave under Union control.

The 13th amendment abolished slavery throughout the land—and then came the 14th amendment.

Unquestionably the 14th amendment, if it indeed be a part of our Constitution, made the Negro a citizen, whether or not he was a former slave. But it did not pretend to make a distinction based on race—so long as it is not arbitrary—forbidden. The only positive command of the 14th amendment is that classification by State legislatures not be an arbitrary classification.

That this was the understanding of the Congress which proposed the 14th amendment is underscored by creation of the public school system of the District of Columbia—racially segregated. That this was the understanding of the States ratifying the amendment of their own free will is made plain by the existence at the time of ratification or by the creation subsequent to ratification of segregated public school systems in such States.

Such an understanding is underscored by the enactment and enforcement without qualm of a whole series of racially discriminatory laws, both in the States and in the Nation, for nearly a century after the adoption of the 14th amendment. If there is a hidden imperative in the amendment it was so well hidden that those who constructed the amendment itself did not recognize it, nor did their successors in State legislatures, in the Congress, or on the Supreme Court, until the clairvoyant Warren court discovered the secret formula, with the assistance of a very odd company of special interest promoters in 1954.

The Brown case, in which the Warren court demonstrated its superior knowledge of the Constitution did not even arise in a Southern State. It came from Kansas, which had school segregation as a matter of law—"de jure" segregation, if you please. To this case were joined the arguments in other cases arising from Delaware, Virginia, and South Carolina.

It was in these cases that the Warren court discovered the miracle of the secret imperative of the 14th amendment, and overturned the prior decisions of more than a half century.

But this did not solve the problem entirely. There remained another troublesome point. The segregated schools of the District of Columbia, to which the 14th amendment obviously did not apply. There was another case pending on appeal, arising from the District. Plainly some legal acrobatics were going to be required.

The Supreme Court rose to the occasion. It concluded that the "equal protection" clause of the 14th amendment, in other words, an amendment to the Constitution adopted as part of the Bill of Rights, and which certainly did not outlaw slavery, was suddenly discovered by the legal technicrats to forbid school segregation in the District of Columbia. This bald perversion of the Constitution is worth reading in *Bolling* v. *Sharpe,* at 347 U.S. 497, the initial step to the creation of the present school mess in the Nation's Capital.

But, back to the States, and to the theory that where segregation of the schools was de jure it must and can be wiped out, regardless of the wishes of the people of either race, pursuant to some mystical command of the Constitution.

In 1950, as a part of the assault which had been very painstakingly laid on the Constitution, there was published under the auspices of the Woman's Division of Christian Service of the Methodist Church, a volume entitled "States' Laws on Race and Color." This is not necessarily the most accurate compilation on the subject, but it can scarcely be said to favor in any way racial separation. Indeed, the foreword recites that the woman's division:

> Has long recognized the need for a compilation of the state laws that have in some measure determined the racial patterns and practices throughout the nation. The recognition . . . grew out of . . . an attempt to answer the recurring question as to whether a "practice" was based on "law" or "custom and tradition."

The foreword continues:

> The pattern of discrimination and segregation is in evidence to a greater or lesser degree throughout the nation.

At the time of publication of this volume, some several years prior to the decision in Brown, school segregation was authorized or required by State law in 21 States, and by Federal law in the District of Columbia. The States with segregated schools de jure at that time included Alabama, Arizona, Arkansas, Delaware, Florida, Georgia, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wyoming.

At the same time, 15 additional States, which had no laws requiring school segregation, imposed legal sanctions based on race—that is racial restrictions by law—under a variety of circumstances. These States were California, Colorado, Idaho, Indiana, Iowa, Minnesota, Montana, Nebraska, Nevada, New York, North Dakota, Oregon, South Dakota, Utah, and Washington.

Only 12 States, according to this study, were without racial discrimination by law. The balance of the 48—or 36 States—were in violation of the Constitution.

One or two of the most interesting discriminations include the almost universal prohibition of miscegenation, and the frequent prohibition of sale of either firearms or liquor to persons, the prohibition being based solely on their race—the Indians.

Now it is quite simple to follow this theory of racial discrimination imposed "de jure" to its logical conclusion, and it is high time that it was done. The theory is to the effect that since the Constitution, unknown to any but the Warren savants, expressly forbade such discrimination it now expressly commands federally imposed corrective action where it had existed under the authority of law, but not where it had existed only pursuant to local custom. This is the heart and sole of the so-called de jure or de facto distinction in the application of such things as racial assignment or busing to the school problems of the North on the one hand and of the South on the other.

The difficulty with this theory is that the same constitutional command, if it exists at all, exists with regard to the miscegenation prohibition and the firearms and liquor prohibition. If the schools must be integrated by the forced application of a quota system, so then must the bedrooms, and the labor force, and the houses, and the liquor consumers, and the firearm users, and so on ad infinitum.

And this is a course which is so patently foolish that even the most ardent integrationist must recognize that the fiction simply will not hold water.

IMPROVING THE NATION'S MANPOWER EFFORTS—A POSITION PAPER BY THE NATIONAL MANPOWER POLICY TASK FORCE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Wisconsin (Mr. STEIGER) is recognized for 15 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, as most of my colleagues know, the National Manpower Policy Task Force is a private nonprofit organization

of academic manpower experts devoted to the promotion of research in manpower policy.

A year ago the task force produced a document advocating a comprehensive manpower policy approach. While several Members of Congress had been thinking along these lines, this document provided a large part of the foundation on which the manpower bills of the gentleman from Michigan (Mr. O'HARA), the Nixon administration, and myself are based.

The task force has now prepared an analysis of the Nixon, O'Hara, and Steiger proposals.

I urge my colleagues to carefully read the report which follows:

IMPROVING THE NATION'S MANPOWER EFFORTS

During the sixties the federal government launched a series of manpower programs. The over-all direction and thrust of these efforts was salutary; they emphasized the needs of millions of citizens who could not compete successfully in the labor market because of a lack of skills or motivation, deficient education, or discrimination. The execution of these programs, however, left much to be desired. The multiplicity of program sponsors at the local level made the delivery of effective manpower services very difficult. The programs were characterized by varying eligibility criteria, overlapping services, and conflicting regulations. After seven years of expanding the manpower programs, there is a pressing need to overhaul these categorical and disjointed efforts.

As we enter a new decade, we should take advantage of the lessons that have been learned from the vast experimentation of the sixties. Improving the administration of manpower programs and related services to maximize their impact is just as important at this moment as adding funds, and as the administration of manpower programs is improved, it is essential that funds be further expanded. Considering the extent of need, the additional funds become even more justifiable as the effectiveness of programs is enhanced.

The Administration and Congress have recognized the pressing need for a comprehensive manpower effort building on the experience of the sixties. Three major proposals are now pending before Congress, and we believe that the enactment of new legislation will provide, in the words of Secretary of Labor George P. Shultz, "more effective services to the individuals and communities that need them . . . and at the same time invigorate established institutions of government . . . and our manpower programs." Enactment of the best provisions in each of the three bills would be an achievement comparable to the initiation and expansion of the manpower programs of the last seven years.

THE PROPOSALS

The major proposals for overhauling existing manpower programs enjoy bipartisan support. Sponsors of the bills are Representative William A. Steiger (HR 10908), Representative James G. O'Hara (HR 11620), and Senator Jacob K. Javits (S 2838, proposed by the Administration). All have a common objective and approach, though they differ in respect to the responsibilities assigned to federal, state, and local levels. All can be appropriately described as comprehensive remedial manpower legislation insofar as they embrace services aimed at the employment of disadvantaged persons. The bills contemplate the consolidation of several discrete pieces of manpower legislation and list a broad range of services that can be provided, leaving the mix of services offered to individuals in any particular state or community to administrative discretion.

All three bills seek some form of state and local planning to adapt the use of funds to area needs, and all seek flexibility in working out specific programs. The Administration and Steiger bills would shift the locus of state and local authority from professional or community-based administrators to elected officials.

Both the O'Hara and the Administration bills contain specific features which go beyond the issues of consolidating comprehensive remedial services and of shifting state and local responsibility. The O'Hara bill places no restrictions upon eligibility for services except that only unemployed workers can qualify for public service employment. The Steiger and Administration bills emphasize the training and employment of the unemployed and the poor, and the O'Hara bill also provides for the upgrading of trainees after they are employed.

The scope of all three bills is limited to the consolidation of the Manpower Development and Training Act, the manpower programs of the Economic Opportunity Act (the Job Corps retains its separate identity in the Administration bill), and the Employment Service insofar as it is involved in such programs. The Work Incentive program (WIN), unemployment insurance, and the administrative funds for the Employment Service would remain unaffected because they are currently funded under the Social Security Act. The Vocational Rehabilitation and Vocational Education Acts are also untouched by the proposed legislation, except that the Administration bill promises closer coordination with existing manpower programs. The decision to consolidate only the manpower programs currently administered by the Labor Department, and to execute related programs administered by other agencies, probably reflects the sponsors' belief that more ambitious efforts would kill the chances of the proposed legislation.

The Steiger bill anticipates agreements between the Secretary of Labor and the governor of each state which would provide for manpower services based upon plans drawn up by the state education agency and the employment service as well as representatives of labor, management, and public and private manpower agencies. Institutional training (with preference for skill centers) would be provided by state education agencies with HEW approval; state employment agencies would offer placement services. Seventy percent of the available federal funds would be allocated among the states according to the size of their labor force, number of unemployed, and number of youths aged 14 to 17. The other 30 percent is for use by the Secretary of Labor for national, experimental, and demonstration projects. Where states proved to be unresponsive to the needs of their disadvantaged populations, the Secretaries of Labor and HEW are authorized to mount direct federal programs. On the other hand, incentive grants could be made to the "resourceful and imaginative" states. Only the Steiger bill carries a specified expenditure authorization, which would rise to $3 billion annually by 1974.

The O'Hara bill places responsibility upon the Secretary of Labor to provide "comprehensive manpower services," either directly or through contracts with state and local public agencies or private organizations. It does not contain the specific allocation provisions to states and cities found in the other bills. The O'Hara bill also includes a provision for upgrading employed workers, a public-service job-creation program, and an allocation of 2 percent of appropriated funds to research.

The Administration bill authorizes the governor of each state to appoint state "prime sponsors" for manpower programs. For metropolitan areas, the governor would appoint a prime sponsor from units of local government, unless the highest elected officials representing 75 percent of the population of the metropolitan area agree upon a public or private agency to serve as prime sponsor. The prime sponsor at the state level would be a comprehensive manpower agency composed of the state public employment service, the unemployment compensation agency, and state-funded manpower agencies. Other agencies could be included at the discretion of the governor. The Administration bill would also create state manpower planning agencies with representation from state agencies, private groups, and potenial clients. The governor of the state would be required to obtain federal approval for a three- to five-year comprehensive plan to be updated annually. Parallel plans would be prepared at local levels. Seventy-five percent of available federal funds would be allocated to the states. Each state would initially receive 25 percent of its total allocation after a plan is developed and approved, 67 percent upon designation and approval of its state and local prime sponsors, and the balance upon evidence of "exemplary performance." An additional 5 percent of total federal funds would support supplementary efforts, with the states and localities adding $1 for every $2 contributed by the federal government. A "pass through" of funds to the local prime sponsor would be guaranteed. The remaining twenty percent of federal funds would be retained for use at the discretion of the Secretary of Labor who would also develop federal standards and priorities for state and local planning.

The Administration bill also calls for an independent Job Corps, provides for the establishment of national, regional, and local computer-based job banks, and authorizes a 10 percent increase in manpower expenditures whenever unemployment rises above 4.5 percent for three consecutive months.

CENTRAL QUESTIONS

1. "Creative federalism"

Existing manpower programs stimulate competition but also promote confusion. Tidier administration of manpower programs stimulate competition but also promote confusion. Tidier administration of manpower programs is to be encouraged, and the present bills contribute to this by moving in the direction of consolidated funding of manpower programs. Accompanying every federally-sponsored program is the issue concerning the proper roles of state and local governments. This problem is compounded because political and economic boundaries are not identical. Although most metropolitan areas are subdivided into autonomous local government jurisdictions, the contiguous communities form cohesive labor markets and economic units.

Proposed shifts in governmental roles must take into account the inherent limits of the federal government to plan and operate programs and the increasing steps taken by state and local governments to improve their capabilities in administering manpower programs. At the same time, we must face the fact that even where states and localities are desirous of taking over manpower programs, they often lack the capacity to do so. While some are now capable of assuming such planning and operational responsibilities, others will require time, perhaps several years before they can do so effectively.

The three bills deal differently with these problems. The O'Hara bill would retain the Secretary of Labor's authority to contract for agreed services with state and local governments as he sees fit. The Steiger bill would transfer authority to state governors. The Administration bill also bolsters the governors' authority, though it includes a mandatory "pass through" of funds to the local governments which would have the right to choose their own prime sponsor for metropolitan manpower programs. For this provision to become operative, the Administration

bill requires, as we have noted, that the chief executives representing 75 percent of the metropolitan population must agree on a prime sponsor. Otherwise the authority to select the prime sponsor belongs to the governor, and in most cases he would be obliged to select the mayor of the central city to act as prime sponsor of metropolitan manpower programs.

Although there are some differences in details, the Administration bill includes much that we proposed in our January 1969 position paper on this question. It seeks to design a balanced system of shared power. It retains federal control, guidance, and appraisal, while providing state or local initiative in ways calculated to enhance political accountability, energize local talent, and improve administrative performance. Preserving this delicate balance is essential, but there is the real danger that a restrictive interpretation of the Administration's bill could tilt the balance too heavily toward the states. If this effort to devise a fruitful compromise results in unlimited state control, then it would be preferable to continue our present system.

We agree with the Administration approach which vests in the Secretary of Labor over-all responsibility for manpower programs. We also believe that the detailed planning and organizing of services are best performed at levels that are in immediate contact with the beneficiaries of the services. The Secretary should therefore be charged with systematically turning over responsibility for these tasks to state and local governments wherever he finds the capability, and he should be charged with encouraging and supporting the development of the capability. In the meantime, he must have the flexibility to organize the highest quality manpower services within the resources allotted to him. The Administration bill retains for the Secretary of Labor discretionary power over at least one-fourth of the manpower funds, and we believe that should permit him the necessary flexibility to meet his responsibilities.

2. Incentives and planning

Even if the best proposals of all bills were adopted, basic problems associated with planning and delivery of manpower services would remain. The incentives offered by the Administration and Steiger bills for exemplary performance requiring state and local matching of funds are not likely to encourage special efforts. And past experience with state or local "planning" by federal edict, usually performed to qualify for federal largesse, does not justify excessive optimism. Nonetheless, the current proposals offer an orderly mechanism for disbursing federal funds and provide for project monitoring to assure that federal objectives are pursued. We believe that the Administration bill's provision empowering the Secretary of Labor to "item veto" specific proposals without invalidating an entire state or local manpower plan is a potentially effective way of preserving his over-all responsibility for the administration of manpower policy. There is also provision for review of state plans in the light of national objectives.

3. Scope

Consolidation of most of the programs currently administered by the Labor Department is an important step in improving the effectiveness of federally-funded manpower programs, primarily for the disadvantaged. We look forward to the time when the proposed consolidation will be broadened to include such major related programs as the Work Incentive program. Vocational Rehabilitation and Vocational Education should be planned jointly with the remedial manpower program. We attach great importance to the fact that the pending legislation would permit, and even encourage, governors to exercise wide discretion in bringing all manpower and manpower-related programs under the purview of manpower planning agencies. The potentialities can be gleaned from efforts in California, Michigan, Oregon, Utah, and other states that are experimenting with comprehensive manpower planning agencies. These new developments should be carefully monitored so that successful patterns can be quickly disseminated for the guidance of other states.

A truly comprehensive manpower policy, however, would be concerned with economic, educational, welfare, and labor market measures. The development and effective utilization of high-level talent and skills are also important components of manpower policy with federal responsibility.

4. Preventive and remedial training

Fears have been expressed that consolidated manpower programs would establish a dual educational system. We believe that such fears are unfounded. The expansion of manpower programs during the past seven years has left vocational educators in control of institutional training. Out of the experience of the sixties have emerged multiple tracks for getting the disadvantaged into jobs—institutional skill training, on-the-job training, work experience, and subsidized private employment. It is at least seven years too late to be fearful of a dual system.

We also believe that there is little basis for the criticism that the proposed bills will shift funds from preventive vocational education to remedial manpower programs. Vocational education has unquestionably been underfunded. But this has occurred because prevention has been underemphasized, not because remedial programs have been overfinanced. Only the Steiger bill specifically authorizes increases in remedial funds and none of the bills recommend that any increases come as a result of diversion from elsewhere. The emphasis in all three bills is upon consolidating present remedial funds. The proposed legislation would not mute the legitimate differences between preventive and remedial education. Consolidation of manpower programs for the disadvantaged is not likely to infringe upon the educator's domain in offering vocational training. If both vocational and general education programs were more effective, there would be less need for remedial manpower programs. Fears that manpower programs will encroach upon vocational education are therefore unwarranted.

At the same time, the absence of cooperation in planning and operating training programs under traditional vocational and manpower programs leaves a notable gap in the move toward a comprehensive manpower policy. This void will become even more detrimental as vocational schools place increased emphasis on programs for the disadvantaged, as specified in the Vocational Education Act of 1968. One way of fostering closer working arrangements between officials of manpower programs and vocational educators is to encourage the former to purchase services offered by vocational schools. Vocational educators should be encouraged, through appropriate funding arrangements, to make greater use of the Employment Service in determining labor market needs and in placing graduates of vocational schools. Vocational educators and the administrators of manpower programs should also intensify their efforts by utilizing their resources to accommodate the varied needs of institutional and on-the-job trainees as well as enrollees in other manpower programs.

5. Political responsibility

Another issue raised by the Administration bill, and to a lesser extent by the Steiger bill, is whether authority over manpower programs should rest with elected officials of general government or with the relatively permanent and autonomous civil servants administering functional agencies. The trend for many years has been to remove public service functions from political pressures by placing responsibility in the hands of permanent civil servants. State and local governments have tended to insulate selected governmental functions. By protecting these activities from immediate political pressures, it was assumed, their quality and effectiveness would be enhanced. Until the past decade, federal legislation generally supported this practice.

But the charge has been repeatedly voiced that long-established public agencies dominated by entrenched professionals tend to lose touch with the changing interests and needs of program beneficiaries. The proposed solution is to shift responsibility to elected officials who are presumably more responsive to the wishes of the electorate. Political officials, it is argued, are not committed to the *status quo* in particular agencies and programs and are therefore more likely to respond positively to the expressed interests of participants and to proposed innovations.

More recently, therefore, such diverse legislation as model cities, health, and law enforcement has emphasized the role of elected state and local officials. This new tendency, of which the manpower bill is perhaps the most far-reaching example, reflects impatience with the sluggishness of financial agencies in meeting the problems generated by rapid social change.

Vesting ultimate responsibility for performance with elected officials does not negate the need for professional competence. The trend toward professionalization of personnel involved in delivering manpower training and related services is likely to act as a brake on impetuous changes in policy and approach. But it can also be argued that the shift in authority and funds to elected officials requires alternatives to traditional agencies. Community action developed as a federally supported effort has involved program beneficiaries in planning; it has challenged traditional agencies with innovative programs, and it has provided alternative routes to surface talented individuals who would not have made it through customary channels of civil service and professional requirements in the ordinary course of events.

It would be most unfortunate if these benefits were lost. The best of the community action agencies can continue to perform these functions to some degree and serve as an additional watchdog on political performance. Legislation or regulations should stress the importance of their involvement in the planning process and, where past performance warrants, their potential use as prime sponsors for manpower progress.

We are convinced, however, that it is time to place responsibility for performance in the hands of elected officials who must answer to the voters they serve. We share the concern over the competence and commitment of many state and local governments and agencies. On the other hand, we are not persuaded of the all-sufficiency of the federal government's wisdom. Projects must, in the final analysis, be implemented by local talent. Experience has clearly demonstrated that there are definite limits to the number of grants and contracts the Department of Labor can negotiate, fund, monitor, and evaluate. Relying primarily upon governors, with "pass through" to the mayors, requiring accountability for decisions at both levels, is in keeping with democratic concepts. Smaller communities and rural areas have much to gain by improving the capability of state governments.

6. Job creation in the public sector

All three bills under consideration provide for public service employment. In the Administration and Steiger bills, such employment is merely one among the many enumerated "eligible activities." Thus a substantial public service employment program could be developed only at the expense of other program components that are already under-

financed, and only at the initiative of state and local authorities who have had little or no experience in designing and administering this kind of program.

In the O'Hara bill, however, public service employment is an essential component, expressed in a new concept: guaranteed work or training for every employable individual. The emphasis is upon providing income for needy persons. "The need of the community for the services . . ." is only one of six criteria to be considered in evaluating proposals, and eligibility is limited to unemployed or part-time workers who have been unable to find other employment or to qualify for a training program. If employment in such projects is indeed "guaranteed," it will be essential to develop solutions for the problems of motivation and supervision that are likely to arise; and it may be difficult to identify jobs that are within the capabilities of a work force composed exclusively of the hard-to-employ. Moreover, the "guarantee" concept implies an open-ended commitment of funds, with expenditures determined by the number of eligible applicants. It would be desirable to develop some basis for a reasonably firm estimate of costs in order to avoid the possibility of a repudiation or limitation of the employment "guarantee."

There are compelling reasons for a substantial federal initiative in this area while new and unanticipated problems are being met and solved. We believe that the federal government, without precluding programs of this kind by state and local governments, should undertake the development of viable approaches to public sector job creation. Since it is likely that more than one pattern will be needed, a reasonable amount of experimentation, closely monitored and thoroughly analyzed, is essential to design a large-scale program of public service employment. We surely know enough to move well beyond the pilot program stage; but we would be taking unknown and possibly large risks by launching an open-ended program of guaranteed employment.

The O'Hara bill sets forth a highly desirable and perhaps essential goal for our affluent society by giving a guarantee of work or training to everyone who is willing and able to work but who is excluded from or unable to compete in conventional labor markets. We accept that goal. We recognize, however, the lack of necessary experience to achieve it and urge active experimentation with projects to help determine the most efficient means of guaranteeing work to all who seek employment.

SUMMARY: TOWARD A COMPREHENSIVE MANPOWER POLICY

The manpower programs affected by the three bills have been chiefly remedial, focusing upon reducing the employment disadvantages of individuals who have difficulty competing in local labor markets. This is an essential aspect of any manpower policy. All three bills continue this remedial emphasis insofar as priorities in authorized services are concerned, and all contain provisions that will strengthen the foundations of a national manpower policy more comprehensively than one which is primarily remedial in character.

The Administration bill, in particular, mandates important practical steps in this direction. Noteworthy are the provisions for a computerized job bank program, for automatic increases in appropriations when the level of economic activity deteriorates, and for research concerning labor market resources and processes and their relation to the over-all operation of the economy, both nationally and locally. Such mechanisms are necessary ingredients of a manpower program which seeks to maximize productive employment and the economic welfare of *all* members of the labor force as well as to satisfy the total manpower needs of private and public employers. Implementation of these provisions is essential for preventive and remedial action, and for making it possible to synchronize manpower policy with other over-all economic policies in simultaneously achieving stability and growth in a high employment economy.

For maximum effectiveness, manpower policy must differ significantly in recession and inflationary periods. One of the dangers in shifting operating responsibilities to state and local levels may be the creation of a rigid system unable to adjust rapidly to changing economic environments affecting the nation as well as particular localities. This danger can be avoided if the federal government is responsible for ensuring the counter-cyclical contributions of the system.

All three bills endorse the concept of a single comprehensive manpower package for the disadvantaged, embracing the combined services and at least the budgets of the present programs. They also uniformly provide for flexible adaptation to community and individual needs. The differences in the bills are chiefly matters of implementation, plus the addition of peripheral proposals.

As we did in our January 1969 report, prior to the introduction of these bills, we endorse without reservation the comprehensive concept. The Steiger bill is commendable for its forthright budget authorization, the O'Hara bill for its upgrading and public service employment provisions, and the Administration bill for its commitment to the needs of the disadvantaged, its efforts to develop state and local responsibilities while retaining a strong federal role, and its provisions for job banks and an automatic economic stabilizer.

We urge Congress to enact this year manpower legislation which embodies the best of the three bills. This action would not only strengthen state and local manpower planning and operating responsibilities under federal support and guidance, but would also be a significant step toward the development of a national manpower policy.

TAKE PRIDE IN AMERICA—NO. 27

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. Proper dental care is an important health care need in our society today. The United States with a population of 200 million has more dentists—93,400—than any other nation. India with a population of 511 million was next with a total of 74,567.

COGENT ADDRESS BY REPRESENTATIVE GERALD R. FORD ON THE MIDDLE EAST

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

Mr. CELLER. Mr. Speaker, on Sunday, February 15, Representative GERALD R. FORD, minority leader, House of Representatives, delivered before the 62d B'nai Zion America-Israel Friendship Award dinner a statement which must be characterized as cogent, forceful, and penetrating. I commend the attention of all the Members of the House to the remarks. The text of that statement follows:

ADDRESS BY REPRESENTATIVE GERALD R. FORD

This is an audience that is well-informed on the recent history of the Middle Eastern situation. You have a sophisticated knowledge of Israel's problems. You have also heard a great deal of rhetoric. Since you are devoted to Israeli-American friendship, you have carefully followed and analyzed every development, every reality, and are not misled by verbiage and high-sounding formulations. You retain faith in your nation, the United States, to do justice in its relations with the embattled democracy of Israel. But you want to know the score.

The situation is too tense and explosive to confuse the issue. We must mean what we say and say what we mean. There have been all too many wild rumors and exaggerations. There have been charges that Israel is being sold out to Russian and Arab pressures. There are fears that Israel is being undermined, cut-off, rejected, and neglected. There are fears that Israel is becoming increasingly isolated.

Ladies and gentlemen, I want to tell you that I have been reassured on the highest levels in Washington that the United States Government stands by its friends. Israel is one of its friends.

The friendship of our two countries is an article of faith. President Nixon has very recently reaffirmed Israeli-American friendship. Mrs. Golda Meir, Prime Minister of Israel, stated that she "noted with gratification" the clear expression by President Nixon on the issue of Israel's security and integrity.

Also, Israeli Ambassador Rabin stated in Washington that he was encouraged by the President's statement. As a friend of Israel, I might add that I, too, found great reassurance in the message of the President. I refer, of course, to the message he sent through my good friend, Max Fisher, to the emergency conference of Jewish leaders in Washington last month.

The Soviet Union has denounced the President's message. Moscow's Arab friends had some very unkind things to say about Richard M. Nixon. Communist China has blamed the President for supporting Israel and pledged Chinese support to the Arab cause.

The President told the Congress in his State of the Union remarks that we are moving from an era of international confrontation to an era of negotiation. This is true in the Middle East, as it is elsewhere. We are deeply engaged in trying to help the people of the Middle East find peace. But we will not do this at the expense of Israel. Indeed, we will not do this at the expense of any nation's legitimate interests.

No peace agreement will be worth the paper it's written on if either side ends up cheated and bent on violent redress as soon as it has adequate power.

This Administration is not going to negotiate the peace in the Middle East. There is no question of our negotiating away the basic rights and interests of the nations now at war. They must negotiate the peace themselves.

The United States is convinced that peace can be based only on agreement between the parties directly involved. As the President has said, There is no substitute for negotiations. Peace and security can only emerge from the mutual agreement of the two sides immediately concerned.

Much work has been done through diplomatic channels under this and the previous Administration. You are a very sophisticated group and realize that the art of diplomacy is complex and that words and versions that

appear in the press are often confusing and misleading. I have looked carefully behind the diplomatic situation and assured myself that this Administration, alone or in concert with any other power, cannot and will not dictate the terms of peace or seek to impose a settlement.

I advocate a genuine peace, a real peace, a durable peace. Only a peace based upon agreement that is not one-sided is a peace that all sides will have a vested interest in maintaining.

President Nixon stated on September 8, 1968, that "it is not realistic to expect Israel to surrender vital bargaining counters in the absence of genuine peace and effective guarantees." This Administration continues to recognize that fact.

The Soviet Union or Egypt or anyone else would be badly misguided to conclude that the United States is going to high-pressure Israel into unilateral withdrawal.

The State Department people have reassured me that their real aim in the Four Power talks is to prevent a spread of the conflict and, if possible, to find some formula under which the Arabs and Israelis could meet and resolve their differences. There must be some "give and take" in any international diplomacy. But this does not mean that the United States will "give" at the expense of Israel while the Soviet Union "takes" for the Arabs.

I can understand how Israel feels. Israel is surrounded, besieged, subjected to vilification and hatred, to guerrilla attacks and sabotage. The Israelis may point out that while the United States is the advocate of peace, the Soviet Union is the advocate only of the Arabs. The Israelis may also raise a very legitimate question as to whether a rollback from occupied territory and even one-sided concessions to the Arab states will really satisfy the extremists of the so-called "national liberation front" of the Arabs. It has not in the past, and inscribed on the Archives is "What is Past is Prologue."

It is perfectly understandable that Israel would scrutinize everything our government says and does. Israel's very survival is at stake. The Israelis remember very well the liquidation of the Jews in the Warsaw Ghetto during World War II. They remember the Nazi genocide. And they are well aware of the anti-Jewish persecution now practiced in Syria, Iraq, and some other Arab States.

It is vital that Israel correctly assess American intentions. If Israel reached a conclusion that it were isolated or sold-out, it could be a grave threat to world peace. Improved communications between Israel and America are essential.

I am therefore moved to propose the establishment of a telephone "hot-line" between Washington and Jerusalem. Such a means of instantaneous contact would enable either President Nixon or Prime Minister Meir to clarify any misunderstanding. It would also be very useful if new factors developed that threatened a dangerous escalation or spreading of the conflict. Israel would have the reassurance of instantaneous communication with the President. The President could act instantly, in some unforeseen crisis, by contacting Mrs. Meir.

Recent events have caused me great concern. The fighting has steadily increased. Israelis and Arabs are dying every day on both sides of the Suez Canal. The young and the brave are giving their lives. Humanity and compassion rebel against the rising level of violence. The new shipments of arms to Libya by France and to Egypt by the Russians are escalating the arms race in a manner that concerns me intensely.

A new factor has been introduced in the massive French transaction with Libya. I cannot imagine why Libya, with an army far smaller than the New York City Police Department, needs over 100 of the latest French Mirage jet fighter-bombers—or hundreds of British Chieftain tanks, considered the world's most powerful tank.

President Nixon is absolutely right in urging that arms suppliers find a way to limit the arms race. I have urged that our Government seize on the fortuitous and very timely occasion of President Pompidou's visit next week to discuss this new French policy. The huge new infusion of arms into a hotbed of contention does not help reduce violence or fatalities.

There are some very serious matters that obviously will develop in the agenda of talks in Washington with President Pompidou, matters that involve the interests of the whole world. It has been a basic tenet of our Government that while we may be divided at home on foreign policy matters we are nevertheless substantially united when our Government deals with other nations.

The coming negotiations in Washington between our Government and President Pompidou are of such importance that we cannot permit an impression that the Congress is no longer prepared to accord the Republic of France the traditional courtesies. We seek negotiation, not confrontation. The violence and killing in the Middle East are very, very serious. The situation is growing worse.

It seems to me that we must strengthen the hand of the President when he speaks for all of us to President Pompidou. This is the way to impress upon the French President the great conviction and unity of the American people on the matters we have discussed.

We shall do everything we can in the interest of peace and stability in the Middle East. But we will do more than talk. The United States will not and cannot stand by and watch the military balance turn against its friends.

We would, of course, prefer that President Nixon's statesmanlike effort to limit the arms race would generate a positive response from France, from Great Britain, and, of course, from the Soviet Union.

A balance is essentially to deter aggression and to keep the conflict under control. The United States is prepared to supply the military equipment necessary for friendly governments, such as Israel, to defend themselves. We would, of course, prefer restraint in the shipment of arms into this troubled area. But we are aware of what other major powers are doing. We are maintaining a very careful vigilance. We will not hesitate to take the steps required.

The 1968 Republican Platform pledged that Israeli military supplies "must be kept at a commensurate strength both for her protection and to help keep the peace of the area." We promised countervailing help, including supersonic aircraft, if needed. We will keep this pledge. I might add that deliveries of Phantom and Skyhawk jets are going forward on schedule under existing contracts.

It is understandable that Israel, cut off from traditional sources of arms in France, is seeking a sense of continuity in aircraft procurement here. I deeply regret that lives are lost daily in the Middle East. But as long as there is no peace and no agreement on arms limitation, we will keep a very close eye on the power balance.

I can also reveal that we are looking into the broader question of the Mediterranean, the mission of the U.S. 6th Fleet, and related factors. We do not want a confrontation with the Soviet Union or anyone else. But we have commitments in the Mediterranean and the right to maintain military forces there. Our ships and our flag will remain in that area. We will not flee because of pressures and threats. The 6th Fleet will continue serving the cause of freedom.

We have no warlike motives in the Middle East. The American people desire only the friendship of all the various nations of that region. It is our fervent prayer that nations accord others the right to exist. Perhaps realization will come that true liberation can be found in development of one's own country, raising of one's own living standard, and the development of one's own social justice. Aggression will not succeed no matter the grandiose phrases invoked to justify the unrelating warfare by regular and guerrilla forces. All parties are obviously better served by peace negotiations and the acceptance of the facts of life. The real interests of both Arab and Israelis require peaceful coexistence.

In that land where the Prophets dreamed that nation should not lift up sword against nation, let there be peace. For Israel, a nation of people whose suffering merits a life more creative than perpetual service in an armed camp, let there be peace. For the Arabs, whose property and frustration requires schools and hospitals and a decent life rather than the endless purchase of jets and guns, let there be peace.

Israel could be a light unto the nations of that region if the Arabs would accept fellow human beings of the Jewish faith as entitled to nationhood as any other people. The genius and productivity of the Israelis could help others make their deserts blossom. Instead of the cradle of civilization becoming its grave, let the cradle of civilization give rise to two peoples, Arab and Jewish, each in their own countries, with commerce and travel flowing across peaceful borders, and with a new sense of mutual respect in keeping with our dream of the brotherhood of man under the fatherhood of God.

I want to add a special and very personal word to this audience. Many of you have devoted your lives to the Zionist cause. You have seen in Zionism a redemption of freedom and human dignity, the rebirth of a nation, and the rebirth of a people. But we are now witnessing painful days, tragic days, in which the powers and political trends and pressures of the world appear to be converging on the Middle East.

Israel was reborn in blood and fire. Israel is today struggling in an ordeal of blood and fire. But this time it is different. The State of Israel has proved its mettle. Israel is a nation among the nations.

You can take pride, as dedicated supporters of Israel, as Zionists, in the nation you have helped build. But the watchman of Israel does not sleep and does not slumber. Trying days lie ahead. Yet, in your heart of hearts, you can draw faith and sustenance and reassurance from one fact. It is that this is the United States of America. This is our country and we, Jews and non-Jews, peoples of all parts of this country, the silent Americans and the articulate Americans, will not let Israel down.

I thank you.

AEC DRIVE FOR EXTRA $130 MILLION IS FIRST STEP IN FEDERAL SUBSIDY PROGRAM FOR UTILITY INDUSTRY

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

Mr. SAYLOR. Mr. Speaker, during hearings of the Joint Committee on Atomic Energy on February 3, Chairman HOLIFIELD indicated he would request an additional $130 million for the Atomic Energy Commission for fiscal year 1971 in order to lock the Federal Government into the business of providing enriched uranium to the utility industry. The $130

million, denied by the Congress last year, is again intended as the first step in a $600 million plant construction program that the U.S. Government had no business beginning or continuing.

To increase the already swollen AEC budget request of $2.36 billion by $130 million appears aimed as a directed slap at the President's program to combat inflation. To make matters worse, the proposal is directed at enriching a relatively few utility companies at the expense of all the American taxpayers.

In his message to Congress on the HEW appropriations veto, in his economic message, and in the documents which accompanied the presentation of the new budget, the President made it abundantly clear that this administration will fight the "cruelest tax of all—inflation" with every means at its disposal. But the control of inflation is more than a responsibility of the executive department, it is an equal responsibility of the Congress.

The anti-inflation drive is reason enough to reject the AEC's request but there is an equally compelling reason. On November 10, 1969, President Nixon stated his intention to phase the Government out of the business of supplying private industry with uranium-enriched material. There is no valid reason for the continuation of this program and in a letter to the President earlier this year, I commended his statement on this matter, saying in part:

> It seems rather ridiculous to use taxpayer funds for the improvement of property which is already "surplus" to government needs.

Irrespective of the President's announced policy, and the decision of the Bureau of the Budget to force the AEC to begin the phase-out process in this fiscal year by providing planning funds in the amount of $5 million, Commission lobbyists in Congress, along with those of the utilities, are trying to build an economic case before the Joint Committee on Atomic Energy for the retention and expansion of the capacity of the uranium-enrichment plants. The long and short of their "justifications" is that they expect the American taxpayer to subsidize the utility industry as the demand for nuclear energy increases. Of all the economic institutions in the American economy, the utility industry is the one least in need of Federal subsidies of any type. Congress must reject this subsidization proposal and I trust that Republicans and Democrats, liberals and conservatives, will band together to block this unjustified power play on the part of the AEC and the utility companies.

I have attached below a copy of my letter of January 20 to the President on the subject of the phase-out plans and I call your attention especially to the attachment to that letter which adds yet another reason for rejecting the AEC's request:

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 20, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I was delighted with your announcement of November 10, 1969, that you believe the Federal Government's responsibility for uranium enrichment (for nuclear power plants) should be ended. It seems clear to me that the taxpayers should be relieved of the burden of expanding existing plant capacity (involving nearly one billion dollars) and, even more important, of the burden of constructing additional plants in the future (running into many billions of dollars).

On the same day, Chet Holifield, Chairman of the Joint Committee on Atomic Energy, expressed the view that the next budget should include at least $130 million to begin the program for expanding capacity of these existing plants.

In the first place, it seems rather ridiculous to use taxpayer funds for the improvement of property which is already "surplus" to government needs.

In the second place, subsidies which encourage the proliferation of light water reactors will have the effect of risking a national calamity—because the proliferation of light water reactors increases the risk that we will exhaust our low-cost fissile material before a reliable, competitive and fast-doubling breeder reactor is developed.

Such a development would indeed be a disaster. In the words of M. King Hubbert, Geological Survey, U.S. Department of the Interior, "these light-water reactors will effect a heavy drain on the lower-cost resources of uranium-235 if not soon supplanted by high-ratio converter or breeder reactors . . . With the growth rates now being experienced, the inexpensive sources of uranium would probably be exhausted within a fraction of a century, and the contained uranium-235 irretrievably lost . . . It is clear, therefore, that by the transition to a complete breeder-reactor program before the initial supply of uranium-235 is exhausted, very much larger supplies of energy can be made available than now exist. *Failure to make this transition would constitute one of the major disasters in human history.*"

Mr. Hubbert's remarks were contained in a recent book entitled "Resources and Man," published by the National Academy of Sciences and National Research Council. For your convenience, excerpts of Mr. Hubbert's remarks are attached.

It is clear that a slowing down in the construction of light water plants will give the Nation additional time to avert disaster by developing the breeder reactor. I pledge my help in opposing attempts to increase the rate of construction of these wasteful reactors through the use of additional taxpayer funds for expansion of capacity of the "surplus" enrichment plants.

Respectfully,

JOHN P. SAYLOR,
Member of Congress.

REPORT OF SCIENTIFIC GROUP WARNS OF "MAJOR DISASTER" IF FISSILE MATERIAL IS USED UP BY NONBREEDERS BEFORE THE BREEDER REACTOR IS DEVELOPED, DECEMBER 31, 1969

(NOTE.—Recently a report entitled "Resources and Man" was published by the Committee on Resources and Man, Division of Earth Sciences, National Academy of Sciences and National Research Council. The entire report can be purchased from W. H. Freeman and Company, San Francisco, California.

(A portion of the report deals with "Nuclear Energy." The author of that portion was M. King Hubbert, Geological Survey, U.S. Department of the Interior. Excerpts follow:)

ENERGY FROM ATOMIC FISSION

In its initial stages, the fission reaction is dependent solely upon the isotope uranium–235. Uranium, as it occurs naturally, consists of three isotopes, uranium–234, uranium–235, and uranium–238, with abundances of 0.006, 0.711, and 99.283 percent respectively. Of these, uranium–234 may be regarded as negligible. Natural uranium would then consist of uranium–235 and uranium–238, with the former constituting only one part in 141 of the whole.

The significance of uranium–235 lies in the fact that of the several hundred naturally occurring atomic isotopes, it is the only one that is spontaneously fissionable by the capture of slow or thermal neutrons. This isotope is accordingly, of necessity, the initial fuel for all subsequent power development based on the fission reaction.

* * * * *

A physical assembly in which a controlled chain reaction occurs is known as a nuclear reactor. For fission reactions, these reactors are divided into three principal types, burners, converters, and breeders.

A burner reactor is one that consumes the naturally occurring fissile isotope, uranium–235 . . . However, despite the enormous amount of thermal energy per gram released by the fissioning of uranium–235, a severe limitation is imposed upon the amount of energy obtainable from this source by the facts that uranium is a comparatively rare chemical element, and that uranium–235 represents only 1/141 of natural uranium. A way out of this difficulty, however, is afforded by the fact that is it possible to convert both nonfissionable uranium–238, comprising 99.28 percent of natural uranium, and thorium–232, comprising essentially the whole of natural thorium, into isotopes which are fissionable.

* * * * *

Uranium-238 and thorium-232, on the other hand, which are not themselves fissionable, but are capable of being converted into previously nonexistent isotopes which are fissionable, are known as *fertile* materials. The process of converting fertile into fissile materials is known as *conversion*, or, in special cases, as *breeding*.

* * * * *

However, according to the AEC Annual Report for 1967 (U.S. AEC, 1968, p. 93, with the exception of two gas-cooled reactors, all of the central-station nuclear power plants ordered by utilities since 1958 are light-water reactors . . . For present purposes, the distinctive characteristic of these reactors is that they consume uranium-235 as fuel, having such low conversion ratios that they are essentially burners.

* * * * *

The significance of this is that these light-water reactors will effect a heavy drain on the lower-cost resources of uranium-235 if not soon supplanted by high-ratio converter or breeder reactors.

* * * * *

. . . it is apparent that a very tight situation in uranium supply at anywhere near current prices is likely to develop within the next two decades. This surmise is confirmed by the U.S. Atomic Energy Commission in its report on civilian nuclear power (1967a), wherein, on page 14, the statement is made:

With reactors of current technology, the known and estimated domestic resources of uranium at prices less than $10 per pound of uranium oxide (U_3O_8) are adequate to meet the requirements of the projected growth of nuclear electric plant capacity in the U.S. for about the next 25 years.

However, since that report was issued the estimate of nuclear power-plant capacity for 1980 has been increased from 95,000 to 145,000 electrical megawatts without a corresponding increase in the estimates of uranium reserves.

* * * * *

This situation has forced the breeder-reactor program out of a state of lethargy into something more nearly resembling a crash program.

* * * * *

With the belated realization of the possibility of a crisis in the fuel supply, the breeder-reactor program is now being pushed with great vigor.

* * * * *

Taking a view of not less than a century, were electrical power to continue to be produced solely by the present type of light-water reactors, the entire episode of nuclear energy would probably be short-lived. With the growth rates now being experienced, the inexpensive sources of uranium would probably be exhausted within a fraction of a century, and the contained uranium-235 irretrievably lost. With the use of more costly uranium, the cost of power would increase until nuclear power would no longer be economically competitive with that from fuels and water.

* * * * *

It is clear, therefore, that by the transition to a complete breeder-reactor program before the initial supply of uranium-235 is exhausted, very much larger supplies of energy can be made available than now exist. Failure to make this transition would constitute one of the major disasters in human history.

LEGISLATION TO REGULATE ONE-BANK HOLDING COMPANIES

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

Mr. CRANE. Mr. Speaker, the House has recently passed legislation to regulate one-bank holding companies, the provisions of which run directly contrary to the recommendations of both the Banking and Currency Committee and the Nixon administration. It is now in the hands of the Senate to determine whether the heavy-handed approach to the problem of regulating these financial institutions adopted by the House will prevail.

As a member of the Banking and Currency Committee I am much concerned by the destructive potential of over-regulation, a potential I hope the Senate will recognize. I would like to insert in the RECORD at this point the text of an article by Louis Dombrowski, from the February 8, 1970, edition of the Chicago Tribune, which I believe outlines very well the position being taken by the American Bankers' Association with regard to this matter. The article follows:

AMERICAN BANKERS ASSOCIATION AIMS TO KILL HOUSE BILL IN SENATE

(By Louis Dombrowski)

WASHINGTON, February 8.—The American Bankers association, long considered by its chief congressional critic, Rep. Wright Patman [D., Tex.], to be one of the most powerful lobbies in Washington, is out to prove Patman right.

The bankers, who were totally ineffective in preventing Patman from railroading thru the House a one-bank holding company bill that would limit the business of banking as well as competition among financial institutions, intend to oppose the House bill when it comes before the Senate banking committee.

INDUSTRY IS POLARIZED

One-bank holding company legislation, designed to extend federal regulation to companies which own only one bank—companies with two or more banks already fall under federal control—polarized the banking industry far beyond the differences one would expect among 14,000 institutions making up the whole.

The bill that emerged from the House floor was 180 degrees different from the compromise bill reported by Patman's banking and currency committee and indorsed by the Nixon administration.

Under Patman's leadership, the bill was completely rewritten on the floor to such an extent that in some cases banks would be prohibited from providing services they have performed for years.

Under the threat of such legislation, a majority of the nation's banks have united to fight a common enemy thru the medium of the A.B.A. Meeting here last week, the A.B.A.'s federal legislative committee approved a policy statement urging the Senate to kill the house-passed bill.

OPPOSE RIGID LIMITS

"The association is strongly opposed to any measure which would place rigid limits on the banking business," the statement read, "Moreover, we are convinced that the rapidly changing economic environment within which banks operate makes it unrealistic and even dangerous to attempt to define such limits by statute."

Altho the A.B.A. is not opposed to some form or regulation of one-bank holding companies, the committee recommended that such legislation be deferred until President Nixon's proposed commission on the financial system has an opportunity to make its study and recommendations.

"We believe that such a study should recognize that it is in the public interest to have access to broad competition in financial and functionally related services," the policy statement said.

"It should also recognize the demands which will be made on the banking system in the future and the extent to which banks will require broader access to funds to meet these demands."

GIVES INDUSTRY'S VIEW

Nat S. Rogers, president of the A.B.A., told newsmen that the banking industry without question is "willing to abide by the distinction between finance and commerce."

He referred to the fear expressed in some quarters that banks, thru the holding company vehicle, would eventually dominate the private economy thru ownership of factories and other businesses totally or functionally unrelated to the business of banking.

The A.B.A. legislative committee indorsed the principle that banks and bank holding companies "should be permitted to engage in any activities which are financial in nature, or are functionally related to banking and finance, and that they should be limited to such activities."

Asked by a reporter if the banks were "running scared," Rogers replied: "Sure we're running scared. Anyone would be if they thought their business would be liquidated over the next 20 years."

WILL YOUTH AID NIXON'S ANTI-POLLUTION DRIVE?

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

Mr. CRANE. Mr. Speaker, there has recently been much in the news on the subject of our environment, and on the desperate need for immediate action by Government to halt the destruction of our natural resources and the contamination of our air and water. The first of the President's messages to Congress on this vital subject has been received. There are some who feel that, substantial though the 1971 budget request for environmental programs may be, it is not enough.

I do not wish to comment at this time on the adequacy of the President's environmental program, nor on the sufficiency of the appropriation requested. I do want to point out to my distinguished colleagues, however, that there is much that can be done to improve our environment that does not involve the expenditure of tax dollars. Every American concerned with the quality of life in this Nation can help: Indeed, if the cooperation of the American public is not enlisted, no amount of Federal funds, no Government program however well designed, can succeed.

Mr. Speaker, the noted columnist John Chamberlain recently called upon the public, particularly the youth of America, to enlist in the battle against the pollution and destruction of our resources. I should like to call attention to his column, "What Voluntarism Can Do: Will Youth Aid Nixon's Anti-Pollution Drive?" which appeared in the February 7, 1970, issue of Human Events:

WHAT VOLUNTARISM CAN DO: WILL YOUTH AID NIXON'S ANTI-POLLUTION DRIVE?

(By John Chamberlain)

President Richard Nixon certainly flummoxed the opposition in his State of the Union speech. The most impressive thing he did was to throw more bridges over the generation gap. He had already managed, by his November "Vietnamization formula," to split the ranks of the young on the war issue. Since he is manifestly sincere about wanting to get the bigger part of our fighting forces out of Southeast Asia before the year is out, and seems eager to move toward a voluntary army, there isn't much point in calling for new marches on Washington to protest against "imperialism."

Realizing that they had been outflanked, at least for the moment, on Viet Nam, the young had begun to issue pronunciamentos about cleaning up the home environment, stopping pollution, etc. But this was not an issue which Nixon was disposed to let anyone take away from him, not even Gov. Ronald Reagan of California. He set himself up in the State of the Union talk as the most devout conservationist of them all, asking for $10 billion just to stop water pollution.

This, to my mind, is great stuff; after all, conservation and conservation come from the same root. What I want to see, however, is how the young propose to work with Nixon in cleaning up the landscape.

The issues, here, are largely technical but not wholly. For one thing, there is litter. A former college classmate of mine, Allen Seed, has been running an organization for years called Keep America Beautiful. He has school programs in 20 states, providing material for teachers to hand out to the young; and, with the sudden growth of interest in his subject, he has high hopes of enlisting the college students in his crusade.

One of the things he advocates is "litter walking," which combines healthful exercise with cleaning up the sidewalks in your home neighborhood. Al Seed practices what he preaches on his way from his home in the East 60s in New York City, to his office at 99 Park Avenue, bending neatly from the waist and ridding himself of his paunch as he goes.

It is hardly to be expected that busy adults will hurry to imitate Mr. Seed. But the college kids, if they really mean business, could clean up whole areas of our cities if they organized "litterwalking" on a grand scale.

The Berkeley, Calif., contingent, for example, has the whole Bay Area in which to operate. The Columbia University students in New York could make Harlem, which is

just down the hill from their campus on Morningside Heights, spotless by devoting three or four weekends to the task. The Harvard and Massachusetts Institute of Technology students surely could find plenty of dirty streets in Cambridge and Boston to rid of the winter's debris, and the Yale boys could clean up that section of New Haven known as "the Hill." The students have manpower to put behind Nixon's "environmentalism," and the only question is their sincerity in proclaiming the antipollution campaign as their special 1970 project.

For the longer term, there is the matter of careers. Since the control of pollution is largely an engineering matter, we obviously need a whole new breed of dedicated scientists to take hold here. The study of "recycling" waste materials so that they can be used over again in industry, or sold at a profit for scrap or fertilizer, is in its infancy.

Instead of yelling at capitalists to "do something" before next Monday about pollution, our prospective scientists should be studying such subjects as the control of fluoride emissions, the use of scrubbing tanks, the development of "soft" detergents, the drainage of dirty lakes, and the problems of making a good carburetor. There are fortunes to be made in the "recycling" business, and the young have an opportunity to get in here on the ground floor.

Money is needed for the control of pollution, but even without money a "voluntarist" approach to keeping the landscape clean can go a very long way. No one has to wait for a political appropriation to throw autumn leaves on a compost heap instead of burning them, or to add a coat of paint to a fence, or to pick up around the public library during the noon hour.

If 200 million people would only "vote" President Nixon a little personal responsibility he would be well on his way toward reaching some of the goals set forth in the State of the Union message.

"THE CHICAGO 7," "THE D.C. 9" COMMUNIST AGITATION AND PROPAGANDA

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

Mr. RARICK. Mr. Speaker, we are hearing a lot these days about "the D.C. 9" and "the Chicago 7," and I think we are about to witness a classic example of the agitation technique of the Communist movement. It behooves us to understand what is going on in Washington, in Chicago, and in New York, and it is timely to recall FBI Director J. Edgar Hoover's classic work, "Masters of Deceit," and, in particular, his outline on the standard agitation and propaganda technique of the conspiracy.

Communist agitation agents are schooled and directed to take advantage of every opportunity to attract attention and provide raw material for the party's propaganda mill. At the instant of arrest, the cry of "police brutality" is to be raised. The next scream of anguish is to be at "high bail" or "no bail" and "inhuman confinement conditions."

Then comes the trial—a superb platform for concerted agitation activities. Defendants are expected by the apparatus to conduct themselves in a boisterous manner—to do everything possible to disrupt the operation of the court, to give counsel ammunition for a protracted technical appeal, and thus to provide grist for the waiting propaganda mill.

An important part of this operation, not discussed by Mr. Hoover in his book, is the more sophisticated strategy of using every opportunity to paralyze the administration of justice. This Satyagraha technique is well known in revolutionary movements. See my remarks February 10, page 3295. Noisy resistance to arrest, false accusations against the police, misbehavoir in confinement and allied activities are designed to tie down the police operations, bring discomfort to individual police officers, and make confinement administration nearly impossible.

Similarly, noisy and disorderly demonstrations in the courtroom, a proliferation of technical objections and argument, the proffer of masses of irrelevant so-called evidence which is in reality nothing but propaganda or agitation material, is designed to provoke the court into error, and thus give ground for appeal—one of the finest agitation fields available to the conspiracy.

In short, arrest, trial, and conviction are all recognized by the Communists as being one of the finest agitation and propaganda theaters available to them—and the more personal liberty is guaranteed, the more it may be misused for these purposes.

Looking at the other side of the problem, courts have long understood that to administer justice—to truly try and determine controverted issues of fact and law—it is necessary that an orderly and decorous procedure be maintained. One of the powers of a court which has been held from the very beginning to be truly inherent is its power to control its proceedings for this very purpose. Hence, a deliberate effort to prevent the court from operating is totally unacceptable.

Direct contempt of court is the name which has been given to this device—that is, actions which take place in the court itself, in the sight and hearing of the judge, and which are of such a nature as to make the operation of the court impossible. Such misconduct is held to be direct contempt and is punishable immediately by the judge who witnessed the misconduct. This is nothing more than a direct power in the court to protect its own existence, its own operation, from destruction by those seeking to make its functions impossible.

Attorneys who are officers of the court under our system of justice are expected to protect the dignity—the very life—of the court, and are doubly reprehensible when they pervert their knowledge and their privilege to the destruction of that very system of justice of which they are officers. Attorneys are not immune to punishment as contemnors, nor should they be. Indeed, an attorney disciplined by the court for a flagrant direct contempt should be immediately considered by the appropirate agency for licensure, with a view to determining whether or not he should continue to be licensed to practice law. This is called disbarment.

One other piece of background is indicated in order that we may understand what is going on in our country today. As an agitation device, names are of little value; hence, the apparatus long ago adopted the policy of using eye-catching numbers. The criminals who entered an office and destroyed private property in Washington—and whose names no one remembers—became "The D.C. 9" while the alleged riot planners of Chicago became "The Chicago 7" for agitation and propaganda purposes.

As Mr. Hoover points out, this labeling is frequently the key to an agitation and propaganda operation. We should remember that whenever the news madia, whenever a speaker or a writer, depersonalizes the defendants in such trials or appeals to a catchy number, then the purposes of Communist agitation and propaganda operation are being served.

We can expect an immediate deluge of sensational stories about "the Chicago 7" or whatever number it is, and about "the D.C. 9" or whatever number it is.

Some of these stories have already broken.

We can expect the formation overnight of committees with high-sounding titles, good public relations talent, and abundant funding—all for the purported purpose of "obtaining justice" for the "7" or the "9" or what have you.

We can expect well-publicized appeals to the appropriate circuit courts of appeal, and thence to the Supreme Court, accompanied by the agitation and propaganda operations all along the way.

It is worth noting right now that in Washington such an appeal will be immediately met by such judges as Bazelon, Wright, and Robinson, while the Chicago appeal will go to the court where sits Kerner, in a seat given him for his infamous Kerner Commission Report based on the original Chicago rioting.

On the Supreme Court awaits Douglas, whose new book advocating the violent overthrow of the Government will be released shortly.

I include pertinent portions of the Hoover work, together with pertinent newsclippings and editorials in my remarks, as follows:

MASTERS OF DECEIT: THE STORY OF COMMUNISM IN AMERICA AND HOW TO FIGHT IT

(By J. Edgar Hoover, Director, Federal Bureau of Investigation)

CHAPTER 15. MASS AGITATION

As stated in Chapter 10, the Party's attack is geared to the wide variety of American life. Communism has something to sell to everybody. And, following this principle, it is the function of mass agitation to exploit all the grievances, hopes, aspirations, prejudicies, fears, and ideals of all the special groups that make up our society, social, religious, economic, racial, political. Stir them up. Set one against the other. Divide and conquer. That's the way to soften up a democracy.

Here is the advice of a top leader giving instruction on how to spread the Party's influence:

Study your friends. See what they spontaneously talk about. What problems interest them?

Is he an unemployed worker, skilled in his craft but without work?; a storekeeper?

Maybe business isn't so good; a trade-union man or a dairy farmer? What are their problems?; a young man just out of school? Looking for a job?; a member of a minority group?; a young mother worrying about sending her child to kindergarten?

". . . unless each one of us grasps the meaning of this individual approach to every one of our friends and acquaintances, we are in danger" of being ineffective.

Agitation must be carried on in specialized fields: among women, among youth, among veterans, among racial and nationality groups, farmers, trade unions. That's the responsibility of the Party commissions.

Consider youth, a prime target of communist attack. Communists start out with this major premise: American imperialism aims to create a corrupt, completely militarized youth—a "gagged," "scared" generation. This theme is expounded by word of mouth, in forums, in literature, in cartoons, hoping to exploit the lofty dreams of youth.

The approach always has two sides: (1) *the deceptive line designed for public consumption, and* (2) *the real Party line designed to advance communism.* Consider this *deceptive line* for youth:

1. Increase trade with all countries, including the communist bloc, to provide "hundreds of thousands of new jobs for young people."
2. Outlaw all mass destruction weapons (atomic bomb).
3. Promote universal disarmament and peace.
4. Reduce military expenditures and repeal the draft.
5. Repeal all "repressive legislation" and "restore the Bill of Rights."
6. "Restore full academic freedom for students and faculties."
7. Promote world-wide "youth friendship for peace and democracy," drop all bars to the travel of youth.
8. Appropriate more money for schools, community centers, etc.

That is the line designed for public consumption. Sounds acceptable, doesn't it? But the communists are not genuinely interested in improving the status of American youth.

For window-dressing, they always support items desired by most of the people: lower taxes, higher wages, better housing, old-age security, higher farm income. These are thoroughly legitimate interests. To support these aims, and many others, is not to be a communist. The party is simply attempting to exploit such interests for its own selfish aims. They become Party "talking points."

Behind this front, as in the call for world-wide youth friendship, more education, academic freedom, and so on, lurks the ulterior motive, the real Party line. The attractive "come along" points are merely bait. Look closely to see how the adoption of these demands, *as conceived by the Party,* would distort their true meanings and aid the communistic cause:

"Restore the Bill of Rights," in communist language, means eliminating of legal opposition to communism, stopping all prosecution of communists, and granting amnesty to those presently in jail. *"Repeal the draft law"* and *"peace"* mean curtailing our national defense effort and allowing Russia to become militarily stronger than the United States. *"Increase trade with the Soviet Bloc"* means selling materials that could be used by the communist nations for armaments. *"Restore academic freedom"* means to communists that we should permit the official teaching of communist doctrine in all schools and that we should allow communists to infiltrate teaching staffs. If the communists had their way, America would be rendered helpless to protect herself. Incidentally, notice the communist use of the word "restore," indicating that freedom is already gone and that the Party stands for its return.

Now substitute "veterans" for "youth." The approach is the same: Increased trade with all countries, including the communist bloc, would mean thousands of new jobs for *veterans.* "Restore" academic freedom so *veterans* can think as they want. Promote world-wide *veteran* friendship. Drop all bars to the travel of *veterans.* Also, it is good propaganda policy to add a few "come along" points appealing specifically to veterans. The technique continues: substitute "women," "trade union members," "nationality groups," etc.

The propaganda platform contains a combination of immediate "come along" demands, designed for deceptive and specialized appeal, and basic policy aimed to advance the communist cause.

Thus the Party, through its specialized and immediate demands, is able to gain entree into various groups and create favorable working conditions for future revolutionary action. Very quickly, for example:

A veterans' meeting endorses "peace."

A nationality festival passes a resolution for "peace."

A youth affair favors "peace."

A neighborhood group comes out for "peace."

A women's rally fights for "peace."

Whatever its composition, the group, once under communist control, is switched to the Party line. The feigned interest in legitimate demands is merely a trap.

Even holidays are used to enhance the Party's aims. For example, the *Daily Worker* once headlined a story "Mother's Day to Be Marked by Peace Tables . . ." Postcards should be distributed on Mother's Day, the story continued, "'declaring the deepest need of all American mothers to be a ban on A- and H-bombs . . ."

Also planned, according to the story, were special Mother's Day leaflets and placards as well as balloons for the children reading "World-Wide Ban of A- and H-bombs."

Many people sincerely believe, for many reasons, that these bombs should be banned. However, to communists, the true meaning of peace and banning the A- and H-bombs is weakening the United States and advancing Russian aggressive aims.

And so it goes. A discussion may start about the low price of oats, better working conditions on the second shift, equal pay for women, the death rate among Eskimos, but it will end with the endorsement of "peace"; "amnesty for the Smith Act victims"; "repeal of the Internal Security Act of 1950 and the McCarran-Walter Immigration and Nationality Act."

Scattered, variegated, and inarticulate interest, under Party guidance, are brought into a common denominator: support for the Party line.

The Party line, in fact, is the sum total of all Party demands at any given time. You must learn to see it as a whole. Some demands are always present and seem innocent enough, such as those for higher wages, lower taxes, and better housing. But, remember, communists don't really care about genuine social reforms. These immediate demands are strictly for agitational purposes. They serve to arouse people and to cause tension. William Z. Foster says very candidly: "Our Party is a revolutionary Party. It aims not simply to ease conditions a bit under capitalism for the workers but to abolish capitalism altogether."

If ever achieved, these demands will be restated in more extreme form.

Other demands in the Party line are short-term; that is, they may quickly change, depending, on the current national and international situation. Consider the Party's stand that Formosa should be returned to China proper. Suppose the present communist regime in China were overthrown and a government hostile to Soviet Russia gained power. This demand would be quickly abandoned. On the other hand, certain demands never change, such as support of the Soviet Union.

The attack is primarily agitational. Propaganda, although valuable, is a long-range softener, to be handled chiefly on an intellectual level by the educational department; agitation is immediate, inflammatory, conducive to acute discontent, the specialty of the field organizer.

Lenin's distinction is decisive. A propagandist, he says, to explain unemployment must talk about the capitalist nature of the crisis, the need for building a socialist society, etc. " 'Many ideas' " must be expounded "so many indeed that they will be understood as a whole only by a (comparatively) few persons."

But the agitator, on the other hand, selects one well-known aspect of the problem, such as "the death from starvation of the family of an unemployed worker." He will concentrate on imparting a single idea to the masses: why this family died. Or, in Lenin's words, he will show "the senseless contradiction between the increase of wealth and increase of poverty." Evoke discontent and revolt *now.* "Leave a more complete explanation . . . to the propagandist." Here is an example of how agitation works:

The communists publish a story: John Doe has been arrested, the charge is murder. Of course it is a tragic event. Crime always brings sorrow. It reflects maladjustment in society and points up abuses that genuinely need correction. But the communists aren't interested in John Doe. They do not try to discover the true facts in his case, study his background, or improve his condition. Here in the day's news is a human tragedy that can be exploited for propaganda purposes. That is enough.

The Party machinery springs into action, typical of thousands of mass-agitation campaigns.

The communist press publicizes the case with pictures, an interview with the wrongdoer, stories about his family. It carries heartrending and sentimental accounts, without regard to truth or the suffering of the victim of the crime or the sorrow of his loved ones.

If the arrested person is a member of a minority group, or a veteran, the father of ten children, a union member or unemployed, the agitational appeal is broadened. "Union Member Framed on Murder Charge." Unemployed Veteran Railroaded to Jail." Father of 10 Arrested on False Charges." Almost always the charge of "police brutality" is thrown in too.

In a few days a decision must be made. Should the campaign continue? Maybe the case is quickly over, no special interest having been aroused. Or the "victim" himself announces that he's been treated fairly and has no personal ill feelings. That's the end. The Party drops it.

Such campaigns are sometimes carried on for months or years, with varying degrees of intensity. The Party is a self-appointed collector of "victims" of "framed evidence," "lynch justice," "Gestapo brutality," academic witchhunts." These "martyrs of injustice" include old-timers like Sacco and Vanzetti and the Scottsboro Case, now remembered only in "memorials"; and recent ones, such as the "Martinsville Seven," the "Trenton Six" or the Rosenbergs; or hot-off-the-griddle varieties, such as those appearing in the current Party press. All are trotted out at the slightest twist of tongue or pencil as

exhibits of capitalist "terror" and communist "benevolence."

Certain exploitation standards determine whether the campaign is to continue: Can large numbers of people be influenced? Is a public official involved—the more prominent the better—who can be undermined and smeared? Will other communist ventures be aided? Can the Party gain recruits? (Mass agitation is always linked to Party building.) Can financial gains be secured for the Party?

The Party searches American life for agitational points: the eviction of a family, the arrest of a Negro, a proposed rise in transit fares, a bill to increase taxes, a miscarriage of justice, the underpayment of a worker, the dismissal of a teacher, a shooting by law-enforcement officers. Some of the cases, unfortunately, do reflect mistakes or blemishes in American society. Others are twisted by the Party into agitational items.

Once the decision has been made to continue the campaign, the next step is probably the formation of the XYZ Committee to Save John Doe: a communist front, born at 9:00 a.m., full grown by 10:30 a.m, mailing out letters by noon. This gives the illusion of organized interest, focuses attention, and masks communist participation. Purpose (deceptive) is to gain "justice" for the defendant; purpose (real): to advance communism.

Attract attention by building up a bonfire of agitation. Suddenly, almost like magic, a "women's" group in Oregon, a "farmers'" meeting in Oklahoma, a "consumers'" conference in West Virginia pass resolutions: "Save John Doe!" Literature is scattered, other groups contacted. The Party becomes the agitational base. Who is John Doe? The members don't know, except that he's the newest twist in the Party line. That's enough!

The Party has now started a mass-agitation campaign. Its success depends on securing noncommunist support. Members contact community leaders, such as judges, members of the city council, doctors, lawyers, clergymen, educators, social workers, trying to obtain statements or testimonials.

The commuinst is no longer a shadowy figure deep underground or meeting secretly at night. He is knocking on doors, seeing prominent people, attending city council meetings.

"I feel that John Doe has been wrongly arrested [or convicted, as the case may be]. I am compelled in the interests of justice to demand that he be released."

That is a typical testimonial to be sent to authorities and the press.

The technique of obtaining testimonials is always to start with a sympathizer, the kind who will authorize his name for any communist campaign. Some are so "controlled" that headquarters uses their names without consultation, even preparing their statements. Others are contacted on each occasion.

They next reach out for other prominent sympathizers. Officers of communist fronts make good signers. They usually have imposing "titles." Next, branch out to the lukewarm, those who are on the fence; sometimes they will sign, other times they will not. If not, they must be sold. Finally come the unsuspecting noncommunists, with contact being made either in person or on the telephone.

"Mr. X, I'm So-and-So from the XYZ Committee to Save John Doe. I was just over at Mr. Y's office. You know him, don't you?"

"Yes," will come the reply. That gets the interview off to a good start.

"This is a case I am sure will interest you. You are a lawyer and here is an individual who is the victim of injustice. . . . Have you heard about it?"

"No." That's good, the field is clear.

On and on. "Dr. F, Rev. O, etc., have given statements . . ."

The man signs. Another "innocent victim." Did he know the communist identity of the solicitor? No. Did he know that the XYZ Committee to Save John Doe was a communist front? No. Did he realize that by making the statement he was aiding the communist movement? No.

For sincere, honest reasons of their own, entirely unrelated to communism, many individuals may support John Doe. This, of course, does not make them communists. To call them communists is an injustice, but it is not unjust to point out that the Party always seeks to exploit such personal convictions for partisan propaganda.

The cause of communism must be linked with as many elements in society as possible. Our fight for John Doe is your fight, the communists say to labor unions, Negro, professional, cultural, and nationality groups. Today he's being "persecuted." Tomorrow it'll be your turn. Join with us and we'll fight together.

We Communists join with every other democratic-minded American, irrespective of views, in the common fight to preserve a common democratic heritage.

Deceptive: the communists are fighting for our "common democractic heritage"; *real:* to gain the support of noncommunist groups (even ". . . those who do not accept Socialism as a final aim"). As Lenin instructed, seize allies everywhere. Use them for the advantage of furthering communism.

Mass agitation is most effective in capturing the support of noncommunists. By securing even the temporary allegiance of an individual, as in a testimonial, the Party gains. In this way communist propaganda enters the orbit of that individual's personal influence. "Why," a friend will say after reading the testimonial, "if So-and-So endorses that organization [or issue], it must be OK." The dupe becomes a communist thought-control relay station. That's why communists are always eager to secure the support of doctors, clergymen, teachers, and other persons highly respected in their communities. The more widely known the person, the better.

Circulating petitions is another favorite communist technique for capturing noncommunist support.

A young woman stands on the sidewalk. A housewife, carrying a package, comes out of the grocery store.

"Pardon me," the young woman says, approaching her. "Wouldn't you like to help a young man win his freedom?"

The appeal is attractive. The housewife stops. "We have a petition to the governor asking for the release of John Doe. He's sentenced to die. . . ." The housewife looks at the petition. It contains nothing communist. There is no hammer or sickle or mention of Russia. It is just a statement that we the undersigned believe that John Doe should be released. "You can help a lot by signing. . . ."

She signs and so do thousands of others. Party teams are everywhere, on street corners, at factory gates, in bus terminals. Sign here, please. Won't you send a telegram or write a letter? Here's a sample all fixed up. Just sign it. Would you like a leaflet? Won't you call the governor's office? Come to our rally tonight. Write a letter to the newspaper. Is your club meeting soon? Have it pass a resolution. Your pastor can help. Have him call a protest meeting.

The pressure is tabulated in thousands of letters, resolutions, and telegrams, ten, a hundred times the number of all Party members in the United States.

Agitation campaigns are of all types, local, state, and national:

Dealing with the high cost of living;

Against a rise in transit fares;

Opposing a bill in Congress or a state legislature;

Protesting the showing of a "Fascist" movie;

Urging amnesty for convicted Smith Act "victims";

Demanding "peace"; "repeal the draft"; "more aid to schools";

Protesting the arrival in town of some celebrity not liked by the Party.

Campaigns involving court cases as a general rule provide the most sustained agitation. These can be divided into various exploitation stages.

1. *The arrest stage:* the "victim" has been illegally arrested. The charges are "trumped up."

2. *The trial stage:* "false evidence" is being used, the jury is "packed," a fair trial is "impossible."

3. *The appeal stage* (assuming the defendant is found guilty): in most instances a guilty verdict serves the communist purpose best. Otherwise, little propaganda is left, except for a few self-congratulatory articles. The communists use every device, inside and outside the courtroom, to break down the American judicial system.

4. *The clemency stage:* this is probably best suited to agitation. The Party operates a whole series of tactics. Here are a few:

Mass meetings. Rallies. Demonstrations. Picket lines. These, also used in other exploitation stages, now become imbued with "gravity." "John Doe Will Die in 2 Weeks. Wire the Governor. Demand His Release." "Save My Boy, Please. He's Innocent." "Where's America's Conscience? This Man Has Been Framed."

Sojourns. Treks. Pilgrimages. Motorcades. Encampments. The convergence on a selected spot, the state capital or Washington, D.C., of members and sympathizers from all over the country.

They arrive by train, battered old trucks, rented buses, hitchhiking. Get your tickets, meet at the station, don't miss the Clemency Train. Day after day the *Daily Worker* pounds this theme. An operational headquarters is set up, usually under a fancy Aesopian name such as "Liberty House" or "Inspiration Center."

This tactic—concentrated pressure—is reserved only for special occasions. Teams visit offices of legislators, officials of the government, and demand to see the governor or President. Make everyone think that "millions" are demanding clemency. A cascade of telegrams, letters, petitions, resolutions pours in, promoted by comrades back home. "The city was stirred today by the *nation's* demand for clemency for John Doe. . . ." writes the Party's press agent. Probably 250 communists and their sympathizers were in town.

The hour of judicial decision or execution nears. The drama is heightened. "Prayer meetings" are held by communists, who do not believe in prayer. Then the super climax: a "vigil." The comrades start a marching line, twenty-four hours around the clock, demanding "mercy," "clemency." One day, two days, five days, twelve days, the line moves back and forth in front of the governor's mansion, or more dramatic, the White House. Placards read. "Mercy for John Doe." "Mr. Governor, Don't You Have a Heart?" Any testimonials secured from prominent individuals bob and weave in the marching line. Leaflets are handed out.

In two hours comes a new shift. Paraders walk silently, sometimes in single file, at other times two abreast, usually six to eight feet apart. This isn't supposed to be a flamboyant affair, but sad and mournful, designed to capture the emotions. Death is near! "Clemency *Now*—Only 12 Hours Left." "Can America Allow an Innocent Man to Die?"

The shift is over. The members whisk back to "Liberty House," grab a bite to eat, hear a pep talk, then return for another "tour of

duty." Cots are available for sleep. In this way a few financial comrades can attract the attention of thousands. Over the week end other comrades, off from work, "flood" into a city and, in the flaming words of the Party press, march by the "thousands"—meaning probably 250 to 300. "There's Still Time to Act. Send Telegrams, Letters to the Governor." Mount the pressure. So long as John Doe is alive he must be exploited.

5. *The imprisonment stage:* the defendant becomes a showpiece. He is visited by his wife (called a "prison wife") and his family, and delegations go to see him. Sentimental and heart-tearing accounts are written: ". . . as the train sped me northward, my eyes ached with the unwept tears of loneliness." "I heard [his] quiet voice. I looked into his calm eyes. But I noted too the tight lines of controlled grimness about his mouth and the narrowed tightness about his eyes."

Birthday-card campaigns are initiated. Send John Doe a Christmas greeting. His picture is published. His "speeches" become "quotable scripture." A nine-year-old son visits him . . . the child is shocked by the "watchtowers," "gigantic searchlights," "locked iron doors" . . . the visit is over . . . the little boy tells his mother, "After all, if Daddy didn't have such good political ideas he wouldn't be there in the first place." (He is a Smith Act "victim.")

The communist press will invariably superimpose its judgment on that of a jury and judge with a trumped-up charge that the homicide was justifiable, the evidence framed, or the witness had committed perjury. It will have a defense for the crime that would cause the person not familiar with the facts or the record of the trial to wonder. And the longer the lapse of time, the more real the trumped-up defense will sound to the uninformed. This might go on for years. For example, the Women's Committee for Equal Justice was not disbanded until seven years after Rosa Lee Ingram and her two sons had been convicted and sentenced in a Georgia court for the slaying of a neighbor.

6. *The post-imprisonment stage:* most of the propaganda value is generally gone when this stage is reached. If the "victim" is dead, "memorial" services may occasionally be held or articles writen.

The cycle has run. The campaign may be dropped at any moment, shifted to a new tack, used to buttress another approach. Another purpose, especially in espionage cases, is to make the "victim" think he is a "martyr" and believe that any cooperation with the American government, such as implicating others or giving vital information, would be a betrayal. Better to have him executed by the government for his crimes than to expose other communists.

These campaigns are designed to dramatize communists and their front representatives as "champions" of the masses. They foster the illusion that these individuals are progressive, enlightened, and humanitarian, acting in the best interests of the American people. "We stand for freedom when everybody else is not interested." That is the illusion.

The real motive is to prepare both the Party and noncommunist society for revolutionary action. Members gain experience in mass work: the art of propaganda and agitation, organizing social discontent, guiding large numbers. Leadership, discipline, and organizational structure can be tested. Moreover, communists hope to make workers and the masses class-conscious, accepting the Party as their leader (in Party terms called *radicalizing* the masses). Sow seeds of discontent; weaken, divide, and neutralize anticommunist opposition; above all, undermine the American judicial process.

Law enforcement has long been a target of communist attack. As legal opposition crystallized, these Party attacks, especially on the FBI, prosecutive officials, and police, have mounted in intensity.

Lenin taught that it was essential for every "real people's revolution" to destroy the "ready-made state machinery." Wherever communists have been able to exercise any measure of control, their first step has been to hamstring and incapacitate law enforcement.

The communist performance in the Indian state of Kerala is a good illustration. Within a few months after a procommunist government came into control, "peoples' action committees" were formed which began to usurp the functions of the law courts. Then the state police were handcuffed by orders to stand on the sidelines except when crimes such as murder, rape, arson, and assault occurred. Many communists were freed from jail, and public statements were issued that many penal institutions would be closed and their grounds turned into flower gardens. A noncommunist official of the Indian government reportd a "complete breakdown of law and order."

Experience over the years has demonstrated that every time communists are able to avert justice through technicalities, there is not only jubilation in Party circles but also increased urgings for more brazen Party action.

Day-to-day struggles are battle-hardening dress rehearsals for revolution. William Z. Foster boasted, ". . . capitalism will die sword in hand, fighting in vain to beat back the oncoming revolutionary proletariat."

Often communists find it effective to carry out their agitation campaigns through organizations not generally recognized as procommunist. These can be either (1) old-time organizations which have been "infiltrated," or (2) newly established communist fronts. The next two chapters will discuss these forms of communist campaigning.

[From the Washington (D.C.) Post, Feb. 15, 1970]

TUMULT ERUPTS AS "7" TRIAL JUDGE JAILS FOUR DEFENDANTS FOR CONTEMPT

(By William Chapman)

CHICAGO, February 14.—The most emotional scene of the riot conspiracy trial took place today as Judge Julius J. Hoffman began handing out contempt of court sentences to the defendants and their lawyers.

At one point in the tumult, spectators were dragged from the room, a defendant saluted the judge with "Heil Hitler" and defense lawyer William M. Kunstler broke into uncontrollable sobbing.

Marshals forcibly restrained several defendants and their sympathizers after the judge had cited defendant David T. Dellinger for 32 separate points of contempt of court during the long trial.

The judge sentenced Dellinger to 29 months and 16 days in prison, Rennie Davis to 25 months and 5 days, Abbie Hoffman to eight months and Tom Hayden to 14 months and 14 days. All were jailed immediately.

Judge Hoffman said he would dispose of contempt citations Sunday morning against Kunstler, defense lawyer Leonard I. Weinglass and the other three defendants—Lee Weiner, John Froines, and Jerry Rubin.

The jury had retired earlier to begin deliberating on a verdict for the seven men accused of conspiring to cross state lines with the intent of inciting violence at the Democratic National Convention in 1968. The jurors recessed at 10 p.m. without reaching a verdict.

Dellinger, the 54-year-old pacifist, was given a chance to comment on the contempt charges and he launched into a condemnation of racism and the war in Vietnam.

"I don't want to talk politics with you," Judge Hoffman said, ordering marshals to put Dellinger in his chair.

"You wanted us to be good Germans and go along," Dellinger shouted at the judge.

"Now you want us to be like the good Jews who went quietly to concentration camps," he added. "I don't propose to do that."

Cheers, applause and shouts of "right on" erupted from the spectators' benches.

Marshals dragged out several persons who refused to leave when told to. One of them was Dellinger's daughter.

"Leave my daughter alone," Dellinger yelled, and another girl screamed, "Oh, my God."

During the shouting and confusion, Kunstler leaned on the attorneys lectern sobbing. He looked up at Judge Hoffman and screamed, "My life has come to nothing. You've destroyed it. Please put me in jail now."

Defendant Jerry Rubin strode to the center of the courtroom, raised his right hand in a Nazi salute and shouted directly at the judge, "Heil Hitler—that's what you ought to be called."

When the courtroom finally was silent, Hoffman began reading off the days and months of sentence for each of Dellinger's contempt citations.

As Dellinger was led away, Davis said to the judge, "You have just jailed one of the most beautiful people in the United States."

"All right, we'll begin to talk about you now, Mr. Davis," said Judge Hoffman, who promptly read off the 29-year-old Davis' 23 separate citations.

The counts against Davis included laughing in the courtroom, not rising when the judge entered, accusing the judge of sleeping during the trial and exclaiming that the defendants were being considered "guilty until proven innocent."

Dellinger's contempt citations were for such behavior as calling it a "fascist court," calling Hoffman a "liar" and a "hypocrite" and telling the judge at one point, "You'll go down in infamy for your obvious lies in this courtroom."

Some of the citations dated back to the early days of the trial, which began on Sept. 24. In October, Hoffman sentenced another defendant, Bobby G. Seale, to an unprecedented four years in prison for 16 citations of contempt.

The judge today took up the contempt issue shortly after noon when the jury began its deliberations.

The defendants' frequent interruptions and comments on his rulings, he said, had "impeded and obstructed the administration of justice.

"Particularly reprehensible," said Hoffman, "is the conduct of the counsel who . . . participated with their clients in making a mockery of orderly procedure."

Despite his warnings, he said, Kunstler and the other defense lawyer, Leonard I. Weinglass, made "repeated insults" to the bench.

He said the defendants engaged in "direct and defiant contempt of this court . . . aimed at baiting the judge and harassing the United States attorneys in an attempt to stop the trial."

Kunstler argued that the judge lacked authority to try for summary contempt after a trial persons who allegedly had insulted him personally. Another judge and a jury should be called in to try the contempt charges, he argued.

Hoffman said he disagreed and he also refused to consider motions for bail for those cited for contempt.

Judge Hoffman said that the "impudent

repetition" of interruptions by defendants made it necessary to impose consecutive sentences. The terms for the citations ranged in length from one day to six months.

Hoffman observed that the jury was just beginning to deliberate on the conspiracy charges against the defendants.

[From the Washington (D.C.) Post, Feb. 16, 1970]

"CHICAGO 7" LAWYERS FACE JAIL—KUNSTLER GETS 4-YEAR TERM FOR CONTEMPT

(By William Chapman)

CHICAGO, Feb. 15.—A defense lawyer in the Chicago conspiracy trial was sentenced to more than four years in prison today for contempt of court.

Judge Julius J. Hoffman cited William M. Kunstler for 24 different items of contempt during the long trial and said, "I have never heard a lawyer say to a judge the things you have said to me."

Another defense lawyer, Leonard Weinglass, was sentenced to more than 20 months for contempt. The sentences for both attorneys were stayed by the judge until May so they will be free to defend the seven men whom they represent in the case.

But three more defendants were sentenced for contempt and taken promptly to jail today. The four others were sentenced and jailed yesterday.

The jury, meanwhile, finished its second day of deliberation at 9 p.m. CST without a verdict. Deliberations will continue Monday morning.

Tonight, Weinglass offered the defense's first words of optimism about the possible verdict. He observed that the jury had been out some time and said that indicated to him a growing possibility of acquittal or a hung jury.

He said he originally had been "very pessimistic" because "they were being tried under a difficult law . . . by a judge who gave us no latitude."

The sentence against Kunstler, a veteran of many civil rights suits, was the longest one imposed during the trial and may set a precedent. The total time was four years and 13 days.

In a highly unusual statement from the bench, Hoffman declared that behavior such as Kunstler's encourages crime in the United States.

Hoffman acknowledged that he was about to make an "unorthodox" comment and then said:

"We hear lots about crime in this country. There is a lot of crime . . . I am one of those who believes that the fact crime is on the increase is due in large part to the fact that waiting in the wings are lawyers willing to go beyond their professional responsibilities in the defense of clients."

He added, "The fact that such a defendant knows that such a lawyer is waiting in the wings has a stimulating effect on the increase in crime."

A battery of lawyers began assembling today to fight the contempt sentences on appeal. Their main argument will be that a trial judge lacks authority to sentence defendants or lawyers for contempt summarily after a trial is over.

They contend that summary contempt—without a jury—can be imposed only during a trial for purposes of keeping the procedure orderly.

Kunstler told the judge his behavior in court was a reaction to what he considered "repressive" actions by the court.

He said he was not ashamed of his conduct. "I have tried with all of my heart faithfully to represent my clients in the face of what I considered and still consider repressive and unjust conduct toward them," Kunstler said.

The attorney, speaking slowly in an unemotional tone, said, "I can only hope that my fate does not deter other lawyers throughout the country who, in the difficult days that lie ahead, will be asked to defend clients against a steadily increasing governmental encroachment upon their most fundamental liberties."

He added, "If they are so deterred, then my punishment will have effects of such terrifying consequences that I dread to contemplate the future domestic and foreign course of this country."

Saturday, Kunstler had burst into uncontrollable sobbing during a wild courtroom scene in which defendant David Dellinger's daughter was ejected by federal marshals.

Today, he said of that incident, "I felt such a deep sense of utter futility that I could not keep from crying, something I had not done publicly since childhood.

"I am sorry if I disturbed the decorum of the courtroom, but I am not ashamed of my tears."

Many of the citations against Kunstler and Weinglass were for their refusal to cease arguing motions after Hoffman ruled against them.

Others were for what the judge called "insults" to the court, such as when Kunstler protested that the binding and gagging of a former defendant, Bobby G. Seale, amounted to "medieval torture." Kunstler drew three months for that outburst.

He drew a six-month sentence for persisting in asking what Hoffman called "objectionable, leading questions" of Mayor Richard J. Daley.

Virtually all of Weinglass' citations were for pressing legal points after the judge had ruled against him.

Speaking to the judge today, Weinglass admitted error on some points but insisted that in most instances he had been forced to argue after the judge's ruling because he had not been given an opportunity to discuss his motions or objections fully.

Hoffman accused him of lack of respect for the court. Weinglass responded, "In this matter of respect, I might say I had hoped that after 20 weeks of this trial the court would know my name."

Judge Hoffman repeatedly has called him "Weintraub" or other names having similar sounds. Even as the argument went on today, the judge referred to him again as "Weintraub."

The three defendants sentenced for contempt today were Jerry Rubin, for 25 months and 23 days; Lee Weiner, for two months and 18 days, and John Froines, for five months and 45 days.

Rubin, the bearded Yippie leader, explained he had yelled such words as "Gestapo" and "Hitler" during the trial because "everything that happened in Hitler's Germany was done by judges who wore robes and quoted the law."

Weiner sarcastically thanked the judge for wiping out his own last notions that "the courts are a forum in which justice is available."

In each case, Judge Hoffman found the men behaved in a manner designed to "sabotage the functioning of the judicial system."

Judge Hoffman sentenced the other four defendants on Saturday. They were Dellinger, two years, five months and 16 days; Rennard C. (Rennie) Davis, two years, one month and 18 days; Thomas E. Hayden, one year, two months and 14 days, and Abbott (Abbie) Hoffman, eight months.

[From the Washington Post, Feb. 16, 1970]

ACLU CRITICIZES JUDGE AS OVERSTEPPING POWER

NEW YORK, February 15.—The American Civil Liberties Union today criticized summary contempt citations against defense attorneys and defendants in the Chicago riot conspiracy trial as an "unconstitutional use of judicial power."

"The National Board of Directors of the American Civil Liberties Union views with gravest concern the extraordinary and unconstitutional use of summary contempt power at the end of a trial," an ACLU statement read.

Board chairman Edward J. Ennis said at a news conference the ACLU expected to "take a very substantial role" in expected appeals.

An ACLU statement distributed at the news conference said the procedure for summary contempt "applies only to those unusual situations where instant action is necessary to protect the judicial institution itself and when there is such an open, serious threat to orderly procedure that instant and summary punishment, as distinguished from due and deliberate procedure, is required."

In Chicago meanwhile, seven lawyers and law professors said they were volunteering their services to help appeal the contempt sentences.

Martin Stavis, director of the Law Center for Constitutional Rights in New York City, said the group would ask the U.S. 7th Circuit Court of Appeals to set bond for the seven defendants.

Other members of the appeal group are Thomas Sullivan, an attorney with the prestigious Chicago firm of Jenner & Block; Arthur Kinoy, Rutgers University Law School; Allan Dershowitz, Harvard Law School; Anthony Amsterdam, Stanford Law School; Herbert Reid, Howard University, and Michael Tigar, of the University of California at Los Angeles Law School.

[From the Washington Post, Feb. 16, 1970]

DISSIDENT DEMOCRATS SUPPORT "7"

CHICAGO, February 15.— The New Democratic Coalition ended its national convention today, resolved to work within the Democratic Party but to press elected officials hard on issues such as Vietnam, welfare and the anti-ballistic missile.

But before the delegates wrapped up their business, the Chicago conspiracy trial diverted their attention and some 200 NDC members marched one-half mile through the downtown district for a demonstration at the federal courthouse.

The delegates joined marchers in the plaza outside the courthouse and read a resolution passed in the morning session condemning the trial.

The resolution pledged "vigorous opposition to the growing repression of dissent in America represented by the intimidation of the news media, stifling of student and minority political organizations, attacks upon peace groups and most recently the Chicago conspiracy trial."

Because of the march, a handful of resolutions on women's rights, the role of students and other issues never came up and the election of national officers was cut short.

The two national officers elected were Marvin Madison of St. Louis, chairman of the Missouri NDC, president, and Joyce Harrell of Vermillion, S.D., chairman of the state's NDC affiliate, secretary. Eleven vice chairmen will be picked later by the executive committee.

[From the Washington Star, Feb. 15, 1970]

PHIL HIRSCHKOP, THE DEFENDER OF THE RADICAL

(By Barry Kalb)

Washington's radicals don't rank with those from cities like New York or Chicago or San Francisco—no local Abbie Hoffmans or Mark Rudds or Eldridge Cleavers. But the big-timers occasionally pass through town, and before they leave, they often need a lawyer.

Whom do they go to? Ask any radical. "Phil Hirschkop."

They may not pronounce it correctly—but the Movement knows: If you come to Washington to stop the war or something like that, and you get caught at it, get Philip J. Hirschkop to be your lawyer.

Now Hirschkop needs a lawyer. As the raucaus six-day trial of the "D.C. Nine" came to a close Tuesday, Hirschkop, who had defended the anti-war activists who broke into the Dow Chemical offices here last March was told he was being held in contempt.

Hirschkop, who is a national officer of the American Civil Liberties Union, doesn't think his actions in court warrant a contempt citation. He simply thinks U.S. District Court Judge John H. Pratt was prejudiced against his clients, and told him so. Pratt obviously thinks differently, and sentenced Hirschkop to 30 days in jail. Hirschkop is appealing.

NO RADICAL IMAGE

What kind of man is Philip Hirschkop, who has defended the likes of H. Rap Brown, Jerry Rubin, Norman Mailer, Benjamin Spock, George Lincoln Rockwell's body, and three long-haired young men who gave the police information on the murder of District official Richard L. Mattingly and ended up in jail?

He doesn't seem to be a radical. Real radicals don't normally ride around in police cars communicating with the mayor and the chief of police during anti-war demonstrations, as Hirshkop did during the weekend of Nov. 15 while representing the New Mobilization Committee to End the War in Vietnam.

He has been called a Communist, but when the American Nazi party wasn't allowed to bury its slain leader, Rockwell, in a U.S. military cemetery while wearing swastikas, Hirshkop took their case. (His parents, who live in Miami Beach, wouldn't talk to him for a year after that one.)

"I guess I'm a liberal," Hirshkop said last week, seated in his upper middleclass home in the Hollin Hills area near Alexandria.

He wasn't always. After graduating high school in Hightstown, N.J., in 1954, he joined the Special Forces, later the elite Green Berets who have come to symbolize, to the kind of people Hirshkop defends, all that is bad about the Vietnam war.

He said he thought doing Green Beret-type things, such as making 22 parachute jumps, would cure him of his fear of heights. "Jumping out of airplanes did nothing to alleviate that," he said. "I just scared the hell out of myself 22 times."

He went through college, then began law school at Georgetown University. During his final year, in the spring of 1964, he worked as a legislative aide to Rep. Richard Ichord, D–Mo.—current chairman of House Internal Security Committee (then the House Un-American Activities Committee).

"I found out he was on the committee and he found out I was pro-civil rights about the same time," Hirschkop recalls.

After leaving Ichord's employ and graduating from Georgetown, Hirschkop went south, working in civil rights cases under the tutelage of William H. Kunstler, whose list of anti-establishment clients outstrips Hirschkops's, and who headed the defense of the seven men accused of inciting riots during the 1968 Democratic convention in Chicago.

Since then, Hirschkop has been in the news a lot. With one of his partners, Bernard Cohen—their firm is Cohen, Hirschkop, Hall and Jackson—he pleaded the 1967 Loving vs. Virginia case, in which the Supreme Court banned antimiscegenation laws; defended H. Rap Brown, then head of the Student Nonviolent Coordinating Committee, against extradition from Virginia to Maryland the same year; and acted as chief counsel for the New (formerly National) Mobe during three of Washington's more hectic demonstrations—the Pentagon march in 1967, the counter-inaugural activities in January of last year, and the anti-war demonstrations last Nov. 13–15.

Along the way, he married and he and his wife, Phyllis, have a daughter, Jacqueline, 4, and a son, David, 2. At 33, he has a shock of curly black hair with long sideburns, and although Norman Mailer, in his book on the Pentagon demonstration entitled "Armies of the Night," spoke of Hirschkop's "powerful short body," it appears that "well-fed" would be as apt a description now.

[From the Washington Post, Feb. 15, 1970]

DISORDER IN THE COURTROOM

The various committees of lawyers, judges and architects who are studying the recent outbursts of violence and disorder in the courtroom have certainly not begun too soon. Disruption of court proceedings appears to have become a fixed policy of groups determined to frustrate the judicial process. In Chicago, New York and to a lesser extent in Washington, the question has been raised as to whether, in certain very highly controversial cases, the machinery of justice can operate in the traditional manner.

Much depends, of course, upon the individual judge. The contrast between the court management techniques of Judge Hoffman in Chicago and Justice Murtagh in New York illustrates the great value of cool objectivity on the bench. There is much wisdom in the comment of Judge Medina, who handled the rowdy Communist conspiracy trial 20 years ago, that "self-control and a sense of humor" are the most important weapons in a judge's arsenal in such trying circumstances. Yet it was impossible for Justice Murtagh to maintain the proper atmosphere for a trial when he was reviled as a "racist hanging judge" and the proceedings were repeatedly interrupted by shouts of "Power to the people" and "Fascist pig." At one point a defendant, asked to identify a pistol, pointed it at the judge and pulled the trigger, and a woman shouted "That's one dead pig."

If disorder or violence deliberately provoked by the defendants should succeed in preventing trials from being held, they would doubtless become standard practice for murderers and lesser criminals choosing not to be tried. Some means of coping with these tactics must be found. A committee of lawyers and architects is studying the possibility of keeping unruly defendants behind soundproof plastic shields except when they are testifying. Others have suggested that the defendants be held in jail with the right to watch the trial on television, but no ideal solution has emerged.

Some judges believe that most of the shenanigans will soon be dropped if a few defense lawyers go to jail for contempt. Some of the disorder in the courtroom undoubtedly stems from the disrespectful and obstreperous conduct of defense lawyers and there seems to be no alternative to punishment of them for contempt or seeking their disbarment in the most flagrant cases. But punishment for contempt, however essential it may be in the worst cases, is itself a dangerous weapon. In the case of attorney Philip J. Hirschkop, who was sentenced to 30 days for his conduct in the trial of the so-called "D.C. Nine" the other day, for example, Judge Pratt would have been on sounder ground if he had made his charges against the lawyer and left it to another judge to decide the issue and impose the penalty, if any.

While the search for better remedies goes on, the importance of judicial detachment, imperturbability and a sense of humor, along with firmness and adherence to sound rules of procedure, can scarcely be overestimated. Courts must remain courts, and not contestants in the exchange of insults or emotional reactions, regardless of what the provocation may be. If some defendants make it impossible to try their cases in a judicial atmosphere, it may be necessary to let them cool off in jail until a due process trial can be held.

[From the Washington Post, Feb. 16, 1970]

"JUDICIOUS" JUSTIFICATION

(By Nicholas von Hoffman)

CHICAGO.—It was the worst moment for the trial, the worst for the dignity of the court, for the federal judiciary. The chief counsel for the defense was leaning over a desk weeping and imploring the judge to throw him in jail; Jerry Rubin, one of the most lively of the famous seven Chicago conspirators, was standing behind the broken lawyer, clicking his heels together, shouting, "Heil Hitler," and giving Judge Hoffman the Nazi salute; his co-defendant, Dave Dellinger, was calling out "Leave my daughter alone! They're hurting my daughter!" His daughter Natasha and three or four of her friends were fighting off a pack of Federal marshals, others were flying onto the pile like red-dogging linebackers, the Federal prosecutors were grinning and the rest of the spectators stood appalled.

The ferocious wee judge had precipitated this latest and most complete destruction of his courtroom. He had begun reading his contempt citations against Dellinger before the jury settled in its place of deliberation, so eager was he to vindicate his dignity against the months that Dellinger had fought him in open court in a manner forbidden to defendants. The judge has a grinding, pedantic voice that makes words by extruding them out from behind locked molars. It frightened people who hoped to escape him and infuriated others who know they are doomed to going to jail whatever they do.

He used the voice to read the citation, particularizing each affront inflicted on his dignity by Dellinger during the nearly five months of the trial. He quoted Dellinger as saying at one point, "You don't want us to have a defense. You're a hypocrite. What Mayor Daley and the police did for the electoral process, you are doing for the judicial process." He rehearsed the number of times Dellinger had refused to rise to his feet when he came into the room, how many times Dellinger had burst out with remarks of protestation and then he sentenced the man to almost two and a half years in jail.

On the defendants, the net effect was to make them pass through the whole trial experience again, in one compact recapitulation, and they exploded. For other people in the courtroom, it set off the renewed recognition of how different we think our rights are from what we can expect from judges.

Trial by a jury of peers in this case has meant a jury of old people with different backgrounds and beliefs trying young people; it has meant that, before a verdict has been given, the defendants have already been sentenced to a total of 13 years, three months and one day in jail for contempt of court. The right to defend oneself has been interpreted to mean sitting gagged and chained to a chair. The right to call witnesses in one's behalf has not been extended to the former Attorney General of the United States, Ramsey Clark, who was sitting and waiting to testify.

All this is legal. All such decisions are discretionary with the judge, the little man who seeks stature through the strength of his marshals. It is they whom he uses to enforce his dignity against the laughter while he sits on his bench explaining how he isn't a racist, but a just, kind and joking fellow.

He tries to justify himself to a wider audience than his court, but he feels abused in the greater world also. "I have literally thousands of editorials back there in my chamber. I just don't have the time to write letters saying 'You lied about me . . . that's the sort of thing that men in public life have to put up with.'"

The little things are as arbitrary as the big ones. The young people sleeping on the sidewalks in the freezing weather outside the building wait to get seats in the courtroom, but they are excluded while the judge

lets his friends in. When the defense calls him on it, he replies with petulant, over enunciated diction that, "I don't have anything to do with the spectators outside. I have great confidence in the Marshal for the Northern District of Illinois, appointed by the President of the United States. It's his responsibility. We have a system of justice here that takes care of everything."

The courtroom is operated as a system to exact the forms of dignity by a judge who does not return respect with justice. The trial is full of little exchanges like the following.

Mr. Weinglass (defense lawyer): It was my face that Your Honor was reading. I want the record to indicate I was not smiling or laughing.

Judge: The record may show that you are puzzled.

The judge demands not only respect, but love and understanding. "Those who feel ill of me might have a little compassion," he said to Lee Weiner just before sentencing him to jail for contempt. But the defendant replied by telling him that the plaque outside the room at Northwestern University's Law School bearing Julius Hoffman's name had been ripped off the wall by the students there. Did they leave the nameplate on the door? the judge asked.

In such a place, real issues, legal and political never get debated. These seven men were indicted for conspiring and the evidence certainly shows they were, but all politics is a conspiracy. What makes this one illegal? Why should it be illegal to do certain things you know your political enemy will overreact to and thereby discredit himself? That is what the defendants did with Mayor Daley. Anyone interested in any kind of political activity in this country needs an answer to that question.

It won't come out of this trial, where the district attorney ends his summation by calling the accused, "evil— . . . sophisticated, sociology majors," and promises with a conviction that "the lights in that Camelot never go out."

The lamp may be burning in Camelot, but sanity is extinguished here. No one knows what to say to this judge. Since the larger questions have disappeared, Tom Hayden, the cerebral radical, tells Hoffman he'd prefer to stay out of jail because, "I would like to have a child." One of Abbie Hoffman's last quips is: "The big issue now is prison reform."

THIS IS WASHINGTON, D.C.

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include pertinent material.)

Mr. GROSS. Mr. Speaker, on February 11, during the recess of Congress, the Wall Street Journal published an article outlining in some detail the frightening and frightful crime situation in the Nation's Capital.

In order that as many people as possible may read the facts of what is going on in Washington, I submit the article for printing at this point in the RECORD:

SURGING CRIME FORCES WASHINGTON RESIDENTS TO CHANGE WAY OF LIFE; CABBIES, MERCHANTS STRIVE TO FOIL ROBBERS; SECURITY BOLSTERED FOR APARTMENTS

(By Monroe W. Karmin)

WASHINGTON.—John D. Holland is afraid.

For 40 years he has been selling packaged liquor at his Maryland Beverage Mart in this city's southeast sector. Four years ago he installed a burglar alarm system. Three years ago he put iron bars on his windows. Two years ago he began arming. Now on his desk on a platform overlooking the sales floor are a black Italian-made pistol, a silver German-made pistol, a Winchester rifle and an L. C. Smith shotgun. "I've never been held up," Mr. Holland declares, "and I don't intend to be." Since mid-1967, intruders have murdered seven local liquor dealers in the course of an estimated 700 robberies of such stores.

Leroy R. Bailey Jr. is afraid.

He drives a taxi. Last year he paid $20 to install an emergency flasher in his cab. If he's threatened, Mr. Bailey steps on a button that set off a flashing signal for police aid in his front grille and rear bumper. At night, he says, "nine out 10 cabs won't pick up a man alone." The number of Washington cab drivers has dropped to about 11,000 from 13,000 two years ago. Says James E. Jewell, president of Independent Taxi Owners Association: "This is a very dangerous town to drive in. Many men won't work after the sun goes down."

The people at the Mexican embassy are afraid.

Last September, during an independence day celebration, two guests were robbed. Female employes have been accosted. Vandals have struck repeatedly. Now all embassy doors are kept locked. A fence has been erected around the property, located two miles north of the White House. "We live in fear," says a spokesman. So does much of the crime-plagued diplomatic community. President Nixon is asking Congress to expand the 250-man White House police force to offer additional protection for Embassy Row.

THE NO. 1 ISSUE

Most of Washington is afraid of crime.

Fear has changed the way of life of residents of the nation's capital and its environs, affecting everyone from cab-driver to Senator. It has also changed the way institutions, from schools to embassies, operate. While race relations continue to be a major problem for this city, whose 850,000 residents are more than 70% black, there is no doubt that today's No. 1 public concern is personal safety.

"A couple of years ago the city's tension was seen in terms of white police versus the natives," says an aide to Mayor Walter Washington. "Now it's seen as criminals versus victims. It's more crime and less racial."

Mayor Washington, himself a Negro, says that black as well as white neighborhoods are demanding more foot patrolmen, even though the cop on the beat was viewed as "a Gestapo agent" by many blacks not long ago. The mayor finds ground for optimism in the change. "Never before have I seen such an attitude on the part of the people of the city, both black and white, to work together on a problem," he says.

A "TRAGIC EXAMPLE"

The nation's capital is by no means alone in its fear of crime; rather, as Mr. Nixon pointed out in his State of the Union Message, it is a "tragic example" of the way crime and violence "increasingly threaten our cities, our homes and our lives." But Washington is suffering more than most cities. In the nine months through September, according to District of Columbia Police Chief Jerry Wilson, reported crime in Washington jumped 26% over a year earlier, compared with an average national increase of 11%. Cleveland, San Francisco and Baltimore also topped the national average.

Chief Wilson who was appointed last summer, hopes to come to grips with the rising crime rate here this year, if he gets enough help. President Nixon has proposed a new $12.4 million crime-fighting package for the district to supplement the city's regular budget, which emphasizes public safety measures. And Congress is at work on other anticrime legislation for Washington.

This war on crime focuses on several trouble spots. It aims to break the local court bottleneck (it now takes an average of nine months for a criminal case to go to trial and some wait as long as 20 months); to curb the freedom of those awaiting trial through a controversial preventive detention measure (an estimated 35% of those arrested for armed robbery and released on bail commit another crime before they come to trial); and to crack down on drug traffic and use (50% of those arrested here are drug addicts).

EXPANDING THE POLICE FORCE

But this year's main thrust, Mayor Washington says, is to put more policemen on the streets. The mayor hopes to beef up the force to 5,100 men by June 30 from 3,868 on Jan. 1. Also planned are expanded criminal rehabilitation and social-welfare programs that the mayor hopes can be meshed into a comprehensive criminal justice system.

Because Washington is the seat of the Federal Government, the crime surge here is an important stimulus to action on both district and national anticrime legislation. Among the victims of local crime have been Sen. Frank Church of Idaho, White House Press Secretary Ronald Ziegler, Mr. Nixon's personal secretary, Rose Mary Woods and Deputy Defense Secretary David Packard, to name just a few. Political partisanship is diminishing as liberal Democrats feel the impact of crime and join the President in his anticrime crusade.

Senate Majority Leader Mike Mansfield recently expressed outrage over the "senseless" slaying of a fellow-Montanan and friend in the streets of Washington. He took the Senate floor to demand "new and better ways to fight crime, to cut down the inordinate rate of violence." Another liberal Democrat, Rep. Frank Thompson Jr. of New Jersey, warned the other day that "things may get worse if the Administration and Congress do not put crime control on the front burner."

But until this campaign begins to make headway, life in the District of Columbia will reflect fear, especially after dark.

Cruise through downtown Washington in a police car on a Saturday night and the mood can be felt. On F Street, the main downtown shopping street, merchants lock their doors at 6 p.m. Many put up iron grillwork nightly to protect their windows. Shoppers and employees hurry to the bus stops. Many employees who fear the lonely walk at the end of the bus ride wait in the stores until their spouses drive by to take them home. At 7 p.m. F street is almost deserted.

The relatively small number of people out for an evening of entertainment arrive a bit later. Some go to the National Theater, which now raises its curtain at 7:30 instead of 8:30 so patrons can get home early. Some head for downtown movie theaters. The servicemen's crowd patronizes the rock joints along 14th Street. Fashionable Georgetown, more than a mile from downtown, is still lively, as are some of the posh restaurants and clubs. But that's about it. Much of Washington is dark, and scared.

"Watch the people," advises a seasoned policeman. "See how they walk quickly and with a purpose. There's no casual strolling. People don't come into this town at night unless they have a specific destination in mind. They go straight to it and then go home as fast as possible."

RESTAURANTS CLOSE

The effects are evident. The Ceres restaurant next to the National Theater is closed, nearby Caruso's restaurant is gone and neighboring Bassin's has lost 50% of its night business. The Commerce Department, a block away, was robbed recently. Fumes Bassin's angry manager, Ed Hodges:

"There isn't a waitress, cashier, busboy or anyone who works here who hasn't been robbed, mugged or attacked in some way. And there isn't a place in this block that hasn't been robbed, and most have been hit more than once."

A few blocks away, on 9th Street, the Gayety Theater is showing "Man and Wife," an intimate film "for adults over 21." Even an attraction of this nature fails to draw the audience it once did. "Business is very bad, way off," says Robert Morris, the ticket seller. "People are afraid to come downtown. We've had lots of purse-snatchings, pockets cut out and all sorts of other things."

Fear inhibits daytime activity as well. A survey taken last summer by the Metropolitan Washington Council of Governments discovered that 65% of the city's largely white suburban residents visit the downtown area less than once a month, and 15% come downtown less than once a year. Asked their chief worry, the large majority of those surveyed responded: "Crime."

Actually, crime is spreading in the suburbs as well as in the city. Three brutal slayings of young women, one in Alexandria, Va., and two in Bethesda, Md., have occurred within the past few weeks. While these crimes remain unsolved, many suburbanites tend to view crime in their neighborhoods as a spillover from the city, and they still feel downtown is more dangerous.

Crime continues to speed the flight of Washingtonians to the suburbs. Though many single people and childless couples remain in the city, Joseph Murray of the big Shannon & Luchs real estate firm reports: "Families are leaving at an accelerated rate; this includes both black and white." (In neighboring Prince Georges County, Md., Negro arrivals have recently outnumbered white newcomers.)

"NO CASH"

Sales of downtown department stores dropped by 4% in the first 11 months of last year from a year earlier, while sales throughout the metropolitan area, including those of suburban stores, were rising 8%. A recent Commerce Department survey of 10 central-city areas showed that the District of Columbia suffered the steepest loss of business of all. Shoppers who do venture downtown are continually reminded of the risk. D.C. Transit bus drivers use scrip instead of cash to make change. Delivery trucks bear signs proclaiming, "This Vehicle Carries No Cash."

There are bright spots. New office buildings are sprouting in some parts of town. Convention business continues to grow and tourists arrive in record throngs. Lane Bryant has opened a new store on F Street, and the downtown Woodward & Lothrop department store is remodeling. But the merchants know safety must be assured before enough suburban shoppers will come downtown again to make business snap back.

The big department stores are bolstering their protection. Harold Melnicove, an executive of Hecht's, says his organization now has a security force "big enough to protect some small cities"; he won't give details.

Smaller stores do the best they can. Frank Rich, president of both Rich's shoe stores and the D.C. Urban Coalition, is a downtown optimist. But in his F Street store he no longer displays shoes in pairs, just singles; all display cases are locked; key employees carry electronic devices in their pockets to summon help in the event of danger.

High's dairy stores, which stay open nights and Sundays, have been robbed so many times, says General Manager William Darnell, "we don't like to talk about it." The chain's 37 D.C. stores were held up "hundreds of times" last year, Mr. Darnell sighs, and several had to be closed. Money in all stores is kept to a minimum by frequent armored car pickups.

GETTING OUT

A survey by the mayor's Economic Development Committee of small businessmen found that one out of seven contacted "wanted to close down, relocate or simply stop doing business in the city."

One who wants to get out is E. N. Hampton, president of the Hampton Maintenance Engineering Co. His firm has been robbed, his trucks have been vandalized and his employees have been threatened. "It's disgusting," Mr. Hampton snarls. "Now we ride armed guard in the trucks with shotguns. As soon as I can find somebody to buy this I'm getting out."

Nor is black business immune. Berkeley Burrell's four dry cleaning stores have suffered 17 holdups in 10 months. Now the front door of each is locked; a customer can't get in "without a ticket or pair of pants in his hand," says Mr. Burrell. Employes are armed, and the proprietor is trying to replace females with males. "I may sound like Barry Goldwater," he says, "but we've got to get the community back to where it's safe to live in."

Banks have been a favorite target for bandits, though these attacks have slackened lately. Francis Addison, president of the D.C. Bankers Association, says a "very high percentage" of local banks are robbed every year. The National Bank of Washington recently closed one branch because of the danger. All banks have tightened security, but the most extreme case is a Security Bank branch in the northeast section.

In 1968 the branch was held up three times within 55 days. Now the bank has put all employees behind plexiglas.

Tellers receive any payout money through scoops beneath the plexiglas. "The personnel were all shook up and couldn't work," President Frank A. Gunther says, "so we bullet-proofed the whole place." The bank has not been held up since.

INSURANCE HARD TO GET

Faced with the cost of crime in Washington, insurance companies have turned cautious. "Lots of companies have stopped writing fire and casualty insurance," says Thornton W. Owen, president of the Perpetual Building Association, the city's biggest savings and loan outfit. "And lots of investors will abandon properties rather than maintain them." Hilliard Schulberg of the local liquor dealers association says that for his members "the cost of crime insurance is extremely high, and many companies won't write it." Proposed legislation would permit the Government to offer crime insurance where private insurers won't.

Office building managers, both Government and private, are attempting to cope with the danger. James Sykes, manager of the William J. Burns Detective Agency here, reports many buildings have posted guards at their front doors and says, "We're providing lots more escort service for female employes working late at night." The local chapter of the American Federation of Government Employes has advised its members to buy, at $5 apiece, antimugger aerosol spray devices.

Security is a prime concern of apartment dwellers. The 670-unit Marberry Plaza, open three years ago in southeast Washington, exemplifies what a new building must offer to reassure nervous tenants. On weekends the project is patroled by four armed guards with two dogs. All exterior doors are locked. A tenant who has invited a guest for dinner must present an "admit slip" with the guest's name to the desk clerk during the day. When the guest arrives, he must identify himself to the clerk and sign the register. "All of this is at the request of the tenants," says Sidney Glassman of the Charles E. Smith Property management company.

SCHOOL VIOLENCE

In some neighborhoods, newsboys no longer collect for their papers for fear of being robbed; subscribers must mail in payments. One cabbie drives with self-addressed envelopes; whenever he accumulates $10 he mails it home. Some maids require their employers to drive them home. An outbreak of violence including the shooting of a junior high school student has prompted Mayor Washington to post policemen throughout the city school system. Many schools have stopped dealing in cash, requiring students to pay for supplies and other items costing more than a dollar by check or money order.

"It used to be that holdup students would use their fists; then came knives; now it's guns," said George Rhodes, a member of the D.C. school board. "Not that there have been that many incidents, but it's the fear that parents and teachers must live under that is most troublesome."

School principals, anxious to protect the reputations of their institutions, tend to minimize the problem. William J. Saunders, principal at Eastern High School (2,400 students including just three whites), says violence is not a major problem" in the school. Yet several thousands dollars worth of football equipment has been stolen, and police officer Sherman Smart says there have been three alleged rapes in and around the school since September. As Officer Smart talks to a reporter, a photographer's agent joins in to complain that he has visited the school twice to take orders for class pictures and has been robbed of his receipts both times.

Not even the churches are spared. At the Vermont Avenue Baptist Church, the collection plate was stolen by intruders in full view of the parishioners. Says Charles Warren, executive director of the Greater Washington Council of Churches:

"Some churches have begun to lock their doors at 11 a.m. on Sunday for the worship service. Some have policemen at the service during the offering. Some have canceled evening activities or rescheduled them for the afternoons."

The National Presbyterian Church has moved from its 60-year location about half a mile from the White House to a new site three miles farther out. The Rev. Edward L. R. Elson calls the new location "the quietest zone in Washington," but vandalism is as bad at the new church as at the old one. According to Mr. Elson, the vandalism has included "obscenity on chapel pillars, destruction in the church hall and lights pilfered and broken."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CHARLES H. WILSON (at the request of Mr. EDMONDSON), for today, on account of official business.

Mr. PETTIS (at the request of Mr. GERALD R. FORD), for today through this week, on account of illness.

Mr. WATKINS (at the request of Mr. GERALD R. FORD), for today through February 17, on the account of death in family.

Mr. KLEPPE (at the request of Mr. GERALD R. FORD), for the week of February 16, on account of illness in the family.

Mr. PEPPER (at the request of Mr. FUQUA), for today, on account of official business.

Mr. YATES (at the request of Mr. KLUCZYNSKI), for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CAFFERY) to revise and extend their remarks and include extraneous material:)

Mr. WAGGONNER, for 60 minutes, today.
Mr. RARICK, for 30 minutes, today.
Mr. GONZALEZ, for 10 minutes, today.
Mr. FLOOD, for 60 minutes on February 19.
Mr. ROSENTHAL, for 30 minutes, on February 24.
Mr. PRYOR of Arkansas, for 60 minutes, on February 24.
(The following Members (at the request of Mr. DENNIS) to revise and extend their remarks and include extraneous material:)
Mr. HALPERN, for 60 minutes, on Thursday, February 26.
Mr. STEIGER of Wisconsin, for 15 minutes, today.
Mr. MILLER of Ohio, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:
Mr. SIKES in five instances.
Mr. EDMONDSON in four instances and to include extraneous matter.
Mr. MADDEN and to include extraneous matter.
(The following Members (at the request of Mr. DENNIS) and to include extraneous matter:)
Mr. CONTE.
Mr. BROOMFIELD.
Mr. HALPERN.
Mr. HASTINGS.
Mr. VANDER JAGT.
Mr. CARTER.
Mr. BUTTON.
Mr. ROBISON.
Mr. SCHERLE.
Mr. SMITH of California.
Mr. DERWINSKI in two instances.
Mr. SCHWENGEL.
Mr. JOHNSON of Pennsylvania.
Mr. CONABLE.
Mr. HOGAN in two instances.
Mr. HOSMER in two instances.
Mr. BROYHILL of Virginia in four instances.
Mr. WYMAN in two instances.
Mr. MCCLORY.
Mr. BUSH.
Mr. WIDNALL.
Mr. QUIE.
Mr. COUGHLIN.
Mr. MCCLURE.
(The following Members (at the request of Mr. CAFFERY) and to include extraneous matter:)
Mr. JACOBS.
Mr. LONG of Maryland.
Mr. WILLIAM D. FORD in two instances.
Mr. CORMAN.
Mr. SCHEUER in four instances.
Mr. MURPHY of New York in two instances.
Mr. EILBERG.
Mr. BOLLING.
Mr. OTTINGER in two instances.
Mr. BOLAND in three instances.
Mr. BRASCO in two instances.
Mr. ST. ONGE in three instances.
Mr. HOWARD in two instances.
Mr. MONAGAN in two instances.
Mr. VANIK.
Mr. BURKE of Massachusetts in two instances.
Mr. MINISH in three instances.
Mr. ROGERS of Florida in five instances.
Mr. RARICK in two instances.
Mr. ABERNETHY.
Mr. FOUNTAIN in two instances.
Mr. GALLAGHER in three instances.
Mr. ANDERSON of California in three instances.
Mr. O'HARA.
Mr. EVINS of Tennessee in two instances.
Mr. SHIPLEY.
Mr. MATSUNAGA.
Mr. DULSKI in four instances.
Mr. SATTERFIELD.
Mr. CHAPPELL in two instances.
Mr. ANNUNZIO.
Mr. WOLFF in three instances.
Mr. LEGGETT in four instances.
Mr. CLARK.
Mr. DINGELL.
Mr. FASCELL in two instances.
Mr. GONZALEZ in two instances.
Mr. HÉBERT.
Mr. RYAN in three instances.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 8664. An act to authorize an increase in the number of flag officers who may serve on certain selection boards in the Navy and in the number of officers of the Naval Reserve and Marine Corps Reserve who are eligible to serve on selection boards considering Reserves for promotion;

H.R. 9485. An act, to remove the $10,000 limit on deposits under section 1035 of title 10, United States Code, in the case of any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict;

H.R. 9564. An act to remove the restrictions on the grades of the director and assistant directors of the Marine Corps Band; and

H.R. 11548. An act to amend title 10, United States Code, to permit naval flight officers to be eligible to command certain naval activities and for other purposes.

ADJOURNMENT

Mr. CAFFERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 17, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1638. A letter from the Assistant Secretary of Defense, transmitting a report of the estimated value of support furnished from military functions appropriations for certain countries, for the second quarter of fiscal year 1970, pursuant to the provisions of section 638 of Public Law 91–171; to the Committee on Appropriations.

1639. A letter from the Secretary of the Army, transmitting a report on the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on December 31, 1969, pursuant to the provisions of 10 U.S.C. 3031(c); to the Committee on Armed Services.

1640. A letter from the Deputy Assistant Secretary of the Army (R. & D.), transmitting a report on research and development contracts for $50,000 or more awarded during the period July 1, 1969–December 31, 1969, pursuant to the provisions of section 4 of Public Law 557, 82d Congress; to the Committee on Armed Services.

1641. A letter from the Comptroller General of the United States, transmitting a report on questionable aspects concerning information presented to the Congress on the construction and operation of the San Luis unit, Central Valley project, Bureau of Reclamation, Department of the Interior; to the Committee on Government Operations.

1642. A letter from the Chairman of the Advisory Commission on Intergovernmental Relations, transmitting the 11th annual report of the Commission, pursuant to the provisions of Public Law 86–380; to the Committee on Government Operations.

1643. A letter from the national director, Boys' Clubs of America, transmitting the audited financial statement for the period January–September 1969, pursuant to the provisions of Public Law 988, approved August 6, 1956; to the Committee on the Judiciary.

1644. A letter from the Secretary of the Interior, transmitting the 1970 annual report of the Office of Coal Research, pursuant to the provisions of Public Law 86–599; to the Committee on Interior and Insular Affairs.

1645. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend section 351 of the Public Health Service Act so as to clarify the intent to include vaccines, blood, blood components, and allergenic products among the biological products which must meet licensing requirements of this section; to the Committee on Interstate and Foreign Commerce.

1646. A letter from the Chairman, Federal Trade Commission, transmitting a report on activities under the Fair Packaging and Labeling Act during fiscal year 1969, pursuant to the provisions of section 8 of Public Law 89–755; to the Committee on Interstate and Foreign Commerce.

1647. A letter from the president and chairman, Little League Baseball, Inc., transmitting the annual report for the year 1969, including the audit for the fiscal year ending September 30, 1969, pursuant to the provisions of section 14(b) of Public Law 88–378; to the Committee on the Judiciary.

1648. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for certain maritime programs of the Department of Commerce; to the Committee on Merchant Marine and Fisheries.

1649. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

1650. A letter from the Secretary, Health, Education, and Welfare, transmitting a draft of proposed legislation to amend and improve the Public Health Service Act to aid in the development of integrated, effective, consumer-oriented health care systems by extending and improving regional medical programs, supporting comprehensive planning of public health services and health services development on a State and area-wide level, promoting research and demonstrations relating to health care delivery, encouraging experimentation in the development of cooperative local, State, or regional health care delivery systems, enlarging the scope of the national health survey, facili-

tating the development of comparable health information and statistics at the Federal, State, and local levels, and for other purposes; to the Committee on Interstate and Foreign Commerce.

1651. A letter from the Secretary of the Interior, Secretary of Agriculture, and Secretary of the Army, transmitting a report on possible alternative uses of the resources of the Big South Fork of the Cumberland River, Ky. and Tenn., pursuant to the provisions of section 218, Public Law 90-483; to the Committee on Public Works.

1652. A letter from the Chairman, U.S. Tariff Commission, transmitting the 53d annual report of the Commission, pursuant to the provisions of section 332 of the Tariff Act of 1930; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FLOOD: Committee on Appropriations. H.R. 15931. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes (Rept. No. 91-840). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALBERT (for himself, Mr. STEED, Mr. JARMAN, Mr. BELCHER, Mr. EMONDSON, and Mr. CAMP):

H.R. 15866. A bill to repeal the act of August 25, 1959, with respect to the final disposition of the affairs of the Choctaw Tribe; to the Committee on Interior and Insular Affairs.

By Mr. ADDABBO:

H.R. 15867. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER:

H.R. 15868. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. ANNUNZIO:

H.R. 15869. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. BENNETT:

H.R. 15870. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Government Operations.

H.R. 15871. A bill to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulations of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 15872. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 15873. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works

By Mr. BIESTER:

H.R. 15874. A bill to incorporate College Benefit System of America; to the Committee on the Judiciary.

By Mr. BROWN of California (for himself, Mr. BUTTON, and Mr. BINGHAM):

H.R. 15875. A bill to provide for the establishment of not less than seven regional law enforcement academies, and for other purposes; to the Committee on the Judiciary.

By Mr. BUTTON:

H.R. 15876. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 15877. A bill to amend the Federal Aviation Act of 1958 to require the Secretary of Transportation to prescribe regulations under which air carriers will be required to reserve a section of each passenger-carrying aircraft for passengers who desire to smoke; to the Committee on Interstate and Foreign Commerce.

By Mr. CORMAN (for himself and Mr. GILBERT):

H.R. 15878. A bill to amend the Social Security Act to provide for a national program of basic income benefits to individuals and families in need thereof; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 15879. A bill to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. DULSKI:

H.R. 15880. A bill to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine; to the Committee on Interstate and Foreign Commerce.

By Mr. EILBERG (for himself and Mr. COUGHLIN):

H.R. 15881. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. FOREMAN:

H.R. 15882. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. HARSHA:

H.R. 15883. A bill to require the Secretary of Agriculture to make advance payments to producers under the feed grain program; to the Committee on Agriculture.

By Mr. HELSTOSKI:

H.R. 15884. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. LEGGETT:

H.R. 15885. A bill to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations; to the Committee on Post Office and Civil Service.

By Mr. MATSUNAGA:

H.R. 15886. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

H.R. 15887. A bill to provide for the mailing of absentee voting matter free of postage; to the Committee on Post Office and Civil Service.

By Mr. MIKVA (for himself, Mr. JACOBS, and Mr. WALDIE):

H.R. 15888. A bill to assist in reducing crime by requiring speedy trials in cases of persons charged with violations of Federal criminal laws, to strengthen controls over dangerous defendants released prior to trial, to provide means for effective supervision and control of such defendants, and for other purposes; to the Committee on the Judiciary.

H.R. 15889. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal corrections, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

By Mr. MOLLOHAN:

H.R. 15890. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of pension, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. O'NEILL of Massachusetts:

H.R. 15891. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 15892. A bill to provide for a coordinated national boating safety program; to the Committee on Merchant Marine and Fisheries.

By Mr. PRICE of Illinois:

H.R. 15893. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. RHODES:

H.R. 15894. A bill to revise the Federal election laws, and for other purposes; to the Committee on House Administration.

By Mr. ROGERS of Florida:

H.R. 15895. A bill to amend the Public Health Service Act to extend the programs of assistance to the States and localities for comprehensive health planning; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHWENGEL:

H.R. 15896. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. SHIPLEY:

H.R. 15897. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. SIKES:

H.R. 15898. A bill to amend title 10, United States Code, to provide the grade of lieutenant general for an officer serving as the Chief of the Army Reserve, and for other purposes; to the Committee on Armed Services.

H.R. 15899. A bill to amend title 10, United States Code, to provide the grade of lieutenant general for an officer serving as the Chief of the Air Force Reserve, and for other purposes; to the Committee on Armed Services.

By Mr. WYATT (for himself and Mr FOLEY):

H.R. 15900. A bill to establish a Commis-

sion on Population Growth and the American Future; to the Committee on Government Operations.

By Mr. YATRON:

H.R. 15901. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of Virginia:

H.R. 15902. A bill to amend title 38 of the United States Code to entitle widows of persons who die of service-connected disabilities incurred in Vietnam to educational assistance for courses pursued by correspondence; to the Committee on Veterans' Affairs.

By Mr. FALLON (by request) (for himself and Mr. BLATNIK (by request)):

H.R. 15903. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 15904. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 15905. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 15906. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. MIKVA (for himself, Mr. JACOBS, and Mr. WALDIE):

H.R. 15907. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on Judiciary.

By Mr. RARICK:

H.R. 15908. A bill to amend title 13 of the United States Code; to the Committee on Post Office and Civil Service.

By Mr. RYAN:

H.R. 15909. A bill to amend title 5, United States Code, to provide for the establishment of a Public Counsel Corporation to insure full participation by and on behalf of unrepresented citizens in administrative rulemaking proceedings; to the Committee on the Judiciary.

By Mr. SIKES:

H.R. 15910. A bill to amend the act of July 2, 1948, to modify the navigation easement reserved by the United States with respect to certain land on Santa Rosa Island, Fla.; to the Committee on Armed Services.

By Mr. TEAGUE of Texas (for himself, Mr. ADAIR, Mr. AYRES, Mr. BARING, Mr. BROWN of California, Mrs. CHISHOLM, Mr. DENNEY, Mr. DORN, Mr. DULSKI, Mr. DUNCAN, Mr. FASCELL, Mr. HALEY, Mr. HALPERN, Mr. HAMMERSCHMIDT, Mr. HELSTOSKI, Mr. KEE, Mr. MONTGOMERY, Mr. ROBERTS, Mr. ROUDEBUSH, Mr. ROYBAL, Mr. SATTERFIELD, Mr. SAYLOR, Mr. SCOTT, Mr. TEAGUE of California, and Mr. ZWACH):

H.R. 15911. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WHITTEN:

H.R. 15912. A bill to restore the right and freedom of choice; to the Committee on Education and Labor.

By Mr. ASPINALL (by request):

H.R. 15913. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GIBBONS:

H.R. 15914. A bill to amend title 39, United States Code, to permit the mailing by supervisors of elections and other election authorities of county and city governments in the several States, without cost to those governments, of official election notices and information and inquiries designed to facilitate voting registration and the maintenance of current voter registration lists, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HOWARD:

H.R. 15915. A bill to amend the act of June 29, 1888, relating to the prevention of obstructive and injurious deposits in the harbor of New York, to provide for the termination of certain licenses and permits; to the Committee on Public Works.

By Mr. SAYLOR:

H.R. 15916. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WYLIE:

H.R. 15917. A bill to amend title 38 of the United States Code so as to provide that monthly social security benefit payments and annuity and pension payments under the Railroad Retirement Act of 1937 shall not be included as income for the purpose of determining eligibility for a veteran's or widow's pension; to the Committee on Veterans' Affairs.

By Mr. FLOOD:

H.R. 15931. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

By Mr. COWGER:

H.J. Res. 1082. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H. Con. Res. 506. Concurrent resolution expressing the sense of Congress that the United States should sell Israel aircraft necessary for Israel's defense; to the Committee on Foreign Affairs.

By Mr. TEAGUE of Texas:

H. Res. 836. Resloution to provide additional funds for the expenses of the investigation and study authorized by House Resolution 47; to the Committee on House Administration.

By Mr. FRIEDEL:

H. Res. 837. Resolution authorizes transfer of $20,000 from the contingent fund of the House for payment of mileage for Members; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 15918. A bill for the relief of certain Armed Forces personnel and U.S. civilian employees; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 15919. A bill for the relief of Dr. Gunvantray Kirchnad Doshi; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 15920. A bill for the relief of John L. Doyle; to the Committee on the Judiciary.

By Mr. FOREMAN:

H.R. 15921. A bill to reimburse certain persons for amounts contributed to the Department of the Interior; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 15922. A bill for the relief of Leela Meesin Bell; to the Committee on the Judiciary.

By Mr. HASTINGS:

H.R. 15923. A bill for the relief of Dale William Swain; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 15924. A bill for the relief of Bruno Gaglioti; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 15925. A bill for the relief of Dr. Ming Derek Chan, his wife, Belle Chan, and their two daughters, Evelyn and Jeannie; to the Committee on the Judiciary.

By Mr. SHIPLEY:

H.R. 15926. A bill for the relief of Kim Sun-Cho; to the Committee on the Judiciary.

By Mr. UTT:

H.R. 15927. A bill for the relief of Ronnie B. (Malit) Morris and Henry B. (Malit) Morris; to the Committee on the Judiciary.

By Mr. WHITE:

H.R. 15928. A bill for the relief of Dewey R. Hicks; to the Committee on the Judiciary.

By Mr. BLACKBURN:

H.R. 15929. A bill to provide for the striking of medals in commemoration of the completion of the carvings on Stone Mountain, Ga., depicting American heroes of the past; to the Committee on Banking and Currency.

By Mr. STEPHENS:

H.R. 15930. A bill to provide for the striking of medals in commemoration of the completion of the carvings on Stone Mountain, Ga., depicting American heroes of the past; to the Committee on Banking & Currency.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

296. By the SPEAKER: A memorial of the Congress of Micronesia, relative to extending the services of the Farm Credit Administration to the farmers of the Trust Territory of the Pacific Islands; to the Committee on Agriculture.

297. Also, a memorial of the Legislature of the State of Washington, relative to issuing a postage stamp commemorating the 50th anniversary of the Peace Arch; to the Committee on Post Office and Civil Service.

298. Also, a memorial of the General Court of the Commonwealth of Massachusetts, relative to increasing the pensions of the Veterans of World War I; to the Committee on Veterans' Affairs.

299. Also, a memorial of the General Court of the Commonwealth of Massachusetts, relative to simplifying the retirement income sections of the individual income tax returns; to the Committee on Ways and Means.

300. Also, a memorial of the General Court of the Commonwealth of Massachusetts, relative to a Federal-State tax sharing program; to the Committee on Ways and Means.

301. Also, a memorial of the General Court of the Commonwealth of Massachusetts, relative to increasing the exemption for dependents on the personal income tax; to the Committee on Ways and Means.

302. Also, a memorial of the Legislature of the State of Hawaii, relative to assisting the Congress of Micronesia and Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

391. By the SPEAKER: Petition of the New England AFL–CIO Council, Bangor, Maine, relative to providing funds for the construction of a dam and power generating system; to the Committee on Appropriations.

392. Also, petition of the Righetti High

Chapter of the Junior Statesmen of America, Santa Maria, Calif., relative to lowering the eligibility age for Members of Congress; to the Committee on the Judiciary.

393. Also, petition of Henry Stoner, York, Pa., relative to citizenship qualifications of Members of Congress; to the Committee on the Judiciary.

394. Also, petition of Daniel J. Condon, Phoenix, Ariz., relative to redress of grievances; to the Committee on Ways and Means.

SENATE—*Monday, February 16, 1970*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord our God, ancient of days, yet ever new; to whose mind the past and the future meet in the eternal now, we creatures of time and space, to whom the past is soon forgotten and from whom the future is veiled, pause once more for light upon our pilgrim way. Thou art infinite and we are finite. Yet Thou art nearer than we know or even dream, for Thy light has ever been upon the pathway of man, from womb to tomb, from the cradle to the grave.

God our Father give us strength for each hour, wisdom for the next step, faith to live 1 day at a time, endurance to persevere for the coming kingdom. Make us heirs of the spirit of Him who came not to be ministered unto but to minister. Keep this Nation Thou hast given us under Thy protection and this Senate under the guidance of Thy spirit.

Through Jesus Christ our Lord. Amen.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of February 10, 1970, Mr. FULBRIGHT, from the Committee on Foreign Relations, reported favorably, without amendment, on February 13, 1970, the bill (S. 3274) to implement the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, and submitted a report (No. 91–702) thereon, which bill was placed on the calendar and the report was printed.

EXECUTIVE REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of February 10, 1970, Mr. FULBRIGHT, from the Committee on Foreign Relations, reported favorably, without reservation, on February 13, 1970, Executive A, 91st Congress, first session, the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967, and the Paris Convention for the Protection of Industrial Property, as revised at Stockholm on July 14, 1967, and submitted a report (No. 91–13) thereon, which convention was placed on the Executive Calendar, and the report was printed.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, February 10, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on February 11, 1970, the President had approved and signed the act (S. 1438) for the relief of Yau Ming Chinn (Gon Ming Loo).

REPORT OF NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

The activities of the National Science Foundation are essential in increasing the nation's fund of scientific knowledge, providing science training for our youth, and harnessing the forces of science for the good of our citizens. I am today submitting to the Congress the Nineteenth Annual Report of the Foundation, which tells of significant accomplishments in Fiscal Year 1969.

In that twelve-month period, the Foundation provided $225 million to support scientific research in every State of the Union; it invested more than $106 million to improve science education at every level from elementary school through the university; and it supported the improvement of our institutions of higher education through development-related grants totaling more than $50 million.

All of these investments will, I am confident, produce important benefits for our society. I am pleased to note that a number of such benefits were realized in Fiscal Year 1969 as a direct result of Foundation programs. As we go forward into the decade of the 70s, the role of science will surely become more and more important in the search for solutions to our problems and in the effort to enhance our environment.

RICHARD NIXON.

THE WHITE HOUSE, *February 16, 1970.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 3786) to authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes National Seashore in California, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H.R. 8664. An act to authorize an increase in the number of flag officers who may serve on certain selection boards in the Navy and in the number of officers of the Naval Reserve and Marine Corps Reserve who are eligible to serve on selection boards considering Reserves for promotion;

H.R. 9485. An act to remove the $10,000 limit on deposits under section 1035 of title 10, United States Code, in the case of any member of a uniformed service who is prisoner of war, missing in action, or in a detained status during the Vietnam conflict;

H.R. 9564. An act to remove the restrictions on the grades of the director and assistant directors of the Marine Corps Band; and

H.R. 11548. An act to amend title 10, United States Code, to permit naval flight officers to be eligible to command certain naval activities and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 3786) to authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes National Seashore in California, was read twice by its title and referred to the Committee on Interior and Insular Affairs.