HOUSE OF REPRESENTATIVES—*Tuesday, March 3, 1970*

The House met at 12 o'clock noon.

Rev. Clarence W. Cranford of the Calvary Baptist Church, Washington, D.C., offered the following prayer:

We thank Thee, O God, for the privilege of living in a free nation. We do not all think alike, but we thank Thee that we are all free to express our opinions. We do not all believe alike, but we thank Thee that we are free to worship Thee according to the dictates of our conscience. We do not all vote alike but we thank Thee that we are free to vote for the candidate of our choice.

These are not easy days, our Father, in which to try to lead or to make decisions. Changes happen faster than we can assimilate them. Problems rise faster than we know how to solve them. But in the midst of our changes and problems, keep us sensitive to the leading of Thy spirit. Help us to be flexible enough that we do not try to resist every change that comes along, but may we be firm enough in our convictions not to be swept along by every new idea that demands our acceptance.

Unite us in a common love for our country. Unite us in a desire to serve the common good.

We thank Thee for those who dare to believe that ours is a nation under God. May we never give up until we have truly achieved liberty and justice for all.

We ask this humbly because we need Thy help. We ask it in faith because we believe in Thy wisdom and love. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday 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 the following dates the President approved and signed bills of the House of the following titles:

On February 26, 1970:

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; 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.

On February 28, 1970:

H.R. 14789. An act to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service retirement and disability system, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed the following resolution:

S. RES. 362

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable James B. Utt, late a Representative from the State of California.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The message also announced that the Presiding Officer, pursuant to Senate Resolution 362, appointed Mr. MURPHY and Mr. CRANSTON to join the committee appointed on the part of the House of Representatives to attend the funeral of the Honorable James B. Utt, late a Representative from the State of California.

REV. CLARENCE W. CRANFORD

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

Mr. ANDREWS of Alabama. Mr. Speaker, it is a special pleasure for me today to welcome my good friend and minister, Dr. Clarence W. Cranford, pastor of Calvary Baptist Church in Washington, D.C., to the House of Representatives. I want to thank him for those words of quiet inspiration that he has just given us.

Dr. Cranford is truly one of the outstanding clergymen in this city and, indeed, this Nation. He has been pastor of the Calvary Baptist Church since 1942—an outstanding testimony to his ability and faithful service.

A native of Sharpsville, Pa., Dr. Cranford was graduated from Bucknell University in 1929, and Crozer Seminary in 1932. He received an honorary doctor of divinity degree from Bucknell in 1942. He is today a trustee of that great university.

Before coming to Calvary Baptist Church, he served in pastorates at Logan Baptist Church in Philadelphia, Pa., and the Second Baptist Church in Richmond, Va.

Dr. Cranford has carried the message of Christ abroad on many occasions. His preaching missions for the U.S. Air Force have included Korea, Japan, Germany, Italy, Greece, Crete, and Libya. He has also made trips to Russia, Brazil, and Peru.

Dr. Cranford served as president of the American Baptist Convention from 1957 to 1958, and is today a member of the board of directors of the Minister's Life & Casualty Union.

An author of considerable note, Dr. Cranford's works include "Taught by the Master," "Devotional Life of Young People," "His Life, Our Pattern," "The Seven Last Words," and "The Overflowing Life."

He married the late Kathryn Young in 1938, and is the father of a son, Richard, and a daughter, Carolyn. His first wife passed away in 1961. Dr. Cranford married another lovely lady, the former Dorothy Schultz, in 1963.

A close friend of the late Dr. Peter Marshall, Chaplain of the Senate, Dr. Cranford delivered the last address prepared by that great clergyman, who, realizing that he was too ill to make it to the Senate, asked his good Baptist friend, Clarence Cranford, to address the Senate for him.

Certainly Dr. Cranford has labored long and well in the vineyard of the Lord. I am so very pleased that he was able to be with us today.

HAPPY BIRTHDAY, LEWIS DESCHLER

The SPEAKER pro tempore (Mr. DENT). The distinguished Speaker of the House, the gentleman from Massachusetts (Mr. MCCORMACK) is recognized.

(Mr. McCORMACK asked and was given permission to address the House for 1 minute.)

Mr. McCORMACK. Mr. Speaker, those of us who have served in the Congress throughout the years and who serve here now realize the integrity, the value, the ability, the vision, the heart, and the goodness of the gentleman who I refer to as the "man of wisdom."

He has played a very vital and important part in the traditions and proceedings of the House of Representatives, and in the Congress of the United States. He is one who seeks no publicity. He performs the duties of his important position always having the interest of the House and of the Congress of the United States at heart. He is not only a great man but a good man—a man of deep faith, a man of sincere convictions, a man who occupies a position of trust that he fulfills and performs to the maximum extent humanly possible in the service of this body and of the Congress of the United States.

Anyone who might want to write a book which would be one of the most popular books that could be conceived, and one which would be greatly in demand and widely distributed, could do so by writing a book about the gentleman whose name I am about to mention. He has endeared himself, as I have said, in the minds and hearts of all of us, and of all of our colleagues who have preceded us in service in this body during the period of time that he has occupied the prominent position that he does, and which, praise God, he will continue to occupy for many years to come.

I have the pleasure of announcing to my colleagues that this is the birthday

of that humble and brilliant gentleman, our distinguished Parliamentarian, Lewis Deschler.

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

Mr. McCORMACK. I yield to the distinguished gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I am grateful that the distinguished Speaker has spoken out on behalf of a friend of all of us. The House of Representatives, I have said many times, is the people's House. We have 435 Members elected from 435 districts. Hopefully, every 2 years we get the support of our constituents, and we more nearly than any other branch of the Federal Government reflect the views of the American people. Because of the size of the House, and because of our diversity coming from so many congressional districts, we could not do our job in an orderly and responsible manner unless we had responsible rules and parliamentary decisions that were based upon such rules and not based upon the whim and fancy of an individual.

Lew Deschler, for 43 years, has performed the function of advising the Speaker and the various Chairmen of the Committee of the Whole on what the rules were and what the precedents have been. Although on occasion I have not always agreed 100 percent with those decisions by the Chair, nevertheless I believe that those decisions have been based upon the rules and the precedents of the House of Representatives. Certainly in the House of Representatives the distinguished Parliamentarian has the respect, the admiration, and the affection of all Members on both sides of the aisle for his devoted service to all Members of the House of Representatives.

I join with the Speaker in wishing him many more years of great and continued service. In the years ahead I extend to him the best of health, happiness, and success.

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

Mr. McCORMACK. I yield to the distinguished gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I cannot pass up the opportunity to join the distinguished Speaker and the distinguished minority leader in wishing Lew Deschler a happy birthday, and many more of them. I concur in what the distinguished minority leader said when he told the House that Lew Deschler is a master Parliamentarian, that he is the one person who has kept the House and its Committees of the Whole on the right track when parliamentary questions have arisen. He is, as the Speaker has said to many foreign visitors in my presence, the greatest living Parliamentarian.

But I do not think that Lew Deschler's talents end there. I think he is more than an interpreter of the Rules of the House, more than a great Parliamentarian. He is an outstanding instrument of the House itself in all of its phases. I doubt that over the past decades any one man has been closer to our great Speakers or has been of more assistance to them in reaching sound conclusions, not only on parliamentary questions, but on all questions important to the House itself. Certainly to me Lew Deschler has been one of the best and finest friends and most dependable advisers I have ever had in my lifetime. There are not enough metaphors in the book to describe Lew. He is the anchor of the House; he is the Gibraltar of the House; he is an indispensable instrument in the efficient and wise operation of this great organization beloved by us all.

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

Mr. McCORMACK. I yield to the distinguished gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Speaker, very early in one's service in the House he learns that without Lew Deschler, our beloved and brilliant Parliamentarian, this great deliberative body, of which we are so proud, would degenerate into a town meeting of distinguished citizens where much is said but little accomplished. We would become so snarled in procedural questions that there would be little time for matters of substance.

It would be no exaggeration to say that Lew Deschler is the embodiment of the House of Representatives. He is what has made the House a continuing body. He has served here no less than 43 years and since 1928 he has been our Parliamentarian.

Members come and go. Only one Member—the distinguished gentleman from New York (Mr. CELLER)— has been here longer than Lew. Speakers come and go, as the political majority has changed. Lew Deschler has served as Parliamentarian under Nicholas Longworth of Ohio, John N. Garner of Texas, Henry T. Bankhead of Alabama, Sam Rayburn of Texas, Joseph W. Martin, Jr. of Massachusetts, and our present distinguished Speaker JOHN W. MCCORMACK of Massachusetts.

As a matter of fact, Lew Deschler was serving as Parliamentarian when our beloved Speaker MCCORMACK first came to Congress.

Little do the people know how important Lew is to the House of Representatives. He symbolically sits on the Speaker's right. He is the right arm of whoever sits in the Speaker's chair, as Speaker or as Chairman of the Committee of the Whole. That he has served in this capacity for so long, whoever is Speaker and whatever the political complexion of the House, in itself bespeaks not only the ability and diligence of our Parliamentarian; it also bespeaks his fairness.

Someone at one time said, "The greatest men are often those of whom the noisy world hears the least." I know no one of whom this would be more descriptive than Lew Deschler. He is not a self-seeker for glory. He has that all too rare "passion for anonimity." He is one "who works unseen and is greater than he seems." Unknown by most he has contributed more to the House of Representatives than many who make headlines.

If Lew were to write his memoirs, and I think he should, it could well be entitled, "Forty-Three Years in Congress Without a Vote." While he has not voted on legislative issues, he has often had a larger voice in how issues have been resolved than many of us who did vote.

Today is Lew's 65th birthday. I congratulate him and extend to him my very best wishes for many, many more. On this memorable day we are actually congratulating ourselves on being so fortunate to have a man of Lew's ability and character as our Parliamentarian.

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

Mr. McCORMACK. I yield to the distinguished gentleman from South Carolina (Mr. RIVERS).

Mr. RIVERS. Mr. Speaker, as one who has consulted the Parliamentarian perhaps as much as anyone else, I want to add my humble efforts to those encomiums so justly heaped on the shoulders of this unassuming and great American. Not everybody becomes the age which Lew Deschler has attained and very few, if any, will ever serve in this House 40 years as our Parliamentarian.

Mr. Speaker, Lew Deschler is the embodiment of our rules of order. He is the embodiment of law and order. He is the embodiment of the House of Representatives. He is the right hand of the Speaker, and he is the image of Congress.

Mr. Speaker, no man is more justly deserving of the nice things being said about him than is Lew Deschler. I hope as the twilight years come upon him and the shadows lengthen that he will be reminded of our affection for him and our love for the things he has done for this House—which he loves and which we all love.

I thank the Speaker for yielding.

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

Mr. McCORMACK. I yield to the distinguished gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Speaker, I thank the distinguished Speaker for yielding.

Mr. Speaker, I have the honor and privilege of representing the city of Chillicothe, Ohio, which is Lew Deschler's hometown. On behalf of myself and the citizens of Chillicothe, I extend our deepest and best wishes to this great man Lew Deschler, on his 65th birthday.

As has been pointed out by my colleagues, Lew Deschler is not only an outstanding Parliamentarian, but he is also a great American, and he has brought distinguished honor to the city of Chillicothe by his outstanding service here in the Congress of the United States.

We wish him many, many more and happy birthdays in the future.

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

Mr. McCORMACK. I yield to the distinguished gentleman from Ohio (Mr. MCCULLOCH).

Mr. MCCULLOCH. Mr. Speaker, if I may, I should like to join with everyone who has spoken so well of my longtime friend, Lew Deschler. He not only belongs to Chillicothe, but he also belongs to Ohio.

That great Speaker before the time of many here, Nicholas Longworth, brought Lew to Washington, where he learned quickly and well. I am sure no parliamentary body in the world has a better guide than Lew Deschler of Ohio. Lew, I wish for you just as many more such happy birthdays as you desire.

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

Mr. McCORMACK. I yield to the distinguished gentleman from Pennsylvania.

Mr. FLOOD. Mr. Speaker, I hasten to subscribe to the sheer eloquence which has been inspired by this occasion.

Lew sits now to the Speaker's right. As he has heard these words, I know he is embarrassed by what we say.

I shall not attempt to gild the lily, Mr. Speaker and Lew. On this occasion, in the very best American tradition, we always sing, "Happy Birthday to you." Lew knows better than I that under the rules of the House I cannot lead such a song, but I assure him that our hearts sing, "Happy Birthday to you; Happy Birthday to you; Happy Birthday, dear Lew, Happy Birthday to you."

Mr. BOW. Mr. Speaker, it must give a man a feeling of great personal satisfaction to know that he is one of three or four in the entire world upon whom responsibility is rested to assure the smooth and orderly daily functioning of the legislative process so fundamental to free government. Lewis Deschler is such a man. As Parliamentarian of the U.S. House of Representatives, Lewis Deschler assures the fair and orderly procedure of business in what I consider the most important legislative body in the free world. His is a vital function. He performs it admirably. We are fortunate, indeed, to have in our service the world's outstanding authority on the rules of parliamentary procedure.

Beyond that, we are fortunate to have as our Parliamentarian an affable gentleman, a tireless worker and an impartial arbiter.

Moreover, I feel personally privileged to have Lew as my good friend of many years, with whom I share many fond memories.

It is a pleasure to wish him happy birthday today, and to do so not only for myself but for all of the people of our native State, Ohio.

Mr. PETTIS. Mr. Speaker, I would not like to have this opportunity go by without publicly thanking Lewis Deschler for all the help he has given me during my service in Congress. When I first became a Member of this body, the rules and traditions of the House were new to me, and I, like many others in their first few years of service, found myself frequently in touch with Lewis Deschler for the answers to such questions as: What do I do under this or that circumstance? What rule applies to this circumstance? and a host of others. He has always been patient and he has always had time for those of us "learning the ropes." And I shall forever be in his debt.

Mr. McCORMACK. Mr. Speaker, I might also say that in congratulating our distinguished friend, the No. 1 Parliamentarian in the world, Lew Deschler, we also want Lew, when he goes home tonight, to convey to Mrs. Deschler also our congratulations and extend to her our deep feelings of friendship and respect.

GENERAL LEAVE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks at this point in the RECORD and may also have 5 legislative days in which to extend their remarks on the subject of one of the great immortals of our time, Lewis Deschler.

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

There was no objection.

SPECIAL ORDER TODAY ON THE PRESIDENT'S DECISION IN RESPECT TO THE GLASS INDUSTRY

(Mr. DENT asked and was given permission to address the House for 1 minute.)

Mr. DENT. Mr. Speaker, last week I took the floor on the question of tariff and trade and the upcoming decision by the President of the United States affecting the glass industry. I predicted at that time that he would not give any relief.

It is not bad enough that he did not give any relief; but he went before the public and the people of this great country and said he did give them relief.

So this afternoon I have a special order for 1 hour. I am going to deal with the problem now facing the glassworkers in the great State of Pennsylvania and in my district, this afternoon, right after all the other business of the House is through.

"BENIGN NEGLECT" OR MALIGNANT BETRAYAL?

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

Mr. RYAN. Mr. Speaker, it was dismaying to read the words of the Chairman of the Civil Service Commission, Robert E. Hampton, announcing the Nixon administration's relaxation of what was already an unsatisfactory Federal equal employment opportunity program. He stated, on February 26:

> We're not telling the Federal Government to go out and hire minorities. We do not advocate pressure on Government managers.

Despite the statistics, which starkly reveal patterns of discrimination in Federal employment, the Nixon Administration, already doing too little, evidently intends to do even less to provide equal employment opportunities in the Federal civil service.

This posture is not surprising in the light of past administration actions, such as, upon taking office, the awarding of defense contracts to textile firms which were not carrying out affirmative action plans. Last August, in testifying before the Subcommittee on Labor of the Senate Committee on Labor and Public Welfare, the Chairman of the Equal Employment Opportunity Commission opposed the granting of cease and desist authority to the Commission. This authority, which I have supported by my sponsorship of H.R. 6228, is essential.

Despite Mr. Hampton's subsequent disclaimer of any weakening of equal employment efforts, as reported in the Washington Post of February 28, his statement is another manifestation of this administration's failure to use the full power of the Federal Government to insure equal opportunity. The White House may characterize the administration's attitude as "benign neglect." To me it is malignant betrayal.

HUMPHREY VERSUS CARSWELL OR CARSWELL VERSUS HUMPHREY

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

Mr. WAGGONNER. Mr. Speaker, there is an amusing sidelight to the debate over the nomination of Judge Carswell in the current issue of National Review which I would like to call to the attention of the Members, even though we have no voice in his confirmation.

Great wells of crocodile tears have been shed by some of the more extreme liberals over the Carswell nomination, the most proficient weeper being, perhaps, Hubert Humphrey. This little item will, I believe, put that particular criticism into perspective. It follows:

ARTICLE IN NATIONAL REVIEW

Judge Carswell shouldn't sit on the Supreme Court, quoth the Democratic Policy Council (H. Humphrey, chairman), because Justices "must be devoid of any record of racial bias, intolerance or discrimination" and as we all know Mrs. Carswell once sold a lot the deed for which contained a racial covenant, aha! Come to find out, from 1947 to 1964 Humphrey lived in a house that, according to the deed, mustn't "be sold, leased to or occupied by any person of Negro blood except as to occupancy by domestic servants while employed on the premises by the owner." We can all breathe easy—if Judge Carswell isn't confirmed, Nixon won't *dare* nominate Humphrey.

ILLINOIS MUST MAKE AMENDS TO THE POMPIDOUS

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

Mr. FINDLEY. Mr. Speaker, Illinois must make amends for extreme bad manners during the state visit Saturday to Chicago by President and Madame Pompidou of France.

All 11 million of us must hang our heads in shame for the crude acts of a very few hundred. Never before in history has a President of the United States felt he must apologize to a visiting chief of state for treatment received any place in this country. What a wretched pity that Illinois should thus make history,

requiring Mr. Nixon first to telephone his apology and then to make a special unscheduled trip to New York to express his regrets in the most personal way possible.

When I was in Paris 3 weeks ago discussing with French officials the forthcoming tour, I expressed confidence that both Congress and Chicago would accord the Pompidous a warm, respectful reception. Inwardly I felt some concern that some of my colleagues on Capitol Hill might indulge in bad manners, but I never had the slightest doubt that Chicago would be decent in every way.

The reception in Congress was outstanding, but in Chicago, so grotesque and out of character as to be unbelievable.

What can be done to make amends?

A good way to start is to flood the Elysee Palace in Paris with letters of apology and good will.

I appeal to all citizens of the State to join in this direct means of showing our distinguished visitors of last week that the ugliness and hate of the crowd that jostled Madame Pompidou and caused her such concern was not the true Illinois spirit which is one of decency, friendship, and understanding. Address your apology to President and Madame Georges Pompidou, Paris, France.

OPPOSITION TO THE APPOINTMENT OF JUDGE CARSWELL TO THE SUPREME COURT

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

Mr. GROSS. Mr. Speaker, the CONGRESSIONAL RECORD of last Thursday carries a statement by a Member of Congress in which he opposes the appointment of Federal Judge C. H. Carswell to the U.S. Supreme Court. The Member of Congress states as one of his reasons that Mr. Carswell, in 1956, participated as an incorporator in the transfer of a municipal golf course to private owners in his home city of Tallahassee for the purpose of preventing Negroes from using the golf course.

Mr. Speaker, I have in my possession copies of documents in the Montgomery County, Md., courthouse covering the sale of two residential properties in the said Montgomery County, which were subject to the following racial covenant:

> None of the lots above can be sold, leased to, or occupied by any person of Negro blood except as to occupancy by domestic servants while employed on the premises by the owner.

The first of these two properties was sold in 1948 by Mr. and Mrs. Joseph Geeraert to Mr. and Mrs. H. Humphrey. For 16 years, Mr. Humphrey lived in this property, protected by a racial covenant. Then in 1964, in the midst of a political campaign, Humphrey filed an affidavit of disclaimer.

In 1957, Mr. and Mrs. Karl F. Poehlmann sold the residential property adjoining that of the Humphreys to Mr. and Mrs. GEORGE MCGOVERN. This Montgomery County, Md., property was likewise covered by the racial covenant as previously set forth.

Mr. MCGOVERN lived in this racially protected residence for 12 years and in 1969 sold it to Mr. Cornelius P. Cacho and the sale was made subject to the racial covenant.

The question is, What makes a racial covenant on a golf course a Carswell sin but when applied to the Humphrey-McGovern homes it becomes a virtue. Or is this a case of the Humphrey-McGovern pot applying another and different coat of paint to the Carswell kettle?

PERMISSION FOR SUBCOMMITTEE ON HOUSING, COMMITTEE ON BANKING AND CURRENCY TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Housing of the Committee on Banking and Currency may be permitted to sit during general debate today.

The SPEAKER pro tempore (Mr. HOLIFIELD). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PROPOSED AMENDMENT ON IMPACT AID

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

Mr. CEDERBERG. Mr. Speaker, I take this time to express my concern about what may be going to happen in regard to the impact area program under the Senate version of the HEW appropriation bill.

Mr. Speaker, if I understand the so-called Spong amendment, the Spong amendment reduces class A percentage of entitlement for the legitimate impact program, and brings class B impact up to the same percentage level as class A. If that is the case, I certainly hope that the House will not accept the Spong amendment.

Mr. Speaker, I recognize the legitimacy of class A impact where you have students and the parents living on military installations, and they go to schools in the adjoining school district, but under class B where the students live off the base I think you have got a different situation altogether.

The Spong amendment, as I understand it, in the Senate version equates the two with the same percentage of entitlement.

Now we have been talking about the principle of impact aid around here for a long time, and I hear some rumors that we may perhaps be in the position of now accepting the Senate bill. Well, I think the principle is the same today as it was 6 or 8 weeks ago. So I would urge the Members to be very serious in going down this road, and equating class A with class B in the impact aid program.

ENTITLEMENT TO ROUND TRIP TRANSPORTATION

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8020) 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, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

> Page 1, line 8, strike out "naval service" and insert "Uniformed Services".
>
> Page 1, line 10, strike out all after "Secretary" over to and including "service" in line 1 on page 2 and insert "concerned, a member of the Uniformed Services".
>
> Page 2, strike out all after line 16 and insert:
>
> "(2) The following new item is inserted in the analysis:
>
> "'406b. Travel and transportation allowances: members of the Uniformed Services attached to a ship overhauling away from home port.'"
>
> Amend the title so as to read: "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 Uniformed Services on permanent duty aboard a ship overhauling away from home port whose dependents are residing at the home port."

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PROPOSED AMENDMENT TO IMPACT AID

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

Mr. O'HARA. Mr. Speaker, my good friend, the gentleman from Michigan (Mr. CEDERBERG), has addressed himself to the so-called Spong amendment. While I have no strong feelings about the Spong amendment one way or the other I think I ought to clarify this matter.

The House bill contained a provision which was not in the vetoed bill, which said that you could not pay any category "B" entitlements until 90 percent of category "A" entitlements had been paid.

The Spong amendment, as I understand, simply struck out that provision, and both entitlements will be paid at about 78 percent of their entitlement at full funding.

In other words, since by law the full entitlement for "B's" is half of the entitlement for "A's"—category "A" would get 78 percent of 100 percent, and category "B" would get 78 percent of 50 percent.

The difference is not terribly great because they were only to receive 90 percent in category A in the first place and now they will get, apparently, 78 percent. Category B will get some little benefit but I do not think it makes a great deal of difference. I have talked to people who

are interested in the impacted area program and who have impacted area schools and while they have a preference one way or the other, depending on whether they have more A or B, they do not feel strongly about this issue.

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

Mr. O'HARA. I yield to the gentleman.

Mr. CEDERBERG. One of my staff members discussed this with the people at the Oscoda School District serving Wustsmith Air Force Base and they said that this is disastrous because we have several hundred people living on the base and children living on the base going to this school and while we only have a much smaller amount of class B that class A is the true impact of parents or children who live on the base. If we reduce that class A impact and add it to the class B which already has a tax base under the support of class B while class A has none, then I think we have made a serious mistake.

APPOINTMENT OF CONFEREES ON H.R. 14465, EXPANSION AND IMPROVEMENT OF NATION'S AIRPORT AND AIRWAY SYSTEM

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, FRIEDEL, DINGELL, PICKLE, SPRINGER, DEVINE, and WATSON.

As to the tax provision of the Senate amendments, the Chair appoints Messrs. MILLS, BOGGS, WATTS, BYRNES of Wisconsin, and BETTS.

AMERICAN EDUCATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-267)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Education and Labor and ordered to be printed:

To the Congress of the United States:

American education is in urgent need of reform.

A nation justly proud of the dedicated efforts of its millions of teachers and educators must join them in a searching re-examination of our entire approach to learning.

We must stop thinking of primary and secondary education as the school system alone—when we now have reason to believe that young people may be learning much more *outside* school than they learn in school.

We must stop imagining that the Federal government had a cohesive education policy during a period of explosive expansion—when our Federal education programs are largely fragmented and disjointed, and too often administered in a way that frustrates local and private efforts.

We must stop letting wishes color our judgments about the educational effectiveness of many special compensatory programs, when—despite some dramatic and encouraging exceptions—there is growing evidence that most of them are not yet measurably improving the success of poor children in school.

We must stop pretending that we understand the mystery of the learning process, or that we are significantly applying science and technology to the techniques of teaching—when we spend less than one half of one percent of our educational budget on research, compared with 5% of our health budget and 10% of defense.

We must stop congratulating ourselves for spending nearly as much money on education as does the entire rest of the world—$65 billion a year on all levels—when we are not getting as much as we should out of the dollars we spend.

A new reality in American education can mark the beginning of an era of reform and progress for those who teach and those who learn. Our schools have served us nobly for centuries; to carry that tradition forward, the decade of the 1970s calls for thoughtful redirection to improve our ability to make up for environmental deficiencies among the poor; for long-range provisions for financial support of schools; for more efficient use of the dollars spent on education; for structural reforms to accommodate new discoveries; and for the enhancement of learning before and beyond the school.

When educators, school boards and government officials alike admit that we have a great deal to learn about the way we teach, we will begin to climb the up staircase toward genuine reform.

Therefore, *I propose that the Congress create a National Institute of Education* as a focus for educational research and experimentation in the United States. When fully developed, the Institute would be an important element in the nation's educational system, overseeing the annual expenditure of as much as a quarter of a billion dollars.

I am establishing a President's Commission on School Finance to help States and communities to analyze the fiscal plight of their public and non-public schools. We must make the nation aware of the dilemmas our schools face, new methods of organization and finance must be found, and public and non-public schools should together begin to chart the fiscal course of their educational planning for the Seventies.

I propose new steps to help States and communities to achieve the Right to Read for every young American. I will shortly request that funds totalling $200 million be devoted to this objective during Fiscal 1971. The basic ability to read is a right that should be denied to no one, and the pleasures found in books and libraries should be available to all.

I propose that the Department of Health, Education, and Welfare and the Office of Economic Opportunity begin now to establish a network of child development projects to improve our programs devoted to the first five years of life. In fiscal 1971, a minimum of $52 million will be provided for this purpose.

NEW MEASUREMENTS OF ACHIEVEMENT

What makes a "good" school? The old answer was a school that maintained high standards of plant and equipment; that had a reasonable number of children per classroom; whose teachers had good college and often graduate training; a school that kept up to date with new curriculum developments, and was alert to new techniques in instruction. This was a fair enough definition so long as it was assumed that there was a direct connection between these "school characteristics" and the actual amount of learning that takes place in a school.

Years of educational research, culminating in the Equal Educational Opportunity Survey of 1966 have, however, demonstrated that this direct, uncomplicated relationship does not exist.

Apart from the general public interest in providing teachers an honorable and well-paid professional career, there is only one important question to be asked about education: *What do the children learn?*

Unfortunately, it is simply not possible to make any confident deduction from school characteristics as to what will be happening to the children in any particular school. Fine new buildings alone do not predict high achievement. Pupil-teacher ratios may not make as much difference as we used to think. Expensive equipment may not make as much difference as its salesmen would have us believe.

And yet we know that something does make a difference.

The *outcome* of schooling—what children learn—is profoundly different for different groups of children and different parts of the country. Although we do not seem to understand just what it is in one school or school system that produces a different outcome from another, one conclusion is inescapable: *We do not yet have equal educational opportunity in America.*

The purpose of the National Institute of Education would be to begin the serious, systematic search for new knowledge needed to make educational opportunity truly equal.

The corresponding need in the school systems of the nation is to begin the responsible, open measurement of how well the educational process is working. It matters very little how much a school building costs; it matters a great deal deal how much a child in that building learns. An important beginning in measuring the end result of education has already been made through the National Assessment of Educational Progress being conducted by the Education Commission of the States.

To achieve this fundamental reform it will be necessary to develop broader and more sensitive measurements of learning than we now have.

The National Institute of Education

would take the lead in developing these new measurements of educational output. In doing so it should pay as much heed to what are called the "immeasurables" of schooling (largely because no one has yet learned to measure them) such as responsibility, wit and humanity as it does to verbal and mathematical achievement.

In developing these new measurements, we will want to begin by comparing the actual educational effectiveness of schools in similar economic and geographic circumstances. We will want to be alert to the fact that in our present educational system we will often find our most devoted, most talented, hardest working teachers in those very schools where the general level of achievement is lowest. They are often there because their commitment to their profession sends them where the demands upon their profession are the greatest.

From these considerations we derive another new concept: *accountability.* School adminstrators and school teachers alike are responsible for their performance, and it is in their interest as well as in the interest of their pupils that they be held accountable. Success should be measured not by some fixed national norm, but rather by the results achieved in relation to the actual situation of the particular school and the particular set of pupils.

For years the fear of "national standards" has been one of the bugaboos of education. There has never been any serious effort to impose national standards on educational programs, and if we act wisely in this generation we can be reasonably confident that no such effort will arise in future generations. The problem is that in opposing some mythical threat of "national standards" what we have too often been doing is avoiding accountability for our own local performance. We have, as a nation, too long avoided thinking of the *productivity* of schools.

This is a mistake because it undermines the principle of local control of education. Ironic though it is, the avoidance of accountability is the single most serious threat to a continued, and even more pluralistic educational system. Unless the local community can obtain dependable measures of just how well its school system is performing for its children, the demand for national standards will become even greater and in the end almost certainly will prevail. When local officials do not respond to a real local need, the search begins for a level of officialdom that will do so, and all too often in the past this search has ended in Washington.

I am determined to see to it that the flow of power in education goes toward, and not away from, the local community. The diversity and freedom of education in this Nation, founded on local administration and State responsibility, must prevail.

THE NATIONAL INSTITUTE OF EDUCATION

As the first step toward reform, we need a coherent approach to research and experimentation. Local schools need an objective national body to evaluate new departures in teaching that are being conducted here and abroad and a means of disseminating information about projects that show promise.

The National Institute of Education would be located in the Department of Health, Education, and Welfare under the Assistant Secretary of Education, with a permanent staff of outstanding scholars from such disciplines as psychology, biology and the social sciences, as well as education.

While it would conduct basic and applied educational research itself, the National Institute of Education would conduct a major portion of its research by contract with universities, non-profit institutions and other organizations. Ultimately, related research activities of the Office of Education would be transferred to the Institute.

It would have a National Advisory Council of distinguished scientists, educators and laymen to insure that educational research in the Institute achieves a high level of sophistication, rigor and efficiency.

The Institute would set priorities for research and experimentation projects and vigorously monitor the work of its contractors to insure a useful research product.

It would develop criteria and measures for enabling localities to assess educational achievement and for evaluating particular educational programs, and would provide technical assistance to State and local agencies seeking to evaluate their own programs.

It would also link the educational research and experimentation of other Federal agencies—the Office of Economic Opportunity, the Department of Labor, the Department of Defense, the National Science Foundation and others—to the attachment of particular national educational goals.

Here are a few of the areas the National Institute of Education would explore:

(a) *Compensatory Education.* The most glaring shortcoming in American education today continues to be the lag in essential learning skills in large numbers of children of poor families.

In the last decade, the Government launched a series of ambitious, idealistic, and costly programs for the disadvantaged, based on the assumption that extra resources would equalize learning opportunity and eventually help eliminate poverty.

In some instances, such programs have dramatically improved children's educational achievement. In many cases, the programs have provided important auxiliary services such as medical care and improved nutrition. They may also have helped prevent some children from falling even further behind.

However, the best available evidence indicates that most of the compensatory education programs have not measurably helped poor children catch up.

Recent findings on the two largest such programs are particularly disturbing. We now spend more than $1 billion a year for educational programs run under Title I of the Elementary and Secondary Education Act. Most of these have stressed the teaching of reading, but before-and-after tests suggest that only 19% of the children in such programs improved their reading significantly; 13% appear to fall behind more than expected; and more than two-thirds of the children remain unaffected—that is, they continue to fall behind. In our Headstart program, where so much hope is invested, we find that youngsters enrolled only for the summer achieve almost no gains, and the gains of those in the program for a full year are soon matched by their non-Headstart classmates from similarly poor backgrounds.

Thoughtful men recognize the limitations of such measurements and would not conclude that the programs thus assessed are without value. It may be necessary to wait many years before the full impact of such programs on the lives of poor youngsters can be ascertained. But as we continue to conduct special compensatory education for the disadvantaged, we must recognize that our present knowledge about how to overcome poor backgrounds is so limited that major expansion of such programs could not be confidently based on their results.

While our understanding of what works in compensatory education is still inadequate, we do know that the social and economic environment which surrounds a child at home and outside of school probably has more effect on what he learns than the quality of the school he now attends. Therefore, the major expansion of income support proposed in the Family Assistance Plan should also have an important educational effect.

The first order of business of the National Institute of Education would be to determine what is needed—inside and outside of school—to make our compensatory education effort successful. To help get this process under way now, I have also reactivated the National Advisory Council on the Education of Disadvantaged Children, and have appointed a slate of distinguished educators who will make recommendations and help monitor our efforts in this field. The nation cannot afford defeat in this area.

(b) *The Right To Read.* In September, the nation's chief education officer, Dr. James E. Allen, Jr., proclaimed the Right to Read as a goal for the 1970's. I endorse this goal.

Achievement of the Right to Read will require a national effort to develop new curricula and to better apply the many methods and programs that already exist. Where we do not know how to solve a reading problem, the National Institute of Education would undertake the research. But often we find that someone does know how, and the Institute would make that knowledge available in forms that can be adopted by local schools.

In some critical areas, we already know how to work toward achieving the Right to Read for our nation's children. In the coming year, I will ask the Congress to appropriate substantial resources for two programs that can most readily serve to achieve this new commitment—the program that assists school libraries to obtain books, and the program that

provides funds through the states for special education improvement projects.

I will shortly ask Congress to increase the funds for these two programs—funds which are available to public and non-public schools alike—to $200 million. I shall direct the Commissioner of Education to work with State and local officials to assist them in using these programs to teach children to read. This is a purpose which I believe to be of the very highest priority for our schools, and a right which, with the cooperation of the nation's educators, can be achieved for every young American.

(c) *Television and Learning.* Most education takes place outside the school. Although we often mistakenly equate "schooling" with "learning," we should begin to pay far greater attention to what youngsters learn during the more than three quarters of their time they spend elsewhere.

In the last twenty years, there has been a revolution in the way most boys and girls—and their parents—occupy themselves. The average high school student, for example, by the time he graduates, has spent 11,000 hours in school—and 15,000 hours watching television.

Our goal must be to increase the use of the television medium and other technological advances to stimulate the desire to learn and to help teach.

The technology is here, but we have not yet learned how to employ it to our full advantage. How can local school systems extend and support their curricula working with local television stations? How can new techniques of programmed learning be applied so as to make each television set an effective teaching aid? How can television, audio-visual aids, the telephone, and the availability of computer libraries be combined to form a learning unit in the home, revolutionizing "homework" by turning a chore into an adventure in learning?

The National Institute of Education would examine questions such as these, especially in that vital area where out-of-school activities can combine with modern technology and public policy to enhance our children's education. It will work in concert with other organizations and agencies dedicated to the educational uses of television technology. Prominent among these is the Corporation for Public Broadcasting, which the Congress established in 1967 as a private entity to channel and shape the use of Federal funds in support of public broadcasting. With its authorization for Federal funds expiring shortly, the time has come to extend the Federal support for the Corporation to stimulate its continuing growth and improvement. Accordingly, the Secretary of Health, Education, and Welfare is today transmitting a bill to authorize funds for the Corporation of a three-year period. This will permit the Corporation to grow in the orderly and planned way so important to a new undertaking. A portion of the annual Federal funding would be based on matching the dollars raised by the Corporation from non-Federal sources. The Congress did not intend that the Corporation derive its funds solely from the Federal Government. Therefore, increased contributions from private sources should be stimulated during the early years through the incentive offered in the matching process.

(d) *Experimental Schools.* As a bridge between basic educational research and actual school practices, I consider the Experimental Schools program to be highly important. Accordingly, I renew my request to the Congress to appropriate the full amount asked—$25 million in Fiscal Year 1971.

The Secretary of Health, Education, and Welfare is today transmitting a bill to establish the National Institute of Education. We have taken a similar approach in biomedical research through the National Institutes of Health; this effort in education would be an historic step forward.

THE PRESIDENT'S COMMISSION ON SCHOOL FINANCE

I am today signing an Executive Order establishing a President's Commission on School Finance, to be in existence for two years, reporting to the President periodically on future revenue needs and fiscal priorities for public and non-public schools.

(a) *From Quantity to Quality.* Over the past twenty years the public schools have experienced the greatest expansion in their history. Enrollments increased by 80%—from 25 million to 45 million pupils—in those two decades.

But now the period of steep enrollment growth in the schools is over: The birth-rate has been declining for about ten years and the number of pupils in the public schools is expected to rise only slightly in the decade ahead. This means that schools, no longer faced with a problem of sharply increasing numbers, will now be able to concentrate on finding improved educational methods. They can now shift their emphasis from quantity to quality.

(b) *Future Financial Needs.* Despite this leveling-off of enrollments, additional resources will be necessary, particularly if the present rate of growth in *per pupil* expenditures continues. Yet, because we have neglected to plan how we will deal with school finance, we have great instability and uncertainty in the financial structure of education.

(c) *Disparity Among Districts and States.* The continuing if narrowing gap in educational expenditures between rich and poor States and rich and poor school districts is cause for national concern. Differences in dollar per pupil are not in themselves wrong; in a democracy, communities should have the right to provide extra support to their schools if they wish. But some areas with a low tax base find it difficult or impossible to provide *adequate* support to their schools, a problem that crosses State lines in an era of mobility—when the poorly taught of one area frequently become unemployed adults elsewhere.

The need is apparent for a central body to study the different approaches being pioneered by States and local districts, and to disseminate the information about successes achieved and problems encountered at the local level.

(d) *Sources of Funds for Education.* State support accounts for 38% of school revenues, Federal support for about 8%, with 54% of the burden carried locally. Of the local funds, almost all come from property taxes, but that tax base is not keeping up with educational expenditures. A major review of the tax resources and needs of education is in order.

The best method of providing direct Federal monetary aid to education, and the one most consistent with local control of education, is through the system of revenue sharing which I proposed to the Congress in August. Much of the tax revenue which the Federal government would return to the States will probably be used where two-fifths of State and local funds now go—to the schools. Revenue sharing proposals which would total five billion dollars annually by 1975 will help States and localities meet their educational and other needs in the way that ensures the most diversity and the most responsiveness to local need—without Federal domination.

A related and important reform is urgently needed in the present program of grants to schools in Federally-impacted areas. As presently constituted, this program neither assists States to determine their own education expenditures nor redirects funds to the individual districts in greatest need. That is why, in the Federal Economy Act submitted to the Congress last week, I called for a thoroughgoing reform of this program. The President's Commission on School Finance will examine the combined effects of this reform, the potential of revenue sharing for educational finance, and the impact of savings accruing to states under the proposed Family Assistance Program, and will assist State and Federal agencies to plan effectively for these important changes.

(e) *Possible Efficiencies.* Many public and non-public school systems make inefficient use of their facilities and staff. The nine-month school year may have been justified when most youngsters helped in the fields during the summer months, but it is doubtful whether many communities can any longer afford to let expensive facilities sit idle for one-quarter of the year.

Thousands of small school districts—some without schools—continue to exist, resulting in inequities in both finance and education. On the other hand, some of our large city school systems have become too large, too bureaucratic, and insensitive to varying educational needs.

The present system of Federal grants frequently creates inefficiency. There are now about 40 different Federal categorical grant programs in elementary and secondary education. This system of carving up Federal aid to education into a series of distinct programs may have adverse educational effects. Federal "pieces" do not add up to the whole of education and they may distract the attention of educators away from the big picture and into a constant scramble for

special purpose grants. Partly for this reason, I will continue to recommend to the Congress plans for consolidation of grants into packages that are truly useful to States and localities receiving them. This would place much more administrative control of these Federal funds in local hands, removing red tape and providing flexibility.

(f) *Non-Public Schools.* The nonpublic elementary and secondary schools in the United States have long been an integral part of the nation's educational establishment—supplementing in an important way the main task of our public school system. The nonpublic schools provide a diversity which our educational system would otherwise lack. They also give a spur of competition to the public schools—through which educational innovations come, both systems benefit, and progress results.

Should any single school system—public or private—ever acquire a complete monopoly over the education of our children, the absence of competition would neither be good for that school system nor good for the country. The nonpublic schools also give parents the opportunity to send their children to a school of their own choice, and of their own religious denomination. They offer a wider range of possibilities for education experimentation and special opportunities for minorities, especially Spanish-speaking Americans and black Americans.

Up to now, we have failed to consider the consequences of declining enrollments in *private* elementary and secondary schools, most of them church supported, which educate 11% of all pupils—close to six million school children. In the past two years, close to a thousand non-public elementary and secondary schools closed and most of their displaced students enrolled in local public schools.

If most or all private schools were to close or turn public, the added burden on public funds by the end of the 1970s would exceed $4 billion per year in operations, with an estimated $5 billion more needed for facilities.

There is another equally important consideration: these schools—non-sectarian, Catholic, Protestant, Jewish and other—often add a dimension of spiritual value giving children a moral code by which to live. This government cannot be indifferent to the potential collapse of such schools.

The specific problem of parochial schools is to be a particular assignment of the Commission.

In its deliberations, I urge the commission to keep two considerations in mind. First, our purpose here is not to aid religion in particular but to promote diversity in education; second, that nonpublic schools in America are closing at the rate of one a day.

EARLY LEARNING

In the development of the mind, child's play is serious business. One of my first initiatives upon taking office was to commit this Administration to an expansion of opportunities during the First Five Years of Life. That commitment was based on new scientific knowledge about the development of intelligence—that as much of the development takes place in the first five years as in the next thirteen.

We have established a new Office of Child Development in the Department of Health, Education and Welfare. I am now directing that Department and the Office of Economic Opportunity jointly to establish a network of experimental centers to discover what works best in early childhood education.

An experimental program of this nature is necessary as we expand our child development programs. The Early Learning Program will also provide us with a strong experimental base on which to build the new day care program, involving $386 million in its first full year of operation, which I have proposed as part of the Family Assistance Plan.

The experimental units of the Early Learning Program, working with the National Institute of Education, will study a number of provocative questions raised in recent years by educators and scientists:

—A study of language and number competence between lower and middle-class children shows a significant difference by the time a child is four years old, but the difference is said to become "awesome" by the time the child enters first grade. If this is so, what effect should it have on our approach to compensatory education in the early years?

—A study of poor children in Washington, D.C., conducted by the National Institute of Mental Health, indicates a decline in I.Q.s of infants between the ages of 14 and 21 months—a decline that can be forestalled by skillful tutoring during their second year. If this is true, how should it affect our approach to the education of the very young?

—Many child development experts believe that the best opportunity for improving the education of infants under the age of three lies not in institutional centers but at home, and through working with their mothers. What might we do, therefore, to communicate to young women and mothers—especially to those in or near poverty—the latest information on effective child development techniques with specific suggestions about its application at home?

THE FUTURE OF LEARNING IN AMERICA

The tone of this message, and the approach of this Administration, is intended to be challenging. America's educators have the capacity and dedication to respond to that challenge.

For most of our citizens, the American educational system is among the most successful in the history of the world. But for a portion of our population, it has never delivered on its promises. Until we know why education works when it is successful, we can know little about what makes it fail when it is unsuccessful. This is knowledge that must precede any rational attempt to provide our every student with the best possible education.

Mankind has witnessed a few great ages when understanding of a social or scientific process has expanded and changed so quickly as to revolutionize the process itself. The time has come for such an era in education.

There comes a time in any learning process that calls for reassessment and reinforcement. It calls for new directions in our methods of teaching new understanding of our ways of learning, for a fresh emphasis on our basic research, so as to bring behavioral science and advanced technology to bear on problems that only appear to be insuperable.

That is why, in this field more importantly than in any other, I have called for fundamental studies that should lead to far-reaching reforms before going ahead with major new expenditures for "more of the same."

To state dogmatically "money is not the answer" is not the answer. Money will be needed, and this Administration is prepared to commit itself to substantial increases in Federal aid to education—to place this among the highest priorities in our budget—as we seek a better understanding of the basic truths of the learning process, as we gain a new confidence that our education dollars are being wisely invested to bring back their highest return in social benefits, and as we provide some assurance that those funds contribute toward fundamental reform of American education.

As we get more education for the dollar, we will ask the Congress to supply many more dollars for education.

In the meantime, we are committing effort and money toward finding out how to make our education dollars go further. Specifically, the 1971 budget increases funds for educational research by $67 million to a total of $312 million. Funds for the National Institute of Education would be in addition to this increase.

Nearly a century ago, Benjamin Disraeli advised Parliament that "upon the education of the people of this country the fate of this country depends." That is no less true in the United States today, where nearly one person out of three is teaching or studying in one of our schools and colleges and where the greatest social controversy of our generation has centered.

This Administration is committed to the principle and the practice of seeing to it that equal educational opportunity is provided every child in every corner of this land.

I am well aware that "quality education" is already being interpreted as "code words" for delay of desegregation. We must never let that meaning take hold. Quality is what education is all about; desegregation is vital to that quality; as we improve the quality of education for all American children, we will help them improve the quality of their own lives in the next generation.

We must not permit the controversy about the progress toward desegregation to detract from the shared purpose of all—better education, and especially better education for the poor of every race and color.

That is why this Administration has committed itself to finding the reason—

all other things seeming equal—why so much educational achievement remains unequal. We commit ourselves to the realizable dream of raising the American standard of learning.

Teachers and taxpayers alike must not accept the *status quo* in the process of teaching. We must make the schooling fit the student. We must improve education in those areas of life outside the school where people learn so much or so little. We must discover how to begin educating the young mind when it really begins to learn.

By demanding educational reform now, we can gain the understanding we need to help every student reach new levels of achievement; only by challenging conventional wisdom can we as a nation gain the wisdom we need to educate our young in the decade of the 70s.

RICHARD NIXON.

THE WHITE HOUSE, *March 3, 1970.*

IMPROVING THE QUALITY OF THE AMERICAN EDUCATIONAL SYSTEM

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

Mr. GERALD R. FORD. Mr. Speaker, improving the quality of the American educational system has long been one of this Nation's most urgent and compelling needs.

President Nixon has wisely concluded that an administration in which reform is the watchword would be failing in its overall mission if reform of our educational system were not made a high priority objective.

I have carefully studied the President's message on education reform. I not only fully concur with his recommendations but also urge that the Congress act with the greatest possible dispatch in implementing them. Nothing is more important than a quality education for all of America's young people. I believe the President's proposals will help us move toward that goal.

The overall thrust of the President's proposals clearly is to promote as good an education for the child from the slums as the youngster from the suburbs. This, I believe, is the key to solving many of America's most perplexing social problems. We must bend every effort to achieve equality of educational opportunity.

Meantime, let the President's words be particularly heeded by those who would spend additional billions on Federal aid to education without measuring the results. As the President said, we are willing to spend more on education but we must also learn how to invest those dollars wisely.

Mr. ANDERSON of Illinois. Mr. Speaker, the President has sent to the Congress his message on education reform. This message indicates the administration's willingness courageously and squarely to face the great educational problems of the next decade. The President proposes, for example, an intensive Federal initiative in studying the problems of educating the disadvantaged. For nearly 5 years we have spent over $4 billion under title I of the Elementary and Secondary Education Act without having yet determnied what methods work best to raise the achievement level of the disadvantaged. This problem will be the central concern of the President's proposed National Institute of Education.

The problem of how to meet the rising costs of education—public and private—within the framework of our available sources of revenue—Federal, State, and local—is also addressed in the President's message. He has established by Executive order a Commission on School Finance to study and recommend alternative solutions to the problems of school finance for the future. These initiatives by the President show a commendable willingness to meet and solve the problems of education in the 1970's.

Mr. ARENDS. Mr. Speaker, I am pleased to add my support today to the President's message on education reform. This message constitutes a major comprehensive initiative for the future of American education. In it are addressed such problems as the need for more effective educational research, the need for specific attention to the problems of school finance, the improvement of the reading ability of America's schoolchildren, and the importance of preschool, early childhood education. The President has made a major commitment in each of these areas.

In laying out the Federal strategy for education in the next decade, the President notes that his administration is "prepared to commit itself to substantial increases in Federal aid to education." But this new support will not reinforce the mistakes and inequities of the past. Rather the President is committed to the constructive use of Federal resources contingent on their ability to produce real and tangible educational results. I support the President in his efforts to make the Federal role in education more meaningful.

Mr. AYRES. Mr. Speaker, today I am introducing a bill to establish a National Institute of Education, as requested by President Nixon in his message on elementary and secondary education. The President speaks of the need to reform education to meet more fully the needs of these times, and he acknowledges the critical role of Federal assistance in accomplishing that task. A new National Institute of Education would be the major national instrument for developing the kind of research and experimentation we must have to move education forward.

I am convinced that the type of activity envisaged by President Nixon—which would be authorized by the bill I have introduced—can help achieve for education the same kind of progress we have seen in medical fields through the National Institutes of Health.

Mr. Speaker, the American people this year will spend over $65 billion for education, public and private, from kindergarten through the graduate schools. This enormous sum is close to one-half the educational expenditures for the total population of the world, although we are less than one-tenth of the world's people.

It is hard to justify, therefore, our continued failures to meet some of the most urgent educational needs. If money alone were any assurance of success in education we surely would not have high school graduates who can barely read, nor over a half million school dropouts each year, nor great differences in educational opportunity. Yet, these conditions do exist in America. With all the splendid accomplishments of our educational system—and we should not ignore those accomplishments to cite only failures—we still have a long way to go before education has realized its potential to improve American life.

The key to achieving this goal is research and experimentation and the application of research findings to educational practices. We must discover the most effective educational techniques and then assure that there is a "delivery system" by which these can be appled in all kinds of schools in every section of the Nation. The analogy between medical care and education is not at all farfetched. We believe that the accomplishments of medical research can be duplicated in education. If we are only approximately correct in this belief there can be a very bright future indeed for American education. The proposed National Institute of Education is a door opening on the future.

The President proposes to move forward on a number of related fronts. He is establishing a Commission on School Finance to assist both public and private schools to make the maximum use of available resources, and he is proposing new programs aimed at progesss in reading and in child development. Taken together, these new initiatives focus upon the fundamental conditions of progress in education. They are an exciting and realistic new approach to old problems.

I urge the Congress to support the President's program for education.

Mr. ALBERT. Mr. Speaker, the President's message on education reform has just been handed me. The Congress has waited 14 months for the President to set forth his concepts of educational policies and legislative recommendations. Until this time the administration's approach to the crying educational needs of this country have been negative. I say negative because of the Executive's opposition to congressional action taken during the 91st Congress.

This opposition was openly manifested with the Presidential veto of the bill carrying Federal funds to support preschool, elementary, and secondary schools, student assistance and college support programs and projects in every area of the Nation.

Never has education been so important to our Nation's economic growth, to the future manpower requirements and to the solution of its social problems.

Never has the burden been heavier on the local property taxpayer who traditionally has carried the major load of financing school needs. Reduced Federal support at this critical time of educational need most certainly will not lighten

this burden. Equally critical though is the fact that reduced effort at this time will simply increase the future need for remedial type programs in the field of job placement, overcoming educational deficiencies, welfare and dependency.

I have talked to the Chairman of the Education and Labor Committee of the House and I know that it is his intention to give the President's recommendations the immediate and active attention of that committee.

In this effort, the House leadership will be most active in assisting the scheduling of reported legislation for congressional action.

Mr. GRIFFIN. Mr. Speaker, I have read with great interest the President's message on education reform. Certainly, in this age of space exploration a definite need exists for improvement of our educational system.

Further, I applaud the President's announced intention of seeing "to it that the flow of power in education goes toward, and not away from, the local community". Nevertheless, his words are different from his deeds.

To start the flow of power in education to the local community, President Nixon should have supported the Whitten-Jonas amendments.

The Whitten-Jonas amendments would prevent HEW from devising desegregation school plans which lead to the closing of schools, busing of students, and the elimination of freedom of choice. These amendments are necessary because Secretary Robert Finch does not know what is going on in his own Department.

President Nixon strongly opposed these amendments.

Yesterday's media quoted Secretary Finch as criticizing a Federal court decision on busing students in Charlotte, N.C., and calling it "unrealistic, because they say that you shall take the percentages in the district as a whole and apply those and force those on each district—or each school within that district."

That is exactly what HEW has done in submitting desegregation plans to Federal courts in Mississippi. HEW has insisted that the faculty ratio in each school be the same as the racial ratio of the community. This is contradictory to Finch's statement in the press.

In Jackson, Miss., there are eight high schools. HEW's desegregation plan would have provided for four high school zones. HEW's plan would have two schools composed only of the 10th grade. It would destroy the traditional continuity concept of high schools where the 10th, 11th, and 12th grades go to one school.

HEW's plan for the junior high schools in Jackson would have done the same thing.

Fortunately, the Federal district judge did not accept HEW's plan. The court order provided for eight zones for the eight high schools and seven zones for the seven junior high schools.

HEW's zone map was a jigsaw-puzzle-affair designed to integrate bodies. It would have required transporting students out of their own zone into another zone.

The first reform in education is for Mr. Finch to learn what is going on in his own Department of Health, Education, and Welfare.

Americans tend to group themselves along racial and ethnic lines. That is human nature and there is nothing we can do about it. Voluntary association is certainly one of our most cherished and basic rights. In the matter of operating schools we should admit and understand that voluntary association is a part of our nature.

To do otherwise is to be dishonest.

Accordingly, when there is compulsory mixing of the races, there is conflict and tension. At any school in the Nation where there is a high ratio of blacks to whites, you will find racial conflict and racial tension. That is the reason that freedom of choice is the only way to preserve a stable learning environment.

To underscore the fact that Americans voluntarily group themselves along racial lines, I would point out that 90 percent of the members of the radio and television galleries of the House and Senate live in white segregated neighborhoods here in the Washington area. Three out of four will not even live in Washington, D.C.

There are 62 policymakers in the Office of Education, Department of Health, Education, and Welfare, listed in the Congressional Directory. Forty-three will not live in Washington, D.C.; they live in Maryland or Virginia. Of the 19 living in Washington, nine live west of Rock Creek Park, a white area. They have freedom of choice.

In the South, blacks and whites live on every other street and on every other farm. This is not true in the North. Rural and small towns outside the South do not provide job opportunities for blacks. As a consequence, they are concentrated in the larger metropolitan areas and they are segregated.

We have recently heard northern politicians resisting efforts to apply to their own areas the same standards of desegregation that are applied to Southern States. One of them referred to this attitude as "monumental hypocrisy." Few could deny the charge.

I think that it is time that we recognize the fact that freedom of association, freedom from fear of being assaulted and robbed, freedom from profane abuse, and freedom of choice in school attendance are fundamental American ideals and are necessary if we are to live in peace and harmony in this country.

Therefore, Mr. Speaker, I implore my colleagues to accord the people of the South the same rights enjoyed by the rest of the Nation.

This is the reform needed in America.

GENERAL LEAVE

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks on the message from the President on education.

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

There was no objection.

THE LABOR–HEW APPROPRIATION BILL

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

Mr. CONTE. Mr. Speaker, I surely do not want to trespass on the patience of the House, but I wish to inform the House that I intend to offer a motion when the conference report request is taken up on the HEW appropriation bill. My motion will be to instruct the conferees to accept the five Senate amendments.

Mr. Speaker, yesterday, on March 2, the Evening Star editorialized on how politics was the art of compromise, and on how this bill before us today is proof of that proposition. That, Mr. Speaker, is the issue.

There are only 4 months left in this fiscal year and we are considering a bill for it. That it is late is all too obvious. That a compromise should, and must, be accepted at this time should also be obvious.

I know that some of my colleagues like the Whitten amendments, and some, like myself, do not. I know that some of my colleagues like the Spong amendment, and others like myself, do not. And I know that some of my colleagues like the Cotton-Eagleton amendment and others do not.

But at this critical time, let us face the fact that each of us cannot have everything that he wants. Therefore, we should look to the best possible compromise and settle HEW appropriations for fiscal 1970, once and for all.

Let us engage in the art of compromise for the sake of all those who will suffer if we do not. After all, who is suffering? The students of America; the health facilities of America; the libraries of America; and so many other worthy beneficiaries.

The point, Mr. Speaker, is that the issue is no longer whether we like one part of the bill and dislike another part. The point, rather, is whether we are at this time going to serve all the people by supporting programs that go to the very heart of this great Nation.

I think the answer is clear. I think my motion to instruct the managers on the part of the House will implement that answer—which, I repeat, is the only answer at this time. Therefore, I urge my colleagues to support me here and now, for the benefit of all our people, and in the spirit of worthy compromise.

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

Mr. CONTE. I yield to the distinguished majority leader.

Mr. ALBERT. I desire to associate myself with the remarks of the gentleman from Massachusetts. I am not satisfied with the bill in the form in which it has come back to us from the Senate, but the hour is late. This bill has been sent back and forth. The House had it, the Senate had it, the House had it again, then the Senate, and then the White House. The House had it again, the Senate has had it, and now it is back to us again. We are in the last third of the fiscal year, and it seems to me that, although this repre-

sents no victory completely for anybody, it is not a total defeat for anybody. We ought to dispose of this matter and go on with next year's bill just as early as possible. I regret many of the cuts below the House bill which have been made by the Senate. But I think we have done the best we can this year. We must get this matter disposed of.

I join the gentleman, and I hope that Members will join him in trying to dispose of this matter once and for all today.

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

Mr. CONTE. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, it is crystal clear that I would have preferred the House version, particularly and especially with the Michel amendment. The Senate version of the bill does raise many, many questions. The Spong amendment is one; the 15-percent limitation on floor is another; the deletion of certain other language is a third. The Spong amendment is particularly objectionable.

However, the Senate version does achieve one major objective that I and many others fought for: the 2-percent spending limitation which will save approximately $347 million.

I agree with the distinguished majority leader that the time has come for the Congress to make a final decision on the fiscal year 1970 appropriation bill for the Departments of Health, Education, and Welfare and Labor. I feel that way even though I have many reservations as to the Senate version and even though I would have preferred the House version with the Whitten amendment. I do feel that the better course of action today is to move to instruct the conferees to accept the Senate version.

I will, however—and I say this with emphasis—join with those on this side of the aisle and others on the other side of the aisle in seeking to write good, substantive legislation as it affects impacted aid. The present impacted aid legislation is a distortion of the basic intent of the law passed in the 1950's. I will also work with others to try to write a good Department of Health, Education, and Welfare and Department of Labor appropriation bill for fiscal year 1971, but those are battles we can fight in the future, and the one we should end today is the one that can be ended by supporting the gentleman from Massachusetts (Mr. CONTE).

COMPROMISE ON DEPARTMENTS OF HEALTH, EDUCATION AND WELFARE AND LABOR APPROPRIATION BILL SHOULD BE SUPPORTED

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

Mr. COHELAN. Mr. Speaker, I take this opportunity to congratulate the gentleman from Massachusetts and to associate myself with his remarks. To be very frank, I am heartbroken over a number of items in this bill that affect me as far as the money categories are concerned. Everyone here is very familiar with the fight that has gone on since last July. I think the basis for settlement involved here today is a sound one, and I intend to support it. At the appropriate time I will be associating myself with the motions to be made by the gentleman from Massachusetts (Mr. CONTE). I urge that we dispose of this matter today.

HEW APPROPRIATIONS

(Mr. WHITTEN asked and was given permission to address the House and to revise and extend his remarks.)

Mr. WHITTEN. Mr. Speaker, I am disappointed that the minority leader, my friend and colleague, the gentleman from Michigan (Mr. GERALD R. FORD), in his official position, has seen fit to oppose the sending of the HEW appropriations bill to conference. While stating he will support the motion to instruct the conferees on the part of the House to accept the Senate bill and will, therefore, oppose our motion to table such effort. His statement, of course, means that now the House conferees and our Members are up against both the Republican leadership as well as the Democratic leadership which has opposed us all along.

I realize what this will mean in the final vote.

I do appreciate my friend's statement that he will support our efforts to include provisions of a similar nature in the bill now being considered by the Appropriations Subcommittee for the next fiscal year, beginning July 1, 1970.

I wish my friend, the minority leader, would prevail upon the President to restrain Secretary Finch and limit him to the authority Mr. Finch has under the law and prevent him from assuming powers he does not have; and further prevail upon the Attorney General to enter on behalf of the executive department cases on the side of parents of all creeds, colors, and races when either Secretary Finch, a Federal judge, or judges, or even the Supreme Court, is urged to take action which would likely seriously endanger and damage the quality of education of our youth, all of whom are attending schools fully desegregated as that term is defined in the Civil Rights Act of 1964. After all the courts are completely dependent upon the President to carry out their orders, just as the judges are dependent upon the Congress for their pay.

Our Constitution provides for three equal and coordinate branches of government. Unfortunately, the Court and for a time the executive branch have overlooked the people's branch, the Congress. This we need to correct.

Mr. Speaker, I cannot help but say that while I realize the pressures are great to finish the conference on this bill making appropriations for Health, Education, and Welfare since two-thirds of the fiscal year are gone, I must say, however, that to accept the Senate amendments is to jeopardize our schools. We know what will happen to our schools nationwide for the remainder of this fiscal year, especially in view of the action of the Senate.

As you all know, the amendments which have been popularly known by my name, since I first offered them on behalf of many of my colleagues, sections 408 and 409, read as follows:

SEC. 408. No part of the funds contained in this Act may be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of any student attending any elementary or secondary school to a particular school against the choice of his or her parents or parent.

SEC. 409. No part of the funds contained in this Act shall be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of students to a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

The Senate retained these amendments but added at the beginning the words "Except as required by the Constitution" to each of them. These six simple words seem to mean little and if properly interpreted might not mean too much, for all legislation is subject to the Constitution. However, in this instance, Mr. Speaker, not only certain Senators but the press and representatives of the Department of Health, Education, and Welfare have used this Senate language, which the Senate added to last year's bill, to justify them to ignore the clear provisions of the two amendments and have announced that this language, again added by the Senate, will be so construed as to again avoid the provisions which we originally got into the appropriation bill for Health, Education, and Welfare to stop what is now going on.

I would call attention to the fact that our Committee on Appropriations has approved the language we offered and disapproved the Senate addition, first, by a vote of 24 to 15; earlier this year by a vote of 34 to 14; and recently by a vote of 30 to 13. The Members of the House live close to the people.

To support that belief last year this language, as the House wrote it, was originally retained on the floor by a vote of 131 to 103; and this year was retained by a vote of 145 to 122.

Mr. Speaker, I say to my colleagues from all over the United States that to take this action now is to invite further destruction of our educational system nationwide. Even if my colleague does help us with the new bill which becomes effective July 1. How can anyone escape the connection between what has happened in our schools and what the courts the President, and the Congress have done heretofore?

As I pointed out to the Appropriations Committee, the American people permitted the courts to allow the destruction of property rights so essential if people are to work and save. This they must be permitted to do if they are to enjoy the fruits of their labor. After property rights were broken down in the South it spread all over the country, ending up with the burning of great sections of Cleveland, Ohio, Detroit, Washington, and hundreds of cities all over the United States.

As I pointed out before the committee

and later before the House, the Federal Government because the courts put the rights of the criminal ahead of the citizen, destroyed the protection of the person of our people from assault and battery, rape, and the many heinous crimes which prevail in Washington and elsewhere. These actions were permitted to start in my section of the country and now the condition has spread all over the United States, to the point that in most big cities the people are afraid to go out at night and in many cases are afraid to go into many areas in the daytime. In Washington alone last year we had 18,000 robberies, 9,000 burglaries, and another 9,000 cases of crimes of violence. Honestly we are facing conditions of the "Middle Ages."

Mr. Speaker, there is one other thing that is required in addition to protecting property rights and the rights of a person to protection from assault and battery or armed robbery if our society is to last, and that is a system of education for our people. We had the best; yet we are letting it be destroyed from within. Today when the House of Representatives goes along with the Senate, which has modified these provisions which we sponsored our Nation will have taken another step toward destroying public education, thereby the development of our youth, and for the future weakened our Nation for tomorrow. Here, again, it is in the South now but this, too, will spread over the United States and your public education systems will end up just as they have in our section and as they are in Washington, where education hardly exists, where policemen patrol the school corridors and youngsters are assaulted, raped, and robbed.

As I pointed out when this matter was up before, I know of one person in my State, and there are hundreds of others, whose son already goes to one school; the next child, a daughter, goes by bus 12 miles in another direction to a different school—and next year will be bused 12 miles in another direction to another school—against everybody's wishes, to create a racial mix satisfactory to HEW and a Federal judge.

Mr. Speaker, we have schools open to peoples of all races; but because of the promotion and actions by the Department of Health, Education, and Welfare and their influence and prodding of the Federal courts, we now see that instead of students being allowed to go to the school of their choice as is provided by title IV of the Civil Rights Act of 1964, they are being assigned to schools against their wishes, against their best interests all because of race, creed, and color.

This whole system of forced integration is being recognized more and more as a failure, and for this House of Representatives today to postpone for even 4 months a correction of this course of action is to invite further destruction.

Despite my activity in this area for 5 years, helping to try these cases, I have never been able to get Mr. Finch, the Secretary of Health, Education, and Welfare, to discuss this problem with me. He has sent his Commissioner of Education, Mr. Allen, to see me. Mr. Allen, as you will recall, was the superintendent of education in the State of New York—the State which, by a vote of 2 to 1, prohibited not only Mr. Allen, who sponsored it, but all others from forced integration of their schools by busing. Other States have joined this course of action. Mr. Allen incidentally is a citizen of West Virginia, a fine State but hardly one to qualify Mr. Allen to pursue his belief at home.

Mr. Speaker, I have before me statements from superintendents of schools in my area who point out that we have home economics students being sent to schools where they do not have the equipment for teaching this subject. We have youngsters in the lower grades who are going to schools where all the facilities are large, constructed for seniors and juniors. We have juniors and seniors going to schools with low blackboards, low drinking fountains, low commodes—facilities intended for elementary school students. The resignation of teachers and the employment of whoever is available, the interchange of facilities and faculty members is unbelievably disastrous. One parent, discussing the math teacher, said she was "fine until she got into fractions, long-division, and decimals." In all, 475 schools have been closed and the students forced to overcrowd in the remaining buildings—all to mix the races to a predetermined ratio.

Mr. Speaker, before closing I would like to say that this Congress and the American people are deeply indebted to our friends on the Appropriations Subcommittee for Health, Education, and Welfare. From beginning to end our friends have stood by their beliefs in a public school system operated where education came first, operated in line with the Civil Rights Act of 1964, but not to suit the whim of some official, minor or major, either in the Department of Health, Education, and Welfare or in the Department of Justice. Today if this House of Representatives overrides this group and directs this House to accept the Senate amendments, they are going counter to good judgment, letting down our friends, failing to stand up for the House of Representatives as a joint and equal body, showing a lack of trust in our friends who would act for the best interests of all in conference, if permitted to do so.

I repeat, we follow a short-sighted policy here today; and those who vote to override the motion of the chairman to table this motion so we can send this bill to conference, and those who later vote to instruct the conferees to take the Senate bill, are voting for a continuation of present policies which are leading to the destruction of education on a national scale, just as certainly as short-sightedness destroyed the protection of life and property, as I have pointed out to you.

I conclude: How can you embarrass or make anyone or his children feel more inferior than to tell him you are going to transport his children all across a city or 12 miles through the country so the children can sit by members of another race?

How can you ruin anything, or any institution or any essential part of America, at any greater speed than to leave it up to those who are now in the saddle following the advice of a Swedish psychologist, whose views so far have torn up a country without any resulting benefits? It is a sad day for the schoolchildren of the United States.

INEQUITY IN PROPOSALS ON IMPACT AID

(Mr. ANDREWS of North Dakota asked and was given permission to address the House for 1 minute.)

Mr. ANDREWS of North Dakota. Mr. Speaker, it would be my hope the House in its haste to wind up this appropriation bill, which has been around far too long now, would not overlook the fact that there is a great inequity in one of the amendments proposed by the other body, the amendment that would lump sum both the category A and the category B impact aid. In my own State of North Dakota, we are spending nearly 7 percent of our income for education, which is as much or more than almost any other State in the Nation. We, unfortunately, do not have the tax resources in our rural State which has less industry per capita than any other.

We are doing our best to educate our children with the limited resources we have. We have school districts which have accepted thousands of young boys and girls from these airbases within our State and are educating them to the best of their ability. Grand Forks has 2,911 A students out of a total student body of 11,534. The average cost per student is $604.93. The A payment received last year was $409 per student. Our district cannot afford the $200 subsidy, much less stand to have it increased. I am sure the Minot district feels the same way. If this 78 percent lump sum across-the-board figure goes through they will have to turn away these young Americans from their schools as of July 1 of this year or increase their taxes by 10 mills—a 9 percent hike.

This is not fair to the cities. If the schools close, it is not fair to the children of our Air Force people. It is a very inequitable situation.

It would be my hope that we can seek a remedy immediately that will give the type of relief needed and will recognize that there is a vast difference between the total impact of category A students and the limited impact of category B students.

I recognize the situation in the House. There are far more B students in far more districts. I have more schools with B students than A in my own congressional district, but I must speak out for the equity of full funding for the A students. This is an obligation of the Federal Government entered into when those bases were constructed and must be honored.

APPROPRIATIONS FOR HEALTH, EDUCATION AND WELFARE

(Mr. SMITH of Iowa asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Speaker, I would not take this time except there may not be a debate later on, if there is a motion to table made rather rapidly.

I am not surprised by the minority leader liking this bill, but I am surprised by the majority leader liking the bill.

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

Mr. SMITH of Iowa. I yield to the gentleman from Oklahoma.

Mr. ALBERT. The gentleman is mistaken. I do not like the bill.

Mr. SMITH of Iowa. I correct those words to say the gentleman is supporting acceptance of the bill as the Senate passed it.

It surprises me what a difference 2 weeks will make. Two weeks ago, they said the amount reported out by the Appropriations Committee was not enough, and some of these people who claim to be superfriends of education added $80 million more. Now they come in, just 2 weeks later, and support a bill $267 million under what we reported and they opposed 2 weeks ago. Only 2 weeks following that cry of "too little," they now say, "Lay over and play dead." Support for education and health seems to have been exuding at the rate of about $20 million per day.

How inconsistent can one be?

What is this $267 million reduction made by the Senate which will be made if the Senate bill is accepted as is?

It is: air pollution, $6.15 million; construction of mental health centers, $6.3 million; rubella vaccinations, $10 million; cancer research, $9.6 million; heart, $10.7 million; loans for nursing and doctor student, $15.5 million; other health programs, $56 million; NDEA loans for students, $33.3 million; deprived children under title I, $57.9 million; bilingual education, $3.75 million; library programs, $39.6 million; vocational education, $23.7; and various other programs.

It is a total of $347 million. For every dollar added 2 weeks ago by this group which said that bill was to low and now supports, accepting the Senate bill, about $4 has been taken out by the Senate. A vote for the Senate bill as is, is a vote to not even try to negotiate some reductions in these cuts.

So far as the category A students are concerned, that is $20.6 million shifted from A to B. Under the House bill, they would receive $138.9 million, under the Senate bill, category A is cut to $118.3 million. I quite agree that certainly they deserve a higher percentage of entitlement, but perhaps the A student supporters ought to get smart sometime and quit letting the B's use them as a tool. They should come in early in the year and start working on their own cause instead of letting the B school representatives negotiate for them and have a chance to sell them out.

I also would like to point out that the House committee provided full funding for the claims under the "black lung" or coal mine safety legislation.

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

Mr. SMITH of Iowa. I yield to the gentleman from Michigan.

Mr. CEDERBERG. I want to again express concern regarding the results of this Spong amendment and the effect it will have on the school districts who have a great impact of category A students because they are living on military installations.

Mr. SMITH of Iowa. I agree. That have a much better cause for support.

Mr. CEDERBERG. I say this is a very severe impact on those school districts.

Mr. SMITH of Iowa. And they are the ones which really do not have as many alternative places to secure the money.

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

Mr. SMITH of Iowa. I yield to the gentleman from Texas.

Mr. CASEY. I believe that we are bound by the House position when we go to conference, and, that the gentleman, along with myself and most Members of the conference on the House side, will insist on the House version and remove this Spong amendment.

Mr. SMITH of Iowa. We would insist on that. Also, I might say education and health cases are far behind in this bill, compared to the bills and program supported by the Appropriations Committee last July. Alleged friends of education and health have been digging dry holes around here for all these 7 months and as a result have recipients of education and health aid in this country from $200 million to $300 million.

HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS

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

Mr. HANNA. Mr. Speaker, I should like to ask the gentleman from Pennsylvania (Mr. FLOOD) a question.

At this point in time, does the gentleman believe it would be advantageous for us to come out with the House version of this bill as against what has been recommended by the Senate?

Mr. FLOOD. As the debate develops the position of the gentleman from Pennsylvania will be made very clear on certain motions.

Mr. HANNA. May I ask the gentleman a second question?

Does the action taken, regardless, in either direction today, on the motions which might be made, preclude the House from coming forward with a further bill, quite quickly, in terms of a supplemental?

Mr. FLOOD. Well, regardless of what action is taken pro or con on my position, we will go to conference.

Mr. HANNA. Does this preclude us from coming in with a supplemental bill very early in terms of making other arrangements if they are dictated by conditions in the country?

Mr. FLOOD. I am in no position to say, but I have heard it said earlier this afternoon that there will be no supplemental regarding these items.

Mr. HANNA. Mr. Speaker, I believe this House should keep open the possibility of addressing itself to the supplemental, and certainly I believe we owe the country at this point in time the consideration of the fact that there should be a natural flow of funds, because while we are arguing about what funds ought to flow, there are none flowing. I can tell you in my school districts they are very concerned that there is no money at the present time that they can be assured of nor a time that they can be assured of having them. I hope that we will give this some consideration.

Mr. O'HARA. Mr. Speaker, will the gentleman yield?

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

Mr. O'HARA. I would like to say to the gentleman from Iowa, although I am unhappy with the amounts provided in the Senate bill, they are a lot more than we would have had if we followed the advice of the gentleman from Iowa at any stage of the proceedings.

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

Mr. HANNA. I yield to the gentleman from Massachusetts.

Mr. CONTE. I want to associate my remarks with those of the gentleman from Michigan in what he just said; also I want to tell the House what the parliamentary situation will be here shortly. I will offer a motion to accept the Senate amendments, and I understand the gentleman from Pennsylvania will then move to table that motion. You should vote "no" on the motion to table, if you are for a compromise bill and any motion.

APPOINTMENT OF CONFEREES ON HEW BILL

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

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. CASEY. I am pleased to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I want to point out that a very incorrect statement was just made, because the bill we reported out and amendments, which I fully supported, would have resulted in a bill more than $700 million over the budget, which is $200 million to $300 million more than these programs will get now. I wanted to reshape it by adding some for higher education and deprived children and reducing category B of Impact Act. But the building of windmills over dry holes and maneuvering by the gentleman from Michigan and others has in the end resulted in a bruising loss both in time and money for the very causes they claimed to support.

HEW APPROPRIATION BILL

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

Mr. MICHEL. Mr. Speaker, when the gentleman from Pennsylvania (Mr.

FLOOD) moves to send this bill to conference, I suspect he will also immediately move the previous question and anticipating a motion to instruct by the gentleman from Massachusetts (Mr. CONTE) and a nondebatable motion to table that, I should like to say a few words with respect to this bill.

I should like to make it clear that I am not happy with what the Senate did in modifying the so-called Whitten amendment and personally do not like either the Spong amendment or the Eagleton amendment to that proposed by Senator COTTON.

Senator COTTON's original amendment was for all practical purposes, a version of my own, which failed in the House by a narrow margin. Members will recall that I proposed to limit the expenditures in this bill to 97.5 percent of the amount appropriated, exclusive of appropriations for salaries and expenses of the Social Security Administration, activities of the Railroad Retirement Board, operation, maintenance and capital outlay of the U.S. Soldiers Home, and payments into the social security and railroad retirement trust funds. Senator COTTON's amendment changed the percentage figure to 98 percent, which for all practical purposes, reduces this bill by another $347 million. My original amendment would have cut an additional $431 million.

For me, the money reductions in this bill far outweigh all the other considerations, for I have said time and time again that they were too high and the President as a matter of fact, vetoed the bill for being $1.2 billion over his budget. After the House sustained the President's veto of this measure, our Appropriations Committee cut $446.5 million from the vetoed bill.

Then on the House floor $80 million was added to impacted aid making a net reduction of $366 million. Now, if you take that reduction and add it to the $347 million that will be saved by way of the 98-percent ceiling limitation, we have effected an overall cut from the vetoed bill of $713 million.

This surely makes the fight worthwhile, and as I said, while I do not like the modifying of the Whitten amendments, and find the Spong amendment distasteful, I am going to support the final version of this bill.

I should point out, however, Mr. Speaker, that the addition of the Eagleton amendment to the Cotton amendment will cause us a great deal of trouble, for that amendment says that—

No amount specified in any appropriation provision contained in this act may be reduced by more than 15 per centum.

Now to achieve the 2-percent reduction provided for in section 411, the administration would have to make up this $347 million reduction by:

First. By eliminating all funds in the bill above the President's alternative budget as proposed to the House on February 2—to the extent permitted by the 15-percent limitation.

Second. Next, the administration will have to eliminate all funds in excess of President Nixon's original budget as submitted to the Congress last April to the extent permitted by the 15-percent limitation.

Since the new plan of the Department of Health, Education, and Welfare does not call for any reduction in appropriations provided in the bill for impacted area aid, basic grants to the States for vocational education and hospital construction under the Hill-Burton program, further reductions are required, each of which would reduce selected items below the levels proposed in the President's original budget of last April. I should like to place in the RECORD at this point the cuts below the President's original April budget that will come about as a result of the Eagleton proviso.

	Amount of additional reduction	
	Reserves	Selected items
Health:		
Health services research and development	−$179,000	
Comprehensive health planning and services	−257,000	
Regional medical programs	−2,643,000	
Dental research	−699,000	
Neurological diseases and stroke	−849,000	
Allergy and infectious diseases	−1,485,000	
General medical sciences	−1,322,000	
Eye Institute	−402,000	
Arthritis and metabolic diseases	−414,000	
Environmental health sciences	−755,000	
General research and services	−1,672,000	
Health manpower	−25,000	
Dental health	−63,000	
National Library of Medicine	−310,000	
OE:		
Elementary and secondary education	−425,000	
Higher education	−146,000	−$7,350,000
Vocational education	−100,000	
Education for the handicapped	−1,745,000	
Research and training	−1,783,000	
Education in foreign languages and world affairs		−2,700,000
Libraries and community services		−2,600,000
SRS:		
Work incentives		−18,000,000
Rehabilitation services and facilities	−777,000	
Mental retardation	−1,325,000	
Maternal and child health and welfare	−1,864,000	
Development of programs for the aging	−601,000	
Rehabilitation research and training	−2,247,000	
Total, plan II additional reductions	−52,728,000	

In consultation with officials of HEW this morning, it is my understanding that four additional actions will be taken as follows:

The Work Incentive program would be reduced by $18 million as shown in the above table because current estimates show these funds are not likely to be needed until 1971. The 1971 budget provides an increase for the work incentive program.

The table also shows three items of reduction proposed related to activities which would be reduced to lower funding levels in the 1971 budget, recently submitted to Congress. These are: First, college teacher fellowships under higher education, reduction of $7.4 million; second, college library resources, reduction of $2.6 million; and third, foreign language and area studies, reduction of $2.7 million.

In addition to the above, $21 million placed in reserve last summer as a part of the President's plan to reduce 1970 outlays will continue to be held in reserve. These items are reflected in the new plan. It should be noted that $15.2 million previously placed in reserve from funds budgeted for the National Heart and Lung Institute and the National Cancer Institute will be released from reserve. These funds are being released in order to expedite the increased heart and cancer research effort identified by the President in his 1971 budget.

Because of the 15-percent limitation and the fact that it applies to all amounts specified within the act, it becomes necessary to drop the $10 million in rubella funds added for 1970. The Department still believes that it can maintain its original program for rubella vaccination without this $10 million. Should it prove that additional rubella funds are required later in the year, consideration would then be given to the release of this $10 million from reserve and the identification of some other form of savings to take its place.

It should be noted that this plan differs from the one provided by the Department to the Senate on February 26 which was used as a basis for determining the effect of section 411—before the amendment sponsored by Senator EAGLETON was approved. The approval of this additional proviso on the floor of the Senate makes the original plan presented to the Senate on February 26 inoperable. The February 26 plan, as originally presented to the Senate, called for reductions aggregating to $107.8 million to be taken against activities within appropriations—not permitted by the Eagleton proviso. Thus, a new plan was required.

In summary, the new plan would reduce the House bill by $347 million, 2 percent. It would still result in a 1970 budget for the Department of Health, Education, and Welfare that is $232 million above the aggregate level proposed by the President in his February 2 letter to the Speaker of the House and about $550 million above the aggregate appropriation level for the Department as proposed in the President's original budget of April 1969.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

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

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 15931, DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1970

Mr. FLOOD. Mr. Speaker, pursuant to clause 1 of rule XX of the Rules of the

House, and by the direction of the Committee on Appropriations, I move to take from the Speaker's table the bill—H.R. 15931—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, with Senate amendments thereto, disagree to the Senate amendments, and agree to the Conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the motion offered by the gentleman from Pennsylvania.

The Clerk read as follows:

> Mr. FLOOD moves to take from the Speaker's table the bill (H.R. 15931) 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, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that pursuant to clause 4, rule XIII, and the unanimous consent of the House on yesterday, and notwithstanding the Parliamentarian's birthday, a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. 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. 35]

Aspinall	Goldwater	Meeds
Baring	Hagan	Miller, Calif.
Bolling	Hawkins	Morton
Brock	Jarman	Moss
Burton, Utah	Jones, Ala.	Ottinger
Bush	Kirwan	Pike
Carey	Kluczynski	Powell
Celler	Kyros	Rees
Chisholm	Leggett	Ruppe
Clay	Lennon	Saylor
Collins	Lowenstein	Snyder
Conyers	McCarthy	Steiger, Wis.
Dawson	McDonald, Mich.	Taft
Dellenback	McEwen	Teague, Calif.
Diggs	Macdonald, Mass.	Teague, Tex.
Edmondson	Mahon	Thompson, Ga.
Edwards, La.	Mailliard	Tunney
Fallon	Mann	Van Deerlin
Fulton, Tenn.		Watkins
Gallagher		Widnall

The SPEAKER. On this rollcall 372 Members have answered to their names, a quorum.

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

APPOINTMENT OF CONFEREES ON H.R. 15931, DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1970

The SPEAKER. The gentleman from Pennsylvania (Mr. FLOOD) is recognized for 1 hour.

Mr. CONTE. Mr. Speaker, a point of order.

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

Mr. CONTE. Mr. Speaker, I have a motion at the desk, and as I was about to offer the motion the gentleman from Missouri raised the point of order that a quorum was not present, and that was the status of the House at the time that the quorum was called.

Mr. FLOOD. Mr. Speaker, may I be heard? My reason for addressing the Chair was——

The SPEAKER. The Chair will ask the gentleman from Massachusetts: Does he make a point of order that a quorum is not present?

Mr. CONTE. No. The gentleman from Massachusetts states he was on his feet seeking recognition as the Clerk read the motion of the gentleman from Pennsylvania (Mr. FLOOD) and the gentleman from Missouri (Mr. HALL) raised the point of order that a quorum was not present. We are standing in this position at this time.

The SPEAKER. If the gentleman has a point of order, he can state it now.

Mr. CONTE. I have a motion at the desk to instruct the conferees.

The SPEAKER. The Chair will state that is not in order at this particular moment. It will be in order later, after the motion of the gentleman from Pennsylvania (Mr. FLOOD) is acted on.

Mr. CONTE. I want to thank the Chair.

The SPEAKER. The gentleman from Pennsylvania (Mr. FLOOD) is recognized for 1 hour.

Mr. FLOOD. Mr. Speaker, I made a motion to have the bill in question taken from the Speaker's desk and had hoped that the Speaker would rule on that motion immediately. I cannot prevent the gentleman from Massachusetts or anybody else from making some kind of a motion at that time. I have no intention to debate my motion to take from the Speaker's desk at this time, and I hope the Chair will rule on my motion. Then the gentleman from Massachusetts will be in a position to make his motion if he has that in mind.

Mr. COHELAN. Mr. Speaker, I rise in support of the motion to be made by my colleague, the gentleman from Massachusetts, to instruct the conferees to accept the Senate provisions of the HEW-Labor appropriations bill. I support this compromise with mixed emotions. I have fought along with the gentleman from Massachusetts on numerous occasions this year to perfect this bill and I support my colleague now with a certain sense of reluctance.

First, I am unhappy that the Senate gave the 2 percent discretionary language to the President. As most Members will remember, this House defeated a similar amendment offered by the gentleman from Illinois (Mr. MICHEL). The Michel amendment was defeated by a vote of 205 to 189 on February 19. If it were not so late in this fiscal year, I would fight to defeat this discretionary language because it is an abdiction of congressional responsibility.

But the time is late and we must all realize that this fight began last spring with the Joelson amendment. It was taken up again in the fight over the continuing resolution, the Cohelan resolution, and in the attempt to override the President's veto. By accepting this discretionary language, we are, in effect, giving the President an item veto. But the time of the year dictates that we settle for this compromise.

My acceptance of the compromise does not mean that I will stop my fight to establish education and health programs as our Nation's highest priorities. I will continue this fight because I feel that this Nation is at a crossroad. To fulfill the promise of America, to fulfill the promise of equal opportunity, an educational system is required that will give the requisite skills to all our citizens. We cannot run away from the necessary goal; we cannot run away from the increased Federal, State, and local costs for education. In accepting this compromise, I again want to serve notice that I will continue to fight for full funding of our educational system.

After the long struggle, I cannot help wondering where our Nation's priorities lie. The President blithely requests $1.5 billion for an expanded ABM system that most technical experts do not feel will work, and then vetoes an education bill that exceeds his inadequate budget request for HEW by $1.2 billion. I cannot subscribe to this confused logic.

This 2-percent discretionary language will allow the President, according to most estimates, to cut $347 million from the House-passed bill. This will be $232 million above the President's February 2, 1970, revised request. Just think, Mr. Speaker, in a potential trillion-dollar economy, inflation and a possible recession will be thwarted by a mere $347 million. Elementary economics tell us such reasoning is unacceptable. More importantly, the proposed cut will come from those ESEA programs that are attempting to overcome the inadequacies of our school system. Having the honor to represent most of the city of Oakland I know the effectiveness of ESEA programs. I realize they do not create a radical change in our school system but they do constitute a very necessary beginning.

Before my time expires, Mr. Speaker, I said that I support the Senate additions with mixed emotions. I was very happy to see that the Senate again made the pernicious Whitten amendment subject to constitutional guarantees by adding the crucial words "except as required by the Constitution" before sections 408 and 409. As a traditional opponent of these amendments, which, without the crucial words, attempt to strip HEW of the authority to enforce court-ordered desegregation and title VI of the Civil Rights Act of 1964, I was pleased to see the Senate make these necessary changes.

The Senate is to be commended for removing the mischievous section 410, the Jonas amendment, which could have created chaos in those school districts that are moving to end unconstitutional desegregation. It would have done this by reinstitutionalizing the so-called freedom of choice plans as a surrogate for a meaningful attempt to desegregate. We

are all well aware, the Supreme Court has already ruled in Green against Kent County—1968—that freedom of choice could not be used to thwart court-ordered desegregation. I feel that these changes are beneficial contributions by the Senate.

Mr. Speaker, I want to return briefly to this Presidential discretionary language. To some people it may symbolize a retrenchment of this Congress on the priorities for health and education. I do not subscribe to this view. The lateness of the fiscal year dictates that we accept this compromise, but it will not be acceptable in the future. This Congress has, in numerous instances, voted to make education and health our highest domestic priority. We will continue to fight to implement this goal.

I want to make the legislative history clear at this point. As I understand the Cotton amendment as modified by the Eagleton amendment, the President has the discretionary power to cut 2 percent from the total appropriations except in three trust funds—social security, railroad retirement, and the Soldiers' Home, but places a ceiling of 15 percent for each line item. This is vitally important because if, for example, ESEA bills were to be considered en bloc and not as individual line items, some vital programs could be cut far beyond 15 percent. This will not be allowed to happen under the Cotton-Eagleton amendment.

Before finishing my statement, I wish to commend the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. FLOOD), for his handling of this measure. Although we have disagreed in some instances I know that we both share the general goal that education and health must have the highest priority in our Nation. I look forward to working with him to implement this goal in the months and years ahead.

Mr. CONTE. Mr. Speaker, it is late, very late, into fiscal 1970, and we are still debating HEW appropriations for that year. Meanwhile, the agencies involved continue to operate on continuing resolutions.

I think it is time to compromise for the sake of the children and hospitals affected by further delay. The other body has added five amendments to the bill this body sent over. I am not happy with all of them, and I know many of my colleagues feel the same way. However, on the whole, I do think it is a good compromise bill, and therefore I urge my colleagues to accept it by supporting my motion to instruct conferees to accept those amendments.

Let us take a closer look at the amendments tacked on by the other body. To begin with, the amendments Nos. 2 and 3 by Senator MATHIAS, would modify the so-called Whitten provisions. This is the same modification, yes the same modification, that the administration has fully supported and that this body accepted by a vote of 216 to 180 on December 18, 1969.

This is also the same modification that the Secretary of Health, Education, and Welfare, Robert Finch, said in a letter to all the Senators last December "would cripple the efforts of this Department to enforce the mandate of the Supreme Court and to protect the constitutional rights of all Americans to an equal opportunity in education."

I fought hard for this amendment in the past, and I strongly endorse it once again.

The amendment of the Senate, No. 4, by Senator SCOTT, would delete the so-called Jonas amendment. This section, if not amended by Senator SCOTT, would have cut off all HEW education funds to school districts which have adopted and implemented desegregation plans other than freedom of choice.

The constitutional implications of this action are obvious, and they have been clearly presented in this body at an earlier date. Simply stated, the Jonas amendment would legalize unconstitutional freedom-of-choice plans and fly right in the face of title VI of the Civil Rights Act.

Both the Jonas and Whitten amendments would be dangerous and illegal steps backward in the fight for equal rights for all Americans. I, for one, do not want to be associated with such an effort, and I hope many of my colleagues feel the same way.

The amendment of the Senate, No. 1, by Senator SPONG, affects the impact aid provisions. It would treat both A and B students equally in terms of the $505 million available. More specifically, without the Spong amendment, because A's would be funded before B's, A's are funded at 90 percent and B's at 72 percent of their authorization. The authorization provides that reimbursement for B's is one-half that for A's.

Thus, if A gets $100 and B gets $50, under the language of the bill without the Spong amendment, A would be entitled to 90 percent of $100 and B to 72 percent of $50. Under the Senate amendment, both A and B would get 78 percent of the amount to which they were entitled; that is, $100 in the case of A and $50 in the case of B.

The amendment is discussed further at page 5423 in the RECORD for February 28, 1970.

I want the record clear on the fact that I do not support or approve of this amendment. However, in the spirit of compromise in conjunction with the other amendments, I would be willing to accept it.

Finally, the amendment of the Senate, No. 5, by Senators COTTON and EAGLETON, sets a mandatory spending ceiling on the bulk of the bill. There are minor exceptions in dollar terms, so the money subject to the limit is $17.3 million.

Two further points should be made on the Cotton amendment. It has a proviso that no appropriation can be cut by more than 15 percent. However, a question was raised as to whether this 15 percent applied to an overall item, or just to a line item. Senator EAGLETON clarified the matter with a second proviso which said that the 15-percent cut only applied to line items, not overall items.

Furthermore, the legislative history of this amendment is clear in showing that neither impact aid nor Hill-Burton money will be cut.

Further material on this amendment appears on pages 5209 and 5227 in the RECORD for February 27, 1970.

I said at the outset that it is late in the year. There are only 4 months left. I think it is high time that we all accepted a fair compromise, and settled this matter once and for all.

I know that some of my colleagues like the Whitten amendments, and that others, like myself, do not.

I know that some of my colleagues like the Spong amendment, and others, again like myself, do not.

And I know that some of my colleagues like the Cotton-Eagleton amendment, and others do not.

But at this critical time, let us face the fact that each of us cannot have everything. Therefore, we should look to the best possible compromise and settle HEW appropriations now.

Let us engage in the art of compromise for the sake of all those who will suffer if we do not. After all, who is suffering? Students, libraries, hospitals, and many other worthy beneficiaries of this bill.

The issue is no longer whether we like one part of the bill and dislike another. The issue now is whether we are going to serve all the people and programs that go to the roots of this great Nation of ours.

I think the answer is clear. I think my motion to instruct will implement this answer. Therefore, I urge my colleagues to support me in it.

Mr. Speaker, if there is no objection, I would like to include in the RECORD an editorial entitled "The Compromised Bill," which appeared in the Evening Star on March 2, 1970. It follows:

THE COMPROMISED BILL

Politics, it has been said, is the art of compromise. If so, this year's Health, Education and Welfare money bill should rank among the outstanding political documents of the generation.

In the course of the bill's odyssey through the House and the Senate, to the White House and back again to the Hill, the fine art of compromise has been injected into almost every paragraph. It has been hammered out of shape by Southern representatives in an attempt to cripple the federal government's ability to enforce integration. It has been pounded back into shape by Northern senators, who amended the Southern amendments and left them meaningless.

A defiant House ignored the threat of a second presidential veto and voted an appropriation of $19.4 billion—$400 million above the limit set by the White House. The Senate voted to equal the spendthrift total and then undertook to keep the administration happy by directing it to cut the expenditures back to $19 billion. The White House, in return, passed the word along that one place the cuts would not be made was in school aid to federally impacted areas—a source of income for which legislators of both parties have developed an inordinate fondness.

The last political horse trade—the 2 percent cut in return for a promise that impact aid will not be trimmed—may well be the key that will finally free the bill for final passage and presidential approval. But that is the only good thing that can be said about it.

The presidential veto of the original $19.7 billion appropriation was accompanied by a reasoned essay on the evils of impact aid. Federal payments to districts suddenly overburdened by a massive influx of federal em-

ployes made sense in the 1950s. It was, however, never intended to be a permanent federal contribution to local school systems.

The time had come, administration spokesmen said, to begin cutting back on impact aid. That's what was said a few weeks ago as the President prepared to veto the first HEW appropriation bill. In the interval, logic has bowed to political expediency and the aid program has become inviolable. In the Washington area, the Senate bill will mean a $5 million increase in impact aid to Virginia, and a comparable increase for Maryland. The bill also could reduce a $10 million appropriation for construction and modernization of hospitals in the District by $1.5 million.

It is wrong. The Washington area, which includes the richest county in the United States, already is getting more than its fair share of impact aid. The District, with massive unsolved health problems, needs all the hospital help it can possibly get.

But on the theory that a seriously compromised loaf is better than none, the House should accept the Senate's curious product. There are only four months to go in the fiscal year covered by the present HEW bill, and any further delay would make it almost impossible for any benefit to be derived from increases in any area. Perhaps next time Congress can produce a bill that is more attentive to the needs of the people and less concerned with the preservation of sacred cows.

Mr. BOLAND. Mr. Speaker, I will vote for the motion instructing the conferees to accept the Senate's version of the fiscal 1970 Labor-HEW appropriations bill. But I will do so with reluctance—indeed, with great reluctance. A compromise bill hammered out after months of disagreement and debate, this legislation falls far short of the ideal envisioned by educators at the start of this Congress. Yet it would be palatable, at least, were it not for one startling provision: the one calling for a uniform 78-percent entitlement for both category "A" and category "B" of the impact aid program.

Category "A"—the section offering financial aid to school districts that educate the children of Federal employees and military personnel living on Defense Department bases—should be funded at 100 percent of entitlement. Even President Nixon, something less than ecstatic about the impact aid program, has cited the pressing need for 100-percent entitlement under category "A." Yet the Senate's legislation seeks merely 78 percent—woefully short of the need. Faced with soaring enrollment rates and shrinking revenue sources, many school districts throughout the United States are caught in a financial squeeze of almost unprecedented severity. Men and women living on military bases contribute nothing to a community's tax base, yet they are sending more and more children to community schools. Recognizing the need to provide financial assistance to these schools, the Congress enacted legislation explicitly designed to meet the need. We should not—indeed, we must not—violate the pledge we made in enacting such legislation. Let me cite just one example of the financial and educational difficulties the Senate bill would cause: Chicopee, Mass., a community in my congressional district that educates the children from nearby Westover Air Force Base, would lose the staggering sum of $374,000 under the Senate's legislation—a loss that would pose a major threat to Chicopee's school system.

I have urged President Nixon to honor his apparent commitment to the category "A" program by sending up a supplemental bill later this year—a supplemental bill that would take up the financial slack in fiscal 1970's impact aid program.

Any attempt to achieve this goal today would be fruitless. For one thing, President Nixon would veto any legislation that exceeds the financial limits of the Senate bill. Even if we were to fund fiscal 1970 programs under a series of continuing resolutions—instead of under a conventional appropriations bill—spending would be limited to the level authorized before we enacted the celebrated package of amendments known as the Joelson package. It is plain—indeed, conspicuous that further efforts to increase educational spending would be futile.

We need an education bill now.

Hundreds of programs—programs ranging all the way from student scholarships to health centers—are lagging far behind schedule because of the long debate on this appropriations bill.

I vote for it in the hope that President Nixon will send us a supplemental bill later in the session.

Mr. FLOOD. Mr. Speaker, I move the previous question on my motion.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania.

The motion was agreed to.

MOTION OFFERED BY MR. CONTE

Mr. CONTE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CONTE moves that the managers on the part of the House at the conference on the disagreeing votes of the two houses on the bill H.R. 15931 be instructed to agree to the amendments of the Senate.

MOTION TO TABLE OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves to lay on the table the motion to instruct the managers on the part of the House.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania (Mr. FLOOD).

Mr. WAGGONNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 164, nays 222, not voting 44, as follows:

[Roll No. 36]

YEAS—164

Abbitt	Blanton	Casey
Abernethy	Bray	Cederberg
Adair	Brinkley	Chappell
Alexander	Brooks	Clancy
Anderson, Tenn.	Broyhill, N.C.	Clark
Andrews, Ala.	Broyhill, Va.	Clausen, Don H.
Andrews, N. Dak.	Buchanan	Clawson, Del
Ashbrook	Burke, Fla.	Collier
Bennett	Burleson, Tex.	Collins
Bevill	Burlison, Mo.	Colmer
Blackburn	Cabell	Cowger
	Caffery	Cramer
	Carter	
Crane	Hogan	Pucinski
Daniel, Va.	Hull	Purcell
Davis, Ga.	Hungate	Quillen
Davis, Wis.	Hunt	Randall
de la Garza	Ichord	Rarick
Delaney	Jarman	Rivers
Derwinski	Johnson, Pa.	Roberts
Devine	Jonas	Rogers, Colo.
Dickinson	Jones, N.C.	Rogers, Fla.
Dorn	Jones, Tenn.	Rooney, N.Y.
Dowdy	Kazen	Roudebush
Downing	Kee	Ruth
Duncan	King	Satterfield
Edwards, Ala.	Kleppe	Scherle
Evins, Tenn.	Kuykendall	Schneebeli
Fascell	Landrum	Scott
Feighan	Latta	Sebelius
Fisher	Long, La.	Shipley
Flood	Long, Md.	Shriver
Flowers	Lukens	Sikes
Flynt	McFall	Skubitz
Foreman	McKneally	Slack
Fountain	McMillan	Smith, Iowa
Frey	Miller, Ohio	Steiger, Ariz.
Fuqua	Mills	Stephens
Galifianakis	Mizell	Stubblefield
Garmatz	Montgomery	Stuckey
Gettys	Natcher	Sullivan
Giaimo	Nichols	Teague, Tex.
Gibbons	Olsen	Thomson, Wis.
Gonzalez	O'Neal, Ga.	Ullman
Goodling	Passman	Waggonner
Green, Oreg.	Patman	Wampler
Griffin	Pepper	Watson
Gross	Perkins	Watts
Hagan	Pettis	White
Haley	Pickle	Whitten
Hammer-schmidt	Pirnie	Winn
	Poage	Wright
Hastings	Poff	Wyman
Hays	Preyer, N.C.	Young
Hébert	Price, Tex.	Zablocki
Henderson	Pryor, Ark.	Zion

NAYS—222

Adams	Edwards, Calif.	McCloskey
Addabbo	Eilberg	McClure
Albert	Erlenborn	McCulloch
Anderson, Calif.	Esch	McDade
	Eshleman	Macdonald, Mass.
Anderson, Ill.	Evans, Colo.	MacGregor
Annunzio	Farbstein	Madden
Arends	Findley	Marsh
Ashley	Fish	Martin
Ayres	Foley	Mathias
Barrett	Ford, Gerald R.	Matsunaga
Beall, Md.	Ford, William D.	May
Belcher	Fraser	Mayne
Bell, Calif.	Frelinghuysen	Melcher
Berry	Friedel	Meskill
Betts	Fulton, Pa.	Michel
Biaggi	Gallagher	Mikva
Biester	Gaydos	Miller, Calif.
Bingham	Gilbert	Minish
Blatnik	Gray	Mink
Boggs	Green, Pa.	Minshall
Boland	Griffiths	Mize
Bow	Grover	Mollohan
Brademas	Gubser	Monagan
Brasco	Gude	Moorhead
Broomfield	Hall	Morgan
Brotzman	Halpern	Morse
Brown, Calif.	Hamilton	Mosher
Brown, Mich.	Hanley	Murphy, Ill.
Brown, Ohio	Hanna	Murphy, N.Y.
Burke, Mass.	Hansen, Idaho	Myers
Burton, Calif.	Hansen, Wash.	Nedzi
Byrnes, Wis.	Harrington	Nelsen
Byrne, Pa.	Harsha	Nix
Button	Harvey	Obey
Camp	Hathaway	O'Hara
Carey	Hechler, W. Va.	O'Konski
Chamberlain	Heckler, Mass.	O'Neill, Mass.
Clay	Helstoski	Patten
Cleveland	Hicks	Pelly
Cohelan	Holifield	Philbin
Conable	Horton	Pike
Conte	Hosmer	Podell
Corbett	Howard	Pollock
Corman	Hutchinson	Price, Ill.
Coughlin	Jacobs	Quie
Culver	Johnson, Calif.	Railsback
Cunningham	Karth	Reid, Ill.
Daddario	Kastenmeier	Reid, N.Y.
Daniels, N.J.	Keith	Reifel
Dellenback	Koch	Reuss
Denney	Kyl	Rhodes
Dennis	Kyros	Riegle
Dent	Landgrebe	Robison
Diggs	Langen	Rodino
Dingell	Lloyd	Roe
Donohue	Lowenstein	Rooney, Pa.
Dulski	Lujan	Rosenthal
Dwyer	McClory	Rostenkowski
Eckhardt		

Roth	Staggers	Weicker
Roybal	Stanton	Whalen
Ryan	Steed	Whalley
St Germain	Stokes	Whitehurst
St. Onge	Stratton	Wiggins
Sandman	Symington	Williams
Saylor	Talcott	Wilson, Bob
Schadeberg	Thompson, N.J.	Wold
Scheuer	Tiernan	Wolff
Schwengel	Udall	Wyatt
Sisk	Van Deerlin	Wydler
Smith, Calif.	Vander Jagt	Wylie
Smith, N.Y.	Vanik	Yates
Springer	Vigorito	Yatron
Stafford	Waldie	Zwach

NOT VOTING—44

Aspinall	Jones, Ala.	Powell
Baring	Kirwan	Rees
Bolling	Kluczynski	Ruppe
Brock	Leggett	Snyder
Burton, Utah	Lennon	Steiger, Wis.
Bush	McCarthy	Taft
Celler	McDonald, Mich.	Taylor
Chisholm	McEwen	Teague, Calif.
Conyers	Mahon	Thompson, Ga.
Dawson	Mailliard	Tunney
Edmondson	Mann	Watkins
Edwards, La.	Meeds	Widnall
Fallon	Morton	Wilson, Charles H.
Fulton, Tenn.	Moss	
Goldwater	Ottinger	
Hawkins		

So the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Taylor for, with Mr. Kluczynski against.
Mr. Lennon for, with Mr. Morton against.
Mr. Mann for, with Mr. Widnall against.
Mr. Mahon for, with Mr. Watkins against.
Mr. Brock for, with Mr. Celler against.
Mr. Thompson of Georgia for, with Mr. Charles H. Wilson against.

Until further notice:

Mr. Aspinall with Mr. McDonald of Michigan.
Mr. Edmondson with Mr. Mailliard.
Mr. Edwards of Louisiana with Mr. Bush.
Mr. Fulton of Tennessee with Mr. Taft.
Mr. Jones of Alabama with Mr. Ruppe.
Mr. Baring with Mr. Goldwater.
Mr. Fallon with Mr. Steiger of Wisconsin.
Mr. Leggett with Mr. Burton of Utah.
Mr. Tunney with Mr. Teague of California.
Mr. Meeds with Mrs. Chisholm.
Mr. Kirwan with Mr. Conyers.
Mr. Hawkins with Mr. Ottinger.
Mr. Rees with Mr. Powell.
Mr. Moss with Mr. McCarthy.

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

Messrs. RUTH, KUYKENDALL, FOREMAN, HAMMERSCHMIDT, and ROUDEBUSH changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts (Mr. CONTE).

Mr. FLOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 231, nays 152, not voting 47, as follows:

[Roll No. 37]

YEAS—231

Adair	Ayres	Bow
Adams	Barrett	Brademas
Addabbo	Beall, Md.	Brasco
Albert	Belcher	Brooks
Anderson, Calif.	Bell, Calif.	Broomfield
Anderson, Ill.	Berry	Brotzman
Anderson, Tenn.	Betts	Brown, Calif.
Annunzio	Biaggi	Brown, Mich.
Arends	Biester	Brown, Ohio
Ashley	Bingham	Burke, Mass.
	Boggs	Burton, Calif.
	Boland	Burton, Utah
Button	Hansen, Wash.	Pelly
Byrne, Pa.	Harrington	Pepper
Byrnes, Wis.	Harsha	Perkins
Camp	Harvey	Pettis
Carey	Hathaway	Philbin
Celler	Hechler, W. Va.	Pike
Chamberlain	Heckler, Mass.	Podell
Clay	Helstoski	Price, Ill.
Cleveland	Hicks	Quie
Cohelan	Horton	Quillen
Collier	Hosmer	Railsback
Conable	Howard	Reid, Ill.
Conte	Hutchinson	Reid, N.Y.
Corbett	Jacobs	Reifel
Corman	Johnson, Pa.	Reuss
Coughlin	Karth	Rhodes
Culver	Kastenmeier	Riegle
Cunningham	Keith	Robison
Daddario	Koch	Rodino
Daniels, N.J.	Kuykendall	Roe
Dellenback	Kyl	Rogers, Colo.
Denney	Kyros	Rooney, Pa.
Dennis	Langen	Rosenthal
Dent	Lloyd	Rostenkowski
Diggs	Lowenstein	Roth
Dingell	Lujan	Roybal
Donohue	Lukens	Ryan
Dulski	McClory	St Germain
Duncan	McCloskey	St. Onge
Dwyer	McClure	Sandman
Eckhardt	McCulloch	Scheuer
Edwards, Calif.	McDade	Schwengel
Eilberg	Macdonald, Mass.	Smith, Calif.
Erlenborn	MacGregor	Smith, N.Y.
Esch	Madden	Springer
Eshleman	Martin	Stafford
Evans, Colo.	Mathias	Stanton
Farbstein	Matsunaga	Steed
Feighan	May	Stokes
Findley	Mayne	Stratton
Fish	Melcher	Sullivan
Foley	Meskill	Symington
Ford, Gerald R.	Michel	Talcott
Ford, William D.	Mikva	Thompson, N.J.
Fraser	Miller, Calif.	Thomson, Wis.
Frelinghuysen	Minish	Tiernan
Friedel	Mink	Van Deerlin
Fulton, Pa.	Minshall	Vander Jagt
Gallagher	Mize	Vanik
Garmatz	Monagan	Vigorito
Gaydos	Moorhead	Waldie
Gilbert	Morgan	Weicker
Goodling	Morse	Whalen
Green, Pa.	Mosher	Whalley
Griffiths	Murphy, Ill.	Wiggins
Grover	Murphy, N.Y.	Williams
Gubser	Myers	Wilson, Bob
Gude	Nedzi	Wold
Hall	Nelsen	Wolff
Halpern	Nix	Wyatt
Hamilton	Obey	Wydler
Hammer-schmidt	O'Hara	Wylie
	O'Konski	Yates
Hanley	Olsen	Yatron
Hanna	O'Neill, Mass.	Zion
Hansen, Idaho	Patten	Zwach

NAYS—152

Abbitt	Davis, Ga.	Hogan
Abernethy	Davis, Wis.	Hull
Alexander	de la Garza	Hungate
Andrews, Ala.	Delaney	Hunt
Andrews, N. Dak.	Derwinski	Ichord
	Devine	Jarman
Ashbrook	Dickinson	Johnson, Calif.
Bennett	Dorn	Jonas
Bevill	Dowdy	Jones, N.C.
Blackburn	Downing	Jones, Tenn.
Blanton	Edwards, Ala.	Kazen
Bray	Evins, Tenn.	Kee
Brinkley	Fascell	King
Broyhill, N.C.	Fisher	Kleppe
Broyhill, Va.	Flood	Landgrebe
Buchanan	Flowers	Landrum
Burke, Fla.	Flynt	Latta
Burleson, Tex.	Foreman	Long, La.
Burlison, Mo.	Fountain	Long, Md.
Cabell	Frey	McFall
Caffery	Fuqua	McKneally
Carter	Galifianakis	McMillan
Casey	Gettys	Marsh
Cederberg	Giaimo	Miller, Ohio
Chappell	Gibbons	Mills
Clancy	Gonzalez	Mizell
Clark	Gray	Montgomery
Clausen, Don H.	Green, Oreg.	Natcher
	Griffin	Nichols
Clawson, Del	Gross	O'Neal, Ga.
Collins	Hagan	Passman
Colmer	Haley	Patman
Cowger	Hastings	Pickle
Cramer	Hays	Pirnie
Crane	Hébert	Poage
Daniel, Va.	Henderson	Poff
Pollock	Schneebeli	Teague, Tex.
Preyer, N.C.	Scott	Ullman
Price, Tex.	Sebelius	Waggonner
Pucinski	Shipley	Wampler
Purcell	Shriver	Watson
Randall	Sikes	Watts
Rarick	Sisk	White
Rivers	Skubitz	Whitehurst
Roberts	Slack	Whitten
Rogers, Fla.	Smith, Iowa	Winn
Rooney, N.Y.	Staggers	Wright
Roudebush	Steiger, Ariz.	Wyman
Ruth	Stephens	Young
Satterfield	Stubblefield	Zablocki
Schadeberg	Stuckey	
Scherle	Taylor	

NOT VOTING—47

Aspinall	Kirwan	Pryor, Ark.
Baring	Kluczynski	Rees
Blatnik	Leggett	Ruppe
Bolling	Lennon	Saylor
Brock	McCarthy	Snyder
Bush	McDonald, Mich.	Steiger, Wis.
Chisholm	McEwen	Taft
Conyers	Mahon	Teague, Calif.
Dawson	Mailliard	Thompson, Ga.
Edmondson	Mann	Tunney
Edwards, La.	Meeds	Udall
Fallon	Mollohan	Watkins
Fulton, Tenn.	Morton	Widnall
Goldwater	Moss	Wilson, Charles H.
Hawkins	Ottinger	
Holifield	Powell	
Jones, Ala.		

So the motion was agreed to.

The Clerk announced the following pairs:

Mr. Fallon for, with Mr. Mann against.
Mr. Steiger of Wisconsin for, with Mr. Brock against.
Mr. Widnall for, with Mr. Snyder against.
Mr. Watkins for, with Mr. Thompson of Georgia against.

Until further notice:

Mr. Aspinall with Mr. Bush.
Mr Mahon with Mr. Ruppe.
Mr. Charles H. Wilson with Mr. Saylor.
Mr. Blatnik with Mr. Taft.
Mr. Moss with Mr. Teague of Texas.
Mr. Pryor of Arkansas with Mr. McDonald of Michigan.
Mr. Fulton of Tennessee with Mr. Mailliard.
Mr. Rees with Mr. Conyers.
Mr. Meeds with Mr. McEwen.
Mr. Tunney with Mr. Morton.
Mr. Mollohan with Mr. Goldwater.
Mr. Hawkins with Mr. Kirwan.
Mr. Kluczynski with Mr. McCarthy.
Mr. Udall with Mr. Powell.
Mr. Ottinger with Mrs. Chisholm.
Mr. Baring with Mr. Jones of Alabama.
Mr. Udall with Mr. Holifield.

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following conferees: Messrs. FLOOD, NATCHER, SMITH of Iowa, HULL, CASEY, MAHON, MICHEL, SHRIVER, Mrs. REID of Illinois, and Mr. BOW.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 15931, DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATIONS, 1970, UNTIL MIDNIGHT TONIGHT

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight

tonight to file a conference report on the bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare and related agencies, for the fiscal year ending June 30, 1970.

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

There was no objection.

PERMISSION FOR SPECIAL EDUCATION SUBCOMMITTEE, COMMITTEE ON EDUCATION AND LABOR, TO SIT DURING GENERAL DEBATE TODAY

Mr. HATHAWAY. Mr. Speaker, I ask unanimous consent that the Special Education Subcommittee of the Committee on Education and Labor be allowed to sit this afternoon while the House is in session during general debate.

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

There was no objection.

CONSENT CALENDAR

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

ADMISSION TO THE UNITED STATES OF CERTAIN INHABITANTS OF THE 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 the bill be passed over without prejudice.

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

There was no objection.

PROVIDING GRADE OF LIEUTENANT GENERAL FOR OFFICER SERVING AS CHIEF OF THE NATIONAL GUARD BUREAU

The Clerk called the bill (H.R. 15143) to amend title 10, United States Code, to provide the grade of lieutenant general for an officer serving as the Chief of the National Guard Bureau, and for other purposes.

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

Mr. KOCH. Mr. Speaker, reserving the right to object, may I make certain inquiries of the chairman concerning the bill?

The SPEAKER. The gentleman from New York reserves the right to object.

Mr. KOCH. Mr. Speaker, was this bill supported by the Department of Defense?

Mr. PHILBIN. No; the bill was not supported by the Department of Defense.

Mr. KOCH. My second question, Mr. Speaker, is this: Is this General Wilson the same major general who requested members of the National Guard to engage in counterprotests with respect to the moratorium and in effect politicized the National Guard?

Mr. PHILBIN. I do not have any information along that line.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield to me at that point?

Mr. KOCH. Yes.

Mr. MONTGOMERY. I thank the gentleman for yielding. I believe I can answer the gentleman's question further. As I understand it, the Department of Defense, with respect to your first question, has taken no stand on this matter. I have seen nothing in writing pertaining to any objections to promoting the National Guard chief to lieutenant general.

As to your second question, I would like to ask the gentleman from New York what is wrong with a military officer being patriotic and requesting National Guardsmen to fly the American flag and burn their porch lights in protest to something like the November 13–15 moratorium in Washington. I think the general should be commended for taking that action. The gentleman from New York should have a better point of objection than just because the general was patriotic.

Mr. KOCH. May I respond to the gentleman, because I have a very high regard for him. My reason for objecting is not because someone demonstrates his patriotism. We should all be patriotic. But I want to make something very clear; namely, that a general may not under our form of government in any way politicize the people who are under his command. When the general sends out instructions that the people under his command should keep their porch lights on and have their automobile lights on as a counterdemonstration to the November moratorium, that is wrong. It is what happens in nations where the military dominates the civilians. If the general wants to engage in politics, let him get out of the Army and into the public arena.

Mr. Speaker, I continue my objection to the item.

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

Mr. KOCH. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

AUTHORIZING RECOMPUTATION OF MILITARY RETIRED PAY UNDER CERTAIN CIRCUMSTANCES

The Clerk called the bill (H.R. 15142) to authorize any former Chairman of the Joint Chiefs of Staff to recompute his military retired pay under certain circumstances.

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

H.R. 15142

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, an officer of an armed force who—

(1) served as Chairman of the Joint Chiefs of Staff;

(2) after he was retired, but before October 1, 1963, was ordered to active duty; and

(3) was released from that active duty after July 31, 1969;

shall, effective as of the date he was released from that active duty, be entitled to retired pay computed under the formula set forth in the table in section 1402(a) of title 10, United States Code, but using the monthly basic pay prescribed at the time of his release from that active duty for an officer serving in pay grade O–10. The provisions of this paragraph do not affect or modify any prior commitment made by such officer in regard to participation in the Retired Serviceman's Family Protection Plan.

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.

TO PROHIBIT USES OF LIKENESSES OF GREAT SEAL OF THE UNITED STATES AND SEALS OF THE PRESIDENT AND VICE PRESIDENT

The Clerk called the bill (H.R. 14645) to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President.

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

H.R. 14645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 713 of title 18, United States Code, is amended to read as follows:

"§ 713. Use of likenesses of the great seal of the United States, and of the seals of the President and Vice President

"(a) Whoever knowingly displays any printed or other likeness of the great seal of the United States, or of the seals of the President or the Vice President of the United States, or any facsimile thereof, in, or in connection with, any advertisement, poster, circular, book, pamphlet, or other publication, public meeting, play, motion picture, telecast, or other production or on any building, monument or stationery, for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the Government of the United States or by any department, agency, or instrumentality thereof, shall be fined not more than $250 or imprisoned not more than six months, or both.

"(b) Whoever, except as authorized under regulations promulgated by the President, knowingly manufactures, reproduces, sells, or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the great seal of the United States, or of the seals of the President or Vice President, or any part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined not more than $250 or imprisoned not more than six months, or both.

"(c) A violation of subsection (a) or (b) of this section may be enjoined at the suit of the Attorney General upon complaint by any authorized representative of any department or agency of the United States."

SEC. 2. The analysis of chapter 33 of title 18, United States Code, immediately preceding section 701 of such title, is amended by striking:

"713. Use of likenesses of the great seal of the United States."

and substituting therefor:

"713. Use of likenesses of the great seal of the United States, and of the seals of the President and Vice President."

SEC. 3. The amendments made by this Act shall not make unlawful any preexisting use

of the design of the great seal of the United States or of the seals of the President or Vice President of the United States that was lawful on the date of enactment of this Act, until one year after the date of such enactment.

With the following committee amendments:

Page 2, line 12, after "President" insert "and published in the Federal Register".

Page 2, line 15, after "ness" strike "of the great seal of the United States, or".

Page 2, line 16, after "any" insert "substantial".

The committee amendments were agreed to.

Mr. DONOHUE. Mr. Speaker, the bill H.R. 14645, as amended by the committee, would amend section 713 of title 18, United States Code, in the following respects:

First. The present provisions of section 713, providing criminal penalties for misleading use of likenesses of the great seal, are to be extended to likenesses of the seals of the President or Vice President.

Second. The existing provisions would be designated subsection (a) and the enumeration of proscribed uses would be increased. The elements of the offense as defined by those provisions would be changed so that a use would be barred when the use either, first, was for the purpose of conveying a false impression of sponsorship or approval by the Federal Government, or second, could be reasonably calculated to convey such a false impression.

Third. A new subsection (b) would be added to the section providing that the manufacture, reproduction, sale, or purchase for resale of any likeness of the seals of the President or the Vice President would be subject to Government authorization and regulation and providing criminal penalties for violations.

Fourth. A new subsection (c) would provide authority to the Attorney General to enjoin violations of subsections (a) or (b) upon complaint by authorized representatives of Federal departments or agencies.

The bill H.R. 14645 was introduced in accordance with the recommendations of an executive communication from the Attorney General of the United States. The Attorney General stated in the communication that the Secretary of State joined in urging enactment of the legislation.

The present language of section 713 makes it a misdemeanor punishable by a fine of not more than $250, imprisonment for not more than 6 months, or both, to use a likeness of the great seal of the United States for the purpose of conveying and in a manner calculated to convey the false impression that the material bearing the likeness of the seal is sponsored or approved by an agency of the Federal Government. The amendments recommended by the Department of Justice would be made to the existing language which would become subsection (a) of the revised section. Clearly the same prohibitions as to misleading use which are now applicable to use of likenesses of the great seal of the United States should apply to likenesses of the seals of the President or Vice President. The Department has suggested that the list of items in connection with which misrepresentative use of the seals is prohibited would be enlarged to encompass posters, public meetings, buildings, monuments, and stationery.

These amendments are consistent with the basic purpose of the law and will make it more effective. The revised language of the present section as subsection (a) would include another change concerning the definition of the elements of offenses in violation of the provisions of that subsection. The present language states the use in violation of the terms of the section must be "for the purpose of conveying and in a manner reasonably calculated to convey" the false impression of Government sponsorship or approval. The revised language of subsection (a) would prohibit such use of any of the three seals "for the purpose of conveying, or in a manner reasonably calculated to convey," such a false impression. The use of the disjunctive in this manner would clarify the law and make it more effective.

The committee disagreed with one aspect of the language proposed by the Justice Department as a part of new subsection (b). The Attorney General recommended that unless authorized by regulations promulgated by the President that any manufacture, reproduction, sale or purchase for resale, either separately or appended to any article manufactured or sold, of likenesses of the great seal of the United States, and of the seals of the President or Vice President, would be subject to criminal penalties of a fine of $250 or 6 months' imprisonment. The committee has concluded that such prohibitions should not be applied to likenesses of the great seal in view of actual use of likenesses of the great seal of the United States by our citizens. The average citizen regards the great seal as the emblem of his country and holds it in much the same pride and esteem as he does the flag. Further, he assumes that he has the right to use and display likenesses of the seal. The committee felt that this right should not be restricted.

The committee found that there is a clear distinction to be made between the use of likenesses of the great seal and those of the seals of the President or Vice President. The seals of the President and Vice President are official seals of those offices. Their distinct identification with those high offices, and the fact that the seals of the President and the Vice President have the character of official symbols of those offices, require the regulation and protection proposed in subsection (b), concerning manufacture and sale of likenesses of those two seals.

It is recommended that the amended bill be considered favorably.

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.

AUTHORIZING WAIVING OF REQUIREMENT OF PERFORMANCE AND PAYMENT BONDS

The Clerk called the bill (H.R. 10068) to amend the act of April 29, 1941, to authorize the waiving of the requirement of performance and payment bonds in connection with certain contracts entered into by the Secretary of Commerce.

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

H.R. 10068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of April 29, 1941 (55 Stat. 147) as amended (40 U.S.C. 270e), is hereby further amended by adding a new section 2 to read as follows:

"SEC. 2. The Secretary of Commerce may waive the Act of August 24, 1935 (49 Stat. 793–4), with respect to contract for the construction, alteration, or repair, of vessels of any kind or nature, entered into pursuant to the Act of June 30, 1932 (47 Stat. 382, 417–8), as amended, the Merchant Marine Act, 1936, or the Merchant Ship Sales Act, 1946, regardless of the terms of such contracts as to payment or title."

Mr. DONOHUE. Mr. Speaker, the bill, H.R. 10068, would add a new section 2 to the act of April 29, 1941. The present language of the act includes authority for the Secretaries of the Army, Navy, and Air Force to waive performance and payment bonds in connection with contracts for construction, alteration, and repair of vessels. The same authority is provided for Coast Guard contracts by the same law. The new section added by this bill would grant the Secretary of Commerce similar discretionary authority to waive such bonds in connection with contracts for the construction, alteration, or repair of vessels pursuant to the Economy Act of 1932, the Merchant Marine Act of 1936, and the Merchant Ship Sales Act of 1946.

The bill, H.R. 10068, was introduced in accordance with the recommendation of an executive communication transmitted to the Congress by the Department of Commerce which recommends its enactment.

In recommending this legislation, the Department of Commerce pointed out that the inflexible requirement of a bond in every case by the Miller Act, 40 U.S.C. 270a, in all contracts by that Department for ship construction, alteration, or repair adds unnecessary cost to many of these contracts. This bill would make it possible for the Department of Commerce to determine, in the same manner as is now done by the military departments, that when the risk involved does not require such bonds, the requirement may be waived. The potential savings in this connection relates to the fact that without the requirements, bidders on ship construction contracts would not have to include amounts for bond premium expenses in their bids.

This amendment would permit the Commerce Department to follow a similar course in these particular contracts as is now being followed in connection with the ship construction subsidy program under section 504 of the Merchant Marine Act of 1936. The Miller Act does not apply to these contracts which represent most of the ship construction in which the Maritime Administration presently participates, and this is because under section 504 contracts, the private operator rather than the United States obtains title to the vessels. It was

the practice of the Department of Commerce prior to February 23, 1966, to require contractors to furnish performance and payment bonds with respect to this construction even though it was not required under the Miller Act. However, on recommendation of the Comptroller General, a change was made in this practice on that date and the Department determined that thereafter a successful bidder for construction of a vessel with aid under section 504 of the Merchant Marine Act of 1936 would not be required to furnish performance or payment bonds if the Department determined that the bidder has financial assets of a magnitude sufficient to cover its performance and payment obligations.

The amendment added by this bill would, therefore, make it possible for the Department to proceed in the same manner as regards bond waiver as is now the practice under the Army, Navy, Air Force, and Coast Guard contracts. Further, the granting of this authority would permit the Department to follow a similar course concerning waiver of bonds as was recommended by the Comptroller General in 1966 in connection with ship subsidy contracts under the Merchant Marine Act.

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.

AFFIRMING COMPUTATION OF OVERSEAS COST-OF-LIVING ALLOWANCES FOR UNIFORMED SERVICE PERSONNEL

The Clerk called the bill (H.R. 14322) to amend section 405 of title 37, United States Code, relating to cost-of-living allowances for members of the uniformed services on duty outside the United States or in Hawaii or Alaska.

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

H.R. 14322

Be is enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the text of section 405 of title 37, United States Code, is amended to read as follows:

"Without regard to the monetary limitations of this title, the Secretaries concerned may authorize the payment to a member of a uniformed service who is on duty outside the United States or in Hawaii or Alaska, whether or not he is in a travel status, of—

"(1) a per diem based upon the cost of quarters to the member when compared to the member's basic allowance for quarters under section 403 of this title; and

"(2) a per diem considering all elements of the cost of living (other than quarters) to the member and his dependents, including the cost of subsistence and other necessary incidental expenses.

However, dependents may not be considered in determining a per diem allowance under this section for a member in a travel status."

With the following committee amendment:

Delete all after the enacting clause, and substitute in lieu thereof the following:

"That the text of section 405 of title 37, United States Code, is amended by adding the following additional language at the end thereof:

"'A station housing allowance may be prescribed under this section without regard to costs other than housing costs and may consist of the difference between basic allowance for quarters and applicable housing cost. Housing cost and allowance may be disregarded in prescribing a station cost of living allowance under this section.'"

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, and a motion to reconsider was laid on the table.

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

EXCLUDING EXECUTIVE OFFICERS AND MANAGERIAL PERSONNEL OF WESTERN HEMISPHERE BUSINESSES FROM THE NUMERICAL LIMITATION OF WESTERN HEMISPHERE IMMIGRATION

Mr. FEIGHAN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2593) to exclude executive officers and managerial personnel of Western Hemisphere businesses from the numerical limitation of Western Hemisphere immigration, as amended.

The Clerk read as follows:

S. 2593

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled, That (a) section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)), is amended to read as follows:

"(H) an alien having a residence in a foreign country which he has no intention of abandoning (i) who is of distinguished merit and ability and who is coming temporarily to the United States to perform services of an exceptional nature requiring such merit and ability; or (ii) who is coming temporarily to the United States to perform temporary services or labor, if unemployed persons capable of performing such service or labor cannot be found in this country; or (iii) who is coming temporarily to the United States as a trainee; and the alien spouse and minor children of any such alien specified in this paragraph is accompanying him or following to join him."

(b) Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by adding at the end thereof the following new subparagraphs:

"(K) an alien who is the fiancée or fiancé of a citizen of the United States and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after entry, and the minor children of such fiancée or fiancé accompanying him or following to join him.

"(L) an alien who, immediately preceding the time of his application for admission into the United States, has been employed continuously for one year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and who seeks to enter the United States temporarily in order to continue to render his services to the same employer or a subsidiary or affiliate thereof in a capacity that is managerial, executive, or involves specialized knowledge, and the alien spouse and minor children of any such alien if accompanying him or following to join him."

SEC. 2. Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) is amended to read as follows:

"(e) No person admitted under section 101(a)(15)(J) or acquiring such status after admission whose (i) participation in the program for which he came to the United States was financed in whole or in part, directly or indirectly, by an agency of the Government of the United States or by the government of the country of his nationality or his last residence, or (ii) who at the time of admission or acquisition of status under section 101(a)(15)(J) was a national or resident of a country which the Secretary of State, pursuant to regulations prescribed by him, had designated as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which the alien was engaged, shall be eligible to apply for an immigrant visa, or for permanent residence, or for a nonimmigrant visa under section 101(a)(15)(H) or section 101(a)(15)(L) until it is established that such person has resided and been physically present in the country of his nationality or his last residence for an aggregate of at least two years following departure from the United States: *Provided,* That upon the favorable recommendation of the Secretary of State, pursuant to the request of an interested United States Government agency, or of the Commissioner of Immigration and Naturalization after he has determined that departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien), or that the alien cannot return to the country of his nationality or last residence because he would be subject to persecution on account of race, religion, or political opinion, the Attorney General may waive the requirement of such two-year foreign residence abroad in the case of any alien whose admission to the United States is found by the Attorney General to be in the public interest: *And provided further,* That the Attorney General may, upon the favorable recommendation of the Secretary of State, waive such two-year foreign residence requirement in any case in which the foreign country of the alien's nationality or last residence has furnished the Secretary of State a statement in writing that it has no objection to such waiver in the case of such alien."

SEC. 3. (a) Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by inserting after "101(a)(15)(H)" the language "or (L)".

(b) Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end thereof the following new subsection:

"(d) A visa shall not be issued under the provisions of section 101(a)(15)(K) until the consular officer has received a petition filed in the United States by the fiancée or fiancé of the applying alien and approved by the Attorney General. The petition shall be in such form and contain such information as the Attorney General shall, by regulation, prescribe. It shall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties have a bona fide intention to marry and are legally able and actually willing to conclude a valid marriage in the United States within a period of ninety days after the alien's arrival. In the event the marriage with the petitioner does not occur within three months after the entry of the said alien and minor children, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with sections 242 and 243. In the event the marriage between the said alien and the petitioner shall occur within three months after the entry and they are found otherwise admissible, the Attorney General shall record the lawful admission for permanent residence of the alien and minor children as of the date of the payment of the required visa fees."

The SPEAKER. Is a second demanded?

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

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

There was no objection.

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

Mr. Speaker, S. 2593, as approved by the Senate, proposed to exclude executive officers and managerial personnel of Western Hemisphere businesses from the numerical limitation on Western Hemisphere immigration. The Committee on the Judiciary amended this bill by striking all after the enacting clause and inserting the provisions of H.R. 15356, a bill jointly sponsored by all the members of Subcommittee No. 1, Immigration and Nationality. Thus, the bill before us today is, in content, the House bill.

The purpose of this bill is to facilitate the temporary admission into the United States of executive, managerial, and specialist personnel of international organizations, fiancees of U.S. citizens, and persons of distinguished merit and ability. It would also alter the provisions of the Immigration and Nationality Act regarding the 2-year foreign residency requirement for aliens in the United States as exchange visitors.

Under the present law, aliens of distinguished merit and ability are allowed only to fill positions temporary in nature. Temporary in this context is interpreted to mean that the position will cease to exist within a specified time. The need for the change is particularly acute for academic institutions. The proposed amendment to section 101(a)(15)(H)(i) would allow professors, doctors, and other individuals of distinguished merit and ability to fill permanent positions in universities and other institutions for a limited period. The present restrictive nature of the law often deprives our students and institutions the benefit of knowledge and services of these exceptional persons.

The restriction of this visa to persons of distinguished merit and ability will assure that there is no one in the domestic labor market capable of providing comparable services. The terms "distinguished merit and ability" have been interpreted in judicial and administrative decisions to require a degree of skill and recognition substantially beyond the ordinary.

A further amendment to section 101(a)(15)(H) would delete the word "industrial" from subsection (iii). This amendment would permit alien trainees to enter the United States to engage in training other than of an industrial nature. The Immigration and Naturalization Service presently permits trainees to participate in agriculture, commerce, finance, government, transportation, or the professions. Therefore, this amendment would merely make the law accord with existing administrative practice.

The spouse or minor child accompanying or following to join an alien who is issued a visa pursuant to section 101(a)(15)(H)—that is, an H-type visa—would be entitled to the same nonimmigrant classification.

Second, the bill would create a new category of nonimmigrant classification for the fiancee or fiance of a U.S. citizen who seeks to enter the United States for the purpose of contracting a marriage to such person within 90 days. Under existing law, the fiance or fiancee of a citizen must either marry abroad and seek entry as the spouse of a citizen or the alien fiancee or fiance must apply for an immigrant visa under the preference or nonpreference provisions of Eastern Hemisphere limitation or under the Western Hemisphere numerical limitation. At present, nonpreference numbers are not immediately available for applicants who are natives of the Eastern Hemisphere and oversubscription of available numbers for the Western Hemisphere have created a waiting period of 1 year to receive a visa number.

Alien fiancees and fiances are not eligible for nonimmigrant visas under the existing law since they plan to remain permanently in the United States and, thus, are not bona fide nonimmigrants.

Under the bill, if a valid marriage to the petitioner were not concluded within 90 days, the alien would be subject to deportation proceedings. Upon conclusion of the marriage within the prescribed period, the alien would be accorded permanent resident status.

Enactment of this amendment would eliminate substantial hardship to many citizens who are forced to leave the United States, marry abroad, and return. The expenses occasioned by this laborious process render it virtually prohibitive in many instances.

The bill would facilitate temporary admission into the United States of executive managerial and specialist personnel of international corporations, firms, and other legal entities.

Since the enactment of the act of October 3, 1965, the transfer of international personnel into the United States has become extremely difficult, particularly from Canada. International personnel being transferred to the United States under the present law must await an immigrant visa number under the Western Hemisphere numerical limitation or, if the alien is a native of the Eastern Hemisphere, he must await an immigrant visa number in either the third of sixth preference category under the numerical limitation for the Eastern Hemisphere.

Currently, the number of persons holding approved visa petitions far exceeds the number of visas available within the numerical ceilings. The oversubscription of the allotment of visa numbers available for immigrants who are natives of the Western Hemisphere has created a waiting period of approximately 1 year from the time the petition is filed until that particular person's name is reached on the waiting list to receive a visa number. The waiting period to receive a number in the third preference for the Eastern Hemisphere is now approximately 13 months. The sixth preference visa is presently current. However, a long wait in the sixth preference periodically occurs when the demand for sixth preference visa numbers increases.

Under the present law international personnel are not eligible to receive nonimmigrant visas if the services they are to perform are permanent in nature. Since they cannot receive nonimmigrant visas they are forced to apply for immigrant visas under the numerical limitations. Because the majority of these persons intend to remain in the United States for only a limited duration, the issuance of immigrant visas to them represents a misuse of immigrant visa numbers and improperly deprives visa numbers from qualified immigrants intending to remain permanently in the United States ultimately to become citizens.

The bill would permit temporary admission of aliens who had been employed abroad for 1 year by a corporation, firm, or other legal entity or an affiliate or subsidiary thereof, in a capacity that is executive, managerial, or requires specialized knowledge and who is entering the United States to continue employment with the same employer. It is anticipated that the words "firm" and "legal entity" will be interpreted in the broad sense to include all bona fide forms of business organizations including partnerships, sole proprietorships, and labor organizations.

It should be emphasized that by definition, the applicability of this section is limited to managerial, executive, and specialist personnel.

Under the exchange visitor program, the alien, after the termination of his stay in the United States, is required to leave the United States and spend foreign residency for 2 years abroad before he may be eligible for permanent residence in the United States.

The final section of the bill would limit the applicability of the 2-year foreign residency requirement for exchange visitors and add two additional grounds for waiver of the 2-year residency requirement.

The exchange visitor program was enacted into law for the primary purpose of facilitating an interchange of persons, knowledge, and skills between the United States and other countries of the world.

Under the present section 212(e), the exchange visitor is prohibited from adjusting status or obtaining an immigrant visa or a nonimmigrant visa under section 101(a)(15)(H) unless he has resided for 2 years outside the United States.

This bill would amend section 212(e) so that the foreign residency requirement would be applicable only in two situations: First, where the exchange visitor participated on a program financed by the U.S. Government or his own government, and second, regardless of financing, if at the time the alien acquired exchange visitor status his country of nationality or last residence was one which the Secretary of State had designated as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which the alien was engaged.

Persons from developing countries clearly requiring the aliens skills will be obligated to fulfill the foreign residency requirement.

The proposed amendment to section

212(e) would also eliminate the existing provision allowing exchange visitors to fulfill the 2-year residency requirement in a foreign country other than that of his nationality or last residence. The alien exchange visitor would be required to return to his homeland.

The bill retains the provisions for waiver of the 2-year foreign residency requirement in cases of hardship to the U.S. citizen or permanent resident spouse or child of the alien exchange visitor, and the provision for waiver upon the request of an interested U.S. Government agency where such waiver is discerned to be strongly in the national interest.

It adds two additional grounds of waiver of the foreign residency requirement. One ground provides for a waiver if the alien cannot return to his home country because he would be subject to persecution on account of race, religion, or political opinion. A second new ground of waiver is provided, upon the favorable recommendation of the Secretary of State, in cases where a statement in writing is obtained from the alien's home country that it has no objection to such waiver in the case of such alien. The statement must be sent by officials of the government of the alien's home country to the Secretary of State, who would then determine whether or not to recommend a waiver. The final decision whether to grant a waiver of foreign residency rests within the sound discretion of the Attorney General.

The bill will alleviate unnecessary hardships and facilitate the entry of exceptional persons into the United States.

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

Mr. FEIGHAN. I am happy to yield to the gentleman.

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

How many does he anticipate are going to be brought in—additional persons who will be enabled to come to the United States under the terms of this proposed legislation?

Mr. FEIGHAN. First, so far as fiances are concerned, I could not give you a good estimate on that. But, of course, any fiance of a U.S. citizen would have to qualify under all the rules and regulations of the immigration laws.

Mr. GROSS. If the gentleman will yield at that point, it deals both with fiancees and fiances; does it not?

Mr. FEIGHAN. That it is correct—either male or female.

Mr. GROSS. Yes.

Mr. FEIGHAN. Yes, that is correct. With reference to entrance for temporary purposes of international executive or a person of exceptional ability, I could not tell you exactly how many would be coming. However, testimony before the subcommittee indicated the number would not be excessive.

But I know that many countries, particularly Canada, have, previous to the 1965 act, been able to bring their executives over to this country, have them trained for a year, maybe longer, and then they have been able to bring them back to Canada or send them elsewhere. How many would come I do not know, but I do know that the Government of Canada is very much concerned because the oversubscription of visa numbers causes an international executive to wait a period of approximately a year. Moreover, he was forced to apply for an immigrant visa which he has no desire to obtain because he only wants to come here temporarily.

Mr. GROSS. Specifically, who is going to make the determination that the individual must be a person of distinguished merit and ability, and that he must be coming to the United States temporarily to perform exceptional services? Who will specifically make that determination?

Mr. FEIGHAN. The Attorney General will make that decision.

Mr. GROSS. There have been a good many cases of marriages for fraudulent purposes on the part of aliens. Does the gentleman anticipate an increase in the number of fraudulent marriages for the purpose of individuals getting into this country?

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

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

Mr. EILBERG. There is no indication, Mr. Speaker, that any such result will occur. In fact, the criminal code provides severe penalties for perjury, for making false statements on applications, for submitting false applications, for conspiracy, and for fraud. Last year there were over 10,000 prosecutions for various types of fraud.

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

Mr. FEIGHAN. I am happy to yield to the gentleman from Connecticut.

Mr. MESKILL. I thank the gentleman for yielding. I would like to respond to the gentleman from Iowa by saying that there is a provision in the law at this time which provides that if a marriage of this kind is terminated within 2 years of the day on which it is entered into, there is a presumption, and the person who has come into this country to enter such a marriage then has to prove to the satisfaction of the Attorney General that the marriage was not fraudulent. There is a presumption of fraud.

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

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

Mr. RODINO. Mr. Speaker, I would also like to call to the attention of the gentleman from Iowa, since he has asked a question regarding the executives and the numbers that might be admitted under that category, that in the hearings before our committee in the statement of Calvin Reynolds, Director of Personnel and Employee Relations, National Foreign Trade Council, there was an estimate made that in a 2-year period, 1967 to 1968, the reporting international companies brought to the United States as immigrants only 765 persons.

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

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

Mr. EILBERG. I think for the record it should appear that the fiance who marries a U.S. citizen within 90 days after temporary admission would become a permanent resident of this country through regular immigration procedure. A petition would be filed by the American citizen to exempt the alien spouse from the annual numerical limitation on visa issuance. Upon approval of the petition the alien spouse, regardless of place of birth, would be eligible to apply for permanent resident status under section 245. The required fee which must be submitted with the application would be considered as payment of the visa fee when the application is approved.

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

Mr. FEIGHAN. I am happy to yield to the gentleman from Texas.

Mr. KAZEN. In your dissertation and in your explanation of the bill you kept using the word "temporarily" and the words "for a limited period of time." What definition do you have in the bill for a limited period of time?

Mr. FEIGHAN. With reference to the fiances, the period is 90 days. With reference to the international executives, in our hearings we had brought out, without specifically placing it in the law, a period of 3 years, but it would be subject to an extension granted by the Attorney General.

Mr. KAZEN. Would it be the Attorney General's duty to limit or define the temporariness of the visit at the time that the applicant is admitted?

Mr. FEIGHAN. Yes.

Mr. KAZEN. Suppose a man would want to come in here to take a permanent position for a period of 10 years. Is this a temporary visit?

Mr. FEIGHAN. Indeed not. No; the bill did not specifically put in the time limitation, but it is very specifically set out in the hearings and the report that:

> A survey of international corporations indicates that a 3-year admission under the proposed "L" type visa would be sufficient. However, this should not be construed as a basis to deny bona fide requests for a renewal or extension, nor should the "L" visa holder be barred from due consideration of an application for adjustment of status if he should subsequently decide to seek permanent residence status in the United States. This would conform to the opportunity available to other nonimmigrants.

Mr. KAZEN. But there is some kind of cap on this temporary business, is there not?

Mr. FEIGHAN. There is a cap, but it is not legally defined in the statute.

Mr. KAZEN. I thank the gentleman.

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

Mr. Speaker, S. 2593, as amended by the Judiciary Committee, is not a bill to add to the number of immigrants presently admissible to the United States under the numerical ceilings set by the Immigration Act of 1965.

S. 2593 is not an immigration bill—it is a nonimmigrant bill; concerned with the temporary admission of nonimmigrants. It is also not a bill to provide a back door avenue for increased admission of aliens who will ultimately stay permanently in the United States.

The purpose of S. 2593 is to correct

and ease some of the problem areas; to modernize and update the Immigration and Nationality Act to bring it in tune with the increasingly international nature of our economic and cultural society.

It is designed to provide immediate relief in areas where experience has demonstrated the best interests of the United States are not being served by the present law.

S. 2593 makes three changes in the present law and two additions in regard to the temporary admission of aliens:

First. Present law permits persons of distinguished merit and ability to come for a temporary period only to fill temporary positions. College professors cannot come as exchange professors to fill a permanent university professorship for the college year; orchestra leaders cannot come to lead a permanent municipal symphony orchestra for a season; world famous surgeons cannot come to the United States to fill a permanent chair of medicine at a medical school for even a few months.

S. 2593 removes the requirement that their temporary admission be allowed only if the services to be performed are temporary in nature. They still can come only for a temporary period—but they can fill permanent positions, during this temporary stay.

Obviously, it is the non-profit institutions, the cultural organizations and the colleges and universities that will benefit from this change.

Testimony before the committee and reports from the Executive Departments all favor this change.

Second. Existing law authorizes the temporary admission of trainees only to industrial training positions. By interpretation this restriction to industrial fields only has long since been made virtually meaningless. S. 2539 proposes to strike the limiting adjective "industrial" for trainees admitted for temporary stays.

This change also has the support of all the departments concerned.

Third. S. 2539 proposes a new category of nonimmigrants—for fiances or fiancees of U.S. citizens who wish to enter the United States for the purpose of marriage.

The present law prohibits their admission as visitors and the fiance must qualify as an immigrant or a private bill must authorize their admission. Under the bill, U.S. citizens may file a petition and the betrothed can be admitted for marriage for 90 days. If the marriage does not take place, the betrothed would be deported. This addition to the law is favored by all executive departments.

Fourth, S. 2593 creates a new nonimmigrant classification for employees of international companies and organizations to be admitted to the United States for temporary tours of duty with the same employer or affiliate company.

This provision will eliminate problems now faced by American companies having offices abroad and transferring company personnel. American companies with branches in Canada and other countries of the Western Hemisphere and Canadian companies with affiliates in the United States have been particularly hampered in transferring personnel because delays of a year or more have resulted due to long waiting lists. This is so because they have been forced to seek admission as immigrants. The French citizen president of IBM had to obtain an immigrant visa to come to the United States in order to assume his new position. The official of a union with headquarters in northwest United States had to wait a year before a visa number became available for him to come to fill his job at the union headquarters in the United States. Such international transfers are not properly immigrant movements, since these executives and managers of international companies are coming to the United States to fill temporary tours of duty, after which they will be subject to transfer elsewhere throughout the world.

S. 2593 will allow such personnel, providing they have been employed for at least 1 year by the organizations concerned, to come to the United States as nonimmigrants. This change will not only recognize a problem that has handicapped the growth of American enterprises throughout the world and has crippled international trade of the United States, but it will also relieve some of the pressure upon immigrant visas which have been improperly used for such intercompany transfers in the past. The proposal has the complete support of all the executive departments and was favored by testimony before the committee.

Testimony before the committee established that the number of temporary admissions under the "L" category will not be large. The class of persons eligible for such nonimmigrant visas is narrowly drawn and will be carefully regulated and monitored by the Immigration and Naturalization Service. Provision has been made in section 3 of the bill for the filing of a petition with the Attorney General by the employer company. Consideration of the petition will initially involve verification of the prior employment of the individual for a continuous period of at least 1 year by the same firm or a company affiliated with the firm located in the United States as a parent, subsidiary, branch or affiliate. The investigation will also verify the qualifications of the applicant as of managerial, executive or specialized knowledge caliber and bona fides of the employee. The committee is convinced that no international company would jeopardize or endanger its future need for intercompany executive rotation by attempting to misuse or abuse the petition procedure to make it a back door avenue for immigration. As other nonimmigrants, international company visa holders will be eligible to apply for adjustment of status. However, those who apply for "L" visas are expected to be those whose employers contemplate a limited and temporary detail, not normally exceeding perhaps 1 to 3 years. This is not to say that bona fide requests for a renewal or extension should not be considered, nor should the "L" visa holder be barred from due consideration of an application for adjustment of status if he should subsequently decide to seek immigrant status.

The committee anticipates that the petition procedure will be administered speedily and efficiently, so that while review will be thorough, it will not handicap the international companies with undue delays.

Creation of this new category will correct an unanticipated consequence of the 1965 amendments and also meet a new and growing need for recognition of the worldwide nature of the responsibilities and problems faced by American businessmen. As stated before, this proposal has the complete support of all the executive departments.

Fifth. Finally, S. 2593 proposes liberalizing amendments with respect to exchange visitors. These changes were initiated as executive communications and the entire exchange problem has been the subject of committee hearings extending over a number of years. Under the changes, the 2-year foreign residence requirement would be applicable to only two categories of exchange visitors:

Aliens in Government-sponsored programs—United States or country of nationality or last residence sponsorship; or

An alien who the Secretary of State has determined is a national or resident of a country requiring the services of persons engaged in his field of specialized knowledge or skills.

Furthermore, the amendment would add two additional possible waiver grounds:

First, if the alien cannot return to his country of nationality or residence because of race, religion, or political opinion; and

Second, if the foreign country of the exchange visitor's nationality or last residence has stated in writing that it has no objection to such waiver in the case of such alien.

These changes in the exchange visitors section of the Immigration Act will go a long way toward easing the problems and difficulties that have developed during the last 9 years in the administration of the exchange program.

Mr. Speaker, I urge passage of S. 2593.

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

Mr. MESKILL. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. If the marriage is not consummated within 90 days, either or both the fiancee and fiance would be subject to deportation?

Mr. MESKILL. Either one? Do you mean the one that is not an American citizen?

Mr. GROSS. One or the other, whichever it might be, would be subject to deportation. Is that correct?

Mr. MESKILL. That is correct.

Mr. GROSS. But you have inserted a waiver in the bill, have you not, that for various reasons, religious, racial, or something else, they need not be deported? Is that correct?

Mr. MESKILL. My understanding is that provision does not apply to the fiancee. The waiver provisions concern exchange visitors only.

Mr. GROSS. It would not apply to a fiancee?

Mr. MESKILL. It only applies to exchange visitors.

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

Mr. MESKILL. I yield to the gentleman.

Mr. EILBERG. The subcommittee and full committee adopted section I, and the K-type visa, which does not contain at all the provisions that the gentleman from Iowa is referring to. K visa permits the fiance to come to the United States for 90 days to be married in that period or deported.

Mr. GROSS. Of course, if the gentleman will bear with me, there have been numerous fraudulent marriages for the purpose of getting individuals into this country and then we have seen bills come out of the Committee on the Judiciary to set aside the penalties that the gentleman mentioned awhile ago for such fraud. I am in doubt about this legislation. I am against the liberalization of immigration laws. We must protect, certainly at this time, the labor market in this country. With the population expansion we are having we really do not need an expansion of immigration.

Mr. MESKILL. I share the gentleman's concern and the questions he is raising were raised, some by me and some by other members of the subcommittee, during the course of the hearings, particularly concerning the fiancee and the fiance. I raised questions about fraudulent marriages at that time and I learned under the provisions of the existing law that if a marriage is entered into within the 90 days and then the person has the marriage annulled or there is a divorce within 2 years, there is a presumption that the marriage was entered into fraudulently and the person involved is subject to deportation. If he or she can satisfy the Attorney General that the marriage was entered into in good faith and there was not an attempt to evade the immigration laws of this country that would be true.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further for one quick question, what has brought about the necessity for this legislation at this time? Can the gentleman very briefly pinpoint it?

Mr. MESKILL. What happens here, particularly with reference to servicemen who come back to this country, is that they have been refused permission to marry while in service in a foreign country. However, they come back to this country and are discharged. In order to marry the lady or man of their choice, depending upon whether it is a fiancee or fiance, they have to go back to, for instance, Vietnam, Japan, Korea, or Germany or wherever the country may be for the marriage there and then bring the spouse to this country for an administrative adjustment.

Mr. GROSS. But the bill is not limited to servicemen is it?

Mr. MESKILL. No, it is not. It applies to students who go abroad and travelers to other countries, to any U.S. citizens.

Mr. GROSS. And, the other feature of the bill, the bringing into this country of the so-called distinguished person, the specially equipped person, that phase of the bill is due to the fact that U.S. investors are moving abroad with its investments, and so forth?

Mr. MESKILL. The reason for this change is due to the fact that under the present law they can come on only a temporary visa to fill a temporary job. The colleges and universities who have permanent jobs and who may wish to have a visiting professor come in and teach for a semester are barred from doing this because these professors are coming in to fill a permanent job. This really changes the law and brings it more in line with reality and with the intent of the original law.

Mr. GROSS. But that is not limited to education. These may be persons brought in by reason of industry of this country; is that not correct?

Mr. MESKILL. This is a separate category entirely. The international executives provisions are a brandnew category and have their own provisions governing the screening or the testing for admission.

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

Mr. MESKILL. I shall be happy to yield to the gentleman.

Mr. EILBERG. I wish to point out to the gentleman that under the GI Fiancee Act of 1946 a great number of fiancees, over 5,000, were admitted to the United States. The Immigration and Naturalization Service and the Department of State have had experience in depth in handling these fiancee cases. So this is not a new thing in our law at all.

Mr. FEIGHAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Speaker, I voice my support of S. 2593, as amended, to modernize certain provisions of the Immigration and Nationality Act regarding the admission of nonimmigrants. The amendments proposed by this bill before us today will serve the best interests of the United States. Certain limitations and conditions in existing law which have caused difficulties in administration, have produced hardship and have denied the United States the services of highly qualified persons, are removed by this bill. This bill is actually a consolidation of proposals which were contained in bills introduced by several members of the Judiciary Committee—proposals which are fully endorsed and supported by the executive branch. My colleagues on the committee have discussed various provisions of the bill, and I would like to direct my remarks to section 2, which proposes significant changes in the provisions regarding exchange visitor visas.

The Mutual Educational and Cultural Exchange Act was designed to promote better understanding among nations through the exchange of scholars, students, trainees, and others. However, there developed, in addition to Government-sponsored programs, "participating programs" which offered an opportunity for aliens to come to the United States to take positions—interns, residents, teachers—for which they could receive compensation. Thus, the exchange visa became, to a certain degree, a type of work visa—not fully within the concept of that act.

The years of experience with the requirement that an exchange visitor must reside in his country of last residence or nationality or a third country for at least 2 years has, in many instances, resulted in hardship to the exchange visitor, and has not served to promote a healthy feeling or understanding between the exchange visitor and the United States.

It is not unfair to state that participating programs were easily made available by the Department of State, and that institutions, particularly hospitals, have utilized the exchange program more as a vehicle of recruitment than as a basis for training. Evidence before the committee clearly establishes that many institutions exist primarily with exchange visitor personnel.

The committee has consistently supported the foreign residence requirement even over the pleas of citizens, communities, and Members of Congress. If it were thought that further adherence to the 2-year foreign residence requirement would serve the best interests of the exchange visitor and the United States, this amendment would not be offered. Hearings have been held on several occasions on the amendments proposed in this bill, and the committee has unanimously agreed that the applicability of the required foreign residence should be limited to two categories of exchange visitors and not continue a blanket coverage.

Thus, exchange visitors who are accepted in government-sponsored programs or who have those skills and abilities which are needed in their own countries must return to that country for at least 2 years before seeking reentry into the United States. In addition, four categories of waivers are possibly available to the exchange visitors subject to the foreign residence requirement.

Waivers will be granted for hardship to the alien's U.S. citizen spouse, permanent resident alien spouse and/or children, fear of persecution, intervention of a U.S. Government agency, or upon the written statement that the subject's home country does not require his return.

Whether or not the 2-year foreign residence requirement will be applicable in each case will be determined at the time the exchange visitor acquires the J-type exchange visitor status. However, it is not intended that an alien already in the United States as an exchange visitor, and not in a government-sponsored program, would automatically be exempted from the 2-year residence requirement if he or she changes from one exchange program to another. It is anticipated that at the time an exchange visitor applies to change programs, a determination will be made as to whether or not this new program would make the foreign residence applicable in this case.

Over 500 private immigration bills are pending before the committee designed to exempt exchange visitors from the 2-year foreign residence requirement. In an overwhelming number of these cases the beneficiary was not selected by any government, received no governmental financial assistance, and is of no interest to his home country. It is not reasonable to force a person to return home

to an atmosphere where he cannot utilize his abilities to the fullest extent.

This amendment to section 212(e) of the Immigration and Nationality Act first came to the Congress as an executive communication in the 90th Congress and is recommended and endorsed in this Congress by the executive departments. The amendment will eliminate an area in the exchange program which grew up through improper management and circumvention of intention. The amendment will eliminate from the law that troublesome area which has plagued, I am sure, all Members of Congress and will tend to reestablish the true intent and integrity of an excellent and well serving exchange program.

Mr. McEWEN. Mr. Speaker, I am grateful for the opportunity to express my full support for this much-needed legislation. If I were able to be present, I would certainly vote in favor of this measure. This bill has great significance for many areas of our country and is particularly important to the economic growth of several areas in the 31st District of New York. I am especially hopeful that it will alleviate the problem of restrictions now placed on the interchange of executive, managerial, and skilled personnel of American and Canadian companies who seek to bring these employees to their facilities located in our country.

The chairman of the Subcommittee on Immigration and Nationality, the gentleman from Ohio (Mr. FEIGHAN), and all the members of that committee are to be commended for their early recognition of this problem and for their vigorous efforts to solve it, efforts which I hope will prove fruitful.

I submit for the RECORD, at this point, the statement I made before the Subcommittee on Immigration and Nationality of the Judiciary Committee in which I outlined the economic benefits this type of legislation can bring to northern New York:

Mr. Chairman: I welcome and appreciate this opportunity to present to you and the members of your Committee a brief resume of the adverse economic effect that the Immigration and Nationality Act of 1965 has had on my Congressional District in Northern New York.

First, I would quickly sketch for you the geographic and economic picture of this district. Four of the six counties border directly on the Canadian Provinces of Quebec and Ontario, and the others are but a short driving distance from Canada. Five of the six counties, including the four that border directly on Canada, have been, and are, designated by the Economic Development Administration as qualified for full financial assistance. All six counties of the district, and particularly the four counties immediately adjacent to Canada, have branches or subsidiary companies of Canadian corporations, and these branch or subsidiary plants of Canadian corporations have been, and still are, a substantial source of employment for residents of my Congressional District. In fact, the establishment of industries in these counties by Canadian parent corporations has been increasing. Notwithstanding the assistance of the Economic Development Administration and other federal programs and agencies, a greater increase in job opportunities has resulted from the establishment of the plants of these Canadian companies.

Until the Immigration and Nationality Act of 1965 became effective, there was a relatively free interchange of personnel that was advantageous to both Canadian and American companies located in Northern New York and to their employees.

Prior to July, 1968, a Canadian company with an American subsidiary could, within a reasonable time, transfer needed skilled production workers and management personnel from Canada to their United States plant in my district. They could also hire scientific, technical or other professional people in Canada to fill positions for which no Americans could be found and who had been certified for clearance by our Department of Labor. Now, the delays are inordinately long and, in some cases, actually threaten the opening or continuation of such operations.

If need required, and time would permit, I could describe numerous specific situations. I shall, however, cite the example of one company in one village in one county of my district.

In the Village of Rouses Point in the County of Clinton in the extreme northeast corner of the State of New York is located Ayerst Laboratories Incorporated, a major manufacturer of pharmaceutical products that affords employment to hundreds of my constituents. Due to their continuing growth, they have a need for additional highly qualified men and women with Ph.D., M.S. and B.S. degrees in the sciences and engineering. Only through filling of these positions can job opportunities for skilled and semi-skilled nonprofessional personnel be retained and expanded.

In addition to the needs of this plant, Ayerst Laboratories plans to open a research center, which will mean additional jobs for an area designated by the E.D.A. as qualified for full financial assistance. The present law is, however, hampering and may delay the anticipated January, 1970, opening of this new research center. This Committee can readily understand what this means to the economy of the area that I have described. Ayerst officials have indicated that this center would create approximately 60 new jobs for U.S. citizens.

But before these 60 new jobs can be created, Ayerst must first transfer a trained nucleus staff of 16 people from its major research facility in neighboring Montreal, but, unfortunately, six of those 16 persons are native-born Canadians who fall under the Western Hemisphere numerical limitation for immigration to the United States. With an indicated current delay of 10 months in obtaining their required visas, Ayerst cannot expect those six employees to be available to the research center prior to June of 1970. Ironically, and this I believe to be most important, each of the six involved has already received Department of Labor certification for entry into the United States, while, at the same time, strange as it may seem, another seven of the transferees are of Eastern Hemisphere origin for whom a delay of not more than three months on any one of them is anticipated.

Mr. Chairman, lest you, or any member of this Committee, think that Ayerst Laboratories is not making an effort to recruit qualified professional and technical employees from United States sources, I have a report placed in my hands by Ayerst Laboratories Incorporated entitled "Report of Professional and Technical Recruitment Program January 1, 1965–September 1, 1969", which describes the considerable effort that this company makes to recruit its needed professional and technical personnel. During this time, Ayerst has extended 232 offers of employment to professional and technical personnel. Of that number, 182 accepted employment and reported for work, while during that 57-month period, 73 employees terminated, resulting in a net gain of 109 employees, or a retention rate of 60%.

The recruiting of these 182 employees was the result of some 500 prospects being invited for in-plant interviews, and these 500 prospects were the result of screening an estimated 60,000 contracts from sources such as employment agencies, national advertisements, campus interviews, etc. A total of some 65 colleges and universities are visited or revisited yearly by Ayerst Laboratories. Another 85 such institutions are advised of the company's needs, and some 130 odd personnel agencies, including state employment services, are appraised regularly of Ayerst requirements.

Notwithstanding all of these efforts, Ayerst reports that it has not been able, at any time during the past 57 months, to fill all of its vacancies.

This report points out that after studying the situation carefully, this company recognized a number of adverse factors that they encountered in obtaining the number of qualified employees needed, two of which factors were their remoteness from metropolitan areas in the United States and northern climatic conditions. As a result of this, some three years ago, they decided to extend their recruiting efforts into Canada with the result that they realized a considerable improvement. They report that the favorable results were due to:

"1. Availability of a greater number of scientific and technical personnel and a smaller number of positions available in Canada as compared with the United States.

2. No climatic readjustment required.

3. Greater opportunities for advancement in the United States.

4. The proximity of Rouses Point to a major Canadian metropolitan area.

The report then points out, and I quote: "Unfortunately . . . that source of personnel has just about been closed to us because of current regulations. At this time there is a delay of approximately ten months between the time of application and the granting of a visa for Canadians as well as other Western Hemispheric citizens. That situation promises to worsen rather than improve."

Mr. Chairman, I would ask that I be permitted to submit this report that it might be received by the Committee as a part of its records in this hearing.

The problems of Ayerst Laboratories Incorporated illustrate the way in which the present Act has hurt the economy of Northern New York, and it is inhibiting other Canadian companies from locating branches in the United States. This results from their inability to bring Canadian technicians and management to this country when needed to aid in training local help and in managing a substantial investment. Some of these jobs would be temporary and others permanent, but, without exception, permanent new jobs would be created for my constituents. Without the assurance that they can have such Canadian employees available during the crucial stages of construction and start up and have experienced managers in the plant after production has begun, these corporations are understandably reluctant to establish plants in America.

I have received a letter from Mr. Chester J. Malley, the Director of the Montreal Office of the New York State Department of Commerce, which very well details specific instances where the present law slows the economic growth of Northern New York, particularly Clinton County.

Mr. Malley indicates that the present Act inhibits Canadian firms from establishing branch plants in my district which would create approximately 230 new jobs in an area where jobs are badly needed. I might add that the personnel to fill positions at both the Ayerst facility and the various plants mentioned in Mr. Malley's letter would most likely come from two counties of my district; thus, helping the economic situation for two counties which have been designated by the E.D.A. as having unemployment rates substantially higher than the national average.

Mr. Malley points out another way in which the Act adversely affects all of us and that is

the bearing it has on the balance of payments. Many of these companies would make significant investments in machinery and equipment in the United States.

I have visited with nearly all the Canadian management personnel and their counterparts in American firms in my district which have felt the affect of the present law. It is obvious that some type of relief is needed. I do not presume to tell this Committee how it should amend the Act, but only ask that legislative action be taken as soon as possible to ease the present restrictions on executive, middle management, scientific, technical, highly skilled and professional personnel where it will not be detrimental to the interests of American labor and business.

I am most appreciative to you, Mr. Chairman, and the members of this Committee, for your recognition of the problem and your early and vigorous efforts to solve it.

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

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

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion offered by the gentleman from Ohio (Mr. FEIGHAN) that the House suspend the rules and pass the bill S. 2593, 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.

The title was amended so as to read: "An act to amend the Immigration and Nationality Act to facilitate the entry of certain nonimmigrants into the United States, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks, and to include extraneous material, on the bill S. 2593.

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

There was no objection.

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

Mr. FEIGHAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4574) to provide for the admission to the United States of certain inhabitants of the Bonin Islands.

The Clerk read as follows:

H.R. 4574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of any other law, nothing contained in title II of the Immigration and Nationality Act, as amended, except for section 212(a) (9), (10), (11), (12), (13), (23), (27), (28), and (29), section 215, and section 241(a) (1), (6), and (7) of the Act (8 U.S.C. 1151 et seq.) shall limit, restrict, deny, or otherwise affect the entry into the United States or its outlying possessions, as defined in section 101(a) (29) and (38) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(29) and (38)), within two years after the enactment of this Act, or the departure from the United States or its outlying possessions, of not more than two hundred and five inhabitants of the Bonin Islands, and the children described in section 2 of this Act, who present a document of identity and nationality issued by the Military Governor of the Bonin Islands or by a United States consular officer in Japan. This section shall not grant any privileges, rights, benefits, exemptions, or immunities to such inhabitant or child which are not specifically granted by this Act.

SEC. 2. This Act applies to—

(1) natives of the Bonin Islands, or of Japan, who are nationals of Japan and who resided in such islands on November 15, 1967, including an inhabitant temporarily absent from the islands on that date; and

(2) any inhabitant of the Bonin Islands who was born to eligible parents after November 15, 1967, but before two years after the enactment of this Act and continued to reside in the islands or in the United States or its outlying possessions;

and has taken no affirmative steps to acquire another foreign nationality.

SEC. 3. Any person who enters the United States under the provisions of this Act shall, upon completion of the residence and physical presence requirements of section 316 (a) of the Immigration and Nationality Act (8 U.S.C. 1427(a)), be deemed to have been lawfully admitted to the United States for permanent residence as of the date of such entry, for the purpose of petitioning for naturalization.

The SPEAKER pro tempore. Is a second demanded?

Mr. DENNIS. 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 Ohio (Mr. FEIGHAN), will be recognized for 20 minutes, and the gentleman from Indiana (Mr. DENNIS), will be recognized for 20 minutes.

Mr. FEIGHAN. Mr. Speaker, the purpose of H.R. 4574 is to provide for the admission to the United States or its outlying possessions of less than 205 inhabitants of the Bonin Islands. The bill merely exempts the Bonin Islanders from certain grounds of exclusion to make it easier for them to apply for entry, if they desire.

The islanders who would benefit from this bill, although legally Japanese citizens, trace their ancestry to New England sailors who first settled on the Bonin Islands around 1830.

Before World War II nearly 6,400 Japanese colonists, in addition to the descendants of the original Yankee settlers, lived on Chichi Jima, the only inhabited island of the Bonin group.

When combat in the Pacific forced the evacuation of the islands in 1944, the settlers were removed to Japan. After the war, the United States allowed the descendants of the original settlers to return to the Bonin Islands. The U.S. Navy had jurisdiction over the islands from December 1945, when the U.S. Marines occupied Chichi Jima, until June 26, 1968, when the islands reverted to Japan. During this period, the Navy employed the islanders, subsidized their economy, and provided education in English. The islanders, dependent upon the U.S. Navy for over two decades, evidenced pride in their American heritage and have demonstrated their loyalty to the United States during this long period of occupation.

In the 1950's, the islanders twice petitioned by signature for U.S. citizenship. In December 1967, an informal poll taken by the U.S. Navy indicated the apprehension the islanders felt to reversion to Japanese rule. Many stated they desired to emigrate to the United States or the territories.

On April 18, 1968, an executive communication recommending legislation to facilitate the entry of the Bonin Islanders into the United States and its territories was sent to the Congress and bills were introduced in both bodies shortly thereafter. A bill passed the Senate before the island reverted to Japan on June 26, 1968.

The bill before the House today is supported by the Defense, State, and Justice Departments and offers an opportunity to the islanders to come to the United States or its outlying possessions by relaxing certain provisions of the Immigration and Nationality Act. They would not be exempted from the classes of aliens who are subject to exclusion or admission because of criminal, immoral, narcotics, or subversive grounds, nor would they be exempted from the provisions which relate to the deportation of aliens excludable at the time of entry or deportable on subversive grounds. The bill waives certain grounds for exclusion such as health, public charge provisions, and exclusionary provisions which could not relate to the subjects since they have not previously resided in the United States. However, it should be stressed that section 241(a) (1) of the Immigration and Nationality Act, which provides for the deportation of any alien who at the time of entry was within one or more of the classes of aliens excludable by law existing at the time of such entry, is specifically not waived and at the time a record of admission of the beneficiaries of this legislation is created they must be found fully qualified. The legislation is necessary because of the oversubscription of the nonpreference numbers and because of the inability of the subjects to acquire preference status.

I would like to read part of a letter from Irene Savory Lambert, a descendant of one of the original settlers of the Bonin Islands. Mrs. Lambert, married to a U.S. serviceman, wrote this letter in behalf of her friends and relatives on the island:

> The people in the ages between 17 and 30 who were brought up and educated under the United States Navy Administration are experiencing difficulties in their adjustment. After being exposed to the American way of life for the past 22 years, I know I would face conflicts and difficulties on the Island. This new life was not what we desired and it was one over which we had no voice. We were totally unaware of reversion and found ourselves unprepared to compete with the Japanese. Those of us who are in school here in Guam do not have a future on the Island. We would like to become a part of the American community and contribute our services to this community . . . After being taught the American values for 25 years, we cannot help but to think and act as American citizens.

The circumstances surrounding the Bonin Islands present a unique situation—one which the members of this committee unanimously decided warrants favorable action. I urge its approval.

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

Mr. FEIGHAN. Mr. Speaker, I am very happy to yield to the distinguished gentleman from Iowa.

Mr. GROSS. My concern with this bill has always been what may well be wrapped up in the return to Japan of Okinawa.

Mr. FEIGHAN. That is a very significant observation. Pursuant thereto, we have a letter from the Department of State under date of January 12, 1970, which states:

> The circumstances in the Ryukyu Islands, that is Okinawa, are completely different and we definitely do not anticipate a requirement for special immigration legislation in connection with their return to the Japanese administration.

As I said before, this is a very unique situation. The beneficiaries of this legislation are decendants of Americans. Speaking for myself, I know that assurance includes the members of the Subcommittee on Immigration and Nationality as well as of the full committee. We would not be interested at all in entertaining any legislation where similar action on behalf of any other area which reverted to a foreign country.

Mr. GROSS. If the gentleman will yield further, I am pleased to have that assurance from the committee, but I would have liked to have had that kind of assurance from the Department of State when representatives came over to see me in behalf of this bill. I could not get that kind of an unequivocal statement from the State Department, I will say to the gentleman.

Mr. FEIGHAN. What I just read was from the Department of State signed by H. G. Torbert, Jr., Acting Assistant Secretary for Congressional Relations.

Mr. GROSS. If you read that again, you will find it is qualified. I find no real qualification in your statement that the committee is not interested in and will not entertain legislation of this nature in behalf of Okinawans.

Mr. FEIGHAN. That is correct.

Mr. GROSS. That is that the committee is not interested in and will not entertain legislation to permit immigration into this country from Okinawa or other of the Ryukyus when Japan takes over.

With that assurance, I am not so much disturbed. But I hope that the assurance the gentleman has given the House will be left in the RECORD—the statement that the committee will not entertain legislation to bring Ryukyuans into this country. There are thousands on Okinawa, and I am sure there are a good many hundred, if not several thousands, who would find it to their advantage later on to come to the United States rather than to go back under Japanese dominion.

Mr. FEIGHAN. That will certainly remain in the RECORD because it is the firm conviction of the members of the subcommittee as well as the full committee.

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

Mr. Speaker, this is a bill which is supported by every department of the Government of the United States which is involved, and it is a bill which is simply designed to do justice, in a humanitarian manner, to a small group of simple people who are good Americans in spirit, and who wish to become Americans in law and in fact.

Back in the sailing-ship days of the last century, sailors of American whaling vessels landed from time to time on the Bonin Islands. They soon had the situation and the local girls well in hand. The result was that they left behind them a sturdy race of descendants with names such as Savory, Lambert, and Washington, who, though nationals of Japan, have always been in many respects American in viewpoint and outlook.

When the Second World War came along, the Japanese evacuated these people to the Japanese mainland, and when the war was over, we brought them back to the islands. They have worked there for 23 years for the American Navy. Now that the islands have been returned to Japan, they are very unhappy about it, and that is the genesis of this bill.

The bill can affect a maximum of 205 individuals, assuming that all of them want to take advantage of the bill.

All the bill does is this: There are certain requirements in our immigration statutes for entry into the United States. One of them is the ability to read some language. Another involves restrictions upon unskilled labor. These people are unskilled laborers. They are fishermen and sailors. Some of them cannot read. Therefore, they cannot be admitted.

This bill waives those requirements so they can be admitted for permanent residence, looking later on toward naturalization, if they desire it, after they desire it, after they have stayed the requisite, usual, 5 years. The bill does not waive criminal requirements and other moral requirements, the serious other requirements of the law. So all the bill does is to provide that these people may be admitted through waiver of the requirements that I have mentioned. If thereafter they stay 5 years in American territory and have good moral character, they can be deemed lawfully admitted as of the day of their entry for purposes of naturalization.

The bill would extend an opportunity for entry and for naturalization of a small group of loyal people who want to be Americans and who could not otherwise qualify for entry. It is a truly unique situation, unlike any other, and absolutely constitutes no kind of precedent for some other and different case.

It is anticipated that most of those who might be admitted under the bill will go to Guam and continue to work for the U.S. Navy, as they have done in the past. So the measure is merely an act of humanitarian justice to a small group of people who have served this country well and who wish to continue to serve her in the future as they have in the past.

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

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

Mr. EILBERG. In his remarks the gentleman referred to someone named Savory. It happens that I have a letter from a man named Savory. Without reflecting in any way on his lineage and ancestry, in the context the gentleman described, I think it is interesting to place in the RECORD in support of the bill the following letter from Jimmy Savory, who is a sergeant in the Marine Corps presently stationed at Camp Pendleton, Calif., addressed to the chairman of the committee. It is dated February 10, 1970. The letter is as follows:

CAMP PENDLETON, CALIF.,
February 10, 1970.

DEAR MR. CELLER: I was informed by the legal officer that the House of Representatives have proposed a House Bill H.R. 4574, a special consideration for the Bonin Islanders to come to the United States.

I haven't been to the island in five years. Since my departure from the island the Japanese Government gained full control of the island. Since the change over in June 1968, they seemed to be having a rough time to compete with the Japanese, perhaps due to lack of Japanese schooling.

I guess I was lucky enough to make a break through and joined the Marine Corps. I finally got naturalized in Hawaii. I guess the Marine Corps have been pretty good to me, two tours in Vietnam without a scratch.

Well, I hope the proposed House Bill goes through. Any information concerning this bill will be greatly appreciated. Thank you.

Sincerely,

Sgt. JIMMY B. SAVORY.

Mr. DENNIS. Mr. Speaker, I thank the gentleman for his contribution, which underlines what I said. Of course, no reflection is intended on anybody, these people are Americans in spirit, and we ought to pass this legislation for them.

Mr. RODINO. Mr. Speaker, H.R. 4574, as previously mentioned, was an Executive communication. The possible grounds for exclusion which are waived in the bill pertain primarily to health inasmuch as there are no Ameircan consular or public health officers on the island to examine possible applicants or issue visas. During Navy occupation, there were no personnel on the island who were qualified to determine and certify these grounds for exclusion. The Department decided it was necessary, therefore, to waive these exclusionary provisions.

It must be kept in mind that Navy personnel stationed on Chichi Jima were intimately acquainted with the islanders and advised the Department of the Navy that they found no evidence of narcotic addicts, insanity, and so forth.

It must be kept in mind that this bill would allow the entry under parole into the United States or the possessions rather than an admission. Consequently, the subjects, if they enter U.S. territory, would have no legal status and would be continuously under the jurisdiction of the Immigration and Naturalization Service. After 5 years of physical presence their status could be adjusted retroactively to that of permanent resident to the date of initial entry. Of course,

during this 5-year period any person could be deported if they came within one of the specified grounds for deportation.

Nevertheless, the more dangerous and detrimental grounds for deportation are not waived—convictions for crimes, immorality, and so forth, would be normally the subject of a record.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Ohio that the House suspend the rules and pass the bill H.R. 4574.

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.

GENERAL LEAVE

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter in connection with the bill H.R. 4574.

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

There was no objection.

HOOD RIVER COUNTY, OREG.

Mr. DONOHUE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 914) for the relief of Hood River County, Oreg., as amended.

The Clerk read as follows:

H.R. 914

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Hood River County, Oregon, is relieved of all liability to the United States for any amounts owed by such county to the United States for amounts claimed by the United States Forest Service, Department of Agriculture, for alleged timber trespass arising out of timber sales during the period 1946 through 1961, inclusive, from the land described as follows:

One hundred and sixty acres of land, more or less, located in Hood River County which land is more fully described as the northwest quarter of the northeast quarter and the north half of the northwest quarter and the southeast quarter of the northwest quarter of section 9, township 1 south, range 8 east, of the Willamette meridian.

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 (Mr. DONOHUE) will be recognized for 20 minutes, and the gentleman from New York (Mr. SMITH) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. DONOHUE).

Mr. DONOHUE. Mr. Speaker, as amended, this bill will relieve this Oregon county of liability for $84,841.36, representing timber sale revenues over a 15-year period on a 160-acre tract of land subsequently held by the Government to be Federal land. The committee has deleted provisions which would have provided for a conveyance of the land to the county and for the payment of subsequent revenues from timber sales received by the United States.

Therefore, the amended bill would merely relieve Hood River County in Oregon of liability to pay the United States an amount equal to the money paid the county as proceeds of timber sales on these 160 acres of land $84,841.36 which was considered by both the United States and the county to be part of the Hood River County Forest when the timber was cut in the period from 1946 through 1961. Upon further investigation of the title of the land, the United States asserted and established that title to the land had never passed from the United States.

A similar bill with the same amendment limiting relief to a relief of liability passed the House in 1968. During the 90th Congress testimony at a committee hearing established that prior to title questions being raised in private litigation, the county in good faith regarded itself the owner of the 160 acres of forest land. The county had regarded itself as the owner of the land for more than 40 years since the county had received a sheriff's deed to the property after delinquent tax foreclosure proceedings against the tract in 1922. The basis for the Government's determination that the land belonged to the Federal Government involved the discovery of an 1892 communication in the files of the Department of the Interior indicating that this particular property had been included in a large block of land that was intended for later designation as the Cascade Forest Reserve. This was based on the fact that on March 28, 1892, all of section 9 was withdrawn from entry under the public land laws for the purpose of creating the Cascade Forest Reserve.

This particular letter was dated a few months before the State of Oregon selected the 160 acres as "lieu" lands by filing indemnity selection list No. 226 on December 27, 1892. Hood River County traced its title from this selection, for the State conveyed the 160 acres to a private owner, Mr. Edward Jones, on January 2, 1893. As has been outlined above, the county subsequently acquired the land as the result of foreclosures of delinquent taxes which had accrued subsequent to its conveyance to private ownership and prior to 1922. The Government's position is, in substance, that notwithstanding the selection by the State, its subsequent conveyance to a private individual, and the acquisition of title by tax foreclosure proceedings by the county, and the subsequent 40 years during which the county asserted its rights as owner of the land, the U.S. Government still had title to the land and further never parted with title to the property.

Prior to discovery of the question concerning title in the county, the Forest Service assisted the county in the management of this particular property along with more than 26,000 acres of the Hood River County forest lands. The Forest Service relied on county records in determining the title and boundaries of forest land subject to management. On the assumption that Hood River County was the owner of the 160-acre tract, the Forest Service, acting under contracts with the county, planned, supervised, and carried out on behalf of the county five separate sales of timber from the property between 1946 and 1961. The Hood River County received from those sales a total of $84,841.36. The amount claimed by the United States is based on this payment to the county.

The inequity to which H.R. 914 is addressed arises out of this assertion of rights by the Federal Government in the light of the particular circumstances concerning title and ownership of this specific tract. As a practical matter, no one was aware of the technicalities of the title situation until late 1961, after Hood River County had been considered the owner of the property for over the 40 years which elapsed since the 1922 tax foreclosure. It is also clear that the Government acted after five timber sales had been made on that assumption by the U.S. Forest Service acting for Hood River County. The amended bill will grant relief which, as a practical matter, is unavailable through judicial proceedings. The claim of the Government against Hood River County arose under circumstances demonstrating complete good faith upon the part of Hood River County which treated the 160 acres as its own property for over 40 years after 1922.

The committee has further been advised that payment would impose a substantial economic hardship to Hood River County if the U.S. Government would force a payment of $84,841.36. The total budget of this small county for the previous fiscal year was $1,686,313, of which $351,744 was raised from taxes imposed directly on its citizens and their property. A timber trespass judgment for $84,841.36 would represent approximately 5 percent of Hood River County's total annual budget. Since any such judgment would have to be paid from additional tax revenue, a judgment for $84,841.36 would mean a 1-year increase of almost 25 percent in the total direct taxes imposed on the citizens of Hood River County. If the judgment was for double damages—approximately $169,000—this would represent 10 percent of the county's total annual budget, and a 1-year tax increase of almost 50 percent over the present level of taxation.

The bill, as amended by the committee, would relieve the county of the obligation to pay the United States the $84,841.36 claimed by the Government but would not grant the other relief originally included in the bill. The bill, H.R. 914, as introduced would have also provided for a conveyance of the disputed 160 acres and would have further required a payment to the county of an amount equal to the money paid the United States as the result of sale of timber from the property since assertion of title by the Federal Government. The committee deleted the other provisions so that the bill does not alter the position of the parties as regards ownership of the land. As has been noted, the repayment would impose a heavy burden on the county and it is felt that the

amended bill provides for an equitable adjustment of the matter and is fair in the light of all the circumstances.

In this connection it should be noted that the General Accounting Office in its report to the committee on the bill has indicated it would have no objection to relief as is now provided in the amended bill if it is determined that repayment would work such a hardship. Accordingly, it is recommended that the amended bill be considered favorably.

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

Mr. DONOHUE. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I note the Department of Agriculture looks at this bill with a jaundiced eye. Was the committee not impressed with the statement by the Department of Agriculture as follows:

> The State of Oregon was informed in 1894 that tract A was not subject to selection because it had been withdrawn for forest reserve purposes. This information was a part of the official records relating to the tract when the county first undertook to tax it and undertook to dispose of it by tax deed. All of this was a matter of public record when the timber was sold from it.

Mr. DONOHUE. Mr. Speaker, that was the information that was before the committee. The discovery that the land belonged to the United States and was never granted to the State of Oregon was not made until some time in the early part of the 1960's.

Mr. GROSS. But the report says, according to them, that is the Department of Agriculture, that the State of Oregon was informed in 1894 of this fact.

Mr. DONOHUE. In 1892 the State of Oregon selected certain forest land and in 1893 deeded this particular 160-acre tract to a private individual. However, the Department holds that several months before, the Federal Government had included this land as a part of a large tract which was reserved by the United States for the purpose of establishing the Cascade Forest Reserve. The communication to the State concerning that reserve is what the Department has referred to.

Mr. GROSS. The report also goes on to say:

> This special enrichment to Hood River County would be in addition to the benefits received by the State of Oregon from that part of tract B granted to it pursuant to its selection in lieu of school funds.

Mr. DONOHUE. That was a provision relating to the original grant to the State of Oregon, but does the gentleman from Iowa not see what happened? The State of Oregon, after it was granted this land, proceeded to sell it or deed it over to private individuals.

This particular tract was deeded to a family named Jones in 1893. They held it until sometime in 1922 when, due to their inability to pay taxes, the Hood River County took the land over under a tax deed.

They proceeded, with the assistance of our Forestry Service to log timber from it.

Private litigation concerning adjoining lands developed in some way or another in 1959 or 1960. Then, when as the result of inquiries from parties to that litigation the Federal Government searched the title, they found that title to this particular tract had never passed to the State of Oregon. The Government therefore held that the State could not validly deed it to this private individual.

Mr. GROSS. There is no question, is there, that the State or the county, or both, profited from the use of this timberland? Is there any question about that?

Mr. DONOHUE. There is not any question, but in view of the fact that it was done innocently by the county, thinking that it had clear legal title to the land.

Mr. GROSS. All right; but they have profited thereby.

I am sorry that this bill is up under a suspension of the rules procedure, by which it cannot be amended, because I know of no reason why the county or the State, or both, should not over a period of time make orderly payments on this $84,000.

Mr. DONOHUE. The bill, as originally presented to the Congress and referred to the Judiciary Committee, also provided that since the United States took back the land and logged timber from it and derived approximately $103,000 of benefit, that amount would be paid to the Hood River County. Also it was originally provided that the 165 acres be deeded to the Hood River County.

Mr. GROSS The gentleman certainly would not penalize the county for having its hand out and its hat, too, if they could get it. But I am glad the committee did not bring out a bill to provide that the Federal Government pay them $103,000.

What I believe the county ought to do, since they got the benefit from this land, is to make orderly payments over a period of years, if necessary, and pay the Federal Government the $84,000.

Mr. DONOHUE. If the gentleman will permit me to suggest, it was brought out in our hearings that in the event they were required to pay this money back to the United States, because of the narrow tax base, it would practically bankrupt the county.

Mr. GROSS. That is pretty hard to believe, that a county in the great State of Oregon, a whole county, would be bankrupt by paying, say, $5,000 or $10,000 a year over a period of years on an obligation it owes the U.S. Government. I am just not about to absorb that.

Mr. DONOHUE. I think the premise may be rather sound, if they knowingly went on this tract and logged this timber, but they did it most innocently, with the impression and idea that they owned the land. They acquired it from this Jones family because they had failed to pay their taxes.

Mr. GROSS. But, having found out they did not own it——

Mr. DONOHUE. They did not find that out, may I suggest to the gentleman, until sometime early in the 1960's.

Mr. GROSS. The gentleman means to say that Hood River County could not over a period of years pay this? Is there no other industry but timber in that county? Do they raise any apples or fruit or anything else?

Mr. DONOHUE. I might suggest to the gentleman that the U.S. Government evidently was of the impression that that property was owned by the Hood River County, because with the assistance of the U.S. Forest Service they logged the timber from the tract.

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

Mr. DONOHUE. I am pleased to yield to the gentleman from Oregon.

I would like to reason with the gentleman from Iowa.

Mr. Speaker, today we are considering H.R. 914, for the relief of Hood River County, Oreg., from Forest Service claims for alleged timber trespass. I appreciate the opportunity to express my support for this bill, because it is most important to the people of a very fine community in my district. I would like to present a summary of their problem at this time.

Through the error of the U.S. Land Office and the State of Oregon, a 160-acre tract of public timberland in Hood River County was deeded to a private citizen in 1894. Because of unpaid taxes, title to this tract was transferred to the county in 1922. For over 40 years, all parties assumed that Hood River County held legal title to the tract. During that period timber sales were made from the tract in the value of $84,841.36 and the proceeds were received by the county.

In 1962 the error of 1894 was discovered and the Forest Service is now pressing claims against the county in the amount of $84,841.36 for "timber trespass." This is the amount of money received from timber sales made when all parties assumed that Hood River County owned the timber. I strongly urge Congress to consider the inequity of this claim since the Forest Service, the State of Oregon, and all others considered this tract non-Federal land for over 70 years. I also ask you to consider the financial strain this claim would place on the people of this area.

Hood River County has a population of under 15,000 people and an assessed valuation of only $18 million. The economy of this county is entirely dependent on agriculture, lumber, and recreation, and the loss of 160 acres of harvestable timber coupled with the burden of repaying nearly $85,000 in past revenues would be a serious handicap to their economic well-being. This county has been declared an economically depressed area in past years, and has suffered from high unemployment. Therefore, you can understand why this legislation is so important to the county.

As you may know, the Department of Agriculture has issued unfavorable reports on this legislation, although the General Accounting Office has no objection to its enactment. The Department mainly objected to the features of sections 2 and 3 of the original bill, which the House Judiciary Committee has removed from the measure we are considering today. Sections 2 and 3 would have returned this tract to the county and provided for the repayment of all funds received from timber sales made by the Forest Service since 1963. However, the amended measure which I am

urging that you approve today, would simply relieve the county from paying the $84,841.36 claim for "timber trespass." I consider this a reasonable compromise.

I now urge my colleagues to consider the equity of this legislation, and to give it their fair consideration and approval.

I would like to defer to the other gentleman from Iowa (Mr. KYL) who served on the Public Land Law Review Commission. The Commission made an intensive study of this whole problem, and this particular case came under the purview of their study.

Would the gentleman from Iowa (Mr. KYL) be interested in relating his information, if the gentleman from Massachusetts would yield to him on this particular matter?

Mr. DONOHUE. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Speaker, the case which the House reviews today is one of many rising primarily in the public land States, but not restricted to them. Broadly speaking, most such instances involve in varying degree a kind of trespass or adverse possession. There is no general manner in which administrative agencies can solve such problems and, therefore, the specific matter comes before the Congress.

It is a plain matter of fact that very honest disputes between the Federal Government and private individuals or lower governmental subdivisions do occur. It is important to note that these disputes in many, if not most, cases, do not start with any intentional wrongdoing. For instance, a primary reason for the problems is that in the less-heavily populated areas where there are vast areas of unoccupied lands, actual metes and bounds property descriptions are frequently poor or nonexistent.

Equity demands that the Congress take some action in many such cases, and I believe the matter in which we are involved today is one such case demanding action. Without basic legislation for settling these disputes, administering agencies do become highly technical in preserving the Federal sovereignty. The agencies cannot be blamed for their actions because, under traditional sovereign doctrine, this is their responsibility. It seems to me that the Congress must ultimately consider basic general law to assist the individual or governmental subdivision in its disputes against the Federal Government. Under present interpretations, adverse claimants have no use of such devices as equitable estoppel or laches. The Government, in brief, is not bound by acts of its agents.

It is at least interesting to note that the sovereign immunity doctrine has no constitutional or statutory basis. Nonetheless, the doctrine is established, and, in specific cases, the Congress rather than the courts must seek equity.

In the Hood River County case before us, there is no provable mischief or malice on the part of the county. The adverse possession over a long period of time was in good faith. There was apparently a documented record of private ownership. The county acquisition followed normal, legal means. The county's claim to the land was further substantiated by cooperative agreements with the Federal Government. For a very long time, the county thought it owned the land and there was no expression or action to the contrary.

For these reasons, I believe we should pass this legislation.

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

Mr. KYL. I yield to the gentleman.

Mr. GROSS. Let nothing I have said be construed to mean that I accuse anyone within the State government of Oregon or the county of Hood River in the State of Oregon as having done something wrong or resorted to some malicious practice.

Mr. KYL. I understand.

Mr. GROSS. I do not do that at all.

The gentleman says that the county is unable to pay to the Federal Government $84,000.

Does the gentleman know the county's budget?

Mr. KYL. I would have to yield to the gentleman from Oregon (Mr. ULLMAN) for an answer to that.

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

Mr. DONOHUE. I yield to the gentleman from Oregon.

Mr. ULLMAN. Very briefly, Hood River County has a population of under 15,000 people. It has an assessed valuation of only $18 million. It is entirely dependent upon agriculture and a small amount of timber and recreation. The loss of 168 acres of harvestable timber, coupled with the burden of repaying $84,000 in basic revenue, would represent an extremely serious handicap to this county. It has been declared an economically depressed area. For most of the last 20 years it has suffered from very high unemployment on top of that. The gentleman has made the point that if this were a matter between two private individuals, there would not be any questions about it. They had adverse possession. The law would be completely on the side of Hood River County. They would have complete access to the court and any court in the country would rule for the county.

The only reason we have kept this before the Congress is the fact that we do not have the same rights and privileges under the law as a private individual would have and, therefore, we have to come to the Congress because the Congress is the only recourse.

All we are asking here is what any court in the land would grant if this were a private case.

I think the gentleman is a very reasonable gentleman and if he thoroughly understood this case he would say that we are absolutely right—that these people should have justice.

Mr. GROSS. Mr. Speaker, if the gentleman from Massachusetts will yield further, with all due respect to the gentleman from Oregon, I am not interested in a hypothetical case as to what happens between two individuals; I am interested in the facts as they concern this case and that is all.

Mr. ULLMAN. Mr. Speaker, if the gentleman from Massachusetts will yield further, reference has been made to the report by the Department of Agriculture. The Department's objection was primarily to some additional features that were in the bill. In the original bill this asked for a return of this 160 acres to the county and the reimbursement for whatever timber was sold since 1962 when the revelation was made of the fact that they do not own it. That is primarily what the objection is about. However, it is very interesting to note that the General Accounting Office, an arm of the Congress, has no objection to the bill.

Mr. Speaker, I think in all equity the gentleman would agree that this is a matter of basic equity.

I appreciate very much the remarks of the gentleman from Iowa (Mr. KYL), because the Public Land Law Review Commission has found this to be an extremely serious problem in hundreds of thousands of cases across the country.

I think that he as a member of that very important Commission, being an expert on this, has made this statement. I would also say the gentleman from Pennsylvania (Mr. SAYLOR), who I think has been on the Commission, has studied this matter too, and I would like to hear what he has to say on it.

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

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

Mr. SAYLOR. Mr. Speaker, I want to say that this case points up a very serious problem, not just alone in Hood County, Oreg., but you can duplicate this in almost every western State. The thing that disturbs me is that several years ago at the instance and request of a number of Members of Congress, the Committee on the Judiciary reported out a similar bill in southwestern California, and the then President vetoed it because of the precedent that it set.

I am afraid that if we move in these cases on a piecemeal basis we may be asking for a Presidential veto if President Nixon follows the same pattern that his predecessor did in the case in California.

The SPEAKER pro tempore. The gentleman from Massachusetts has consumed 18 minutes of his total time.

Mr. DONOHUE. Mr. Speaker, I might suggest to the gentleman from Pennsylvania that the purport of this bill, as amended, is not to give Hood County anything, in the way of title to the disputed tract. It is merely relieving them of $84,000-plus, because of their economic inability to meet that obligation which was all brought about most honestly and most innocently. Certainly if there was ever a case of equity in my opinion, something that our good President, as a good lawyer, should and will recognize, it is this case.

Mr. SAYLOR. Mr. Speaker, I might say to my colleague that, I appreciate the title problems involved in this case the equities are all with the county, but this is not a case between individuals, so unfortunately individual equity does not apply. All I can say is that if we pass this I am afraid that the gentleman's committee is going to be besieged with

other cases from the West from other Members who have a similar situation.

Mr. DONOHUE. Mr. Speaker, the gentleman can be assured, may I say to the gentleman, that such cases will be considered individually on their merit, and if they are as meritorious as this one, I know that our committee will treat them accordingly.

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

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

Mr. KYL. Mr. Speaker, there are some rather ridiculous aspects to a case of this nature. We are talking about title to 160 acres of land. I would ask the gentleman from Pennsylvania (Mr. SAYLOR), if it is not true that the Federal Government could transfer to Hood County, or to any city there, 160 acres of land, without cash, if it were to be used for recreational or school purposes?

Mr. SAYLOR. Mr. Speaker, if the gentleman will yield further, that is correct. They could not only transfer 160 acres, they could transfer 640 acres every year.

Mr. KYL. Each year.

Mr. SAYLOR. That is correct, if they use it for recreational purposes.

Mr. KYL. Mr. Speaker, if the gentleman will yield further, we face a most difficult situation in the basic question that is involved here. The Department of Defense are almost obligated to give negative responses on some kind of requests; they become overly involved, they become overly technical in the point of law, because of the complete acceptance——

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired. The Chair recognizes the gentleman from New York (Mr. SMITH).

Mr. SMITH of New York. Mr. Speaker, I yield myself such time as I may require.

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

Mr. SMITH of New York. Mr. Speaker, I will yield to the gentleman from Iowa in just a moment.

Mr. Speaker, I rise in support of the bill H.R. 914, and I want to associate myself with the remarks of the gentleman from Iowa (Mr. KYL), and the gentleman from Oregon (Mr. ULLMAN), and the gentleman from Massachusetts (Mr. DONOHUE).

Now I will be happy to yield to the gentleman from Iowa.

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

Mr. SMITH of New York. I yield to the gentleman.

Mr. KYL. I would like to conclude with this one thought about the difficulty presented here. The departments do become overly technical and they are obligated to do so because of our utter subservience to a complete sovereign immunity which prevents any individual or any locality in a situation just like this from finding or obtaining any equity through the courts. They have to come to the Congress to get this equity.

The gentleman from Pennsylvania spoke about a case which has been subject to veto. It is a case in which a group of people living along the Colorado River in the State of California thought they owned the land. They have title to the land, they paid for the land. They have title insurance on the titles they hold on the land. Suddenly, the Federal Government comes to them and says:

"This land is the result of erosion of the Colorado River and therefore the land belongs to the U.S. Government and you do not own it."

Those people cannot sue the Government. They cannot employ any of the usual procedures that are permitted in cases of an individual against an individual. There is no way to settle such a problem except by congressional action and we are always going to have to face this threat of vetos on the basis of sovereign immunity and sovereign domination. But I think we do have to make an attempt sometime to try to do equity in these situations.

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

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

Mr. SMITH of New York. I yield to the gentleman.

Mr. HUNGATE. As I understand the original bill, and the gentleman from New York can correct me if I am in error please, the original bill sought payment for timber that had been cut by the U.S. Government in excess probably of $100,000 and it sought the restoration of 160 acres, of the title, and sought relief from an $84,000 claim that the Government made on the county.

There were these things and the committee decided not to pay them the $100,000 they were seeking for timber on this land and the committee decided not to give them title to the 160 acres. The committee seeks to relieve them of the liability of $84,000 which represents, and I think this would represent about 25 percent a year of the amount of taxes they would get. In other words, it is a substantial sum and represents a substantial sum for this county. I want to make this clear—you cannot get any court in the land and there is no legal claim and that is why we have to have the Congress to act in matters of equity. That is what is being appealed to and what really appealed to me, the equity involved, to see that the Government of the United States acted so far as the timber sales that were made on the assumption by the U.S. Forest Service acting for the Hood River County, that they owned the land.

If we ever had an opportunity to assert our claim that we assist people to come to the U.S. Government and if we do not see that equity is done here, then you are not allowing anything.

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

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

Mr. SMITH of New York. I yield to the gentleman from Oregon.

Mr. ULLMAN. I would just like to add along with the points I have made that all of the money involved here was collected while the timber was under the management of the Federal Government under contract during 1945 and 1955 and they renewed the agreement to maintain the land for the county. They held these timber sales and this amount of money was collected and all during the time the Federal Government managed the land for the county on the assumption that the county owned the land.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts that the House suspend the rules and pass the bill H.R. 914, 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.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. 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. 38]

Addabbo	Edwards, La.	Meeds
Anderson, Ill.	Evins, Tenn.	Mizell
Anderson, Tenn.	Fallon	Moorhead
	Foley	Morton
Ashley	Fulton, Tenn.	Moss
Aspinall	Goldwater	Murphy, N.Y.
Baring	Grover	Ottinger
Barrett	Gubser	Pettis
Berry	Hastings	Powell
Boland	Hawkins	Preyer, N.C.
Bolling	Hébert	Rees
Brock	Jones, Ala.	Reid, N.Y.
Brotzman	Kastenmeier	Rogers, Colo.
Brown, Ohio	Keith	Rosenthal
Buchanan	Kirwan	Ruppe
Bush	Kluczynski	Sisk
Button	Leggett	Snyder
Celler	Lennon	Springer
Chisholm	Lukens	Steiger, Wis.
Clark	McCarthy	Taft
Clay	McDonald, Mich.	Teague, Calif.
Cohelan	McEwen	Teague, Tex.
Conyers	Macdonald, Mass.	Thompson, Ga.
Dawson	Mahon	Tunney
Diggs	Mailliard	Vander Jagt
Downing	Mann	Watkins
Dwyer		Wright
Edmondson		

The SPEAKER. On this rollcall 350 Members have answered to their names, a quorum.

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

CONFERENCE REPORT ON H.R. 15931, DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. FLOOD submitted the following conference report and statement on the bill (H.R. 15931) 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:

CONFERENCE REPORT (H. REPT. No. 91-863)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15931) "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," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"SEC. 410. From the amounts appropriated in this Act, exclusive of salaries and expenses of the Social Security Administration, activities of the Railroad Retirement Board, operations, maintenance, and capital outlay of the United States Soldiers' Home and payments into the Social Security and Railroad Retirement trust funds, the total available for expenditure shall not exceed 98 per centum of the total appropriations contained herein: *Provided*, That in the application of this limitation, no amount specified in any appropriation provision contained in this Act may be reduced by more than 15 per centum."; and the Senate agree to the same.

DANIEL J. FLOOD,
WILLIAM H. NATCHER,
NEAL SMITH
(as instructed),
W. R. HULL, Jr.,
BOB CASEY,
ROBERT H. MICHEL,
GARNER E. SHRIVER,
CHARLOTTE T. REID,
FRANK T. BOW,
Managers on the Part of the House.

WARREN G. MAGNUSON,
RICHARD B. RUSSELL,
JOHN STENNIS,
ALAN BIBLE,
SPESSARD L. HOLLAND,
NORRIS COTTON,
CLIFFORD P. CASE,
HIRAM L. FONG,
J. CALEB BOGGS,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15931) 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, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

In accordance with the directions of the House, the managers on the part of the House agreed to each of the five amendments of the Senate, as follows:

Amendment No. 1—Deletes language proposed by the House in connection with "School assistance in Federally affected areas" of Title II—Department of Health, Education, and Welfare.

Amendment No. 2—Inserts language in section 408 of Title IV—General Provisions.

Amendment No. 3—Inserts language to section 409 of Title IV—General Provisions.

Amendment No. 4—Deletes section 410 of Title IV—General Provisions.

Amendment No. 5—Inserts a new section 410 to Title IV—General Provisions. (Carried in the Senate-passed bill as section 411.)

DANIEL J. FLOOD,
WILLIAM H. NATCHER,
NEAL SMITH
(as instructed),
W. R. HULL, Jr.,
BOB CASEY,
ROBERT H. MICHEL,
GARNER E. SHRIVER,
CHARLOTTE T. REID,
FRANK T. BOW,
Managers on the Part of the House.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 15931) 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.

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

There was no objection.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

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

There was no objection.

The Clerk read the statement.

The SPEAKER. The gentleman from Pennsylvania is recognized.

Mr. FLOOD. Mr. Speaker, I do not intend to presume upon the time of the House any longer on this bill. We had a record vote on the motion to table the motion to instruct the managers on the part of the House to agree to the Senate amendments. That motion to table was defeated. We then had a record vote on the motion to instruct. That motion passed by a substantial majority.

We did the only thing we could do under these circumstances. We went to conference and agreed to the Senate amendments. That is reflected in this conference report—we report to the House as we were instructed to report—period.

Mr. OTTINGER. Mr. Speaker, I view the conference report on the 1970 Labor-HEW appropriation with mixed feelings. After the prolonged legislative struggle we have waged to demonstrate the depth of our commitment to the educational and health needs of this Nation, I deeply regret that we are faced with a bill that will allow expenditures of only $19 billion, so far short of the demonstrated and urgent need. It is tragic that medical research, hospital construction, schools, and libraries must bear the brunt of the battle against inflation when there are so many low-priority programs we could have reduced or eliminated this year with less damage to the future of America.

I cannot be reconciled to our abdication of full choice of the allocations contained in this bill. In my speech of February 19, I warned about setting such a precedent in giving the President control over any part of an appropriation bill, a demand which is sure to come from the other end of Pennsylvania Avenue with increasing frequency once the dam has been breached. The cynicism of the administration in winning passage of this provision shows clearly in the President's agreement to accept more than his original request for impact aid, after chastising Congress in his veto message for perpetuating "this unfair program." All doubts about the political basis for the veto vanished with this action.

We do, however, owe a debt to the Senate for defusing sections 408, 409, and 410, the Jonas and Whitten amendments so clearly designed to blunt desegregation of the South's dual school system. This much we have to commend this conference report to us. I urge that we not consider any longer such mischievous legislative attempts to hold back the march toward justice and equal opportunity in this land.

Mr. Speaker, in the months ahead we will have many another opportunity to test our commitment to the pressing domestic problems that we defer longer at our peril. Students in crowded, ill-equipped classrooms, patients in cancer wards, heart and stroke victims, and all the committed and concerned people of this Nation are watching us. The President too will have such an opportunity, but the history of this appropriation bill makes it clear that the Congress will be constrained to provide the leadership so desperately needed in the difficult weeks and months ahead. It is a challenge I am certain we will rise to.

Mr. RARICK. Mr. Speaker, the enactment of the HEW appropriation bill without the freedom of choice provision which this House inserted, would be a mistake. It simply means that we are again providing from the people's pockets the funds to complete the destruction of the people's schools. It will mark the death knell of public education in the United States.

While the President and his Secretary of HEW, Mr. Finch, have lately been making noises which suggest that they dearly love public education and the community or neighborhood school, their actions belie their protestations. All of us here know who it was who operated to emasculate the bill in the other body, and see the development of a new coalition to carry out their true wishes with the bill.

Again, and again, I have pointed out that freedom of choice is the law of the land, and again I call that to the attention of the House. The Constitution commands nothing like busing of children, of teachers, of janitors to bring about a quota system. Nor has this Congress so commanded.

Such a command, attributed to some mystic, hard to find, miscellaneous small print in the Constitution is really the totally illegal, arbitrary fiat of men who have usurped power by wearing judicial robes. I will not even dignify their acts as acts of a court, for they are patently in violation of our own Constitution and of every civilized concept of the administration of justice.

Suppose that the Supreme Court, in a carefully prepared case, were to decide that our history as a predominantly

Christian nation is in itself evidence of some kind of a violation of the first amendment, forbidding the Congress to establish a religion. The evidence would show that the Armed Forces have long provided chaplains, that religious institutions enjoy tax privileges, that ministers of religion are by custom granted many benefits, that God is invoked in the Congress and even by the courts.

Do you see a parallel between these findings and the years of tortuous writhings of the leftists on the bench in trying to conclude that the natural discrimination—freedom of people, leading them to live their lives with their own kind, free to make their own associations, is somehow proof positive of a growth to be rooted out at all costs—even the destruction of society itself?

So, in our hypothetical case, the Supreme Court would hand down an order that, since it had determined Christianity was bad and in violation of the first amendment, it must be destroyed. The Supreme Bench might then delegate to the district courts the details of destroying the religion, but in this delegation establish a guideline that they decree the compulsory and public practice of the religions of the world which have been discriminated against—obviously with public approval.

We have no trouble in seeing that the Constitution, despite such reasoning, does not command that some of us become Buddhist, others worship animals and stones, and the proper quota make their sacrifices to the gods and goddesses of the pantheon.

Why, then, do we have difficulty in seeing through the initial dishonesty and its propaganda repetition about schools? There is no more a constitutional command that schools in any part of the country be integrated than there is that the people become atheist, or Taoist, or worse.

And, Mr. Speaker, the court orders requiring such things as busing, pairing, transfers, and the like, have no more validity that would such an order proliferating religions to the satisfaction of some sick judge.

In the Civil Rights Act of 1964, the Congress spoke. It said plainly that desegregation did not mean forced integration, and that nothing in that law gave any officer of the Federal Government, or the judge of any court, any authority to order such things.

In the current HEW appropriations bill, we forbade the expenditure of funds for these things. Our prohibition in that appropriation bill was the law of the land, and it has been flagrantly violated.

If the Constitution gives no authority for such decrees, and the law enacted by Congress gives no authority for such fiat, from whence do the judges obtain their power? From on high?

The American people know and understand the answer to that question. The judges have no such power as that which they claim. Freedom of choice is the law of the land.

In the HEW appropriation bill upon which we are now acting, this House again placed our prohibition on the use of the funds for forced racial quota transfers. In the other body certain words were added to our command. The command is still there, but the words may fool some people. They are intended to do just that—to be a weapon of psychological warfare against our own American people.

The bill now says that "except as provided by the Constitution" our prohibitions will apply. Of course they will. Nothing in the Constitution requires integration, as I have already demonstrated in the comparison with a religious reconstruction example.

So these words are legal surplusage, the sort of thing which amateur lawmakers stick into a law, and which are well known to be meaningless.

We long ago agreed that a law which contravenes the Constitution is a nullity. It is a nullity whether or not it includes in its opening phrase "except as prohibited by the Constitution"—and a law which forbids that commanded by the Constitution is likewise a nullity whether or not it includes in its opening phrase "except as provided by the Constitution."

So the law is not changed by the new appropriations bill, despite the fact that the dishonest opinionmakers will shout loudly to the people that the race mixers have won a victory.

The fact remains that the bill is bad law, because it is the vehicle by which public education will be destroyed. We have seen the failure of the executive branch to abide by the law—and the failure of the judicial branch to obey the law.

If the legislative branch now abdicates its responsibility, as it appears prepared to do, to what power are the American people to appeal? Such a vote seems to show that the Congress approves of the destruction of the schools and desires to let the bureaucrats continue to misuse the children whom they have kidnaped. It will be so interpreted by the bureaucrats, and with the help of the controlled media, the people.

Mr. Speaker, from one end of this Nation to the other the American people are demanding explanations for the denial of their freedoms. They are awake and they are complaining. I fear that we have not heard their voice, but assuredly we will. They will stand for their children, they will speak louder, and more often. They will keep the pressure on. The American people will be heard, for this is their Government.

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

The previous question was ordered.

The SPEAKER. The question is on the conference report.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. MINSHALL. 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. The Chair will count. 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 324, nays 55, not voting 51, as follows:

[Roll No. 39]

YEAS—324

Adair	Feighan	Michel
Adams	Findley	Mikva
Addabbo	Fish	Miller, Calif.
Albert	Fisher	Miller, Ohio
Alexander	Flood	Mills
Anderson, Calif.	Flowers	Minish
	Foley	Mink
Anderson, Ill.	Ford, Gerald R.	Minshall
Andrews, Ala.	Ford, William D.	Mize
Andrews, N. Dak.		Mollohan
	Foreman	Monagan
Annunzio	Fraser	Moorhead
Arends	Frelinghuysen	Morgan
Ashley	Frey	Morse
Ayres	Friedel	Morton
Beall, Md.	Fulton, Pa.	Mosher
Belcher	Galifianakis	Murphy, Ill.
Bell, Calif.	Gallagher	Murphy, N.Y.
Berry	Garmatz	Myers
Betts	Gaydos	Natcher
Bevill	Gialmo	Nedzi
Biaggi	Gilbert	Nelsen
Biester	Gonzalez	Nichols
Bingham	Goodling	Nix
Blanton	Gray	Obey
Blatnik	Green, Oreg.	O'Hara
Boggs	Green, Pa.	O'Konski
Boland	Griffiths	Olsen
Bolling	Grover	O'Neill, Mass.
Bow	Gubser	Patten
Brademas	Gude	Pelly
Brasco	Hall	Pepper
Bray	Halpern	Perkins
Brooks	Hamilton	Philbin
Broomfield	Hammer-schmidt	Pickle
Brown, Calif.		Pike
Brown, Mich.	Hanley	Pirnie
Broyhill, N.C.	Hanna	Podell
Broyhill, Va.	Hansen, Idaho	Poff
Burke, Mass.	Hansen, Wash.	Preyer, N.C.
Burleson, Tex.	Harrington	Price, Ill.
Burlison, Mo.	Harsha	Price, Tex.
Burton, Calif.	Harvey	Pryor, Ark.
Burton, Utah	Hastings	Pucinski
Button	Hathaway	Purcell
Byrne, Pa.	Hays	Quie
Byrnes, Wis.	Hechler, W. Va.	Quillen
Cabell	Heckler, Mass.	Railsback
Camp	Helstoski	Randall
Carey	Hicks	Reid, Ill.
Carter	Hogan	Reid, N.Y.
Casey	Holifield	Reifel
Cederberg	Horton	Reuss
Celler	Hosmer	Rhodes
Chamberlain	Howard	Riegle
Clark	Hull	Roberts
Clausen, Don H.	Hungate	Robison
	Hunt	Rodino
Clawson, Del	Hutchinson	Roe
Clay	Jacobs	Rooney, N.Y.
Cleveland	Johnson, Calif.	Rooney, Pa.
Cohelan	Johnson, Pa.	Rosenthal
Collier	Jones, Tenn.	Rostenkowski
Conable	Karth	Roth
Conte	Kastenmeier	Roudebush
Corbett	Kazen	Roybal
Corman	Kee	Ruth
Coughlin	King	Ryan
Cowger	Kleppe	St Germain
Culver	Koch	St. Onge
Cunningham	Kuykendall	Sandman
Daddario	Kyl	Satterfield
Daniels, N.J.	Kyros	Schadeberg
Davis, Ga.	Landgrebe	Scherle
Davis, Wis.	Langen	Scheuer
de la Garza	Latta	Schneebeli
Delaney	Lloyd	Schwengel
Dellenback	Long, Md.	Scott
Denney	Lowenstein	Sebelius
Dennis	Lujan	Shipley
Dent	Lukens	Shriver
Derwinski	McClory	Sisk
Diggs	McCloskey	Skubitz
Dingell	McClure	Slack
Donohue	McCulloch	Smith, Calif.
Downing	McDade	Smith, Iowa
Dulski	McFall	Smith, N.Y.
Duncan	McKneally	Springer
Eckhardt	MacGregor	Stafford
Edwards, Calif.	Madden	Staggers
Eilberg	Marsh	Stanton
Erlenborn	Martin	Steed
Esch	Mathias	Stephens
Eshleman	Matsunaga	Stratton
Evans, Colo.	May	Stubblefield
Evins, Tenn.	Mayne	Sullivan
Farbstein	Melcher	Symington
Fascell	Meskill	Talcott

Taylor	Weicker	Wold
Thompson, N.J.	Whalen	Wolff
Thomson, Wis.	Whalley	Wright
Tiernan	White	Wyatt
Udall	Whitehurst	Wydler
Van Deerlin	Widnall	Wylie
Vander Jagt	Wiggins	Yates
Vanik	Williams	Yatron
Vigorito	Wilson, Bob	Young
Waldie	Wilson, Charles H.	Zablocki
Wampler	Winn	Zion
Watts		Zwach

NAYS—55

Abbitt	Edwards, Ala.	O'Neal, Ga.
Abernethy	Flynt	Passman
Ashbrook	Fountain	Patman
Bennett	Fuqua	Poage
Blackburn	Gettys	Pollock
Brinkley	Gibbons	Rarick
Buchanan	Griffin	Rivers
Burke, Fla.	Gross	Rogers, Fla.
Caffery	Hagan	Saylor
Chappell	Haley	Sikes
Clancy	Hébert	Steiger, Ariz.
Collins	Henderson	Stuckey
Colmer	Jarman	Teague, Tex.
Cramer	Jonas	Waggonner
Crane	Jones, N.C.	Watson
Daniel, Va.	Landrum	Whitten
Devine	Long, La.	Wyman
Dickinson	McMillan	
Dorn	Montgomery	

NOT VOTING—51

Anderson, Tenn.	Goldwater	Meeds
Aspinall	Hawkins	Mizell
Baring	Ichord	Moss
Barrett	Jones, Ala.	Ottinger
Brock	Keith	Pettis
Brotzman	Kirwan	Powell
Brown, Ohio	Kluczynski	Rees
Bush	Leggett	Rogers, Colo.
Chisholm	Lennon	Ruppe
Conyers	McCarthy	Snyder
Dawson	McDonald, Mich.	Steiger, Wis.
Dowdy	McEwen	Stokes
Dwyer	Macdonald, Mass.	Taft
Edmondson	Mahon	Teague, Calif.
Edwards, La.	Mailliard	Thompson, Ga.
Fallon	Mann	Tunney
Fulton, Tenn.		Ullman
		Watkins

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Fulton of Tennessee for, with Mr. Mann against.

Mr. Mailliard for, with Mr. Lennon against.

Until further notice:

Mr. Aspinall with Mr. Brock.

Mr. Fallon with Mrs. Dwyer.

Mr. Edmondson with Mr. McDonald of Michigan.

Mr. Meeds with Mr. Mizell.

Mr. Macdonald of Massachusetts with Mr. Keith.

Mr. Leggett with Mr. Ruppe.

Mr. Kluczynski with Mr. Brotzman.

Mr. Moss with Mr. Pettis.

Mr. Rogers of Colorado with Mr. Snyder.

Mr. Barrett with Mr. Watkins.

Mr. Anderson of Tennessee with Mr. Bush.

Mr. Jones of Alabama with Mr. Goldwater.

Mr. Ichord with Mr. Teague of California.

Mr. Dowdy with Mr. Thompson of Georgia.

Mr. Ottinger with Mr. McEwen.

Mr. Ullman with Mr. Taft.

Mr. Edwards of Louisiana with Mr. Brown of Ohio.

Mr. Mahon with Mr. Steiger of Wisconsin.

Mr. Tunney with Mrs. Chisholm.

Mr. Stokes with Mr. Rees.

Mr. McCarthy with Mr. Conyers.

Mr. Baring with Mr. Powell.

Mr. Kirwan with Mr. Hawkins.

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

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks prior to the vote on my motion to table today, and also prior to the vote on the conference report just agreed to, and to include extraneous matter.

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

There was no objection.

CHANGE OF CALL OF SPECIAL ORDERS TODAY

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that my special order for today may be called following that of the gentleman from Pennsylvania (Mr. DENT), and that the gentleman's special order may be called prior to mine.

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

There was no objection.

ANNUNZIO INTRODUCES LEGISLATION TO PROTECT SAVINGS AND LOAN COOPERATIVE VENTURE

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

Mr. ANNUNZIO. Mr. Speaker, today I have introduced legislation that would expand, on a permanent basis, a temporary ruling by the Federal Home Loan Bank Board concerning the liquidity requirements of insured savings and loan institutions.

The Board has ruled that after December 1, 1970, savings and loans can no longer include as liquidity items deposits held in certain commercial banks.

For instance, after that date, savings and loans will no longer be able to count as liquidity items deposits held in the Bank for Savings and Loan Associations in Chicago, Ill. The Bank for Savings and Loan Associations received its charter as a commercial bank from the State of Illinois in December 1966 and it began operations in the fall of 1967. The stock of the bank, except for director qualifying shares, is owned by 155 State-chartered savings and loan associations in Illinois. The bank serves only savings and loan associations and it does not deal with the general public. The bank is fully examined by the commissioner of banks and trust companies of the State of Illinois and it is my understanding that these examinations have shown the bank to be competently managed.

Since the Bank for Savings and Loan Associations does not deal with the general public but only with the savings and loan industry, providing many of the same functions that the Federal Home Loan Bank system does in the way of advances and loans, the bank is not federally insured. If the bank did deal with the general public, of course there would be a need for insurance since there would be a number of small depositors but since the bank handles only savings and loan deposits, the insurance for the most part would be of little value to savings and loans, particularly since there is a limit of insurability of $20,000 for each account.

My bill would make certain the temporary reprieve granted to savings and loans. The bill provides that any such bank in operation on February 6, 1970, would be in the "liquidity" category for savings and loans. To my knowledge the Bank for Savings and Loans in Chicago is the only such bank that would be affected by my legislation.

As was pointed out earlier, the Bank for Savings and Loans was chartered in 1966 and has operated successfully since then. In correspondence with the Federal Home Loan Bank Board concerning the change in liquidity requirements which would have put the Bank out of business, not one word has been said or written by the Board indicating any weakness in the management of the bank nor has it been suggested that the bank is operating in anything but a highly competent manner.

Mr. Speaker, unless my bill is enacted, the savings and loan industry in Illinois would suffer a great hardship in December of this year. These savings and loans have banded together to make more funds available and to make certain that any excess funds are channeled to savings and loans which are in need of mortgage money.

In this time of critical housing shortages, this body should do everything possible to encourage the creating of reserve lending institutions such as the Bank for Savings and Loans so that idle funds can be channeled into institutions which have a need for them.

It is my hope that speed action can be taken on this legislation so that when the December deadline approaches, the Bank for Savings and Loans will not be forced out of existence.

ALLENTOWN EVENING CHRONICLE OBSERVES 100TH ANNIVERSARY

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

Mr. ROONEY of Pennsylvania. Mr. Speaker, I am privileged today to bring to the attention of my colleagues a century of service by the Evening Chronicle newspaper of Allentown, Pa.

One hundred years ago today this newspaper published its first edition under the name "Daily Chronicle." During the past century its pages daily have chronicled the events which marked the development of the community it serves and of a growing nation which in its infancy had placed a high value on a free press.

Obviously, Mr. Speaker, for any newspaper to survive for a century is a tribute to that newspaper's acceptance by its readers. The Evening Chronicle has developed and maintained a high standard of responsible and responsive journalism. Through its standard, Allentown and the Lehigh Valley have benefitted immeasurably.

Today, the Evening Chronicle is one of three newspapers published by the Call-Chronicle Newspapers, Inc., serving a seven-county area of eastern Pennsylvania. I am pleased to have this opportunity to review for my colleagues the history of this fine newspaper, and to declare publicly my warmest congratulations upon the achievement of this publishing milestone and best wishes for many more years of distinguished journalistic service to the Lehigh Valley community.

The Evening Chronicle was first published on March 3, 1870, from the office of the Lehigh Register, located on Hamilton Street, east of 7th in Allentown. Through the years it underwent a series of name changes, but always carried "Chronicle" in its logotype.

The first edition was the Daily Chronicle, which by 1880 had become the Chronicle and News. By 1890 it was the Daily Chronicle and News. "And Evening Item" was added to this title in the 1920's and was dropped again by 1930. In 1940 the name was changed to the Evening Chronicle, which it remains today. At the same time, the Chronicle name was added to the Sunday Call-Chronicle.

The Chronicle actually traces its history to December 3, 1868, when Robert Iredell and Morgan R. Wills arrived in Allentown from Norristown, where they published the Herald and Free Press. When Iredell and Wills left Allentown, in Iredell's pocket was an option to buy the Lehigh Register, a weekly founded in 1846 by August L. Ruhe but operated in 1868 by Elisha Forrest.

By May of 1869, Robert Iredell was installed as publisher of the Register and had taken up residence in Allentown. He moved cautiously because he was a Republican and the son of a Republican in a city that was Democratic and where the two principal newspapers were the Allentown Democrat, a weekly, and the Lehigh Valley Daily News.

But eventually he issued the first Daily Chronicle on March 3, 1870. The full press run of the four-page paper consisted of 1,000 copies, which the public purchased avidly. He continued to publish the weekly Register, which finally went out of existence shortly before World War I.

On May 8, 1875, he acquired the Daily News and changed the name of the paper to the Chronicle and News. In 1877, he purchased the Morning Herald, which was carried briefly in the nameplate, but then was dropped. That same year, he became postmaster of Allentown, continuing in that position through the administrations of Presidents Garfield, Arthur, and Cleveland.

Iredell died at the age of 49 on October 22, 1893, but the Chronicle survived him and has continued to function in the tradition he established. The personal journalism of his era is a thing of the past, but he made the Chronicle a potent community force and it has continued to be that during the various changes of ownership and under the guidance of various editors and publishers.

Since 1935, the Chronicle has been part of the Call-Chronicle Newspapers, Inc. Its publisher is Donald P. Miller, son of the late David A. Miller, who was co-publisher of the Morning Call with the late Royal W. Weiler and J. C. Shumberger when they acquired the Chronicle in 1935 to keep its ownership local.

Although the Chronicle was Republican by tradition, its editorial policy has become independent, giving it greater latitude in commenting on the issues of the day. Its news presentation historically has been accurate and objective, regardless of its editorial attitude on the current issues.

Through the years, the Chronicle has gained widespread recognition as one of the best written and best edited newspapers in the country. Although it is 100 years old it is modern in its approach to the news and issues. There is no hesitancy to try editorial and mechanical innovations, a fact that has helped to keep the Chronicle young despite its 100 years as a vital part of the daily life in Allentown and the Lehigh Valley.

SALUTE TO THE CITY OF CUERO

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

Mr. KAZEN. Mr. Speaker, it is with great pride and admiration that I join the Lone Star State and the Nation in saluting the city of Cuero, Tex., for winning the honor and distinction as an All America City of 1969. This citation and recognition was recently announced by Look magazine and the National Municipal League.

Cuero, with a population of 8,000, is the county seat of De Witt County and located in the northeastern part of the 23d Congressional District, which I am honored and privileged to represent in Congress. Cuero's economy is based on agribusiness industries; it is a leading broiler, egg and turkey producing area with 80 percent of its farm income stemming from poultry and livestock.

As one reads the Look magazine article of March 10, 1970, for which I request permission to insert in the RECORD so that my colleagues may share with me the pleasure and joy of this recognition, I am moved to ask a most appropriate question: What makes a city?

A city is a community of institutions, businesses and people banded together for the purpose of creating and living in a healthy, industrious environment. It is a community that takes pride in its surroundings and whose neighborhoods desire and aspire for a better future for their present inhabitants as well as for the youth of tomorrow. There is a spirit of local patriotism—an allegiance to the community to make it a better place in which to live.

Cuero is an example of the melting pot history of our Nation, for here you see a joining together of various ethnic and racial groups, with diverse and rich cultural backgrounds, who joined together with a positive attitude of building and doing for the common good. Citizens of Cuero are a freedom loving people, a model community that exemplifies citizen participation in the practice of democracy with peace and prosperity and a deep sense of patriotism, at a time when other parts of our Nation are wracked with civil disturbances and radical demonstrators who desecrate our American flag and tear at the fabric of our society.

Cuero's popular and hard-working mayor, the Honorable Jack Edgar, commenting on this great honor, remarked:

> This is undoubtedly the greatest honor that has ever been bestowed on our city . . .

And I would like to add my comments by saying that, while receiving this award is indeed cause for celebration and a festive occasion, it also carries with it a mandate to follow through with the tradition of great citizenship it symbolizes. It is also a time for rededication to the principles that brought this award and distinction to the people of Cuero.

Mr. Speaker, I extend my sincere and enthusiastic congratulations to all the citizens of Cuero for meriting this outstanding recognition. Well done, Cuero.

The article referred to follows:

LOOK AND THE NATIONAL MUNICIPAL LEAGUE SALUTE CUERO, TEX., "ALL AMERICAN CITY" OF 1969

(By Thomas Barry)

You expect cattle and superlatives. You get both in Cuero (pop. 8,000), an old ranching town in the rolling green tableland of south Texas, 50 miles from the Gulf. The Chisholm Trail to Missouri began near Cuero in 1866 and, according to a local pamphlet, handled ten million cattle by the turn of the century—"the greatest movement of animals under the control of men in all history." Mayor Jack Edgar, who retired here after 30 years in the Army, swears that the town today holds "more barbecue parties per person than any in the nation."

What you don't expect in Cuero (a Spanish word for raw, or green, hides) is a phone book full of German names. They belong to descendants of immigrants who fled coastal hurricanes in 1875, many bringing their porticoed homes with them, board by board. Another surprise is a high school team called the Gobblers—until you learn that Cuero is the Turkey Capital of the World, serving a region that ships over a half-million birds annually.

Agriculture, some oil and gas production and light industry carried Cuero into the mid 1960's as a rich, conservative, close-knit community. Low taxes and abundant quail and deer hunting made it a good place to work and retire. (One quarter of Cuero's teachers and seven out of nine lawyers are native-born; 1,400 residents—a big proportion—are over 65.) Problem was, most of the wealth poured right into the town's three banking institutions, boasting deposits of $27 million. Over a 50-year period, the school system received a scant $400,000 for improvements—as enrollment tripled. Housing became dilapidated, especially in the Negro district west of the Southern Pacific tracks. Social and municipal services decayed. Young people were leaving town because no new jobs were available.

In late 1965, the prospect that Cuero's three small hospitals couldn't measure up to Federal Medicare requirements led to the formation of a committee headed by Clifton Weber, an auto dealer. This group proposed a new $1.7 million hospital and got unusual response from a community of reluctant spenders. The town voted five to one to establish a hospital district, then passed a $750,000 bond issue and finally, fortified by $850,000 in Federal money, donated $170,000 more in a fund drive. "Usually you can't tax and solicit contributions at the same time," says Will Cockrell, the lanky, 35-year-old city

manager who arrived in 1967. "But they did it."

The hospital provoked a remarkable turnabout in Cuero, an accelerating willingness to work, spend and (with swallowed pride, perhaps) seek out the much maligned Federal dollar. With representatives from Mexican-American and Negro minorities (35 and 10 percent, respectively), a Public Housing Authority got to work in 1966, designating four building sites and winning approval for 110 units for the elderly and the poor. The Jaycees, meanwhile, helped tear down and remove some 40 unused shacks. Cuero's Industrial Foundation raised $40,000 toward a building that was leased to a furniture-manufacturing plant; it now employs 55 Cueroites and will hire 75 more this year. The city matched a $105,000 Federal grant for an outdoor recreation project. The school system raised salaries and will have a new junior high, thanks in part to a $1.4 million bond issue passed four to one last fall—"at a time," says Superintendent Elgin Sims, "when 80 percent of these are failing in Texas." With a brand-new nursing home and 50 city blocks newly paved by citizen assessment, City Manager Cockrell says humbly: "The people here have done more than we can say grace over."

MENINGITIS AT FORT LEONARD WOOD

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

Mr. SYMINGTON. Mr. Speaker, there is widespread concern in St. Louis County over the outbreak of meningitis at Fort Leonard Wood. Since December, 32 cases of meningitis have been diagnosed, and three servicemen have died of this disease. Many of my constituents have written expressing concern for their sons and husbands, and I share that concern.

I requested and have received a report on this disease and its treatment from Gen. W. T. Bradley, Commanding Officer, Fort Leonard Wood. It reads, in part:

Because the clinical picture may change so rapidly and abruptly, every patient suspected of having meningococcal disease should be treated with urgency. Emphasis in control is placed on the regulation of environmental factors such as avoidance of overcrowding where trainees congregate, adequate sleeping space for trainees, adequate ventilation, avoidance of excessive fatigue, eight hours of sleep for every trainee (including) compensatory time for night exercises or duty, good personal hygiene and good general physical conditioning. Also encouraging men to report to sick call upon first developing any sign or symptom of an illness, and many other measures aimed at protecting the individual soldier and limiting the spread of the disease.

Mr. Speaker, these recommendations do not entirely coincide with the statements of one of the young men who died of this disease, at Fort Leonard Wood. In a letter to a friend shortly before his death, this young man expressed the following concerns:

My cold, if that's all it is, is a killer. Every time I sneeze my neck hurts at the socket. Going on sick call is almost a complete impossibility because of the absurd company rule that anyone desiring to do so (besides having to to line up for 4:30 formation) must pack all his belongings (including field gear and bedding) in a duffel or what have you and cart it over to supply. Crazy, yes! The excuse is that they have no idea whether or not we'll be going to hospital, so we'd better prepare. Lug all that stuff to supply. Hell, I had to run it from there to barracks on first day and that was almost impossible when I was well. To do it when I'm sick they must be kidding. Anyway, the discouragement is there.

Oh that other piece of advice about 2-man rooms. I'm in a seven men room, as is over half the platoon. Two fellows in the room snore like dogs and I'll have to learn to fall asleep to that. The probability of getting 2-man rooms is much less than seven man rooms. Of course there are some 56 of us in our platoon.

Also the SDI finally admitted that there have been 4 cases of diagnosed meningitis in the battalion so far and 2 in Charley company. Wow, meningitis—I know nothing about it. The SDI himself didn't know if it was spinal meningitis or not. We still get 6 hours sleep only.

I can well appreciate the rigors of military training, Mr. Speaker, but it is evident that the living conditions and treatment procedures outlined in the report I received are not the same as those experienced by this young man. I have written to Secretary Resor, General Bradley, and the Surgeon General requesting that they furnish me with information regarding changes in treatment procedures and living conditions which are being instituted at Fort Leonard Wood to remove these discrepancies. It is my understanding that an immunization program has already been initiated, and I am encouraged by that action.

I have also received expressions of concern from parents whose sons are about to enter training at Fort Leonard Wood, and I can appreciate their concern as well. I have requested that these same officials assure me at the earliest possible time that young men can be safely accepted for training at Fort Leonard Wood, so that I, in turn, can reassure their parents.

I cannot overemphasize, Mr. Speaker, the urgency of this matter. The St. Louis Globe-Democrat today reported the death of an 11-year-old Centralia, Mo., girl and the critical condition of a St. Louis County teacher, suffering from the same disease. Both of these individuals had visited Fort Leonard Wood recently. I am most anxious, therefore, that Secretary Resor, General Bradley, and General Jennings respond at the earliest possible time.

DISPARITY BETWEEN URBAN RENEWAL AND RURAL RENEWAL PROGRAMS

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

Mr. MIZE. Mr. Speaker, the recent grant of $5,710,000 to a Kansas community of some 18,000 people for an urban renewal project, prompted the State director of the Farmers Home Administration to point out some of the disparity which presently exists between urban renewal programs, and rural renewal programs.

As E. Morgan Williams, the Farmers Home Administration director for Kansas states in a letter to me:

One town in Kansas can get a $5,710,000 grant for urban renewal, while we have only $1,730,000 for the entire State of Kansas for rural water and sewer development this year.

Of this $1,730,000 we have allocated to us, only $330,000 is grant money while the rest are loan funds. The loan funds will be paid back with interest. The one $5,710,000 grant is equal to 3.3 years total water and sewer money for Kansas at the present rate of funding.

We have financed 150 water districts over the years and have used only $1,600,000 of grant money for all those projects. $5,170,000 grant money represents 17 years of grant money for water and sewer development at the present rate of funding.

Rural people don't ask for large grants but would like to be able to borrow rural renewal money in reasonable quantities. It seems there are probably only two ways to work toward more loan funds; (1) more direct appropriations for water and sewer loans, (2) clearing up the present technical difficulties with the Bureau of the Budget, which has caused FHA to lose $50 million worth of insured loan authority to purchase and resell municipal and quasi-municipal water and sewer organization's tax-exempt bonds. This difficulty has cost rural people millions of dollars and has slowed water development all across the country.

As Mr. Williams points out, this is a disparity which needs to be corrected. With all the emphasis upon the reversal of the migration of people from rural communities to the urban areas, we must do everything possible to make the rural communities as attractive and livable as possible. The Farmers Home Administration has the programs to assist rural residents in acquiring homes, farms, farm improvements, water systems and sewer systems. Additional funds are needed to implement these programs at effective levels, not only in Kansas but in other States where a large percentage of the land is still outside the urban complexes. As we review the appropriation requests for fiscal year 1971, we must keep the adequate funding of these programs in mind.

CCC CALLUP OF RESALE WHEAT AGGRAVATES BOXCAR SHORTAGE

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

Mr. KLEPPE. Mr. Speaker, for several months an acute shortage of boxcars has hampered the movement of grain from country elevators in North Dakota and other Great Plains States. Cash grain buyers have millions of dollars, borrowed at high interest rates, tied up in wheat and feed grains which remain on the farms or in warehouses, awaiting boxcar availability.

Last week, the Interstate Commerce Commission ordered, effective March 27, return by all railroads of boxcars to the lines which own them. Penalties for failure to comply become effective June 1. This order should result in return of a substantial number of cars to the shortage-plagued areas. By that time, however, the new crop will begin moving to

market and the problem could get worse, instead of better, if the ICC order is not firmly enforced.

Further complicating the problem is the call for delivery of farm resealed wheat by Commodity Credit Corporation. I have sent the following telegram, in connection with this matter, to Secretary of Agriculture Clifford M. Hardin:

FEBRUARY, 27, 1970.

Hon. CLIFFORD M. HARDIN,
Secretary, U.S. Department of Agriculture, Washington, D.C.

The acute shortage of available boxcars for movement of grain from North Dakota and other great plains States will be further aggravated by CCC callup of 1964–65–66 crop wheat under reseal.

I understand March 31 is delivery date for earlier crops and May 31 for 1966 resealed wheat. This will come at a time when 1970 crop wheat from the southern plains will begin moving to market.

Hopefully the ICC order under ex parte 241 effective March 27 will result in substantial return of cars from other carriers to midwestern and western railroads. This is a "wait-and-see" possibility for warehousemen who have been unable for months to get cars needed to move cash grain on which they are paying high interest.

I realize there is currently a strong demand for hard spring wheat to fill export demands, especially from west coast ports. If the United States does not supply these dollar markets, our competitors will. This would be disastrous not only for U.S. wheat growers but for the United States and its already unfavorable balance of payments position.

I believe it would be possible to meet these export demands and contribute to a solution of the grain car shortage, at the same time, by postponing the CCC call for delivery of 1966 crop resealed wheat for another year or until such time as there is an adequate supply of grain cars to move both commercial and Government-owned grain. I strongly urge you to consider this now, in the light of the critical car shortage.

TOM KLEPPE,
Member of Congress.

THE EDDIE HARRISON CASE

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

Mr. McCULLOCH. Mr. Speaker, once in a while the criminal process—which we would prefer to think of as a system—works. Once in a while when a crime is committed, a man is apprehended and convicted and sentenced to jail and then rehabilitated. Once in a while.

Edward Bennett Williams, the noted criminal defense attorney, has said that in his wide experience he has seen this process work only once.

Why does the criminal process so seldom accomplish its purpose? There are many reasons. But as I indicated on the floor of this Chamber last February 17, the reason most often overlooked is the sad plight of our correctional institutions. At a time when people are afraid to go out at night because of crime, it is easy to emphasize the need to detect and arrest criminals. It is not easy to convince these frightened citizens that they should spend their tax money for the criminals, as they do when they establish and support correctional institutions.

So the tax money is not spent. The convicted are committed to inhuman treatment, hardened, educated in the ways of crime, and then turned out upon society. The result, of course, is a rising crime rate.

For too long a time we have satisfied ourselves with a comforting theory that correctional institutions correct. They do not. I would be hard pressed to match the one case known to Edward Bennett Williams were it not for the case of Eddie M. Harrison. Mr. Harrison is a remarkable man. Having been sentenced to a mandatory life term, he has served 8½ years. Yesterday, the President commuted his sentence because, from all accounts, Mr. Harrison needs no further rehabilitation and society needs Mr. Harrison.

The columns of William Raspberry and an editorial from the Washington Post set forth the facts of this most unusual case far better than I could. They are as follows:

[From the Washington (D.C) Post, Jan. 18, 1970]

REHABILITATION GOAL STRESSED

(By William Raspberry)

There are a couple of ways of looking at it:

Eddie Harrison is lucky to be alive, even if he will be spending a lot of time in jail. Or:

Eddie Harrison is the helpless victim of rules that don't make any sense; by any standard of justice and common sense, he would be living a productive life on the outside.

If the name Eddie Harrison rings a bell, it is because it has often been in the news. The 27-year-old youth worker recently lost his fourth appeal from a murder conviction stemming from the slaying, nearly 10 years ago, of George (Cider) Brown. He's expecting the marshals to come calling any day to take him back to jail.

Meanwhile, Eddie Harrison is free on personal bond, which is one of the more interesting aspects of his case.

More interesting still is the "why" of his imminent return to jail. Not the off-the-cuff reasons: Because he killed a man, or because the law says he has to go.

I mean the fundamental "why"—why we think it makes sense to send people to jail at all. The usual answers have to do with protecting society, rehabilitating criminals or punishing wrongdoers.

We must be punishing Eddie Harrison, because in his case, the first two answers don't make sense.

No one can suppose Harrison represents a threat to society. While he was still serving the first 8½ years of his life sentence, Harrison, a recreation specialist, used to be taken to baseball games on the outside, along with other prisoners.

He went under guard, of course, but officials acknowledged that they allowed him to go to the refreshment stands without a guard. He never attempted to escape, they said.

They made the statement in support of Harrison's highly unusual request that he be freed on personal bond during his latest appeal. Still more unusual, the request was granted. And for 16 months, Harrison, convicted murderer, worked for UPO as a worksite foreman in a job-training program.

That's how much of a threat to society he is.

That, also, is an indication of how well he has been rehabilitated. He first went to jail a bitter, resentful 18-year-old dropout. (The slaying took place when he was 17.)

Over the next several months, he "went through a lot of changes, including being nasty, toying with the Black Muslim thing and condemning whitey," he said. "Then I decided that stuff wasn't helping anybody."

So Harrison quit playing games and started hitting the books. He not only became a model prisoner but educated himself far better than the public schools had managed to do.

He also started working on a proposal for helping young first-offenders get off the criminal treadmill. In fact, he talks more about his proposal these days than he does about serving the rest of his sentence.

His is the kind of rehabilitation that corrections officials dream about. It is what we keep telling ourselves is the aim of our whole correctional system.

But is it? If Eddie Harrison represents the ideal of what we want our correctional institutions to do, *What the hell are we sending him back to jail for?*

For the rest of his life, quite possibly. More probably for another seven years, which is how long it will be before he's eligible for parole from his life sentence.

And even that is a waste. Not as much a waste as it might have been, to be sure. Harrison spent 16 months on death row before his sentence was commuted to life.

But Eddie Harrison needs to be out where he can do some good, working with youngsters of the sort he used to be when he was growing up at 4th and M Streets.

About the only way that can happen is through executive clemency. You listening, Mr. President?

[From the Washington (D.C.) Post, Jan. 19, 1970]

INSIDER'S PROPOSAL ON CRIME

(By William Raspberry)

Don't be surprised that Eddie Harrison's proposal for doing something about Washington's crime makes more sense than some ideas that our learned leaders have come up with.

Harrison knows at first hand about crime and criminals, having grown up in a neighborhood where the law-abiding kid was a misfit and having spent 8½ years in jail on a murder rap.

He will be returning to jail any day now to complete his life sentence.

Harrison says he shot George (Cider) Brown accidentally, but that's another story. The point is that his background qualifies him as something more than a layman/theoretician.

The central thesis of Harrison's proposal is this: youthful slum dwellers become criminals chiefly because their environment predisposes them to criminality. The best way to set things right is to put these young men, particularly first offenders, into an environment that predisposes them to decency.

And you know very well that he isn't talking about prison. No matter that we call them by such names as "reformatories" and "correctional institutions," jails and prisons do as much to reinforce criminality as the worst slum around.

For youngsters from the slums, the decency-encouraging environment doesn't exist. Harrison wants to build one.

First he wants you to understand the kind of dilemma that faces youngsters in the ghetto. They can't make it in the ghetto unless they accept the standards of the ghetto—which means stealing, robbing, lying, cheating and whatever else it takes to beat The Man.

But the same standards of conduct that are necessary for making it in the ghetto tend to render it impossible to make it *out* of the ghetto, into the mainstream, the decent job, respectability.

Harrison wants to establish an experimental Community Resource Center to which selected first offenders and recidivists could be committed as an alternative to prison.

After learning, through testing, the apti-

tudes, abilities, education and ambition of those committed to the center's care, Harrison would begin working toward "the establishment of normal healthy attitudes."

To do this, he would enlist the aid of every agency that could be of help—from the Department of Labor to the YMCA and Big Brothers of America.

He would provide personal counseling, job development, skills training, remedial education and housing outside the ghetto—even outside the city, if necessary. In short, a decent environment.

And how long would he keep them?

"The average length of time between arraignment and final disposition is 10 months. During this crucial period, when a defendant is highly receptive to rehabilitation, we propose to administer our intensive program of social-related remediation, specifically to those placed on personal or monetary bail. . . .

"Those adjudged guilty would be sentenced to a term of participation in the Community Resource Center (for so long as they showed sufficient improvement to warrant their remaining out of prison) . . . For those adjudged innocent, the same services would be made available, with the exception that they would not be *required* to participate."

According to Harrison, too many youthful offenders view pretrial release as "an opportunity to 'go for broke' and continue unlawful activity as a means of gaining money to have a last fling before being incarcerated."

He would offer an alternative; "an opportunity to reform before it is too late."

Harrison acknowledges that his proposal has its limits: "The cold fact is that the hardened criminal, one who earns his livelihood committing crimes, is beyond help and will be a problem as long as he is in society."

[From the Washington (D.C.) Post, Jan. 28, 1970]

HARRISON: IS FREEDOM A POSSIBILITY?

(By William Raspberry)

From a purely technical point of view, there is a possibility that Eddie Harrison will soon be a free man. But from a practical standpoint, it's hard to like his chances.

Harrison, now 27, is convicted of the 1960 slaying of George (Cider) Brown, a local gambling figure—a killing he claims was accidental although he has lost four appeals from his murder conviction.

But almost no one who has had any contact with Harrison—even those who believe the murder conviction was a good one—sees any sense in sending him back to jail. He is, by all accounts, a remarkably rehabilitated man.

It is one thing, however, to say that it will do no good to make Harrison complete his life sentence; quite another to get him out.

Lawrence M. Traylor, acting pardon attorney for the Justice Department, explained the possibilities.

There are basically three ways a convict can be released short of his full sentence: parole, pardon and commutation.

Parole won't be a possibility for Harrison for another seven years or so. Pardons usually are granted convicts who already have served their time, primarily as a means of restoring full citizenship status. Moreover, there has not been a presidential pardon in the past two years. That leaves commutation.

Traylor, who has talked to Harrison, is noncommital about his chances for commutation—and for good reason.

The pardon attorney's job is to review applications for executive clemency (including pardons and commutations) and pass them along to the attorney general for recommendations to the President.

Over the past six months, President Nixon has granted just four commutations. Three of those were for terminal illness (the most frequent category of commutation); the fourth was for Dr. Thomas Matthews, the much-admired head of the National Economic Growth and Reconstruction Organization (NEGRO), who had been jailed for his refusal to pay income taxes.

That is precious little action—and precious little ground for optimism on Harrison's part—when you consider that Traylor's office gets from 500 to 600 applications for executive clemency every year.

It may even be worse than that. Commutations generally are granted only to prisoners who are dying or who have served nearly all their sentences.

"Using our regular standards, he (Harrison) is a little premature in applying," Traylor said.

The implication is that Harrison ought to serve a few more years and then apply for commutation. It is an implication that defies logic.

It would be a tragic waste, it seems to me, if Traylor, the attorney general and the President insist on applying the "regular standards" to a most unusual young man.

Harrison probably is strong enough, "together" enough not to be destroyed by spending another few years behind bars. But that is not the only consideration.

Somehow it ought to be possible to take into account that while further incarceration might not destroy him, it certainly cannot help him. Jail already has done as much for him as it can. Even his jailers admit that.

Then there is the fact that, during the 16 months he was free on appeal, Harrison demonstrated he has some ideas and some talents that are needed to help divert some other young Washingtonians from the road that leads to jail.

Harrison not only deserves and needs his freedom. We, deserving or not, need him.

Traylor said there is no particular reason to believe that a letter-writing campaign, directed at either the attorney general or the President, would enhance Harrison's chances for favorable consideration.

Maybe. But it couldn't hurt.

[From the Washington (D.C.) Post, Feb. 18, 1970]

CLEMENCY FOR SOCIAL ENDS

In one of the four commutation cases on which he has acted to date President Nixon clearly used his pardoning power for a social end. He released Dr. Thomas W. Matthew after the latter had served only two months of a sentence for an income-tax violation because of the constructive work Dr. Matthew was doing in the field of "black capitalism." This use of the pardoning power for a laudable social purpose suggests that other sentences may be shortened where it can be shown that similar benefits would accrue.

One of the cases now pending is that of Eddie M. Harrison who was convicted of participting in the murder of a gambler when Eddie was 17. For that crime he was sentenced to life in prison. But he made such a remarkable record in prison that Circuit Judges McGowan and Leventhal released him on personal bond pending appeal of his case. Circuit Judge Burger, now Chief Justice of the United States, noted in an opinion on the case last June that the court had no authority to alter the mandatory sentence but indirectly suggested "executive clemency" because of indications that "some of the rehabilitative purposes of imprisonment may already have been achieved. If we believe, as we must, in these concepts," he added, "there is a duty to recognize such manifestations and encourage such progress."

Since his release Eddie Harrison has been training disadvantaged youths at the United Planning Organization and going the extra mile to help them work out their problems. Because of his background and experience he is said to have been unusually successful in helping other young people. One supervisor has described Eddie Harrison as "the most effective counselor that I have ever seen." A young man who has apparently straightened out his own life and is now helping to steer other disadvantaged young people away from potential crime has a formidable claim to consideration under the principle that the President appears to have laid down.

I am very pleased with the action taken by the President yesterday. We are all indebted to William Raspberry and the Washington Post for bringing this matter to light. Justice was done.

DEMOCRAT POLICY COUNCIL INCREDIBLE

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

Mr. DEVINE. Mr. Speaker, in their desire to disparage President Nixon and his efforts toward a solution of the Vietnam conflict, the members of the Democrat Policy Council have brought forth a confusing "interim platform on Vietnam." This statement is ambiguous in many respects. To mention two, though it criticizes the Vietnam policies of President Kennedy and Johnson, it neglects to point out that former Vice President Humphrey was one of its main authors. Second, while calling for withdrawal of all U.S. troops within 18 months, it simultaneously calls for negotiations to continue with a new top level U.S. peace negotiator.

What the Democrats fail to consider is that with unilateral American withdrawal promised within a limited time there is no reason for the North Vietnamese to negotiate or make any concessions—they need only wait for the lapse of 18 months to achieve their full goals.

This ambiguity, and others, are pointed out in an editorial from the Portland Oregonian. I commend this editorial to the attention of my colleagues.

[From the Portland Oregonian, Feb. 11, 1970]

DEMOS' VIET PLATFORM

The Democratic Policy Council of 50 of the party's leaders, including former Vice President Hubert Humphrey and other prospective presidential candidates, have drafted a statement on Vietnam repudiating the Vietnam policies of the Democratic administrations of John F. Kennedy and Lyndon Johnson.

The declaration adopted Monday in Washington contrasts sharply with former President Johnson's spirited defense of his Vietnam policies on a television interview last weekend. It calls, in effect, for a break with the current government in Saigon, fostered during the years of Democratic power in the White House, and asks a limit of 18 months on the withdrawal of U.S. troops, whose numbers mounted steadily in Vietnam throughout the Kennedy and Johnson years.

"Our schedule of withdrawal," the policy paper reads, "should not be dependent upon the progress of the Paris peace talks, the level of violence, or the progress of so-called Vietnamization."

This scarcely squares with another part of the declaration, which calls for an immediate appointment of a new top level U.S. peace negotiator in Paris, presumably for the purpose of pressing for some agreement which the Council has written off as a factor in

U.S. withdrawal. Nor does the abandonment of these criteria for the pace of U.S. withdrawal recognize the necessity of the protection of U.S. troops in the exceedingly difficult operation of withdrawal under fire.

The Democrats' interim platform on Vietnam was drafted largely by Averell Harriman, who served as the chief U.S. negotiator in Paris under President Johnson. It is said to represent his views.

It gives nominal credit to the Nixon policy of gradual withdrawal of American troops as "a desirable first step." But the overall effect will certainly be to undermine that policy by holding out to Hanoi the promise of unilateral American action regardless of what might be done by Hanoi or Saigon. Why, then, should Hanoi make any concession toward the achievement of a political understanding in Vietnam, which the Democratic Policy Council says it wants?

The best that can be said of the declaration is that it presents a plan of sorts for American withdrawal; but it is no plan at all for peace in Vietnam. It reflects the luxury of irresponsibility of the leaders of a party out of power. The Democrats in control in the Kennedy and Johnson administrations were denied that luxury.

GALLAGHER INTRODUCES TWO BILLS TO TRANSPLANT A HEART INTO COMPUTERS USED BY LARGE CREDIT CARD FIRMS

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

Mr. GALLAGHER. Mr. Speaker, I rise today more in sorrow than in anger to introduce two bills which have been made necessary, in my judgment, by the manner in which humans have used the computer.

Let me immediately say that I believe computer technology promises enormous benefits for individual business firms, our economy in general, and should be an invaluable tool in solving our Nation's ills. While aspects of computerization do hold many threats to the quality of American life, most particularly to the privacy of the individual, its capacity for good is, in the abstract, limitless.

But certain applications of computer technology seem to be strangely insensitive to the individuals whose dossiers comprise the input and output of the systems. I refer specifically to large credit card firms which have an appalling record of indifference to and neglect of human appeals to accurately reflect the individual's credit transactions.

At the end of my speech today, I shall insert three descriptions of current operating practices. One is a letter to me, dated February 17, 1970, from a New York writer; the second is a description in the September 4, 1969, issue of the New York Times of the case of an Army major; and the third is an article from the March 1970 issue Dun's Review, published by Dun and Bradstreet.

The two cases represent but an infinitesimal portion of the concern which has been expressed to me since my Special Subcommittee on Invasion of Privacy began studies of computer privacy in 1966 and initiated congressional consideration of the credit industry in 1968. The article, "The Computer and the Law" is a brief description of the incredible legal lacuna in which computer applications are taking place and suggests the necessity for prompt legislative action.

TWO NEW BILLS

The first bill I introduce today provides that a willful and persistent refusal of a creditor to make corrections in the account of a consumer shall relieve the consumer of liability thereon. My studies have disclosed that large credit firms are using computer-generated letters to express concern to customers who complain. These complaints are seldom if ever acted upon or even acknowledged by real people. This is highlighted by the widely known practice of American Express and other large firms to create a wholly fictitious name to sign to routine replies. This name is merely a code for the computer program which, incidentally, all of us may be some day. In the New York Times excerpt below the names are "L. Bush" and "L. James." In Mr. Boeth's case, it is "M. Sandone." One is compelled to ask the question so often heard on the popular television show: "Will the real 'L. Bush' stand up, please?"

This first bill, Mr. Speaker, will flush out these phantoms and flush out the humans who must be made responsible for responding to humans. In current situations, the first time an individual is aware that he has been unable to reach a responsible person is when he receives a communication from a collection agency, demanding immediate payment of a charge he has been disputing for months.

That is why the second bill I am introducing today is important. This bill will prohibit creditors from reporting disputed accounts to credit bureaus as delinquent. In the New York Times story, Major Raines is concerned about the firm's mistake damaging his career and his security clearance; Mr. Boeth is deeply distressed about his credit rating and with apparently excellent cause. For if the Diners Club could not even report to itself the facts accurately, what will it report to an outside body?

As was discussed by Dr. Alan Westin at my credit bureau hearings in March 1968, a real weapon in the hands of a dissatisfied consumer is refusal to pay for an item when it fails to meet the standards established at the time of purchase. These complaints are then, according to Dr. Westin, translated into a purposeful derogatory item reported by the merchant to the local credit bureau. It is bad enough when a merchant will vindictively damage the credit rating of a customer who complains; it is impermissible for credit ratings to be routinely damaged because of the failures of internal procedures in large credit card companies.

COMPUTER USE IS THE ISSUE

Few issues have so aroused many segments of our society as has the issue of trying to talk to a business firm's computer. It is among the most frequent complaints to many "action columns" run by newspapers around the country, and I know the volume of my mail on this issue has been extremely high through the years. It is inconceivable to these citizens that public service firms—depending solely upon the good will of their customers—have not been able to bring their own business machines under rational human control. It is incredible to those who have appealed to me that artificial names will be created, not for the convenience of a credit card holder, but merely to make computer programs run easier. And, in my judgment, it is extremely dangerous to the future of both the computer and American society to allow the computer to "take the rap" for corporate carelessness or indifference.

We have seen, Mr. Speaker, that the computer can be effective in controlling the fraudulent use of credit cards. Can we not ask that, at the same time, the computer be used wisely and compassionately, that it be employed in such a manner to preserve the privacy, the dignity, to say nothing of the tempers, of thousands of Americans?

To put it bluntly, private industry now seems to treat many of its customers the way militants claim the Establishment treats our citizens. At least one of the basic causes of the disenchantment with the Establishment is that organizations and Federal agencies seem frequently to be unresponsive to legitimate demands. As I have said often in the past, we are beyond the time when information about the citizen can be regarded as the sole property of the owners of data bases in which it resides. Computerized information systems are not rattling the bones of labeled skeletons as they manipulate dossiers; that smooth mechanical whirring is frequently the sound of human dignity and personal privacy being destroyed.

This is one reason why I am pleased we seem to be close to passing a bill in the 91st Congress which will open up the credit industry by allowing the individual to know the full range of information on him in these private repositories. One of the main results of my March 1968 hearings has been to shred the shroud of secrecy around these credit files and to create a rational atmosphere in which an individual's documents will be available for his corrections and additions.

But what of the cases, where a man's credit rating, so vital to enjoying the fruits of our Nation's prosperity and so important to both employment opportunity and insurance coverage, is fatally damaged by the inability of the managers of computer billing systems to make automation work for both their own good and for the good of their customers?

CONCLUSION

It seems, from the thousands of complaints that have reached public attention, that some completely automated firms are deliberately trying to destroy the future of the computer. My bills are aimed at preserving the privacy and economic integrity of abused individuals; the health of the companies involved by, hopefully, persuading them to accelerate internal reforms; and perhaps most important, to permit the computer to be used for its many valuable functions without being permanently tarnished by current practices. In short, I am trying to transplant a human heart and a human brain into computer applications.

Mr. Speaker, I include the letter, the New York Times story, and the article

referred to above at this point in the RECORD, along with the text of my two bills:

FEBRUARY 18, 1970.

Hon. C. E. GALLAGHER,
New House Office Building,
Washington, D.C.

DEAR MR. GALLAGHER: I wonder if you have room in your files for one more case history of a Credit Card customer being pushed around by computers, ignored by the issuers of the card, and finally left with a blackened credit rating through no fault of his own. The story is about me, naturally enough, but it must have happened almost identically to thousands of other people—and what is horrifying about the story is not its complexity but its simplicity and triviality. It all happened so routinely.

(1) Last May I bought a round-trip plane ticket to London, and charged it to my Diner's Club account, Card No. 1728–3920–1, specifying to the travel agent that I wished to pay it off in installments—as one is permitted to do on plane tickets with a Diner's Club card. No bill arrived for the ticket until Aug. 1, but when it did come, Diner's Club included the full amount of the ticket—$300—under "current charges" and asked for immediate payment in full.

(2) I began writing letters to Diners Club, explaining that they had made a mistake in billing me for the ticket and that I wished to pay it off in installments, as originally specified to the travel agent. At first I got no answer to these letters, but every time I got a dunning notice from Diner's Club I wrote to the name signed at the bottom. Finally, in October, I did get an answer, from someone who signed himself "M. Sandone." It was only a form letter, but it said very politely and straightforwardly that they were aware of my inquiry, were looking into it, and would let me know.

(3) All this while I was paying off the ticket in installments every month at a rate of $25 per month, plus any interest charges. At the same time I paid all new charges to my Club card each month as I was billed for them, never taking more than five days to put my check in the mail. And of course I waited to hear from "M. Sandone" about my inquiry.

(4) I never heard from M. Sandone again, of course. Instead, late in January—on January 23, 1970—I received a letter from a Mr. ——— of 10 Columbus Circle, NYC, a lawyer and bill collecting agent for Diner's Club, threatening that "legal proceedings will be instituted immediately" unless I paid the full balance by return mail. I called Mr. ——— and asked him if he knew of my correspondence with M. Sandone; he said no, that these threatening letters go out "automatically" when a case is turned over to him, and he never investigates the background of the customer's "lateness" in paying. When I explained what had happened, however, Mr. ——— was affable enough, said that such mistakes were made all the time and promised to try to straighten it out—although he admitted that Diner's Club was so fouled up internally that it would take months.

(5) That was all until last week, when a telegram arrived from Mr. ——— office, signed by a Mr. ——— and again threatening legal action unless I paid the balance by return mail. I called Mr. ——— and he said that he indeed had gone back and investigated my claim that I had bought the ticket on the installment plan. Whatever the truth of the matter, Mr. ——— said, the fact was that Diner's Club had *recorded* the ticket as calling for immediate payment; Diner's Club did not care whether a mistake had been made about this or not, and did not care who had made the mistake. All Diner's Club cared about was getting its money immediately. This seemed to me a high-handed and unfair answer, but *it was nevertheless the only answer I had ever received to the substance of my inquiry the previous August.* And since there did not seem to be anything I could do about it, I sent a check the same day for the full unpaid balance of the previous bill—which was the full unpaid balance of that wretched plane ticket.

(6) I was relieved to be done with it, and I had only one request. I asked Mr. ——— whether Diner's Club would note in its communications with the New York Credit Bureau that my lateness in paying off the ticket was not lateness at all but merely the result of a perfectly routine inquiry by me which the Diners Club had said it was looking into but in fact *wasn't* looking into—that my "lateness" was the result of a Diners Club snafu, in other words, and not my own malefaction. This question made Mr ——— angry (for the first time). He replied that there would be no explanation of any kind—that the Credit Bureau would simply be told that my bill had been "cleared up" eight months late and could draw its own conclusions. He said that the Diners Club already "had more people answering mail than most Post Offices" and that it could not be blamed for making mistakes now and then.

And so there it is—a big fat black mark against my credit rating even though a) the original mistake was Diners Club's (or travel agent's), b) Diner's Club had promised that it was looking into my inquiry when it wasn't, and c) I was paying off the charges in regular monthly fashion all along and then paid off the whole amount the very same day that I received an answer to that inquiry. I could hardly be less of a deadbeat, but what recourse is there? The Diners Club makes thousands and thousands of such mistakes, I understand, but will not accept any of the responsibility. The Credit Bureau *knows* that Diners Club makes thousands of such mistakes, but takes all credit information from Diners Club at face value. Who finally can be made to take responsibility for this *routine* maligning of something as important as a credit rating?

And I am not just guessing wildly about the substance of Diner's Club report to the Credit Bureau. As it happened, Diners Club would not even admit *to itself* that I was a routine customer making a routine inquiry. My Diners Club card has been lifted, and they have sent me a card by which I may apply for *reinstatement* by supplying a lot more credit information—as if any sane man would ever again confide any information at all to those almighty and uncontrollable computers and the ignorant and irresponsible businessmen who pretend to run them.

What recourse for me and those like me?

Sincerely yours,

RICHARD BOETH.

[From the New York Times, Sept. 4, 1969]

PERSONAL FINANCE: MAN VERSUS CREDIT COMPUTER

(By H. Erich Heinemann)

Fred B. Raines is a major in the United States Army. He has a charming wife, Mary Louise—"Polly" to her friends—four lively daughters, and a bouncy little dog named Cricket.

Major Raines also once had an American Express Credit Card, account number 042 378 727 4. It wasn't a particularly large account, but it was paid on time and Fred Raines clearly believed that having the card was a useful convenience.

But then, last Feb. 7—although Major Raines didn't know it at the time—the TROUBLE started. On that date, a clerk at the Morgan Guaranty Trust Company decided, for reasons that have never been made clear, that a check for $100 that Polly Raines had made out to American Express had bounced.

The check didn't bounce; it was paid by the Fort Knox (Ky.) National Bank four days later, on Feb 11. But Morgan Guaranty—which collects payments made to American Express—thought that it had, and that was the beginning of a Kafkaesque nightmare for Fred Raines.

For almost six months, Major Raines tried to convince American Express that he didn't owe them the $100. At least 10 times he telephoned "Mr. L. Bush," his American Express customer service representative in New York, from Tampa, Fla., where he is now stationed.

Repeatedly, he was assured that there had been an error, which would be taken care of in a few days. He sent a photocopy of the canceled check to New York.

Repeatedly, he received tougher and tougher collection notices from American Express, culminating with a warning last month that "the use of a card after it has expired or has been revoked is a crime, punishable by fine or imprisonment under the laws of many states."

That collection notice, now claiming $108.51, including penalties and late charges, demanded that payment be made and the card be returned immediately. The next day, Aug. 15, Major Raines wrote to American Express, "I have read with interest and much disgust the provisions and demands in your letter and am happy to comply. Unfortunately, I cannot return my credit card to you. I have destroyed it. Said destruction took place on or about 5 August as I contemplated the monumental inefficiency which has led us to this point."

Today, Fred Raines's problems with American Express have—hopefully—been straightened out. In a final burst of outrage at American Express, he sent a copy of the 21-page dossier setting forth, day by day, the record of his problems with the company to The New York Times, which brought it to the attention of senior officials at American Express.

On Aug. 22, Clark B. Winter, vice president in charge of public relations at American Express, wrote to "express on behalf of the company our sincere apologies for what appears to be a series of unfortunate errors on the part of the several departments concerned." The steps that had led to the mix-up, Mr. Winter said, "I must admit are difficult to understand."

Mr. Winter assured Major Raines that his account had been completely cleared on the American Express books, told him to ignore any further computer-generated collection notices, and—to make amends—enclosed a new credit card, with a new account number, bearing the company's highest credit rating.

Major Raines says that he is satisfied with the apology, but a lurking fear and some fundamental questions still remain. He is now assigned to the United States Strike Command, based at MacDill Air Force Base, doing highly secret work.

At 35 years of age, Fred Raines—a Reserve Officers Training Corps graduate of Virginia—is a career officer in the Army—and he knows that a record of credit difficulties could hurt his chances for advancement, or even his security clearance. So he is keeping a complete file of his troubles with American Express, just in case.

More basically, however, Major Raines is asking questions about a society in which months of effort were unsuccessful in breaking through to communicate with a human being, rather than the giant American Express computer down on Lower Broadway.

"It is amazing," he said in his letter to the company last month, "that in this day and age, I, the victim, am the only person who possesses a file [recording the communications on the problem] other than the misprogramed machine regurgitations on which you apparently solely rely."

"I cannot help but ask," he added, "whatever happened to the human brain?"

The difficulty, in part, as Major Raines later discovered was that "L. Bush" and

later "L. James" with whom he repeatedly communicated at American Express were not real people at all, but rather were simply code designations to route an inquiry to the proper section of the vast American Express clerical force.

So when Mr. Bush, or Mr. James, or Miss Murray, Mr. Bush's "assistant" answered the phone, it was almost always somebody new, who did not know the details of the account, and did not know what the previous communications had been.

In its defense, American Express argues that cases like the Raines affair—while they occur "far too often"—are "fortunately proportionately few" in relation to the company's more than three million credit card accounts.

The basic trouble, according to Mr. Winter, is the quality of the company's work force, "which we're doing everything we can to improve." Among other things, he said recently, American Express is planning to set up major regional data-processing centers outside New York City, where the quality of the available labor is higher.

"But we goofed," he added, "and we're not proud of it."

[From Dun's, March 1970]

THE COMPUTER AND THE LAW

(By Stanley H. Lieberstein)[1]

Can a company be sued because it does not have a computer? "I have no doubt," says Milton Wessel, an attorney who specializes in computer law, "that in the near future, failure to use computers will be the subject of a lawsuit. The failure to use the latest technology is frequently the subject of stockholder derivative actions."

What Wessel is talking about is a growing threat to companies today: the legal liabilities involved in the use of computers. Up to now, as industry has devoted its energies to the technical problems, the legal aspects of EDP have largely been ignored. Now, though, there is a rising wave of lawsuits in the courts, ranging all the way from charges of negligence and embezzlement to invasion of privacy. So it is obviously time for company managements to begin taking a hard look at all the possible areas of litigation and what they can do to protect themselves against them.

Take negligence. Several months ago, a federal court awarded $480,811 in damages to three wholesalers of auto and electronics parts who had sued IBM. The wholesalers contended that the computerized inventory-control system supplied by IBM's Service Bureau Corp. had consistently failed to perform as represented. The court agreed. In another case, a wholesale grocery company collected $53,200 from IBM for the negligent installation of a leased computer that made errors in shipping and billing.

In these cases, the suits were against the manufacturer. But companies that use computers can also be sued for negligence. Company management and directors have a duty to stockholders to exercise what the law calls "the care of an ordinary, prudent and diligent man" in performing their corporate duties. This applies to the use of computers, no less than to the issuance of a registration statement or to a stock transaction. For example, if the directors or management fail to undertake a reasonable study of whether computers should be installed, fail to consider the cost of using computers against the cost of not using them, or fail to find out whether competitors are using computers, they are open to a stockholders' derivative action.

Then there is the area of injury because of failure to use computers. The point again is that the law imposes an obligation on a company to exercise due care. So if a customer is injured by reason of, say, a defective part in a car or an airplane, and it was possible to use a computer to pretest the reliability of that component (such as by mathematical models or simulation), then the manufacturer and the user are open to liability for negligence.

One of the easiest crimes to commit with computers is embezzlement. Just recently, it was reported that a company employee stole a box of presigned continuous-form checks, which he then used after leaving the company without even having to forge the name. A more common type of fraud is for a computer operator to add fictitious names to the payroll and then cash the checks himself.

Because embezzlement is so easy, it is essential that companies set up internal controls of computer input. For one thing, they should limit access to program tapes. For another, the various functions associated with the computer should be divided among different people, each of whom has an assigned but independent responsibility. For example, if the job of authorizing the creation of checks is kept separate from the job of distributing them, there is much less chance for the type of embezzlement described above.

Internal controls, it should be added, are just as essential for companies that use computer-service bureaus. Automatic Data Processing, the large New Jersey service company, handles EDP programs for thousands of companies. Yet, as President Frank Lautenberg says: "The errors made by computers are of huge proportions, and the client who abandons his own control responsibilities is abandoning good judgment. It's like depending on your bank to come up with the right balance every time."

There are many ways in which computers can be used to commit fraud. Say, for example, that major stockholders in a closely held company wanted to inflate the value of the stock by distorting financial facts about the company. Incredible as it may seem, many lawyers believe they could inflate inventory, investments or property value, or manipulate reserve funds, by altering computer tapes. One type of manipulation, fairly simple and yet hard to prove, would be to change the entries for quantity and money in an inventory tape and then offset the changes by altering corresponding accounts.

In this connection, the recent Bar Chris decision—a landmark case in determining the legal responsibilities of executives—is important. The court ruled in Bar Chris ("The Legal Traps of Executives," Dun's, *May 1969*) that a registration statement must disclose every fact about a company that might influence the decision of a prospective investor. Many lawyers have interpreted this to mean that registration statement must state whether or not a company is using EDP, and if so what steps have been taken to prevent fraud.

PROTECTING THE RECORDS

Not only must a company protect itself against fraud or embezzlement arising from the use of computers, it must also protect the computer records themselves. If a company inadvertently opens up company records or secrets to competitors, or fails to set safeguards to protect them in other ways, it subjects itself to lawsuits by injured third parties, including creditors and stockholders.

The job of protecting computer programs is a particularly critical one, because at present there is no truly viable legal means at hand. However, on the strength of a re-
programs may soon be changed.
cent court decision, the rules on patenting

As a general policy, the Patent Office has refused to grant patents for computer programs on the premise that they constitute the performance of mental steps and "thinking" cannot be patented. This policy was challenged last year by Charles D. Prater, an R&D manager, and James Wei, manager of long-range analysis, of Mobil Oil Corp. Prater and Wei had devised a program and apparatus for analyzing spectrographic data and decided to apply for a patent. Sure enough, their application was rejected by the Patent Office, and this decision was upheld by the Board of Appeals.

The case was further appealed to the U.S. Court of Customs and Patent Appeals, and last August the court issued a decision that has made it a landmark case in this area. The court reversed the Patent Office and decided that a patent could be issued because the applicants' program involved more than mere mental steps. The precedent thus established is that a computer program can be patented if it can be shown that it involves a series of mechanical or electrical manipulations not dependent on the intervention of a human being—in other words, tying the software to the hardware. The court, however, limited its opinion to the facts of just the one case.

What is particularly significant about the Prater and Wei decision is the interpretation given it by William E. Schuyler Jr., the new Commissioner of Patents. Last October, Schuyler announced that he was rescinding the Patent Office guidelines prohibiting the issuance of patents for computer programs. Giving the case far more latitude than the limits of the court opinion, the Commissioner said: "We now will consider patent applications for computer programs on the basis of the merits of the specific inventions sought to be protected, rather than refuse consideration for reasons such as those discarded by the court in the Prater and Wei case."

Now Schuyler has ordered a study on program patent protection, leading possibly to new legislation. And besides protection, one of the major benefits he expects from software patents is lower costs. As he puts it: "Rather than force a second member of the computer software industry to [spend] manpower and money to produce the same or similar programs as those produced by the first, is it not more desirable to afford the second member an opportunity to acquire the right to use the program upon payment of a fee to the first?"

Computer output must be protected in several ways. Tapes must be protected physically from erasure and from exposure to heat and other physical conditions that would destroy them. Management must also take safeguards to prevent the theft of tapes, just as it must prevent the theft of any of its valuable properties, and take reasonable care to prevent the loss of proprietary information contained on the tapes.

A company can protect proprietary computer information in the same manner that it protects its other trade secrets: by limited exposure and by strict agreements with employees and others to whom the knowledge is entrusted. For the thousands of companies that use service bureaus, this means a written agreement spelling out in the most exact details who will be liable or responsible for what and and all the possible ramifications involved.

For example, unless an agreement specifies that the computer tapes belong to the client company, the courts will find that the tapes or other means on which data is stored belong to the service bureau. The agreement should also spell out who has access to the information and under what circumstances, and the employees of the service bureau should be held responsible for keeping the information in confidence.

Whether a company is dealing with a service bureau or directly with a computer manufacturer, there are other stipulations it should make sure to get in writing. For one, the time period within which the bureau or manufacturer has a right to correct

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[1] Stanley H. Lieberstein is a member of the New York Bar.

any errors in computer operations should be spelled out. Beyond that time, the client company should have the right to go elsewhere for computer service and be able to hold the bureau or manufacturer responsible for any damages suffered.

Also, there is all too often a marked difference between what the computer is expected to do for the company and what it actually does once it is operating. So when deciding to buy or rent a computer, the company should make sure to get a tight agreement that spells out explicitly what the computer will do.

TAXES AND CREDIT

Other kinds of legal complications have also been opened up by computers. For one, they have created tax headaches. In addition to the regulations on writing off hardware, for example, companies must now take into consideration the new set of guidelines for handing software costs just released by the Internal Revenue Service.

According to the new guidelines, if a company develops its own programs, it may treat them as research and experimental costs and deduct them currently. If software is rented, the rental may also be deducted currently. If the programs are bought and they are included in the cost of the computer, the total cost can be depreciated over the computer's estimated life. Both company-developed and bought programs can be capitalized and amortized for a period of not less than five years. If a company wants to amortize software costs in less than five years, it must prove they have a useful life commensurate with the shorter time.

Since the whole subject of computer law is a new one, there are many areas of conflict yet to be resolved. Perhaps most serious in this age of credit is the very widespread problem of mistakes in customer accounts.

As practically everyone knows, the job of correcting computerized errors in billings is often long and time-consuming. As just one example, it took four years for a New York publishing company to stop billing the Chesapeake Public Library in Virginia for a service that had been paid for in advance. The company eventually acknowledged that the bill had been paid, but somehow could not get the message across to its computer.

The real problem here, of course, is the possible damage to a company's or individual's credit rating while the account is being straightened out. It is almost impossible for the customer to trace the reason for the damage, because he does not have access to the credit information on him. As the computer spews out more and more data on everyone, the problem is bound to get even more critical, and experts in the field are already suggesting a law that would require all centers for storage of information (*i.e.*, data banks) to notify every individual about whom they possess data and to afford the individual access to the data for verification.

In all the areas of contention arising from the computer, the law will become clearer as more of the cases now in litigation are settled. The trend of court decision, however, can be inferred from the opinion in the case against IBM. Said the court: "His [the wholesaler's] whole business was wrapped around the spool of magnetic tape, which was not in his possession and was not even his property." Thus there is the implication that the individual is to a large extent at the mercy of computer technology.

H.R. 16266

A bill to prohibit creditors from reporting disputed accounts to credit bureaus as delinquent

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Any creditor who reports to any credit bureau or credit reporting agency as delinquent any consumer account the obligor of which has given written notice to the creditor that the amount of the account is in dispute, unless the dispute has been resolved by a final judgment of a court of competent jurisdiction, shall be fined not more than $5,000, or imprisoned not more than one year, or both.

SEC. 2. For the purposes of this Act, the terms "creditor" and "consumer" have the meanings defined in section 102 of the Truth in Lending Act (15 U.S.C. 1602).

H.R. 16267

A bill to provide that the willful and persistent refusal of a creditor to make corrections in the account of a consumer shall relieve the consumer of liability thereon

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Any creditor who refuses for more than sixty days after receipt of written notice of an error in a consumer credit account either

(1) to make correction of the error in accordance with the notice or

(2) to furnish a detailed and specific explanation of why the notice of error is itself in error shall be deemed for all purposes to have waived any right to collect or enforce any liability purported to be stated in the account as of the date referred to in the notice of error, or if there is no such date, as of the date of receipt of the notice of error.

SEC. 2. For the purposes of this Act, the terms "credit", "creditor", and "consumer" have the meanings defined in section 102 of the Truth in Lending Act (15 U.S.C. 1602).

PRESIDENT POMPIDOU OWES THE PEOPLE OF CHICAGO AN APOLOGY

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

Mr. PUCINSKI. Mr. Speaker, President Nixon's apology to President Pompidou yesterday was somewhat premature and obviously based on misinformation provided the President. President Nixon apparently had not been informed that whatever embarrassment President Pompidou might have experienced in Chicago last Saturday may have been of his own doing.

Mr. Speaker, the Chicago Tribune carried a story this morning which sheds more light on what happened on that occasion. And I shall place it in the RECORD at the conclusion of my remarks.

There were 10,000 people around the Palmer House Saturday night for a meaningful purpose; people who in a spirit of dignity and solemnity, were trying to express their feelings to President Pompidou. Their conduct was exemplary in trying to tell the French President his policies in the Middle East will lead to a war America does not want.

I can assure you there was no incident to mar the solemnity of the occasion. When President Pompidou arrived at the Palmer House he emerged from his car smiling, the police had a 15-foot aisle cleared for him and the only people who got in his way were news and television photographers. There was not a single incident to interrupt him as he walked through the hotel to the dinner.

Obviously, President Pompidou mistook a mob of newspaper reporters and photographers for demonstrators.

Mr. Speaker, the Chicago Tribune quotes Deputy Police Superintendent James M. Rochford as stating that the police had cleared the hotel lobby for Pompidou's departure immediately after the dinner and he blamed the French party for abruptly changing their plans without notifying the police. Instead of leaving directly after dinner, Pompidous's party paused at a reception in the hotel. When the French did decide to leave, they did not notify the police but went on their own into the lobby where they ran into about eight demonstrators.

The Tribune quotes Mayor Daley as stating he knows of nothing during the visit for which "anyone is required to apologize."

He further stated:

Compliments are due to those who turned out to demonstrate for the orderly manner in which they exercised their rights as American citizens.

The Chicago Police Department fulfilled its responsibilities to both the visitors and the citizens in an exemplary manner.

Mr. Speaker, I believe that if President Nixon had been there and seen what took place he would conclude that if an apology is in order, it is owed to the people of Chicago by the President of France.

I think President Nixon acted too hastily in his apology yesterday. He overreacted. There is some reason to ask if President Pompidou sought a provocation.

The French President realized well that his visit to America was a diplomatic disaster for himself, but not because of protests regarding his Middle East policy.

His mission to America was a disaster because at no point had he captured the imagination of the American people.

Mr. Pompidou did not answer a single significant question of concern to Americans in our continued relations with the French.

His speeches were provincial and without substance.

In Chicago he talked about air pollution. He might as well have talked about motherhood.

At no point did Mr. Pompidou tell the American people when the French will assume their responsibility for the collective security of Europe from Communist aggression through NATO.

At no point did Mr. Pompidou tell the American people when his prosperous country—made prosperous with American help—plans to start paying back on that debt.

At no time did he tell us what contribution his country plans to make to restore peace in the Middle East.

Finally, this is the first time that a head of State met with our President and failed to issue a joint statement at the end of the visit. Obviously, he wanted to make no commitment to America.

Mr. Pompidou knows well that his political fortunes in his own country are at an all-time low with 46 percent of the

French people opposing his Middle East policy.

We have a right to ask if President Pompidou wanted the United States and her people as a setting for his own political advantages.

And when we saw through this facade and a large segment of the American people showed him in a dignified and peaceful way that they would not be used in this manner, the French President began to cry foul and had to have the President of the United States bail him out.

Mayor Daley quite correctly stated the case when he said he knows of nothing which occurred during the visit of President Pompidou to Chicago for which "anyone is required to apologize."

If anything, I believe that in retrospect it is Mr. Pompidou who ought to apologize to the people of Chicago and in particular to the Police Department of Chicago. More than 500 policemen maintained dignity around the Palmer House on Saturday night earning for them the gratitude, not the denunciation, by the French President.

May I remind the House that Mr. Pompidou had been well forewarned of the deep feelings of resentment in the United States against the French policy of unilaterally escalating the conflict in the Middle East. I myself was in France a few weeks ago and talked to Mr. Pompidou's assistants and told them of the depth of emotions in this country because of our fear of another major conflict in the Middle East.

If anything, Mr. Pompidou and his associates underestimated the depth of feeling in this country against France's present policies in the Middle East. He failed to understand how bitterly we Americans resent another Munich of which he is the modern architect.

Mr. Speaker, it is my sincere hope that now that the visit has been completed, both Mr. Pompidou and President Nixon will quietly reassess this experience. They will find that the manifestation in America was not directed at the French people but rather at the policy of France and, to a great extent, the policy of our own Government which fails to recognize that the only way we can restore peace in the Middle East is to restore parity of power.

It would be my hope that both President Pompidou and President Nixon will now quietly and dispassionately evaluate the growing crises in the Middle East and that President Pompidou will lift the embargo so that Israel can strengthen her defensive capability with the 50 French Mirages for which she has already paid $60 million. I hope further that President Nixon will decide to sell Israel the additional 25 Phantoms and the 80 Hawks so that this too can help Israel strengthen her defense posture. Responsible Israeli officials have stated time and again that they will end the daily raids only when Israel's defense posture is so secure that she is certain of her ability to defend herself in the event of an invasion.

Mr. Speaker, there is no question in my mind that only through parity of power in the Middle East can we get the Arab world and Israel to sit down and work out an acceptable solution for peace in the Middle East.

Mr. Pompidou's visit gave all of us as Americans an opportunity to emphasize this dramatic point.

The Chicago Tribune article follows:

CITY SECURITY FOR POMPIDOU IS DEFENDED

(By Michael Kilian)

Deputy Police Supt. James M. Rochford said yesterday that the official French party was primarily to blame for any embarrassment suffered by French President Georges Pompidou at the hands of pro-Israel demonstrators during his visit here last week-end.

In a statement issued by the police public information office, Rochford replied to French charges that Chicago police "either thru incompetence or design" relaxed security to the point where a confrontation between Pompidou and the demonstrators was unavoidable.

PROTEST JET SALE

At issue were demonstrations Saturday night protesting the recent sale of French jet fighters to Libya. More than 10,000 persons, most of them Jewish, confronted Pompidou as he arrived at the Palmer House for a dinner, and a small group of protesters accosted him inside the hotel lobby as he departed.

French officials contended this was "unheard of treatment for a French chief of state." Just before Pompidou's departure from Chicago, they complained the police had permitted an international incident which served to mar the French President state's visit.

President Nixon issued an apology yesterday for the demonstrations in Chicago.

TELLS STRENGTH OF POLICE

Rochford said security precautions around the Palmer House were stronger than those provided for Nixon's visit to the Sheraton Blackstone last month. Five hundred policemen were used at the Palmer House compared to only 200 at the Blackstone, he said.

Responding to French complaints that Pompidou's party had to pass thru a crowd of protesters to get into the Palmer House, Rochford said a 15-foot aisle had been cut thru the crowd.

He said Pompidou was apparently bothered by the "vocal quality" of the protest, and had confused a mob of newsmen and state department, and city officials for demonstrators.

BLAMES CHANGE IN PLANS

Rochford admitted that the police had agreed to clear the hotel lobby for Pompidou's departure, but blamed the French for abruptly changing their plans.

Instead of leaving directly after the dinner, Pompidou's party paused at a reception in the hotel. When the French did decide to leave, they did not notify the police but went on their own into the lobby where they ran into about eight demonstrators, Rochford said.

Mayor Daley said he knows of nothing during the visit for which "anyone is required to apologize."

"COMPLIMENTS ARE DUE"

"Compliments are due to those who turned out to demonstrate for the orderly manner in which they exercised their rights as American citizens," he said.

"The Chicago police department fulfilled its responsibilities to both the visitors and the citizens in an exemplary manner."

Gov. Ogilvie, who acted as host to Pompidou during his stay, reiterated his position of favoring Israel in the Mideast crisis, but said the dispute over the jet fighters had nothing to do with the official welcome.

TELL OGILVIE ROLL

Ogilvie was observed to have interceded with police on Pompidou's behalf to prevent any embarrassment to the French party.

Jewish politicians in Chicago justified the demonstrations and took exception to Nixon's apology.

City Treasurer Marshal Korshak called the demonstration "peaceful." Ald. Jack I. Sperling (50th) said he resented Nixon's apology. Ald. Paul Wigoda (49th) charged Nixon was embarrassing Chicago and said he would march in such a protest again. Ald. Leon Despres (5th), who is of French-Jewish ancestry, said Chicago showed no discourtesy to Pompidou.

Rochford said Pompidou's life was never in danger during the protest.

MORE ORGANIZATIONS JOIN DRIVE TO REPEAL TITLE II

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

Mr. MATSUNAGA. Mr. Speaker, a political miracle is in the making as the drive to repeal title II of the Internal Security Act of 1950 gains ever-widening support from concerned individuals and organizations throughout the Nation.

Nine national Jewish organizations, through their coordinating body, the National Jewish Community Relations Advisory Council in New York, have now joined the effort to bring about the repeal of the Emergency Detention Act. This support was expressed in a resolution recently forwarded to the House Committee on Internal Security.

These nine national organizations comprise the council together with 82 local Jewish community organizations in cities throughout the United States.

In a recent newsletter, the distinguished journalist, I. F. Stone, termed the present wave of support for title II repeal legislation, which passed the Senate last December, as a "political miracle." He further commented that—

If it passes the House, it will rid the law books of a fascistic piece of legislation.

A news article from the February 27, 1970, issue of the Pacific Citizen takes note of this surging nationwide support from a significant number of Jewish organizations. For the information of my colleagues, the article is inserted at this point in the CONGRESSIONAL RECORD:

NINE NATIONAL JEWISH GROUPS FOR REPEAL

NEW YORK.—An imposing array of Jewish organizations joined in urging Congress to repeal the so-called Emergency Detention Act on Feb. 6.

They did so through their coordinating body, the National Jewish Community Relations Advisory Council in New York, in a resolution forwarded to the House Internal Security Committee, now considering a bill (S. 1872) passed by the Senate last December.

Nine national Jewish organizations comprise the council, together with 82 local Jewish community organizations in cities throughout the United States. The nine are American Jewish Committee, American Jewish Congress, B'nai B'rith-Anti-Defama-

tion League, Jewish Labor Committee, Jewish War Veterans of the USA, National Council of Jewish Women, Union of American Hebrew Congregations, Union of Orthodox Jewish Congregations of America, United Synagogue of America.

I. F. STONE'S WEEKLY

The I. F. Stone's Weekly, published by an outstanding Jewish journalist, commenting at length on the Title II repeal bill called the present wave of support for the bills a "political miracle" in view of the unanimous action last December in the Senate.

"If it passes the House, it will rid the law books of a fascistic piece of legislation," the newsletter declared in its Jan. 12 issue.

Reviewing the history of previous repeal attempts, the attack from "unexpected non-Left source" launched by JACL in 1968 saw the Senate passage of the repealer "as something of a miracle."

Urging readers to tell their congressmen to vote for repeal, the Weekly regretted the Inouye bill won everybody's support in the civil rights coalition "except curiously the B'nai B'rith's Anti-Defamation League."

PERSONAL STATEMENT

Mr. KEITH. Mr. Speaker, I wish to advise the Chair that I was unavoidably absent on the rollcall just concluded. Had I been here, I would have voted "yea."

THE TARIFF AND ITS EFFECTS ON THE GLASS INDUSTRY

The SPEAKER pro tempore (Mr. MATSUNAGA). Under previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 60 minutes.

(Mr. DENT asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. DENT. Mr. Speaker, last week I spoke on this floor and discussed the possibility of some action by the President of the United States to give relief to the harassed glass industry of my area of the country. I noted also at that time that the President had given tariff relief to the upright piano manufacturers. A report came out of the White House, and I am sorry to say the report does not appear to be factual. I would not say that the President deliberately tried to fool the people of my State and the people of this great country as to what he did or did not do with respect to the glass tariff, but I will say that he succeeded in fooling them. The headlines in my own daily paper in my district say that the President's decision helps the glass industry. The senior Senator of my State of Pennsylvania, Senator HUGH SCOTT, called the newspapers in my area and told them that this was a blessing for the glass industry, that is, the President's decision was a blessing, he reported. If Mr. SCOTT said that, then I am afraid Mr. SCOTT does not know the difference between a blessing and the last rites, because this spells the complete and final liquidation of the glass industry in this country.

I believe the letter from Fred B. Zoll, Jr., representing Libbey-Owens-Ford Co. tells more eloquently than I the real danger in the President's decision.

I predict the acceleration of the near liquidation of our glass industry.

We will always have an industry of course, we are just too big to die off completely.

The real threat is that the foreigners will have such a large portion of our glass market that we will be dependent upon foreign suppliers for the major part of our needs.

The letter follows:

LIBBEY-OWENS-FORD CO.,
Washington, D.C., February 9, 1970.

Hon. JOHN H. DENT,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. DENT: Many times in the past we have written to you about our problems in the flat glass industry in general and the sheet glass industry in particular. Though our success has been less than spectacular in achieving solutions to our problems, through your good help we have continued to bring to the attention of those in government making decisions affecting us, the impact of government trade policies on our industry. The purpose of this letter is to bring you up to date on this situation and once again ask for your help.

Without belaboring the details, recently the Tariff Commission issued two reports (which were the results of earlier hearings) regarding the sheet glass industry. In both instances, the conclusions of the Commission were that imports have caused injury to our industry and some relief is urgently needed (i.e., return to the 1930 tariff level). These reports are now on the President's desk awaiting his action, which, by law, if his action is affirmative and meaningful, must be made by February 27.

Since the issuance of the Tariff Commission's reports, industry representatives of management and labor have met with Mr. Flanigan and Mr. Colson of the President's staff, as well as the Trade Information Committee, chaired by Mr. Louis Krauthoff, to explain the full ramifications of the decisions which they are about to make.

Additionally, as those gentlemen involved already know, we have, through the good help of Senators Scott, Randolph, Baker and Bellmon, asked the President to meet with the Presidents of the corporations and unions, as well as the interested Senators, to give them an opportunity to explain fully to the President the conditions which have resulted in affirmative majority recommendations by the Tariff Commission.

We truly believe that this will be the last appeal we will make to you on behalf of the sheet glass industry if affirmative steps are not taken immediately. For an industry, in which imports supply nearly 32% of domestic consumption, which has lost over one fourth of its employees since 1964, there is no time left for continued debate. Suggestions and discussions of such remedies as adjustment assistance is mere quibbling over what sort of funeral will be afforded our industry over which government policies have decreed a death sentence.

We would indeed be grateful if, on our behalf, you would urge the President to take the steps indicated by the Tariff Commission reports. Such action, additionally, would reaffirm his dedication to the policies set forth in his recent trade message which stated that, an industry, to qualify for relief, should establish its qualification through just such procedures as those which we have followed.

A data sheet of pertinent facts culled from the Tariff Commission reports is attached.

Sincerely yours,

F. B. ZOLL, Jr.

Mr. Speaker, 10 years ago I told this House that unless they did something about trade and tariff, something about the impact of imports, that they might find themselves in a Nation devoid of certain types of mechanical genius that we have been able to foster in this great Nation of ours.

Right now, today, I understand there is not a single watchmaker learning the trade. You cannot prosecute any kind of a war without watchmakers who do the fine work on bombsights and the other intricate mechanisms that go into a modern war machine.

Mr. Speaker, if we were at war with a nation, any nation in the world, we would gladly raise our standards and shoulder arms and go down fighting in order to save our Nation. What do we save when we go into a war? Do we go into a war just to fight and shoot and kill a man? No. We go into a war to protect our institutions, to save our factories, and protect the lives of our people and the right of our people to happiness and the pursuit of happiness in an industrial economy and that means a job.

Here we have a new land of "invasion" from abroad. The President of the United States in his statement just last week said that we must make greater private investments overseas in order to help those countries get back on their feet and become independent. We wonder why, then, we have to take our money and put it into these foreign countries with which to build factories and plants in order to provide jobs. Why, then, are the Japanese, the British, the French, the Italians, and the rest of them coming here putting their money into buying American plants and producing American domestic products? This invasion is an invasion of $12 billion in 1968. Foreign investors have come into the United States in the last year to build plants in this country. The Japanese have bought coal mines in this country. They are buying up our timber faster than our timber matures in this country. But we find the President saying that what he has done is this; he will give relief to the workers. In a story which appeared in the Wall Street Journal conveying the idea to the people that he rolled the tariff back to the 1962 level on glass. He did no such thing. He kept the present tariff that is on right now for the next 2 years. This tariff was established—the base of it—in 1967, and from 1967 to 1969 we increased the importers' share of the American market from 31 percent to 46 percent.

Here are the facts as they read out.

The American Saint Gobain Co. is a subsidiary of the Saint Gobain syndicate, the largest glassmakers in Europe. They bought the American Window Glass Co. when it reached the point that it could not withstand foreign competition. This is now an American producer. This company joined other American producers to fight for imports. They know that imports have forced the American companies out of business. Now they are being rewarded by the President with relief

and "American made" financial disaster for trying to sell instead of importing.

This means that you and I as taxpayers are going to have to pay 650 workers who have lost their jobs permanently at the glass manufacturing company at Arnold, Pa., the plant that has just been shut down and will be finally phased out within the next few weeks. These 650 workers were awarded 85 percent of their wages for the next year.

The company is going to try to get aid and assistance from the Government of the United States for the loss of their plant. Five hundred workers have now been awarded assistance under the Trade Act amounting to $1.232 million for the present year.

What kind of logic is it for this country of ours to deny a man an opportunity to work and then feed him the sop that he can have relief? We are subsidizing every item that comes into this country because when we pay our workers for not working we subsidize foreign competition that caused their job losses in the first place.

It may interest the President of the United States and the Congress of the United States to hear this particular figure. The January employment in the four-county area of Allegheny, Beaver, Washington, and Westmoreland Counties—which is my district, and the district represented by Mr. GAYDOS—the job loss in January, was 27,600 jobs. Remember, every time you lose a job in industry you lose three jobs in service industries. The economic figures for the State of Pennsylvania show that we have a total work force of 5,014,200 people working in the labor force. In that labor force we have in manufacturing, 1,581,000 workers, which is roughly about 3.25 men and women who are in service, nonmanufacturing, that are kept by one worker in a factory.

Mr. Speaker, I want to thank the gentleman from West Virginia (Mr. HECHLER) for allowing me to proceed ahead of his special order. The gentleman from West Virginia was entitled to the first special order today. However, I have to attend a large dinner tonight for the Pennsylvania farmers. And, speaking of farmers, it might interest the Members to know that while we talk free trade for American products made in our factories, we have a tight-fisted protectionist policy on foreign products.

You cannot bring cotton into the United States, except under very tight regulations and quotas. But you can bring manufactured textiles. You cannot bring wheat and you cannot bring flour into the United States in unlimited amounts. Why, then, is it so important to protect the jobs and the welfare of the farmers of this country of ours and at the same time we say that it is not important to protect the workers?

I am for protecting the farmer and the worker and the business people of my whole country. Let us cut the double talk; let us not be the continuing victim of international blackmail.

Mr. Speaker, I wish to discuss the problem being created for American industry and American labor by our outmoded Trade Agreements Act.

The President of the United States either ignored the facts in the case of the glass industry, or was misinformed by the international industrialist whom he has named as the chief trade negotiator, Mr. Gilbert. This man for many years was connected with Gillette razor blade company with many foreign-based companies, some of which I visited oveseas.

In the case of the pianos that were manufactured in Arkansas, the President found room to give relief to that industry. The facts, of course, were such that the merited relief came too late to help save that industry. In 1960 we imported 4,200 upright pianos and this figure jumped to 29,000 in 1969. Japan exported 94 percent of all the pianos imported into the United States.

President Nixon suspended the Kennedy round tariff reduction, which went into operation January 1, and gave an increase of 2 percent in tariffs to the piano manufacturers. I cannot believe that 2 percent will do much good to the piano industry. Incidentally, this only affects upright pianos, so it is my prediction that the Japanese will start shipping baby grands, spinets, and any other forms that pianos and organs can come in. I do not believe that you can buy an American made toy piano, once a great seller at Christmastime in this country. For all purposes, the upright piano has joined the line of consumer goods that are no longer manufactured, or if they are they are manufactured in insignificant numbers and volume.

I would not charge the President with deliberate lying, however, there are some very serious mistakes in the newspaper report.

I can give you two instances where the Labor Department awarded, and the President allowed, relief in the form of "trade act assistance" which paid some 500 workers approximately $1,232,000 for 1 year for injury under the Trade Act. The story by the Wall Street Journal staff reporter is in error: the President did not give relief to the glass industry or its workers because the plea of the glass workers was based upon the present tariff and the damage done by its provisions about 4 years ago.

President Kennedy raised tariffs right after the passage of the trade agreements, which called for reductions in tariffs. He raised the glass tariffs because he was convinced that the industry was injured seriously because of the imports. The industry was almost holding its own under the Kennedy formula. When President Johnson reduced the tariff the industry started to slide again.

The story claims President Nixon was allowing the Kennedy rates of 1962, but this is not the case, nor is it the truth. What he did do was hold the present rates, which are lower than the Kennedy rates. It was this lowering of rates that made it impossible for the American industry to compete. What the President did was to mislead completely the American glass workers and the American people, whether by intent or by a lack of understanding of the problem.

The glass tariff caused the loss of 1,323 jobs in the flat glass sector of the glass industry in 1968, 1,100 in 1969, and another 650 workers are now winding up their jobs at the American St. Gobain plant in Arnold, which has been struggling to stay in existence since the tariff reduction in 1967. This plant will be closed permanently, and another plant in Jeannette, Pa., my hometown, has reduced its labor force from 900 to slightly over 300. The third St. Gobain glass plant affected is in Okmulgee, Okla.

It may interest the Congress, the President, and the Tariff Commission to know the seriousness of the plight of the glass industry as shown by the fact sheet attached hereto. In 1968 our American industry operated at only 44 percent of its capacity. Imports accounted for 32 percent of our consumption for that year.

Since 1969, 1,100 were added to the 1,323 who lost their jobs since 1967, and added to that are the 650 who lost their jobs on a permanent basis without any hope of getting back into the industry. These are the vital statistics.

The facts were available to the President and the Tariff Commission; I know they were since I made them available myself. However, the President saw the problem differently through his Federal trade negotiator.

American consumption dropped 2.8 percent from 1964 to 1968, while imports increased 31.9 percent. Import relationship was 30.6 percent to American products in 1968.

I understand also from the release from the President's office that the reason he could not give relief to the glass industry was that the European Common Market, especially the Belgians, would get angry and hinted or threatened retaliation. This is international blackmail, plain and simple, or, to quote the Belgian Ambassador:

> Such action could result in retaliation abroad against U.S. exports.

I pose this question to Congress, the President, and the Tariff Commission: Who are we that we should decide whose jobs should be sacrificed in this idiotic trade policy? We have not been ordained to decide the lives of people, or who lives on relief, who goes on unemployment and who gets uprooted from their homes so that some other workers in another industry can be protected. You cannot rehabilitate an industry by giving that industry expert advice or so-called Government aid, or to retrain workers for other jobs that are nonexistent. What kind of logic is the President using when he says, according to the report, that the Department of Commerce will approve loans, tax benefits, and technical assistance for companies eligible for the trade adjustment aid. Would not Belgium be angry at that, too? And, why should the working taxpayer pay out millions of dollars to industries who want to operate and workers who want to work. Is that sound economics?

I include a table at this point:

TARIFF COMMISSION DATA PERTINENT TO THE SHEET GLASS CASE

	1964	1968	Percent change
I. Idle capacity (data in thousands of short tons):			
Sheet glass:			
Production capacity	1,393	1,545	+10.9
Production	777	681	−12.4
Unused capacity	616	864	+40.3
Apparent U.S. consumption	1,001	973	−2.8
Imports	238	314	+31.9
Ratio, imports to production	30.6	46.1	
II. Indexes of production, demand, and employment (1957-59=100):			
Industrial production	132	165	+25.0
Housing starts, nonfarm	111	110	−0.9
Nonresidential construction	124	153	+23.4
Automobile production	151	175	+15.9
Sheet glass production	117	103	−12.0
Output per man-hour	115	118	+2.6
Man-hours of work, sheet glass	102	87	−14.7
Imports, sheet glass	140	184	+31.4
III. Share of the U.S. market, imports versus domestic shipments (data in millions of pounds):			
Sheet glass:			
Apparent consumption	2,002.7	1,974.8	−1.4
Of which:			
Imports	476.9	628.7	+31.8
Domestic shipments	1,530.0	1,352.8	−11.6
Ratio, imports to consumption	23.8	31.8	

	1964	1968	Change	Percent change
IV. Impact upon employment of production workers:				
Sheet glass:				
Domestic employment	9,369	8,046	−1,323	−14.1
Domestic shipments (millions of pounds)	1,530.0	1,352.8	−177.2	−11.6
Imports (millions of pounds)	476.9	628.7	+151.8	+31.8
Ratio, imports to shipments	31.2	46.5	85.7	
V. Impact upon earnings:				
Sheet glass:				
Domestic shipments				
Quantity (millions of pounds)	1,530.0	1,352.8	−177.2	−11.6
Value (millions of dollars)	$143.9	$141.5	−$2.4	−1.7
Unit value (dollars per pound)	$0.094	$0.105	+$0.011	+11.7
Domestic earnings before taxes (millions of dollars)	$18.1	$8.2	−$9.9	−54.7
Ratio, earnings/pound of shipments	$0.012	$0.006	−$0.006	−50.0
Imports:				
Quantity	476.9	628.7	+151.8	+31.8
Value: (millions of dollars):				
F.o.b. origin	$30.3	$44.3	+$14.0	+46.2
U.S. market	$42.0	$62.2	+$20.2	+48.1
Unit value (dollars per pound)	$0.088	$0.099	+$0.011	+12.5
Ratio, value of imports/shipments	29.2	44.0		
Ratio, domestic earnings/sales, before taxes	12.6	5.2		

At this point I would like to have the Members read the comments from our local newspapers, especially from Jeannette and New Kensington, the two cities most affected by this adverse decision.

There are other newspaper articles attached.

[From the Jeannette (Pa.) News-Dispatch, Mar. 2, 1970]

MUST BATTLE ON

A little bit of satisfaction, perhaps, but not nearly enough, is that which is realized by action taken at the White House on Friday morning to retain existing tariff rates on imported sheet and flat glass, to help waylay further inroads into American glass production by imports from Belgium and elsewhere. The so-called status quo step taken by President Richard M. Nixon, in weighing advice offered him by foreign trade advisors, is considered to be better than reports and rumors that the flat glass tariff on imports might even be lowered, as a compromise to improving the United States export picture.

That at least the status quo is retained is the point on which United States Senator Hugh Scott based his statement, in announcing the decision Friday, that the action is "extremely good news for . . . citizens employed in the sheet glass industry." He said further that the decision offers a "new breath of life" thereby. And it is believed that possibly the Senator's 11th hour intervention is responsible for the two year extension being put into effect, instead of another reduction. For his press aide told this writer that his meeting with the President Friday morning was the first meeting of the Chief Executive with any Senator on an industry-tariff problem.

But there's hardly denying the immediate retort of our Congressman, Representative John H. Dent, who's been closer than close to such trade protection matters for years, that the status quo move is really not enough. Harking back to Sen. Scott's "breath of life" statement, one might say that yes, the flat glass industry retains a fleeting bit of breath via this move, to keep it as alive as it has been. But as Rep. Dent reminds, employment has been reduced and plants closed down under the present simply extended tariff rate.

What definitely and really is needed is considerable more new breath, in the direction of stiffer tariffs, in order that the flow of imported glass will be slowed and the domestic sheet glass market regained to increase production anew and put layed-off glassworkers back to work. And it's good to know that our Congressman Johnny won't stop his efforts to turn this tariff situation around for the better. He's already on record once again, as many times previously, having spoken at length on the situation of trade and tariff agreements on the floor of the House last Wednesday, as reported in full in the February 25 Congressional Record, which is replete with a number of the "back home" communications, many from this area, dispatched in this cause.

And as reported in this newspaper, where the latest glass tariff decision news was first revealed Friday, Cong. Dent said he plans to take to the floor of the House for another hour Tuesday, to denounce "these disgraceful trade and import policies. . . ." And would that Sen. Scott and Pennsylvania's other United States Senator, Richard S. Schweiker should determine to do likewise in what can be called this battle for retaining American industry . . . a battle which shouldn't be considered lost.

[From the New Kensington (Pa.) Dispatch, Feb. 28, 1970]

GLASS TARIFF: NO CHEERING IN A-K OVER DECISION

Alle-Kiski reaction to President Nixon's keeping the flat-glass import tariff at its existing level was anything but good.

The President made the decision yesterday to keep the present tariff at one and one-half cents per square foot until Jan. 31, 1972. It had been hoped, by local people interested in the matter, that the tariff rates would be increased and not just kept at the present rate.

Mayor William Demao of Arnold had this to say: "I am very much disappointed with the President's decision. I'm of the opinion the administration conceded to foreign pressure.

"Keeping the tariff at the present level isn't going to do the employes of the Arnold plant and the city of Arnold any good. With tariffs at the present level, our glass plant has been shut down for more than 650 days since February, 1968. Tariffs continuing at that level mean we still won't be operating," he said.

Demao said he and city officials will continue to battle for increased tariffs on foreign sheet glass imports.

Al Giulioli, national board member of the Window Glass Cutters League of America, commented, "This is not exactly just what we wanted but it is better than nothing. Although it puts us in the ball game the present tariff rates are not helping the Arnold plant. I am thankful to all those public officials who helped keep this tariff in effect."

William Barnes, president of the Arnold local of the United Glass and Ceramic Workers of North America, pointed out, "I am very much disappointed in President Nixon's reaction. I went down to Washington with a committee to protest the not raising of the tariff rates.

"I think the condition of this country is in pretty bad shape when foreign importers are able to shut down our plants—and that's just what they're doing. If I get permission from the membership of our union I would like to organize a protest march on Washington to let them know just how we feel about the action."

The announcement of the action was made by Sen. Hugh Scott (R-Pa.) following a meeting with the President. There were rumors, when the announcement came, that the tariff would be lifted instead of being kept at the present level.

The domestic industry has fallen off 25 per cent in the past six years at a time when foreign imports increased 31 per cent.

In addition to the tariff extension, Scott said President Nixon agreed to adjust assistance for workers and manufacturers damaged by imports. Scott said such assistance would be available immediately. Details on the assistance program, however, were not disclosed.

Sen. Scott called the President's action "tremendously good news" for Pennsylvanians employed in the industry. Comments by local officials, though, seem to indicate this is not the feeling of glassworkers in general.

[From the Jeannette (Pa.) News-Dispatch, Feb. 27, 1970]

HOW WILL IT AFFECT ASG?—EXTEND GLASS TARIFF RATE

President Nixon today extended the existing tariff rates on imported sheet glass for two more years, leaving in doubt what effect this would have on the operations of American Saint Gobain Corp. in Jeannette and Arnold.

U.S. Sen. Hugh Scott, R-Pa., announced the President's decision in a telephone call to the News-Dispatch shortly before noon today.

Scott hailed the action as "extremely good news for Pennsylvania citizens employed in the sheet glass industry," but this interpretation was disputed sharply by Congressman John H. Dent, D-Pa.

Rep. Dent, Jeannette, back home for the weekend when told by The News-Dispatch of the decision, reiterated the opinion he has expressed previously:

"This doesn't mean a thing. It just extends the tariff as it is now and we have been losing our plants under that."

"Arnold is closed down, Jeannette is down to 370 workers from 600 and Okmulgee is operating at 65 per cent under the existing tariff and that is what we will have for the next two years," Dent said in referring to plants of ASG.

"In my opinion, this is just a sop but will have no practical effect in helping the domestic sheet glass industry regain the market lost to the imports," Dent added. "It is not the kind of relief the glass industry needs."

* * * reverse the trend towards lowering the tariff, however. The tariff had been scheduled to be reduced by 1½ cents per square foot (about .1 cent per pound).

The President had the option of raising the tariff—the glass industry, union and Jeannette area municipal officials had been pressing for a return to the higher statutory rates of the 1930s—lowering it or retaining it at the present level and he took the third option. These rates will remain in effect until Jan. 31, 1972.

SCOTT PLEASED

Sen. Scott said he met with President Nixon this morning when the decision was made. In addition to extending the tariff he said "adjustments assured for workers and manufacturers damaged by imports are available immediately. This meeting is the first such direct meeting of the President with any Senator on an industry-tariff problem. And I am pleased to report success for Pennsylvania."

An aide to Sen. Scott said that this action kills reports that the tariff was reduced. Jerry Laughlin, the Senator's press secretary stated that hope is that with the extension of the tariff as promised, the Pennsylvania flat glass industry "has a new breath of life." He emphasized that this decision was "far and beyond anything expected," in view of trends to reduce tariff. He said there was never any real hope that tariff rates would go back to those in effect under the 1962 Kennedy round of negotiations or earlier.

It was understood from Scott's office that there was a strong possibility that the 1½ cents rate would have been eliminated if intervention had not been made.

TO DENOUNCE POLICIES

Rep. Dent expressed the hope that the glass industry "may be able to keep operating what we have," but he was doubtful of that possibility. He said he intends to file a "strong protest" with the President and will take the floor of the House for one hour next Tuesday to denounce the "disgraceful" trade and import policies of the administration.

Rep. Dent predicted that ASG and other domestic glass firms "will stay in business by having the products made overseas and shipping them into the United States . . . they can do it cheaper that way. But this does not mean anything to the worker in putting food on the table."

"The glass industry is dying everywhere in the nation under this tariff and all we get is an extension of the same rates," Dent pointed out.

Jeannette city officials had organized a countywide campaign to help save jobs in the glass industry, circulating petitions and going to Washington twice to testify on the need for tariff relief.

The Jeannette plant of ASG has a $5.6 million a year payroll, the loss of which would hit hard at the community.

[From the Jeannette (Pa.) News-Dispatch, Mar. 2, 1970]

ASG STUDYING TARIFF, DENT CONTINUES ATTACK

Officials of American Saint Gobain Corp. at the Kingston, Tenn., headquarters today withheld comment on President Nixon's extension of the present tariff on sheet glass imports until they have had an opportunity to study the order in detail.

A spokesman for the Jeannette plant of ASG said today corporate headquarters has not yet received a copy of the presidential order and wanted to go over the "fine points" before issuing a public statement.

President Nixon on Friday continued until 1972 the current 20 per cent tariff rate on imports, an obvious disappointment to industry, union and municipal officials who were hoping for a rollback to higher tariffs to help the domestic producers compete with foreign-made glass.

OTHER PROVISIONS

In addition the President ordered tax benefits, retraining programs and relocation allowances, but all details of these provisions were not spelled out.

The Tariff Commission was split at 3–3 on the tariff issue and the 1962 trade expansion act provides for the President to act when the commission is split. The President could have reduced the rate, by 1½ cents per square foot but decided against this.

While industry sources were hesitant to comment, Congressman John H. Dent, Jeannette, was not.

DENT ISSUES STATEMENT

Rep. Dent, who on Friday told The News-Dispatch that the President's action "doesn't mean a thing" in providing help to the Jeannette plant, operating on a reduced schedule, and Arnold, which is closed down, followed this up with a statement released from his Greensburg office Saturday.

Dent pointed out President Nixon had the authority to raise the rate and had been urged to do this by many industry, labor and public officials.

"The decision to continue the tariff at its present rate is a decision to tolerate the present decline of the U.S. flat glass industry and the loss of jobs by workers in that industry," Dent said. "About 650 workers at the American St. Gobain plant in Arnold, have lost their jobs and over 600 at the Jeannette plant—and it all happened at the same rate of tariff the President has extended for two more years," Dent added.

STATE DEPARTMENT DECISION

"This decision was not made with any consideration of the evidence presented in support of a higher tariff, nor was it made with any concern for a basic American industry and the hundreds of workers who man that industry. It was made by diplomats in our State Department who are more interested in the sensitivities of their foreign counterparts than they are the stomachs and self-respect of their own countrymen.

"We are the greatest economy in the world but we are losing fast and this decision is a good example of why we are on the decline. It is our own stupidity—not wage demands or prices—that is destroying our economic base. With his decision the President has said to the flat glass industry and its workers: 'You have proven that you are dying from a cancerous growth of unfair import competition, but we'll wait two more years to see if you finally pass on and if you don't, maybe I'll give you some more time to suffer.'"

Dent continued:

"The President's decision also permitted workers who have lost their jobs in this industry to apply for Federal relief at the rate of two-thirds of their earnings for one year. What good is that to a man in his 40's or 50's with a family to support whose only skill is making glass? What does he do? Where does he go? And who wants it?

DON'T WANT HANDOUT

"My workers want their jobs back, not a Federal handout. They do not want relief. They want the dignity of work and they want to properly care for their families and educate their children.

"This was an absolutely ludicrous decision, and anyone who says it was 'good' just is not aware of the facts. It was an affront to the American worker and I would only caution workers in other import-sensitive industries like steel and textiles to be aware of the lack of concern this decision demonstrates the Nixon Administration has for them.

"I have no intention of remaining silent now that the decision has been made. I will be speaking out each week in Congress on the sad record of our country's experience in foreign trade. In my opinion, our displaced workers will soon be taking to the streets in a demonstration against their government's tolerance of job-taking imports. These demonstrations will push those of students off the front pages of newspapers and will make them look like Sunday school picnics. This is a serious and unfortunate prediction, but we are in a serious and unfortunate position—and it has been of our doing."

About $40 million worth of sheet glass—close to 40 per cent of the U.S. market—is imported each year, most of it from Belgium.

[Press release of Congressman JOHN H. DENT]

DENT CRITICIZES PRESIDENT'S ACTION ON GLASS TARIFF

Congressman John H. Dent (D-Pa) today criticized President Nixon's recent decision to continue the present tariff rate on flat glass for two additional years. The President had the authority to increase the rate, and had been urged to do so by the U.S. industry, labor and many public officials including Congressman Dent.

"The decision to continue the tariff at its present rate is a decision to tolerate the present decline of the U.S. flat glass industry and the loss of jobs by workers in that industry," Dent said. "About 650 workers at the American St. Gobain plant in Arnold, Pennsylvania, have lost their jobs and over 600 at the Jeannette, Pennsylvania, plant—and it all happened at the same rate of tariff the President has extended for two more years," Dent added.

"This decision was not made with any consideration of the evidence presented in support of a higher tariff, nor was it made with any concern for a basic American industry and the hundreds of workers who man that industry. It was made by diplomats in our State Department who are more

interested in the sensitivities of their foreign counterparts than they are the stomachs and self-respect of their own countrymen.

"We are the greatest economy in the world but we are losing fast and this decision is a good example of why we are on the decline. It is our own stupidity—not wage demands or prices—that is destroying our economic base. With his decision the President has said to the flat glass industry and its workers: 'You have proven that you are dying from a cancerous growth of unfair import competition, but we'll wait two more years to see if you finally pass on and if you don't, maybe I'll give you some more time to suffer.'

"The President's decision also permitted workers who have lost their jobs in this industry to apply for Federal relief at the rate of ⅔ of their earnings for one year. What good is that to a man in his 40's or 50's with a family to support whose only skill is making glass? What does he do? Where does he go? And who wants it?

"My workers want their jobs back, not a Federal handout. They do not want relief. They want the dignity of work and they want to properly care for their families and educate their children.

"This was an absolutely ludicrous decision, and anyone who says it was 'good' just is not aware of the facts. It was an affront to the American worker and I would only caution workers in other import-sensitive industries like steel and textiles to be aware of the lack of concern this decision demonstrates the Nixon Administration has for them.

"I have no intention of remaining silent now that the decision has been made. I will be speaking out each week in Congress on the sad record of our country's experience in foreign trade. In my opinion, our displaced workers will soon be taking to the streets in a demonstration against their Government's tolerance of job-taking imports. These demonstrations will push those of students off the front pages of newspapers and will make them look like Sunday school picnics. This is a serious and unfortunate prediction, but we are in a serious and unfortuante position—and it has been of our own doing."

[From the Wall Street Journal, March 2, 1970]

NIXON AUTHORIZES AID FOR FIRMS, WORKERS IN SHEET-GLASS FIELD—MOVE WOULD HELP THEM ADJUST TO IMPORT COMPETITION; SLATED CUT IN TARIFF LEVELS IS DEFERRED

WASHINGTON.—President Nixon authorized Government assistance for companies and workers in the sheet-glass industry to help them adjust to growing import competition.

Rejecting Tariff Commission recommendations that called for further duty increases, Mr. Nixon also decided to continue temporarily the existing glass tariffs, raised in 1962. The White House said these duties, mainly on window glass, average about 20%. They were slated to drop back to 14% this year, but Mr. Nixon deferred any reduction until Feb. 1, 1972. Then these duties will be reduced to 14% over three years, unless the Government later finds this would injure U.S. industry.

Ironically, one of the U.S. glass makers that will be eligible for Government loans or special Federal tax advantages, as trade adjustment assistance, is American Saint Gobain Corp., controlled by Compagnie de Saint Gobain of France, Europe's largest glass producer. The French-controlled company has sheet-glass factories in Jeannette and Arnold, Pa. It was one of a group of U.S. producers that had petitioned for higher glass tariffs.

The Commerce Department approves loans, tax benefits and technical assistance for companies eligible for the trade adjustment aid; the Labor Department authorizes unemployment or job-retraining benefits for workers displaced by import competition.

"The President's authorization for adjustment assistance applies to all firms and workers in the sheet-glass industry," the White House said.

U.S. imports of sheet glass currently total about $45 million a year, mainly from Western Europe, the United Kingdom, Japan and Taiwan. Other countries such as Israel are starting to export sheet glass, and Tariff Commission analysts said U.S. imports are likely to increase further.

Nixon aides said they've been under pressure from members of Congress who wanted the President to increase glass duties further. The European Common Market countries, led by Belgium, informed the U.S. recently that such U.S. action could result in retaliation abroad against U.S. exports.

The glass case was the second tariff decision by the President within a week. Last Tuesday, the White House announced Mr. Nixon had approved some increases in U.S. duties on pianos, and had authorized trade adjustment assistance to U.S. manufacturers and workers in this industry.

Tariff Commission officials said they expect to receive numerous additional petitions soon from worker groups, seeking adjustment assistance. On Friday, the commission said it would consider a request for such aid from workers at a Woonsocket, R.I., plant of Uniroyal Inc. The plant makes rubber-soled footwear, and the workers' petition asked the commission to find that their jobs are being jeopardized by an increasing volume of imports. The commission previously ruled favorably on petitions from workers at several steel factories.

In a related development, the Tariff Commission ruled, in a four-to-two decision, that imports of steel bars, reinforcing bars and shapes from Australia have "injured" the domestic steel industry. The commission's decision follows an earlier Treasury determination that an Australian company, Broken Hill Proprietary Co. of Melbourne, had "dumped" about $5.4 million of these steel products in the U.S. at less-than-fair-value prices in the year ended in May 1969.

SCOTT, DENT DON'T AGREE ON GLASS TARIFF

President Nixon's extension of existing tariff rates on imported sheet glass for two more years was praised yesterday by Sen. Hugh Scott, R-Pa., and condemned by Rep. John H. Dent of Ligonier, D-Pa.

Dent, back home for the weekend, expressed concern for the effect of the extension on the operations of American St. Gobain Corp. plants in Jeannette and Arnold. Arnold is closed, Dent said, and Jeannette is down to 370 workers from 600.

"This is just a sop," said Dent. "It extends the tariff as it is now, and we have been losing our plants under that."

Scott, on the other hand, hailed the tariff extension as "extremely good news for Pennsylvania citizens employed in the sheet glass industry."

TARIFF CLAUSE INVOKED FOR PIANO FIRMS

President Nixon yesterday invoked for the first time the "escape clause" of the Trade Agreements Act of 1962 to provide assistance to an American industry claiming damage from import competition.

The President authorized adjustment assistance for firms and workers in the piano industry to help them adjust to foreign competition, mainly from Japan.

While the assistance is being put into effect, he suspended temporarily the Kennedy Round tariff reductions, which on Jan. 1 dropped from 13.5 per cent to 11.5 per cent. He reestablished the 13.5 per cent rate for three years.

The duty was scheduled to drop to 8.5 per cent on Jan. 1, 1972. Mr. Nixon's action postpones the reductions for three years after which they again will be in order. The planned tariff reductions in grand pianos are not affected.

Experts on trade agreements said that the President's action did not represent a major shift in policy from his commitment to support freer trade.

Piano imports numbered 4,900 in 1960, 15,000 in 1967, 24,000 in 1968 and 29,000 in 1969.

Japan provided 68 per cent of the imports in 1964 and 94 per cent in 1969. Most of the other imported pianos came from Britain, Ireland and Germany.

The trade agreements act provides that firms hurt by competition may be given technical, financial and tax assistance to adjust to the competition. It provides that aid to workers may include training assistance and relocation and readjustment allowances.

The domestic piano industry is centered mainly in New York, Michigan, Illinois, Indiana and North Carolina. There also are producers in a half-dozen other states.

[Press release of Congressman JOHN H. DENT]

DENT LEADING EFFORT BY PENNSYLVANIA CONGRESSMEN TO INCREASE TARIFF ON FOREIGN SHEET GLASS

U.S. Rep. John H. Dent (D-Pa.) is spearheading a drive by Pennsylvania Congressmen to urge President Nixon to increase the duty rate on imported sheet glass. The glass industry petitioned the Tariff Commission for relief from the most-favored-nation rates of duty presently applicable to some foreign procedures and the President is required by statute to issue his decision by February 27, if he chooses to increase the duty. The industry contends that foreign competition is responsible for damage it its production and employment.

Two of the Nation's sheet glass plants are located in Pennsylvania; both in Dent's Congressional District. They are the American Saint Gobain Co. facilities at Arnold and Jeannette.

Dent said the elimination of the escape-clause rates on this and heavy sheet glass and the reduction of the escape-clause rates on single and double strength sheet glass in 1967, permitted a "flood" of foreign imports which put both plants under severe pressure. "As a result," Dent said, "the Arnold plant experienced 19 months during which its operations were virtually suspended. This was followed by a 100-day period of an attempt to place the plant back into production, which culminated in the plant's being placed on standby and 600 workers being laid off in September, 1969. The remaining sheet glass plant in Pennsylvania, at Jeannette, is now operating on a sharply reduced basis, and its continued operation even on that basis is in grave doubt.

"The seriousness of the plight of the sheet glass industry and its workers is shown by the fact that in 1968, the latest full year for which the Tariff Commission had data, the industry operated only at 44 per cent of its capacity. Imports accounted for 32 per cent of domestic consumption of sheet glass in that year. The 1968 employment was down by 1,323 jobs from the 1964 level.

"Since 1968, there has been a further sharp decline in business conditions in the sheet glass industry. An additional 1,100 workers have lost their jobs, and in addition to the woes caused by the rising flood of imports, the monetary policies used in the battle against inflation have thrown the housing industry into a severe recession, directly affecting the market for sheet glass."

Dent said he had received virtually "100 per cent" support from Pennsylvania's Congressional delegation in the effort to influence President Nixon's decision. He said a letter would be sent to the President early this week containing the signatures of nearly all Pennsylvania Congressmen. He also said he was scheduled to meet Wednesday, February 18, with key White House advisors to

further discuss the matter. "I've been struggling to save this industry and its workers from unfair foreign competition ever since I first came to Congress," Dent added, "but this is the last big one because if the President's decision is not favorable, there just will not be any American sheet glass industry left to fight for."

I now yield to the gentleman from Pennsylvania, (Mr. GAYDOS).

Mr. GAYDOS. Mr. Speaker, I appreciate the consideration of my colleague from Pennsylvania in yielding to me and wish to compliment him on his untiring efforts along these lines, efforts which I understand he will be making every week for the next 10 weeks.

Mr. Speaker, I rise in support of the observations made about the threat of foreign imports by my good friend and colleague from Westmoreland County in Pennsylvania, JOHN H. DENT.

It has become increasingly evident the United States, once the world's greatest exporter of goods, now is being converted into one of the greatest importers. We see more and more products pouring into this Nation from abroad under the labels of textiles, leather, oil, glass, electronic equipment, and steel.

We have begun importing a new product. I have seen it advertised in a shop near the Federal Building in Pittsburgh. The advertisement is a decal to be displayed on automobile bumpers and contains the message "Unemployment—Made in Japan."

The sign is meant to be funny, I suppose, but I find more truth than humor in it. Steelworkers in my 20th Congressional District are not chuckling over the slogan. I doubt very much if the glass workers in Mr. DENT's district find it amusing. I do not believe you will hear any belly laughs from people in the industries already feeling the squeeze of foreign competition.

The slogan is practically a veiled threat and in recent months, we have read with considerable interest remarks placed in the RECORD by many of my colleagues who look with alarm at the growing threat to American industries from overseas manufacturers. I share their concern because I am disturbed over the inadequate protection given our steel industry. I have expressed this concern on several occasions during the past year.

Our steel industry is protected by a few sheets of flimsy paper. They are nothing more than paper promises that European and Japanese manufacturers will try not to exceed tonnage limits they place upon themselves; they will try not to change the quality of the mix of products shipped to our shores.

How fragile these paper promises are becomes stark clear with the realization they are not formal government to Government agreements. They are merely a one-sided unilateral arrangement, letters of intent. There are no penalties incurred for violation of the arrangement—unless the foreign producer wants to engage in a private little game of wrist slapping. These self-imposed limits were conceived by the overseas manufacturers after Congress became riled at the 18 million tons of steel dumped into the United States in 1968. The limitations were a stall, an effort to lull the Congress from mandating quotas. The strategy worked. At least it did for the Japanese. The howls of outrage heard in the Congress were quieted with the announcement of the voluntary restraint plan.

But what did Japan do in 1969? It exceeded its own imposed limit of 5.75 million tons by nearly one-half million; it changed its product mix, selling less than in 1968, but enjoying it more because of a higher profit on better grade steel.

However, the Japanese producers have generously announced they will credit the excess tonnage to their 1970 quota, which incidentally is already automatically increased 5 percent over the arrangement. I suppose they will follow the same path if they exceed this year's limit, crediting any excess to their 1971 total, which goes up another 5 percent. But what happens to any excess in 1971? The arrangement is only for 3 years. What happens in 1971 if the Japanese take the bull by the horns and unload all the steel they can on the United States? What will be the excess be credited to then—bad experience?

I confess, Mr. Speaker, to a feeling of uneasiness in dealing with Japan. It appears to me they have an advantage on us when it comes to horse trading. It seems we always come out holding the short end of the stick.

It was just 25 years ago Japan was a beaten enemy, but the United States not only nursed her back to health, but helped create a country that now is in third place in the world's industrial race and has reached a stage of growth where it can bite the hand that feeds it.

Spared the responsibility and expense of protecting itself, Japan's gross national product reached $167 billion last year and is anticipated to climb to $200 billion in 1971. That, Mr. Speaker, is about one-fifth the size of the American economy.

Under the terms of the United States-Japan Security Treaty, the availability of air and naval bases to America, after June of this year, will depend solely on Japan's good will. However, now we can not use them against a third party without Japan's consent. The same rule will apply to Okinawa when the United States gives that island back in 1972.

In world trade we have seen Japan stanchly refuse to curtail the flow of textiles despite the knowledge it is hurting American jobs and costing us business. It successfully uses a maze of tariffs and legal roadblocks to keep more than 100 important American products from reaching the Japanese market, but it has continued to pour its own products into practically every store and home in the United States, including the cafeteria in the Longworth House Office Building. I was amazed, chagrined, and angered one day in January when I discovered during my lunch that the knife I was using was stamped "Made in Japan." These are some of the reasons why I have little faith that letters of intent from foreign steel manufacturers will stem the tide of imports if those producers decide they want more of the American market to feed their own economic appetities. However, I recognize the fact the letters, as weak as they are, still are the only protection our steel industry has unless Congress sees fit to build more substantial bulwarks through mandated quotas.

That is why I became concerned in January when published reports indicated the administration actually was weighing the possibility of discarding this flimsy paper protection. The White House theory, according to the report, was to use the liberalization of import quotas as a club to knock down domestic prices in the fight against inflation.

Any easing or discarding of the present quotas, I feel, will throw thousands of steelworkers out of work. The idea of sacrificing American jobs to foreign producers on the altar of inflation is appalling. I wrote to the White House January 22, asking for an official confirmation or denial of the report. On January 30, I received a letter from William E. Timmons, Deputy Assistant to the President, acknowledging receipt of my letter and assuring me it would be brought to the President's attention "as soon as possible." In the ensuing 4 or 5 weeks, I have not heard another word.

On February 2, Industry Week, an industrial magazine, carried a more detailed article about the plan to liberalize import quotas. It quoted Kenneth N. Davis, Jr., Assistant Secretary of Commerce, as being opposed to the idea, saying—

We must stop inflation but certainly not by sending U.S. jobs to overseas competition.

The article also said it appears the liberalization plan is getting the greatest attention from the President's Council of Economic Advisers.

In view of this information, I wrote a second letter to the White House on February 26, repeating my request for an official confirmation or denial. I pointed out there is a growing apprehension among steel people over what course the administration will pursue. I am hopeful I will receive an official and informative reply in the near future. If not, I shall continue to write in the hopes of getting it eventually.

Mr. Speaker, it was said in the well last week that this Nation already has 350,000 textile workers and 140,000 steelworkers out of work because of the difference between exports and imports in these particular industries. I venture to say these figures will be drops in a bucket if the administration decides to open the gates and import unemployment.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

THREATENED NATIONWIDE STOPPAGE OF RAIL SERVICE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–268)

The SPEAKER laid before the House the following message from the Presi-

dent of the United States, which was read and referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

Once again this nation is on the brink of a nationwide rail strike.

A nationwide stoppage of rail service would cause hardship to human beings and harm to our economy, and must not be permitted to take place.

In two previous disputes, when the railroad employers and unions have not been able to settle their differences, the President has recommended, and the Congress has enacted, special legislation to avert a stoppage. I am taking similar action to protect the public interest today.

The legislation I propose is closely related to the facts of this dispute. After all the procedures of the Railway Labor Act had been exhausted, and after extensive mediation under the auspices of the Secretary of Labor, the parties finally reached an agreement incorporated in a Memorandum of Understanding dated December 4, 1969. That Memorandum was ratified by an overall majority of all the members voting as well as by the majority of those voting in three of the four unions.

However, the majority of the voting members of one union, the Sheetmetal Workers' International Association, failed to ratify the Memorandum. I am forwarding to you today legislation that merely makes that Memorandum the contract between the parties. We must not submit to the chaos of a nationwide rail stoppage because a minority of the affected workers rejected a contract agreed to by their leadership. The public interest comes first.

Four days ago, I sent to the Congress a measure to protect the public interest in cases where a strike or lockout in the transportation industry imperils the national health and safety. In that message I stressed two principles: first, that the health and safety of the Nation must be protected against damaging work stoppages; second, that collective bargaining should be as free as possible from Government interference.

The legislation I am submitting with this message to resolve this dispute abides by those two principles. We will protect the national interest, and we will limit Government interference to enforcing the contract to which responsible agents of the parties agreed.

I urge the Congress to act quickly on my proposal, so that a crippling stoppage can be averted and the Nation's travellers and shippers can depend on uninterrupted service.

RICHARD NIXON.

THE WHITE HOUSE, *March 3, 1970.*

JOSEPH A. YABLONSKI: A PROFILE IN COURAGE

The SPEAKER pro tempore (Mr. MATSUNAGA). Under a previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 45 minutes.

(Mr. HECHLER of West Virginia asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, today, March 3, would have been the 60th birthday of Joseph A. Yablonski—a man who gave new meaning to the word "courage."

"Jock" Yablonski left a great legacy and a challenge for the future. He helped coal miners and all people to realize that every human being has basic rights—the right to live, to work, and to breathe as human beings, the right to speak out without intimidation, the right to be represented by those who do not sell you out, the right to see the hard-earned dues of the miners used for their benefit instead of lining the pockets of the big boys, and the right of everyone to enjoy freedom in the United States of America.

It took a remarkable type of courage on the 29th of May 1969 when "Jock Yablonski made the great decision to announce he would challenge the entrenched, corrupt, well-disciplined and dictatorial despotism run by the top officials of the United Mine Workers of America. It took courage in the face of threats, sneers and smears.

He stood up for an ideal.

And although the forces of pagan savagery sent their paid lackeys to kill a man, they will never kill the ideal which Jock Yablonski stood for.

BIOGRAPHICAL STATEMENT

Joseph A. Yablonski was born on March 3, 1910, in Pittsburgh, Pa. He attended public schools in California, Pa., until he undertook his first job at the age of 15 at a coal mine owned by Jones & Laughlin Steel Co. As the oldest son in his family, his earnings went for family support.

Mr. Yablonski worked in the coal fields in various capacities throughout the depression and was actively engaged in the labor strife of the 1920's and 1930's, serving as a picket, worker, and as a labor organizer.

His father was killed in a coal mine accident in May of 1933.

Mr. Yablonski participated in organizing Vesta No. 6 in 1933 for the United Mine Workers of America.

One week after transferring to the Crescent No. 1 mine in 1934, which had over 1,200 members, he was unanimously elected president of Local Union 1787 of the UMWA and chairman of the mine committee.

He was elected to represent 15,000 members of District 5 as the executive board member of District 5, for 8 years from 1934 to 1942. The executive board represented these men in the International UMWA and also conducted negotiations on wages, hours, and working conditions with the coal industry.

In 1942 he was elected to represent approximately 35,000 coal miners on the international executive board of the UMWA. Mr. Yablonski then served as a troubleshooter for John L. Lewis on union problems of all varieties, traveling throughout the United States and Canada. He has served continuously in this capacity for 27 years and has been reelected by the UMWA membership of district 5 seven times during this period.

Mr. Yablonski has also served as the U.S. representative, coal division, at the International Labor Organization Conference in Istanbul, Turkey—1956.

He was appointed as a member of Governor Lawrence's bituminous mine law study commission in 1960. This work served as the basis for the revision of the Pennsylvania mining law.

In 1965 Mr. Yablonski personally intervened with Governor Scranton to successfully demand an amendment of the Pennsylvania law to grant compensation for coal dust disease—coal workers pneumoconiosis.

He was elected and served as both president of district 5 and as a member of the international executive board, from 1958 to 1966.

In 1954 he organized the Centerville Clinic, Inc., a nonprofit corporation designed for group medical practice for coal miners. The clinic has a budget of over $1 million. Since 1954 he has served, without compensation, as chairman of the board of directors.

He resigned as president of district 5 in 1966.

In 1965 he was appointed by the president of the UMWA as a member of the UMWA organizing committee with responsibilities throughout the country.

In March 1969, Mr. Yablonski was elected by the board of directors of the Brownsville General Hospital as the chairman of the board to serve without compensation.

MRS. MARGARET YABLONSKI

Mr. Speaker, the people throughout the Nation, and especially those who work in the mines, know a great deal about Joseph A. Yablonski. Many people in every State and in foreign nations as well have learned a great deal more about his life and ideals since his tragic death only 2 months ago. In the months and years to come, there will be many articles, addresses, books, and other material about this man, what he represented and what he tried to do. I do not pretend to indicate that he had no faults. In the rough and tumble competition of union politics, you could not survive if you were some kind of a namby-pamby. He had enemies. He made mistakes. He played along with the crowd that all too frequently was neglecting the rank-and-file coal miner at the expense of the leaders. We will read and hear a great deal more about all aspects of his life.

Somehow, in the bright searchlight glare of publicity which has followed one of the most dastardly crimes of the century, we have heard and read a great deal about the life and work of Joseph A. Yablonski, but overlooked have been his wife and daughter Charlotte, who are with us no more. I would like today to add a few words about these two brave ladies who not only aided Mr. Yablonski immeasurably in his efforts, but also were outstanding personalities who each made unique contributions in different fields.

Msgr. Charles Owen Rice, who conducted the funeral services for Mr. and Mrs. Yablonski and their daughter, Char-

lotte, also officiated at the marriage of Joseph Yablonski and Margaret Wasicek. They settled down in California, Pa., and in the late 1940's moved to Clarksville, Pa. Mrs. Yablonski said:

My schooling consisted of one year at Grove City College and then came the depression. There were six of us in the family and my father insisted I go to California State and become a teacher. My parents were immigrants. I never knew anyone who loved America more than my mother. My mother taught herself how to read and she could discuss such things as "Hamlet" with any of us. We've all always loved to read.

Mrs. Yablonski soon developed into a talented playwright. One of her plays, "Shorty" ran a performance at the Pittsburgh Playhouse. Her husband helped her with the background for the play. Asked whether the subject of the play was coal mining and the human problems of the miners, Mr. Yablonski responded with a smile: "What else?" As Mrs. Yablonski described it:

I used to sit with my husband and he'd tell me about incidents that he recalled from his mining experiences. That's how "Shorty" was born, although the inspiration came from a man who lived across from our farm.

Mrs. Yablonski was asked by a Pittsburgh Press reporter, Barbara Cloud, how many plays she had written.

Oh, about this high—

She laughed, indicating a spot to her waist—

I guess about 50 or 60. I try to show what life is. I hope I don't preach. I use my husband as a bouncing board when ideas start forming.

MISS CHARLOTTE YABLONSKI

West Virginians will always have a particularly soft spot in their hearts for the talented, sensitive girl who left us when Mr. and Mrs. Yablonski did. Charlotte received her A.B. and master's degree from West Virginia University, and her last job before embarking on her father's campaign was director of the community action, antipoverty program for Monongalia County, W. Va., with headquarters in the university city of Morgantown.

At West Virginia University, her professors made the following appraisal of Charlotte:

She was conscientious, intellectually superior, had a deep compassion for others and a genuine concern for making society a better place in which to live.

One West Virginian who knew Charlotte well, Mrs. G. Robert Nugent, president of the League of Women Voters of West Virginia wrote me this letter on February 2, 1970:

Charlotte Yablonski was a personal friend of mine in the sense that we shared a common objective—we loved West Virginia and cared about helping the poor in the state. In 1968, she applied for the position of director of the Monongalia Community Economic Opportunity Council (the OEO program). I was a member of the board of this council and was one of the persons interviewing applicants for the job. After talking to the four top applicants, the interviewers agreed she was the most outstanding. The most outstanding because she understood the needs of the poor and had a feeling for the way to go about helping them. She was also the best educated of the applicants though this was not a criterion we used in selecting directors. However, we had our doubts as to whether she would be acceptable to the community. Some felt a university-trained woman would have difficulties both because of town-gown tensions—and because she was a woman. However, we decided that she was strong enough to hold her own in this situation.

She worked long hours during her stay in Monongalia County. OEO directors do not have an easy time of it anywhere. The conflicts that swirl around these programs are numerous and can be intense. Some of us who knew her best felt her difficulty in the late stages of her tenure resulted chiefly from antagonisms among the people in the poverty areas toward her which seemed to have been brought on by the campaign her father was waging for the UMWA for leadership. Of course, no one could say this was the case with certainty but Charlotte herself made a public statement to this effect during the crisis she went through with the poverty groups in Osage in this county. With good judgment, she resigned from her job when she knew she was no longer acceptable to the poor as their chief spokesman.

That the life of this young, idealistic, dedicated, bright young woman should have been taken so senselessly is a source of outrage and deep grief to me—as it should be and is to others.

Mr. Speaker, I would also like to place into the RECORD an analysis of the various antipoverty programs which was prepared by Miss Charlotte Yablonski. This reveals her insight into the problems of less fortunate people, and her deep compassion and sensitivity toward their problems:

Therefore have been many successful OEO programs. Some of these successes cannot yet be fully measured—Head Start, Follow Through, Upward Bound, etc.

The kind of thing, however which most excites us is community organization. We mean by this fairly large groups of people working and learning together—not on activities but on issues. Many poor people have felt helpless and hopeless to make decisions (which can be enforced) which meaningfully effect their lives. They have been un or undereducated and felt it impossible to deal with institutions. Their choices have been limited by virtue of their being poor—their leadership qualities have been stifled rather than encouraged and they have been excluded from particapatory democracy.

Many of these people are now learning through experiencing the benefits which accrue to them through community organization. I am not talking about radical confrontation groups. I am talking about common interest groups: groups who educate themselves and one another as to their rights under law. By learning and helping to enforce these laws, they are going through an educational process—which keenly interests and involves them and develops their leadership potential. Through this kind of involvement we find that these families long labeled by social agencies as "multi-problem families" no longer have these same problems. When people are learning, working, achieving—progressing—the fringe benefit of pride develops—they begin to look better in appearance. Relationships with family friends, etc. again become important and so are handled more responsibly. They are taking an active part in shaping their own lives so those multi problems disappear and one or two main problems emerge: 1. lack of gainful employment and 2. inadequate income.

Another benefit is, of course, that kind of institutional change which these groups help to achieve. Institutions are designed to serve people—yet over the years they have become rooted in tradition, bound by red tape procedures which made sense at the time they were initiated (in the 1920's and 1930's) but which are out-of-step, illogical and time-consuming for 1969–70. These institutions at times realize the need for change, but by virtue of the previously mentioned facts require legislative change. Our community organizations are seeing the need for promoting changes in the laws that effect them as well as the need for administrative and service reforms.

Mr. Speaker, I think it is very fitting that a scholarship in honor of Miss Charlotte Yablonski was established by the division of social work of West Virginia University, the school from which Miss Yablonski received her master's degree. In announcing the scholarship, Dr. Leon H. Ginsberg, professor and director of social work at West Virginia University, said:

Those of us who knew and respected Miss Yablonski decided that a memorial scholarship, in honor of her life, would help us do something to insure that more young people like her would serve in overcoming the social problems of the United States. We think she would be pleased with a scholarship bearing her name.

Miss Charlotte Yablonski was termed "one of the area's most prominent young social workers" by Dr. Ginsberg. She had served as a social worker with narcotics addicts at Mercy Hospital in Pittsburgh, prior to her coming to Morgantown as director of the antipoverty program.

TRIBUTE BY KENNETH YABLONSKI

On Sunday, March 1, over 300 coal miners and their families assembled at Park Junior High School, Beckley, W. Va., for a birthday tribute to Jock Yablonski. His sons, Kenneth and Joseph A. Jr., delivered moving tributes to their late father. Kenneth also added a beautiful tribute to his mother and sister. Among the things which Kenneth said were these:

I don't have much more to say than my brother, except to thank you for the wonderful outpouring of emotion you have shown me, and you only reaffirmed in me my belief what a great man my father was. But if I may, I'd like to take just a minute or two of your time and tell you what wonderful people my sister and my mother were. You know, no man anywhere had the support at home that my father had.

My mother from the day my father declared his candidacy seldom if ever left our house, because she was afraid there might be a phone call of some importance for my father. From May 29th until the day the campaign was over, I don't think my mother ever really knew she had a man in the house any more, except what she read in the newspapers and what my father told her on the telephone. He was away constantly, and when he did come home he was tired, and he was beat, and many times disappointed because people who knew better had let him down. She was the person who picked him up. Many times when I came home from being out and doing the little I could do, and I'd gotten despondent, she picked me up. She gave us strength; she was an eternal optimist.

She'd say: "Don't worry, we're going to win."

My Dad would answer: "Marge, you don't even know what you're talking about, you're not out there, you don't even see some of the things that are going on."

She'd say: "I don't care. We're going to win."

And until the day my father and mother and sister died, she believed that, and I still believe it.

My sister had such compassion in her—I don't have the words to describe it. She

was 25 years old. She had worked in the Hill District in Pittsburgh with drug addicts, then came down into your state of West Virginia in the poverty program. She was a girl with special training and education. She didn't have to do that kind of work. She could have taken the easy way in life. And when my father declared his candidacy, she could hardly wait to get into the campaign. She couldn't wait. She was just like a horse under bridle, and we were holding her back.

At home she worked on publications. She went down to Pittsburgh to do some publicity work for my father, and she finally went down to Washington to work for my brother Chip at the National Headquarters. She told me once when we were sending out watchers' certificates at the National Headquarters: "I've just got to do these. I've got to have a part of this thing."

That is the way she was.

So I say to you, ladies and gentlemen, no man had such support as my father had in them. God should be so good to any of us to have the help that he had.

WHY DID JOCK YABLONSKI RUN?

Mr. Speaker, a great deal has been said and written about Jock Yablonski's decision to break with the top leadership of the United Mine Workers of America and announce the crucial decision on May 29 to run for the presidency. I spent a great deal of time with Mr. Yablonski, and shared the campaign platform with him every weekend he was in the West Virginia coal fields. I had the opportunity to have many conversations with him while traveling by car or plane to or from campaign rallies, or relaxing in the homes of his many friends among the coal miners.

I know that he had been deeply disturbed by a number of developments within the union. When one is an officer in an organization, he has several choices: to suffer silently, to argue for change while remaining loyal to the organization, or publicly breaking with the organization. I know that Jock Yablonski was a man with deep loyalties. He thought long and hard before deciding to make a clean break with the United Mine Workers of America, because of his strong loyalty to his union.

I have been part of this leadership—

He said:

I have participated in and tolerated the deteriorating performance of his (Boyle's) leadership—but with an increasing troubled conscience, I will no longer be beholden to the past.

I know from conversations with Mr. Yablonski that the widening gap between the leadership and the rank and file troubled him. Much of this came to a head and was epitomized by UMWA President Boyle's appearance at the scene of the tragedy in Farmington, W. Va., on November 22, 1969, just 2 days after 78 miners had been entombed in a gassy grave at Consol No. 9 Mine. It infuriated Mr. Yablonski to see Tony Boyle proclaim in soothing terms over national television:

As long as we mine coal, there's always this inherent danger.

Then President Boyle seemed more interested in apologizing for the company when he added:

Consolidation was one of the best companies to work with as far as cooperation and safety are concerned.

This brought to a head the whole burning issue of the "sweetheart" relationship between the coal operators and the leadership of the UMWA.

Mr. Yablonski felt strongly about the dictatorship and lack of opportunity in the union. It is true that he supported this tyranny when it was a benevolent dictatorship under John L. Lewis. In fact, it is ironic that Mr. Yablonski had led the move to change the UMWA constitution so it was necessary to be nominated by 50 locals instead of five, thus helping the incumbent entrench himself in office. Writing in "Mountain Life and Work," Mrs. Jeanne Rasmussen commented: "It was a rule that nearly came back to haunt him."

Yet when the campaign was launched, Mr. Yablonski saw even more clearly than he had dreamed how the tyranny and intimidation of a dictatorship could operate—from the karate chop delivered on the back of his neck in an Illinois hotel room, through the Boyle toughs who infiltrated and threateningly took down names at every Yablonski rally, to the threats to pensioners that their pensions would be taken away if they did not go down the line for Tony Boyle and George Titler. It may be that Jock Yablonski did not fully realize how deep seated was the anger in the coalfields generated by the utter helplessness of the average rank and file member sold out by his own union.

The deep loyalty to the union which kept Jock Yablonski in line for so long showed up in his many campaign speeches. It was just one of Mr. Boyle's many unfair and untrue contentions that Jock Yablonski was a "traitor" to the union. At Oakwood, Va., he said:

The United Mine Workers of America is an organization that I love. I've been in it all my working life and I wouldn't do a thing in the world to harm it—contrary to what some people might say or the propaganda that is being spread by some individuals.

He added:

You know, I get a big kick out of all of the pamphlets they're putting out. They're grinding them out every hour on the hour. They're repeating the things I used to say about Tony Boyle—when they wrote my speeches and handed them to me and said 'make the speech.' They're saying all the great things and the good things that I said about Tony Boyle. But you don't see anything in those pamphlets and those records where Tony Boyle says: 'every time this union's in trouble, we send Joe Yablonski,' whether it's Novia Scotia or Alabama—whether it's New Mexico or northern Pennsylvania! And today, Joe Yablonski is supposed to be garbage!

Well, Joe Yablonski is the same person that he's been all of his life, and by the eternal God, he's going to stay that way! Certainly we differ, and it's good for this organization for men to have differences of opinion. But we (coal miners) don't need to be talked *to;* we need to be talked *with.* We need to derive strength from each other, and in this way, we can correct all the problems that confront this great union.

We've made them get out of their swivel chairs and made them come into the areas where the dust is and meet the men who dig the coal and pay their (international officers) salaries, and by God! You know they would have never gotten out of their swivel chairs and come down into the boon-docks if it hadnt' been for us being a candidate.

So if there's nothing ever accomplished but making them aware of the fact that there are coal miners that have feelings and have beliefs and have families and have responsibilities—then we've done quite a bit! But we're not through. We're not through. We're just starting!

With all the substantive issues which motivated Mr. Yablonski to plunge into the campaign—the corruption, the despotism, the failure to protect the rank and file, the sweetheart relationships with coal operators, the money which was embezzled, the deprivation of thousands of miners and their widows and families of just benefits under the welfare and retirement fund, and the many other issues, there was perhaps one other mentioned only casually by one person, Monsignor Rice. After the funeral services were over and when he had more time to reflect, Monsignor Rice penned a very perceptive article for the Catholic News Service. The article was datelined January 14, 1970. Buried in the article was this single sentence: "Yablonski, like many another man in his late 50's, wanted to give his life more significance, wanted to sacrifice and serve." That single sentence may be the unspoken reason that this tough-minded, gravel-voiced labor leader, blessed with an artistic wife, a daughter who was a compassionate social worker and two lawyer sons with a sense of social justice, may have decided to cross his personal Rubicon on May 29, 1969.

The entire article by Monsignor Rice follows:

ARTICLE BY MSGR. CHARLES OWEN RICE

(NOTE.—The author of the following article has been active in labor-management affairs for many years. He was a friend of murdered labor leader Joseph A. Yablonski, his wife and daughter. From his knowledge of the coal miners' union, he details for NC News Service his impressions regarding the factors that led to the slaying of the Yablonskis and their likely aftermath.)

PITTSBURGH.—Sudden death is no stranger to the coal fields. Miners and their families simply live with the prospect of men being crushed, burned or choked to death. But death at the turn of the year came to the coal mining district of southwestern Pennsylvania in an unfamiliar and more frightful fashion.

Joseph A. (Jock) Yablonski, his wife Margaret and his daughter Charlotte were shot to death, probably during the night of Dec. 30. Their bodies were not found until four days later when a son, Kenneth, worried about no answer to the telephone, drove out to investigate. He stepped into a scene of horror and slaughter.

The most eerie feature of the dreadful sight in the pleasant home in its almost rustic setting was that so little was disturbed—there was no sign of struggle. Death came and went neatly. Mother and daughter lay dead in their beds, the father lay as if the fatal shot caught him while reaching for a shot gun to fend off death.

The ugly deed profoundly shocked coal miners and their families—and these people were not the sort to be upset easily by the harshness and cruelty of life, or of other human beings. Men have been killed by other men in the coal fields but it has been a long, long time since a man's family was killed along with him. There may have been similar incidents a century ago when the terror of the Molly Maguires was all that stood between the hard coal miner and the rapacity of the owner. But since then there have not been parallels anywhere in the labor union movement.

Even the history of gangsterdom does not supply plentiful parallels.

The Pennsylvania State Police and the FBI have been understandably close mouthed about their investigations. If they have leads on the killers, they would be ill advised to tell us. Substantial rewards have been posted by the United Mine Workers of America and the Polish National Alliance. The union offer is the larger, $50,000; the alliance, $10,000. The total might be enough to tempt persons who know something significant. That would appear to be the best hope of a solution.

Personally I believe that if the killers are revealed they will be found to have already departed this world and those who commissioned them, while under suspicion, will not be indictable.

The question is: Was this motivated by union politics?

Only a month before the killings it was made official that Joseph Yablonski had lost in his bid for the presidency of the United Mine Workers against the incumbent, W. A. (Tony) Boyle. Jock, as the dead man was known, did not accept the verdict of the union counters, but vowed to keep on fighting and revealing.

He was in a position to reveal, and had already revealed during the campaign. Yablonski had been of the household of the miners' union and had done the unthinkable—he ran for the presidency and retained his job in the union. He needed a federal court order, but he managed that too.

Yablonski's sons, Kenneth and Joseph, both lawyers, one in Washington, Pa., and the other in Washington, D.C., had no qualms about blaming the union and demanding that the leadership of the union stay away from the funeral and the wake.

No top member of the national or district staff showed his face and, what was surprising and significant, no important leader from any other union was visible at the obsequies. Even the major politicians, governors, senators, congressmen, and state officials who are underfoot on all sorts of union occasions, were not about. I was chief concelebrant at the funeral Mass and while I did not gawk around I would have noticed, or been told, if notables had been there.

Important political figures from the locality and the county, however, were solid in attendance and that tells much about Yablonski, who led a full and vigorous political existence for more than a quarter of a century in that part of the country. He was king maker and a power, and his clout was statewide, mostly but not exclusively, on the Democratic side of politics.

Jock was 59 when he was killed, his wife two years younger, and his daughter 26. He was about the last of the old style UMW organizers and one of the best they ever had. He could organize with his head, his tongue and his fists. It was a tough league but in it Jock moved poised and confident.

He had just established himself as a man to watch and develop when I met him in the late 1930s. Other rising young men of labor had their eyes on the total CIO picture but Yablonski focused on the United Mine Workers. He rose in the bailiwick of Phillip Murray but he was with John L. Lewis all the way and when the split came in a few years he went with John L. and delivered for John L.

Lewis had formed the Congress of Industrial Organizations (CIO) in 1936, as he used UMW money and talent to organize the unorganized workers in the steel, electric, textile, rubber, aluminum, chemicals and oil industries. President Franklin D. Roosevelt and the New Deal helped and were helped, but Lewis split with Roosevelt on the issue of the war. Phil Murray, a vice president of the UMW and head of the steel workers' drive, accepted the presidency of the CIO at Lewis' urging, but they fell out over Roosevelt.

Yablonski was very important to Lewis because he beat Murray and Murray's men within their own district of the mine workers. Eventually Jock rose to entire control of that district, Number 5, and was placed on the national executive board. It was not in him to settle for being another labor skate or even a statewide political power. He had literary interests. He and his wife had authored a play that was produced in Pittsburgh. He had an eager and questing mind and a healthy ambition.

Devoted to Lewis, he did not kick over the traces while the old warrior was living even though Lewis, as he doffed the mantel of leadership, placed it on some one else—"Tony" Boyle. After Lewis died Jock waited for the next national miners' election and entered the lists.

He had a great deal of help. Ralph Nader, who despised the old leadership's neglect of the men and its wallowing in luxury, was attracted by Yablonski, as charming as he was tough.

Joseph L. Rauh, Jr., Washington, D.C., lawyer and politician, and other liberal reformers stepped up to help.

But the UMW had a system and traditions. The union is just a skeleton of its former self; old John Lewis' dictatorial way with banks, pension funds, contracts and contacts did not serve as the once great organization was battered by the fell sweep of circumstance, the market and mechanization. Boyle's leadership was more of the same with less drive and strength, but internal elections were still controllable.

Jock knew that his chances were slim but something stirred in him. While Lewis was living he would not even criticize, much less revolt. He had loyalty to the great old man, probably even more than to the miners. But with Lewis gone, the miners remained—them and his conscience.

At the funeral in Washington, Pa., (Jan. 9) young Kenneth Yablonski rose in the church. (I had been told he had something to say and at the proper moment I brought him to the fore). He said that his father regretted not having done more for the miners and regarded the last few months of fighting for the miners and against the entrenched leadership as the greatest and best of his life. Then and there I saw the father in a new light.

Back in the 30s I had officiated at the marriage of Margaret and Joseph. We had been very close but our closeness was a victim of that graver matter of the quarrel between giants and, while we never quarreled, we did not see each other until I was transferred to Washington County in 1959 as pastor of the parish from whose church they were buried. We became friendly again but we were all busy and promised each other that one day we would see more of each other.

Yablonski, like many another man in his late 50s, wanted to give his life more significance, wanted to sacrifice and serve. His death may do what his life could not. A new deal may come to the miners and their way of life.

So much depends on the leadership that may arise and whether we can prevent it from being either corrupted or suffocated. In the mines, as in the factories and shops, you have only so much talent. The unions have to compete with management and the professions these days when a good man rising from the ranks is a rarity. But good men have risen in the past and may rise again How long until they hear the siren song of power?

Today the young of the workers are less idealistic than the young of the professions or of management; but idealism must affect them sooner or later and one must not despair.

At any rate the spotlight will be on the union and the industry and no longer will miners troop into unsafe mines where either a quick death or a slow one are the choices The spotlight may protect the persons and the integrity of the potential leaders who are there and need only to be motivated, protected and identified.

The United Mine Workers today is a financial institution impersonating a labor union and the financial stakes are enormous. Lawyers and reformers have fuel for fires that may burn as long as the most stubborn underground coal fire, and public interest will attend the maneuverings for money.

Due to doctors, Congressmen and Nader raiders, a great measure of safety has come to the mines and the same forces fight for democracy and financial accountability.

A new day may be dawning for the coal miner, but promises and oratory have been his main diet for so long that he may be pardoned a certain low grade cynicism as he waits to see what will happen next.

JOCK YABLONSKI'S PLATFORM

When Joseph A. Yablonski faced the cameras, lights, and microphones in a Mayflower Hotel room on May 29, 1969, he made the following statement and outlined his basic platform which follows:

STATEMENT BY JOSEPH A. YABLONSKI ANNOUNCING CANDIDACY

Today I am announcing my candidacy for the Presidency of the United Mine Workers of America.

I do so out of a deep awareness of the insufferable gap between the Union leadership and the working miners that has bred neglect of miners' needs and aspirations and generated a climate of fear and inhibition. For thirty-five years I have been associated with the Union. I have seen this organization stand as the only bulwark against the oppression and greed of the coal operators and the insensitivity and corruption of government in the coal mining areas. I have seen the courage and determination of coal miners and union organizers under the leadership of John L. Lewis against the combined power of industry and government who were determined to break the Union's will and return the miners to their subterranean serfdom. Years later we participated in the establishment of the pioneering Welfare & Retirement Fund and built an unprecedented chain of hospital and health care facilities throughout many coal mining regions.

In an otherwise harsh and hostile environment, the miners relied on their Union, trusted their Union and gave the Union their undivided loyalty. But in recent years, the present leadership has not responded to its men, has not fought for their health and safety, has not improved grievance procedures, has not rooted itself in the felt needs of its membership and has rejected democratic procedures, freedom to dissent and the right of rank and file participation in the small and large issues that affect the Union.

In recent months the shocking ineptitude and passivity of the Union's leadership on black lung disease—not to mention its ignoring this massive disability of its men for years—became apparent to the nation, not just to those inside the Union. The leadership's inaction toward obtaining workmen's compensation laws, outside of Pennsylvania, to include payments for black lung disability became apparent to the nation. The abject follow-the-leader posture of the leadership toward the coal industry became apparent to the nation. I have been part of this leadership. I participated in and tolerated the deteriorating performance of this leadership—but with increasingly troubled conscience, I will no longer be beholden to the past. I can no longer tolerate the low state to which our

Union has fallen. My duty to coal miners, as I see it, it not to withdraw but to strive for leadership of this Union, to reinvigorate its activity with its idealism and to make it truly a Union of 110,000 working miners rather than a Union of inaccessible bureaucrats.

I know the coal industry. I have worked in the mines and know the agony of it. Like most coal miners, I have lost dear friends, and beloved relatives in the mines. When my father died in the mines, I took his place as did so many sons of fallen miners. I know from involvement the experience of organizing miners and administering their affairs within the Union and with industry and government. And I know that the coal industry is booming, with record production and profits—a state of affairs that dramatically changes the economic environment for miners from one of decline to one of growth. Thus, the miners have an even greater claim on safer working conditions, broader economic benefits and considerations from managements. Coal is the most inexhaustible and promising multiple energy source for the remainder of the century. Men make this possible by working in inhumane conditions in the dark and under the ground. These men must never be subjugated by King Coal.

At this point, I want to state clearly the program that I will run on for the nomination and election to the Presidency of the UMWA. This program embraces the most fundamental issues confronting our Union and, as such, I welcome discussion and debate with any other candidates.

1. The occupational violence to life and limb in the mines requires engineering, legal and individual safeguards, not profuse mouthfuls of fatalism. Coal mining is this nation's most dangerous occupation; traumatic accidents take the lives of one out of 300 coal miners every year, at a rate fourteen times as high as the national average for all workers, and thousands of other miners are injured annually; "black lung" disease seriously attacks the lungs of half the miners literally to strangulate their ability to breathe. If elected, I will initiate a series of immediate and longer term improvements along these lines:

a. Expand the Safety Division of the UMW to guarantee a response to safety complaints of miners and to protect miners who make reports. The Division will support effective mine safety committees whose sole purpose is safety and not the perpetuation of incumbent Union leaders in office.

b. Vastly expand Union and publicly supported research in health and safety. The government spends billions in subsidies for various industries. I pledge that the government will receive the strongest persuasions to pay attention to miners' lives over industry profits.

c. Undertake independent investigation of all coal miner complaints in order to monitor the work of Federal and State mine inspectors. No matter how well the pending mine health and safety law is written, it will not be adequately enforced without an adequate Union fighting for its men's health and safety.

d. Push for continual Federal and State legislative and administrative improvements in response to new facts and innovations for health and safety. Included here are workmen's compensation payments for black lung, greater payments for other injuries, and the establishment of a worker's legal right to sue the coal operator for negligence resulting in the worker's injury.

e. Assure that every labor-management contract from now on contains all possible safety and health protections and a special coal operator safety fund for advanced safety improvements beyond the law.

f. Push for adoption by management of the principle that miners are to be paid during the period when a mine is temporarily closed because of the negligence or lack of care by a mine operator.

g. Provide information, assistance and protection to all mine safety committees for dissemination to the men.

h. Work to eliminate the present Federal Coal Mine Safety Board of Review. Appeals from inspectors' orders or closures should be made directly to an expert commission of mine inspectors selected by the Director of the U.S. Bureau of Mines. These inspectors will investigate and reverse or sustain the finding of the original inspector. Appeals from this decision would go directly to a court.

2. I will immediately call for a special convention of delegates (*democratically elected by secret ballot by all local unions*) in order to establish procedures under which every member in each district can determine by secret vote the selection of District Officers and the rules which govern his District.

3. In order to give greater opportunities to younger men for leadership positions in the Union, I will recommend (*and work for*) mandatory retirement of all Union officials at age 65—without special compensation or plush retirement plans. An organization without the nourishment of youth is destined for decay. I will work to obtain the brightest young minds from our Universities and from the grass roots of coal producing states for staffing and leading our Union to meeting the pressing problems of today and tomorrow.

4. I will modernize present antiquated grievance procedures in order to create stability in the Union. This will restore confidence of the membership in the Union and eliminate the unjustified discharges of large numbers of miners and the prolonged work stoppages which result therefrom.

5. I will strengthen and improve the financial structures of the local unions so that they can generate local initiative to meet local challenges. Improved financial structures used for local union purposes are essential to a strong horizontal and vertical Union organization.

6. I will impress upon the Trustees of the Welfare and Retirement Fund the need to liberalize eligibility rules and Fund benefits and make needed reforms. At the next contract negotiations with the coal industry, I shall demand a substantial increase in the 40¢ per ton royalty (unchanged since 1952) that goes into the Fund for pensions to retired miners. The rising cost of living and the spectacular profit registered by coal corporations demand this increase.

7. I will use the financial and political resources of our Union to advance the betterment of members and their families. For example, my Administration will establish credit unions and other financial services to all members with the help of the expertise and assistance of the National Bank of Washington which our Union owns. We will also address ourselves to the grossly inadequate level of taxation of coal companies in the various states and communities which deprives these communities of needed educational and social services. Better schooling for miners' children and the creation of a scholarship fund in all coal mining areas will receive our closest attention. The coal industry has a broad responsibility to the community that provides it with such massive profits and we intend to see that that responsibility is observed. No longer will this Union tolerate the coal industry's control over state and local government to the detriment of the coal miner. I will not tolerate this Union being subservient to the coal industry in Washington.

8. A Union must retain an arms length relationship with management. All the dealings of Union leadership must be open and observable by the membership—including Union reports. Union relationships with other organizations and Union expenditures. Openness in Union activities includes making it easy for a member to obtain information. I pledge an open Administration that encourages, even demands, active participation by the membership collectively and individually. I pledge an end to demeaning and unproductive ties to the coal industry including the severance of the Union's membership in the National Coal Policy Conference. This Conference has as its purpose the opposition to air pollution controls and the promotion of coal. Whatever stands we take on these issues, we should arrive at and take alone. We must no longer compromise our stands in an industry-dominated organization that cares little about the working man. The Union's annual contribution of $75,000 to $100,000 to the NCPC will be devoted instead to the UMWA's Safety Division.

9. There are thousands of miners who are still not members of our Union. These men work for wages ranging from $12 to $16 a day; these men are often sick and old and therefore can be exploited by inhumane managers in inhumane working conditions because they have no other employment opportunities. Who cares for these men? The Union must care for these men and develop an organizing drive that is substance, not form or rhetoric. If elected, I will never allow this Union to forget our poorer brethren.

10. Merit, not kinship, shall be the basis for advancement in administrative positions under my Administration. Moreover, if elected, I shall make it a policy that no relatives of mine, no matter how meritorious, shall be added to the Union payroll. I make this one exception to the merit criterion to emphasize that there will be no crew of my relatives coming on the Union payrolls.

THE YABLONSKI PHILOSOPHY

One aspect of Mr. Yablonski's personality which always struck me was the breadth and depth of his interest in every type of person, human problem. Whereas President Boyle shook hands gingerly, almost as though he wore white gloves, Jock Yablonski usually clapped a calloused hand on your shoulder. On the stump, he would characteristically peel off his coat, loosen his tie and shirt collar, and always have trouble every now and then hitching up his trousers while he spoke. He never used a note, even for statistics, frequently resorted to expressive and explosive profanity, but eschewed the bitter personal vitriol which the likes of George Titler felt necessary to use in order to attract attention. Jock Yablonski was sensitive to people, and you could tell this when he patiently listened to the scores of genuine hard-luck stories from miners and their widows deprived of their pensions, their compensation, blacklisted by the union or management, or turned down on legitimate grievances.

He was also sensitive to a broad range of problems which never ceased to amaze me. Riding around between stops, he talked about a wide variety of subjects totally unrelated to the critical, uphill fight in which he was engaged. Returning to the Greenbrier Airport from an address at Rupert, W. Va., we talked about farming practices in the rolling country of the Greenbrier Valley, recent

popular literature, Broadway plays, the changing tastes of the younger generation, and some of Mr. Yablonski's experiences in West Virginia while John F. Kennedy was running for President.

I was very interested in the revealing comments made by Mr. Yablonski in a session held in a private home in Beckley, W. Va. Forty or fifty miners were present at the meeting held on August 30, 1969, taped by Jeanne Rasmussen. Among the comments, Mr. Yablonski said:

There's a broad field of work that we all could be involved in to improve the quality of life of our people. A union has more obligation to its members than just what the day wage rate is, or the hour wage rate. There's a whole sphere of things that we can be working on to improve the quality of life of people who live in this whole Appalachian area. I'm sick and tired of the kind of treatment we've been getting from politicians in Appalachia. They don't want any diversification of industry; they don't want to go ahead and improve the quality of education. They want to keep the status quo, and they permit the tearing up of the hillsides; the polluting of the streams—tear up everything there is without any regard to the future, neither for the nation or the people that are going to be living in it. I think it's a union's responsibility to be concerned about the future of the people. About the future of the areas. And I think this is an area that we can all work in and work together! But first, we've got to build the kind of a union that men are gonna have confidence in. . . . believe in!

THE REIGN OF TYRANNY

On July 13, 1969, in an address at Beckley, W. Va., Mr. Yablonski described the procedures within the United Mine Workers of America as follows:

I've been an officer of this organization for 35 years, and all I had to do, if I was only concerned with myself, was to just let things go, coast into retirement and forget about everything. But I want to say very frankly, that isn't the way it's going to be with me.

When I see my union moving in a direction of unconcern for men who have to engage in the dangerous conditions of coal mining, then it's time that somebody speaks up, *regardless of what the sacrifice may be.*

You've always been told that we have a great democratic organization . . . and I hear somebody stand up in front of the United States Senate and insult the senators by saying the United Mine Workers are more democratic than the senate of the United States! Let me say this to you: How democratic is an organization—when a man who's served it for 35 years announces he's going to become a candidate for office, and they hire an expert karate thug to hit him from behind in order to try to paralyse him! That's what happened to me in Springfield, Ill. This morning, in the Williamson paper, an advertisement put there said: 'Stay out of District 30, Joe Yablonski." Now let me say this to Tony Boyle . . . to all of his thugs . . . to all that he's able to hire: Joe Yablonski is not gonna stay out of anywhere!! Joe Yablonski is gonna go into every mining town and carry the message of the coal miner!

You know this "Reign of Tyranny" that they're putting on—trying to scare people from going to meetings. . . . trying to scare the pensioners; trying to scare a fellow from stand up and expressing himself. Who the hell do they think they are? In Gestapo Germany? No! This is the United States of America! And let me say this to you: Hundreds of thousands of dollars that are being spent, taken out of the treasury—it belongs to coal miners . . . and this campaign is being investigated right now by the Federal Bureau of Investigation and the Justice Department—and when those people start investigating, you're not fooling around with some type of county courthouse investigator! They (the incumbent UMWA leadership) know! They know where they violated the law. They know and they're afraid. They know because they know the spotlight of truth is going to be shined upon them . . . and they're going to have to answer! (taped at Beckley, W. Va., Sunday, July 13, 1969—JR.)

At the end of the campaign, he summed up the fear and intimidation tactics in the following terms, in an interview with Jeanne Rasmussen over WOAY-TV, December 8, 1969:

It's certainly rather deplorable that so much mud-slinging had to occur in this campaign, instead of a real debating and discussion of the issues that concern the coal miners and their families. It could have been much better, had we met jointly in the forums of the mine areas to discuss the many issues that confront the coal miners and that they are really interested in, insofar as their organization is concerned. I asked for this on May 29, when I announced my candidacy. Six days later, I was discharged from my job, and from then on, the viciousness started, because I had the AUDACITY to become a candidate within the framework of the United Mine Workers of America!

Prior to the time the United Mine Workers were organized in this area, many coal miners were afraid to attend organizing meetings, because they were afraid the Baldwin-Felts would report them to the coal companies and they would lose their jobs. Isn't it a rather tragic thing that today they're afraid to attend meetings because they're afraid of their union officials? These are the people who are supposed to represent them: to extend to them their rights of freedom: to extend to them their right to stand up and be heard: and extend to them their right to even dissent, if they want to dissent: this is the way democracy really works, and this is the way it's going to work after December 9th, because I know that men who are oppressed and coerced will resent it when they have the opportunity to demonstrate it, and they will demonstrate it on December 9 that the time has come for a change . . . and to bring about a union that is meaningful and responsive to the needs of its members.

POLITICS OF FEAR

And at the Beckley, W. Va., miners' meeting on August 30, 1969, Mr. Yablonski added:

Long years of coercion and intimidation that's been practiced in the union—that's made this dictatorship possible and made it have the strength that it has. You know, we had a lot of unemployment throughout the Appalachian area, and many men have seen other men blackballed; seen them go down the road without a job. So there's been a lot of fear on the part of some of our people. But you know, this fear—and fear is that way—is just buried and covered over. I remember in the days when they had no union, there was a lot of fear. Everybody was afraid of the company, and they didn't trust their neighbors; didn't trust each other to talk to one another—because they didn't know which one was gonna tell the company about the other! But when it all broke into the open, nothing could stop it! And this is the same. Fear of a dictatorship—when it breaks into the open (and you've seen other dictatorships fall, not only in organizations, but in nations), when people break out and they really feel the strength in their own hands and through their own actions, there's nobody gonna stop them! I hope we're able to get the membership of our organization to develop the courage, that courage that coal miners have been known to have. If we can get them to stand up—with that kind of courage—God bless anybody who gets up in front of them to try to support this dictatorship, 'cause they'll run over top of them like a steam-roller!

AUTONOMY

On the popular subject of autonomy, Jock Yablonski told an October miners' meeting this:

We've got lots of work to do. First thing we have to do is make sure no more George Titlers ever come down the pike.

We have to give the membership of our union the right to elect all of their district officers. But not only are they going to have the right to elect their district officers, the constitution that sets up the rules on the election—is going to guarantee every individual coal miner that he has the right to run, if he wants to run. And to make sure we don't have some smarty come along and get himself elected to a four-year term and then sell out the coal miners two months after he's elected, we have to put a *recall* provision in that constitution. Then, you'll see the difference! You'll see the men that you picked—honestly, diligently, devotedly—working in your interests, and they should be doing that! They should be finding new ways of providing service to the people that they have the honor of representing!

We started out in this program to make this a better organization; to render greater service to the men who work in the mines, and their families, and this we intend to do! So, we've been in the fight—five months. When I went into this, a lot of my friends said, "Aren't you getting tired?"

You know what my answer is? We're just starting!

At Oakwood, Va., in November 1969, Jock Yablonski outlined his philosophy on pension benefits:

PENSIONERS

Coal miners in this country, as members of the UMWA, used to be the trailblazers in the labor movement—and lo and behold! We've become the trailers! Men working in steel mills, automobile plants, rubber plants and other diversified industries have got better working conditions, better pensions, better sick leave, better considerations than coal miners have and by God, I don't like it! There's no industrial worker anywhere in the world that should have a better pension than a coal miner. He's the man that works, that sweats, that's in the danger and unhealthy conditions in order to make the wheels of industry in this country turn, and and if it wasn't for him, they'd come to a standstill!

Why should a disabled coal miner be denied benefits? Why should he have his hospital card taken away from him? Why should the widow of a coal miner be kicked out and denied benefits and not have a hospital card for herself and her children? These things are wrong—and they're wrong because you and I permit them to *stay* wrong! If we don't do something about it, it will continue that way!

So now, I want to also tell you something else. I'm supposed to be against the pensioners. Against the pensioner having the right to vote. You know, in the local union where I hold my membership, there's 520 pensioners. I know these men personally, as I know many other pensioners throughout the jurisdiction of our union; and I hope I will drop dead right now if I will ever try to prevent a pensioner from getting everything that he is ever able to get from this union—including the right to vote and including the right to be a member! But that don't stop them from grinding out propa-

ganda! (Boyle told the membership that Yablonski had gone to court to try and prevent the pensioners from voting, which is completely untrue!—J) There's one thing I do object to as far as pensioners are concerned: I object to these pensioners being in local unions where Carson Hibbitts votes them, or where Archie Woods votes them or where Ray Thornsberry votes them, whether they show up to vote or not! You're damn right I'm going to be opposed to that! I'm opposed to these pensioners being intimidated or coerced or threatened. You know, they *earned* these pensions! Nobody give 'em anything that they didn't earn! There's nobody has a right to threaten to take it away from them! These men have a right to vote without intimidation from anyone. Let them vote their own conscience. Let them vote for whoever they want to vote for! This is what true democracy means! The same for them as it is for everybody else!

STEALING THE ELECTION

At the climax of the campaign, Mr. Yablonski spoke as follows on December 4, 1969, at Summersville, W. Va.:

Some people say that they're going to steal the election. And I hear this from coal miners. They say: "You'll have no trouble winning at our mine, you're going to get 90% of the vote, but they're going to steal it from you." Well, I don't know whether any of these fellows are going to be interested in going to jail for Tony Boyle! You know, the net is around him already. The United States Department of Labor issued a report last week on mismanagement, financial mismanagement of this organization by its president and its executive officers. The Justice Department has had a grand jury in session and many men have been called before it. You know, after the Labor Department issued its report, Boyle came out with a very feeble statement and said, "well, that's Joe Yablonski." Well, I don't know when I got control of the Labor Department. I guess if the Justice Department finds some indictments against some union officials, they'll accuse me of having control of the Justice Department!

I guess Tony Boyle must see me behind every post, and every tree, and under every bed . . . and my shadow follows him everywhere he goes!

RESPONSIBILITY

At the last major rally of the campaign, held in Man, W. Va.—Logan County—December 7, 1969, Mr. Yablonski sounded this note:

You know, you say to a young fellow: "How come you didn't go to work in a coal mine?" And he looks at you in the eyeball and he says: "My father worked in a mine. He can't get his breath. He has to open the kitchen door when it's zero weather outside to leave some fresh air in the house so he can get a little oxygen in his lungs. . . ." (And you know what he got for it? He got kicked in the teeth . . . by having the president of District 29 (George Titler) up there in Beckley make an Olga agreement with the coal operators that throws him out of this industry when he's 11% disabled with silicosis and pneumoconiosis!) And the young man says, "if that's the kind of industry you want me to go to work in, well no thanks! There's other ways for me to make a living!"

And do you blame him?

It is our responsibility. When we're the leaders of this organization, it's our responsibility to make these mines safe! And it's our responsibility to make these mines healthy! And this is the most important thing that we can do . . . because there isn't anything that God has ever given anyone that's more precious than life . . . and more valuable than health!

AFTERMATH OF THE ELECTION

I telephoned Jock Yablonski the day after the election. I was very depressed, even though the unofficial reports made it evident that although Mr. Boyle had overwhelming majorities among pensioners Jock Yablonski had carried a clear majority among the working miners. I felt very low, but it was his determination which cheered me up. I recall he said: "We're going to fight on. I'm not conceding anything. We're going to keep on fighting to bring justice to the coal miners."

On December 14, 1969, a postelection rally was held by Yablonski supporters in the high school at Sophia, W. Va. That was the last time I saw Jock Yablonski. Although the weather had turned extremely bad, and it was snowing, some 300 enthusiastic miners and their families attended the rally. They came from West Virginia, Virginia, Kentucky, Pennsylvania, Ohio, Illinois, and Indiana. Also present was Jock Yablonski, his son Chip and his nephew, Eddie; his brother, Edward; Mike Trbovitch, Joe Daniel, and others from Pennsylvania; Elmer Brown, Jock's vice presidential running mate; representatives of the West Virginia Disabled Miners & Widows Association; the West Virginia Black Lung Association; Drs. Hawet Wells and Donald Rasmussen of the physicians for miners health and safety committee and others like Karl Kafton, Harry Patrick, and Bill Fetty.

Jeanne Rasmussen wrote this account of the meeting in Sophia, W. Va.:

Despite the fact that seven carloads of "Boyle goons" turned up at the meeting—to stand in the parking lot, the hallways; to make obscene gestures, write down names and perch like vultures in the darkened corners of the high school gymnasium—nothing seemed to dampen the enthusiastic response of the Yablonski people.

"Well maybe we lost the skirmish—but we're still gonna win the war!" Yablonski shouted to the cheering audience. "We haven't given up! We're gonna fight this thing all the way . . ."

Joseph Yablonski died in battle—fighting for a union he loved. Fighting for a union he hoped to save; to preserve; to make democratic and responsive and responsible to its membership. He did not die peacefully, or bravely, or with the dignity usually afforded a great leader. He died grasping for life, and for the lives of his wife and daughter, while "hired" beer-drinking punks pulled the trigger for a despotic union leadership whose only power was by absolute control. But even death could not silence the prophecy of Jock Yablonski's words:

"Tony Boyle must see me behind every post and every tree and under every bed . . . and my shadow follows him everywhere he goes . . .

"The *spotlight of truth* is going to be shined upon them . . . *and they're going to have to answer.*"

No account of Jock Yablonski would be complete without mention of the loyal support of Dr. Donald Rasmussen of Beckley, W. Va., and Dr. Hawet E. Wells of Athens, W. Va. Both of these men had worked independently for several years, Dr. Rasmussen as a pulmonary specialist, and Dr. Wells as a pathologist, in pinpointing the nature and deadly effects of pneumoconiosis.

They both traveled extensively in support of Jock Yablonski's candidacy, and unselfishly spent great sums of their own money to help the coal miners of West Virginia.

During his life, Jock Yablonski gave new hope and confidence to the miners who had been unrepresented in the highest councils. He faced every issue with eloquence, sincerity, and with that touch of greatness which comes with personal leadership.

Jock Yablonski's work is unfinished. On Sunday, at a birthday tribute in Beckley, W. Va., speaker after speaker expressed the thought that the greatest monument we can build—the only real monument we can build—to this man is to carry on his unfinished work.

I feel it is appropriate to close this birthday tribute to Joseph A. Yablonski with the last words which he spoke to me over the telephone from Clarksville, Pa.: "We are going to keep on fighting to bring justice to the coal miners."

Mr. PUCINSKI. Mr. Speaker, will the gentleman from West Virginia yield?

Mr. HECHLER of West Virginia. I am glad to yield to the gentleman from Illinois.

Mr. PUCINSKI. I congratulate and commend our distinguished colleague for taking this time today to pay tribute to the memory of Jock Yablonski. I know the distinguished gentleman from West Virginia was a very close friend of Mr. Yablonski, and I know that he had been most helpful in trying to give this brave and dedicated union member an opportunity to carve out a new dimension of leadership in an industry that so desperately needs that kind of leadership. I was deeply grieved when I learned of Mr. Yablonski's tragic death. It was a brutal crime, one of the most brutal in the history of this country. Within an hour after I had learned of this tragedy I wired Attorney General Mitchell demanding, as a member of the House Education and Labor Committee that had worked very closely with Mr. Yablonski on important legislation, particularly in the field of mine safety, demanding that all of the evidence be impounded, that the Federal authorities take over the house in which the crime was committed, and that the full resources of the Federal Government be used to investigate this heinous crime.

I said in my telegram to the Attorney General that Jock Yablonski was a victim of this brutal murder because he had been working with a number of Federal agencies in trying to bring about long-needed reforms in an industry that played a key role in the vitality of this country.

I said then that Jock Yablonski was murdered to seal his lips, and I say now that he was murdered to seal his lips. The consicence of this country will never be able to rest until we bring to full justice all those who directly or indirectly had anything to do with this crime.

Mr. Yablonski was working with a number of Federal agencies. He had worked closely with my own committee. The gentleman in the well had made a Herculean contribution toward seeing that a good mine safety bill was passed

in this country, and Jock Yablonski also made a great contribution in the face of all sorts of pressures by vested interests that did not want a Federal mine safety bill.

I had many occasions to ask Jock if he was afraid that he would be threatening his existence because of the strong position he took in the labor movement. He was a very brave man. He said, "Yes, but those are the chances you take." He spent a great deal of time with our committee. I believe now that the Attorney General and the FBI and all the resources of this Federal Government ought to be used to get to the bottom of this tragic murder. There is no question in my mind that behind this murder lies a fantastic story of intrigue and deceit of greedy people who are trying to block efforts of the Federal Government to get to the bottom of the situation that has prevailed for too many years.

So it seems to me we cannot just rest with prosecuting those who are responsible for this crime. We have to find out those who masterminded this crime and find out what were their purposes and what was their intent.

So far as I know, there are still a great number of questions that must be resolved. I know this: That when we get to the bottom of this bizarre crime, this attack on Jock Yablonski and his wife and daughter, when we uncover all those who were engaged and in some way involved in this tragedy, we will then be able to act in this Congress to bring about corrective legislation.

I congratulate the gentleman from West Virginia, my colleague, for taking this special order. Jock Yablonski was a personal friend of mine. He was a great American of Polish descent. He was a member of the Polish National Alliance which has offered a reward of $10,000 for apprehension of the killers.

Jock Yablonski was one of those marvelously brave Americans who believe that one man with courage is a majority. He exemplified that spirit. We miss men like him, not only in the labor movement, but in industry and politics and in every single level of social endeavor.

So I thank my colleague, the gentleman from West Virginia, for taking this time today to remind this House of the great tragedy that struck this country when Jock Yablonski and his wife and daughter were brutally murdered 2 months ago.

Mr. HECHLER of West Virginia. Mr. Speaker, I deeply appreciate the remarks of the gentleman from Illinois, my colleague, with which I fully concur. The gentleman has made a major contribution to the discussion of this issue. I believe it is through the efforts of Members like the gentleman from Illinois that we can make some progress in this difficult area.

I believe the FBI should be congratulated for that agency deserves the lion's share of the credit for ferreting out those who were initially associated with the murders. The grand jury is doing a fine job in unraveling the tangled skein of evidence relating to those who put up the money for this dastardly crime. I would simply ask the gentleman from Illinois this question: Can the committee on which he serves maintain an aggressive oversight over the administration of the Federal Coal Mine Health and Safety Act, and also over the activities of the Department of Labor in investigating the December 9 election, as well as activities of the Department of Justice, the Internal Revenue Service, and all the other Federal agencies that are involved. I raise this point because the gentleman is a very active member of the Committee on Education and Labor.

Mr. PUCINSKI. Mr. Speaker, I assure my colleague, the gentleman from West Virginia, that I consider the murder of Jock Yablonski and his daughter of such monumental brutality that I am watching every move very carefully, and it is my firm hope that we will get the full answers to every single question that surrounds this murder, right down to the lowest echelon. If the constituted authorities fail to get for us the evidence and the information as to the circumstances and the conspiracy which led to the assassination of Jock Yablonski and his family, I am going to urge my own committee to conduct its own investigation, with subpena powers, and put under oath witnesses so we will find out what is going on when a man cannot seek an office in a union without jeopardizing the lives of himself and his family.

So my friend and my colleague in the well has my assurance I do not intend to rest or stop merely with the arrest of those who are now in custody. This is just the top of the iceberg. We know there is a great deal more below that iceberg which needs public disclosure. I shall do everything I can to make sure it comes to full light.

Mr. HECHLER of West Virginia. I thank my friend from Illinois.

I believe with that type of assurance and aggressive activity we will get to the bottom of this dastardly crime.

I would point out also in addition to and beyond this there is an area which is made more serious by the firing of the Bureau of Mines Chief, Jack O'Leary; namely, the administration of the Federal Coal Mine Health and Safety Act, which the committee of the gentleman from Illinois brought to the floor.

One of Jock Yablonski's major achievements during his life was to make sure that an effective act passed Congress. He, his friends, and supporters were frequently up here on Capitol Hill to talk with Members of the Senate and the House in support of strong health and safety provisions. They were here more frequently and more effectively, I might add, than the present president of the United Mine Workers of America.

It was the competition which was created by Jock Yablonski's candidacy that produced an effective piece of legislation, and even forced Mr. Boyle to take a much tougher position on the legislation than he was otherwise taking.

I would hope also, in addition to getting to the bottom of the crime, that the agencies of the Congress would aggressively oversee the administration of this act. There must be a full-scale investigation of the United Mine Workers Union and the UMW welfare and retirement fund.

I should also like to underline the fact at this point, Mr. Speaker, I have a labor record which is viewed by the AFL–CIO and COPE as 100 percent. The latest tabulation by the AFL–CIO again gave me a 100-percent rating on bills that are of interest and concern to organized labor. The Steel Workers did likewise, as did other interested labor organizations.

Therefore, when I advance any criticism of the United Mineworkers Union I want it very clearly understood that I am interested in a strong union, a clean union, and an effective union.

This is what Jock Yablonski was interested in, too. He was a loyal man, loyal to his union. It took many, many years before he would condescend to take this great step, to cross this personal Rubicon and to run for the presidency of the UMWA. He ran in order to give the rank and file of the miners aggressive representation, not to weaken the union or the labor movement.

Those in the labor movement need have no fear from those of us who are interested in cleaning up this union, because by doing this our goal is to strengthen organized labor. We are aware of the danger that this occasion might be used as an excuse for some type of vendetta against other unions or other parts of organized labor. This we reject and will fight against those who are concerned with crippling or weakening the labor movement.

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

Mr. HECHLER of West Virginia. I shall be glad to yield to the distinguished gentleman from Illinois.

Mr. MIKVA. Mr. Speaker, I wish to commend the gentleman in the well and to associate myself with his remarks.

I merely want to add that like the gentleman in the well, I pride myself on my labor credentials. I think Mr. Yablonski was a labor leader of the old school who believed that the leadership of unions ought to be committed to the welfare of the membership rather than any power base or self-dealing concerns of union leaders. I hope that that kind of leadership will again find its way into the top ranks of the Mine Workers Union, the kind of leadership which, in my opinion, is certainly needed.

Joseph Yablonski helped bring coal miners from the bottom of the economic ladder to a level where they could share in the rights and opportunities of America.

The great strength that he brought to this cause was the crusading strength which characterized the early traditions of securing justice for mineworkers. The labor movement—and America—will miss the moral leadership of Joseph A. Yablonski.

Mr. HECHLER of West Virginia. Mr. Speaker, I certainly appreciate the contributions made in the remarks by my colleague, the gentleman from Illinois (Mr. MIKVA). It reminds me of another phrase in Monseigneur Rice's statement when he characterized the present leadership of the United Mine Workers Union

as a financial institution masquerading as a labor union. I think that ties in directly with what the gentleman from Illinois was indicating.

Mr. MIKVA. Mr. Speaker, I join my colleague, the gentleman from West Virginia (Mr. HECHLER), in paying tribute to the late Joseph A. Yablonski. Americans across the Nation mourned the loss of this leader, his wife, and daughter. The tragedies of the Yablonski slayings even overshadowed another tragedy—the decline of the United Mine Workers Union as one of the most powerful forces for reform in labor-management relations.

Joseph Yablonski was a member of the old school which helped bring miners from the bottom of the economic ladder to a level where they could share in the rights and opportunities of America.

The great strength that he brought to this cause was the crusading strength which characterized the early efforts of securing justice for mine workers. The labor movement—and America—will miss the moral leadership of Joseph A. Yablonski. We can all hope that the qualities of that kind of leadership can again be found in the Mine Workers Union.

Mr. BUTTON. Mr. Speaker, today I join with many others in observing the 60th birthday of a man who was a great leader, Joseph A. Yablonski. The tragedy of this observance is that Mr. Yablonski is no longer alive to receive our well wishes. He died while doing his utmost to serve his fellow laborers in the United Mine Workers of America.

For 35 years, he was associated with organized labor and shared with this Nation's 110,000 working miners their hopes for better working conditions and a better life. Joseph Yablonski pioneered for reform in mine safety in an industry that takes the lives of 1 out of every 300 coal miners each year at a rate 14 times greater than the national average for all workers. He was instrumental in seeking passage of workmen's compensation laws in Pennsylvania to protect miners from health risks including the dread black lung disease. He campaigned for national recognition of a black lung safety act and constantly championed the rights of the union membership over the rights of any of its leaders.

He represented the best in organized labor. It is my hope, and the hope of everyone who joins in this observance of his birthday, that the ideals Joseph Yablonski stood for will not pass away with his death.

DETERGENT POLLUTION CONTROL ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 30 minutes.

Mr. PUCINSKI. Mr. Speaker, I have today introduced legislation to combat one of our most serious water pollutants—phosphates in detergents.

Phosphates, a basic ingredient in 90 percent of all detergents and household cleaning products are being dumped into our lakes and streams at a fantastic rate. Recent studies have indicated that detergent sources account for 70 percent of the phosphate inputs that compose our municipal wastes in the United States. This fact coupled with the startling revelation that municipal wastes are responsible for over 60 percent of the pollutants that affect our lakes and streams makes very evident the urgent need to take effective action.

It has been estimated that the phosphate input annually into Lake Michigan is over 15 million pounds and the lake retains over 95 percent of that amount. Dr. A. F. Bartsch of the Federal Water Pollution Control Administration has indicated that phosphates accelerate "eutrophication" or the aging process of the lake in which its waters become more fertile and acquire a greater capability to grow algae and other forms of unwanted living matter. In a 1968 study conducted by the Federal Water Pollution Control Administration, it was determined that approximately 3,500 square miles of inshore areas of Lake Michigan were extensively polluted.

Swimming beaches have been closed in Chicago, Milwaukee, and other areas when large mats of foul-smelling algae have been deposited on the beaches. This tragic situation is compounded by the health hazards that are posed by dead and rotting fish as well as the water being contaminated by the sewage.

At the Conference on Pollution of Lake Michigan and its tributary basin, experts pointed to the excessive quantities of algae caused by phosphates and related that the algae mats have caused short filter runs in water treatment plants. When the runs are shorter than 20 hours, the result is a loss in revenue because it is a reduction in plant capacity and the use of larger amounts of wash water.

Although there are many other sources of pollutants to our environment, detergents are flowing into our water resources and creating havoc and destruction with our plant and animal life at a rapid pace.

According to the United States-Canadian International Joint Commission, 50 to 70 percent of the total input of phosphorus from all municipal and industrial wastes into Lake Erie and other lower Great Lakes stems from detergents. If the polyphosphates in detergents are not controlled, the Commission predicted that in 16 years the input would top 70 percent.

Unless we act to control the polluting of our water resources, we will continue to degrade our waters beyond the point of no return, and lose one of our priceless recreational and lifegiving bodies.

My bill takes a very important step in ending pollution caused by phosphates in detergents by declaring that phosphorous would be banned in detergents by June 30, 1972, under the enforcement of the Secretary of the Interior.

My bill also provides the Secretary of the Interior with the authority to establish standards of ability, biodegradability, toxicity, and of effects on the public health and welfare which must be met by all synthetic detergents. Under this section, the Secretary will prescribe and publish the standards in the Federal Register on or before June 30, 1971. Detergents will be required to be in compliance with the standards a year later, after June 30, 1972. Violators will be guilty of a misdemeanor and upon conviction of such will be subject to a first offense fine of up to $5,000 and a fine of up to $20,000 for subsequent violations.

The standards shall be designed to insure that synthetic detergents will not encourage the growth of algae, will decompose in sewage treatment processes, will not pollute surface or ground waters receiving effluent from these processes, will not be toxic to fish and wildlife, and will not pose hazards to human health.

My bill also provides for a $10 million a year Federal assistance program for the next 5 years to accelerate the development and manufacture of near or nonpolluting detergents. Under this section, the Secretary of the Interior would inventory and report existing technology and assist in the research and development of ingredient formulations which would eliminate pollution from detergents.

I have introduced this legislation to combat one of the most devastating pollutants of our water resources. If we refuse to act to restore our waters to a pure State we will have destroyed a basic link in our ecological cycle. In our quest for growth we have bypassed the repair of the damage inflicted upon our natural resources, If we continue to do so, the problem will cease to exist and so will human beings.

CORRUPTION OF BUSINESS BY ORGANIZED CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. POFF) is recognized for 10 minutes.

Mr. POFF. Mr. Speaker, on February 10, 1970, Attorney General Mitchell spoke in New York City before the Bond Club. Mr. Mitchell impressed his audience with the great threat that organized crime poses to legitimate business. He made this impression by citing several examples of the effects of organized crime infiltration of business.

His first example, although no names were mentioned, apparently concerned the air freight trucking operations out of New York's Kennedy Airport. He stated:

> There is strong evidence to warrant a suspicion that the entire air freight trucking industry at this airport is controlled by organized crime; that it is trapped between a racketeer dominated trade union on the one hand and a racketeer trade association on the other.

His second example concerned the hijacking of trucks. This, of course, can affect any industry which ships goods by truck. His last example detailed certain of the techniques used to loot securities from our brokerage houses.

The thrust of the entire address was that organized crime poses an ever-increasing danger to our legitimate organizations. He did conclude, however, on a somewhat hopeful tone. He made reference to a proposed bill which has passed the other body. That bill is title IX of S. 30, the Organized Crime Control

Act of 1969, introduced in the Senate as S. 1861 by Senators McCLELLAN and HRUSKA, and in the House as H.R. 10312 by myself. This bill contains most effective devices to aid in the fight against organized crime. As stated by Mr. Mitchell it would, "permit us to order forfeiture of property owned by an organized criminal. It would permit us to require dissolution of his business and would empower the courts to enjoin him from ever again entering that sort of business."

This provision is now before the House Committee on the Judiciary. I am hopeful that we will have an opportunity to add this weapon to law enforcement as soon as possible. The need is clearly there, and it would appear that this bill fills at least a part of the need.

The address follows:

ADDRESS BY THE HONORABLE JOHN N. MITCHELL

1. INTRODUCTION

It is a pleasure to accept the invitation of the Bond Club to be the speaker this evening.

Many of you may have reasonably expected that I would come back from Washington and tell you what's going to happen to interest rates; or the oil import quota; or to our antitrust policy.

Personally, I would like to talk on these subjects. But that might hurt my image among the Washington columnists. They have dubbed me, among other things, "Mr. Tough," the "Iron Chancellor," and the "Inquisitor General."

In order not to let down my Washington columnist friends, I am going to talk briefly about the problem of organized crime and its growing infiltration into legitimate business, including yours.

Rather than deal in vague generalities, I would like to offer you a few specific case histories which we have developed. Take the example of air freight.

2. AIRPORT EXAMPLE

Air freight is one of the nation's fastest growing and most promising industries.

Its total volume has increased 800 percent in the last 15 years to where it now flies almost 2.5 billion ton miles a year.

An integral part of the success of the air freight industry is the speed and efficiency with which products are moved to and from an airport, generally by truck.

There is a rather large airport in this country which over the years has experienced rather curious phenomena. The first was that one local union slowly became the dominant union. This is a local union which we know is controlled by elements connected with the organized criminal syndicate.

Simultaneously an air freight trucking organization was organized which became incorporated into a larger trucking organization.

Suddenly, two men publicly listed as being members of a prominent organized crime family appeared as consultants to the trucking organization.

Then the trucking organization's dues increased 750 percent in 5 years and its initiation fee went up to $5,000.

The net result is that, in our opinion, there is strong evidence to warrant a suspicion that the entire air freight trucking industry at this airport is controlled by organized crime; that it is trapped between a racketeer dominated trade union on the one hand and a racketeer trade association on the other.

We have received reports that truckers who do not belong to the trucking association find themselves the victims of sabotage and constant labor problems with their unions. They find it difficult to obtain business. Freight that is scheduled to be shipped on non-trucking association trucks has a curious habit of not arriving at all or arriving badly damaged.

One airline, for example, tried to switch to a non-organization trucker and a threat was issued to shut down the entire airport.

Whenever any goods are shipped on a truck from this airport, members of organized crime are in a position to inspect them and to steal whatever appears to be of value.

The operation of organized crime at this airport is not confined to air freight trucking operations. Recent investigations have indicated that organized crime is involved in airline terminal operations.

Recently a large shipment of antibiotics was stolen from the terminal. The average fence would find it difficult to dispose of this specialized antibiotic.

We have evidence to indicate that organized crime provided the marketing operations by arranging to have the pharmaceuticals transported to major European cities where the drugs were easily sold on the black market.

Thus, organized crime not only steals but provides a smooth system through which goods stolen by an independent thief can be disposed of.

The total picture at this particular airport amounts to this: organized crime exacts a tariff on the trucker, a tariff on the truck driver, a tariff on the airline, a tariff on the sender, on the recipient and indirectly on the eventual consumer.

It also underwrites thefts by providing a marketing system. Our investigations of this airport have resulted in several criminal cases and this investigation is continuing.

3. TRUCK THEFT EXAMPLES

Organized crime is very active in another facet of the trucking industry. It facilitates the hijacking of trucks in much the same way as it facilitates other thefts by providing a conduit for stolen goods.

Because of its activities in loan sharking, and because of the corruption in some unions, organized crime has forced otherwise unwilling laborers in the trucking industry to point out especially valuable shipments.

Members of La Cosa Nostra who operate warehouses and their own trucking companies as fronts permit their facilities to be used for storage of stolen goods. Members of La Costa Nostra often depend on their own hijacking operations for revenue to pay their Cosa Nostra dues.

A few years ago Joe Valachi's name was a household word. He was the prominent La Cosa Nostra figure who exposed the internal organization of La Cosa Nostra families and the La Cosa Nostra Commission before the McClellan Committee.

He recently testified in a trial involvng armed hijacking. According to Valachi, in 1959 when both he and a defendant were being held at the West Street Federal House of Detention in New York, the defendant complained bitterly about the cut his family was taking from each of his hijackings.

The defendant was a member of what was then the Profaci Family, and according to Valachi the Family got about $1500 from each of his jobs. It was a very simple arrangement. The defendant had to pay the money to retain his membership in La Cosa Nostra and to benefit from its distribution network.

4. SECURITIES EXAMPLE

Finally, let me draw your attention to your area of business where organized crime is operating with a great deal of efficiency and profit: The area of securities transactions. In the first nine months of 1969, $45 million in securities was lost or stolen from banks and brokerage houses.

The recent conviction involving thefts from Orvis Brothers demonstrates how vulnerable the securities market is to organized crime.

One of the defendants in that case was a margin clerk for Orvis Brothers. The margin clerk entered into a scheme with three members of the Vito Genovese family. The clerk stole every customer's check he could lay his hands on—a total of $90,000—and turned them over to the organized criminals.

The organized criminals opened bogus bank accounts in the name of Orvis Brothers and they even had a phony corporate seal. Within a day or two after depositing the stolen checks in the bogus accounts, the criminal confederates started to draw payroll checks totalling up to 80 percent of the deposited accounts.

The scheme was uncovered when a bank in Queens became suspicious of the sudden activity.

We are becoming more aware every day of how vulnerable securities are to organized crime. Recently, two men were arraigned here for the theft of over $2 million from a New York bank. Another prosecution is pending for the theft of stock warrants. Because of the volume of transactions in securities, the possibility for organized crime exploitations are endless.

But they are variations on the same theme. Utilizing bribes, or threats, or loansharked debts, the organized criminal makes a contact inside a securities house.

He then activates his wide-spread and rather sophisticated marketing structure in order to dispose of the stolen goods.

But we too are becoming more imaginative every day in attempting to deal with this problem.

For example, quite recently our undercover agents were able to make contact with an organized crime middleman. He claimed he had almost a million dollars in Treasury bonds and other securities stolen from a New York brokerage house.

One morning last August, our New York Strike Force was able to arrange a meeting with the middleman who insisted on seeing at least $130,000 in cash or checks. While we could have arrested the middleman at that time, we were anxious to recover the securities and find the principals.

At noon our Strike Force contacted the securities house from which the bonds were stolen. The securities house consulted the New York Stock Exchange. By 2 P.M., we had cashier's checks totaling $130,000. We brought the checks to the middleman who produced some of the stolen bonds. This arrest gave us a lead to an organized racketeer who was subsequently arrested and charged with participating in counterfeiting in another city.

We are now negotiating with the New York Stock Exchange to set up a permanent fund of about $250,000. We plan to use the fund as front money in undercover purchases of stolen securities. As in the original case I cited, we do not expect that any of the money will ever be lost, although there is a remote possibility that something could go wrong.

The Exchange's great interest in helping us stop these thefts is shown by its willingness to negotiate on the establishment of this fund under appropriate safeguards.

Another new response we are developing is to initiate a lightning-fast inspection of banks which we suspect may have dealings in stolen securities.

The bank to be inspected is selected by our Organized Crime Coordinating Committee which is made up of representatives from the Department of Justice, and Federal and State agencies.

During the inspection, these agencies will comb the bank's records for prospective leads to organized gangsters and their business operations.

5. THE FEDERAL EFFORT

I think that these examples should cause you to re-think your traditional concepts about organized crime. While organized crime's major income is still from gambling—probably in excess of $20 billion a year—it is aggressively moving into the area of big business where it is as resourceful as any legitimate businessman.

And, of course, organized crime has a big competitive advantage because it utilizes physical intimidation, political corruption, blackmail and bribery as standard operating procedures.

The airport freight industry I mentioned earlier is now seriously infiltrated by organized crime and many shippers are reluctant to use this facility.

We can all anticipate the reluctance of banks to accept pledges if there is a substantial risk that commercial paper has been stolen and fraudulently negotiated. We can appreciate how a manufacturer will react to a new order with an apparently good credit rating when there is a likelihood that the customer might have a false credit rating, or that the goods, if they are valuable, may be hijacked in transit.

The Department of Justice, in the last year, has launched a major campaign to eliminate organized crime. We almost doubled our budget to $61 million this fiscal year. We have asked for another increase next year.

We have dispatched highly trained Strike Forces throughout the nation. These are special teams of Justice Department lawyers and agents from other federal agencies whose orders are to concentrate on breaking the back of the criminal syndicate.

They select the known members of an organized crime family and they investigate them for possible violations of tax laws, mail fraud laws, conspiracy laws, and the whole network of federal criminal statutes.

We are also hoping to develop some new weapons. There is a proposed bill, just passed by the Senate, which utilizes civil remedies to attack organized crime.

This bill would permit us to order forfeiture of property owned by an organized criminal. It would permit us to require dissolution of his business and would empower the courts to enjoin him from ever again entering that sort of business.

We can jail an organized racketeer, but generally another comes to replace him. I think you can appreciate how much damage we could do if we could seize his trucking firm, if we could force him to forfeit his warehouse and if we could destroy his contacts by barring him from a certain type of business.

CONCLUSION

It is true that the Federal Government is going after organized crime—that we have selected it as a target and that we mean to put it out of business.

Some persons have argued that these extraordinary measures are in some way unfair: That we are persecuting the Mafia. My view is that the business community, which is being victimized by organized crime, has a right to demand that the government counterattack. For too many years, the government's effort, though well-meaning, was understaffed and underfunded.

Now we are striking back. Our indictments against organized criminals last year were 30 percent over the year before. And most of our Strike Forces are just getting started.

You can help us. When you have even the slightest suspicion that organized crime is involved in your industry, I urge you to contact our Strike Force headquarters here in New York City.

I also know that occasionally in the past businessmen have contacted the Federal Government but the Federal Government did not have adequate resources to investigate your complaints.

I have asked for more resources and, with the strong backing of the President, Congress has given the Department of Justice the money and the manpower to finally launch a broad attack on organized crime, particularly its infiltration into legitimate business.

STATEMENT OF GOV. RAYMOND P. SHAFER, OF PENNSYLVANIA, ON THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BIESTER) is recognized for 10 minutes.

Mr. BIESTER. Mr. Speaker, on Thursday, February 26, 1970, Gov. Raymond P. Shafer, of Pennsylvania, presented the following testimony before the House Judiciary Subcommittee No. 5 on the subject of the Omnibus Crime Control and Safe Streets Act of 1968:

TESTIMONY BY GOV. RAYMOND P. SHAFER

Mr. Chairman: We, the members of the Committee on Law Enforcement, Justice and Public Safety, are grateful for this opportunity to meet with you and discuss one of the most significant pieces of legislation ever enacted by Congress the Omnibus Crime Control and Safe Streets Act of 1968.

As Chairman of the Committee, I will attempt to express the general view of the Governors and our concerns about certain attacks being made on the role of the states in administering the Act.

There is no need to tell the distinguished members of this Subcommittee why we feel this program is of highest importance to the people of our states.

Every American suffers from the devastating problems created by crime. Each of us, in effect, is victimized because we live in fear of the criminal and are subjugated to the law of the jungle in what is supposed to be the most civilized Nation in the history of the world.

Concerned and responsible citizens are attempting to do something about this state of crisis. Congressmen, Governors, community officials, citizens are striving, in a common cause, to re-establish an orderly society in which respect for the law is an indispensable condition of respect for human rights.

This Congress enacted the Omnibus Act as part of that common effort. And now you are back to determine if those entrusted with the responsibility to make it work have done their job.

The questions asked by the distinguished Chairman of the Judiciary Committee in the opening statement of these hearings could not have been better stated.

He placed heavy emphasis on the need to determine whether the states have been effective in their role since they "bear substantial responsibility for the implementation of innovative programs and policies to strengthen public safety, improve the court system and modernize correction facilities."

We Governors say the states have been effective in carrying out their responsibilities under the Act.

We admit to shortcomings, but they are far outweighed by the positive planning and action that was achieved with the first year's funds.

Let's briefly consider what has taken place:

Every state has established a crime-planning agency.

Every state has a comprehensive crime-fighting plan.

More than 1,000 citizens, representing state, community and professional points of view, serve on boards established to set priorities and oversee state administration of the program.

Although there is a shortage of trained personnel, competent staffs are being put together by the state agencies.

Citizens of the states are being made aware of the effort and, consequently, there is good public acceptance and involvement—a key to winning the battle. (A recent survey by International City Management Association in cities with more than 25,000 population showed that the majority of the people are informed about the programs being undertaken.)

And, in my personal estimation, the largest and most important achievement is the fact that for the first time the Federal, state and local governments are working and planning together against the criminal elements.

We have heard much about the need to strengthen the Federal system if we are to preserve our democratic way of life. This joint effort of our governments provides us with one of the most critical tests of that system in modern times. If we fail, then all other current efforts to strengthen Federalism could be doomed.

That is why it is so important for Congress not to respond favorably to attacks on the role of the states in administering the Act.

The attacks are premature.

Certainly you cannot expect any measurable crime reduction from the action programs now under way when the money for them was not made available until eight months ago.

Many of those who criticize the states for not producing results, or instant success, appear to be those who have been unable to do very much about the rising crime rate in their own communities for years.

The information you need to make a fair judgment about the effectiveness of the states is too insufficient at this time.

And the evidence you have received in testimony from the distinguished Governors of New York and Illinois about their programs should indicate to you that the states can be effective.

So, we need time. Not a lot of it, but enough to make it possible for you to fairly judge our efforts.

That is why every Governor urges you not to destroy the block grant provisions of the Act, or reduce the percentage of block grant funds made available to the states.

If the fight against crime and the improvement of our criminal justice system is to occur, then the planning for the attack must be comprehensive—and it can't be comprehensive if every community is allowed to go its own way.

As the LEAA staff has so well pointed out:

Up to now, coordination of criminal justice in the United States has been non-existent. Communities didn't plan with each other's needs in mind, and varying components of criminal justice never worked together. Police, courts and corrections all worked at arm's length, aware of each other's existence, but not each other's needs.

The comprehensive state plans are *beginning* to change that—and I emphasize *beginning*.

To take that planning power away from the states and return it to Washington would create an uncoordinated and unworkable system, and create unbearable competition between communities.

I can understand the concern among some mayors and community officials about the sensitivity of the states to the urban crime problems. The record of the states in providing assistance to combat the problems of urban America in this century has not been outstanding.

But that is changing. And the Omnibus

Act is one of the reasons. Prior to the establishment of this program, few states had central planning agencies for criminal justice reform, and even fewer had developed long-range plans for state-wide improvement, as Attorney General Mitchell has pointed out.

In my own State, the program has had a tremendous impact. Although we haven't satisfied everyone, including the National League of Cities, we have had excellent cooperation from our communities, including our two largest cities.

Our crime control program was well under way when the Omnibus Bill became law. In 1967, the State's first Crime Commission was established.

That Commission is now responsible for administering the Omnibus program and the Juvenile Delinquency Prevention and Control Act of 1968.

What have we accomplished:

Eight regional crime control planning councils and a citizen's advisory council to the Commission have been created.

Some $1.4 million in action grants have been awarded and more than $700,000 in planning grants. It should be noted that Pennsylvania awarded 3.5 percent more money to communities than required by the Act.

How have we used the money?

A residential center for the treatment of delinquent girls.

A pre-release center for helping inmates about to be released adjust to civilian life.

A new program of aftercare for juvenile offenders.

A neighborhood program for youth gangs.

Workshops for juvenile probation officers and juvenile court judges.

A computer-based criminal justice information system in one community.

Creation of a police-community relations unit in another community.

In addition, $186,554 went to communities for dealing with the prevention and control of riots.

These programs have become a very important part of Pennsylvania's "Crusade against Crime"—a citizen's effort to win the fight.

In the past few years, Pennsylvania has taken significant steps to deal with the consequences as well as attack the causes of crime.

Through constitutional revision, we are reforming and modernizing our court system throughout the Commonwealth.

We are reforming our entire corrections system, including the establishment of prerelease centers, regional jails, youth development centers and forestry units.

Local police forces are being trained by State Police and minimum salaries were established for local police officers.

An organized crime strike force has been increased under the Crime Commission and is presently investigating the infiltration of business and industry by organized criminals.

The Commission has also provided us with the first comprehensive assessment of our criminal justice system through in-depth studies. Goals have been set.

In addition, we have undertaken special urban-focused State programs to attack the problems that cause crime.

I point these things out to you as evidence that a State can respond effectively with her communities.

It is also used to respond to the criticism of the National League of Cities that we are ignoring, or not doing enough for urban areas, with LEAA funds.

The fact is that in Pennsylvania we gave our two major urban areas—Philadelphia and Pittsburgh—almost 42 percent of all grants. These two areas will receive 58 percent of all action grants in 1970.

I certainly would not call this insensitivity to the urban need.

The remainder of the funds have gone and will go to six other regions, which contain our other ten metropolitan areas.

That is my case for the block grant and its retention.

The other Governors here have their strong views on this matter, which you will hear.

I urge you to resist the attempts to change the block grant provision until we have had a sufficient time to prove to you that we, who so deeply believe in the Federal system, can or cannot do the job.

We are not seeking this out of sheer pride, or a desire to get more dollars at the State level. We are doing it because we firmly believe that the states are the right best instrument to carry out the responsibility and help us defeat the criminal.

The burden is on us to produce. If we fail, we want that failure to be judged fairly, not on the basis of intergovernmental jealousies or unwarranted charges.

Thank you.

TAKE PRIDE IN AMERICA

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. Based on a 5-year average, from 1962 to 1967, Americans consumed 32.3 percent of the world's refined copper. The Soviet Union consumed 13 percent.

URBAN MASS TRANSPORTATION—ONE OF THE NATION'S MOST IMPORTANT DOMESTIC PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BARRETT) is recognized for 15 minutes.

Mr. BARRETT. Mr. Speaker, today the Subcommittee on Housing of the House Committee on Banking and Currency began 2 weeks of hearings on proposed long-term financing for one of the Nation's most important priorities, urban mass transportation.

Every Member of this House has seen the result of the near collapse of our transportation systems in all of our cities both large and small. We all know that little money and less attention have been paid to public transportation facilities in our cities over the past two decades. Most of our large cities have extensive public transportation facilities both rail and buslines and many are close to a state of collapse. We have seen the transportation system of the cities of New York and Chicago increase their fares by almost 50 percent in the past year and a half. Commuter railroad systems are also in a state of near collapse. Following my remarks, I would like to insert into the RECORD a Wall Street Journal article of last Thursday describing the woes of commuter transportation problems in the New York metropolitan area.

But not all is so bleak. Probably one of the most successful urban mass transportation lines in the country today has been developed in my own city of Philadelphia. The Lindenwold Line has demonstrated how efficient and pleasant public mass transportation can be and how it has cut down on traffic to the inner city, attracted growing ridership, and finally, demonstrated how existing technology can benefit public transportation. The motorists of Philadelphia and southern New Jersey who use the Ben Franklin Bridge have contributed to the financing of this successful subway line. By increasing the toll over the bridge and earmarking these funds for the subway line, it has been shown that mass transportation can be subsidized by a user's tax and has shown that it can take motorists off our choked city streets. An additional benefit has been that property values along the subway's route have increased dramatically. The use of latest equipment including a very high degree of automation has cut costs considerably. For instance, on a similar 14.5-mile one-way trip, the Long Island Railroad charges $1.20. A similar trip on the Lindenwold line costs 60 cents.

Mr. Speaker, I was very pleased at the successful results that this Philadelphia transit system has provided the Nation. I only wish that more cities could develop and run such a highly successful and pleasant mass transportation system.

Following my remarks, I insert in the RECORD the Wall Street Journal article that I have already discussed and an article in the New York Times regarding the success of the Lindenwold line:

JACK DILLON'S COMMUTE IS HORRID, BUT HE LOVES HIS JOB AND HIS HOME

WESTPORT, CONN.—Jack Dillon, aged 46, makes $50,000 a year writing ads for Polaroid cameras. Jack likes his job, his boss likes Jack's work and his wife likes the life his salary allows them to live.

There is only one flaw in this happy picture. Jack Dillon, like many other men who work in New York City and earn lots of money doing it, has chosen to live in a nice colonial house on a wooded lot in this affluent town on the shore of Long Island Sound. That means he is one of the 24,000 commuters who ride the New Haven branch of the Penn Central Railroad to work and back each day.

And that in turn means Jack Dillon considers it something of a victory if he gets to work no more than an hour behind schedule—or two and a half hours after he leaves home. There have been days, Jack Dillon says wearily, when the 50-mile trip from Westport to Manhattan has taken five and six hours, and at least once every two weeks it takes three hours. "Actually, it's probably more often than that," he says, "but I can't bring myself to believe it."

Even on those rare days when Jack Dillon's train runs on time, riding it is no bargain—the cars are always filthy, often unheated and usually so crowded that some commuters have to stand.

THE CHOICE IS COSTLY

The men who ride the New Haven into New York each day, Jack Dillon included, are convinced theirs is the worst railroad in the country. But their daily fate in fact is not that different from the one that befalls most of the 220,000 commuters who ride to New York City on seven different train lines each morning and ride back to the suburbs of Connecticut, Westchester County, Long Island and New Jersey each evening.

For these men, with the possible exception of 30,000 Jerseyites who ride the generally reliable Erie-Lackawanna, commuting has come to mean more than an uncertain trip on a shoddy train. New York's commuter railroads have made fathers strangers to their families, played havoc with business schedules, broken up some marriages, cost men promotions, prompted a lot of heavy drinking and may even have created a new species of neurosis.

Ironically, most of the men visited with such misfortune are, by the standard gauges, successes—they earn good money, hold important jobs and have arrived or consider themselves on the way up in their professions. They have chosen suburbia because, at first glance, it seems to offer the best of both worlds—a chance to work in the cities where the action is and to live in the country where the grass is. And they have learned the cost of that choice can be high.

It means spending up to 20 hours a week getting to and from work, if the trains run on time. It means accepting an almost complete split between work and social life, since office colleagues may be separated by as much as 100 miles once they arrive at their homes. It means limited, if any, involvement in community life; for most long-distance commuters, home is a place to sleep and little else. It means the burden of raising children falls almost exclusively on wives, since husbands are so seldom present.

It also means, of course, avoidance of the muggers, the strikers and the surly, distrustful merchants of the city. Being robbed, or worse, is a constant danger in New York, but some people in Westport leave their doors open. Cashing a check in the city is all but impossible for a stranger and is very tough for a resident. In the suburbs, many merchants take checks without even asking for identification. Persuading a New York gas station attendant to clean your windshield when you buy gas is out of the question. In the suburbs, it is done automatically.

Jack Dillon is probably representative of most of the regulars on the New Haven, which serves the affluent communities strung out along the eastern shore of Westchester County and lower Connecticut. On a typical day, he leaves his wife, Jean, and daughter, Cathy, 15, at 7:35 a.m. If all goes right, he arrives home again a little before 8 p.m.—after two train trips of 90 minutes each, 20 minutes of driving to and from the Westport station and 10 minutes of walking to and from the offices of Doyle Dane Bernbach Inc., the advertising agency where he works. In recent months, however, all has seldom gone right, and Jack Dillon has routinely spent five to seven hours a day on his commuter.

Like most commuters' families, the Dillons have had to devise a life style to adjust to the railroad. They do not, for example, see each other over the dining table. Jean Dillon makes breakfast or lunch her own main meal of the day. Around 7 p.m., she serves dinner to Cathy (another daughter, 19-year-old Linda, is away at Skidmore College in Upstate New York) and to her mother, who lives with the family. At 10 p.m., she serves dinner to Jack who eats from a tray while working in his study or watching television with Jean.

"There's no way of telling when Jack will get here," says Jean, "so I have to make things that can be kept warm." Steak, for example, is out, "unless Jack calls from the station. He likes it rare and that's something that can't wait in the oven all night."

The Dillons say their family life has been circumscribed by the New Haven, but they don't think it has suffered greatly. "We've never been much for the togetherness thing anyway," says Jack. He sees little of daughter Cathy, but believes "kids in this kind of town have their own world," and he says, "As far as I can see, ours are happy. Even though I can't spend the time with them that I'd like, they know I'm available when they need me." He feels that this lack of close father-daughter bonds is offset by his belief that Cathy is getting a far better education in the Westport schools than she would get in New York's public schools.

What about Jean Dillon? "Well, I do get bored," she says. To fill the long hours, she resorts to playing bridge several times a week and to looking forward to the weekends.

For the Dillons and their friends, weekends in Westport can get pretty hectic. "Sometimes we go to two parties, plus having another couple over to play bridge," says Jean. Another Westporter agrees that people in town often play very hard on weekends. "They're compensating for the weekdays when there's no time to do anything but ride the train and sleep," he says. The people Jack Dillon sees on these busy weekends aren't always familiar to him. His commuting hours give him little time or chance to get chummy with neighbors or townsfolk. "When I think about it," he says, "most of my friends are actually my wife's friends."

The Dillons have found, like many other suburbanites, that a brutal commute by the man of the house can alter a family's recreational habits. For Jack's first decade in the ad business (he began his career working for General Electric's advertising department just after World War II), they lived in suburban New Jersey, where both were born and raised, 40 miles closer to Manhattan than they are now. But Jack was a boating enthusiast and he tired of traveling 60 miles each weekend to the Jersey coast, so the Dillons chose Westport as a place where boat and family could live side by side.

But then, as Jack Dillon began putting in more and more time at work and on the train, he found the rest of the family taking to hobbies they could pursue on their own. Two summers ago, Jack was out of action for a time with an ulcer. "I managed to get the boat out for exactly one trip," he says, "which I figure cost me $1,100." Last spring, he sold the boat, and he says, "It was like a great weight being lifted from my shoulders."

Now, Jean concentrates on bridge with friends. Cathy's leisure time is consumed by caring for and riding the horse her father bought her, and Jack spends his infrequent spare time writing fiction. He has sold some short stories.

With the boat gone, the Dillons could leave Westport for a town that might offer an easier commute, but they say they've come to love their home, their friends and their town. "Westport gives the illusion of permanency," says Jack. "If I stopped to think about it, I'd know it's silly. Still, I doubt if we'll leave even after the kids are grown." In the early 1950s, Westport was called an "exurb" or a suburb beyond the suburbs, and was popular with people who didn't have to commute daily—successful artists and writers and those wealthy enough not to have to work. To the status conscious, Westport came to mean social arrival. A Madison Avenue cliche about the town even arose: "Put it on the train and see if it gets off at Westport."

The chic, refurbished carriage houses and barns and the large estates have now been joined by rows of split-levels, and the original exurbanites today have as neighbors plenty of interchangeable corporate employes who transfer in and out of the New York area with metronome regularity. The rush to Westport has sent property values skyrocketing, and real estate men tell Jack Dillon he could get $80,000 for the spacious four-bedroom house he paid $45,000 for seven years ago.

But Jack dismisses the thought of a move. Commute notwithstanding, the Dillons can think of no place in the New York area where they'd rather live, and leaving New York is out of the question; Jack loves Doyle Dane, and besides he thinks he couldn't begin to match his present earnings by going to work for an advertising agency in another city.

So, as far as Jack Dillon can see into the future, it's going to be Westport and the New Haven Railroad. On a recent morning, he took a reporter along with him on the trek from home to work. It begins when Jack climbs into his high-powered Oldsmobile 442 convertible for the drive to the station. He is very fond of the big, fast car and has equipped it with special springs and shock absorbers and expensive radial tires. All that equipment is of little use five minutes later, as Jack Dillon and his big car sit immobile in the small traffic jam that builds up each morning on the roads approaching the Westport station.

Jack wishes he could drive all the way into New York, but the day is gray and cold and it may snow, so he has decided against it. Besides, the few times he has driven in, it has cost him $4 or $4.50 just to park in midtown Manhattan. That, plus the thought of a roundtrip of 100 miles, most of it in heavy traffic, makes even the railroad a better way to go.

A TYPICAL DAY

Finally, Jack pulls into the station parking lot—in time to hear a loudspeaker tell the crowd gathered on the platform that the 8:10 to New York will be "about 10 minutes late." At 8:45, in pulls the train, a collection of dirty, unmatched cars, the front cars jammed full. "Rear five cars for seats!" the conductor yells. When the commuters pile on, he adds: "Sorry folks, there's no heat in these cars. That's why there are seats." On this winter day, the temperature is seven degrees.

Some commuters elect to walk forward and stand in warm cars for the hour and a half to New York. Others, like Jack, choose to huddle in their overcoats and bear the cold. "They were supposed to leave heat in these cars all night," a trainman explains to the shivering riders. "I guess somebody goofed."

Several cars ahead of Jack Dillon's the heat in the coaches is overwhelming. Passengers pile overcoats in overhead racks and loosen their ties in anticipation of a long, stuffy trip. "The only time it's hotter than this," one rider remarks, "is in the summer when the air-conditioning doesn't work." Most commuters spend their travel time reading—a quiet hour that many prize. The uninterrupted reading time, say some commuters, offset the grief of missed appointments and cold dinners caused by late trains.

The train rolls in to Grand Central about an hour behind schedule and Jack hustles off to his office a few blocks away.

AND BACK HOME

Seven hours later, it's time to face the railroad again. Many commuters of late have taken to staying in town two or three nights a week, particularly if they have important meetings the next day, but Jack Dillon considers that a bad habit and tries to avoid it. Another Connecticut man agrees: "You can imagine what that starts," he says. "At first it's fun—a good dinner, a movie, a few drinks and a quick walk to the office the next morning. But after a while you become a zombie. You wander around, looking up old friends, hitting the singles bars. Unless you're looking for trouble, you're better off on the miserable train."

The evening train ride is as bad as the morning trip. On one recent evening, after riders had boarded the train for Connecticut and doffed their hats and coats, a conductor came through the cars announcing a late start. Most of the commuters hurried off the train to call home—and the train pulled out immediately, carrying several hundred briefcases and overcoats and a few dozen passengers.

The shortage of seats seems more acute in the evening. "If I'm catching the 6:08, I try to get on board at least 20 minutes early," Jack says. Sure enough, on this evening Jack and his guest find the 6:08 chock-full of passengers at 5:45. "Whenever I try to catch the early train, the 5:25," says Jack, "I usually wind up waiting for the 6:08 anyway because the 5:20 is crowded by 5:10."

As soon as he finds a seat, Jack throws his coat and briefcase on it as a claim and pushes his way forward to a bar car to buy two Scotches. He used to buy a 16-ounce can of beer that, when the train ran on time, would last him most of the way home. But as service has continued to deteriorate, Jack says he has "escalated" to harder stuff.

Indeed, the liquor industry may be the only beneficiary of the crumbling service on the New Haven. "On a really bad night," says one veteran rider, "we drain the bar car of everything but the rum. Guys pour themselves off the train at their stations, and you can guess how the wives react to that."

Is it all worth it? Some people are starting to wonder. Frederick B. Charatan, a psychiatrist, recently conducted a study of 100 commuters who ride daily from the Long Island towns of Syosset and Long Beach to Manhattan. He found riders who complained of fatigue, headaches, indigestion, muscle pains, anxiety and even sexual problems—all allegedly brought on by the train ride.

"I JUST CAN'T TAKE IT"

Three-fourths of those under study reported one or another such symptom. Two-thirds of them said commuting affected their performance on the job, and just over half said it hurt their relationships with their families. One commuter, on a questionnaire, wrote: "I have solved the commuting problem by changing jobs so as to keep off that damned Long Island Rail Road. I just can't take it any longer." Another commuter, not involved in Mr. Charatan's study, recently filed a $50,000 claim against the railroad for allegedly bringing on "commuter neurosis."

Other costs of commuting are more tangible. A recent study by Pitney Bowes Inc. of Stamford, Conn., near Westport, found that commuters to New York pay up to 10% of their income in transportation-related expenses. A man living in Stamford and working in Stamford who earns $24,000 and claims three exemptions and standard deductions will take home $19,355, the study showed.

A man of the same circumstances and income who lives in Stamford and works in Manhattan takes home $17,112. The $2,243 difference goes for train tickets (Jack pays $23.50 a week), parking fees at the train station, subway fare in New York, and New York State and city taxes.

All of which is little comfort to Jack Dillon, who has decided to stick it out. "I know I'm probably wasting hours and days of my life on this miserable train," he says, "but I just don't quite know what else to do."

EASY RIDE ON A PHILADELPHIA TRANSIT LINE

(By Robert Lindsey)

PHILADELPHIA, February 15.—There's a mass transit system here that is disproving one of the most cherished axioms of modern life—that man can't be divorced from his automobile.

A high-speed transit system that went into service here a year ago yesterday is regularly drawing more than 40 per cent of its passengers from among people who formerly drove to work.

The popular line—which runs the 14.4 miles between downtown Philadelphia and suburban Lindenwold, N.J., in 22 minutes—is the first suburban commuter system built from the ground up to benefit from the advances made in the last 15 years in automation, electronics and lightweight materials.

Carlos C. Villerreal, administrator of the Department of Transportation's Urban Mass Transportation Administration, said this about the system:

"The Lindenwold Line has shown dramatically that an efficient public transportation system that has speed, runs on time and has clean equipment will attract a growing ridership by affording the motorist a chance. It is also an example of how the implementation of existing technology can provide immediate benefits to public transportation."

AUTO TRAFFIC PROFITS

Officials of the Delaware River Port Authority, which runs the line, say it shows that modern technology can create an attractive, successful—and perhaps even a profitable—rapid transit system as long as it is freed from the railroad industry's traditional labor restrictions.

The system also has provided the country's best example so far of how a governmental agency can use profits from auto traffic—in this case, bridge tolls—to subsidize mass transportation and take motorists off choked city streets.

The question of whether motorists should help subsidize mass transportation was raised recently in New York, where the Port of New York Authority has rejected attempts to divert some of its profits from bridge and tunnel tolls into mass transit projects.

Urban planners and others have argued for decades that the country's major cities face slow strangulation by auto traffic unless an attractive mass transit alternative is provided.

VOLUME INCREASES

Although it may be too soon to conclude that the concepts proven here will work elsewhere, the system so far is clearly a success.

Its passenger volume has increased monthly since it opened—to a current daily level of 30,000 riders. It has eased congestion on roads parelleling the line and has accelerated the suburbanization of a grassy, lightly populated stretch of communities southeast of Philadelphia.

"My house has gone up in value $8,000 since they put in the high-speed line," a middle-aged insurance executive said recently as he sat in a deep, high-backed seat on one of the silver-skinned Lindenwold trains. While he spoke, the trains, which are built by the Budd Company, accelerated gently up to 75 miles an hour.

Florence Schuck, a secretary riding to her job in Philadelphia, said:

"It used to take me an hour to drive in to work, sometimes an hour and a quarter. Now it takes me only 22 minutes. It's really a wonderful way to go to work."

Except for a barely audible whine in the train's electric motor and a distant hiss of air outside, the car was nearly silent as it glided smoothly over seamless welded rail. There were no bounces, jerking or clicking.

Irvin Shoemaker, a lawyer commuting from Lindenwold to Camden, N.J., said:

"I don't think I'd ever want to drive again. With the parking problem at Camden, it was getting impossible to take your car. I really didn't realize how good public transportation could be."

According to a recent poll by the Delaware River Port Authority, 40 per cent of the transit line passengers had commuted regularly before the line was built.

Twelve per cent used cars when they traveled over the route previously, but they were not regular commuters. This group—primarily young, unmarried girls—got jobs in Philadelphia and at other points along the line after the line went into service.

The rest of the riders either had used buses or trains on short segments of the route, or a combination of private and public transportation.

Traffic volume on roads along the line has declined. Auto movements over the Benjamin Franklin and Walt Whitman Bridges—the main routes between Philadelphia and South Jersey—dropped 2 per cent during 1969.

Although the service lost $700,000 in its first year, when patronage was light at first, officials expect to make a $15,000 "operating profit" this year.

The profit would be the difference between fare income and expenses—principally salaries and electricity. It does not include amortization of the construction costs, which is being absorbed by revenue from bridge tolls.

The transit line is operated by the Port Authority Transit Corporation, a subsidiary of the Delaware River Port Authority. To pay for the $94-million transit system, the Port Authority doubled tolls to 50 cents on its two other principal properties—the Ben Franklin Bridge, over the Delaware between Philadelphia and Camden, and the Walt Whitman Bridge, between South Philadelphia and Gloucester City, N.J.

The transit link was built, along the rights of way of two older lines—a deteriorated, 34-year-old Port Authority rail line over the Franklin Bridge that was carrying about 8,000 riders daily between Philadelphia and Camden and the Pennsylvania-Reading Seashore Line between Camden and Lindenwold.

MEASURE OF EFFICIENCY

The line employs 210 persons, or the equivalent of about one employe for every 145 daily riders, a measure of efficiency that Port Authority officials here contend is by far the lowest in the world. One official, who asked not to be identified, said:

"We've automated just about everything we could. The low labor cost is the one reason we have a chance of going in the black.

"But if we tried to use the same equipment with the kind of labor 'manning' contracts some of the railroad unions require, or if we were an existing railroad and tried to introduce new automated equipment over a union contract, we couldn't possibly do it. I think it's pretty clear: To make a go of it in this business now, you've got to start from scratch."

The advantages of an automated system can be seen in comparing it with a suburban run of the Long Island Rail Road.

The Lindenwold system can run a train with six cars, carrying about 500 passengers, and pay the salary of only one on-board employee.

On the Long Island line, a train with six cars would generally have four on-board employees—an engineer and three trainmen to collect the fares. Manpower requirements are negotiated by the railroad and the United Transportation Union.

FARE STRUCTURE

How the labor savings pay off is evident in the fare structures. The Long Island charges $1.20 for a 14.5-mile, one-way trip between Manhattan and Bayside, L. I. On the Lindenwold Line, a trip of a comparable length costs 60 cents.

To visitors, the most striking aspect of the Lindenwold Line is its high degree of automation!

Passengers deposit coins in a machine at each station and receive a ticket about the size of a playing card. On the back, the ticket is coated with brown metal oxide that is similar to the coating of magnetic tape.

They insert the tickets into a turnstile-like gate. Within a second, electronic sensors scan the tickets, confirm it if it is valid, return it and open the gate. At the passengers' destination a similar machine confirms that the proper fare was paid and keeps the ticket.

The fare is 30 to 60 cents, depending on the distance traveled. Trains run every four minutes during rush-hours and every 12 minutes during mid-week.

TELEVISION MONITOR

The stations are spacious, with low, clean lines and a conspicuous absence of attendants. But each station is watched by at least one television camera that is monitored 24 hours a day from a central control station.

Security units are dispatched to the station if vandalism is observed. When a passenger has trouble with the automated fare system, the transit employe watching the TV screens can tell the passenger how to use the system by talking over a special telephone line that links the monitoring room with each station.

Each train has one crewman, a motorman who pushes only two buttons: one that closes the door and another that starts the train rolling down the track. Unless he has to stop in an emergency, the motorman does nothing else; the rest of the run is controlled automatically.

The train is accelerated, slowed up on curves, braked and stopped automatically at each of the 12 stations on the route by electrical signals transmitted to the train through rails and wayside markers.

"It's like a kid's super-sized electric train run by remote control," a Port Authority official remarked.

WILDERNESS PROPOSALS

(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, I am today introducing legislation to designate certain additional areas of this Nation as wilderness areas. In doing so, I invite my colleagues to join me in this effort by sponsoring similar legislation.

In 1964, the Congress declared it to be the national policy to secure for the American people, of present and future generations, the benefits of an enduring resource of wilderness. In support of this declaration, Congress established the National Wilderness Preservation System to be administered for the use and enjoyment of the American people.

With the passage of the Wilderness Act, 54 areas of the national forests already established as wilderness, wild and canoe areas became units of the National Wildlife Preservation System. The act also provides for possible additions to the system and requires the Secretaries of Agriculture and Interior to review, within 10 years, or by September 1974, all primitive areas of the National Forests, all roadless units of the National Park and Wildlife Refuge systems and report to the President as to their suitability for preservation as wilderness. These eligible areas total 140.

At the halfway mark, the Forest Service has held hearings on 15 of the 34 primitive areas, with only five being added to the system. The National Park Service has held hearings on only 17 of the 50 areas which qualify for consideration and of these proposals, only five have emerged as bills before Congress.

The Bureau of Sport Fisheries and Wildlife has held public hearings on 30 of 56 areas and while 22 of these have been introduced in Congress, only one bill has been enacted into law. This is the Great Swamp Refuge in New Jersey.

Since the passage of the Wilderness Act, approximately 40 wilderness proposals have been recommended by the President to the Congress. However, in the last 5 years Congress has added only six areas to the system, in addition to the Pasayten Wilderness which was a part of the North Cascades National Park. These six additions are the San Rafael Wilderness, Calif.; the San Gabriel Wilderness in California; Great Swamp National Wildlife Refuge Wilderness Area, N.J.; Mount Jefferson Wilderness, Oreg.; Ventana Wilderness, Las Padres National Forest, Calif.; and Desolation Wilderness, Eldorado National Forest, Calif.

Mr. Speaker, President Nixon in his environmental message to Congress pointed up the need for more additions to our wilderness preservation system when he said:

> Conditioned by an expanding frontier, we came only late to a recognition of how precious and how vulnerable our resources of land, water and air really are.

The period of expansion and exploration, the great era of successive western frontiers, has now become a part of our American past. In this Nation's early history the wilderness was a foe to be conquered. Today, we have a new purpose under the Wilderness Act—to preserve some remnants of that once vast wilderness from the onrush of a marching modern civilization.

The legislation which I introduced today will designate twenty-eight areas as additions to the wilderness preservation system. I urge my colleagues to support this legislation and, again invite them to join with me in individually sponsoring similar legislation to preserve, for the use of this and future generations, some of the America that tempered and formed our national character.

RETIRED GOVERNMENT EMPLOYEES GET GOOD NEWS FROM BANKING COMMITTEE INQUIRY

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

Mr. PATMAN. Mr. Speaker, for a number of years there has been a strange inequity concerning the handling of retired Government employees' annuity checks. The Treasury Department has held that a retired Government employee, whether he be military or civilian, who wishes to have his paycheck sent directly to a financial institution, must have that check sent to a commercial bank.

This has meant that the other financial institutions, credit unions, savings and loans, and mutual savings banks, could not offer this service to retired Government customers. It was a handicap to the institutions and a hardship to the retired person. In addition, the benefits to the commercial banking system, which already has a monopoly on checking accounts, were immense.

On October 27 of last year, I wrote to the Secretary of the Treasury asking that Treasury regulations be changed so that all financial institutions could receive retired Government employees' checks. I was informed shortly thereafter that Treasury could not make such a change because the Comptroller General had ruled that commercial banks were the only responsible banking institutions that could serve as an attorney in fact, a legal nicety that must be met in the deposit of paychecks or retirement checks.

Faced with this correspondence, I then asked the Comptroller General to determine whether or not the initial ruling was still valid since Public Law 90–365 (13 U.S.C. 492(b)) provided that Government employees could make payroll deductions for the deposit to their savings account in all financial institutions, not merely commercial banks.

I received a reply from the Comptroller General stating that the Treasury Department had misinterpreted the original GAO ruling and that the other financial institutions were, indeed, qualified to receive retired Government employees' checks.

Based on this information, I again wrote the Secretary of the Treasury asking that agency, in light of the Comptroller's rulings, to reconsider the restriction on retirement checks. On February 25 of this year, I received a reply from Mr. Paul W. Eggers, General Counsel of the Treasury, stating that the Treasury Department was revising its regulations so that all financial institutions which are covered under Public Law 90–365 would be eligible to receive Government employees retirement checks.

This ruling is particularly important because hopefully it will mean that additional funds will flow into savings institutions and thus provide more money for home mortgages.

Mr. Speaker, there are still a number of inequities involving the deposit of paychecks and retirement checks but the ruling by the Treasury Department clearly eliminates the most glaring inequity.

Currently, the Department of Defense, in cooperation with the Treasury, is trying to resolve a situation which I have brought to their attention concerning the allotment of pay of retired employees. Under administrative regulations, retired servicemen are allowed to have allotments but these must be made out at the time the serviceman retires and cannot be altered throughout the remaining life of the retired serviceman. Nor can any new allotments be started. Such a ruling, indeed, works a hardship on retired persons since they must charter their allotment course not based on current income but on income at the time of their retirement.

While I realize that constant changing of allotments could work a hardship on payroll offices, there should at least be an "open season" on allotment changes periodically so that retirees could have some latitude in handling their financial affairs.

Mr. Speaker, I am including as part of my remarks the February 25 letter from Treasury General Counsel, Paul Eggers, which outlines in detail his agency's decision to change the handling of retired Government annuity checks:

THE GENERAL COUNSEL
OF THE TREASURY,
Washington, D.C., February 25, 1970.

Hon. WRIGHT PATMAN,
Chairman, House Banking and Currency Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am replying on behalf of Secretary Kennedy to your letter of February 9 asking that this Department revise its regulations to make credit unions eligible to receive retirement checks of Federal employees. You referred to our reply of November 7, 1969, on this matter in response to your letter of October 27, 1969, in which reply we stated that the Comptroller General had ruled that the Government was protected against risk of loss in sending retirement checks to an attorney in fact only where the attorney in fact was a responsible banking institution. You stated that this matter has been further considered by the Banking and Currency Committee and the General Accounting Office, and you informed us that in a letter of February 3 the Assistant Comptroller General advised you that the GAO would have no legal objection to Treasury's recognition of similar powers of attorney executed in favor of responsible credit unions.

Mr. Robert Keller, Assistant Comptroller General, has supplied us with a copy of his letter of February 3. In view of the position taken by the GAO in this letter we intend to revise appropriately the regulations in question, 31 CFR Part 360. We believe that the appropriate revision is to substitute for the provision describing a special power of attorney as one naming a banking institution or trust company as attorney in fact (section 360.12(c)) a description of a special power of attorney as one naming a "financial organization." We would include among the definitions in the regulations the definition of a "financial organization" provided in the legislation of the 90th Congress to which you referred in your October 27, 1969 letter (Public Law 90-365, 31 U.S.C. 492(b)). Under that definition a "financial organization" means "any bank, savings bank, savings and loan association or similar istitution, or Federal or state chartered credit union." We believe that a change in our regulations limited to credit unions would cause confusion and dissatisfaction, that the GAO's new ruling would embrace all components of the definition quoted, and that a credit union which is a Federal or state chartered one is a "responsible credit union" within the meaning of Mr. Keller's letter.

For the record, I would like to add that the correctness of the application by the Treasury Department of the GAO instruction in this area should not be judged by an analysis of the Comptroller General's decision, A-3551, August 12, 1956, alone. While that decision was rendered in the context of proposed regulations applying only to banks, the reason the proposed regulations were framed in terms of banking institutions was the earlier ruling of the Comptroller General, 17 Comp. Gen. 245 (1937), which advised this Department that the GAO would interpose no objection to the endorsement of annuity checks under a special power of attorney in favor of "a reputable bank or trust company."

We trust that this proposed action satisfactorily meets your request.

Sincerely yours,

PAUL W. EGGERS,
General Counsel.

ENVIRONMENTALISTS SHOULD GUARD AGAINST USE OF MILITANT, DIVISIVE TACTICS

(Mr. SISK asked and was given permission to extend his remarks at this point in the RECORD and to include an editorial.)

Mr. SISK. Mr. Speaker, I yield to no man in the fervor with which I extol the virtues of clean water and fresh air. But I think the Nation is in some danger of going on a bad trip brought on by the injection of too much emotion and too little thought on the subject of preserving the environment.

Recently, the Fresno Bee, one of the outstanding newspapers owned by the McClatchy Newspapers of California, published an editorial which I believe contained a caution which we should follow in our consideration of this subject.

I particularly call your attention to one paragraph in the editorial which quoted a University of California sociologist as saying:

> Scratch the planners and self-declared ecologists and you will often find a dictator. They would cancel the 20th century to get clean air.

Mr. Speaker, I herewith am including the full text of the editorial, which appeared in the Fresno Bee of February 23, 1970, in the RECORD at this point:

ENVIRONMENTALISTS SHOULD GUARD AGAINST USE OF MILITANT, DIVISIVE TACTICS

The intensity of the movement to save the environment is so great it already has reached the proportions of a historic phenomenon. Less than a year ago comparatively few people were actively engaged in a battle against pollution. Today almost everyone has joined the action.

Tempers are beginning to flare and the subject—which requires above all else some dispassionate discourse—is becoming emotional. The many teach-ins scheduled on campuses across the country in April will add fuel to the fire.

Like other movements of social betterment which have faltered or failed because of overreaction, the environmental fight also could be lost. Militancy often disrupts more than it unites. Divisive tactics often turn what is a good endeavor into a passing fancy.

Fortunately, there are some voices being uttered for an application of common sense in the environmental movement so the momentum of concern nationwide is not lost.

Robert Theobald, a commentator on social and economic issues, has warned the war on pollution could backfire unless cooler heads become involved. In a recent article in the Los Angeles Times, Theobald commented:

"The growing howl about pollution, the environment and ecology threatens to lessen rather than increase, the prospect of man kind's survival. If this chorus of concern is to achieve fundamental results, its directions must be fundamentally changed.

"I am in no way denying the critical nature of the ecological crisis. I am arguing that the increasing hysteria threatens to damage our chances of dealing with its realities."

It is Theobald's thesis ecologists are presently planning to use old-fashioned divisive political techniques to achieve their goals. There is a danger just at a time when man's survival depends not upon conquering nature or other people but in cooperating with nature and other people.

John Scott, a sociologist at the University of California at Davis, observed in a recent interview:

"Scratch the planners and self-declared ecologists and you will often find a dictator. They would cancel the 20th century to get clean air."

He was referring to those militants who call for coercive governmental control on growth. Man must get along with fellow man in the environmental movement just as much as in any other field. The environment is one thing which cannot be torn down just for the convenience of building a new system.

THANK YOU, BOB WEST

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

Mr. PATMAN. Mr. Speaker, a very rare and exceptional man retired from our Government at the end of February, Mr. Robert E. West, of Honey Grove, Tex. I have never known an individual who so harmoniously and effectively combined the practical hard-nosed qualities of a successful businessman with such an inborn motivation and urge to help other people. Bob West is probably best known to many of the older Members of the House as the lifetime friend and companion of the former Speaker, the Honorable Sam Rayburn, who incidentally was known, in addition to his other remarkable qualities, for his outstanding ability to read character. Mr. Rayburn admired and respected Bob West for his sturdy independence, his frank, forthright opinions, tremendous stability, and his infallible judgment. There was good reason for this great bond of friendship, for each mirrored the virtues of the other, and they shared a background rooted in the soil of northeast Texas soil which each had tilled as young men and neighbors.

In December of 1961, it was my great pleasure to administer the oath of office to Bob West, when he assumed leadership of SBA for the entire Southwest area. Since that time he has served with the greatest possible distinction abiding by the rules and procedures of his Government with meticulous and scrupulous integrity and meeting the needs of the people and of small business with superlative efficiency.

For the record, I will say that Bob West brought to SBA a wealth of business and governmental experience that enabled him to administer its several programs in an effective and efficient manner. SBA's mission is as vital to the economy of America and to the very well-being of the Nation today as it was in 1953 when the agency was established.

Under his fervent and dedicated leadership, the loan programs have grown as follows:

Type of loans:	*1961*	*1970*
Business and EOL loans	2,178	5,389
Disaster	4,929	30,826
Development company (502) loans	9	161
Totals	7,116	36,376

This is an increase of 29,260 loans in effect today over 1961.

During this period, the Southwestern area of the United States was plagued by seven major physical disasters. Under Bob West's diligent leadership, there were approximately 39,300 loans approved for an amount in excess of $180 million to assist homeowners and businessmen to rehabilitate their properties.

He was presented a special act award

by SBA Administrator Robert C. Moot for extraordinary measures taken to assist the people of southwest Texas and for extending loans totaling over $18 million to those stricken by Hurricane Beulah which occurred on the lower Texas coast in 1967. His efforts played a major part in the restoration of the ravaged areas.

During Bob West's tenure as SBA area administrator, he was responsible for administering all programs in the Southwestern area which is comprised of five States: Texas, Louisiana, Arkansas, Oklahoma, and New Mexico with one area office and nine regional offices and two branch offices. Under his guiding hand, SBA programs were promoted and expanded to further aid the people, such as:

	1961	1970
Bank participations in SBA Financing (percent)	35.5	55.15
Counselling activities (cases per year)	700	3,720
SBA SW Area Personnel	292	529

The SBA voluntary subcontracting program was originated in 1963. During 1969, SBA subcontracting specialists, working this program with 28 participating prime contractors' plants in this area, assisted them in placing orders totaling $342,809,148 with small business firms.

From December 1961 through February 1970, the Southwest area processed 523 certificate of competency referrals, representing $124.8 million worth of Government contracts. As a direct result of this program, 111 sizable Government contracts were awarded small firms of the five-State area. Not only did this program capture $24.5 million worth of contracts for small firms, but it also resulted in an average savings of over $33,600 per contract certified—the difference in the price bid by small firms "rejected" by the procuring agencies and the price offered by the next low bidders. Thus, this one program resulted in a direct total saving to the taxpayers of $3.7 million under the administration of Mr. Robert E. West.

He leaves a Government career with the knowledge that he has contributed a great service to the citizens of the Southwestern area of the United States and to the country as a whole. We will be forever indebted to him for his many and kind acts of cooperation. For his dedicated and concerned leadership in a continuing program of aid for our people who needed help to help themselves, we sincerely and deeply say, "Thank you."

May I add just one more comment—that Bob West on more than one occasion discussed with the highest leadership in our land whether he would accept the position of SBA Administrator, but his decision was to remain with the area and the people he knew best. Bob West, I think, carrying out a commitment he made to Sam Rayburn to stay where he would be close to the people who are working hard to make a go of it—the small farmer and rancher—Bob also had a successful career in the old Farm Security Administration—and the small businessman. Bob West will go on to other work, now that he has left the Government. And I know that his activities in what we call the "private sector" will be equally constructive and rewarding. Today, I say "Thank you," Bob West, from the bottom of my heart for all that you have done for our people, and for you and Mrs. West, your children, and your grandchildren, I ask the continued blessing of the Lord, who has given you the strength and the will to make His world a better place for all families.

ROBERT WEST RETIREMENT

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

Mr. ROBERTS. Mr. Speaker, I certainly want to thank my distinguished colleague, Mr. PATMAN, for his kind remarks concerning the retirement of my good friend and constituent, Robert West, as the area Director of the Dallas Small Business Administration Office.

Mr. PATMAN has, as always, done an outstanding job of tracing the career and contributions of Mr. West. There is little I can add except to say that I am delighted that Mr. West is moving back to Honey Grove. I am reluctant to see him retire from Federal service but pleased to once again have the benefit of his counsel as a full-time constituent.

THE STATE OF THE ECONOMY

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

Mr. PODELL. Mr. Speaker, I fear that this country will be experiencing the effects of both inflation and recession in the months ahead. The measures designed by the administration to curb the expansion of the economy have not had the desired effect of halting the rising prices. Manufacturers may be producing less now, but they are charging more. Indeed, the rate of price increases has been more rapid than at any other time since the early part of the Korean war. We seem to be in the midst of what economists have called the "worst of two worlds"—a sluggish economy and an inflationary price spiral.

Last week, we learned from Mr. Nixon's advisers, the unemployment rate will rise to between 4.3 percent and 5 percent in the early 1970's—and that was a conservative estimate. Is there any level of unemployment which can be termed "acceptable" given the social costs resulting from a man's being out of work? The unemployed and the people living on other types of fixed income see their savings eaten up by inflation. Our present economic situation also creates the underemployed—the individual whose income is cut because he is working fewer hours.

The construction industry is refusing to build because of the high interest rate on loans. The urban landscape is no longer dotted with the sight of large cranes, cement mixers, and other signs of construction that has meant employment for so many. Houses continue to fall into disrepair. It is easy to condemn them to disuse; it is quite another to get others constructed in their place.

What is the cause of the inflation? The President has said it is a direct result of increased Government spending and the huge deficit accumulated over the years. In this decade, the Federal Government has spent a total of $57 billion more than it has earned. When expenditures exceed income by so much for so long, inflation is not a surprising result.

Yet, this is not the entire story. Government spending may be an important factor in the inflationary economy. But "government spending" is a huge and encompassing term. It covers the spending of almost $200 billion. So large an amount leaves much room for interpretation. Which part of that spending is most responsible for that inflation?

The President's recent veto of the Health, Education, and Welfare appropriations bill was a clear indication of his views on causes of inflation. Spending totaling less than 1 percent of the entire Federal budget led to the veto of the entire Health, Education, and Welfare appropriations. It is a sad commentary on the priorities of the present administration when less than a billion dollars for the health, education, and welfare of our citizens is considered inflationary, and $11.9 billion for the second phase of the antiballistic system is not.

We have been told that the national defense outlays in 1971 will require a smaller proportion of the Federal budget than at any time since the demobilization period following World War II. Yet, national outlays for national defense still total $73.6 billion in absolute terms. Defense is still the largest single item in our budget—whether one calculates in absolute or percentage terms.

By the end of the next fiscal year, we will have spent $104.5 billion to fight the war in Vietnam. I hold that the costs of the war and of our defense are the major causes of the present inflation.

Cost overrun in the Defense Department is looked upon as a natural occurrence.

Cost overrun in the Defense Department is looked upon as natural. For years such overrun has not been given the scrutiny that the spending of such large amounts deserve. Just as you can expect death and taxes, so, in recent years, you can expect cost overrun in defense contracts. I hold that this is another cause of inflation that often goes unnoticed.

Finally, let us look for causes of inflation in the policies of some of the largest firms in our economy. If I were to record the major price increases in the last years, it would read like a "who's who" of American industry. Their price system was actually quite fluid—but always in one direction—upward.

These price increases fell on the consumer. His salary in real terms continued to decrease. A man earning the same salary today as he did in 1958, would be able to buy only two-thirds of the goods and services he could buy with the same amount in 1958. A "moderate" budget for a family of four in New York was estimated to be $11,236.

It is time to examine the Federal budget and its practices; we must regulate the policies of banks who charge in interest what the market will bear.

We hear rumors that defense spending will be cut, yet the war in Vietnam continues to rage. We hear that some banks may lower their interest rate by a half of 1 percent. I hear it that this may be too little and too late.

DEPARTMENT OF LABOR'S BUREAU OF LABOR STANDARDS

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

Mr. BURTON of California. Mr. Speaker, I want to call the attention of the House to the fact that the Department of Labor's Bureau of Labor Standards is being reorganized. Secretary of Labor Schultz announced on February 9 that "we have erected a modern functional structure for this vital Bureau that will better serve our existing responsibilities and also be capable of meeting new challenges as they arise." That goal is to be lauded and I, for one, hope that one of the "new challenges" will come this year upon the enactment of a comprehensive occupational health and safety bill.

There are certain safety programs in the Bureau of Labor Standards whose fate is unclear from the Department's press release. Specifically, I would like to know more about what will happen to the longshore safety program, established under amendments to the Longshoremen's and Harbor Workers' Compensation Act a decade ago. The act provides for rulemaking by the Secretary of Labor after broad consultation with all sections of the industry. That authority has led—as Secretary Schultz himself pointed out in his testimony on occupational health and safety before the Select Subcommittee on Labor—to a better-than-40-percent reduction in the longshore accident frequency rate; to a better-than-40-percent cut in lost-time accidents in our Nation's second most hazardous industry.

That reduction is a result of teamwork and expertise gathered over the years in the Bureau's longshore and maritime safety division; of effective regulations promulgated after extensive consultations between the industry and men in the Bureau knowledgeable and experienced in the industry.

I must ask, Mr. Speaker, what will happen to that team and that expertise? Will it be fragmented in the course of the Bureau's reorganization? Will the personnel who have led the Bureau's most effective and successful safety program be scattered? Will longshore safety lose its identity within the Bureau, placing the second most hazardous workplace in America on the same footing with an industry whose accident frequency rate is some 90 percent lower? What will happen, for instance, to the development of container safety regulations so vitally needed now that containerization is mushrooming on the waterfront?

The Bureau of Labor Standards and the Secretary of Labor have not answered these important questions, Mr. Speaker. The organization chart attached to the Department's press release fails to show a place for longshore safety. The chart does show advisory committees to be at the right hand of the Director of the Bureau. Yet, a labor-management safety advisory committee met here in Washington in late December and received not a hint of an impending reorganization.

There are many questions to be answered about the Bureau's reorganization as it has been announced. It would seem only right and logical that the Bureau would—as it does so well in developing safety regulations—engage in broad consultations with those it serves prior to implementing major changes in its methods of operation.

I am placing the Department of Labor's press release in the RECORD at this point:

LABOR UNIT REMODELS FOR SAFETY TASKS

Secretary of Labor George P. Shultz announced today that the 35-year-old Bureau of Labor Standards will be modernized to meet rapidly increasing responsibilities in the occupational safety and health field.

Originally a promotional agency for the entire field of labor standards without enforcement authority, the Bureau in the past dozen years was delegated regulatory responsibility for safety in longshoring and harbor work, Government contractors providing goods and services and performing construction, and Federally-assisted facilities erected under the Vocational Rehabilitation and Arts and Humanities Acts.

In addition, the Bureau develops standards for youth safety under the Fair Labor Standards Act and is responsible for improving Federal employee safety. The Bureau also must be prepared for additional duties if Congress enacts a comprehensive Occupational Safety and Health Act.

"We believe we have erected a modern functional structure for this vital Bureau that will better serve our existing responsibilities and also be capable of meeting new challenges as they arise," Secretary Shultz said.

The Bureau's work will center in five Offices:

(1) *Standards Development*—to assist in the development of a nation-wide program for improving safety and other working conditions through research and development of sound standards and effective administrative procedures. Four divisions in this office will cover safety, general employment, workmen's compensation and youth standards.

(2) *Evaluation*—to review program operations and standards of the Bureau, other Federal agencies, and the States in order to evaluate their effectiveness, and to make recommendations for programs and standards improvement.

(3) *Field Services*—to direct and coordinate all Bureau field operations.

(4) *Information and Publications*—to answer public requests for information and assistance on Bureau programs, and to supplement its resources for administering laws by the preparation of a comprehensive information and publications program.

(5) *Training*—to develop training programs in safety and other labor standards areas for Bureau personnel and for States, labor, industry and other groups.

Regional offices under the Washington Office of Field Services will be mini-Bureaus in designated geographical areas. These offices will carry out all the agency's programs of enforcement and work with State labor officials, legislative commissions, labor, management and interested groups. Various district offices will report to their appropriate regional offices.

The Bureau's work with the Federal Safety Council is upgraded to the Director's Office. The Bureau will also be assisted by Advisory Committees composed of labor, management, State officials and the public.

Staff offices, including a continuing budgetary and personnel administrative division, have been supplemented by a new Division of Management Information and Data Systems, to facilitate management and to utilize fully modern data-processing techniques.

The new organization is scheduled to become effective March 1. A chart of the new organization structure is attached.

MARTIN LUTHER KING'S BIRTHDAY: A NATIONAL HOLIDAY

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

Mr. MADDEN. Mr. Speaker, Dr. Martin Luther King, Jr., during his lifetime, was in the forefront as one of our outstanding Americans citizens fighting for justice, freedom, and civil rights for all Americans. He was assassinated on April 4, 1968, almost 2 years ago.

Dr. King possessed outstanding ability and talent and by reason of his personality and brilliance converted millions of our Amercan citizens to the fairness and justice of the right of everybody to enjoy their constitutional rights regardless of race, religion, or color. His assassination can be bracketed along with that of the late President John F. Kennedy, Senator Robert F. Kennedy, and other great American leaders who fought for the cause of human justice, as one of the most deplorable incidents against the right of free speech and a defiance to the citadels of representative government in this century.

Mr. Speaker, I submit resolution No. 1132, adopted by the Common Council of the city of Gary, Ind., on the 17th day of February 1970, signed by the presiding officer, William P. McAllister and Richard Gordon Hatcher, mayor of the city of Gary.

RESOLUTION No. 1132

A resolution petitioning the Congress of the United States of America to declare the Birthday of Dr. Martin Luther King, Jr., a national holiday and official day of celebration in the United States of America

Whereas, Dr. Martin Luther King, Jr., was born on January 15, 1929, and was assassinated on April 4, 1968, and

Whereas, Dr. Martin Luther King, Jr., was a founder and the principal advocate of non-violence as a means of effecting social and political change,

Whereas, Dr. Martin Luther King, Jr., devoted his life to the attainment of human dignity and equality for all mankind, and,

Whereas, the life and achievements and dreams of Dr. Martin Luther King, Jr., are an inspiration to all men of good will and are in the highest traditions of American ideals.

Now, therefore, be it resolved, that the Common Council of the City of Gary, Indiana does hereby petition the Congress of the United States of America to declare January Fifteenth a national holiday and official day of celebration in the United States of America in honor of Dr. Martin Luther King, Jr

The Clerk of the Common Council is directed to cause copies of this resolution to be suitably prepared and sent to Congressman Ray J. Madden, and to Senator Vance Hartke, and to Senator Birch Bayh, and to President Richard M. Nixon.

Passed by the Common Council of the City of Gary, Indiana this 17th day of February, 1970.

WILLIAM P. MCCALLISTER,
Presiding Officer.

Attest:

BETTY MALINKO,
City Clerk.

Presented by me to the Mayor for his approval and signature this 18th day of February, 1970.

BETTY MALINKO,
City Clerk.

Approved and signed by me this 24th day of February, 1970.

RICHARD GORDON HATCHER,
Mayor of the City of Gary, Ind.

NEW YORKERS KILLED IN VIETNAM IN 1969

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

Mr. KOCH. Mr. Speaker, the war in Vietnam goes on. The casualties mount. In 1969, the first year of the Nixon administration, those Americans killed in the Vietnam war numbered 9,365. I am at this time placing in the RECORD the names of those young men who prior to their induction into the Armed Forces resided in the State of New York and who died in that war during 1969.

The death of anyone in any war is a tragedy. I list the names of the young men from New York so as to facilitate the reading of those names at the several churches and synagogues in the city and State of New York who have now undertaken to conduct special memorial services where these names will be read aloud. The war will not end until all of us finally share the personal tragedy that so many Americans are required to bear.

The list of names follows.

LIST OF CASUALTIES INCURRED BY U.S. MILITARY PERSONNEL IN CONNECTION WITH THE CONFLICT IN VIETNAM—NEW YORK—TOTAL 786

(Deaths reported from January 1 through December 31, 1969)

DEATHS RESULTING FROM HOSTILE ACTIONS

Army

Abruzese, Robert Alexander, Hartsdale.
Acevedo, Roberto, New York.
Adams, Charles Wesley, McLean.
Adiutori, Richard, New York.
Aiken, Larry Delarnard, Jamaica.
Akerley, Dennis, Grahamsville.
Allen, Dean Brooks, Delmar.
Ambrosio, Frank Carl, Deer Park.
Anderson, Robert Lee, Middletown.
Arniotis, Dimitrios G., Jamaica.
Asher, Alan, New York.
Autorino, Joseph G., Jr., Rosedale.
Aviles, Alfredo Edwardo, New York.
Babey, David Paul, Rochester.
Bailey, Fred McKinley, New York.
Baranowski, Bishop Skip, Cortland.
Barbiere, Charles Louis, New York.
Bariglio, Richard Louis, Long Island.
Barry, Edward Francis, Wantah.
Bauer, William Henry, New York.
Bausch, Barry Ralph, Elmont.
Beckman, Robert Carl, New York.
Bellemare, Andri Remi, New York.
Bellwood, Richard Roy, New York.
Bennett, Richard Jay, Earlville.
Benvenuto, Theodore F., Jr., Uniondale.
Bernstein, Alan Martin, Flushing.
Best, Oliver Adrian, Jr., New York.
Best, Thomas Emanuel, New York.
Bethea, Henry, Montrose.
Bethea, Raymond Lewis, New York.
Beverly, Francis M., Jamaica.
Bonapart, Paul, New York.
Bonventre, Thomas S., Elmont.
Bortle, Jonathan R., Macedon.
Bouttry, Charles Edward, New York.
Bowdler, Gary Lee, North Tonawanda.
Brady, John Patrick, Jr., Kingston.
Braithwaite, Arnim N., New York.
Brasile, Terrence Carmine, Ridgewood.
Brathwaite, Roger Clayton, New York.
Briales, Miguel Eugenio, New York.
Brow, Christopher, Albany.
Brown, James Arthur, New York.
Brown, Stanley Alton, Albany.
Brown, William Joseph, Poughkeepsie.
Browne, Earl Frederick, New York.
Bruce, Robert, Fishkill.
Bruckner, Howard Russell, Scarsdale.
Brunn, Chris Fredrick, East Setauket.
Brush, Richard Bernard, Nanuet.
Brustman, Douglas John, Jamaica Estates.
Buckley, Robert Walter, Uniondale.
Bukowski, David Frederick, West Islip.
Burnett, James Sandford, Jr., Water Mill.
Burt, William Robert, Jr., New York.
Butler, Merle Floyd, II, Lakewood.
Calamia, Jack, New York.
Calhoun, Steven Brian, New York.
Camerlengo, Joseph Vincent, New York.
Canamare, George Joseph, Cedarhurst.
Carapezza, Richard Allan, Rochester.
Carbone, Richard, Huntington Station.
Carlin, Stephen Bernard, Oceanside.
Carlucci, Anthony Jack, New York.
Carpenter, Walter Andrew, Binghamton.
Chandler, Charles, Albany.
Collazo, Carlos Manuel, North Bay.
Colon, Harry Joseph, New York.
Conklin, Larry James, Endicott.
Connell, Vaughn David, West Islip.
Conway, Leroy, New York.
Corbett, Mark Charles, Buffalo.
Cornwell, John Bruce, Silver Creek.
Couture, John Victor, Hampton Bays.
Coyle, Gary Joseph, Wellsville.
Creamer, Francis P., New York.
Cregon, Kevin Francis, New York.
Crespo, Jose, Arverne.
Cribbs, Martin Joseph, Schenectady.
Cristen, Ronald Arthur, Smithtown.
Crocker, David Rockwell, Jr., Schenectady.
Cruise, William Michael, Jr., Wappingers Falls.
Cruz, Luis Phillip, New York.
Cushman, Harold Edward, Clark Mills.
Dacey, Betrand Jahn, New York.
Daley, Walton Garland, New York.
Dalke, Burton Ward, Tonawanda.
Daly, Richard Vincent, New York.
Davenport, Albert Ashley, New York.
Davis, Arthur Raymond, Frankfort.
Davis, James Gregory, New York.
Davis, John Henry, New York.
De Bono, Anthony Jay, College Point.
De Felice, Lawrence Joseph, Copiague.
De Luca, Thomas Steven, Jr., Mineola.
De Maria, Frank F., Jr., New York.
De Marinis, Thomas Joseph, New York.
De Meola, Raymond Warren, Blauvelt.
De Rubeis, Fernando, New York.
De Vault, Marvin Andrew, New York.
Decker, Berton, Kerhonkson.
Decker, Michael Thomas, Kirkwood.
Deitch, David, New York.
Denardis, Claude Charles, Schenectady.
Derda, James Michael, Albuquerque.
Desmore, Lawrence, White Plains.
Dickerson, Stanley Heman, Troupsburg.
Diliberto, Kim Michael, Massapeaqua.
Dinunzio, Carl Lawrence, Jr., Derby.
Doane, Stephen Helden, Walton.
Dobash, John Ernest, Syracuse.
Dolvin, James Richard, St. Albans.
Dominkowitz, Michael John, New York.
Doria, Richard Albert, White Plains.
Doty, Vaughn Ormon, Rainbow Lake.
Douglas, Clark Robert, Corning.
Doyle, Michael Walter, Newfane.
Durpe, Charles Vaughn, Olean.
Dyer, Martin Barry, Jr., New York.
Earley, Clarence Andrew, New York.
Echevarria, Jose Anibal, Jr., New York.
Elam, Walter Alan, New York.
Elder, Eugene, New York.
Ellis, Frank Joseph G., Jr., Syracuse.
Ellison, Greg Benson, Bellmore.
Emery, Charles Henry, Jr., Buffalo.
Eriksen, Alf Edward, Lindenhurst.
Evans, George Augusta, New York.
Fanella, Lawrence Andrew, Syracuse.
Farrar, Errold Rufus, Mattydale.
Fassel, Gary Carl, Buffalo.
Fernhoff, Curtis, Flushing.
Fields, Michael David, New York.
Finger, David Harold, Eden.
Fisher, Richard James, West Monroe.
Fiume, James Rocco, Jackson Heights.
Flieger, Gerrard John, New York.
Force, Rodger Dennis, Millport.
Foreman, John William, Manlius.
Forest, Donald Steven, Rochester.
Freeman, Furnace, Jr., New York.
Freeman, Ronald William, Dunkirk.
Fry, George Harold, Pavilion.
Fuerst, George Joseph, New York.
Fuller, Michael Allan, New York.
Funk, Joseph John, Bay Shore.
Funk, Robert Nelson, Penfield.
Gamboa, David Hercliff, Jr., Yonkers.
Garbys, Stephen Michael, Bellerose.
Gardner, Wilhimon, New York.
Gates, Richard Palmer, Johnstown.
Gearing, William Carl, Jr., Rochester.
Gentile, James Raymond, Watertown.
George-Pizarro, Arthur, New York.
Glassey, John Girard, East Meadow.
Glynn, John Joseph, Jr., New York.
Glynn, Peter John, New York.
Godley, Louis Henry, New York.
Goetzer, Joseph James, Jr., New York.
Goggin, John Phillip, New York.
Gordils, Louis Alfredo, New York.
Goss, Jeffrey Kenneth, New York.
Graham, Johnnie, Jr., New York.
Grayson, Joe Edward, Roosevelt.
Green, Richard Hershel, Flushing.
Greene, Richard Hayward, New York.
Griffin, Hallia Leon, Jr., New York.
Groh, Charles Dieter, New York.
Grompone, James John, Greenvale.
Gruhn, Robert Ayers, Rochester.
Halen, James Paul, Bay Shore.
Hall, Clarence Jay, Genesee.
Hall, James Henry, Hollis.
Hamilton, John David, Jr., Rochester.
Hamilton, Robert Theodore, South Ozone Park.
Hendrix, Robert Edward, Rome.
Herbert, Reginald Milmen, New York.
Hernandez, Julio, Jr., New York.
Hilerio-Padilla, Luis A. N., Yonkers.
Hill, Hugh Gilbert, Jr., New York.
Hill, Orville Edward, New York.
Hillard, William James, II, Kennedy.
Hillman, Ronald Joseph, New York.
Hitro, Bernard George, Jr., Buffalo.
Hogan, Edward Joseph, New York.
Hopkins, Paul Robert, Syracuse.
Horan, John William, New York.
Hordern, David James, New York.
Howard, Eli Page, Jr., Pelham.
Huestis, John Edward, Goshen.
Huffman, Ronald Peter, New York.
Huggs, Harold Sylvester, Jamaica.
Hunt, Daniel Thomas, New York.
Hurlihe, Richard Raymond, Poughkeepsie.
Hyman, William Alton, Jamaica.
Hynes, Robert John, Long Island City.
Jackson, Thomas Peter, Jr., Westbury.
Jamieson, Gary Lee, Binghamton.
Johnson, William Lovett, New York.
Joy, Richard Dennis, Binghamton.
Jules, George Henry, New York.

Kangro, Lauri, New York.
Karaman, Fred, Endicott.
Katz, Elker Gurth, Niagara Falls.
Kaufman, Jay Allen, New York.
Kazmierczak, Robert Joseph, Lackawanna.
Keeler, William Charles, Hamburg.
Keitt, Charles Joseph, New York.
Kelly, Michael Joseph, Jr., Syracuse.
Kent, Kenneth Ross, Dundee.
Kerr, Wesley Sheppard, New York.
Kidd, Peter Alan, Sinclairville.
Kiehaber, Andrew John, New York.
Kiener, Kenneth Richard, Woodside.
Klotz, Michael Peter, Hudson.
Kneeland, Paul James, Lockport.
Kozma, Carl Noel, Hicksville.
Krieger, Frank Anthony, Buffalo.
Kronthaler, Paul John, Buffalo.
Kucich, John Andrew, Jackson Heights.
Kulpa, Richard Walter, Utica.
Kupchinskas, Paul Norman, New York.
Kurtowicz, James David, Buffalo.
La Gray, Ernest James, Utica.
La Polla, John Anthony, Frankfort.
Lallave, Alfred, New York.
Lambert, Dennis Michael, New York.
Lamby, Charles Michael, Derby.
Langhorn, Garfield M., Riverhead.
Laureano-Lopez, Ismael, New York.
Lawyer, Alfred Lewis, New York.
Lee, James Howard, Lockport.
Lee, Marzel Ray, New York.
Lehman, Peter Allen, Cold Spring Harbor.
Levato, Frank, New York.
Levinson, Jay Barry, New York.
Little, Paul Frederick, New York.
Lopez, Ricardo, New York.
Love, Daniel Haley, Watkins Glen.
Luckenbach, Richard Mate, Sodus.
Lund, Willard Spencer, Bayport.
Lynch, Carl Donald, New York.
Lynch, Michael, Amsterdam.
Lynch, Peter, Goshen.
Lyons, Thomas Joseph, Jamaica.
MacMillan, Gordon Alan, East Meadow.
Madison, Henry, Jr., Buffalo.
Magri, Giuseppe, New York.
Malin, Michael Lee, Angola.
Mancuso, Salvatore, Ossining.
Manino, Salvatore, Patrick, New York.
Manning, Robert Thomas, New York.
Marasco, Joseph Allen, Somers.
Marchese, Thomas Vincent, Buffalo.
Marciano, Louis Vincent, New York.
Margoni, Frank Joseph, Carmel.
Margro, James Anthony, New York.
Markunas, Thomas William, New York.
Masinski, John George, New York.
Massa, Luis Alberto, New York.
May, Thomas Andrew, Buffalo.
Mayers, Ralph Emerson, III, Bedford Hills.
Mazal, Roger James, Valatie.
McCarron, William P., Jr., Flushing.
McCarthy, Brian Francis, New York.
McCarthy, John Neal, Glen Cove.
McConnyhead, James, Jr., New York.
McGovern, Michael John, Jr., Cambria Heights.
McGrath, Daniel William, Levittown.
McKinney, Hugh Rufus, New York.
McNeilly, James H., Scotia.
McParlane, Michael Joseph, Flushing.
McZeal, Martin Allen, Rome.
Meagher, Christopher W., New York.
Mears, Joseph Harry, Middleburg.
Meeker, Robert Irwin, Woodmere.
Meyer, Burt Joseph, Jr., Flushing.
Mezzatesta, Frederick, Whitesboro.
Michael, Timothy Shawn, Cicero.
Miller, Allen Robert, Edmeston.
Miller, Cecil Vernon, New York.
Miner, George Louis, Southold.
Minotti, Anthony John, Alden.
Mitchell, Michael John, New York.
Mongelli, Alexander A., New York.
Monish, Ronald Anthony, New York.
Moody, Stephen True, Malverne.
Morales, Victor David, New York.
Mott, Joseph Anthony, Buffalo.
Motto, Thomas Nicholas, Mineola.
Muench, Joseph Earl, Grand Island.
Mulvey, Lawrence Patrick, New York.
Murphy, Joseph Thomas, Jr., Glen Falls.
Murray, Dennis Brian, Glen Cove.
Musco, Vincent James, Schenectady.
Namer, Martin Yale, New York.
Nass, Winford Allen, Centerport.
Nelson, David Charles, Hollis.
Nelson, Richard William, Valley Stream.
Neske, Joseph Edwin, East Islip.
Nogiewich, William Peter, Huntington Station.
Noldin, Richard John, New York.
Nowlin, Fletcher Jacob, Rochdale Village.
Nurzynski, Joseph Anthony, Buffalo.
O'Connor, Michael Patrick, Troy.
O'Donnell, John Michael, Long Island City.
O'Neill, Anthony Joseph, New York.
Oberle, Stewart William, New York.
Olsen, John Andrew, St. James.
Oquenco, Fruto James, New York.
Orr, Robert Thomas, Canastota.
Ortega, William Jr., New York.
Ortiz-Ramirez, Juan, New York.
Palmer, Walter, New York.
Pape, John Charles, West Babylon.
Parker, James Edward, Blauvelt.
Pavan, Kenneth Alan, Niagara Falls.
Pawlowski, Theodore J., Buffalo.
Pellew, David Seeley, Goshen.
Peteroy, Bruce Edward, New York.
Petersen, Carl Robert, Watertown.
Peterson, Roy Keith, New York.
Petsos, Phillip Chris, Rochester.
Petteys, Cornel, Wynantskill.
Phillips, David Jeffrey, Buffalo.
Pickel, George William, Astoria.
Pignataro, Julius Philip, Ozone Park.
Plotkin, Stephen Lewis, New York.
Poggi, Michael Louis, Peekskill.
Poldino, Thomas, Lindenhurst.
Potter, James Frank, Newark.
Prchal, Charles Robert, Sound Beach.
Prete, Robert Nicholas, Piffard.
Prosser, Irvin Willis, Jr., Sauquoit.
Pyle, Howard MacDonald, Jr., Pleasantville.
Quinn, Ronald Gene, Hilton.
Quinn, William Daniel, III, East Northport.
Rahilly, Andrew Stephen, New York.
Reed, Bruce Edward, Peekskill.
Reggio, Gerard Michael, Pt. Jefferson Sta.
Reiter, Bruce Martin, New York.
Reiter, Lesley Steven, New York.
Ricciardo, Ronald Francis, Deer Park.
Rio, Jose Tomas, New York.
Ritz, David Gerald, Croghan.
Rivera, John Asdrubal, New York.
Rivera, Juan, New York.
Rivera, Miguel Angel, New York.
Rivera, Santos, Jr., New York.
Rivera-Delvalle, Manuel A., New York.
Rivera-Garcia, William, New York.
Robinson, George Ray, New York.
Roche, Jon Patrick, Canisteo.
Rodriguez, David, New York.
Roe, John Phelen, Clinton.
Romeo, Duane Clark, Apalachin.
Romesser, Richard James, North Java.
Rosa, John Michael, Brentwood.
Rose, Andrew Clayton, Burlington Flats.
Rosendietcher, Howard, New York.
Ross, David Seth, Astoria.
Rossi, Rudolph, Howard Beach.
Rountree, Harvey F., Jr., New York.
Rudolph, Walter William, Manhasset.
Rumsey, Jay Dee, Elmira.
Rundle, James, Jr., Kingston.
Russo, Joseph Charles, New York.
Ruttan, James Earl, Watertown.
Ryan, John Thomas, New York.
Salanitro, Gary Charles, Huntington Station.
Saltz, Eric Donn, Plainview.
Sandman, Mitchell Harvey, Syosset.
Santiago, Alexander P., Jr., New York.
Santiago, Felipe Obed, New York.
Santiago, Humberto Ruiz, Jr., New York.
Santinello, Ralph Michael, New York.
Saunders, Bruce, New York.
Scavella, Allan Napoleon, New York.
Schell, Robert Charles, Jr., Horseheads.
Schifrin, Raymond Richard, Laurelton.
Schmidt, Daryl Jay, North Tonawanda.
Schmidt, Richard Martin, New York.
Schofer, Karl Andrew, Massapequa.
Schulte, Henry Gerard, New Paltz.
Scibelli, Thomas Anthony, New Hyde Park.
Scott, Duane Carl, Friendship.
Scott, William Gravelle, Jr., Scarsdale.
Seddig, Walter S., New York.
Senor, John Joseph, Kingston.
Settimi, Ronald Mark, Niagara Falls.
Shavel, Fredrick Stanley, Richmond Hill.
Shelton, Timothy John, Lindenhurst.
Sheradin, Robert Donald, Geneva.
Sherlock, Stephen Andrew, Kingston.
Sidelko, George, New Hartford.
Sikorski, Sigmond Michael, Ozone Park.
Silverstein, Gerald Leon, New York.
Simancas, Luis Jose, New York.
Simmons, Bradley Joseph, Ancramdale.
Sims, Harry, New York.
Sinclair, Gary Philip, Queens Village.
Sinclair, John James, New York.
Sisley, William Edward, Angola.
Skomski, James Mark, Cheektowaga.
Slaven, Richard E., Elmira.
Smith, George Julius, Jr., New York.
Smith, James Lee, New York.
Smith, James Robert, Long Island.
Soltan, Lawrence William, Bay Shore.
Somma, Ryuzo, Medford.
Soto-Concepcion, Jose, New York.
Stec, Robert Michael, Schenectady.
Stone, Lester Ray, Jr., Harpursville.
Sullivan, James Michael, Glendale.
Swane, Brian Edward, Massapequa.
Swanstrom, Douglas Gaylord, Ellington.
Swidonovich, Nicholas John, New York.
Swisher, Larry Raymond, Buffalo.
Taisler, Joseph Andrew, Woodside.
Tanzola, Carl Joseph, Jr., East Meadow.
Taylor, Vincent Andrew, Jamaica.
Thibodeau, Wallate Fred, Kingston.
Thibou, Allan Courtney, New York.
Thielges, Charles Theodore, Buffalo.
Timian, Frank Edward, Lockport.
Tokarski, Stanley Richard, New York.
Tomaszewski, Thomas David, Buffalo.
Toole, Terry Edward, Auburn.
Toro, Jose Miguel, New York.
Torpie, William James, Hawthorne.
Torre, Pasquale, New York.
Tortorici, Frank, New York.
Trinchitella, Francis A., Port Washington.
Tripodo, Benedict John, New York.
Turiano, Benjamin Robert, Corona.
Turner, Willie George, New York.
Turzilli, Stephen Edward, New York.
Urbanczyk, Joseph Michael, Lackawanna.
Urrutia, Anthony John, New York.
Vad, Henry Joseph, New York.
Valesko, Joseph, Jr., Canandaigua.
Vallen, Donald William, Jr., New Hyde Park.
Van Cook, Donald F., Jr., New York.
Vanderbrook, Gary Laurence, Buffalo.
Verry, Frederick Alfred, Jamestown.
Vitro, Vito, Mamaroneck.
Walls, Albert Calvin, Jr., White Plains.
Walsh, John Michael, Valley Stream.
Walters, Bruce Elliott, New York.
Walters, James Reese, Riverhead.
Warren, John Earl, Jr., New York.
Watson, Arthur, New York.
Weigle, Thomas Herman, South Farmington.
Whitford, Lynn Cecil, Crown Point.
Wick, Michael Raymond, College Point.
Widomski, Daniel Albin, Buffalo.
Wier, Michael Broderick, Buffalo.
Wilhelm, Richard Thomas, Rochester.
Williams, Amos Levern, New York.
Williams, Joseph Jermiah, Holcomb.
Wilson, William Bernard, Campbell.
Winkler, Gary John, North Babylon.
Winters, Michael John, Saugerties.
Winters, William John, Boonville.
Wrazen, Gerald, Buffalo.
Youngkrans, Allan T., Jr., Utica.
Zapolski, Lawrence Edward, Jamaica.

Air Force

Albanese, John Ernest, Jr., Medina.
Burke, Walter Francis, Flushing.
Colasucnno, Vincent, New York.
Coon, John Lemoine, Phelps.
Dart, Walter Joseph, Jr., Kingston.
Dice, Richard Carl, Sea Cliff.
Englehardt, Albert Alois, Bayside.
Gerstenlauer, Peter F., Merrick.
Pitches, James Sutherland, Yonkers.

Marine Corps

Adams, Woodrow William, Amityville.
Armenio, Robert William, New York.
Arnott, David Bruce, Liverpool.
Arroyo, Ramon Jaime, New York.
Baker, Paul Joseph, Troy.
Barca, John, Jr., New York.
Baurle, Matthew John, Gloversville.
Beeching, Earl Peter, Norwich.
Betancourt, James, New York.
Bey, Nelson, New York.
Boryszewski, Stephen J., Buffalo.
Boule, Thomas Michael, Syracuse.
Brady, Michael Edwin, Rochester.
Brezinski, Charles Anthony, Oyster Bay.
Bruno, Edward, Long Beach.
Bullock, Dan, New York.
Burns, Frederick John, Merrick.
Bushey, William Timothy, Mahopac.
Butts, Roy John, New York.
Carabba, Richard Aloysius, New York.
Carey, William James, Astoria.
Carloni, James Francis, Buffalo.
Catherman, Robert Ray, Baldwinsville.
Christie, Larry Edward, Waddington.
Clute, Michael Allen, Hinsdale.
Cockerl, James Calvin, Lynbrook.
Colorio, Joseph, Massapequa.
Cornish, Larry Irving, Canandaigua.
Costanza, Kenneth David, Rochester.
Crudo, Richard Frank, East Meadow.
Cummings, James Edward, Buffalo.
Cusumano, Anthony Michael, New York.
De Michelle, Craig Norman, Fresh Meadows.
Dedek, John Francis, Oak Hill.
Demetris, Vasilios, New York.
Diakow, Robert, New York.
Epps, James, New York.
Erskine, Albert, New York.
Evangelista, Frank Paul, Flushing.
Evans, Paul Michael, Buffalo.
Fellows, David Thomas, Caledonia.
Ficara, Joseph, White Plains.
Flint, Raymond Lloyd, Skaneateles.
Foster, Daniel John, New York.
Frisbie, Jared Arthur, Selkirk.
Galea, Michael, New York.
Garity, Charles Joseph, Jr., Flushing.
Garlo, Michael, Fishkill.
Gaston, Juan, New York.
Gatto, Daniel Arthur, Amsterdam.
Giertti, Anthony Alfred, Baldwin.
Gladney, John Willie, Albany.
Green, Larry, Niagara Falls.
Gyore, Allan Ronald, Lowville.
Hively, Robert Lynn, Corning.
Hoppough, Dennis Karl, Rochester.
Howe, Frank Robert, Port Chester.
Hughes, Graham, Rochester.
Jimenez, Anastacio, New York.
Johnson, Robert Lee, Falconer.
Jourdanails, Thomas F., Jr., Waterford.
Joyce, Walter Aloysius, Scarsdale.
Kane, Bruce Edward, Deer Park.
Kane, Dennis James, West Babylon.
Keeble, Edwin Augustus, Jr., New York.
Kitson, John Francis, Levittown.
Klingman, Ronald Arthur, Levittown.
Koehler, David James, Clarence Center.
Labianca, Michael, Jackson Heights.
Labombard, Clifford George, Albany.
Lackner, Michael Alexander, Deer Park.
Landi, George Francis, New York.
Larkin, William Ronald, Hempstead.
Leahy, Richard James, Albany.
Lenhard, Howard Thomas, Suffolk.
Lynch, James Joseph, III, Pine Plains.
MacFarlane, William Joseph, South Ozone Park.
Malabe, Judio, New York.
Maldonado, Abrael, New York.
McCabe, Michael Richard, New York.
McCarthy, Robert Alan, Alden.
McDowell, Robert J., Jr., Binghamton.
McManus, John, New York.
McGrade, Gerald, New York.
Merkle, Edward Daniel, Seneca Falls.
Miles, Larry Allen, Buffalo.
Moore, James Charles, Jr., Spencer.
Morina, Anthony Joseph, Havenstraw.
Morka, Peter Joseph, New York.
Morrissey, Richard Thomas, Uniondale.
Murphy, Dennis Gerard, Copiague.
Noonan, Thomas Patrick, Jr., Maspeth.
O'Connell, Daniel Gerard, Copiague.
O'Toole, Lawrence P., II, New York.
Oliver, Bernard George, Jr., Willsboro.
Orbino, Dennis Michael, Syracuse.
Ornelas, Jack Michael, Whitestone.
Ozger, Islam, New York.
Ozimek, Ronald Robert, Depew.
Parker, George Joseph, Jr., Rochester.
Parker, Richard Eugene, New York.
Parker, Stephen Vance, New York.
Paulsen, Gerard Francis, Cambria Heights.
Perez, David, New York.
Pierce, Ronald Shafer, Kenmore.
Purvis, Bernard George, Wheeler Lane.
Quillen, Lloyd Daniel, New York.
Reed, David Neal, Rochester.
Riale, Richard William, Lowville.
Riley, Dennis Leroy, Hanover.
Riley, Thomas John, Bayside.
Rivera, David, New York.
Rivera, Emilio, Beacon.
Rocco, Richard Michael, Amsterdam.
Rogers, William James, IV, Buffalo.
Rossini, Ronald Stephen, Sidney.
Rubin, Roy Garland, New York.
Santiago, Robinson, New York.
Schmidt, Robert Gustave, Levittown.
Scolnick, David, Brentwood.
Seiler, William Joseph, Rochester.
Seminara, Charles Benjamin, Syracuse.
Senese, Christopher Leigh, Rochester.
Shipman, James Robert, Syracuse.
Simonds, Harold Riley, Gloversville.
Slattery, James Dennis, New York.
Slingerland, Harold J., Jr., Ravena.
Smith, James William, Jr., Washingtonville.
Smolarek, Edwin Joseph, Jr., Buffalo.
Spark, Michael Melvin, New York.
Sroka, John Michael, Jr., Clark Mills.
Stahl, John Joseph, Floral Park.
Stahlecker, Gary Robert, West Henrietta.
Starkey, Richard William, Schenectady.
Steen, Antony Michael, Troy.
Stoddard, Marcus William, Minesville.
Sutherland, Reginald J., Hartsdale.
Swan, Wayne Robert, Arkport.
Swanson, Raymond William, New York.
Temple, Malone Bennett, New York.
Thomas, Daniel Patrick, Jr., Niagara Falls.
Thompson, Harry Nathaniel, New York.
Thornlow, Gary William, East Rockaway.
Thornton, Curtis Francis, North Syracuse.
Tirado, Daniel, New York.
Townley, Cyril Harris, New York.
Turner, Brendan Xavier, Uniondale.
Valle, Hector, New York.
Walker, John Frederick, Solvay.
Walker, John Joseph, New York.
Washington, Willie James, Rockaway.
Watts, Richard Allen, Schenectady.
Wood, Raymond Charles, Napanoch.
Yaskanich, William Robert, Wurtsboro.
Zimmer, Jerry Allen, Maine.

Navy

Caprio, Michael James, Vestal.
Clerkin, Joseph, Central Islip.
Doherty, Martin Stephen, New York.
Gebbie, Ronald Jackson, Rochester.
Gray, William Russell, Jr., Fulton.
Gutloff, Peter Emmanuel, New York.
Meyer, Lowell Wayne, Riverhead.
Moore Robert Victor, Cortland.
Mulrooney, George, Astoria.
Nolan, Michael Francis, Jr., Schuylerville.
Peterson, Carl Jerrold, New York.
Ramirez, Nelson, New York.
Razzano, Robert Thomas, Cohoes.
Reardon, Richard John, Huntington.
Rost, James Francis, Jr., Malverne.
Swagler, Craig Everett, Endwell.
Thomas, James Weldon, Buffalo.
Tyrrell, Walter Ripley, Chemung.
Welch, Stephen Martin, Syracuse.
Wiltsie, Joseph Carl, Cazenovia.

DEATHS RESULTING FROM OTHER CAUSES

Army

Agar, Anthony Philip, Larchmont.
Alfonso, Ronald Joseph, New York.
Alivento, Francis Dominick, New York.
Andino, Nelson, New York.
Batterson, John Peddie, Jr., Larchmont.
Benbow, Evans, Jr., New York.
Boise, Richard Howard, Marion.
Boothe, Ronald Charles, Geneva.
Branch, James, Jamaica.
Broullon, Anthony Joseph, Hempstead, L.I.
Brown, Roger, New York.
Burns, Ernest Doom, New York.
Caballero, Henry John, New York.
Caines, Frederick Alfred, New York.
Carney, Walter John, New York.
Casey, Thomas Jerome, Jr., Wantaugh.
Coles, Leonard Ashworth, Webster.
Collins, Michael, New York.
Connolly, Terrace Charles, New York.
Cordova, Oscar, New York.
Cox, Eugene Thomas, Jackson Heights.
Cummings, Kenneth Thomas, New York.
De Vega, Duane Alfred, New York.
Decker, David Franklin, Hudson.
Denhoff, Alan Brian, Canton.
Devine, Thomas Edward, Beacon.
Dewyea, Ronald Richard, Perrysburg.
Downey, Gerald Joseph, Brockport.
Duncan, Leon Timothy, Buffalo.
Dupre, Larry David, Cleveland.
Edelman, Irwin Leon, Sea Cliff.
Felden, Anthony Wayne, New York.
Frye, John R., Poughkeepsie.
Gapinski, Robert Victor, Buffalo.
Gatti, Dennis Albert, New York.
Genchi, Bernardino Francis, North Babylon.
Green, George Richard, Jr., North Babylon.
Gulbrandsen, Robert Elvend, New York.
Havens, Kenneth Gage, Oneida.
Hayes, William John, Rockaway Beach.
Iozzia, Salvatore, New York.
Irving, Stanley Nixon, New York.
Janowsky, Carl Emil, Jr., Ithaca.
Josephs, Noel Fitzroy, New York.
Keeler, Wililam Howard, Patterson.
Kilgen, John Edward, Northport.
Koneval, Arthur Paul, Rensselaer.
Lapes, Donald Arthur, Hempstead.
Laracuente, Ernesto Luis, New York.
Marfurt, Richard August, Jr., Rockville Centre.
Martinez, Israel, Jr., Great Neck.
Mason, Robert Scott, Jr., Babylon.
Matulonis, John, New York.
Mayer, Robert P., Forest Hills.
Mendez-Quintana, Edward, New York.
Mitchell, Dana Wesson, Skaneateles.
Morgan, Melvin David, Jr., Pittsford.
Nieves, David, New York.
Nulton, James Edward, II, Waverly
O'Keefe, Michael Andrew, Jr., New York.
Ortega, William, New York.
Patterson, Stanley, New York.
Perez, Louis Antonio, New York.
Perez, Wilfred, New York.
Perry, Grafton Lawrence, New York.
Reikmanis, Viesturs, Freeport.
Reitz, Michael Robert, Cuba.
Rentas, Jose Carmelo, Jr., New York.
Reynolds, George F., Jr., Oneonta.
Robinson, Donald Frederick, Long Beach.
Rodriguez, Israel, New York.
Rudy, Paul Charles, Central Islip.
Ryan, Thomas Kevin, Albany.
Sheridan, Eugene Raymond, Petersburg.

Sheridan, Robert Roy, Central Islip.
Shumbris, Eugene Paul, Bayside.
Simpkins, Timothy Hayes, New York.
Smith, Barry James, Rochester.
Snell, Raleigh John, Jr., Flushing.
Stacy, Walter Robert, Salamanca.
Tryon, Gary Paul, Unadilla.
Vega-Diaz, Hector Manuel, New York.
Vultaggio, Anthony, Ridgewood.
Walker, Richard Duane, Elmira.
Wallenbeck, Frank C., Buffalo.
Ward, John Francis, New York.
Washington, Glenn, New York.
White, James Lee, New York.
Williams, Willey Edgar, Jr., New York.
Williamson, William Curtis, Central Islip.
Woodworth, Marc Alan, Auburn.

Air Force

Buschmann, John Richard, New York.
Closson, James Stanley, Saratoga Springs.

Marine Corps

Agard, Rowl and Nathaniel, New York.
Alderman, James Muriel, Binghamton.
Berger, Donald Joseph, Williamsville.
Bernstein, Jack, Woodside.
Best, Charles Hyman, New York.
Bink, James Cleveland, Jr., Selkirk.
Bossong, Frank W., Central Islip.
Brodie, Raymond Herbert, Jr., Middleburg.
Brown, George Washington, New York.
Bruce, Jeffrey Richard, Rochester.
Carlson, Wayne Louis, Endicott.
Deyneka, Carl, Skaneateles.
Edwards, Ronald Charles, New Rochelle.
Ellis, John Michael, Springville.
Geluso, Salvatore Anthony, Jamaica.
Giglio, Philip, New York.
Hasenflug, James Michael, Bethpage.
Jones, Roger Larry, Binghamton.
Jones, William Barton, Oneonta.
Jouvert, Victor Modesto, New York.
Liscum, Ronald Francis, Homer.
Lonergan, Harold Sherman, Albany.
Malone, Richard Lee, Williamson.
Marsh, Robert Allen, Binghamton.
Patrone, John Thomas, Long Island City.
Pfeifer, Ronald Edwin, Bellerose.
Powers, Martin Robert, New York.
Regan, Martin Joseph, Woodside.
Ricetti, Christopher John, Islip Terrace.
Roeckl, Charles, Huntington.
Shropshire, Ronald Lee, New York.
Silveira, Leonel Mendonca, New York.
Thacker, James, Rochester.
Turso, Donald Arthur, Harrison.
Winslow, John Kempe, Hartwick.

Navy

Dilger, Herbert Hugh, Valley Stream.
Horn, Donald Francis, Barneveld.
Lederman, Melvin, New York.
Lisiewski, Frederick Allen, New York.
Naschek, Marvin Joel, New York.

TONKIN, LAOS, AND PEACE

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

Mr. BROWN of California. Mr. Speaker, is this not madness?

All the tragic lessons we were supposed to have learned from our cruel adventurism in Vietnam over the past decade now are seemingly forgotten as we bumble and blunder into newer and potentially more serious Southeast Asian involvements.

What is happening today in Laos could happen tomorrow in Cambodia, in Thailand or any one of a number of hotspots throughout Southeast Asia—or other parts of the world.

And, predictably, the U.S. reaction would be similar.

While this country surely is not alone at fault in precipitating these apparently endless series of "brinks," the foreign and military policy managers in our Government succeed time after time in picking out optimal means of further endangering world peace.

The locales, the characters, the heroes, and bad guys all differ, but the scenario amazingly always stays the same.

For years, Russia loomed as the bogeyman which could be blamed for every action the United States took as it gradually built up friendships with antidemocratic and repressive—often military—regimes all over the globe.

Now, the strawman is mainland China.

Certainly, China may soon pose some sort of threat from its completely unproven and unverified missile fleets. And so, the Military Establishment overreacts by calling for a multibillion-dollar ABM system.

Certainly, China and her Hanoi ally, have abridged some of the agreements reached in the 1962 Geneva accords. And so, unilaterally, without congressional consent—indeed, even as a blatant affront to last year's Senate "national commitments" resolution—America's behind-the-scenes military involvement in Laos broadens tremendously.

Of course, given the implications of the now infamous Tonkin Gulf resolution, President Nixon probably can do anything he wants in Southeast Asia because there always are new bogeymen, new strawmen to be found who could be termed "threats" to this country's national security.

The situation in Laos vividly points out how Congress has almost lost its constitutional powers over foreign policy—and it demonstrates clearly that as the powers of Congress wane, that slack gets fully picked up by the military leaders who are more than willing to allocate every possible dollar to their overbloom schemes and intrigues.

We should make no mistake. In Laos today, American troops and equipment are fully involved in what could become an even deeper commitment than we have experienced in Vietnam.

That anyone could believe that the nature of our activities in Laos could be kept hidden from the Congress and the American public over a long period of time was sheer nonsense. And to disguise those efforts in the shoddy cloaks devised by the CIA and its Pentagon friends was even more foolish.

Our objective of peace in Southeast Asia as a key to worldwide peace fades away as long as we pursue these ridiculous policies.

I am appalled by the recent reports from Laos, and I feel that the time is ripe for decisive and positive congressional action to reverse our foreign policy direction.

Six years ago, in the pressure and turmoil of the Tonkin incident, Congress willingly went along with the administration and hardly questioned the overall implications of the resolution thrust before it.

That must not happen today in regard to Laos—or for Cambodia and Thailand, as well.

We realize that Congress was misled on the Tonkin Gulf resolution, and we know also how much we have suffered because of it.

Now it is time for Congress to both rescind our past mistakes—we cannot forget them—and to assure that no further glaring errors are caused by congressional laxity.

Therefore, tomorrow I shall introduce a broad joint resolution which would serve to repeal the Tonkin Gulf resolution—as well as eliminating earlier similar resolutions and laws pertaining to commitment of American military forces in foreign conflicts—and which also would put Congress on record as opposing the undercover activities and so-called secret warfare now going on in Laos.

In its nine sections the resolution:

First. Repeals existing legislation—including the Tonkin Gulf resolution—relating to the use of American military forces outside the United States.

Second. Seeks to terminate the national emergency proclaimed in 1950 by President Truman, and which is employed as a reason for many of our activist military policies.

Third. Calls for accelerated withdrawal of American troops from Vietnam, and establishment of an international peace-seeking force for Southeast Asia.

Fourth. States that utilization of paramilitary and other so-called civilian agents of our Government in Southeast Asian countries such as Laos violates the national commitments resolution passed by the Senate last year.

Fifth. Proclaims that secret and undercover American-sponsored or funded programs in Southeast Asia should be ended immediately.

Sixth. Declares that bombing missions by U.S. aerial forces in Laotian, Cambodian, or Siamese air space should be discontinued as soon as possible.

Seventh. Calls for a joint congressional resolution on national commitments. This would put the House on record as the Senate did last year.

Eighth. Renews the need for a broader civilian popular government in South Vietnam.

Ninth. Asks for a multicountry huge economic reconstruction program for Southeast Asia.

This broad resolution contains a commonsense approach which will enable Congress and the Nation to undertake a serious quest for worldwide peace.

Laos is the latest folly of a crisis oriented bureaucracy—but with appropriate congressional action, it also could be the last. This type foreign policy has brought us in Laos to yet another brink. The Tonkin Gulf resolution was used by both Presidents under which it has been in effect as the excuse for escalations throughout Southeast Asia.

With this resolution I shall introduce tomorrow, the Congress can remove this blot on its record and take a strong stand on the ever-deepening quagmire that is opening in Laos.

CONTROVERSY RAISES NEW QUESTIONS ABOUT PROPOSED UNDERSEA LONG-RANGE MISSILE SYSTEM

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

Mr. BROWN of California. Mr. Speaker, later in this session we will be asked to approve funds for the Navy's new strategic weapons system known as ULMS—the undersea long-range missile system; $5.4 million was spent for initial research and development on this system in fiscal year 1969 and the Congress approved another $10 million for further formulation of the ULMS concept and preliminary hull design in fiscal year 1970.

For fiscal year 1971 the Navy has more than quadrupled the fiscal year 1970 amount and is requesting $44 million to prepare for engineering development. If we approve the Navy's request, by June or July of this year we will have approved $60 million for this system. And at that point, I am afraid we will have reached the point of no return as far as ULMS is concerned because pressures to go on after such a significant expenditure of funds will then be irresistible.

It may well turn out, of course, that in the judgment of the country and the Congress, we do need an entirely new nuclear missile submarine equipped with a new generation missile as proposed by the Navy. We must, however, reach this decision after the fullest possible scrutiny, because ULMS will ultimately cost tens of billions of dollars.

We must have a clear and unequivocal statement of the threat ULMS would counter and we must be told what ULMS will finally cost. And we must ask these questions now, before we have spent billions of dollars on research and development—as we have with the ABM—and we again find ourselves manufacturing threats to justify the system.

Indeed, there is serious question about the need for a follow-on to our Polaris/Poseidon deterrent as proposed in ULMS. Only 1 year ago, the Senate Armed Services Committee recommended deletion of all ULMS funds and termination of the program, because projected costs were not matched by operational priorities. Five million dollars appropriated by the House Appropriations Committee was upped to $10 million in conference after Navy contentions that threats to Minutemen—protected by Safeguard—"indicates a high probability that our sea-based force will come to be the cornerstone of our strategic deterrent." Are we to take this as a criticism of the highly touted Safeguard, as a realistic assessment of the Soviet threat, or as a desperate attempt by the Navy to keep a foot in the door? Anything less than $10 million, according to the Navy, would keep the program in a "holding status." Mr. Speaker, is this not where this program should be while we attempt to negotiate cutbacks in strategic weapons systems at the SALT talks?

The administration tells us that we must quadruple last year's spending on ULMS and move ahead with the program. In his recent posture statement, Secretary Laird informed us that "a combination of technological developments and the decision by the Soviets to undertake a worldwide ASW effort might result in some increased degree of Polaris/Poseidon vulnerability beyond the mid-1970's." In short, therefore, we "must" spend tens of billions of dollars to cope with something the Soviet Union might do in 1977 or so.

Mr. Laird might ask himself if a stepped-up U.S. ULMS program might not provoke a Soviet ASW response, thus upsetting the balance and providing the Navy with the justification it is looking for to go ahead with full ULMS deployment. Future Soviet ASW threats are indeed remote when we realize that current U.S. strategic planning assumes in a nuclear emergency the Soviets might be able to locate one or two of our 41 Polaris/Poseidon submarines, but there is no guarantee they could destroy even one.

I urge all Members to familiarize themselves with the issues surrounding ULMS, so that when the time comes to authorize or terminate this system, and appropriate or deny funds for it, we can make our decision having studied all the factors involved in proceeding with deployment. The Democratic Study Group's fact sheet on ULMS describes the system and provides a balanced assessment of arguments for and against proceeding with it. I also enclose articles from the Armed Forces Journal and the New York Times, in addition to a DSG staff commentary on points raised by the Navy in the most recent Armed Forces Journal article:

ULMS (UNDERSEA LONG-RANGE MISSILE SYSTEM)

DESCRIPTION

ULMS is a Navy program featuring a new nuclear submarine and new long-range MIRVed missiles. The new missiles would have a range of over 5,000 miles and over 20 missiles could be carried in each new submarine. ULMS would multiply by 10 the undersea area in which we could hide our submarines, due to the increased range of the missiles. The new missiles, because of their increased length may be stored externally and fired from a horizontal position, as opposed to the vertically launched Poseidon and Polaris missiles. Commonality between the ULMS missile and the Air Force's follow-on to the Minuteman may also be possible.

The ULMS submarines would be larger and quieter than the existing Polaris submarines and would be capable of attaining greater depths. Concepts being studied include very slow moving mammoth submarines serviced by smaller shuttle vessels and even an unpowered undersea missile-firing barge. First delivery of an ULMS submarine could be in the late 1970s.

COST

In FY 1969 a total of $5.4 million in R. & D. funds was spent on study of the ULMS concept. The Administration requested $20 million for FY 1970 for preliminary submarine hull design and preparation for engineering development in FY 1971. No official estimates have been released for the total cost of ULMS. If our current Polaris/Poseidon submarine fleet were replaced with the follow-on ULMS, the total cost could reach $25 billion.

FISCAL YEAR 1970 CONGRESSIONAL ACTION

The Senate Armed Services Committee deleted the entire $20 million requested. The House Armed Services Committee authorized the full $20 million, noting the need to hit targets from 360 degrees around the Soviet Union and the need to increase the area in which our submarines hide. The authorizing conference provided $10 million.

The House Appropriations Committee appropriated $5 million for ULMS. DOD then requested funding at the authorized level from the Senate and the appropriations conference provided the full $10 million.

RATIONALE

Soviet ASW advances, particularly in the area of acoustics, could jeopardize the Polaris/Poseidon deterrent during the 1970s. We must therefore increase the ocean area in which our submarines may hide by increasing the range of the missiles they carry in addition to deploying a quieter submarine with greater depth capability. A new submarine will also be needed in the late 1970s as a follow-on to our aging Polaris force.

Increased Soviet SS–9 deployment places our land-based deterrent in danger, necessitating an increase in the capability of our sea based deterrent. ULMS will do this by providing us with the capability to penetrate the Soviet defense perimeter at any point. ULMS will also be able to operate from U.S. harbors, eliminating travel time to and from station in addition to reducing the need for foreign submarine bases. DOD studies show that increasing our undersea capability increases the survivability of our deterrent at less cost than up-grading our Minuteman force through silo hardening, introducing mobile launchers, or ABM deployment.

CRITIQUE

There is no evidence whatsoever of Soviet advances in ASW that could jeopardize our Polaris/Poseidon force. Hedging against a "greater than expected" Soviet threat with ULMS development could force the Soviet Union to develop an ASW capability that would indeed jeopardize Polaris/Poseidon. The enormous cost of ULMS, however, makes it a very cost-ineffective response to increased ASW capability. More effective responses include perfecting our own undersea countermeasure programs and deploying additional Polaris-type submarines.

While Soviet SS–9s may jeopardize our land-based missiles, they in no way affect our 656 Polaris and Poseidon missiles, which are more than sufficient to deter any Soviet attack. Replacement of Polaris/Poseidon with ULMS would not increase the credibility of our undersea deterrent. Our land-based deterrent is already in theory being given additional protection by the Safeguard ABM.

In addition, U.S. commitment at this time to a new strategic weapons system such as ULMS could seriously jeopardize the SALT talks and lead to another upward spiral in the arms race. Faced with ULMS, it is unlikely that the Soviet Union will agree to weapons limitations until they have developed an appropriate response.

[From the Armed Forces Journal, Jan. 24, 1970]

NAVY LAGS IN DEFENSE OF ULMS

Would full-scale replacement of SLBMs (Submarine Launched Ballistic Missiles—the Polaris/Poseidon submarine system) with ULMS (Underwater Long-range Missile System) as the sea prong of the nation's nuclear deterrent shield prove more of a provocation than a deterrent to the Soviet Union?

That question is tentatively posed as one of a number of major objections—to which the Navy has no ready answer—to development of ULMS set forth by the House of Representatives' Democratic Study Group in a new fact sheet on ULMS.

The DSG memorandum—circulated primarily among liberal Democratic members of the House—describes the proposed system, its cost, and recent Congressional action

taken on DoD requests. It also considers the official "rationale" used so far to support ULMS development as well as a "critique" which brings out six major objections to ULMS:

(1) There is no evidence of Soviet ASW advances that could jeopardize the present Polaris/Poseidon force.

(2) ULMS, in fact, hedging against a greater-than-expected Soviet threat, could force the Soviets to develop such an ASW capability that *would* jeopardize the current SLBM force.

(3) The enormous cost of ULMS makes it a very cost-ineffective response to increased Russian ASW capability; more effective responses include perfecting U.S. undersea countermeasure programs and deploying added Polaris submarines.

(4) Russia's SS–9 missiles do not jeopardize Polaris/Poseidon at all.

(5) Replacement of SLBMs with ULMS would not increase the credibility of the U.S. undersea deterrent.

(6) Commitment to such new weapons systems could jeopardize the SALT talks.

THE SILENT SERVICE

The Navy either could not or would not answer the points raised by DSG. Six phone calls made by The Journal to various officials of the Navy's Office of Information and the Naval Material Command brought nothing but hedging, referrals to other officials and promises to call back.

But at Journal presstime the Navy has not come across with the promised calls, much less with answers to any of the DSG-raised objection.

Until it does, it must be conceded that DSG has scored an important "first-strike" hit against what is expected to be one of the Navy's more important programs over the next two decades.

BRUCE CASSABOOM.

[From the New York Times, Feb. 9, 1970]

NAVY REQUESTING A NEW SUB FLEET—SEEKS $44 MILLION—PROJECT SCORED BY DEMOCRATS

(By Robert M. Smith)

WASHINGTON, February 7.—The Navy has asked Congress for $44-million to pay for research on a nuclear-armed submarine fleet that Democratic liberals think is unnecessary and could "lead to another upward spiral in the arms race."

The budget request for ULMS, or underwater long-range missile system, is more than four times this year's appropriation. The funds would go for the research and development of a larger, quieter nuclear submarine that would carry new, long-range missiles.

The missiles would be of the MIRV variety in that each missile would contain a cluster of independently targetable reentry vehicles. The vehicles are powerful nuclear warheads that can be aimed at widely separated targets.

A report on ULMS, prepared by the House Democratic Study Group, says that the new system could cost $25-billion if it replaces the current Navy fleet of nuclear subs and "could seriously jeopardize the SALT talks." These strategic arms limitation talks between the Soviet Union and the United States are scheduled to be resumed in Vienna in April.

TOTAL COST UNAVAILABLE

The Defense Department says that no total projected cost is available for ULMS because the system is still in the development stage.

The Navy has explained that it wants ULMS for the following reasons:

Soviet advances in the nineteen-seventies in antisubmarine warfare could jeopardize the American fleet of Polaris submarines and Polaris subs converted to carry Poseidon missiles.

The ULMS subs could be deployed over most of the oceans of the world—instead of in limited areas—and would be harder to find. They could be spread over a wider area because their missiles would have a longer range. In addition, the ULMS subs would be quieter craft than the Polaris subs and harder to find by sonar.

If Soviet missiles are able to pinpoint and destroy America's land-based retaliatory missiles—the Minuteman missiles in their underground silos—the United States will need more of a sea-based deterrent.

Dr. Robert A. Frosch, an Assistant Secretary of the Navy, told the House Defense Appropriations Subcommittee last June:

"If the Soviet threat indicates the need to move additional strategic offensive force capability to sea, the pursuance of an orderly but vigorous development program now would permit us to deploy an increased capability, highly survivable sea-based system."

As the Polaris system gets old, a new submarine force will be needed to replace it.

The Democratic Study Group attacked each of these reasons.

The study group is a 10-year-old coalition of liberal House Democrats whose interests have recently come to include military spending.

The study group's response to the Navy position was:

"There is no evidence whatsoever of Soviet advances in [antisubmarine warfare] that could jeopardize our Polaris-Poseidon force. Hedging against a 'greater than expected' Soviet threat with ULMS development could force the Soviet Union to develop a capability that would indeed jeopardize Polaris-Poseidon."

According to the study group while Soviet missiles may come to threaten the United States arsenal of land-based Minuteman missiles, they would not affect the 656 Polaris and Poseidon missiles the United States will have, "which are more than sufficient to deter any Soviet attack."

The report also points out that some Minuteman sites are going to get additional protection from proposed expansion of the Safeguard antiballistic missile system.

Finally, the group said, a commitment to a new nuclear system like ULMS "could seriously jeopardize the SALT talks. Faced with ULMS, it is unlikely that the Soviet Union will agree to weapons limitations until they have developed an appropriate response."

[From the Armed Forces Journal, Feb. 14, 1970]

ULMS IS "PEACE BUILDING BLOCK": NAVY

The Navy says its proposed ULMS (Undersea Long-Range Missile System) would be the most indestructible "building block for peace" available to the U.S. in the foreseeable future.

Navy officials say full-scale ULMS deployment could tip the hair-trigger balance of nuclear terror in favor of the United States—practically if not technologically—by creating an insurmountable ASW problem for Russia.

Such a development would approach the "technological breakthrough" in the arms race that strategists apparently have been striving for.

ULMS would minimize the danger of a surprise nuclear attack, Navy spokesmen say, and thus enhance the chances for world peace.

The ULMS and the grand oceanic strategy it represents would be more of a deterrent to the Soviet Union than a provocation was one of the points Navy officials stressed in answering for The Journal six major objections to ULMS posited in a recent ULMS fact sheet put out by the House of Representatives' Democratic Study Group (Journal 24 January).

ULMS, the Navy says, has a system survivability which would provide the one factor making credible to the Russians a U.S. pledge not to strike the first nuclear blow.

THE COCKED PISTOL

At present, officials claim, all the Russians really have to go on is America's word. Soviet strategists now see in CONUS enough nuclear firepower to completely wipe out the USSR.

Most of it is on a 15-minute "cocked-pistol" alert. Thus Soviet planners would pay little attention to a "never-strike-first" pledge because they are required—simply as a matter of practical planning—to fear that someday, by design or accident, the American nuclear pistol will go off.

The Soviets thus must build up their own ability to strike first, increasing as they do so (as they see it) the temptation for the U.S. itself to strike first.

The Navy argues that moving the bulk of U.S. nuclear firepower to sea where Soviet planners know they cannot destroy it with a surprise attack—and where its survivability time would be measured in hours or days instead of minutes—would make credible the "never strike first" pledge. In addition, of course, a shift to a sea-based deterrent, Navy officials observe, would remove U.S. cities and military installations from the line of fire.

With a nuclear deterrent relatively secure from surprise attack, a two-fold message would be conveyed to potential aggressors:

(1) A surprise attack upon the United States would gain no military advantage, and would unquestionably result in disaster for the attacker;

(2) The U.S. does not desire, nor need, to resort to a first strike to insure its own security.

Navy and JCS studies both have concluded, officials told the Journal, that "no significant portion" of a sea-dispersed surface ship force—with no defense except its own mobility—"could be destroyed immediately in a first strike."

GOES LAIRD ONE BETTER

In claiming ULMS as the ultimate in strategic nuclear deterrence, the Navy goes one step further than Secretary of Defense Melvin R. Laird, who recently called ULMS one of the best offensive systems that could be considered and said he puts it "very high on the list" of offensive strategic capabilities which ought to be considered.

The Administration is asking $44-million for ULMS research and development in FY 71. The Administration asked for $20-million last year, but only got $10-million—in a successful reclama against a Senate wipeout of the original request.

ULMS now exists only in early but reportedly highly promising developmental studies. The system would be essentially an upgrading of the Polaris/Poseidon submarine fleet, and would be equipped with missiles of greatly increased range over that of Polaris/Poseidon.

One disadvantage of the Polaris submarine is its limited range. To reach their targets Polaris submarines have to operate within roughly 800 miles of the Eurasian shoreline.

Although currently beyond enemy detection, Polaris submarines are nonetheless thus confined to a relatively limited 800-mile belt which the Soviets someday might be able to saturate with more effective ASW ships and devices. Poseidon adds an increased number of warheads to Polaris, but no significant increase in range.

By its quantum increase in range ULMS promises to create a hopefully insoluble ASW problem for any U.S. enemy.

SOVIET DILEMMA CUBED

The extent of the potential Soviet problem with ULMS is illustrated by the fact that, for every hundred miles range increase of a submarine, the opposing ASW problem

goes up, not by the square, but almost by the cube, because a third dimension, depth, is involved, as well as area.

Not only would ULMS be operating in a greatly expanded *area* from which attacks could be launched against any U.S. enemy, but it could attack from virtually every sector of the globe—Navy officials point out that the Minuteman ICBM can be launched against the USSR only through a small pie-shaped sector across the top of the world.

On-station replenishment and relief of personnel would minimize the percentage of time ULMS vessels would need to be in vulnerable ports, and would simultaneously increase the percentage of the nuclear offensive force which could be maintained in continuous readiness at sea.

Some Navy officials told The Journal that, based on SecDef Laird's estimate of a Russian "first strike capability by the mid-'70s," they consider it imperative to sea-base the bulk of the nation's nuclear striking power by the end of that time period.

Doing so, they said, "removes the major danger of a nuclear surprise attack," provides a "more stable posture," and eliminates the need for a "hair-trigger posture" which makes "high noon instant retaliation inevitable."

Related note: a *New York Sunday Times* article on ULMS observes that:

(1) Although proposed FY 71 R&D funds for ULMS are earmarked for a larger, quieter nuclear submarine to carry the new long-range missiles, the new submarines would be needed in any case as the present Polaris fleet ages.

(2) The $44-million R&D figure is four times the amount of last year's appropriation, but DoD says no total projected cost for the complete system is available because ULMS is still in the development stage—the DSG says the final ULMS force could cost up to $25-billion.

BRUCE CASSABOOM.

[From the Armed Forces Journal, Feb. 14, 1970]

NAVY ANSWERS OBJECTIONS TO ULMS

Here are the six major objections to ULMS presented by the Democratic Study Group (Journal 24 Jan.) and the Navy's answers to each:

(1) There is no evidence of Soviet ASW advances that could jeopardize the present Polaris/Poseidon force.

Someday there may be such advances or breakthroughs and it might be too late then to start developing appropriate countermeasures.

(2) ULMS, by hedging against a greater-than-expected Soviet threat, could force the Soviets to develop such an ASW capability that would jeopardize the current SLBM force.

Because ULMS would create ASW problems for the Soviets, it would instead force the Soviets to reorient their strategy and build other weapons.

(3) The enormous cost of ULMS makes it a very cost-ineffective response to increased Russian ASW capability; more effective responses include perfecting U.S. undersea countermeasure programs and deploying added Polaris subarines.

Figures show that the cost of (1) a fully mobile Minuteman system, (2) silo hardening, and (3) ULMS are "roughly comparable." Increasingly the operating area of the main nuclear attack force—the sea launching pad—without the need for buying new sophisticated weapons (ULMS would build on the Polaris system as a base) is very cost-effective. The sheer expense to the enemy, in addition, becomes "an almost unmanageable problem". It would take three Soviet subs to cover each ULMS vessel.

(4) Russia's SS–9 missiles do not jeopardize Polaris/Poseidon at all.

"No, they jeopardize the United States! And the name of the game is preserve the United States, not the Navy. They [DSG] have lost sight of this."

(5) Replacement of SLBMs with ULMS would not increase the credibility of the U.S. undersea deterrent.

For the reasons stated earlier, it is precisely the purpose of ULMS to optimize this deterrence.

(6) Commitment to such new weapons systems could jeopardize the SALT talks.

Navy officials did not address themselves to this objection specifically, but other pro-ULMS sources point out that an ULMS production commitment—even if it does come—is not likely to occur in a time frame which would jeopardize the SALT talks—scheduled to start in earnest in a few months.

DSG STAFF COMMENTARY ON NAVY ULMS RATIONALE AS EXPRESSED IN THE ARMED FORCES JOURNAL, FEBRUARY 14, 1970

1. The Navy's assertion regarding future Soviet ASW capabilities is of course speculative. Presumably the Navy will keep us alert to such new Soviet ASW developments. At present, however, there is not sufficient evidence of Soviet advances in ASW technology to warrant deployment of the ULMS system. According to Admiral Levering Smith, the Poseidon Project Manager, our present undersea deterrent is now invulnerable.

2. The Navy's argument that ULMS will force the Soviet Union to build "other weapons" is surely a poor argument in its favor since it is official U.S. policy to try to limit the arms race. Once the Soviet Union builds "other weapons," we will have to respond with "other weapons" of our own. The Navy seems to be arguing in favor of a permanent arms race.

3. Since the Navy has never officially estimated the cost of ULMS, it is difficult to see how it can compare ULMS costs to estimates regarding Hard Rock Silos or Mobile Minutemen. In fact, Hard Rock Silos for 1,000 Minutemen would cost about $6 billion. ULMS would cost far more. While ULMS may "build on Polaris as a base," it will still require a new submarine and all new missiles in its current concept. If the Navy wishes to debate ULMS on economy grounds, the least it can do is tell the Congress how much the system will finally cost.

4. Is the Navy suggesting that the United States could conceivably be preserved without the Navy?

5. The Navy has never demonstrated (or officially contended) that our current undersea deterrent is not "optimized." If the U.S. undersea deterrent is endangered neither by foreseeable Soviet ASW advances, SS–9 deployment, nor anything else, how can upgrading it serve any purpose?

6. A "production commitment" is not necessary to jeopardize the SALT talks. Significantly stepped up development could perform the same function, because such stepped up development would give Soviet hardliners an excuse for delay so that an appropriate Soviet response could be developed. U.S. ULMS deployment, as the Navy admits, "could tip the hair-trigger balance of nuclear terror in favor of the United States." Since development gets us closer to deployment of a potential doomsday system, the Soviet Union would be foolish indeed to agree to arms cutbacks in the face of accelerated development of such a system.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KLUCZYNSKI (at the request of Mr. GRAY), for today and the remainder of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PUCINSKI, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. WINN) and to revise and extend their remarks and include extraneous matter:)

Mr. STEIGER of Wisconsin, for 30 minutes, today.

Mr. POFF, for 10 minutes, today.

Mr. BIESTER, for 10 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. PUCINSKI) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. BARRETT, for 15 minutes, today.

Mr. ALEXANDER, for 60 minutes, on March 9.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ANDERSON of Illinois to extend his remarks during the 1-minute rule today following the President's message on education.

Mr. PERKINS and to include extraneous material.

Mr. CONTE to revise and extend his remarks made today on H.R. 15931.

Mr. ROBERTS to extend his remarks today immediately following those of Mr. PATMAN.

Mr. BOLAND to extend his remarks immediately preceding the vote on the motion to instruct conferees on H.R. 15931, today.

Mr. DONOHUE prior to passage of H.R. 14645 and H.R. 10068 on the Consent Calendar.

Mr. KOCH during the colloquy on H.R. 15143.

Mr. ULLMAN, Mr. DONOHUE, Mr. HUNGATE, and Mr. KYL to revise their remarks made today on H.R. 914.

Mr. PHILBIN in five instances and to include extraneous matter.

(The following Members (at the request of Mr. WINN) and to include extraneous matter:)

Mr. WYATT.

Mr. BURTON of Utah in five instances.

Mr. HOGAN in two instances.

Mr. ASHBROOK.

Mr. BELL of California.

Mr. BERRY.

Mr. PELLY in two instances.

Mr. ARENDS.

Mr. SCHERLE.

Mr. BROTZMAN.

Mr. REID of New York in three instances.

Mr. BUTTON.

Mr. BROYHILL of Virginia in two instances.

Mr. HOSMER in four instances.

Mr. MIZE.

Mr. COWGER.

Mr. AYRES.

Mr. WYMAN in two instances.

Mr. DERWINSKI in three instances.
Mr. BLACKBURN.
Mr. DUNCAN in two instances.
Mr. THOMPSON of Georgia.
Mr. COUGHLIN.
Mr. SPRINGER.
Mr. LLOYD.
Mr. KING in five instances.
Mr. HORTON in three instances.
Mr. GROVER.
Mr. WYDLER.
Mr. FINDLEY.
Mr. POLLOCK.
Mrs. HECKLER of Massachusetts.
Mr. DON H. CLAUSEN in two instances.
Mr. MCCLURE.
Mr. BOB WILSON in three instances.
Mr. LUJAN in two instances.
Mr. MORSE.
Mr. QUIE.
Mr. KEITH.
Mr. SKUBITZ in two instances.

(The following Members (at the request of Mr. PUCINSKI) and to include extraneous matter:)

Mr. CORMAN in five instances.
Mr. HANNA in five instances.
Mr. OTTINGER in two instances.
Mr. PUCINSKI in 10 instances.
Mr. O'HARA in two instances.
Mr. KARTH in two instances.
Mr. BROWN of California in 10 instances.
Mr. MAHON.
Mr. MATSUNAGA.
Mr. GONZALEZ.
Mr. HUNGATE in eight instances.
Mr. BENNETT in three instances.
Mr. BINGHAM in three instances.
Mr. FRASER.
Mr. MURPHY of New York in two instances.
Mr. BURKE of Massachusetts in two instances.
Mr. RODINO.
Mr. GALLAGHER.
Mr. EVANS of Colorado in two instances.
Mr. CAREY.
Mr. FOUNTAIN in two instances.
Mr. TAYLOR in two instances.
Mr. MIKVA in six instances.
Mr. EDWARDS of Louisiana.
Mr. RYAN in three instances.
Mr. STEED in two instances.
Mr. GIBBONS in two instances.
Mr. RARICK in two instances.
Mr. BOLAND.
Mr. COHELAN in three instances.
Mr. EVINS of Tennessee.
Mr. HELSTOSKI.
Mr. MURPHY of Illinois.
Mr. FRIEDEL in three instances.
Mr. STEPHENS in three instances.
Mr. EDWARDS of California in three instances.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 11702. An act to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on March 2, 1970, present to the President, for his approval, bills of the House of the following titles:

H.R. 11651. An act to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached; and

H.R. 14733. An act to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other purposes.

ADJOURNMENT

Mr. MIKVA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, March 4, 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:

1705. A letter from the Architect of the Capitol, transmitting the semiannual report of expenditure from money appropriated for the period July 1–December 31, 1969, pursuant to the provisions of section 105(b) of Public Law 88–454; to the Committee on Appropriations.

1706. A letter from the Deputy Secretary of Defense, transmitting the report of members of the Armed Forces entitled to special pay for duty subject to hostile fire for calendar year 1969, pursuant to the provisions of 37 U.S.C. 310; to the Committee on Armed Services.

1707. A letter from the Deputy Secretary of Defense, transmitting a report relative to special pay for certain officers for calendar year 1969, pursuant to the provisions of 37 U.S.C. 306; to the Committee on Armed Services.

1708. A letter from the Under Secretary of the Navy, transmitting the semiannual report, by grade and age group, of certain officers entitled to incentive pay, pursuant to the provisions of 37 U.S.C. 301(g); to the Committee on Armed Services.

1709. A letter from the Administrator, Small Business Administration, transmitting the second monthly report on the implementation of the business loan and investment fund, pursuant to the provisions of section 301 of Public Law 91–151; to the Committee on Banking and Currency.

1710. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to establish a National Institute of Education, and for other purposes; to the Committee on Education and Labor.

1711. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a report relative to the guaranteed student loan program accessibility, pursuant to the provisions of section 6, Public Law 91–95; to the Committee on Education and Labor.

1712. A letter from the Secretary of State, transmitting the ninth annual report on the activities of the East-West Center relative to cultural and technical interchange for the year ending June 30, 1969, pursuant to the provisions of Public Law 86–472; to the Committee on Foreign Affairs.

1713. A letter from the Director, U.S. Information Agency, transmitting the 32d semiannual report of the Agency for the period January 1–June 30, 1969, pursuant to the provisions of section 1008 of Public Law 402, 80th Congress; to the Committee on Foreign Affairs.

1714. A letter from the Comptroller General of the United States, transmitting a report on the opportunity for the Army to save on the cost of temporary lodging for student officers at Fort Rucker, Ala., Department of the Army; to the Committee on Government Operations.

1715. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting; to the Committee on Interstate and Foreign Commerce.

1716. A letter from the Executive Director, Federal Communications Commission, transmitting a copy of the report on backlog of pending applications and hearing cases as of January 31, 1970, pursuant to the provisions of section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1717. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to the provisions of section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1718. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to the provisions of section 212(d)(6) of the act; to the Committee on the Judiciary.

1719. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1720. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1721. A letter from the Administrator, General Services Administration, transmitting a prospectus proposing construction of a post office and courthouse at Aberdeen, Miss., pursuant to the provisions of section 7(a) of the Public Buildings Act of 1959 (73 Stat. 480), as amended; to the Committee on Public Works.

1722. A letter from the Comptroller General of the United States, transmitting the first annual report on the examination of financial statements of the Disabled American Veterans national headquarters for the year ended December 31, 1968, and the life membership fund and service foundation for the year ended June 30, 1969, pursuant to the provisions of the act of June 17, 1932, as amended by Public Law 90–208; to the Committee on Veterans' Affairs.

1723. A letter from the Secretary of the Army, transmitting the annual report of the Chief of Engineers on civil works activities for the fiscal year ended June 30, 1968; to the Committee on Public Works.

1724. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to provide for the settlement of the labor

dispute between certain carriers by railroad and certain of their employees; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Science and Astronautics. Assessment of space communications technology (Rept. No. 91–859). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 860. Resolution for consideration of H.R. 14169, a bill to amend section 402 of the Agriculture Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act (Rept. No. 91–860). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 861. Resolution for consideration of H.R. 11832, a bill to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any other country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes (Rept. No. 91–861). Referred to the House Calendar.

Mr. MADDEN. Committee on Rules. House Resolution 862. Resolution for consideration of S. 2910, an act to amend Public Law 89–260 to authorize additional funds for the Library of Congress James Madison Memorial Building (Rept. No. 91–862). Referred to the House Calendar.

Mr. FLOOD: Committee of conference. Conference report on H.R. 15931 (Rept. No. 91–863). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 16234. A bill to amend the Federal Home Loan Bank Act; to the Committee on Banking and Currency.

By Mr. AYRES (for himself, Mr. GERALD R. FORD, Mr. QUIE, Mr. BELL of California, Mr. ERLENBORN, Mr. ESCH, Mr. ESHLEMAN, Mr. STEIGER of Wisconsin, and Mr. HANSEN of Idaho):

H.R. 16235. A bill to establish a National Institute of Education, and for other purposes; to the Committee on Education and Labor.

By Mr. BOGGS:

H.R. 16236. A bill to continue for a temporary period the existing suspension of duty on heptanoic acid; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 16237. 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. 16238. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16239. 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 regulation 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. 16240. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16241. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16242. 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. 16243. 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. FRASER:

H.R. 16244. A bill to extend the District of Columbia Compulsory Immunization Statute; to the Committee on the District of Columbia.

By Mr. FRIEDEL:

H.R. 16245. A bill to amend the Interstate Commerce Act, as amended, in order to make unlawful, as unreasonable and unjust discrimination against and an undue burden upon interstate commerce, certain property tax assessments of common and contract carrier property, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KEE:

H.R. 16246. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, relating to law enforcement assistance, to encourage the States and units of local government to provide civil service coverage for all law enforcement personnel other than elected officials; to the Committee on the Judiciary.

By Mr. LANDGREBE:

H.R. 16247. A bill to establish nondiscriminatory school systems and to preserve the rights of elementary and secondary students to attend their neighborhood schools, and for other purposes; to the Committee on Education and Labor.

By Mr. MACDONALD of Massachusetts:

H.R. 16248. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 percent across-the-board increase in annuities and pension thereunder (with a minimum retirement annuity of $80 a month); to the Committee on Interstate and Foreign Commerce.

By Mr. MATHIAS:

H.R. 16249. A bill to provide for the withdrawal of the right of entry for mining purposes with respect to certain real property located in Kern County, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. MIKVA:

H.R. 16250. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Judiciary.

By Mr. NELSEN:

H.R. 16251. A bill to amend the Interstate Commerce Act, as amended, in order to make unlawful, as unreasonable and unjust discrimination against and an undue burden upon interstate commerce, certain property tax assessments of common and contract carrier property, and for other purpses; to the Committee on Interstate and Foreign Commerce.

By Mr. O'KONSKI:

H.R. 16252. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for investments in certain economically lagging regions; to the Committee on Ways and Means.

By Mr. OTTINGER:

H.R. 16253. A bill to establish a National Advisory Commission on School Finance to conduct a comprehensive study of the problems of financing elementary and secondary education in America; to the Committee on Education and Labor.

By Mr. PODELL:

H.R. 16254. A bill to reduce mortgage interest rates charged middle-income families, and for other purposes; to the Committee on Banking and Currency.

By Mr. PRICE of Illinois:

H.R. 16255. A bill to amend title XVIII of the Social Security Act to provide payments for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. PUCINSKI:

H.R. 16256. A bill to amend the Federal Water Pollution Control Act to ban polyphosphates in detergents and to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

By Mr. ROE:

H.R. 16257. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR:

H.R. 16258. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. SCHEUER (for himself, Mr. HELSTOSKI, Mr. ROE, and Mr. TIERNAN):

H.R. 16259. A bill to provide for the elimination of the use of lead in motor vehicle fuel and the installation of adequate antipollution devices on motor vehicles, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHNEEBELI:

H.R. 16260. A bill to provide that the interest on certain insured loans sold out of the Agricultural Credit Insurance Fund shall be included in gross income; to the Committee on Ways and Means.

By Mr. WIDNALL:

H.R. 16261. A bill to provide long-term financing for expanded urban mass transportation programs, and for other purposes; to the Committee on Banking and Currency.

By Mr. BRADEMAS (for himself, and Mr. REID of New York):

H.R. 16262. A bill to establish a National Institute of Education, and for other purposes; to the Committee on Education and Labor.

By Mr. FINDLEY:

H.R. 16263. A bill to prohibit diversion of highway revenue; to the Committee on Public Works.

By Mr. GERALD R. FORD:

H.R. 16264. A bill to reduce budget outlays by restructuring or terminating certain outmoded or uneconomic Federal programs; to the Committee on Government Operations.

By Mr. GERALD R. FORD (for himself, Mr. BUTTON, Mr. COUGHLIN, Mr. DERWINSKI, Mr. FISH, Mr. HARVEY, Mr. HORTON, Mr. HOSMER, Mr. KEITH, Mr. KUYKENDALL, Mr. MCCLORY, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MORSE, Mr. MOSHER, Mr. ROBISON, Mr. WHITEHURST, and Mr. BROWN of Michigan):

H.R. 16265. A bill to provide a consolidated, comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. GALLAGHER:

H.R. 16266. A bill to prohibit creditors from reporting disputed accounts to credit bureaus as delinquent; to the Committee on Banking and Currency.

H.R. 16267. A bill to provide that the willful and persistent refusal of a creditor to make corrections in the account of a consumer shall relieve the consumer of liability thereon; to the Committee on Banking and Currency.

By Mr. GIBBONS:

H.R. 16268. A bill declaring a public interest in the open beaches of the Nation, providing for the protection of such interest, for the acquisition of easements pertaining to such seaward beaches and for the orderly management and control thereof; to the Committee on Interior and Insular Affairs.

By Mr. HOGAN:

H.R. 16269. A bill to amend the District of Columbia Teachers' Salary Act of 1955 to increase the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. LUJAN (for himself, Mr. McCLOSKEY, Mr. POLLOCK, Mr. VANDER JAGT, Mr. HARRINGTON, Mr. HALPERN, Mr. MANN, Mr. BURTON of Utah, Mr. REIFEL, Mr. QUIE, Mr. NELSEN, Mr. HALEY, Mr. LUKENS, and Mr. BURKE of Florida):

H.R. 16270. A bill to authorize the Secretary of Health, Education, and Welfare to make Indian hospital facilities available to non-Indians under certain circumstances; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAGAN:

H.R. 16271. A bill to reorganize the executive branch of the Government by transferring to the Secretary of Health, Education, and Welfare and the Secretary of the Interior certain functions of the Secretary of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 16272. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Wisconsin:

H.R. 16273. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE:

H.R. 16274. A bill to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research and institutes, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FRASER:

H.J. Res. 1108. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. HAGAN:

H.J. Res. 1109. Joint resolution proposing an amendment to the Constitution of the United States relating to the freedom of choice; to the Committee on the Judiciary.

By Mr. ZION:

H.J. Res. 1110. Joint resolution authorizing the President to proclaim the fourth week of April of each year as "National Coin Week"; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.J. Res. 1111. Joint resolution proposing an amendment to the Constitution of the United States providing that citizens of the United States who are 18 years of age or older and are members of the Armed Forces of the United States shall not be prevented from voting in certain election on grounds of their age; to the Committee on the Judiciary.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.J. Res. 1112. Joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. DIGGS:

H. Con. Res. 520. Concurrent resolution authorizing the printing of an additional 1,000 copies of House Report 91–610, 91st Congress, first session, entitled "Report of Special Study Mission to Southern Africa" for the use of the Committee on Foreign Affairs of the House of Representatives; to the Committee on House Administration.

By Mr. PODELL:

H. Con. Res. 521. 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. DENT:

H. Res. 863. Resolution to amend the rules of the House to abolish joint sponsorship of bills, memorials or resolutions; to the Committee on Rules.

By Mr. O'HARA:

H. Res. 864. Resolution to amend the rules of the House to abolish joint sponsorship of bills, memorials or resolutions; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 16275. A bill for the relief of Mrs. Serafia R. Impang; to the Committee on the Judiciary.

By Mr. GIAIMO:

H.R. 16276. A bill for the relief of William E. Carroll; to the Committee on the Judiciary.

By Mr. THOMPSON of Georgia:

H.R. 16277. A bill for the relief of John R. Hammond and the Public Health Service, Department of Health, Education, and Welfare; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

409. By the SPEAKER: Petition of the council of the city of Burbank, Calif., relative to repealing the Emergency Detention Act of 1950; to the Committee on Internal Security.

410. Also, petition of the city council of Boston, Mass., relative to an increase in social security benefits; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

FEDERAL CIVILIAN EMPLOYMENT, JANUARY 1970

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1970

Mr. MAHON. Mr. Speaker, I include a release highlighting the January 1970 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, JANUARY 1970

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of January was 2,929,564.

It should be noted that the Legislative and Judicial Branches are included for the first time in this series of reports on Federal personnel and pay beginning with this report for January 1970.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of January totaled 2,893,748. This was a net decrease of 18,913 as compared with employment reported in the preceding month of December. Employment by months in fiscal year 1970, which began July 1, 1969, follows:

Month	Employment	Increase	Decrease
July 1969	3,049,502	+9,140	
August	3,015,864		−33,638
September	2,945,752		−70,112
October	2,927,741		−18,011
November	2,913,598		−14,143
December	2,912,661		−937
January 1970	2,893,748		−18,913

Total employment in civilian agencies of the Executive Branch for the month of January was 1,641,667, a decrease of 8,120 as compared with the December total of 1,649,787. Total civilian employment in the military agencies in January was 1,252,081, a decrease of 10,793 as compared with 1,262,874 in December.

Civilian agencies of the Executive Branch reporting the largest decreases were Post Office Department with 13,816, and Agriculture Department with 2,152. The largest increase was reported by Treasury Department with 6,502. These changes were largely seasonal.

In the Department of Defense the largest decreases in civilian employment were reported by the Army with 4,379, Navy with 3,270 and Air Force with 2,521.

Total Executive Branch employment inside the United States in January was 2,654,372, a decrease of 16,200 as compared with December. Total employment outside the United States in January was 239,376, a decrease of 2,713 as compared with December.

The total of 2,893,748 civilian employees of the Executive Branch reported for the month of January 1970 includes 2,589,645 full time employees in permanent positions. This represents a decrease of 5,515 in such employment from the preceding month of December. These figures are shown in Table 2 of the accompanying report.

The total of 2,893,748 civilian employees certified to the Committee by the Executive Branch agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad, but in addition to these there were 107,181 foreign nationals working for U.S. agencies overseas during January who were not counted in the usual personnel reports. The number in December was 108,516.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in the month of January totaled 29,020. Employment in the Judicial Branch in the month of January totaled 6,796. (The Leg-