United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS, FIRST SESSION

## HOUSE OF REPRESENTATIVES—*Tuesday, November 2, 1971*

The House met at 12 o'clock noon.

Rev. William E. Smith, Th. D., D.D., senior minister, North Broadway United Methodist Church, Columbus, Ohio, offered the following prayer:

Infinite God, our Father, we humbly seek Your guidance and ask Your blessings as we take up the pressing problems confronting our land. Help us to remember that we are ultimately accountable not to the Nation, nor to history, but to You, Architect of the universe, Father of all men, Author of liberty.

Grant us, therefore, a high sense of responsibility that will not fail amid the pressures and conflicts and storms of life. Wisdom we have. Knowledge has been given us. Now grant us courage to do Your will.

"He has showed you, O man, what is good:
And what does the Lord require of you
But to do justice, to love kindness,
And to walk humbly with your God?"
—Micah 6: 8.

We earnestly pray. Amen.

### THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

### PRIVATE CALENDAR

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

### MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

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.

### MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia Di Giorgio.

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.

### WILLIAM D. PENDER

The Clerk called the bill (H.R. 5657) for the relief of William D. Pender.

Mr. HALL. 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 Missouri?

There was no objection.

### JANIS ZALCMANIS, GERTRUDE JANSONS, LORENA JANSONS MURPHY, AND ASJA JANSONS LIDERS

The Clerk called the bill (H.R. 6100) for the relief of Janis Zalcmanis, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Liders.

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

H.R. 6100

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions of section 36(c) of the Trading With the Enemy Act, as amended, the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Janis Zalcmanis the sum of $28,624.31, to Gertrude Jansons the sum of $9,541.44, to Lorena Jansons Murphy the sum of $9,541.44, and to Asja Jansons Liders the sum of $9,541.44, in full satisfaction of their claims to statutory interest at the rate of 6 per centum, as provided by section 3771 of the Internal Revenue Code of 1939, on taxes erroneously paid to the Internal Revenue Service from their vested property by the Office of Alien Property on March 15, 1946, and later refunded to them, without interest, on March 29, 1955

No part of each amount appropriated in this Act in excess of 20 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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.

### MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. BROWN of Michigan. 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 Michigan?

There was no objection.

### MRS. ELEANOR D. MORGAN

The Clerk called the bill (H.R. 7569) for the relief of Mrs. Eleanor D. Morgan.

Mr. BROWN of Michigan. 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 Michigan?

There was no objection.

### CHARLES COLBATH

The Clerk called the bill (H.R. 4310) for the relief of Charles Colbath.

Mr. HALL. 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 Missouri?

There was no objection.

### MRS. CARMEN PRADO

The Clerk called the bill (H.R. 6108) for the relief of Mrs. Carmen Prado.

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.

### RENE PAULO ROHDEN-SOBRINHO

The Clerk called the bill (H.R. 5181) for the relief of Rene Paulo Rohden-Sobrinho.

Mr. HALL. 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 Missouri?

There was no objection.

### CATHERINE E. SPELL

The Clerk called the bill (H.R. 7312) for the relief of Catherine E. Spell.

Mr. HALL. 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 Missouri?

There was no objection.

### DOROTHY G. McCARTY

The Clerk called the bill (S. 1810) for the relief of Dorothy G. McCarty.

Mr. HALL. 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 Missouri?

There was no objection.

### FRANK J. McCABE

The Clerk called the bill (H.R. 1862) for the relief of Frank J. McCabe.

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.

### DONALD L. BULMER

The Clerk called the bill (H.R. 1994) for the relief of Donald L. Bulmer.

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.

### MRS. MARINA MUNOZ DE WYSS (NEE LOPEZ)

The Clerk called the bill (H.R. 5579) for the relief of Mrs. Marina Munoz de Wyss (nee Lopez).

Mr. HALL. 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 Missouri?

There was no objection.

### EDDIE TROY JAYNES, JR., AND ROSA ELENA JAYNES

The Clerk called the bill (S. 306) for the relief of Eddie Troy Jaynes, Jr., and Rosa Elena Jaynes.

Mr. HALL. 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 Missouri?

There was no objection.

### HELEN ROSE BOTTO

The Clerk called the bill (H.R. 1966) for the relief of Helen Rose Botto.

Mr. BROWN of Michigan. 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 Michigan?

There was no objection.

### VITO SERRA

The Clerk called the bill (H.R. 5586) for the relief of Vito Serra.

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.

### CARMEN MARIA PENA-GARCANO

The Clerk called the bill (H.R. 6342) for the relief of Carmen Maria Pena-Garcano.

Mr. HALL. 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 Missouri?

There was no objection.

### S. SGT. J. C. BELL, JR., U.S. AIR FORCE

The Clerk called the bill (H.R. 3227) for the relief of S. Sgt. J. C. Bell, Jr., U.S. Air Force.

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

H.R. 3227

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $4,000 to Staff Sergeant J. C. Bell, Junior, of Las Vegas, Nevada, in full settlement of his claim against the United States for reimbursement for medical and hospital expenses incurred by him in 1968 in Wichita, Kansas, on behalf of his dependent mother as the result of erroneous information given him by Air Force personnel concerning the availability of facilities for the treatment of his mother at Government medical facilities. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, strike "$4,000" and insert "$3,992.80".

The committee amendment was agreed to.

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

### CALL OF THE HOUSE

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

The SPEAKER. Will the gentleman withhold that until the bill is passed?

Mr. HAYS. No, Mr. Speaker. I insist on my point of order.

The SPEAKER. The gentleman from Ohio makes the point of order that a quorum is not present. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 339]

| | | |
|---|---|---|
| Abbitt | Ford, William D. | Moss |
| Abernethy | Fraser | Murphy, Ill. |
| Abourezk | Frelinghuysen | Murphy, N.Y. |
| Abzug | Gallagher | Nix |
| Addabbo | Garmatz | O'Hara |
| Anderson, Tenn. | Gaydos | O'Neill |
| Ashley | Giaimo | Pike |
| Badillo | Goldwater | Powell |
| Baring | Gray | Pryor, Ark. |
| Barrett | Green, Oreg. | Purcell |
| Biaggi | Gubser | Rees |
| Bingham | Gude | Reid, N.Y. |
| Blanton | Halpern | Robinson, Va. |
| Brademas | Hanna | Robison, N.Y. |
| Brasco | Hansen, Idaho | Rodino |
| Burleson, Tex. | Harrington | Roe |
| Byrne, Pa. | Harsha | Rooney, N.Y. |
| Cabell | Hathaway | Rooney, Pa. |
| Camp | Hawkins | Rosenthal |
| Carey, N.Y. | Hébert | Rousselot |
| Chamberlain | Helstoski | Roybal |
| Chisholm | Hicks, Mass. | Sandman |
| Clancy | Holifield | Sarbanes |
| Clark | Howard | Satterfield |
| Clay | Jacobs | Saylor |
| Colmer | Jarman | Scheuer |
| Conte | Karth | Seiberling |
| Cotter | Keating | Shipley |
| Coughlin | Kee | Skubitz |
| Crane | Keith | Snyder |
| Culver | Koch | Stanton, J. William |
| Daniel, Va. | Lent | Stokes |
| Daniels, N.J. | Long, La. | Stubblefield |
| Davis, S.C. | McClure | Terry |
| Dellums | McEwen | Thompson, N.J. |
| Dent | Macdonald, Mass. | Veysey |
| Derwinski | Madden | Vigorito |
| Diggs | Mathias, Calif. | Whitehurst |
| Donohue | Mazzoli | Whitten |
| Downing | Meeds | Williams |
| Dulski | Minshall | Wilson, Charles H. |
| Edmondson | Monagan | Wolff |
| Edwards, Calif. | Montgomery | Wright |
| Edwards, La. | Moorhead | Wydler |
| Eilberg | Morgan | Yatron |
| Eshleman | Morse | |
| Fish | | |
| Ford, Gerald R. | | |

The SPEAKER. On this rollcall 290 Members have answered to their names, a quorum

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

### S. SGT. J. C. BELL, JR., U.S. AIR FORCE

The SPEAKER. The question is on the passage of the bill (H.R. 3227) for the relief of S. Sgt. J. C. Bell, Jr., U.S. Air Force.

The bill was passed.

A motion to reconsider was laid on the table.

### WILLIAM H. NICKERSON

The Clerk called the bill (H.R. 4064) for the relief of William H. Nickerson.

Mr. BROWN of Michigan. 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 Michigan?

There was no objection.

## CERTAIN INDIVIDUALS AND ORGANIZATIONS

The Clerk called the bill (S. 113) for the relief of certain individuals and organizations.

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

S. 113

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Milford R. Graham, publisher of the Devils Lake Daily Journal, and Joseph R. Walter, postmaster at Devils Lake, North Dakota, are relieved of liability to the United States in the amount $3,351.61, representing postage due on copies of such journal which were mailed during the period from July 1967 through July 1969, at postage rates which were incorrectly assessed by officials of the Post Office Department.

SEC. 2. The Velva Lutheran Parish, of Velva, North Dakota, and Mrs. Ruth O. Cavanaugh and Richard G. Miller, postmasters at Velva, North Dakota, are relieved of liability to the United States in the amount of $256.89, representing postage due on copies of the publication "Christ in Our Home" which were mailed by such parish during the period from January 1963 through June 27, 1969, at postage rates which were incorrectly assessed by officials of the Post Office Department.

SEC. 3. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to any person or organization named in the first section and section 2 of this Act, the sum of any amounts withheld or received from such persons or organizations on account of the indebtedness relieved by this Act.

(b) No part of any amount appropriated under this section shall be paid or delivered to or received by any agent or attorney on account of service rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.

With the following committee amendments:

Page 2, line 3: After "North Dakota", insert "and Mildred C. Payne".

Page 2, line 4: Strike "$256.89" and insert "$267.97".

Page 2, line 7: Strike "June 27, 1969" and insert "July 29, 1969".

The committee amendments were agreed to.

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

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

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

There was no objection.

## BLESSED SACRAMENT CHURCH

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

Mr. HANLEY. Mr. Speaker, in the Eastwood section of Syracuse in my district there, rises a magnificent medieval type church structure dedicated to the Blessed Sacrament. Towering in calm dignity over a busy modern thoroughfare, the present Blessed Sacrament Church is a far cry from the one-story converted barn which served as the site for its first Mass.

It was to honor the men and women who started Blessed Sacrament Parish in this barn and the laity and clergy who contributed to its dynamic growth since 1921 that more than 1,200 people gathered on Sunday, October 17, 1971—to celebrate a golden anniversary.

Fifty years ago a small parish totalling 54 members was started to serve the growing eastern edge of Syracuse. Today Blessed Sacrament's congregation has grown to 8,300 members. And it has become a binding force in the religious and social life of Eastwood, both in a Roman Catholic and in an ecumenical sense.

Blessed Sacrament's first pastor, Father Richard J. Shanahan, opened the grammar school in 1931. The present church structure was dedicated 21 years later in 1952 by Syracuse Bishop Walter Foery.

In 1956, the then Chancellor of the Syracuse Diocese, Msgr. Robert E. Dillion was named pastor and continues in the post today. Monsignor Dillon, whom I have the pleasure of calling a good friend, has done an outstanding job at Blessed Sacrament. He is one of Central New York's most dedicated and respected clergymen.

Of all the strong social forces which work to form a sense of community within American society, the Catholic parish offers a unique blend of the spiritual and the practical. Blessed Sacrament Parish has certainly contributed both its spiritual and practical share. From the thousands of baptisms and weddings to the recently highly acclaimed parish entertainment efforts and summer basketball programs, Blessed Sacrament is an exemplary segment of 1971 America, meeting both its spiritual and social obligations, with an enthusiasm that is a good indication of the way the work to come will be met in the next 50 years.

## MESSAGE FROM THE SENATE

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

S. 1736. An act to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes.

S. 2339. An act to provide for the disposition of judgment funds on deposit to the credit of the Pueblo of Laguna in Indian Claims Commission, docket numbered 227, and for other purposes.

## UNIFORMED SERVICES HEALTH PROFESSIONS REVITALIZATION ACT

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 644 and ask for its immediate consideration.

## CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. SISK. 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. 340]

| | | |
|---|---|---|
| Abbitt | Ford, Gerald, R. | Moss |
| Abernethy | Ford, William D. | Murphy, Ill. |
| Abourezk | Frelinghuysen | Murphy, N.Y. |
| Abzug | Frenzel | Nix |
| Addabbo | Gallagher | O'Hara |
| Anderson, Tenn. | Garmatz | O'Neill |
| Ashley | Gaydos | Pelly |
| Badillo | Giaimo | Pike |
| Baring | Goldwater | Powell |
| Barrett | Gray | Pryor, Ark. |
| Biaggi | Gubser | Rees |
| Biester | Hagan | Reid, N.Y. |
| Bingham | Halpern | Robison, N.Y. |
| Blackburn | Hanna | Rodino |
| Blanton | Hansen, Idaho | Roe |
| Brademas | Hansen, Wash. | Rooney, N.Y. |
| Brasco | Harrington | Rooney, Pa. |
| Broyhill, N.C. | Harsha | Rosenthal |
| Burleson, Tex. | Hathaway | Rousselot |
| Byrne, Pa. | Hawkins | Roybal |
| Cabell | Helstoski | Sandman |
| Camp | Hicks, Mass. | Sarbanes |
| Carey, N.Y. | Howard | Satterfield |
| Cederberg | Jacobs | Saylor |
| Chamberlain | Jarman | Scheuer |
| Chisholm | Karth | Seiberling |
| Clancy | Kastenmeier | Skubitz |
| Clark | Keating | Snyder |
| Clay | Kee | Springer |
| Colmer | Keith | Stanton, J. William |
| Cotter | Koch | Stokes |
| Coughlin | Kuykendall | Stubblefield |
| Crane | Lent | Stuckey |
| Daniel, Va. | Long, La. | Symington |
| Davis, S.C. | McClure | Teague, Calif. |
| Dellums | Macdonald, Mass. | Terry |
| Dent | Madden | Thompson, N.J. |
| Derwinski | Mailliard | Van Deerlin |
| Diggs | Mathias, Calif. | Veysey |
| Donohue | Mazzoli | Vigorito |
| Downing | Meeds | Whitehurst |
| Dulski | Mills, Ark. | Whitten |
| Eckhardt | Minshall | Williams |
| Edmondson | Monagan | Wilson, Bob |
| Edwards, Calif. | Montgomery | Wilson, Charles H. |
| Edwards, La. | Moorhead | Wolff |
| Eilberg | Morgan | Wyatt |
| Eshleman | Morse | Wydler |
| Fish | | Yatron |
| Foley | | |

The SPEAKER. On this rollcall, 282 Members have answered to their names, a quorum.

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

## MOTION TO ADJOURN OFFERED BY MR. HAYS

Mr. HAYS. Mr. Speaker, in view of the fact that this is an election day around the country, I move that the House do now adjourn.

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

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

Mr. HAYS. Mr. Speaker, I object to the vote on the ground that a quorum is

not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 8, nays 286, not voting 135, as follows:

[Roll No. 341]

YEAS—8

| | | |
|---|---|---|
| Boland | Hays | Patten |
| Delaney | Landgrebe | Stanton, |
| Hanley | Martin | James V. |

NAYS—286

| | | |
|---|---|---|
| Adams | Evins, Tenn. | Mahon |
| Alexander | Fascell | Mann |
| Anderson, | Findley | Mathis, Ga. |
| Calif. | Fisher | Matsunaga |
| Anderson, Ill. | Flood | Mayne |
| Andrews, Ala. | Flowers | Melcher |
| Andrews, | Flynt | Metcalfe |
| N. Dak. | Foley | Michel |
| Annunzio | Ford, | Mikva |
| Archer | William D. | Miller, Calif. |
| Arends | Forsythe | Miller, Ohio |
| Ashbrook | Fountain | Mills, Ark. |
| Aspin | Fraser | Mills, Md. |
| Aspinall | Frey | Minish |
| Baker | Fulton, Tenn. | Mink |
| Begich | Fuqua | Mitchell |
| Belcher | Galifianakis | Mizell |
| Bell | Gibbons | Mollohan |
| Bennett | Gonzalez | Mosher |
| Bergland | Goodling | Moss |
| Betts | Grasso | Myers |
| Bevill | Green, Oreg. | Natcher |
| Blackburn | Green, Pa. | Nedzi |
| Blatnik | Griffin | Nelsen |
| Boggs | Griffiths | Nichols |
| Bolling | Gross | Obey |
| Bow | Grover | O'Hara |
| Bray | Gude | O'Konski |
| Brinkley | Hagan | Passman |
| Brooks | Haley | Patman |
| Broomfield | Hall | Pelly |
| Brotzman | Hamilton | Pepper |
| Brown, Mich. | Hammer- | Perkins |
| Brown, Ohio | schmidt | Pettis |
| Broyhill, N.C. | Harvey | Peyser |
| Broyhill, Va. | Hastings | Pickle |
| Burke, Fla. | Hébert | Pirnie |
| Burke, Mass. | Hechler, W. Va. | Poage |
| Burlison, Mo. | Heckler, Mass. | Podell |
| Burton | Henderson | Poff |
| Byrnes, Wis. | Hicks, Wash. | Preyer, N.C. |
| Byron | Hillis | Price, Ill. |
| Caffery | Hogan | Price, Tex. |
| Carney | Holifield | Pucinski |
| Carter | Horton | Purcell |
| Casey, Tex. | Hosmer | Quie |
| Cederberg | Hull | Quillen |
| Celler | Hungate | Railsback |
| Chappell | Hunt | Randall |
| Clausen, | Hutchinson | Rangel |
| Don H. | Ichord | Rarick |
| Clawson, Del | Johnson, Calif. | Reuss |
| Cleveland | Johnson, Pa. | Rhodes |
| Collier | Jonas | Riegle |
| Collins, Ill. | Jones, Ala. | Roberts |
| Collins, Tex. | Jones, N.C. | Robinson, Va. |
| Conable | Jones, Tenn. | Rogers |
| Conte | Kastenmeier | Roncalio |
| Conyers | Kazen | Rostenkowski |
| Corman | Kemp | Roush |
| Crane | King | Roy |
| Culver | Kluczynski | Runnels |
| Daniels, N.J. | Kyl | Ruppe |
| Danielson | Kyros | Ruth |
| Davis, Wis. | Landrum | Ryan |
| de la Garza | Latta | St Germain |
| Dellenback | Leggett | Scherle |
| Denholm | Lennon | Schmitz |
| Dennis | Link | Schneebeli |
| Devine | Lloyd | Scott |
| Dickinson | Long, Md. | Sebelius |
| Dingell | Lujan | Shipley |
| Dorn | McClory | Shoup |
| Dow | McCloskey | Shriver |
| Dowdy | McCollister | Sikes |
| Drinan | McCormack | Sisk |
| Duncan | McCulloch | Slack |
| du Pont | McDade | Smith, Calif. |
| Dwyer | McDonald, | Smith, Iowa |
| Edwards, Ala. | Mich. | Smith, N.Y. |
| Edwards, Calif. | McFall | Spence |
| Erlenborn | McKay | Springer |
| Esch | McKinney | Staggers |
| Evans, Colo. | McMillan | Steed |
| Steele | Tiernan | Wilson, Bob |
| Steiger, Ariz. | Udall | Winn |
| Steiger, Wis. | Ullman | Wright |
| Stephens | Vander Jagt | Wyatt |
| Stratton | Vanik | Wylie |
| Stuckey | Waggonner | Wyman |
| Sullivan | Waldie | Yates |
| Talcott | Wampler | Young, Fla. |
| Taylor | Ware | Young, Tex. |
| Teague, Calif. | Whalen | Zablocki |
| Teague, Tex. | Whalley | Zion |
| Thompson, Ga. | White | Zwach |
| Thomson, Wis. | Widnall | |
| Thone | Wiggins | |

NOT VOTING—135

| | | |
|---|---|---|
| Abbitt | Ford, Gerald R. | Morse |
| Abernethy | Frelinghuysen | Murphy, Ill. |
| Abourezk | Frenzel | Murphy, N.Y. |
| Abzug | Gallagher | Nix |
| Addabbo | Garmatz | O'Neill |
| Anderson, | Gaydos | Pike |
| Tenn. | Gettys | Powell |
| Ashley | Giaimo | Pryor, Ark. |
| Badillo | Goldwater | Rees |
| Baring | Gray | Reid, N.Y. |
| Barrett | Gubser | Robison, N.Y. |
| Biaggi | Halpern | Rodino |
| Biester | Hanna | Roe |
| Bingham | Hansen, Idaho | Rooney, N.Y. |
| Blanton | Hansen, Wash. | Rooney, Pa. |
| Brademas | Harrington | Rosenthal |
| Brasco | Harsha | Rousselot |
| Buchanan | Hathaway | Roybal |
| Burleson, Tex. | Hawkins | Sandman |
| Byrne, Pa. | Helstoski | Sarbanes |
| Cabell | Hicks, Mass. | Satterfield |
| Camp | Howard | Saylor |
| Carey, N.Y. | Jacobs | Scheuer |
| Chamberlain | Jarman | Schwengel |
| Chisholm | Karth | Selberling |
| Clancy | Keating | Skubitz |
| Clark | Kee | Snyder |
| Clay | Keith | Stanton, |
| Colmer | Koch | J. William |
| Cotter | Kuykendall | Stokes |
| Coughlin | Lent | Stubblefield |
| Daniel, Va. | Long, La. | Symington |
| Davis, Ga. | McClure | Terry |
| Davis, S.C. | McEwen | Thompson, N.J. |
| Dellums | McKevitt | Van Deerlin |
| Dent | Macdonald, | Veysey |
| Derwinski | Mass. | Vigorito |
| Diggs | Madden | Whitehurst |
| Donohue | Mailliard | Whiten |
| Downing | Mathias, Calif. | Williams |
| Dulski | Mazzoli | Wilson, |
| Eckhardt | Meeds | Charles H. |
| Edmondson | Minshall | Wolff |
| Edwards, La. | Monagan | Wydler |
| Eilberg | Montgomery | Yatron |
| Eshleman | Moorhead | |
| Fish | Morgan | |

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## UNIFORMED SERVICES HEALTH PROFESSIONS REVITALIZATION ACT OF 1971

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 644

*Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2) to establish a Uniformed Services University of the Health Sciences. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against such substitute for failure to comply with the provisions of clause 7, rule XVI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 644 provides an open rule with 1 hour of general debate for consideration of H.R. 2, Uniformed Services Health Professions Revitalization Act of 1971. The resolution also provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment and that all points of order are waived for failure to comply with clause 7 of rule XVI—question of germaneness.

The purpose of H.R. 2 is to establish, within 25 miles of the District of Columbia, a Uniformed Services University of Health Sciences with authority to grant advanced degrees.

The first graduating class will be not later than 10 years after enactment of the legislation and there shall be not less than 100 graduates each year.

The university shall be run by a board of regents and funds will be appropriated for and provided by the Department of Defense. Members of the board will serve for 6 years.

Students shall be commissioned officers, who shall serve on active duty with full pay and allowances in pay grade O–1. Upon graduation they shall be appointed in a regular component to serve for at least 7 years, except that not more than 20 percent may agree to perform civilian Federal duty for 7 years.

Procedures for the selection of students will be prescribed by the Secretary of Defense.

Annual and supplemental appropriations for the DOD are authorized for the planning, construction, development, improvement, operation and maintenance, the cost of construction being limited to $20 million in any 1 year. Estimated costs for the next 5 years are $20.3 million in fiscal year 1972, $41.8 million in fiscal year 1973, $52.6 million in fiscal year 1974, $62.6 million in fiscal year 1975 and $64 million in fiscal year 1976.

The legislation is designed to overcome the critical shortage of career-oriented military personnel qualified in the health professions.

Mr. Speaker, I urge adoption of the rule in order that the bill may be considered.

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

Mr. Speaker, as was stated by the gentleman from California (Mr. SISK), House Resolution 644 will permit consideration of H.R. 2 under an open rule with 1 hour of debate waiving all points of order on the committee amendment.

The bill, as reported by the Committee on Armed Services, is directed toward overcoming the critical shortage of career oriented military personnel qualified in the health profession and the inability of the services to retain these persons in a career status.

Although the critical shortage of career oriented military personnel qualified in the health professions has long been a matter of grave concern within the armed forces, recent changes in the draft law, together with the announced intention of the executive branch to attempt to go to an all-volunteer force, has now made this problem genuinely acute and one of emergency proportions.

The fiscal impact of enactment of this legislation in the first year will be approximately $20 million. Thereafter the annual cost will increase to approximately $50 million or $60 million. The Committee on Armed Services advises that the 5-year cost projection of this legislation is approximately $245 million. The bulk of this cost, approximately $210 million, will be expended in supporting the scholarship program.

Mr. Speaker, I happen to recall there is a waiver of points of order in this particular resolution and I cannot help but try to have a little fun here today. Going back to the old sayings that chickens always come home to roost and if you wait long enough everything comes to him who waits—the distinguished gentleman from Missouri, my friend (Mr. HALL) has from time to time been a little bit critical of the Rules Committee on waivers of points of order.

He appeared before the Rules Committee and requested this waiver on behalf of the Committee on Armed Services. I yield now to the gentleman from Missouri to explain this particular waiver of points of order and why it is necessary.

Mr. HALL. Mr. Speaker, the Members cannot imagine the depth of my feeling of gratitude for my colleague, the gentleman from California (Mr. SMITH) for having yielded to me on this particular point of order.

Mr. Speaker, I happen to have before me clause 7 of rule XVI, and I would say if ever there was a crow that came home to roost, I am having to eat that crow made up in humble pie. The rule, of course, has to do with the indivisibility on a motion to strike, and says:

That a motion to strike out being lost shall neither preclude amendment nor a motion to strike out and insert.

Of course, it does not involve transfer of funds and I do appreciate my friend, the gentleman from California, bringing this to the attention of my host of friends, I am sure the reverberations will be heard from coast to coast and from the far flung spume of the ocean to the high tossed cumulus clouds. As the sounds reverberate through the eons, I will recall my colleagues' thoughts.

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

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

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

I think the words of our distinguished friend, the gentleman from Missouri, ought to be inserted in the CONGRESSIONAL RECORD in 10-point type complete with illustrations in living color.

Mr. SMITH of California. Mr. Speaker, I urge the adoption of the rule and I have no further requests for time.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HÉBERT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2) to establish a Uniformed Services University of the Health Sciences.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 2, with Mr. DORN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Louisiana (Mr. HÉBERT) will be recognized for 30 minutes, and the gentleman from Missouri (Mr. HALL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. HÉBERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, fellow members, I rise in support of H.R. 2, as reported by your Committee on Armed Services.

As many Members of this body are aware, this legislative proposal is one which I have nurtured for more than 20 years. It is a concept which, with your support, will soon become a reality. I firmly believe that enactment of this legislation is absolutely essential to the future well-being of the men and women of our Armed Forces.

The bill as reported by the committee is designed to overcome the critical shortage of career-oriented military personnel qualified in the health professions and the inability of the uniformed services to retain these personnel in a career status.

The fact that our Nation has a shortage of manpower in the health sciences, and particularly in the area of trained physicians, scarcely requires any elaboration.

The critical shortage of physicans has been acknowledged by both the President of the United States and the American Medical Association. The President's National Advisory Commission on Health Manpower in November 1967 expressed grave concern over this problem, and in its report strongly recommended that—

The production of physicians should be increased beyond presently planned levels by a substantial expansion in the capacity of existing medical schools and *by continued development of new schools.* (Italics supplied.)

The current shortage of physicians is estimated to be approximately 50,000. However, whatever the estimate may be, the fact remains that an acute shortage does exist.

The Congress has recently taken very positive action in its effort to alleviate this shortage of physicians, and other trained health manpower. Therefore, it is hoped that if these various statutory programs are fully funded by the Congress and fully implemented by the executive branch they will go far towards alleviating this shortage in the distant future. However, notwithstanding these actions by the Congress which are directed toward improving the supply of non-Federal physicians, the fact remains that an increase in the supply of non-Federal physicians in no way insures the availability of physicians both quantitatively and qualitatively to meet the requirements of the Armed Forces.

Our Armed Forces are a voracious consumer of physician manpower. At the present time there are approximately 14,000 physicians on active duty in the Armed Forces. Since 1967 our military services have required the annual input of approximately 4 to 5,000 physicians to satisfy their health care requirements.

The critical shortage of career oriented military personnel qualified in the health professions has long been a matter of grave concern within the Armed Forces. Recent changes in the draft law together with the announced intention of the executive branch to go to an "all-volunteer force" has now made this problem acute and one of emergency proportions.

The President's Commission on an all-volunteer force—Gates Commission—in commenting on this general subject in 1970, stated—

80% of all male physicians in the United States under 35 have served in the Armed Forces or have held reserve commissions. No other group in our society has had such heavy relative demands placed upon it for military service. Only 4% of male physicians under 35 who are eligible for service have not yet served. In the last four years, more than 4500 doctors entered active duty service annually—fully 60% of the number graduating from medical school each year.

Despite this tremendous input of physician manpower into the Armed Forces, the retention rate of this large group since the Korean war is less than 1 percent.

This last statistic reflecting a retention rate of less than 1 percent emphasizes the almost total inability of our Armed Forces to maintain an adequate number of career-minded physicians in our Armed Forces.

In order to illustrate the problem of physician retention in the Armed Forces, let me cite a few simple statistics.

In fiscal year 1969 the number of physicians who elected to become members of the Regular Medical Corps was 491. That same year, the services lost 497, mostly through resignations.

The next year, fiscal year 1970, 328 physicians elected to become members of the Regular Corps, but almost twice as many, 588, chose to leave the Regular Corps, again mostly through resignations and not retirements.

In fiscal year 1971, the services were able to persuade only 252 physicians to join the Regular Corps, while during the same time frame more than twice that

number, 631, left the armed services—mostly again by resignations.

Obviously, if this rate of attrition continues, the services will have no career Medical Corps of any consequence, with a corresponding devastating impact on the quality of medical care provided our Armed Forces personnel.

One element of the armed services physician problem—procurement—has in the past been relatively simple of solution by virtue of the draft law. This law, for practical purposes, has been the legal "crutch" which has enabled the armed services to ignore the realities of their demonstrated inability to retain adequate numbers of physicians on a career basis.

The luxury of that "crutch" will now no longer be available for the armed services. As you know, under the recently enacted amendments to the draft law, the end of the doctor draft will soon become a reality.

The President has stated that he hopes to go to an all-volunteer force, including physicians, by 1973. The fact is, whether he does or does not, within less than 7 years he will, for practical purposes, be unable to draft physicians. This condition will result because of changes in the draft law and the President's decision to eliminate all future undergraduate student deferments.

Thus, the problem of physician procurement and retention can no longer be given superficial attention. It is one that now requires immediate and dramatic action.

These are the basic considerations which prompted the legislative action now recommended by the Committee on Armed Services.

The legislation developed by the Committee on Armed Services will attack this problem on three broad fronts:

First. It will attack the problem on a short-term basis by establishing a very comprehensive scholarship program for the training of professionals in the health fields for careers in the Armed Forces;

Second. It will attack the long-term procurement and retention problems of these health professionals in the Armed Forces by establishing a Uniformed Services University of the Health Sciences which will include the development of a medical school for the production of career oriented physicians as well as contributing to the enhancement of the prestige and dignity of a professional medical career in the Armed Forces; and

Third. The bill, if enacted, would lift existing statutory restraints on the promotion of medical and dental officers to flag and general officer rank. Thus, with the lifting of these restrictions, medical and dental officers in the armed services may be given the military recognition demanded by their professional capabilities and responsibilities.

FISCAL ASPECTS

Enactment of this legislation will provide the Department of Defense and the armed services with new statutory authority involving three specific areas of possible increased costs. These areas of cost, as I have previously mentioned, include:

First, the establishment of a university of the health sciences;

Second, a comprehensive scholarship program for the health professions; and

Third, increased promotion opportunity to flag and general officer rank for medical and dental officers.

Of the three programs I have enumerated, the one which will involve the greatest expenditure of Federal funds is the scholarship program. That program will initially cost approximately $20 million in the first year, with costs rising thereafter to $40 to $50 million per year. The total 5-year cost projection is approximately $210 million.

The university of the health sciences and the medical school will have a minimal cost in its first year, approximating $327,000 and increasing slightly thereafter until the brick and mortar stage is reached and the medical school is constructed. The 5-year cost projection for this program is approximately $35 million. Since the program contemplates graduation of the first class of medical students within a maximum of 10 years, the 10-year cost projection is important. The Department of Defense estimates that the total 10-year cost of operation of the university of the health sciences and the medical school, including all of the pay and allowances of the faculty, students and operating personnel, as well as facilities costs would involve approximately $105 million.

Finally, the lifting of promotion restrictions to flag and general officer rank for medical and dental officers will result in some additional personnel costs. However, we are talking about relatively few people, and the cost, I am told, will be minimal and will not require any increased appropriations for the Department of Defense.

DEPARTMENT OF DEFENSE POSITION

The general objectives of this legislation received the support of Department of Defense witnesses. As a matter of fact, the scholarship program is a Department of Defense and executive branch legislative recommendation.

COMMITTEE POSITION

This legislation was the subject of extensive hearings by the Committee on Armed Services. At the outset there were some "doubting Thomases" on the committee. However, after receipt of very comprehensive testimony there was not a dissenting vote on the committee. The bill was reported out unanimously with 33 members voting aye.

CONCLUSION

Mr. Chairman, that, in very broad form, is the legislative proposal before you. Each of the three elements of the program embodied in this legislative proposal is vital to the success of the whole.

However, I am absolutely convinced that the most critical element of this legislative proposal involves the creation of a medical school.

My opinion and conviction in this regard was immeasureably fortified by the testimony the committee had received from various expert witnesses. For example, Dr. James Cain of the Mayo Clinic, former chairman of President Lyndon B. Johnson's National Advisory Committee to the Selective Service System for the Selection of Physicians, Dentists, and Allied Medical Personnel, and currently a member of the American Medical Association's Council on National Security, categorized this concept as a tremendous breakthrough for U.S. medicine.

Dr. Cain stated:

I think this medical school and its possibilities are limited really only by our dreams and our imagination.

The enthusiasm reflected in this distinguished physician's testimony was repeated by many others.

The creation of a medical school for the training of physicians for our Armed Forces is a dream which I have fostered for more than 20 years. During much of that time I stood almost alone in advocating this concept. Today, I am happy to say, this idea has now engendered tremendous support and enthusiasm.

I hope the Members of this body will share that enthusiasm and give unanimous approval to this bill.

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

Mr. HÉBERT. I yield to the gentleman.

Mr. JONAS. Mr. Chairman, I have asked the distinguished gentleman to yield in order to respond to several questions.

I notice that this university is to be established within 25 miles of the District of Columbia. What is the rationale behind that restriction?

Mr. HÉBERT. The question is a most valid one and I am very happy to explain. In the establishment of a medical school, one of the most important factors and one of the most important ingredients in the establishment of a medical school is the availability of research and the availability of individual patient treatment.

This particular area, the Washington area, perhaps, is one of the finest areas in which this resource can be found. We have Bethesda, the great Walter Reed Hospital, the National Institutes of Health and we have quite a number of medical schools as well. So within this area you are not isolated, the training facilities you have here already at your beck and call.

Mr. JONAS. May I respond by saying that I certainly concur in the view that any medical school ought to be located in close proximity to a hospital and research facilities. As a matter of fact, I think the trend today is to establish medical schools in teaching hospitals, in connection with the hospitals. I wonder if the committee gave any consideration to the conversion of Walter Reed into a teaching hospital, to do the teaching there in connection with the hospital's operation.

Just last week this House approved an appropriation bill which appropriates $100 million to expand and remodel and bring up to date the facilities at Walter Reed. Now did the committee give any consideration to establishing this university as a part of Walter Reed and making it a teaching hospital?

Mr. HÉBERT. The gentleman has put his finger on the very spot—this is one of the reasons, because you have the availability of Walter Reed and Bethesda both, and particularly after the new hospital which the Appropriations Committee provided funds for. This will be a teaching hospital and it is one of the cogent reasons why we looked for it in this area.

Mr. JONAS. But if you build an institution at a location removed from Bethesda and Walter Reed, you have the question of transportation of students. My question goes to the point of whether or not it would not be advisable to make Walter Reed a teaching hospital and to put the university within the facilities of Walter Reed so that patients would be available in the same complex?

Mr. HÉBERT. That can easily be done in the planning stage once the building is authorized at Walter Reed. We do not say that you have to build here or there.

Mr. JONAS. If there is ground available and the brick and mortar is available at Walter Reed, I think it would be excellent.

We are going to spend about $100 million for a remodeled facility at Walter Reed which will have a patient load already fixed and established. I should think instead of building a new university at some other location serious consideration should be given to locating it within the Walter Reed complex.

Mr. HÉBERT. I agree with the gentleman.

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

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

Mr. ROGERS. I certainly appreciate what the gentleman has done with his committee in bringing this legislation before the House. I do have some reservations about embarking on just an Armed Services program where we have existing medical schools where this project could be undertaken. I merely wished to ask a few questions which may be helpful to me in my thinking.

First, I am sure the gentleman realizes that we recently passed a $3 billion bill to enhance medical education, and to build new medical universities. As I understand the proposed program, you would have a scholarship program which in effect would use existing medical colleges. In fact, the majority of the program, I presume, would be the scholarship program using existing medical schools since your program will amount to 5,000 students at any one time; 5,000 is the correct figure is it not?

Mr. HÉBERT. Yes.

Mr. ROGERS. Therefore, your military medical school will produce 100 per year. But that does not happen for 10 years. That would be 1,000 that you could produce beginning 10 years from now. So 20 years from now, by building this medical college, you would have produced 1,000 doctors.

The major thrust of the program would use existing schools through the scholarship program, which I think is probably the right course to go for the major effect. But I do question the fact that the requirement of 7 years service would be necessary in order to qualify for a scholarship. And the reason I say this is I am afraid the young men and women may not be attracted to the program unless it is scaled somewhat more realistically. I understand the committee's reason for doing this. You want something back, and I think it is necessary to have some quid pro quo. But we have had a scholarship program, a forgiveness program. Now, it has not been 100 percent, but it has been a scholarship forgiveness program. And do you know how many have taken advantage of it in this Nation? Nine, three of whom are optometrists.

So I do not want to be in opposition to the bill, but I do want to express these reservations. I have great concern as to whether this will really answer the problem, because I think even giving them their scholarships outright and requiring 7 years service is not going to attract the numbers you may anticipate. I think having those who want to come into the service for a career, those people will be properly motivated. But I am not sure that this is going to answer the problem in the long run. These people might be educated all over the country. Maybe it would be better because they would get an exposure nationwide rather than a monolithic approach. We would not expect just one State university to train everybody.

But I am not going to oppose the bill. I did want to express my reservation and hope the committee will look into this. The only reservation that I did have and that I would really be concerned with is building more schools. But I understand you have conditioned this on a study to see what would happen, and this bill would provide for the building of only one.

Mr. HÉBERT. In reply to the gentleman from Florida, I merely wish to say that his concern is the committee's concern, also. The scholarship is not the answer to the problem. In other words, every time you put a youngster in such a school, you keep a civilian doctor out of service in the community. Ours is to be a military medical school. The orientation will be military. But the education will be the same that you will find in a civilian school, and the schools are to be controlled by a board of civilian regents.

Mr. ROGERS. I thank the gentleman.

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

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

Mr. LATTA. The gentleman will recall that at the time this bill was before the Rules Committee I raised a question about the method to be used in selecting students to attend this university.

At that time I asked the distinguished chairman why we could not select these applicants in the same manner as applicants for the service academies. By this method we would have some geographic distribution of these students. Has the gentleman had the time to ponder this suggestion?

Mr. HÉBERT. Yes, I have. We have considered this but I do not think it would be practicable to have congressional control. It would be against something we have been fighting so long to have. We are not looking for geographical distribution. We are looking for the best qualified. It is a different proposition from the military academies. Here we are dealing with the lives and the health of the individuals. Maybe as we go along with this, this can be remedied, but at the present time I see no hope of having congressional selection. We do not have enough annual enrollment to go around, anyway.

Mr. LATTA. If the gentleman will yield further, I am not interested in congressional control nor having any say over the appointment of these individuals, but I am interested in seeing to it that individuals from my district, for example, who might want to attend this university and secure free medical education, have an equal opportunity for selection. With this university located in the East, I do not see how you can overcome the tendency to have more of these applicants applying and being accepted from this area. Without some assurance of geographic distribution being written into the law, I can visualize a disproportionate number of students being appointed from Washington, Virginia, Maryland, or New York at the expense of students seeking admission from Ohio.

I also raised the question that we are going to have various groups demanding that you have so many of their particular group or so many of that particular group represented in this university each year. I do not think that is what the gentleman wants to accomplish. He wants the best possible applicants for this university, and I think we can get the best possible applicants by having the 435 congressional districts represented in the selection.

Mr. HÉBERT. I am sure every individual district and every section of the country will get proper consideration. If I did not think they would, I would not sponsor this legislation.

Mr. LATTA. If the gentleman will yield further, will he explain how this will be accomplished if we do not have an opportunity to make recommendations of outstanding applicants which might come to our attention?

Mr. HÉBERT. There is no prohibition against making any recommendations. Any individual Member of Congress can recommend any individual he wants to.

Mr. LATTA. I agree with the gentleman but if it does not mean anything to make a recommendation there is no use making it. Is the gentleman saying that the regulations to be prescribed by the Secretary—he will consider these recommendations?

Mr. HÉBERT. He should take these recommendations into account and I think he should invite congressional recommendations.

Mr. LATTA. I thank the gentleman.

Mr. HALL. Mr. Chairman, I yield such time as he may consume to the ranking minority member on the Armed Services Committee, the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Chairman, I favor

H.R. 2, the Uniformed Services Health Professions Revitalization Act of 1971. Within the past year we have passed many measures to assist the Department of Defense in moving to a zero draft and an all-volunteer armed force. While these measures may be effective for most of the individuals needed by the Armed Forces, they are not adequate to attract the number of health professionals that will be required for the Department of Defense to provide first-rate medical services to members of the Armed Forces. We are all very aware of the critical shortage that exists in our Nation in certain health professions, particularly doctors of medicine and dentistry. We are also fully aware of the difficulty that the Armed Forces have had since World War II in attracting and retaining medical and dental officers. Over the years we have relied upon the so-called doctor draft to supply the Armed Forces with physicians and dentists. We must provide replacements for the doctor draft. In my opinion, H.R. 2 will contribute greatly toward that end.

Under H.R. 2, the Armed Forces would have the authority to select outstanding students in civilian universities in the health professions and commission them as second lieutenants or ensigns. The Armed Forces would also pay for the tuition and fees of these students while they were in their professional training. Upon completion of professional training, the students would be commissioned in their respective professional corps within the Armed Forces and would be required to serve on active duty for a specified period of time in return for the scholarships they received. This scholarship program would induce young people interested in the health professions to begin their practice within our Armed Forces and to become qualified, not only in the usual specialities of their professions, but also in military health matters.

A student who went all the way through medical school under the scholarship program would be required to remain on active duty for at least 4 years. If he should choose to specialize while he is in the service, he would be required to remain much longer and we can expect that most who do so would make a career of military medicine. This, in turn, would reduce the rapid turnover of health professionals that the Armed Forces have had in recent years, thereby improving the quality of medicine available for all members of the Armed Forces.

While the scholarship program contained in H.R. 2 would assist in filling the recruiting gap created by the expiration of the draft, we must also be concerned about longer range measures to improve the supply of health professionals for the Armed Forces and the health services for other members of the Armed Forces. H.R. 2 meets the longer range problem by directing the establishment of a Uniformed Services University of the Health Sciences within a 25-mile radius of the District of Columbia. It also requires the Secretary of Defense to examine other suitable areas for similar universities. Under the program of H.R. 2, the outstanding facilities of the Department of Defense would become part of the university. The university would have a medical school and other postgraduate schools that are necessary for the education or continuing education of dedicated young people who desire to make a career of military medicine. In my opinion, the creation of this educational system will assist the Armed Forces in insuring that members of the Armed Forces receive only the finest health services.

As the draft expires, we cannot ignore the effect it will have on the medical departments of the Armed Forces. The chairman of the Armed Services Committee held long hearings on the best means of softening the adverse effects from the draft expiration and I believe that the outstanding program he has provided in H.R. 2 will do just that.

I encourage support of H.R. 2.

Mr. HALL. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, in the beginning let me answer a question, that seems perhaps to have been asked with not a complete answer, by stating that first the Uniformed Services Medical Academy will create a new output of physicians in addition to the ones that the Uniformed Services scholarships will interest in medicine.

Second, in response to my friend and colleague from Florida (Mr. ROGERS) let me call his attention to the middle paragraph on page 14 of the committee report under the title, "Implementation of the Scholarship Program" with the simple background that the Armed Services Committee leaned over backwards not to spell out the entire minutiae and details, but there is a sentence in the middle of that paragraph which simply states:

> The Secretary of Defense would prescribe the amount of obligated service required—

Parenthetically, for scholarships, that is—

> Except that he could not prescribe a period of less than one year for each year of subsidy.

In other words, it is a one for one return on the scholarship program, whereas the graduates from the Uniformed Services Military School of Medicine would be required to pay back the 7 years.

The hope on the part of the Committee on Armed Services was by that time, putting our best foot forward toward retention of regular medical officers of the regular medical corps, we could induce them to remain and serve a lifetime career of dedication.

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

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

Mr. ROGERS. I am glad to have that distinction made. As I understood it, suppose one of these young men who graduated under the scholarship program accepted a Reserve commission. I read the report, on page 21, and understood when he would be commissioned as an officer of the Reserve component then he would have to serve for 7 years. Perhaps I was mistaken in that.

Mr. HALL. Perhaps the gentleman is confusing the fact that he is a reservist on active duty while in the scholarship program, just as the man is "a reservist" on active duty while matriculating through the Uniformed Services School of Medicine.

Mr. ROGERS. There is just one other question I had some concern about. It is that 20 percent of the graduates of any one class may agree to perform civilian Federal duty with, for example, the Veterans' Administration or the Public Health Service. I wonder if it is wise to put in that exception so long as this is geared to handle the problem for the armed services as such?

Mr. HALL. I will say frankly to my discerning friend from Florida that this is necessary in this day and age when we also have to have U.S. Public Health Service officers. As the gentleman knows, they have been granted constructive military credit so long as they are assigned to strictly U.S. Public Health Service duties. We needed the sanction of the Secretary of the Department of Health, Education, and Welfare along with that of the Secretary of Defense, in order to get this bill out. So it is a practical consideration.

But it goes to show that there is fallout benefit from this Uniformed Academy of Military Medicine, so to speak, which will always benefit the civilian components of the United States.

Mr. ROGERS. Yes. The only point I wanted to make was that those bills have already passed to handle those programs. But I understand what the gentleman is saying.

Mr. HALL. I thank the gentleman.

Mr. Chairman, I should like to proceed for just a minute with my statement, and then I shall be most happy to yield up to the limit of my time that we have for the consideration of this bill. I believe I will answer many of the questions in the statement I prepared to complement that of the distinguished chairman of the committee, the gentleman from Louisiana.

Mr. JONAS. Mr. Chairman, will the gentleman yield on that point?

Mr. HALL. If it is on that point, I am glad to yield to the gentleman from North Carolina.

Mr. JONAS. The gentleman in the well referred to the middle paragraph on page 14. Will he tell me whether I correctly interpret that to mean that the 1,800 scholarships would be granted to students who have already been accepted in medical schools or who are attending medical schools?

Mr. HALL. The original 1,800 are composed as shown in that table right below which allocates them to the three component services of the Department of Defense. They would almost all be freshmen, but they would have been accepted by the dean or the committee on admissions for matriculation in medical schools, of course, with the prior notice of the capitation programs and scholarships to be granted, or they would already have begun school in some cases.

They would be new students. The first year there would be 1,800 and the second year the same number, so eventually we will have the same component. That is why the fiscal cost rises in the first 3 years.

Mr. JONAS. Do you mean, then, that

there would be 1,800 students who would otherwise not go to medical school?

Mr. HALL. It is our hope to stimulate that many, because there are indeed tens of thousands of qualified applicants who apply for entrance to medical schools each year but who are not admitted because of lack of capacity. Although the medical schools have gone from 68 to 108 since the end of World War II and the number of graduates has gone from 6,800 to over 10,400 a year, we still have the same ratio of physicians to patients in the United States that we had in 1949.

Mr. JONAS. It is not the intent of the committee or the Government to take over the financial responsibility for tuition and so forth for students who would have gone to medical school irrespective of this program?

Mr. HALL. Absolutely not; because, of course, they will have to hold up their hands and be sworn into the service before they can matriculate in the scholarship program and reserve programs.

Mr. CARNEY. Mr. Chairman, will the gentleman yield for a short question?

Mr. HALL. Of course.

Mr. CARNEY. Does this apply to students of osteopathic as well as medical schools?

Mr. HALL. It does. If my good friend from Ohio will look at the report, he will find all of the allied health sciences listed about two-thirds of the way down on page 13.

Mr. CARNEY. Thank you.

Mr. HALL. Mr. Chairman, I rise in support of H.R. 2 as reported by the Committee on Armed Services and urge its unanimous approval by this body.

I am excited about it and have had a change of opinion about it through the years, as someone remarked before.

I want to pay particular notice to our distinguished chairman, the gentleman from Louisiana (EDDIE HÉBERT) who chairs the Committee on Armed Services. He has done his usual masterful job of explaining the general purposes and provisions of this bill. Therefore, I will attempt to avoid any duplication of the material that he has already presented to the House. However, I do believe it important that I emphasize once again the underlying problem which makes approval and implementation of this legislation timely and absolutely imperative.

The Armed Forces of the United States are simply not capable of either attracting—or retaining—the skilled medical manpower that is required to provide for and satisfy the quality health care requirements of the men and women of our Armed Forces which is an ethical, moral, and legal obligation. The inability to retain qualified medical personnel on a career basis is clearly evident in the fact that despite the tremendous input of trained physician manpower into the Armed Forces each year, we have been able to retain less than 1 percent on a career basis.

I am certain that no organization, in or out of Government, which experiences a turnover of employees of this magnitude could long survive. It is therefore abundantly clear that the action and added incentives we have taken heretofore to attract and retain physicians in the Armed Forces has simply been too little and too late. We are in direct competition with the primary and dedicated drive of every medical student, namely—humanitarian care of people in private practice.

The testimony received by the Committee on Armed Services corroborated my personal views on this matter. Money alone is not the answer. Physicians, like every other human being, require recognition and challenge as a part of the compensation they receive for their endeavors. A university of this kind proposed by this legislation will go far toward satisfying that requirement. It will offer an opportunity for our personnel in the health professions to advance in their chosen careers, as well as to do teaching and research. It will enable them to obtain further professional accreditation in their chosen specialties, become academic professors, and ascend their colleagues ladder in equity.

It will, in my opinion, as a former Assistant Surgeon General responsible for all military and civilian personnel, provide the fountainhead or the focal point for the professional leadership, possibly missing in military medicine today.

I would like to point out that the concept of a Government medical and allied health professional school is neither novel nor new. There are at least 18 countries that now have government medical schools for their armed forces, nine are self-contained schools, with the medical course under military direction, while nine are administrative military organizations for groups of students who study at regular civilian medical schools. Many of these medical schools have been operating for a long time and both the level of medical training as well as the caliber of the physicians they produce have not been the subject of any significant criticism. As a matter of fact, in some of these countries these medical training programs are the Nation's principal source of trained physicians. The fallout benefit to civilian requirements has always been, and will be great.

I think it also pertinent to point out that in our country today the vast majority of the medical schools in being, are no longer "private schools" but in fact public institutions with their support coming primarily from State and Federal funds.

I therefore do not share the reservations that some members of the medical profession seem to have concerning the establishment of a medical school of this kind. I have evolved through that stage and recognize modern requirements and facts of life.

I am quite aware of the fact that the creation of a medical school de novo is ordinarily a long and arduous process covering a span from 5 to 10 years. A dean and faculty of medicine, and associated medical disciplines, must be laboriously recruited and assembled. In addition, costly capital outlays must be forthcoming to build facilities such as an administrative center, basic science buildings, laboratory, research facilities for the basic and clinical sciences, housing for faculty and students, and teaching hospitals with an adequate patient census.

Fortunately, much of these resources are already in being and available in the Washington metropolitan area. There are in the Washington metropolitan area, military and Federal medical resources whose full potential in contributing an increased production of physicians has almost scandalously, never been fully utilized. Within the environs of the Nation's Capital, for example, may be found the National Institutes of Health, the Armed Forces Institute of Pathology, the Armed Forces Radio-Biology Research Institute, the National Library of Medicine, Walter Reed Army Institute of Research, Walter Reed Hospital, the Naval Medical School and Research Institute, the Naval Hospital at Bethesda, Andrews Air Force Base Malcolm Grow Hospital, the Walter Reed Army Institute of Nursing, and the Hospital of the Veterans' Administration. These facilities, with their staffs, their patient population, their clinics, laboratories, libraries and classrooms form major assets for the creation of a medical education center.

These elements represent an enormous capital investment, all national assets, all currently operational, all mature institutions, many of which have national and international reputations. It would appear to be no longer justifiable, in the fact of the urgent requirements for expansion of our medical education system, to leave these resources untapped. It is time for the Federal Government to capitalize on them by the creation of a medical school which will meet at least a portion of the medical needs of our Armed Forces and thus serve the Nation as a whole. Conversely, failure to do so in a time of recognized need based on progressively increasing demands for services, is most unfortuitous and nearsighted.

This bill will provide the Department of Defense with the authority required to initiate the necessary actions which will result in the establishment of a Uniformed Services University of the Health Sciences with its first major project the actual establishment of a medical school, for the training of uniformed services personnel.

This bill, as amended by the committee and as described by the chairman, will do three things:

First, it will establish the Uniformed Services University of the Health Sciences, with initial emphasis on the creation of a medical school;

Second, it will authorize the concurrent establishment of a very comprehensive scholarship program for the training of professionals in the civilian health fields for careers in the Armed Forces; and

Third, it will lift existing statutory restraints on the promotion of medical and dental officers to flag and general officer rank.

The combination of these actions should go far toward increasing the attractiveness of a career in the health professions in the Armed Forces.

We certainly know that action must be taken and taken immediately. The solution provided by this legislative proposal is one endorsed by not only your

Committee on Armed Services but the Department of Defense as well.

I, therefore, urge every Member of this body to support this legislation so that it may receive the unanimous approval of the House.

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

Mr. HALL. Of course, I yield to the gentleman from Texas.

Mr. GONZALEZ. First, I wish to add my compliments to the gentleman for his most enlightening presentation and my compliments to the chairman of the committee, the distinguished gentleman Louisiana (Mr. HÉBERT).

Mr. Chairman, I rise in support of this legislation. However, I have one question to ask. Since the statistics show that this is a very critical field, how does the gentleman explain the fact that the doctors are not going into the service, or if they do, staying in the service? What is the overriding factor there?

Mr. HALL. There are many factors, some of which I touched upon in my statement. There is a lack of recognition on the part of the medical community of the service doctor and a lack of teaching and research professions. I know this comes as a shock to those who do not realize the centralization of research within the armed services. But most of all, those that remain have that inherent desire of the individual who dedicates himself to humanitarian care but who has to compete with his colleagues and fellow man in rendering quality medical care.

They can render quality medical care perhaps by rote in the uniformed services, and I speak from over 8½ years of experience on active duty in the service as a medical officer myself, but they cannot do it in the same degree of competition that they get from hanging out their shingle in their own hometown and meeting the competitive thrust of the favored doctor-patient relationship.

Mr. GONZALEZ. I thank the gentleman.

Mr. HALL. Mr. Chairman, I now would like to yield 5 minutes to my distinguished friend and colleague, the gentleman from New York (Mr. PIRNIE).

Mr. PIRNIE. Mr. Chairman, I rise in support of H.R. 2 as reported by the Committee on Armed Services, and strongly urge its approval by every Member of this body.

I am reminded also, as the chairman has stated, that this is a dream of 20 years, but that period of 20 years has been very well spent. It has brought the dream into clear perspective. It has enlisted people who might otherwise have been opposed to its sound objectives, and therefore, as was developed in the testimony before our committee, there is substantial approval. There is recognition of the need, and there is recognition of the validity of the approach as we try to generate an environment in which professional excellence will be the hallmark of the military doctor, so that he can pursue his profession within the armed services as a credit to the profession.

I know that this is going to be accomplished without sacrificing excellence in the civilian environment. That has been the goal of our chairman, and it has been the foundation upon which the basic plans have been developed. We seek not only a solution for a pressing problem, but a landmark in excellence in a field which vitally affects the health and happiness of our people, in and out of uniform.

Mr. Chairman, both Chairman HÉBERT and Dr. HALL have provided the House with comprehensive explanations of this legislation. Therefore, I will confine my remarks to responding to certain elements of criticism which I consider unjustified.

Briefly, there are those who directly or indirectly maintain that since the Uniformed Services University of Health Sciences will be a federally sponsored institution, it will therefore, somehow, produce second-class graduates not equal to the professional capabilities of those otherwise trained.

This criticism is clearly without basis in fact. On the contrary, there is much evidence to indicate that the quality of training and the quality of the type of graduate produced by an institution of this kind will be well above that obtained in nonfederally sponsored educational institutions.

For example, the Service Academies, which are operated and administered by the Army, Navy, and Air Force, have developed and maintained academic standards that assuredly place them among the finest undergraduate educational institutions in the United States today.

As a member of the Board of Visitors of one of the Service Academies, I have been privileged over a period of years to become intimately familiar with the academic program typical of each of these Academies, and can testify that their faculties, their libraries, their student bodies, and their intellectual accomplishments are outstanding.

To illustrate, graduates of the Air Force Academy, when tested with their contemporaries from the civilian sector, have consistently finished among the top 10 schools in the country in comparative test scores.

Likewise, graduates of the Military Academy at West Point and the Naval Academy at Annapolis have done remarkably well in these comparative test scores. Obviously, this reflects the continual striving for academic excellence in these federally sponsored undergraduate training institutions.

The accomplishments of graduates of the Service Academies require no elaboration. Their distinguished military and civilian careers are well established. Dozens of universities and colleges throughout the country are now headed by former students of the Service Academies. The Academies each year are honored by having graduates designated as Rhodes scholars—an honor which not only distinguishes the young man so designated but the institution which provided the academic training that made this award possible.

These facts present a very dramatic and solid refutation of the allegation that a federally sponsored educational institution cannot attain and maintain the high academic standards of nonfederally administered educational institutions. However, it should be noted, the proposed medical school for the uniformed services will not be administered by the military departments. It will, in fact, be administered by a board of regents composed almost entirely of civilians appointed by the President of the United States.

The board of regents will consist of nine civilians appointed by the President with the advice and consent of the Senate. These civilians will undoubtedly be outstanding educators and prominent members of the medical profession.

The board will also include representatives of the Secretary of Defense and each of the Surgeons General of the United States.

Thus, the board of regents of this new school will, in fact, be no less civilian oriented than other non-Federal medical schools through the country.

This board of regents will not be service dominated.

This board of regents will not be politically dominated.

This board of regents will, however, be dedicated to the purpose of making this medical school the finest of its kind in the entire world.

This board of regents will be dedicated to producing physicians equipped and trained to function as global physicians—physicians who will encounter and be able to cope with the myriad of medical problems that occur anywhere in the world even under the sea and in the infinite vastness of space.

The appraisal that I am attempting to convey regarding this concept is shared by many members of the medical profession. Let me for a moment quote one of the distinguished witnesses who appeared before the committee, Dr. James Cain, consultant in medicine at the Mayo Clinic, former chairman of President Johnson's National Advisory Committee to the Selective Service System for the selection of physicians, dentists and allied medical personnel, and currently a member of the American Medical Association's Council on National Security, who projected this concept as follows:

> This school could be a model for the country, and it should be. I think this medical school and its possibilities are limited really only by our dreams and our imagination.

This concept, developed so carefully by our chairman, Mr. HÉBERT, has been described as an idea "whose time has come."

It has been long awaited. Let us not wait any longer. Our Committee on Armed Services reported this bill out unanimously with 33 members voting "aye." It deserves the same unqualified approval in the House.

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

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

Mr. ICHORD. Mr. Chairman, I want to commend the gentleman from New York for the statement that he has made, and also the gentleman from Missouri for the leadership and the expertise which he has provided in the development of this bill, and especially do I wish to commend our chairman, the gentleman from Louisiana (Mr. HÉBERT), who not only provided leadership in bringing this bill to the House floor, but also for persevering in a concept which was sound

over 20 years ago, when he first advanced the same, and is still sound today.

The purpose of this legislation is to educate and develop career-oriented medical officers, and I feel quite confident that if administered properly the dreams of the gentleman from Louisiana will be realized.

Mr. Chairman, I thank the gentleman for yielding.

Mr. PIRNIE. I thank the gentleman for the statement he has made.

Mr. HALL. Mr. Chairman, may I inquire how much time we have remaining?

The CHAIRMAN. The Chair will advise the gentleman there are 12 minutes remaining.

Mr. HALL. Mr. Chairman, I now would like to yield 5 minutes to the distinguished gentleman from Texas, a member of the committee (Mr. FISHER).

Mr. FISHER. Mr. Chairman, I add my support to H.R. 2, the Uniformed Services Health Professions Revitalization Act of 1971. I believe that H.R. 2 will do more to improve the quality of health care for our service members than any single matter this body has considered in many years. Since World War II the Congress has been greatly concerned with providing sufficient numbers of members of the health professions for our Armed Forces. This concern is heightened at the present time because of the national shortage of members of certain health professions. In my opinon, H.R. 2 will give the Department of Defense the authority it needs to procure and retain outstanding health professionals. It will do so by enabling them to assist in producing members of the health professions and, therefore, their gains will not be at the expense of the civilian sector.

H.R. 2 has three major parts. The first part directs the Secretary of Defense to establish a Uniformed Services University of the Health Sciences. This university will graduate its first class of 100 medical students within 10 years. It will also be the focal point for all health educational activities within the Department of Defense. In my opinion the establishment of this university is both a logical and necessary step. A medical school or any other in the clinical health profession requires more than a building, textbooks, and teachers. It requires a wide variety of patients and a health care facility so that the students can receive the proper training. We have, within the Washington, D.C. area, some of the finest hospitals in the country at Walter Reed Army Medical Center, the National Naval Medical Center, and at Andrews Air Force Base. Considering the critical shortage in our country of health professionals, we cannot allow the magnificent teaching opportunities presented by these hospitals to go to waste any longer. They should become a part of a health sciences university and H.R. 2 would make them part of the Uniformed Services University of Health Sciences.

The second part gives the Secretary of Defense the authority to establish scholarship programs for members of the health professions. During the first fiscal year of operation he could provide scholarships for nearly 2,000 students and the number of scholarships could be increased annually until 5,000 students were in the program. It is my belief that such a scholarship program is necessary to attract enough physicians and dentists into the Armed Forces.

The third portion of H.R. 2 would permit the Secretary of Defense to determine the number of medical and dental general officers that he needed to most effectively operate his health services. At the present time the authorizations for general officer for physicians and dentists are part of the larger authorizations of the Armed Forces. Consequently, in most instances, an additional flag rank officer in the Medical or Dental Corps leads to one less general officer in the line of the Armed Forces. As the result of this, the Armed Forces only have enough flag officers to fill the top health managerial positions. This means that to become a general or admiral, a physician, regardless of how highly skilled in his specialty he may be, must leave the patient for the desk. This is an intolerable situation that must be corrected. H.R. 2 would allow the Secretary of Defense to provide for sufficient flag officers in the Medical and Dental Corps so that a highly skilled specialist could continue his specialty practice after promotion. This body passed a similar provision in 1967 but that provision was rejected by the Senate. I believe that we were on the right course in 1967.

Mr. Chairman, the bill authorizes the Secretary of Defense to propose additional similar institutions, at appropriate locations, if feasible and necessary. If and when that happens, San Antonio should, and I think will, be on top of the list. As the Nations No. 1 military city, located there a vast medical complex—both military and civilian. Indeed, the Alamo City is due to become the Nation's foremost medical center, with the finest facilities to be found anywhere. Also located there is the great and prestigious Southwest Research Institute.

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

Mr. FISHER. I yield to my distinguished colleague, the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I thank my colleague, the gentleman from Texas, and compliment him for his efforts on behalf of this legislation and echo his sentiments with regard to the very special qualities and potentials in the San Antonio area.

I intend to offer an amendment to the committee bill, which would leave discretionary with the Secretary, the site location.

Since this institution is to be specialized in nature, I believe that its actual location should be a matter of administrative discretion. Clearly there are many places in the United States that could serve well as the site for this school, not least of them being my own area of San Antonio. In San Antonio, we already have a host of facilities that would admirably complement the new school, and make it the best possible institution. For example San Antonio has a new civilian medical school. There is a major new veterans hospital being built on the same site, and not far away the University of Texas is constructing a new campus for a major school. Within minutes of all this there is Brooke Army Medical Center, already world famous for its work in the treatment of serious burns. There is also a major Air Force Medical Center at Lackland Air Force Base, not to mention the School of Aerospace Medicine at Brooks Air Force Base. Given all this I could not imagine a more likely spot to locate the proposed new institution. The committee bill would however, bar even the consideration of San Antonio, or any other place—and there are many others in the country—that might be far more suited for this school than anything available in the Washington metropolitan area. Notwithstanding my own interests in San Antonio, I believe that simple prudence demands that we should allow the executive full discretion in seeking out the best possible site for this important school for the training of military medical personnel.

I urge the adoption of my amendment, which I believe will perfect the bill.

Mr. HALL. Mr. Chairman, I would like very much to yield 5 minutes at this time to the gentleman from Florida, my distinguished friend on the Committee on Armed Services, who has cosponsored this and similar legislation since before I came to Congress (Mr. CHARLES E. BENNETT).

Mr. BENNETT. Mr. Chairman, I thank my colleague very much.

Mr. Chairman, this is truly an idea that has come in its time.

It is unique in another aspect as well and that is that we have a chairman of the Committee on Armed Services who has worked for this idea with great perseverance against many years of opposition. This idea was always a sound idea, but somehow or another it never was put in exact focus in the way it should be and now it has been done; and done largely because of the gentleman's perseverance and his idealism. It is a great and well deserved tribute to him.

Another rather unique thing about this bill is that Dr. HALL, on the minority side, who is one of the most intelligent, bright, and dedicated men it has ever been my opportunity to meet, is a man who has gone into this in great depth and with great clarity and with great precision. I think this legislation is a product of many fine things and one is the dedication of that man from Missouri who has this tremendous capacity and perseverance and who has worked so hard and effectively on this legislation.

Mr. Chairman, I would say one other thing as being particularly unique about this legislation and that is that it comes to grip with something that has been overlooked in the past: That is that having doctors come always through private medical schools has not in fact produced fully an opportunity for men who really look at the medical career in the military as a special type of career. I have spent about 2 years of my life in military hospitals as a patient and I know whereof I speak.

There are men in such hospitals who have indeed given their lives to the idea of serving their fellow man who have fought on the battlefields for this country. They are a special type of people. They are wonderful people. A similar type of people, in my opinion, could be

brought to a military medical educational institution. We could bring there together for instruction purposes these men who have already been such anonymous but great men in making medical strides for our military men.

I just believe this military medical education plan, can be, perhaps, the finest in the world, and it can turn out men who are in truth dedicated to serving America by serving those who have served on the front lines of our country.

I have been interested in establishing a medical school for the Armed Forces for almost two decades. It seems very consistent with the proposals of George Washington in 1790 and 1796 when he recommended a national university and also a national military academy. Since 1955, I have introduced bills such as this in each session of the Congress to achieve a better medical program for our military which would also help all U.S. citizens.

In this Congress, I have introduced a bill, H.R. 578, to provide for the establishment of a U.S. Armed Forces Medical School and to establish an Armed Forces health professions scholarship program. The thrust of my legislation was similar, if not identical, to the bill that we are now considering today.

There is a critical health manpower need in the United States today, as was pointed out in the recent report on the Comprehensive Health Manpower Training Act of 1971. While we have approximately 332,000 physicians in active practice today, we need 50,000 more today, and the National Institute of Public Health reports we will be 28,000 doctors short by 1980.

An Armed Forces Medical School would help solve this shortage of doctors not only in the military, but also for civilians, particularly in areas of great need. It will help eliminate the doctors' draft, which we have had to rely upon for too many years to obtain adequate physicians for our military.

A military medical school would stop the rapid turnover of doctors in the Armed Forces, which one report states totals some 5,000 each year. It would save the Government money in training and indoctrination costs because there would be greater permanency of service. Students attending the military medical school would be the best trained in America, and the staff and faculty would be of high quality, drawing upon the expertise of the civilian practice and the military.

For years, I have had unfavorable reports on the bills I have introduced from the Department of Defense but, at long last, this year we have the total support of the Department of Defense. During the hearings, one member of the committee stated, "This is an old idea whose time has come," and I could not agree with him more.

Mr. Chairman, section 2116 of this bill requires the Secretary of Defense to report on the feasibility of establishing medical, educational institutions similar to the uniformed services university, at locations he deems appropriate. I sincerely hope the Secretary will recommend Jacksonville, Fla., for such an institution. The large number of military personnel in that area and the medical and hospital facilities there, both civilian and military, would seem to make that location ideal.

Today, more than 53,000 of our physicians are graduates of foreign medical schools. This means that about one in every six physicians is a foreign graduate, and this proportion is rising.

The chairman, in his usual fine manner, has given in general terms the structure and organization of the Uniformed Services University of the Health Sciences. In my opinion, this certainly is the right approach to solving the long-term problem. But this bill is more embracing. It proposes to attack the short-term problem of training professionals in the health fields for careers in the Armed Forces by approving a comprehensive scholarship program which was advocated by the Department of Defense.

At the present time, each of the military departments now has a program involving a partial subsidization of medical education in return for obligated service. These programs, however, are small and lack uniformity.

This bill would provide a statutory basis for a larger and uniform program covering all the health professions for which there is a need in the military medical services and which require training beyond the baccalaureate level. Under this program, qualified persons accepted by or already attending an accredited graduate school and who are pursuing an education in one of the health professions, may be appointed as second lieutenants or ensigns, ordered to active duty with full pay and allowances, and stationed at their respective civilian colleges or universities. In addition, their tuition, books, and other educations fees would be paid for by the Government. In return for this financial assistance, participants would incur an active duty obligation the amount of which would be determined under regulations prescribed by the Secretary of Defense.

It is recognized that the pay and allowances of second lieutenants and ensigns would provide participants with funds considerably greater than those now generally available to students in the health professions under various other Federal scholarship and loan programs. But it must be recognized that the other loan and scholarship programs now available do not involve any obligation for military service and that, in fact, acceptance of such funds generally involve no obligation whatsoever.

As the cost for an education in the health professions continues to increase, many gifted and deserving young people must of financial necessity rule out any possibility of their entering the health professions. The establishment of the program covered by this proposal will offer these young people an opportunity otherwise denied them. At the same time, greater stability would accrue to the military medical services if the program is successful.

The program contemplated will be partially successful if it results in significant improvement in the number of commissioned officers in the health professions who serve on active duty beyond 2 years. We believe it will be completely successful if it results in a retention rate upon completion of obligated service of at least 10 percent of those who participated.

For the first year, a total of 1,800 scholarships are proposed. Depending then upon need and availability of funds, the annual input could be raised to 5,000 by fiscal year 1977 by expanding medical and dental participation and adding the various other health professions required for an all-volunteer program.

While students for the program will be sought from all professional institutions, it is anticipated that some institutions will play a major role in educating students in the health professions for the uniformed services. It is also anticipated that in such cases, it will be preferable for the Department of Defense to negotiate directly with the institutions to annually accept a certain number of students who are jointly selected by the Department of Defense and the institutions.

In general, such institutions will be those that are located in the vicinity of major medical facilities of the uniformed services and that enter into comprehensive affiliation agreements with the Department of Defense for post-graduate and continuing education of health personnel in those facilities.

Gentlemen, this bill is designed primarily to assist the military by the additional production of career oriented medical officers, but it will create a benefit in practically every community in the United States. As we move toward an all-volunteer force, I can think of no more vital piece of legislation that we could consider than the one we are considering here today. We in the Congress have a responsibility to provide proper medical care for our military forces, and without such a bill as this, if the doctor draft law expires, we would be unable to provide such care.

I urge the support of every Member of this body to help attain the goal of an all-volunteer force by voting for this bill.

Mr. HALL. Mr. Chairman, I yield myself 1 minute.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. HALL. Mr. Chairman, I certainly want to thank the distinguished gentlemen who have had such kind remarks about this bill, and especially about our distinguished chairman from Louisiana and our staff who have worked so long and redrafted so many bills in order to make it adequate, and bring to pass this idea whose time has come aborning today, as we would say in the profession.

I think the experience of the gentleman from Florida in military hospitals explains his prolonged dedication to helping to draft this bill I would merely want to supplement what he has said, in addition to what I have already commented in thanking him, introducing him, and in yielding time to him, by saying perhaps many people who are regular files of the Medical Department in the Regular Army who do get out and follow a will-o'-the-wisp today do not take full cognizance of the many benefits of the in-service care of patients and, furthermore, of the benefits that accrue from their lifetime of dedicated service, and it is toward this end that we are try-

ing to stimulate retention and inducement to stay in the service.

Mr. Chairman, at this time I would like to yield to the gentleman from North Carolina, a distinguished member of the Committee on Appropriations (Mr. JONAS).

The CHAIRMAN. The gentleman from North Carolina is recognized.

Mr. JONAS. Mr. Chairman, I have asked for this time in order to try to get in the RECORD some estimates of the cost of this program that we are asked to vote for today. I understand there are two separate programs. One is the scholarship program, and the projected costs are pretty well set forth on pages 15 and 16. I understand the estimate of the scholarship program is that it will cost $20 million the first year and then go up to $40 or $50 million, in that range, thereafter, and in the last 3 years, as shown on the chart on page 16, it is expected to continue at a rate of $50 million a year.

Mr. HÉBERT. That is our understanding.

Mr. JONAS. That answers my question with respect to the scholarships.

With respect to the establishment of a university, I see in section 2117, page 13 of the bill, that there is an open-ended authorization there, depending on appropriations for the Department of Defense in regular bills and supplements. Any sums appropriated for the Department of Defense can be used for the construction of this hospital. Is that correct?

Mr. HÉBERT. There is a limitation of $20 million for this particular project in any one fiscal year.

Mr. JONAS. I did notice that it is $20 million a year, but how many years will that run? Will it require more than 1 year for construction? Would it be $20 million 1 year, $40 million for the next 2 years, making $60 million, if it takes 3 years? What does this mean?

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

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

Mr. HALL. I appreciate the gentleman's question. I invite his attention to the fiscal data appearing on page 26 of the report under the heading of "Fiscal Data," and also the data on pages 15 and 16.

Now, in specific answer to the question, that is the authorization of up to $20 million, it is necessarily vague at this time. If the gentleman insists on the term "open-ended," it is simply because we do not know at this stage whether they will convert a building in being, as someone here suggested a while ago, at the Army Medical Center, to the basic science school which is necessary before we get into the clinical years and all these hospital and other research and training facilities that are available, or whether they will have to build a new basic science building, or where they will build it. But it was the thinking of the committee that we should leave this up to the Secretary because in the bill itself we ask the Secretary to report back each year to the Committee on Armed Services. Of course, there is the final check of the gentleman's own committee, the Committee on Appropriations.

Mr. JONAS. Mr. Chairman, if the gentleman will permit me, I had noticed that table on page 26. But I noticed the one on page 22 also, and I was trying to reconcile them. The table on page 26 shows the estimated cost over a 6-year period of $241 million. Is that correct?

Mr. HALL. That is for operation as well as brick and mortar, and the scholarship program, and the Armed Services Medical School combined.

Mr. JONAS. That is the combined, overall total estimated cost of the entire legislation?

Mr. HALL. That is correct.

Mr. JONAS. University plus scholarship?

Mr. HALL. That is correct.

Mr. JONAS. I thank the gentleman for yielding.

Mr. HALL. Mr. Chairman, I have no further requests for time at this point, and I reserve the balance of my time.

Mr. HÉBERT. Mr. Chairman, I yield to the gentleman from California (Mr. LEGGETT) for a unanimous-consent request.

Mr. LEGGETT. Mr. Chairman, I think the criticality of the pending legislation has been well pointed out by the previous speakers. Certainly I commend the unified approach to this legislation. It is strongly supported on both the Democratic side of the committee, and also on the Republican side. It came out of the committee unanimously. We reconciled most of the objections and differences which have arisen about this legislation.

Certainly it seems to me that the health crises, which might be a subject of contention in this country as far as the domestic area, there is no question as far as the health crises in military medicine is concerned. We are going to have to meet this crises as our draft evaporates within the next few years. I believe there is no doubt about the fact that we need two medical slots for every medical student who currently is in training in the United States today. I believe the university is needed, and the scholarship program is needed. I believe this is the most cost effective program we have in our defense budget.

Mr. Chairman, I commend the gentleman and the committee for this legislation.

Mr. Chairman, let us consider the following undisputed facts which argue in favor of establishing a military medical school and a military medical scholarship program.

First. Our present military medical manpower is largely produced by the doctor draft. Of 14,075 physicians presently in uniform, only 5,301 were not drafted.

The doctor draft will not be available much longer. It is based on the fact that nearly all young American doctors enjoyed student deferments in college and/or medical school; therefore, they are subject to the draft until they reach age 35. With the approaching end of all student deferments, this source of medical manpower will disappear.

Second. The United States in general suffers from a tremendous shortage of physicians, which results from a tremendous shortage of medical schools. For every student who enters medical school, another fully qualified student must be turned away. In other words, we could well use twice as many medical schools as we now have.

Third. Even with the present heavy Federal and State subsidies, medical school is tremendously expensive for the student and his family. Medical school does not permit the part-time work or fellowships that are common in graduate school, and scholarships and loans are relatively scarce.

Fourth. There is a particular shortage of doctors in rural and low-income areas. This accounts for America's scandalously low ranking among the countries of the world in terms of average life expectancy and infant survival.

The proposed military medical school and military scholarship programs will not by themselves solve any of these problems, but they will contribute to their solution. Let us take these problems one at a time:

First, the military manpower problem. The proposed medical school will graduate 100 physicians per year, of which 80 will be required to serve 7 years in the military, not including their years of internship and residency. This means that each year we will be acquiring 560 new man-years of medical manpower. In addition, it is probably fair to assume that virtually all of these men will choose to serve internships and residencies in the military; if we estimate a 1-year internship and a 3-year residency as an average, this gives us another 320 new man-years acquired each year.

The military medical scholarship program will pay educational expenses plus 0–1 level salary to medical students at existing schools, in return for 1 year military obligation for each year in the program. The program will finance 5,000 students on the average this gives us 5,000 new man-years every year. Assuming they serve their internship and residency in the military, this adds another 5,000 man-years.

Now let us add it up. Ignoring interns and residents, the program will provide a minimum of 5,560 new man-years of medical manpower each year. Adding interns and residents, we have 10,880.

In addition, improved pay scales and promotion practices will presumably persuade some of these doctors to remain in the military after their obligation has expired. But even if it does not, when one considers that today's Armed Forces, which employ considerably higher manpower levels than we will be seeing in the next 10 or 20 years, require only 14,000 physicians, it is evident that this bill will go a long way toward our military medical manpower requirements.

Second. The military medical school will turn out 100 new physicians every year, to the direct or indirect benefit of the Nation's general medical needs. We need many times this number, of course, but 100 will help.

Third. Approximately 1,350 medical students each year will be able to enter this program which will provide them with all educational expenses plus a comfortable living allowance. This will enable other scarce scholarship and loan

funds to be distributed to other needy students who might otherwise have to drop out for financial reasons. Personally, I believe we should be heading toward free medical education for all who can qualify. This bill will be a step in that direction.

Fourth. The military medical school will graduate 20 physicians per year who will not serve in uniform, but will be obligated to serve 7 years in Federal civilian service. In addition, the bill allows the services to transfer the obligation of scholarship recipients to Health, Education, and Welfare if military medical manpower conditions permit. Thus, we will have at least 20 young physicians each year who will be sent for at least 7 years each to the poverty areas of our Nation where doctors are most urgently needed. They will, of course, receive a comfortable income from the Federal Government during their service.

Mr. HALL. Mr. Chairman, I yield now to the distinguished gentleman from New York (Mr. KING) a member of the committee, such time as he may consume, and the balance of my time I yield to the distinguished chairman of the committee.

Mr. KING. Mr. Chairman, as a member of the Committee on Armed Services I rise in support of H.R. 2. I compliment the chairman, and the gentleman from Missouri (Mr. HALL) for the work they have done on this bill.

Mr. Chairman, I think it advisable to put in the RECORD a synopsis of the bill at this point:

H.R. 2 AS AMENDED AND REPORTED BY THE HOUSE ARMED SERVICES COMMITTEE

1. Adds a new chapter 104 to title 10 U.S. Code.

a. Establishes a Uniformed Services University of the Health Sciences, with degree-granting authority, within 25 miles of D.C.

b. University would graduate 100 medical students annually, with first graduating class within 10 years.

c. University would be governed by a Board of Regents composed of nine civilians appointed by the President with the advice and consent of the Senate, a representative of the Secretary of Defense, and the surgeons general of the uniformed services.

d. The Board of Regents could establish postdoctoral, postgraduate, and technological institutes, as well as continuing education programs.

e. A student at the University would be on active duty in pay grade O–1 and would incur a seven year service obligation.

f. Up to 20 percent of the graduates could serve their obligation through civilian Federal service.

g. The Secretary of Defense would be required to report to the Armed Services Committees on the feasibility of establishing similar educational institutions at other locations.

h. Appropriations for construction of facilities could not exceed $20 million in any fiscal year.

2. Adds a new chapter 105 to title 10 U.S. Code.

a. Authorizes Secretaries of military departments to establish scholarship programs for health professions.

b. Students in the scholarship programs would attend civilian institutions in the United States or Puerto Rico for up to four years in courses leading to degrees in the health professions.

c. A student in the scholarship program would be on active duty in the grade 0–1 and would incur a service obligation of at least one year for each year of education while in the program.

d. Not more than 5,000 students could be in the scholarship programs at any time.

e. The Secretary of Defense could contract with civilian institutions for the payment of tuition and other educational expenses incurred by students in the scholarship programs.

3. Amends sections 3202(e) and 8202(e) of title 10 to remove Army and Air Force medical and dental officers from the numerical restrictions of the respective officer grade limitation acts.

4. Amends section 5793 of title 10 to authorize the Secretary of the Navy to determine the needs of the Navy for officers in the flag ranks in the Medical Corps and the Dental Corps.

Mr. PRICE of Illinois. Mr. Chairman, I support H.R. 2, the Uniformed Services Health Professions Revitilization Act of 1971. I think this is a significant step forward in providing for the medical care of our servicemen and servicewomen.

Many parts of our Nation are faced with a shortage of adequate health services. As we work on other measures to solve those problems, we must be sure that the members of our Armed Forces do not suffer from a shortage of quality health care.

For many years now, we have used the doctor draft as the mechanism for acquiring health professionals, especially in medicine and dentistry, for the Armed Forces. At the present time the Armed Forces are attempting to move to an all-volunteer force. As they do so, it would be grossly unfair to continue to use the doctor draft and to discriminate against the members of the health professions by requiring them to serve involuntarily in the Armed Forces.

If the Armed Forces cannot continue to draft physicians and dentists, they must have substitute methods of procuring these essential health personnel. I believe H.R. 2 will give the Department of Defense some very valuable tools that can be used to counteract the expiration of the draft.

H.R. 2 contains a scholarship program through which the Department of Defense can assist in the education of dedicated young people, who would like to follow a career in military medicine, in return for a specified number of years service after they graduate from a professional school. Under H.R. 2, the Secretary of Defense will be able to commission individuals in various medical or dental schools or he will be able to enter into agreements under which a medical school or a dental school would educate a certain number of students for the Department of Defense. The latter will be particularly desirable where medical schools are located near our large military medical facilites because the students could spend part of their time as students practicing in the military medical facility. By the time they graduate they would already be familiar with military medicine practices.

In addition to the scholarship provision, H.R. 2 would provide for the establishment of a uniformed services university of the health sciences. This university could, by using the tremendous health resources of the Armed Forces in the Washington D.C. area, become one of the finest health universities in the United States. This fact was affirmed repeatedly in the hearings held by Mr. HÉBERT on H.R. 2. While the primary purpose of the university would be to educate health professionals for the Armed Forces, it might, in the long run prove to be of even greater value in its effect on the quality of military medicine. The university would coordinate all health educational and research efforts in the Armed Forces. These programs would be under the guidance of a board of regents that I am certain will represent the finest minds in the country in their respective fields. It is my belief that the university would closely tie military medicine to the mainstream of the most outstanding aspects of our civilian health education programs.

Finally, H.R. 2 will give the Secretary of Defense the authority to determine his own needs for general and flag officers in the medical and dental professions without affecting the general and admiral authorizations for the line of the services. This measure is long overdue. At the present time, with the limited number of flag rank positions for physicians and dentists, the most highly skilled neurosurgeon or the surgeon performing open heart surgery must leave the operating room if he is selected to be a general or an admiral. He must do so because the few authorizations for flag rank are reserved for the top medical and dental leadership physicians. With the additional authority contained in H.R. 2, the Secretary of Defense will be able to provide sufficient authorizations so that the most outstanding clinical specialists can be promoted to flag rank and continue to be the leaders in their specialty fields.

I urge support of H.R. 2.

Mr. HÉBERT. Mr. Chairman, in the few seconds remaining I shall take the opportunity to echo what the gentleman from Missouri (Mr. HALL) has said in connection with the work of our staff.

I think the Members of this House know this again exemplifies the team effort of the Committee on Armed Services. We have no partisan lines. It is a team that is working every day to keep America as strong as we can, and to contribute to our security.

Our staff, as usual, worked very hard, and in close cooperation with Pentagon officials. As a result of this great team effort we have come forth with this legislation today, which I do hope will be unanimously approved.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 2

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Uniformed Services Health Professions Revitalization Act of 1971".

Mr. HÉBERT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair,

Mr. DORN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2) to establish a Uniformed Services University of the Health Sciences, had come to no resolution thereon.

## PARLIAMENTARY INQUIRY REGARDING ORDER OF BUSINESS TOMORROW

Mr. HÉBERT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HÉBERT. As I understand the situation as of now, and as related to tomorrow, our understanding is that a continuation of consideration of the bill H.R. 2 will be the first order of business when the House meets tomorrow?

The SPEAKER. Not under the program, the Chair will answer. There are two unfinished matters pending before the House. One is the Higher Education Act, which has been the unfinished business for several days. It is a matter of discretion of the Chair, and the Chair would like to discuss this matter with all parties concerned.

Mr. HÉBERT. I hope the Chair will, because it was my understanding this would be the first order of business tomorrow. That was the reason the committee rose, in deference to the wishes of the Chair.

The SPEAKER. The Chair will take that up with parties concerned.

## THE CHILDREN ARE STILL WAITING

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

Mr. RYAN. Mr. Speaker, in 1967, the Congress passed an amendment to the medicaid law mandating the creation of a program of preventive health care for millions of poor children throughout the Nation. Now—4 years later—that law still has not been implemented.

On September 16, I brought to the attention of the House the fact that due to the failure of the Department of Health, Education, and Welfare to put this program into action, some 6 million children have been denied desperately needed medical services. Today, in an editorial condemning the failure of HEW to live up to its responsibilities, the Washington Post estimates the number of children who would be eligible for the benefits of this program at 13 million. Whether it be 6 million or 13 million, one thing is clear: The callous neglect of the needs of poor children by this administration is totally inexcusable.

On August 16, I wrote to the Secretary of Health, Education, and Welfare calling upon him immediately to implement this program. On September 21, I received his response—expressing his "concern" for the need of this program and informing me that he had signed regulations which would be published in the Federal Register "very shortly." That was 6 weeks ago. The children are still waiting.

At this point I include in the RECORD the editorial from the November 2 Washington Post regarding the failure of the Department of Health, Education, and Welfare to carry out its responsibilities to the children of this Nation:

AN UNUSED HEALTH LAW

Preventive medicine is a simple idea: you visit the doctor before you get sick, rather than after. In that way, a potentially serious illness is possibly caught in its early stages and blocked before it gets beyond control. Such logic has been followed by millions who go in for cancer check-ups or heart tests. This makes sense economically—because of the money saved—and medically, because catching a disease early is considerably less demanding on the patient, doctor and hospital than catching it later.

This was largely the thinking of the House Ways and Means Committee in 1967 when a proposal came before it for a federal program to examine millions of poor children for potential illness or disease and then correcting them. The committee was attracted by the economic advantages of the program—better to pay out a little now than a lot later. Accordingly, President Johnson signed into law in January, 1968, the idea of preventive medical care for welfare children who seldom if ever see a doctor. The law was an amendment to the Social Security Act.

Now, nearly four years later, the children of poverty and sickness are still waiting for the government to begin the program. The alibis and stalls of the administration—it costs too much, the regulations will be out shortly so don't be impatient—reveal a bleak record of federal indifference both to the poor and to the basic logic of preventive medicine. In a recent Washington Post story by Nick Kotz, it was revealed by HEW officials that the regulations of the program—overdue now by 27 months—are being held up by the Office of Management and Budget. Saving money is the obvious reason, but in the long run how much actual saving will there be? In comparison to what will have to be spent later, nothing will be saved; vast sums are likely to be lost.

As for the health problems of the young poor, the Mississippi Medical Commission recently reported that its examination of 1,178 children showed 1,301 medical abnormalities, including: 305 cases of multiple cavities, 241 cases of anemia, 97 cases of faulty vision, 217 cases of enlarged tonsils, 51 cases of hernia, 48 cases of intestinal parasites, 53 cases of poor hearing and 32 other conditions requiring immediate treatment.

Perhaps if no program had been created by Congress for these tragedies, it might be understandable that these sick children are uncared for (and never mind the vast federal sums spent on defective military airplanes or farm subsidies). But the law is there, with some 13 million covered by it. Granted, medicaid and welfare are not simple programs to administer; but how is it possible that after three years action on this section of the law—to help prevent diseases among children—has yet to begin?

## A CONSTITUTIONAL AMENDMENT DEALING WITH PRAYER IN PUBLIC BUILDINGS

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

Mr. McKAY. Mr. Speaker, much information has been introduced into the RECORD regarding the proposed constitutional amendment dealing with prayer in public buildings. Much of this information presents the legal and historical justification for the position taken by the Supreme Court in the Engel and Abington cases. This information is certainly welcome and I have considered much of it with interest.

Yet I cannot approach this issue simply by considering legal and historical precedent. The proposed amendment involves considerations which are, to me, fundamental and highly personal.

It is disheartening, to me, to hear proponents of this amendment tell us that the Supreme Court, in the school prayer cases, found in favor of nonbelievers against the legitimate wishes of the religious people of the land—that the advantages of those decisions are entirely secular. Nothing is further from the truth. The protection afforded by those decisions are as meaningful to the religious man as to the atheist. For anyone who truly takes his faith seriously, who has searched his mind and heart for an understanding of his God, who has developed out of his religious experience a belief about the place, values, and form of prayer as the deepest verbal expression of man's religious feelings, for any such person, the possibility of the state interfering with these deeply held feelings is indeed ominous.

I, personally, find the proposed amendment offensive because I cannot be equivocal about my religious belief. I have devoted much of my life to developing my understanding and respect for the Lord, and my understanding of Him is, certainly "denominational." Therefore, the "nondenominational" prayer advocated by this amendment cannot be acceptable to me. I am unwilling to participate in forms of religious exercise which accord to Him less respect than my faith requires, and I would be offended to have my Government regularly sponsor and support any such exercise as a part of the public school curriculum.

I am a member of the L.D.S. faith. I have held positions of responsibility and authority within that church. I prefer that my children be committed to that faith, and that they approach prayer with the special considerations required by the Mormon Church. I cannot, therefore, be comfortable with the thought that any institution of the State will involve them in religious services which do not measure up to the obligations taught by the church.

But just as I want my children to pray as Mormons, so I understand that my fellows of different faiths feel equally strongly about their children worshipping as befits their background. However strongly I feel about my faith, I would not impose it on others against their will. Not only would such an imposition be antithetical to the most basic American concepts of freedom, it would also endanger, in the long run, my own capacity to worship as my conscience dictates. Indeed, members of my faith need only recall what happened to their ancestors in Illinois, Ohio, and Missouri to recognize how precious religious freedom is, and how cruel intolerance can be when aided or ignored by the State.

Faced with my reluctance to have my children participate in religious exercises which do not embody their understanding of religious experience, and finding equally distasteful the thought of using the state to impose my religious preferences on others through the public

schools, I am left, inescapably, with the conclusion that the public school classrooms are not appropriate for state-prescribed, involuntary religious exercises. My conscience, as an American, as a Mormon, as a free man, requires that conclusion. Nothing less can protect the basic principles of freedom on which the country was founded. Nothing less can protect for me and my children the commitment and devotion to the Lord as we understand Him. Too much blood was lost by the early members of my faith at the hands of religious intolerance for me to be complacent about any effort to alter the freedom of religion which is so basic to the American system.

## PROPOSAL CONCERNING NONDENOMINATIONAL PRAYER IN PUBLIC BUILDINGS

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

Mr. GIBBONS. Mr. Speaker, very soon we will be voting on a proposal concerning nondenominational prayer in public buildings. As you know, Mr. Speaker, this proposal comes to us under a very difficult parliamentary situation in which debate will be limited to 1 hour and no amendments allowed. Unfortunately, there have been no hearings by the appropriate committee of the Congress on this proposal.

Should this proposal be adopted and become a part of our Constitution, it will be the first time in the entire history of this country that the first amendment to the Constitution of the United States has been changed.

The proposed amendment is as follows:

Section 1. Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.

Section 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission to the states by the Congress.

Because Mr. WYLIE's proposal raised so many questions in my mind, I propounded a set of questions and asked him to respond to them. Mr. WYLIE has responded to each question and I would like to have his response included in the RECORD so that each Member may have an opportunity to review each question and answer.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D.C., November 1, 1971.*

Hon. SAM GIBBONS,
*U.S. House of Representatives,*
*Washington, D.C.*

DEAR SAM: My apologies for the delay in responding to your letter of October 12.

My response to the 23 questions you asked in said letter is as follows:

1. Question: Who is to determine what is a nondenominational prayer?

Answer: The local school authorities would determine this, subject to judicial review which should be exercised in the event those authorities clearly abuse their discretion. The United States Constitution is premised in its division of powers upon the principle of subsidiarity, that governmental functions are best entrusted to the lowest level of government able to accomplish them. To be sure, there are powers that are denied therein to any government, state or federal, such as the right to deprive a person of life, liberty or property without "due process of law." But the issue of school prayer is one which, prior to the Supreme Court prayer decisions in 1962 and 1963, was safely left to the good sense of the people in the localities involved. What is a nondenominational prayer is not the kind of question which requires a uniform national solution.

2. Question: Assuming a school elects to have a nondenominational prayer, is it to be given during the regular school hours?

Answer: It would be lawful under the amendment, for the school authorities to provide for the recitation of a prayer during school hours. Of course, it would be proper for the courts to intervene to prevent abuse, for example, if the practice were carried out in such a way and at such frequency and length as to interfere with the educational function of the school. It seems to me, the ordinary practice of opening the school day with a prayer, or of otherwise including prayer as an incidental part of the school day, would not constitute such an abuse.

3. Question: Who in the school will give the prayer?

Answer: The person giving the prayer should be a volunteer from among the faculty, administration or student body of the school. Clearly, no person could be compelled to give the prayer or otherwise participate.

4. Question: May it be given out loud or silently?

Answer: This should be left to the judgment of the local school authorities.

5. Question: Does your amendment envision that a school board should prescribe a certain prayer of their choosing as being the nondenominational prayer for their school system?

Answer: Not necessarily. It could be composed by a student. It could be the prayer from the *Engel* case, which the Supreme Court said was nondenominational or it could be the prayer of the Senate or House Chaplain. A local school board would have the power to say that a prayer is not nondenominational, I would think.

6. Question: If not the school board, then would it be the principal or the teacher?

Answer: The composition or selection of the prayer would be the function of the local school authorities. In the usual case, this would be the local school board. This board would have the power to delegate the task of composition or selection to a principal or teacher or, for that matter, a student. In all situations, serious abuse could be redressed by judicial action.

7. Question: Would your amendment allow police or judicial action to prohibit a prayer in a public building because it did not meet their interpretation of being a nondenominational prayer?

Answer: Of course, judicial action would be appropriate to prevent serious abuse in this as in all other areas of our national life which involve the application and protection of constitutional rights. It would, however, be a matter within the primary cognizance of the courts rather than the police authorities. Procedurally, any action to prohibit a prayer would follow the cases already decided on this question.

8. Question: Under your amendment can the federal government decide what is a nondenominational prayer?

Answer: See the answer to question 4. If, however, a federal school is involved, it would be within the power of the appropriate federal official to decide whether a prayer is nondenominational. His decision would, of course, be subject to judicial review, just as now.

9. Question: Who in the federal government would decide?

Answer: There is nothing mandatory in the language of this amendment which could be implied from your question. The primary purpose of this amendment is to protect the right of the people to the free exercise of their religion. If the people desire to include a prayer in the activity in question, the public official would have no power to forbid it, provided that the conduct of the prayer did not substantially interfere with the primary function of the school or other activity involved. The amendment would not confer on any official, state or federal, a power to prescribe a prayer so as to compel anyone to recite it or otherwise participate in it. The amendment only reinforces the right to the free exercise of religion. Again, I would assume that the official in charge of any specific activity where a prayer was a part would have the primary responsibility to say whether it was or was not nondenominational.

10. Question: Does your proposed amendment prevent the giving in a public building of a prayer that has not been classified as nondenominational?

Answer: The amendment would legitimize prayer if it is "nondenominational." As I mentioned, an example of an appropriate nondenominational prayer would be the New York State Regents' Prayer, which was composed by a Jewish rabbi, a Catholic priest, and a Protestant minister and was the subject of the decision by the Supreme Court in *Engel* v. *Vitale,* 370 U.S. 421 (1962). This prayer read: "Almighty God, we acknowledge our dependence upon Thee, and we beg thy blessings upon us, our parents, our teachers, and our country." Other prayers could readily be considered sufficiently nondenominational within the meaning of the amendment. It goes without saying that judicial review would be available to prevent serious abuse in this as in other areas.

It is fair to say, also, that a prayer could be nondenominational in the context of the overall school program even if it would be regarded as sectarian if considered in isolation. It would seem to be legitimate for the appropriate authorities to permit the different religions represented in the school or other activity to take turns in offering a prayer of their respective religions. Considering the matter in its totality, the overall character of such a policy would be nondenominational. And it is important, too, that such a policy would foster greater understanding and tolerance among the various creeds. Particularly in grade schools, this is an objective earnestly to be desired.

11. Question: When are persons not "lawfully assembled" under your amendment?

Answer: Trespassers, or disorderly persons, of course, would not be "lawfully assembled." School children, members of a city council, participants at a public meeting and persons lawfully present at other lawful gatherings in public buildings would be included.

"Assemble"—according to Webster's Seventh New Collegiate Dictionary—means to collect into one place or group; to meet together.

12. Question: Many church-related hospitals receive public funds—will your amendment restrict persons in these buildings to nondenominational prayers?

Answer: No. The amendment is designed to expand the rights of free exercise of religion as they now exist. Church-related hospitals or schools receiving public funds are not now precluded from permitting sectarian prayer on their premises. The amendment would not change their status in this regard. The amendment is permissive. It would restore to public schools and such other institutions as may be restricted by the Supreme Court's prayer decisions, the right to permit the participants therein to engage in nondenominational prayer.

13. Question: Under your amendment must

all prayers in public buildings be nondenominational?

Answer: Where an institution is now precluded by the Supreme Court's decisions from allowing any prayer of any type, the amendment would restore their right to allow prayer provided that it is nondenominational. There are other situations which are clearly beyond the reach of the Supreme Court's school prayer decisions as presently construed. A municipal auditorium may presently be rented to an evangelist to conduct a sectarian service. Since the amendment is designed to expand rather than restrict the right to the free exercise of religion, such an arrangement and other similar situations which are presently allowed, would not be prohibited.

14. Question: Is the purpose of your amendment to negate the Establishment Clause of the First Amendment by establishing a nondenominational prayer as a religion?

Answer: The allowance of nondenominational prayer does not constitute a "law respecting an establishment of religion," in the words of the First Amendment. The Supreme Court's school prayer decisions, which held that such a practice in public schools violates the establishment clause, were wrongly decided.

15. Question: Would you please define prayer as used in your resolution. Is it to be silent? Oral? In unison? To whom is it to be addressed? God? Jesus? Our Father? May it end with the words "In Jesus' name. We pray, amen"?

Answer: The content and format of the prayer would be determined by the people and appropriate authorities. See question 10 above.

16. Question: Is the nondenominational prayer limited to the Christian religion? Is nondenominational prayer limited to the Judeo-Christian faith?

Answer: No. See question 10 above.

17. Question: Do you envisage that "participation" as used in your proposal in all cases be "voluntary" or "non compulsory"? If your answer is "yes," why were these words not included in the proposal?

Answer: Participation must be voluntary in all cases. These words were not included in the amendment because they are unnecessary. The amendment does not infringe upon the right to the free exercise of religion. Instead it reinforces that right. Under the Free Exercise Clause of the First Amendment, no person can be compelled to participate in prayer. This situation would remain unchanged.

18. Question: If the nondenominational prayer that you propose is to be used in the classroom, and is voluntary or non-compulsory as far as the pupil is concerned, does the teacher have the same right as the pupil in this regard?

Answer: Yes. It would violate the teacher's right to the free exercise of his religion if he were compelled to participate.

19. Question: If the nondenominational prayer is voluntary, how is a dissenting pupil or teacher to respond while the prayer is being offered?

Answer. The teacher or pupil who chooses not to participate would be free to stand or sit silently or to leave the room. Compulsion to participate would be forbidden, and judicial relief would be available in appropriate cases. However, the fact that a decision not to participate may result in some embarrassment to the non-participant would not be a sufficient reason to prohibit others from participating in the prayer. Also, there is a strong educational advantage to be attained by the amendment. Dean Erwin N. Griswold, now the Solicitor General of the United States, described the advantages of school prayer in an article in 1963:

"Let us consider the Jewish child, or the Catholic child, or the nonbeliever, or the Congregationalist, or the Quaker. He, either alone, or with a few or many others, of his views, attends a public school, whose School District, by local action, has prescribed the Regents' Prayer. When the prayer is recited, if this child or his parents feel that he cannot participate, he may stand or sit, in respectful attention, while the other children take part in the ceremony. Or he may leave the room. It is said that this is bad, because it sets him apart from the other children. It is even said that there is an element of compulsion in this—what the Supreme Court has called an "indirect coercive pressure upon religious minorities to conform." But is this the way it should be looked at? The child of a nonconforming or minority group is, to be sure, different in his beliefs. That is what it means to be a member of a minority. Is it not desirable that, at the same time, he experiences and learns the fact that his difference is tolerated and accepted? No compulsion is put upon him. He need not participate. But he, too, has the opportunity to be tolerant.

He allows the majority of the group to follow their own tradition, perhaps coming to understand and to respect what they feel is significant to them.

Is this not a useful and valuable and educational and, indeed, a spiritual experience for the children of what I have called the majority group? They experience the values of their own culture; but they also see that there are others who do not accept those values, and that they are wholly tolerated in their nonacceptance. Learning tolerance for other persons, no matter how different, and respect for their beliefs, may be an important part of American education, and wholly consistent with the First Amendment. I hazard the thought that no one would think otherwise were it not for parents who take an absolutist approach to the problem, perhaps encouraged by the absolutist expressions of Justices of the Supreme Court, on and off the bench. (Griswold, Absolute Is In the Dark, 8 Utah L. Rev. 167, 177, (1963))."

20. Question: Are you attempting in any way to nullify the Establishment Clause of the First Amendment?

Answer: No. On the contrary, the Supreme Court's school prayer decisions themselves violate the intent of the Establishment Clause. That intent was aptly described by Judge Thomas Cooley, a leading constitutional scholar of the nineteenth century, as follows:

By establishment of religion is meant the setting up or recognition of a state church, or at least the conferring upon one church of special favors and advantages which are denied to others. It was never intended by the Constitution that the government should be prohibited from recognizing religion, or that religious worship should never be provided for in cases where a proper recognition of Divine Providence in the working of government might seem to require it, and where it might be done without drawing any invidious distinctions between different religious beliefs, organizations, or sects [Cooley, Principles of Constitutional Law (Boston, 1898), 224–25].

The school prayer decisions of the Supreme Court have the effect of establishing agnosticism as the official public religion of this nation. In the 1963 school prayer case, Mr. Justice Brennan wrote in his concurring opinion that the words "under God" in the pledge of allegiance are not necessarily unconstitutional in light of the Court's decision, because: "The reference to divinity in the revised pledge of allegiance, for example, may merely recognize the fact that our Nation *was believed to have been founded 'under God.'"* [*Abington School District v. Schempp*, 374 U. S. 203, 304 (1963) (Emphasis added)]. Apparently the words "under God" can be retained only if they are not seriously meant to be believed. Under this rationale, it would violate the Constitution for a public official to affirm as a fact that the Declaration of Independence is true when it affirms that men are endowed with unalienable rights "by their Creator."

The amendment is designed to reverse the Supreme Court's establishment of agnosticism as the national religion. It is designed to permit the American people, lawfully assembled in public buildings, to affirm as a fact that this is indeed "one nation, under God," that indeed there is a Creator higher than the state.

21. Question: If you concede the right to pray is an unalienable right and government may not constitutionally prohibit prayer, will not all those who are lawfully assembled in a public building be denied their constitutional right if the appropriate public body has not decided upon a nondenominational prayer?

Answer: The basic right involved here is the individual right to the free exercise of religion. It would be the duty of the public body or officials involved to give due and reasonable recognition to that right. However, it still would be appropriate for that public body or those officials to conclude in a given case that the inclusion of prayer would interfere with the primary purpose of the assembly concerned. This decision would have to be based on reasonable grounds and it would be subject to judicial review to prevent serious abuse.

22. Question: If a public body was unable to determine what was a nondenominational prayer, or if a dissatisfied citizen disagreed with the decision, would this type of action be appealable to the Federal courts?

Answer: The federal and state courts would have jurisdiction to prevent serious abuse here. The amendment does not in any way limit access to the courts for constitutional relief.

23. Question: What do you mean by "in part"? Is it a majority of the funds or any part, no matter how small?

Answer: Presumably, the expenditure of public funds would have to be significant in light of the overall expense of operating the institution in question. The provisions of the amendment would not be brought to bear by a merely trivial or insignificant governmental expenditure. The amendment is primarily aimed at truly public institutions such as public schools. It would apply, for example, to a public school even though part of that school's budget were met by a donation from a private foundation. If the school is public, the pupils will be allowed to pray. If the school is essentially private, even though it receives substantial public support, the amendment would not change their present status. At the present time, those schools are permitted to allow even sectarian prayers. When the amendment says "nothing contained in this Constitution shall abridge the right . . . to participate in nondenominational prayer," it does not change the present rule applicable to private schools, since neither nondenominational nor sectarian prayer is forbidden therein. What the amendment would do is to change the rule presently applicable to schools which are authentically public. In those schools, both nondenominational and sectarian prayer are now forbidden by the Supreme Court. The amendment would allow nondenominational prayer in those schools.

It is my hope these answers will resolve any doubts which you may have had with regard to H.J. Res. 191, and I look forward to your affirmative vote on November 8.

Very truly yours,

CHALMERS P. WYLIE,
*Member of Congress.*

## SPECIAL ORDER ON PRAYER AMENDMENT

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

Mr. SCHWENGEL. Mr. Speaker, next Monday, November 8, the Members of this body will no doubt be called on to cast one of the most important votes of their political careers. I refer to House Joint Resolution 191, upon which it is anticipated we will vote Monday. It is important not because of the impact the vote may have on those careers, but because we will be altering the first amendment to our Constitution for the first time in our history. The implications of this action and its impact will be felt for generations. The proposed action has been referred to by some as "doing violence to the first amendment," and still others have said "it repeals the first sentence of the first amendment." We must not do this with less than full and complete debate.

Because of the great importance of this question, and because of the fact that the House procedure under which the question comes to the floor limits debate to 1 hour, the gentleman from California (Mr. CORMAN) and I have obtained special orders of 1 hour apiece on Thursday, November 4. During this period, we invite proponents, as well as opponents of the proposition to join us on the floor to discuss and debate this vital issue. Hopefully, the discussions during the special orders will permit each of us to better understand the question upon which we will vote next Monday.

Now that the measure has actually been scheduled for action on the floor of the House, there has been a resurgence of interest in the question among church leaders. This concern should be aired on the floor.

Mr. Speaker, even though the 2 hours allowed by special order will not be adequate time to fully cover and discuss the question of doing violence to the first amendment it will give us some time to point to the implications and possible damaging affects to the religion of our country that has served us so well through the years.

Mr. Speaker, I urge my colleagues to join with the gentleman from California and myself to better prepare ourselves to cast intelligent votes on this very important proposition.

Mr. Speaker, I have just received the following letter from Tilford E. Dudley, director of the Washington Office of the Council for Christian Social Action, United Church of Christ. The letter, together with the enclosed statement give further indication of the growing concern of church leaders with respect to the so-called prayer amendment.

UNITED CHURCH OF CHRIST,
COUNCIL FOR CHRISTIAN SOCIAL ACTION,
*Washington, D.C., October 29, 1971*

Re: The Prayer Amendment.

DEAR CONGRESSMAN: You will soon be considering the proposed constitutional amendment permitting devotional prayer in the public schools. I'm sure you are interested in the position of church bodies.

Enclosed is the resolution of the Executive Council of the United Church of Christ, adopted October 13, opposing the amendment because it might be "interpreted as over-riding or reversing the Supreme Court decisions . . . banning prescribed prayers in public schools."

The United Church of Christ is a Protestant denomination formed by the merger of the Congregational and the Evangelical & Reformed Churches. It has 7,000 local churches with about 2,000,000 members. Its top deliberative body, the General Synod with about 700 delegates, meets biennially. The Synod elects the Executive Council, both its 21 members and the 4 church officers who are members ex officio. The Executive Council is empowered to act for the Synod between Synod sessions.

The Division of Christian Education of the United Church Board for Homeland Ministries adopted a statement opposing the amendment on October 19. It said the practical effect of the proposal would "signal the end of . . . the historic neutrality of government toward religion" and require the government to become a theological arbiter. It said the public schools "should serve the learnings needs of children, not their devotional needs."

On June 10, 1963 the U.C.C. Council for Christian Social Action adopted a similar statement, saying that 'devotional activities . . . should not be included in the curriculum of the public schools."

Respectfully yours,

Enclosure.

TILFORD E. DUDLEY,
*Director, Washington Office.*

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UNITED CHURCH BOARD FOR HOMELAND MINISTRIES—DIVISION OF CHRISTIAN EDUCATION, EDWARD A. POWERS, GENERAL SECRETARY

(Statement Adopted by the Divisional Committee on Christian Education, October 19, 1971)

The Division of Christian Education of the United Church Board for Homeland Ministries is deeply concerned about the proposed Wylie "Prayer" Amendment (H.J. Res. 191) calling for the legitimation of "nondenominational prayer" in publicly funded facilities.

The historic neutrality of government toward religion stated in the "no establishment—free exercise" clauses of the present Bill of Rights has kept national public life free from sectarian controversy and permitted the fullest latitude for the voluntary profession and practice of religious freedom. The practical effect of the proposed change would signal the end of this American tradition and could bring about a scramble for state approval by one religious denomination or another. To assume that consensus can be achieved about a non-denominational prayer is unrealistic in the light of American cultural diversity and religious pluralism. Its adoption would require the government and the courts to become theological arbiters, judging which prayers addressed to the Deity are acceptable to the state and which are not. Nothing could be more alien to the spirit of prayer than to shape it to the requirements of the state.

Though we are concerned about the integrity of religion, we are equally concerned about the integrity of the schools. It is no secret that the backers of the proposed change hope and intend to upset the present constitutional prohibition on *official* prayer in the public schools. It is worth noting that there is no such prohibition on *voluntary* prayer by believing individuals when they deem it appropriate nor can there be any such prohibition of a voluntary act in accordance with the free exercise clause of the First Amendment.

The schools have a monumental educational task in these days of rapid change and social upheaval. Diverting them from that task and adding theological concerns to their educational agenda would be tragic. The public schools, in a religiously pluralistic society, should serve the learning needs of children, not their devotional needs. If anyone imagines that the religious groups of America could agree on "non-denominational" prayer or accept the state's definition without conflict, he does not understand the dynamics of religious commitment. The public schools must not become the arena for such controversy. For the integrity of the schools as well as the integrity of religion, we urge the defeat of this proposed change in the Bill of Rights.

RELIGION IN THE PUBLIC SCHOOLS

(A Resolution Adopted by the Executive Council of the United Church of Christ, October 13, 1971)

The Executive Council of the United Church of Christ supports the Supreme Court decisions banning prescribed prayers and prescribed Bible reading in the public schools, calls attention to the aspect of the Supreme Court decision which affirmed the freedom of the schools to engage in the study of religion, and opposes House Joint Resolution 191 which seeks to amend the United States Constitution.* The Executive Council believes this proposed amendment has the danger of being interpreted as over-riding or reversing the Supreme Court decisions and permitting prescribed prayer in public schools.

At the same time, believing that the health of our communities depends upon widely shared and deeply held moral values resting upon fundamental convictions about the meaning of human life and that our society's well being also requires scrupulous fairness to all such convictions and full religious liberty, the Executive Council

(1) strongly supports efforts of schools to increase and improve the teaching of moral values and the appreciation of the role of religion in the development of our heritage, and

(2) urges the Instrumentalities, Conferences and churches of the United Church of Christ to work to help the public understand both the scope and the limitations of the Supreme Court decisions concerning prescribed prayers and prescribed Bible reading in the public schools.

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## DRIVING OUT THE FLY-BY-NIGHTERS

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

Mr. VAN DEERLIN. Mr. Speaker, in cosponsorship with several of our colleagues, I plan to introduce legislation tomorrow that is intended to drive fly-by-night airline charter services out of business.

The need for this bill is amply demonstrated by some truly disgraceful statistics. Last summer, according to Federal agency estimates, as many as 11,000 Americans, mostly students, were stranded just in Europe. I saw many of them myself and believe me, these kids were hard to miss. They crowded the airports and even the streets of London and other big cities, hungry and waiting for money from home—and all through no fault of their own.

Why?

Many, it turned out, had been gulled into paying roundtrip prices for what proved to be only one-way airline tickets. The vouchers of return which these kids were sold turned out to be as useless as soup coupons since the airlines could not honor them. At least three of the under-regulated charter services disbanded

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*Nothing contained in the Constitution shall abridge the right of persons lawfully assembled in any public building, which is supported in whole or in part through expenditure of public funds, to participate in non-denominational prayer.

their companies this year and vanished after defrauding college students.

The few controls that now apply to these fly-by-night outfits are nearly unenforceable, in part because the international nature of charter operations frequently places them beyond the regular jurisdiction of U.S. authorities. Thus unhampered by realistic regulations, illegal charter operators can and have actually continued to function with impunity even after the Government moves against them.

Our bill, hopefully, would bring some order out of the present chaos, by requiring the Federal licensing and bonding of "indirect air carriers of passengers"—individuals and organizations acting as middlemen in buying transportation wholesale for resale to eligible travelers. And under our proposal, licensees could promote charter travel only among members of charter worthy affinity groups, as determined by the Civil Aeronautics Board.

I should point out that the CAB already has authority to impose these controls, but so far has limited itself to regulating charters organized specifically for study tours. Other student groups, as well as nonstudents, are unprotected. At the very least, this bill could be the nudge the CAB needs.

Under our legislation, prospective charter organizers would have to demonstrate managerial competence, financial stability, and eligibility for bonding, in order to obtain a license to operate. Once licensed the charterer would have to adhere to all pertinent regulations—just as airlines must.

University officials who have spoken out on this issue are nearly unanimous in denouncing the haphazard and often illegal methods employed at present to arrange—and that is too orderly a verb to use in this context—student charter flights.

Understandably, college and university officials are loath to assume contractural responsibility for the operation of these affinity group charter flights. Those officials are not in the travel business and should not be expected to master its complexities. So unscrupulous operators, over whom neither the schools nor the Federal Government can exercise much control, rush in to fill the breach.

I said earlier that based on Federal Agency estimates up to 11,000 Americans were stranded in Europe this past summer. The State Department uses a more conservative figure—it says 6,000 of our citizens were stranded by illegally operating charter organizers who failed to provide return air transportation. And these estimates do not begin to measure those who are defrauded before ever leaving the United States.

Clearly, the situation calls for prompt remedial action. The current situation is a national disgrace—for the carriers, the regulatory system and respect for the law. But with the controls we are proposing, charter services would become effectively self-policing, for legitimate licensees would not be shy about blowing the whistle on their shady competitors.

I would like to express my great appreciation to Mr. BROWN of Ohio, Mr. LEGGETT, Mr. MCFALL and Mrs. MINK, who are joining me as initial cosponsors of the legislation. I hope many more of our colleagues on both sides of the aisle will also sign the bill when it is reintroduced at a later date.

## CONGRESSMAN PUCINSKI ARRANGES FOR A WRIT OF HABEAS CORPUS SEEKING RELEASE OF IRISH INTERNEES BEING HELD BY BRITISH

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

Mr. PUCINSKI. Mr. Speaker, a Belfast mother visiting her sister in my congressional district in Chicago has set the stage for a historic class action law suit against British authorities before the International World Court of Justice seeking release of her 20-year-old son and all other Irish internees being held without charges or bond since August 9.

The Irish mother is Mrs. Brigid Toolan McDonnell, of Belfast, who is visiting her sister, Mrs. Martha Power, of 3429 N. Oriole, in my district.

Mrs. McDonnell sought my assistance and that of Congressman MORGAN MURPHY, because both of us recently inspected the rioting in Belfast.

After hearing Mrs. McDonnell's tragic plight, I arranged for noted international attorney Luis Kutner, head of the Commission for International Due Process of Law, to prepare Mrs. McDonnell's petition for a writ of habeas corpus seeking the release of her son, Patrick Brendan McDonnell. I am confident that because of his outstanding reputation in international law, Attorney Kutner will be successful in this writ.

Mrs. McDonnell, a citizen of Northern Ireland, alleges in a sworn affidavit that her son, Patrick, 20, a carpenter's apprentice, was arrested in his home in Belfast at 4:25 a.m., August 10, "without just cause or provocation—brutally assaulted, tortured, and is still imprisoned."

She said he was arrested at his home, 15 Slemish Way, Belfast, Northern Ireland, and to this day has not been charged with any offense or admitted to bail.

Mrs. McDonnell listed the names of 201 other internees being held without charges or bail and asks in her petition that they too be released immediately.

The distraught mother stated in her sworn petition:

> Subsequent to the aforesaid arrests, Petitioners were imprisoned, hooded, manacled to steel bars, denied the privilege of toilet facilities varying from 10 to 28 days, were brutally beaten about the person and particularly about the genitals, were pursued by Alsatian dogs through fields of broken glass, rock and sharp twigs, taken hooded into helicoptors and then pushed or forced to jump from various heights, beaten with sticks and batons, their faces pushed into the mud and dirt, deprived of clothing and shoes, forced to sing all the verses of "God Save The Queen" and if Petitioners failed to remember all the verses were beaten and called "Irish Pigs."

Mr. Kutner alleges in Mrs. McDonnell's petition that these acts of cruelty, punishment, and deprivation of human rights continue to this day.

The petitition states the action is being brought on behalf of Patrick and the other internees—

> Pursuant to the laws of Northern Ireland, the Human Rights Articles of the United Nations Charter, the Human Rights Principles of the Universal Declaration of Human Rights and the appropriate statutes of the Council of Europe, signed May 5, 1949, to which the United Kingdom of Great Britain and Northern Ireland, amongst others, are Signatories thereto.

Mr. Speaker, I cannot see how Britain can deny the petition since all of the internees are being held without charges or bail.

Both Congressman MURPHY and I were convinced during our recent visit to Northern Irleand that the illegal detention of the internees is one of the main causes of the rioting and terrorism.

There was relatively little turmoil in Northern Ireland before the British began mass arrests on August 9 of those Catholics in Northern Ireland merely suspected of participating in the turmoil. It is significant that the warrant for the arrest of Patrick merely states he is being arrested on "suspicion that he may commit a crime against the state."

The world does not know these men are being held without bail on the mere suspicion they "may" commit a crime.

I believe Mrs. McDonnell is entitled to her day in court on behalf of her son. The procedure we suggest has validity, because the action is being brought by a citizen of Northern Ireland.

We are fortunate, Mr. Speaker, that we were able to find a citizen of Northern Ireland to bring the action. Neither Prime Minister Heath nor Brian Faulkner can accuse us—as they did Senator KENNEDY—of meddling in the internal affairs of Britain, because this action is being brought by a citizen of Northern Ireland herself.

Attorney Kutner has assured me the lawsuit challenges the legality of the Special Powers Act of 1922 under which the internees were arrested. He said the suit is against Queen Elizabeth, Minister Brian Faulkner, and other Northern Ireland officials.

Since we were unable to find an attorney in Belfast who would bring the action on behalf of Mrs. McDonnell, attorney Kutner is petitioning the ombudsman of Northern Ireland to prosecute the habeas corps writ on behalf of Mrs. McDonnell.

Mr. Kutner has told me if this move fails, he will petition Queen Elizabeth to personally order release of the internees. He said he must exhaust all local remedies before he can bring the habeas corpus writ before the World Court.

It will be interesting to see Great Britain stand before the world on these charges since Britain invented the Bill of Rights and the Magna Carta.

Mr. Speaker, this class action suit is unprecedented but I am absolutely confident it will stand up.

Mrs. McDonnell is taking the legal action, because it is her only chance to see her son free again. She has dismissed any suggestion her son is a member of the Irish Republican Army or has participated in any violence against the British.

I am convinced, Mr. Speaker, the British should either book or release these prisoners. They violate England's highest traditions by keeping these political prisoners in custody a single day longer.

If they are booked on trumped up charges, Attorney Kutner will go to Belfast to defend them. We would be pleased to see what evidence the British are using for these arrests.

Mrs. McDonnell's husband is a carpenter in Belfast. She plans to depart Chicago Monday for a brief visit to Canada where she has another sister and then return home to Belfast.

I am confident the historic legal action we have taken will help free her son and the other internees. I am pleased Mrs. McDonnell is not fearful of any recrimination when she returns to Belfast, because it is the only action she could take to set her son free. If anything should happen to her, because she seeks the release of her son in a lawful manner, England would inherit the wrath of the entire world.

Attorney Kutner is generally recognized as one of the world's leading authorities on international law regarding human rights and world habeas corpus. He has authored 17 books on international agreements regarding human rights and has enlisted international jurists in his cause.

I am pleased Mr. Kutner has expressed confidence the British will be faced with a historic decision in releasing the internees, because their detention violates a series of international agreements on human rights to which Britain is a signatory.

We are fortunate to be able to enlist the help of this world renowned expert on habeas corpus in behalf of the Irish internees.

The historic brief filed by attorney Kutner on Mrs. McDonnell's behalf follows:

[In the City of Belfast High Court, Belfast, Northern Ireland]

PETITION FOR WRIT OF HABEAS CORPUS

Mrs. Brigid Toolan McDonnell, for and on behalf of her son, Patrick Brendan McDonnell and all Internees unnamed and all Petitioner Internees identified as follows:

PETITIONERS

Gerry Adams, David Anderson, Edward Andrews, Charles Arthur, J. Auld, Phil Barnesley, Ivan Barr, G. Bateson, Mick Brady, Sean Boyle, Geordie Burns, Jimmy Burns, Frank Cahill, Frank Campbell, Gerry Campbell, Joe Campbell, Mr. Carmichael, Denis Cassin, Eugene Cassin, Liam Cassin, Pat Chivers, Joseph Clarke, and Billy Close.

John Collins, R. Collins, Joe Conway, Mr. Corr, John Corr, Oliver Cosgrove, Tony Cosgrove, Mr. Coyle, Brian Curry, John Joseph Curry, Denis Darby, J. Davey, Paul Devlin, Henry Diamond, Mr. Doherty, Tony Doherty, Mr. Dorrity, Seamas Drumm, Gerry Dunlop, and T. Dwyer.

Michael Farrell, Mr. Finnegan, Mr. Fleming, Charles Fleming, Frank Fitzsimmons, F. Fox, Tom Flatley, B. Garvin, Robbie George, Mr. Gormley, Jack Green, Dermot Hannaway, Kevin Hannaway, Peter Hartley, Patrick Hartley, M. Harvey, J. Hazlett, Donal Healy, Dennis Heggarty, Martin Henderson, Joe Hughes, Thomas Johnson, and John Kearney.

Mr. Kearns, Edward Keenan, Sean Keenan, Dermot Kelly, Dermot Kelly, Oliver Kelly, Patrick Kelly, Pat Kelly, William Kelly, Billy Kelly, Jim Kennedy, Felix Kelly, Raymond Kennedy, Kevin Kennedy, Mr. Kennedy, Eamonn Kerr, Eamonn Kerr 'Hatchet', Mr. Kerr, Donal Kiely, and Harry Larkin.

Seamas Lavery, Cathal Lenaghan, Jim Liddy, Seamas Lochran, Paddy Loy, E. Lyttle, Gerry Mackey, Francis Madden, Pat McGee, Jim Magennis, Mr. Maguire and two sons, Gerald Maguire, J. Maguire, Seamas Maguire, Mr. Monaghan, Tom Moore, Jack Moore, Edward Montgomery, Michael Montgomery, and Angelo Morelli.

Tony Morelli, James Mullan, Brian Mullan, Paddy Mullan, Michael Mullan, Liam Mullan, Patrick Murray, George Jack Mullan, Peter Mulhall, Peter Mulhall, J. Mulholland, Gerry Mullan, John D. Murphy, Paddy Murphy, Sean Murphy, Sean Mateer, Liam McAuley, Billy McBirney, Eddie McBirney, and Barney McBride.

Jim McCabe, P. McCaffery, Thomas Edward McCloskey, Sean McComish, John McCormack, Lou McCrory, Kevin McCorry, J. McCorry, Phil McCullough, Neil McCullough, J. McEldowney, Malachy McEnroe, Neil McErlean, Pat McErlean, Jimmy McEwan, James McFaul, Joseph McFall, and Jim McFall and two sons.

Paddy McGeough, Jr., Dan McGettigan, Joe McGurk, Michael McGirr, Frank McGlade, John McGlinchey, John McGuffin, Brendan McGarth, Frank McGuigan, Francis McHugh, Francis McHugh, Jr., John McKenna, Brendan McKenna, Jim McKenna "Bet", Harry McKeown, Jim McLaughlin, Arthur McMillan, James McQuade, Killian McHicholl, and James McReynolds.

Arthur Newcombe, R. Norby, John O'Doherty, Dessie O'Hagan, Gerry O'Hara, George O'Hara, Mr. O'Hara, Sean O'Neill, John O'Rawe, Brian O'Reilly, Councillor James O'Kane, Billy O'Neill, Hugh C. O'Neill, Pat O'Sullivan, Seamas O'Toole, Mr. Orr, Mr. Owens, Brian Patterson, Frank Patterson, and Alex (Sandy) Patterson.

L. Quinn, Patrick Quinn, Billy Reid, Dick Rodgers, Sean Hodgers, Mr. Rooney, Gerry Ruddy, Mr. Scullion, George Shannon, Billy Shannon, Liam Shannon, Liam Shannon, Liam Sheppard, Paddy Smith, Mr. Sweeney, Martin Walsh, and J. Willen.

VERSUS

Elizabeth the Second, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Our other realms and territories Queen, Head of the Commonwealth, Defender of the Faith; and

Rt. Hon. Brian Faulkner, Minister of Home Affairs for Northern Ireland; and

Sir Edmund Compton, Parliamentary Commissioner for Administration, Belfast, Northern Ireland; and

J. M. Benn, Commission for Complaints, Belfast, Northern Ireland, Respondents.

I

Now comes Brigid Toolan McDonald, Petitioner, for and on behalf of her son, Petitioner Internee Patrick Brendan McDonnell, and on behalf of all other Petitioner Internees hereinabove captioned and all other Internees unnamed and makes this petition for writ of habeas corpus on behalf of the foregoing Petitioner Internees, and in support thereof states:

(1) That she brings this action on behalf of Patrick Brendan McDonnell and on behalf of other Internees similarly situated pursuant to the laws of Northern Ireland, the Human Rights Articles of the United Nations Charter, the Human Rights Principles of the Universal Declaration of Human Rights and the appropriate statutes of the Statute of the Council of Europe, signed May 5, 1949 to which the United Kingdom of Great Britain and Northern Ireland, amongst others, are Signatories thereto:

(2) (a) That there are common questions of law and fact affecting the several rights of the Petitioners not to be deprived of due process and equal protection of the laws through the unreasonable and arbitrary imprisonment of the Petitioners herein.

(b) That the claims of the Petitioner Internees on whose behalf this Petition is filed are typical of the claims of each of the others and the relief sought against the Defendants is typical of the relief sought by all members of the Class of Internees herein concerned.

(c) That the members of the Petitioners' Class herein are so numerous that it would be impractical to bring them all before this Court.

(d) That the interests of the Class of Internees herein are adequately represented by the Petitioners herein,

(e) That the prosecution of separate Petitions for the Writ of Habeas Corpus by individual members of the Petitioner's Class of Internees would create a risk of inconsistent or varying adjudications with respect to the individual members of the Internees Class which would establish incompatible standards for the Respondents herein named who oppose the Class of Petitioners herein,

(f) That adjudications with respect to individual members of the Internees Class herein would, as a practical matter, be dispositive of the interests of the other Class members, not internee parties, but subject to the adjudications,

(g) That the parties opposing the Petitioner Internee Class herein have acted on grounds generally applicable to the Internee Class, thereby making appropriate final and declaratory relief with respect to the Petitioner Internee Class as a whole;

(3) That the questions of law and fact common to the members of the Class predominate over any questions affecting only individual members of this Internee Class and this Class Action petition for writ of habeas corpus is superior to the other available methods for the fair and efficient determination of the controversy allegations that the Petitioner Internees herein are being arbitrarily imprisoned and detained and are being denied the minimal safeguards of due process of law in that the imprisonments of each and every one of them are not and have not been subject to any fair and impartial judicial proceedings.

II

(1) That the Special Power Act of 1922 was invoked by the Respondents to seize, imprison, detain and torture the Petitioners herein as will be particularized in detail hereinafter;

(2) That on or about August 10, 1971 at the hour of 4:25 A.M., Petitioner Patrick Brendan McDonnell, without just cause or provocation, was seized at his home, 15 Slemish Way, Belfast, Northern Ireland, brutally assaulted, tortured and is still imprisoned;

(3) That the United Kingdom of Great Britain and Northern Ireland are members of the United Nations, Signatories to the United Nations Charter, Signatories to the Universal Declaration of Human Rights, and Signatories to the Statute of the Council of Europe signed at London on May 5, 1949.

(4) That the Constitutional Position of Northern Ireland is that of being part of the United Kingdom as armed by the Ireland Act of 1949;

(5) That Executive Power continues to be vested in the Crown of the United Kingdom unimpaired as regards Irish Services, i.e. with respect to the Northern Ireland Services, the government exercises on behalf of the Crown any prerogative or executive power of the Crown, the exercise of which may be delegated to him by the Crown. In the administration of the Special Powers Act of 1922, the powers so delegated are exercised through departments established by the Governor or by Act of Parliament of Northern Ireland; and the officers who administer these departments are appointed by the Governor and hold office during his pleasure. They, and such other persons (if any) as the Governor may appoint are the Ministers of Northern Ireland must be members of the Privy Council of Northern Ireland and constitute the Privy Council known as the Ex-

ecutive Committee of Northern Ireland for the purpose of aiding and advising the Governor in the exercise of his Executive Power in relation to the Northern Ireland Services.

III

(1) That the Petitioners herein are arbitrarily detained and imprisoned and subject to torture without formal charge or indictment, denied access to legal counsel or the right to be represented, denied bail, denied due process of law, and denied the right to be brought and tried before a third impartial tribunal;

(2) That the Special Powers Act identified as 12 & 13 George 5. A.D. 1922 (7 April) subjects the Petitioners herein to a Court of summary jurisdiction and such purported legal procedure is a mockery of justice and a diabolical deprivation of fundamental Human Rights in that Petitioners have been detained without formal charge, have been denied access to counsel, denied bail, and have been subjected to physical torture, maiming, and psychological experiences intended to deprive them of their reason and senses;

(3) That the Arrest Orders against the Petitioners herein of 10 August, 1971 falsely charge without any competent evidence or direct accusation of being "suspected of acting or being about to act in a manner prejudicial to the preservation of peace or the maintenance of order, at H. M. Prison, Crumlin Road and therein to detain him until he has been charged by the direction of the Attorney General or brought before a Magistrate's Court"; that said Orders for Detention for the Petitioners herein were signed by the Rt. Hon. Brian Faulkner, Minister of Home Affairs of Northern Ireland;

(4) That subsequent to the aforesaid arrests, Petitioners were imprisoned, hooded, manacled to steel bars, denied the privilege of toilet facilities varying from 10 to 28 days, were brutally beaten about the person and particularly about the genitals, were pursued by Alsatian dogs through fields of broken glass, rock and sharp twigs, taken hooded into helicopters and then pushed or forced to jump from various heights, beaten with sticks and batons, their faces pushed into the mud and dirt, deprived of clothing and shoes, forced to sing all the verses of "God Save the Queen" and if the Petitioners failed to remember all the verses were then brutally beaten and expletives and epithets of "Irish Pig" and other vulgarities shouted at the Petitioners in a threatening manner;

(5) That the foregoing acts of cruelty, punishment and deprivation of Human Rights continue to this day, notwithstanding an Internment Order of 14 September, 1971 being executed and served upon the Petitioners five (5) weeks subsequent to their arbitrary arrest orders.

IV

(1) That the Acts complained of herein are in conflict with respective obligations under the United Nations Charter, the Universal Declaration of Human Rights, and the European Convention on Human Rights in that:

(a) Article 3 of the European Convention on Human Rights provides that:

"No one shall be subject to torture or to inhuman or degrading treatment or punishment."

This is identical to Article 5 of the Universal Declaration of Human Rights.

(b) Article 3 of the Universal Declaration of Human Rights provides that:

"Everyone has the right to life, liberty and security of person."

(c) Article 9 of the Universal Declaration of Human Rights provides that:

"No one shall be subject to arbitrary arrest, detention or rule."

(d) Article 10 of the Universal Declaration of Human Rights provides that:

"Every one is entitled in full equality to a fair and public hearing by an independent and impartial tribunal in the determination of his rights and obligations and of any criminal charge against him."

(2) Article 5 of the European Convention of Human Rights provides that:

"No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law."

Under the Special Powers Act of 1922 no procedure is prescribed by law. Said Act permits varying procedures in the absolute discretion of the civil authority and thus in derogation of "procedure prescribed by law."

(1) Petitioners complain of further deprivations of their fundamental Human Rights to liberty and individual freedom in that Respondents violate Article 5(1)(c) of the European Convention in that specific provision is made that a person may be lawfully arrested or detained for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offense or when reasonably considered necessary to prevent his committing an offense or fleeing after having done so. Petitioners have been denied a fair and impartial hearing before competent legal authority. It is therefore alleged that the Respondents violate Article 5(1)(c) and Article 5(3) of the European Convention;

(2) That there are violations of Article 5(2) of the European Convention in that it is provided that any one who is arrested will be informed promptly of the reasons for his arrest and of any charge brought against him. The Special Power Act of 1922 under which the Petitioners herein are being detained make no provision for informing the detainees of the reasons for their arrest, but, on the contrary the Act specifically provides that they may be held without being formally charged with any crime;

(3) That the Respondents deny to the Petitioners the guarantees under Article 14 of the European Convention which states that:

"The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as race, sex, color, language, religious, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

(4) That Article 2 of the Universal Declaration of Human Rights reiterates the rights of Article 14 in the European Convention;

(5) That the Respondents have violated the principle of non-discrimination by:

(a) Discriminating on the basis of religion between Catholic and non-Catholic,

(b) Using religion as a factor in determining and defining an "extremist".

VI

(1) That the Respondents violate Article 15 of the Convention of the European Convention of Human Rights in that they have imprisoned Petitioners under a proclaimed "Public Emergency" threatening the life of the Nation. Article 15 of the Convention provides, interalia:

(a) In time of war or other public emergency threatening the life of the nation, any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation provided that such measures are not inconsistent with its other obligations under International Law. . . .

(b) Any High Contracting Party availing itself of this right of derogation shall keep the Secretary General of the Council of Europe fully informed of the measures it has taken and the reasons therefore.

It shall also inform the Secretary General of the Council of Europe when such measures have ceased to operate and the provisions of the Convention are again being fully executed."

(2) Petitioners allege that the Respondents have failed to comply with the foregoing requirements and therefore their continued imprisonment is illegal;

(3) That the United Kingdom and Northern Ireland are Signatories to the United Nations Conference on the Law of Treaties, 1969, in which 110 States participated. The United Kingdom and Northern Ireland solemnly agreed to preserve their application to all Treaties and Rules of Customary Treaty law. Article 26 of the Treaty Convention provided that a State "is bound to carry out in good faith its Treaty obligations." The United Kingdom and Northern Ireland voluntarily obligated themselves to the Preamble to the Charter of the United Nations which affirms the determination of the peoples of any United Nation:

"To establish conditions under which justice and respect for the obligations arising from treaties . . . can be maintained."

Paragraph 2 of Article 2 expressly provides that members:

"Shall fulfill in good faith the obligations assumed by them in accordance with the . . . Charter."

The United Kingdom and Northern Ireland have agreed to assume the obligations to act in accordance with good faith as being not only general principle of law, but also the essence of an International Law obligation.

Wherefore, because the Respondents' continued arbitrary detention of the Petitioners herein violates Respondents' obligations in the aforesaid Charter, Convention of the European Convention of Human Rights, the Universal Declaration of Human Rights and in particular, Northern Ireland's obligations under Article 5(1)(c), Article 5(3), Article 5(2) and Article 14 of the Convention; and whereas the detention of the Petitioners is without any procedure prescribed by law, both nationally and internationally, Petitioners pray that they be discharged forthwith and unconditionally restored to their individual liberty and freedom;

Further, that this Honorable Court designate and appoint the Ombudsman of Northern Ireland to prosecute this petition for the writ of habeas corpus and that the Court grant such other relief as may be deemed meet in the premises.

BRIGID TOOLAN MCDONNELL,
(For and on behalf of her son, Internee Patrick Brendan McDonnell and other Internees named and unnamed.)

State of Illinois, County of Cook, ss:

Now comes Brigid Toolan McDonnell and upon first being duly sworn on oath deposes and says that she is a citizen and resident of Belfast, Northern Ireland, residing at 15 Slemish Way; Andersontown; that she is the mother of the Petitioner Internee Patrick Brendan McDonnell and that she is empowered to file this Petition for Writ of Habeas Corpus and make this affidavit in behalf of her son and the other Internees named and unnamed; that she has read the foregoing Petitioner for the Writ of Habeas Corpus hereinabove by her subscribed and the allegations therein contained are true in substance and in fact and those allegations on information and belief are true to her best information, knowledge and belief; and further deponent sayeth not.

## NEW GUIDELINES FOR FUTURE SECURITY

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

Mr. DON H. CLAUSEN. Mr. Speaker, I am inserting in the RECORD today a speech I recently gave in my congressional district which I have entitled "New Guidelines for Future Security." It is my thought that perhaps some of my colleagues will find my remarks of interest in considering the question of the constitutional authority of the Congress to declare war.

Now that we are embarked on a positive program of phased withdrawal from the Vietnam conflict, I am recording these remarks in the RECORD in the hope that the Congress and the executive branch will direct their attention toward clarifying what I believe to be the "gray area" with respect to the warmaking power. I refer to the general area of unconventional or guerrilla warfare—the kind that has been waged in Southeast Asia for so long.

As we all know, clearcut authority exists for other types of warfare; particularly conventional and nuclear warfare. With the Vietnam experience still with us, however, I believe we must address ourselves to this question of unconventional warfare as it relates to the future and it is my hope that these remarks will make a genuine contribution toward shared responsibilities as we move to restructure our security alliances with our free nation allies:

NEW GUIDELINES FOR FUTURE SECURITY

Today, I've chosen to depart from the traditional type of Memorial Day Address. I've chosen the community of my birthplace and this event to say some things that I believe need to be said.

At present, our nation is embroiled in controversy and debate over the so-called "war-making power of the Congress."

At issue, is the fundamental question of which branch of the Federal Government (the Executive or the Legislative) has the power and the authority to commit American troops to an armed conflict on foreign soil.

One side to the debate contends that only the Congress has the Constitutional authority to declare war—thus, raising a question regarding the "legality" of both the Korean conflict and the war in Vietnam.

The other side believes just as strongly that, as Commander in Chief of our Armed Forces, the President of the United States is empowered to deploy and employ those forces in conformance with existing American treaty commitments—especially when such commitments are accompanied by a Congressional Resolution such as the new defunct "Gulf of Tonkin Resolution," as it applied to the war in Vietnam.

As most people are aware, our history is repleat with examples of American troops being involved in hostile action abroad in the absence of either a formal declaration of war or a supporting resolution by the Congress.

The essential questions, however, have grown to a crescendo in recent years: "Should President Truman have asked the Congress to declare war on North Korea before committing U.S. troops in support of South Korea? Should President Johnson, following the 'Gulf of Tonkin incident' have asked the Congress to declare war on North Vietnam before committing large scale forces and escalating that conflict in support of South Vietnam?"

In contemporary times, particularly since World War II, the Congress has repeatedly gone on record as recognizing that, with the advent of the Atomic Age and the development of nuclear and hydrogen superweapons, the Legislative Branch of our Federal Government was just not structured to provide the kind of quick reaction capability response that is absolutely essential in the event of a nuclear attack. Such a flexible response, it was argued, could best be rendered by the Commander in Chief if the lives of literally millions of Americans were to be spared. Therefore, the President has the clear cut assigned authority and control over our nulcear weapons systems.

But, as we all know, neither Korea nor Vietnam involved the use of nuclear hydrogen weapons—yet, the Chief Executive in both instances, acted somewhat unilaterally (at least in the early stages) to commit U.S. troops to an armed conflict on foreign soil.

The next logical question, of course, is why? One basic factor that stands out boldly about both Korea and Vietnam, is that neither could be ranked as "conventional" wars—conventional in the sense of World Wars I and II, or even the "War Between the States" for that matter.

In neither case, Korean nor Vietnam, was the U.S. directly threatened nor were U.S. citizens, territory or property directly attacked or invaded by a foreign power. This, I believe, is a significant point.

Indeed, very early in our Korean involvement, terms like "Police Action", Armed Intervention" and "Conflict" began to emerge. In Vietnam, there were others—"Counter Revolution", "Anti-Guerrilla", and "Pacification."

But, today, people are beginning to realize, quite appropriately, that what all these catch phrases added up to, very simply, was that our age-old and widely accepted concept and definition of "war" was totally obsolete.

As a result, the term "unconventional warfare" came into popular use but, regrettably, I question whether or not it ever gained much public understanding or acceptance.

What is unconventional warfare as we see it today? Basically, it is a war fought by soldiers in civilian clothing who look exactly like the very people our men were sent to Korea and Vietnam to "save." It is a war in which there are no front lines, no trenches, and absolutely no semblance of the established and widely accepted principles of modern warfare. It is a war in which the adversary most often is nothing more than a "shadow being chased through the jungle."

Twice in this 20th Century, the U.S. has responded to threats to freedom on the Continent of Asia, posed by carefully conceived plans of "unconvention guerrilla warfare"—a concept directed toward disguising the true nature of aggression, dividing old allies in the Free World, and raising serious questions and deep divisions here at home about our government's motives and credibility.

The Constitution gives the Executive Branch of our government certain specific duties. For instance, the President, as Commander in Chief of our Armed Forces, is required to protect the country against invasion. This includes invasion of our own country or any other country with whom we have security treaty commitments.

The Founding Fathers realized that foreign relations could not be effectively carried on by Congress, on a day-to-day basis. When confrontations do occur, there must be continuing recognition by potential enemies that the United States is not powerless to act and will not have to wait for protracted debate in Congress before military forces can be used to thwart an attack. This means that the responsibility for defense is in the hands of the President and he must act at once if the Nation's safety is in any way endangered or the interests of the American people are threatened.

There is no way to avoid entanglement in foreign wars as long as irresponsible totalitarian regimes, determined to destroy freedom as we know it, are engaged in plots to overthrow and control governments around the world. Not only is trouble of a military nature involved, but there is incitement of riots, bombings and other domestic disorders by subversive agents.

Today, we are seeing just how successful this new communist disruptive concept has actually been and it would certainly appear that, as Americans, we are truly paying the price for our failure to recognize or understand what is happening to us and to the non-communist world as a result.

Quite frankly, the United States Constitution, as originally drafted, cannot adequately deal with either nuclear or unconventional warfare. Thus, I submit, that any attempt to apply the war-making clause of the Constitution to the realization of a nuclear attack, or the reality of contemporary communist revolutionary aggression, is as outmoded and obsolete as conventional warfare itself.

As you ponder that conclusion, ask yourself this question: "What does the word 'war' mean to you?" Does it conjure up memories of a sneak attack on Pearl Harbor, armies clashing on the Western Front in France, island-hopping in the Pacific, dog fights in the skies over Germany?

If it does, then don't feel bad because that's precisely what most people over 30 think war is. But, if you want to get a different perspective, ask your sons and daughters what they think war is—especially if they happen to be under 21.

We can't meet the challenges and the threats of the Nuclear Age with horse and buggy provisions. It just won't work and, if we, as people, continue to insist on trying, then I can only conclude that we'd better start now to prepare for the consequences.

What is needed, in my judgment, is not a bill in the Congress to further inhibit the President's ability to defend us or our freedom, but a new, realistic and understandable definition of war, and new guidelines for our future security commitments, which are acceptable to and understood by the Congress and the Executive Branch.

In all candor, I can tell you forthrightly that, at the present time, and this may come as somewhat of a shock, the United States of America has no official definition of war!

I have asked the Library of Congress to research this question for me and they agree. And, while our Constitution talks about war, nowhere does it tell us what war really is. Is it any wonder that a vast majority of the people in this country are confused?

Just how this can be resolved is not really clear at the present time, but I'm searching and studying it to find the answer. Perhaps it will require a Constitutional Amendment or a Joint Resolution of the House and Senate. But, whatever format it takes, I feel very strongly that we must get this basic question settled very soon.

Somehow, we must spell out very clearly that war, as we know it now, can exist in at least 3 forms: conventional, unconventional and nuclear. And each requires a separate response and distinct authority as to the relationship between the Executive and Legislative in each instance.

My own view, after considerable thought and study, is that the President does and, indeed, must have unilateral authority to act in the event of a nuclear attack with dispatch and all the resources at his disposal before a formal declaration of war. In both conventional and unconventional situations, however, the Congress should be consulted and have the opportunity to express its consent or objection to any commitment of troops on foreign soil, whether or not such action is accompanied by or followed with a request to declare war.

And, let me make it very clear that this does not mean that the President or our Commanders in the field would be powerless to act in the event of an overt act of aggression against the United States or its citizens, wherever they may be. The authority to defend and react to an attack has always rested with our Field Commanders as it did at Pearl Harbor.

What we are talking about here, specifically, is a situation whereby hundreds of thousands of American Troops are committed to combat in a foreign country before Congress has an opportunity to express its will and without a formal declaration of war.

Vietnam, in my view, is a case in point and a classic example for America, of how not to fight a war.

The American people want this changed! And, certainly, those Americans who were sent to Vietnam to fight with "one arm tied

behind their backs" in a war where victory was not the objective, represent the true agony of the Vietnam dilemma.

I believe a new definition of war along the lines that I allude to here will accomplish several worthwhile goals.

First, it will help to inform and educate the American people as to the several threats to our security that now exist and how our Country can and will respond to each.

Second, it will formalize and stabilize the respective roles and responsibilities of both the Executive and Legislative Branches of Government.

And third, it will permit the United States to re-structure its treaty alliances whereby our allies will know, once and for all, that the basic responsibility for defending their freedom and their lands rests with them!

If there is one lesson to be learned from this very frustrating Vietnam experience, it is that we, as a Nation, must never again commit our men to a foreign security threat unless they have the full backing of the Government and our people. This will require a broader understanding of our new guidelines for future security commitments with and to our free world friends.

To that end, I believe the days of committing large contingents of American troops abroad and then getting involved in an escalating hostile situation before the Congress has an opportunity to express its will, should be ended.

President Nixon has said that he supports this approach.

The American people are saying that they want thier elected Representatives in the Congress to have not only the power to declare war, but a far greater and more influential voice in commiting American troops to any combat situation in the future.

In conventional warfare, following a formal declaration of war by the Congress, the authority, rules and guidelines for military commitment are clear cut and fully understood by service personnel and civilians alike. Traditionally, the military strategy was developed on the premise that everyone would do what was necessary to achieve victory. The country and its people were fully mobilized and directed their total efforts toward that goal.

But, in unconventional "guerrilla warfare" the question of authority has been left to flounder in the gray area of uncertainty. This, in my view, is where the Congress, the Executive and our American leadership has been derelict in not addressing themselves to this key question.

What should be the U.S. role in dealing with this new type of threat to our free world security—a threat that has been carefully conceived and planned to disrupt and destroy freedom and free institutions by our idealogical adversaries, the Soviet Union.

People have expressed concern over the possibility of starting World War III. Has it not occurred to you that, quite possibly, World War III started some time ago? In retrospect, didn't the recognition and description of the "cold war" really mark the beginning of World War III?

The "cold war" means economic, political, psychological, technological and guerrilla warfare. In a word, it means, to me ideological warfare—a war between economic and political systems—a war to capture the attention and minds of people—a war between free democratic institutions or processes and a controlled, imposed, totalitarian system.

Based upon my observations, I believe President Nixon, through his diplomatic initiatives, and the Nixon Doctrine, is addressing himself to this question. The Congress, however, has been the "reluctant Dragon"—too slow to accept and too unwilling to adapt to the realities of this "jet-space-nuclear age" threat to our security, our systems and our way of life. Similarly, every American must develop a new sense of awareness and adjust their thinking to the "signs of our times".

While a superior defense posture is the essential ingredient for maintaining security, we must also recognize the need to develop an offense strategy and posture. We must expand our efforts to mobilize the non-military capabilities of the United States and move toward an economic, political, phychological and technological offensive of our own—in concert with our free world friends.

The military security and treaty organization agreements must also be updated to reflect more of a shared responsibility rather than Uncle Sam trying to carry the major burden on our shoulders. A truly integrated Free Nation Security organizational structure must evolve.

But, of equal and possibly more overriding importance is the need to greatly accelerate the effort toward economic and political integration of all free people and countries demonstrating a willingness and desire to participate in the building of free institutions, a free enterprise economy and government of, by, and for the people.

America must develop and lead a Freedom Ideological Offensive—this is the kind of "win policy" that can enjoy broad acceptance. It could determine the destiny of man.

The Congress, the Executive and the American people must develop this common "unity of purpose" and diffuse the polarization and dissention that is far too prevalent in our land.

In conclusion, ladies and gentlemen, I want to ask both your indulgence and your understanding for having selected this topic to speak to you about on Memorial Day. But, I believe all of you who know me, know how much I love my country and how deep my respect is for those who have served it so honorably and faithfully in its greatest hours of need.

I believe we all agree that Memorial Days exist primarily because of wars—past and present. And, I believe, too, that all Americans, and most especially our veterans, are just as concerned about preventing future wars as I am.

As we meet here today to honor those who have given their all for this great and wonderful country in which we live, our thoughts can best be described as "a Nation at war, praying for peace".

Certainly, peace and end to war are the ultimate goals of all mankind. But the road to peace, as someone once said, is never straight or smooth—it's filled with ruts—it twists and it turns. Only one thing appears for certain, and that is that our search for it must never cease.

Somewhere, that road, like all roads, must end, and, in the meantime, we have no choice but to intensify and redouble our efforts, our dedication, and our commitment to finding that most precious of all commodities—peace, with freedom, justice and liberty for all mankind.

This was the commitment made by the veterans of the past—especially those who gave their lives, those to whom we pay our respect today, Memorial Day, 1971.

The least we can do is carry forward our share of this cause—in all its forms.

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## MINORITY HIRING BECOMING A BUREAUCRATIC MESS

The SPEAKER. Under a previous order of the House, the gentleman from Montana (Mr. SHOUP) is recognized for 10 minutes.

Mr. SHOUP. Mr. Speaker, there is continuing concern over the problems of various minority groups in this country, especially with their problems with employment. A few weeks ago we defeated a piece of legislation that would have given the Equal Employment Opportunity Commission policing powers that rightfully belong with the courts.

Mr. Speaker, I cited in my remarks then, in opposition to this legislation, that discrimination is a very hard thing to legislate for or against. One thing that is too often left out of the discussion is the mountain of meaningless red-tape that has been created for small businessmen trying to comply with good minority hiring practices. He ends up buried in a sea of paper, having to ask questions of his employees that he has no business asking, and provide information to our ever-increasing information-gathering Federal bureaucracy.

I have received substantial comment from my constituents on the problem, and would like to submit part of a letter from a Montana businesswoman for your information. Mrs. M. C. Musgrove operates a small flooring business in Butte, Mont. Her comments are as follows:

We do a great deal of contract work, and much of it involves federal moneys. We are now completing the Western Care Nursing Home in Helena, and have the Low Rent Housing contract for flooring also. We were required to submit an Affirmative Plan for the hiring and training of persons from minority groups.

I really did not mind checking with the local CAA office and the State Employment Service for a census of minority groups in Butte and Silver Bow county, and can reel off the statistics like ABC's—400 Indians (including non-Indians married to Indians), 54 Blacks, 274 Spanish and 63 Orientals (including Filipinos), but when I was required to "inventory" my employees, and ask them what I felt were very personal questions, and none of our business, I felt like writing in red pencil across the 8 page communique telling us how to develop the Plan, "We don't care if they are black, white or sky-blue pink, if they can do the work, we'll hire them."

I was obliged to ask each employee his ethnic derivation and his religion. When I was in school, I resented being asked my nationality, and always put down "American." I have consistently refused, at the times when I entered a hospital, to tell them my religion, countering the question with the reply: "It's none of your business." And now that the "inventory" is complete, I fear we are going to be charged with discriminating against Protestants in our business, as all of our employees are Catholics. And both my husband and I are Protestants.

To implement our Affirmative Plan, we sent notices of our willingness to give preference to persons of minority groups who were qualified flooring mechanics, and to give preference to persons of minority groups when we hire an apprentice, to all divisions of the Anti-Poverty Program, the State Employment Office, the Welfare Office, Model City Program, North American Indian Alliance, and two persons who are leaders in the Spanish-speaking community. There are no Oriental or Negro associations in the area. About the only minority I did not cover was Republicans—and they are a minority in Silver Bow County!

Surely there is no excuse for making a complicated mess out of equal employment opportunity. Such an involved, frustrating procedure for the employer takes the context of efforts to help minorities out of the realm of reality and into the realm of the absurd. A lot of paper is being shuffled, but I question if much actual benefit is being realized.

Employers who are, for the most part, trying very hard to cooperate, certainly

should not be asked to delve into their employees' personal lives. What does a man's religion have to do with his ability to work? Mrs. Musgrove made a very good point about Protestants and Catholics and about any other minority group in any frame of discussion, for that matter.

Perhaps it is about time we do as she suggests, and start talking about Americans, rather than further dividing an already house-divided by tacking all kinds of special-interest-group names on one another. Perhaps if we work more toward erasing the fragmentation of our society, we will be able to become a more unified country. Certainly such a unified sense of national harmony is not possible when we continually emphasize disunity through social fragmentation, as we are so dedicatedly doing now.

## TO REFORM THE MINING LAWS

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. KYL) is recognized for 10 minutes.

Mr. KYL. Mr. Speaker, I am introducing the administration's proposed Mining Laws of 1971, and I request that the bill be referred to the appropriate committee of the House for consideration.

This bill would repeal the Mining Law of 1872 and provide discretionary authority to the Secretary of the Interior to harmonize mining activity with the needs of other users and of the environment. Additionally, the bill provides for payment to the Federal Government of fair return for the minerals taken off the public domain. The minerals covered are the so-called hard rock minerals such as gold, silver, lead, zinc, copper, and uranium. The present basic location-patent system would be retained, but with some significant changes.

Commercial prospecting would require a license to be issued for a nominal fee permitting no significant disturbance of the earth or an exploration and production permit which would authorize exclusive prospecting over a given area and production. The exploration and production permit would contain conditions for environmental protection and require rent and royalty payments.

Public domain lands within the national park system, the national wildlife refuge system, the national wilderness preservation system, lands within the petroleum and oil shale reserves and Outer Continental Shelf lands would be excepted from the act.

Permits to explore and develop upon lands believed to contain commercially valuable mineral deposits would be subject to competitive bidding.

Discovery of a mineral deposit capable of commercial development would entitle a permittee to a patent to the mineral deposit together with certain rights to rent the surface lands. A minimum royalty of 3 percent would be required for the life of the deposit. Abandonment for 30 years or written notice to abandon would terminate the royalty and the permittee's mineral rights.

Valid and existing rights under present law would be preserved except that unpatented mining claims would have to be recorded within 1 year after enactment or be conclusively presumed abandoned.

This bill is another of the administration's proposals to present a balanced approach to the management of our public lands. The problem of competing uses of our lands must be met and workable solutions must be found. This bill offers a solution to one aspect of the problem. I am in hopes that other meritorious suggestions will follow and that through the legislative process we can produce that balanced approach we are seeking.

Mr. Speaker, I am introducing a bill the purpose of which is to reform the mineral leasing laws. This bill was proposed by executive communication dated October 12, 1971 and may be termed "The Mineral Leasing Reform Act of 1971."

The Mineral Leasing Reform Act of 1971 would amend the existing mineral leasing laws in six major ways:

First. It would provide one general mineral leasing statute for the several mineral leasing laws now on the books and remove the distinction between the leasing of public domain lands and the leasing of acquired lands.

Second. It would incorporate specific environmental protections in line with the administration's proposed Mined Area Protection Act of 1971 which encourages States to regulate the environmental aspects of mining on State and private lands.

Third. It would consolidate the responsibility for administering federally owned leasable minerals in the Department of the Interior, excepting construction minerals such as sand and gravel, the leasing or sale of which would be left to each surface managing agency.

Fourth. Deposits of minerals on Federal lands, not otherwise leasable under present law, would become leasable under this bill excepting mineral deposits in National Parks and monuments, national wildlife refuges and national wildernesses, naval petroleum or oil shale reserves, Indian lands and the Outer Continental Shelf which is subject to other law.

Fifth. Certain minerals presently subject to the location system under the Mining Law of 1872 or sale under the materials act would be covered by this bill. All minerals in acquired lands including hard rock minerals, sulphur in all States, calcium and magnesium, bedded minerals and construction minerals would be covered. Oil and gas would be defined to include all hydrocarbons except coal and oil shale thereby distinguishing tar sands from oil and gas.

Sixth. All leases, with minor exceptions, would be issued competitively.

This bill is one of several administration proposals which, in sum, are designed to revise and improve the management of our lands. The concepts contained in this proposal are significant. They merit scrutiny by all concerned, and, I would hope, constructive criticism.

## NEEDED, WEIGHTED VOTING IN THE UNITED NATIONS

The SPEAKER. Under a previous order of the House, the gentleman from New Hampshire (Mr. WYMAN) is recognized for 15 minutes.

Mr. WYMAN. Mr. Speaker, it is public knowledge that many U.N. member countries were pleased by the U.N. vote against the U.S. position favoring a two-China policy. That some countries so voted against the United States had previously been the recipient of hundreds of millions of dollars of U.S. foreign aid merely underlines the proposition that no one can buy friends. Nor can a foreign aid program that does not require certain sensible conditions precedent—which ours has failed to do—earn more than the grudging thanks of the recipient of the handout.

Year after year the United States has given money away to nations in foreign aid without requiring internal reform by these nations. This was supposed to be a terrible thing to do because it would interfere with their internal affairs. The result has been that much of our aid mended nothing, reformed little, and ended up to haunt us through larger and larger deficits and less and less appreciation from abroad.

Today in the United Nations certain changes must be made if it is to remain to the advantage of the United States to continue as a member of the U.N. One of these is that the voting in the U.N. should be weighted. It should be measured by a formula that, for example, gives a nation a weighted vote determined by a factor of 25 percent for population and 75 percent for gross national product.

U.N. voting is no place for the principle of one man, one vote, or one nation, one vote lest we be stark out of our minds. In a world in which the population approaches 4 billion people of which we have less than 220 million and in which we have a substantial percentage of the world's wealth and the largest of the world's gross national products, it would be sheer lunacy to continue to agree to be bound by the votes of an international organization in which tiny island nations, rural, undeveloped nations, and virtual protectorates have an equal vote to that of the United States of America or the Soviet Union. If we do continue with such a voting structure in the U.N., we are bound to be stolen blind.

After a weighted voting pattern has been achieved, it should then be made clear that the contribution of member nations to the financial affairs of the U.N. shall at the most be in the percentage of each member nation's weighted vote. With the respective GNP's determining three-fourths of a nation's vote, the richer countries will, or course, bear the brunt of the financial cost which is as it should and must be.

There is also a very serious question whether the latest vote to admit Red China and give it a seat on the Security Council does not suggest that the U.N. headquarters should be moved away from the United States. The subversion, espionage, and the like that is made possible by the U.N. presence and protected through its diplomatic immunity is unhealthy whether in New York or any other part of the United States. It is doubtful whether the United Nations headquarters should be physically situated in any member nation. It would seem preferable to place it in some in-

ternationalized small part of the world and there provide a new location for the headquarters of the United Nations.

Mr. Speaker, unless these things are done, unless the inequitable and disproportionate share of cost of U.N. affairs is lifted from the shoulders of the United States; unless there can be reasonable prospect and assurance that it is to our best national interests to remain in the United Nations, it is time to carefully consider what would be involved in disassociating ourselves from the U.N. and forming a new international union of states under new and more equitable rules of association and voting.

Frankly, ever since the days of Alger Hiss, the charter and structure of the U.N. has been suspect in the minds of many in relation to the best interests of the United States of America. Of course, it is better to be talking than fighting. In this sense, it would be most unwise for this Nation to withdraw to isolationist seclusion. At the same time, it seems unwise for the United States to continue to agree to be bound by the votes of an international organization in which Communist nations and nations sympathetic therewith control a pattern of voting that is against the interests of this Nation.

In this connection, I insert in the RECORD at this point two recent columns which appeared in the Washington Star by William F. Buckley, Jr., and one by Richard Wilson:

LET'S CHANGE THE WAY WE PLAY THE U.N. GAME

(By William F. Buckley Jr.)

The general elation over at the United Nations was most graphically expressed when after the vote defeating the United States on the important procedural point, the delegate of Tanzania stepped forward to the podium and danced a jig. The jig expressed that special delight one feels on beating a giant.

We, of course, are the giant in the situation and, although there was another giant and a few middleweights lined up against us, it was the first time that the United States, premier economic and until very recently premier military figure in the world, went down to inglorious defeat: On a resolution sponsored by Albania, a little, reclusive country—composed primarily of rocks and serfs, with here and there a slavemaster—whose principal export is Maoism.

And, of course, the backdrop was perfect: The skyline of New York, metropolitan hearth of the giant who was felled by a coalition led by Albania, which tallied the vote of Byelorussia as the equal of France and England and weighed the principles of the U.N. Charter not at all.

The trouble with fantasies is that they do not endure, not in the real world. Inevitably, when a collection of nations comes together to frustrate the will of a powerful nation, the frustration boomerangs.

If membership in the U.N. is greatly worth having, it is because the U.N. has much to offer its members. Foremost is power and prestige.

Insofar as the U.N. engages in activities that reveal its weaknesses (say, its failure to bring peace in India); or that reveal theoretical hypocrisy (for instance, its insistence on universality alongside its refusal to recognize Rhodesia); or its capricious politics (the expulsion of Taiwan), it diminishes that which made membership desirable in the first place. It is as if everyone wanted to go to Harvard because Harvard has so fine a reputation, and gradually Harvard begins admitting everyone who wants to go to Harvard. What happens is that gradually Harvard loses the reputation that made it desirable in the first instance.

Actually, it has been quite a while since first it became apparent that the U.N. had no clothes. Its high-water mark was the Korean War, when we dressed up our soldiers as agents of the U.N. and went along with the act.

But soon after that—very soon after that—we were confronting, in connection with events in Poland, in Hungary, in Tibet, on the Sino-Indian border, all over the world, the military and moral powerlessness of the U.N. And shrewd international specialists, like Hans Morgenthau, were warning that it is important to remember that "the U.N. is a procedure, not a policy."

It was inevitable that the U.N. should become primarily an instrument of embarrassment, in the most recent instance, the embarrassment of the United States through the manipulation of Taiwan.

It makes a difference when we are singled out for humiliation. The U.N.'s condemnation of Israel a few years ago made no difference at all to Israel, because Israel is profoundly convinced of the correctness of its policies. The condemnation of China as an aggressor made absolutely no difference to China because China, like Russia, like Herbert Marcuse, insists that such condemnations as are directed against its activity are expressions of bourgeois morality: Indeed, they are more likely to collect condemnations as proof of their effectiveness, than be embarrassed by them.

But this is not true of the United States of America. We care very deeply when we see committed, primarily in order to embarrass us, manifest injustices by an international body of which we are a founder, the principal subsidizer, and in which we are an active participant. We care enough to do something about it.

We cannot refound the U.N., removing the Utopian gleam from the eyes of its architects. To alter substantially our subsidy is interpretable as an act of petulance, which, for all that there is actuarial and spiritual justification for it, makes us somehow ill-at-east.

The answer is to revise the nature of our participation in the U.N. which is as inevitable as the movement toward midnight in Cinderella's clock. They danced a jig on taking Moscow, in 1811, but little by little, they discovered that there was nothing there.

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A U.N. HOME OUTSIDE U.S. SEEMS JUSTIFIED

(By Richard Wilson)

George Bush, the personable Texas politician who underwent a baptism of fire as United Nations ambassador, held his tongue immediately after the Taiwan vote but is now beginning to talk. What he is saying will shock the well-meaning friends of the U.N. but needs to be said nevertheless.

They do not like us at the U.N. The "glee" on the Taiwan vote deplored by President Nixon was actually far more, according to Bush—an ugly expression of hatred, incomprehensible to our friends who are dismayed by it into thinking that maybe this is the end of the noble experiment in international amity.

Maybe it is the beginning of the end.

Bush has suggested that the U.N. might keep its permanent headquarters in New York but hold its General Assembly sessions in various world capitals.

The question can be fairly asked, why is Bush now harping on the ugly mood of hatred and fanning what already is a sizable reaction of disgust with the U.N. in this country?

For one thing, the Nixon administration is making it clear the United States will not take this kind of treatment lying down. Bush piously decries retaliation against the five or six delegations which deceived the United States on their voting intentions. The United States is too big for that kind of thing, so it is said. But the fact is that a couple of the delegations of little countries who misled Bush and the secretary of state have already been put on notice that the United States will not forget the deception, and the others will be made aware of this also.

A little judicious retaliation is precisely what a great many people in Congress desire, but it goes farther than that.

From now on the affairs of the U.N. will be dominated by anti-Americanism, whatever the effectiveness of judicious retaliation. There is no Communist bloc anymore but there might as well be so far as making the U.N. a forum for hatred of the United States is concerned. The U.N. also serves as a rallying point for those elements in this country who have carried their own opposition to American policy to the point of hatred.

Furthermore, the U.N. is a haven and staging area for international espionage and an accepted "cover" for secret police agents. It will become more so when the Chinese send their delegation to New York.

All this suggests that there are serious questions on whether or not the U.N. headquarters belongs in any country whose interests are so deeply involved as the United States, Russia and Communist China. Part of the hatred expressed at the U.N. undoubtedly arises from the bad treatment some of the delegations think they have gotten and the absence of much respect for them either in New York or Washington.

Such disrespect may now increase on the wave of reaction against an unfair and unprincipled act in expelling the government on Taiwan. It is especially ominous that the view is widely held that the next move may be against Israel by Arab nations supported by the Soviet Union. This could cause quite a stir in New York.

In reality, of course, the U.N. is a hollow but noisy shell. When important issues are to be resolved the major powers will not and cannot permit decisions to be made against their interests.

Ambassador Bush's suggestion on holding General Assembly meetings in various world capitals is worth considering as a preliminary to moving the U.N. permanently to neutral ground, such as Switzerland. The buildings in New York could easily be put to more constructive use.

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## FEDERAL STRIKE FORCES AND THE ATTACK ON ORGANIZED CRIME

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 15 minutes.

Mr. ASPIN. Mr. Speaker, in a recent issue of the National Journal there was an excellent article on the administration's efforts in attacking organized crime and especially on the use of Federal "strike forces."

These strike forces are teams of investigators and prosecutors working together in a single geographic area. They have been the administration's major weapon in its attack on organized crime in the last couple of years. At present there are 18 strike forces operating in various cities across the United States.

These strike forces appear to have been a generally effective way of pooling intelligence-gathering, investigative, and prosecutorial resources for the various Federal agencies involved in anticrime efforts. I believe the administration deserves real praise for the development and use of the strike forces.

However, Mr. Speaker, it is clear that a great deal more needs to be done to coordinate Federal activities in the fight

against organized crime. At present, there are 10 separate Government agencies responsible for the various, and often overlapping, aspects of the law-enforcement problem. The Federal strike forces have generally worked well, because they have utilized a coordinated, concerted, and comprehensive approach in going after organized crimes in the cities in which the strike forces have been operating. A great deal more coordination is precisely what is needed in other activities to make some real headway in the fight against organized crime.

Unfortunately, relations among the 10 Federal agencies responsible for law enforcement have often been characterized by petty bureaucratic jealousies, lack of communication, and general confusion. The National Journal article cites one ludicrous and near tragic incident in which an agent from the Treasury Department's Bureau of Customs and an agent from the Justice's Bureau of Narcotics and Dangerous Drugs were each, independently, assigned to tail a narcotics smuggler from the Mexican border to a large city, where a pickup was supposed to occur. Neither agent was aware of the other being assigned to the case and, when they saw each other at the pickup area, they both started firing at each other. Fortunately, neither of the agents was killed.

Mr. Speaker, I believe that it is vital for the administration to initiate far-reaching reforms for further consolidation and coordination of the Federal Government's attack on organized crime. It is hard enough to make a real dent against organized crime even with the most effective possible use of the Government's resources. The establishment of the strke forces is an important step in the right direction, but a great deal more needs to be done—and soon.

## GI DRUG ABUSE—A NATIONAL DISGRACE

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. ROSENTHAL) is recognized for 15 minutes.

Mr. ROSENTHAL. Mr. Speaker, I am today introducing legislation to deal with what is rapidly becoming a national disgrace—the destruction of the lives of thousands of American servicemen through narcotics addiction.

For too long now, the Department of Defense has been an unwitting contributor to the profits of drug pushers, both by failing to control the flow of illegal drugs into U.S. military bases at home and overseas, and by neglecting to provide adequate treatment and facilities for those servicemen who have succumbed to the scourge of addiction.

The issue must be faced now. For too long it has been suppressed in the interest of protecting the image of the service. My bill aims directly at the most vital concern—not image but reality, the well-being of the individual serviceman, the treatment and cure of his drug dependency, and his return to a productive life. This is not only to his advantage, but it also is in the best interest of the Armed Forces and the Nation as a whole.

An Army survey has revealed that nearly one out of six U.S. servicemen has used heroin while stationed in Vietnam, and half of those men were considered by the Army to have a "serious drug involvement." In the past 2 years, 16,000 American servicemen have been discharged for drug-related reasons. Of those, about 11,000 received less-than-honorable discharges, which means they were ineligible for Veterans' Administration treatment—if it had been available. It has been estimated that as many as 20,000 to 30,000 American servicemen in Vietnam are using heroin.

The military is simply not equipped to cure drug addicts. There is a shortage of doctors and hospital space. The limited detoxification program announced earlier this year by the Pentagon has had little success. The much-touted urinalysis program quickly ran into snags. Dr. Jerome Jaffe, the President's antidrug chief, has acknowledged that "servicemen are substituting everything from beer to their grandmother's urine in these tests."

These tests have shown that at least 5 percent of the 100,000 or so GI's tested in Vietnam since the program began this summer had used hard drugs within the 3 days prior to being checked.

An Army poll taken last spring in Vietnam and cited in recent testimony by Dr. Jaffee showed 16.15 percent of the GI's surveyed used heroin. Approximately half were "casual" or "experimental" users, according to the study, and another 8.43 percent were "heavy" or "habitual" users.

These figures indicate that of the approximately 200,000 American servicemen still in Indochina, anywhere from 10,000 to 30,000 are using heroin and other addictive drugs.

Even if the loopholes in the detection system are corrected, the Pentagon is not equipped to provide adequate relief for those addicts it does uncover. Only men remaining in the service are being moved to stateside hospitals for treatment; the Defense Department lacks the authority to hold addicts beyond the scheduled date of separation from the service. If an addict does not wish to stay in the service for treatment, he cannot be required to seek treatment and rehabilitation as a civilian. The armed services make no followup checks to determine if discharged addicts find their way into treatment programs stateside.

The Defense Department's plans to hold narcotics addicts in the service for detoxification accomplishes nothing, except to spur drug users into finding new ways of beating the detection tests and getting out. The prospect of having to stay in the military for a longer period would hardly induce an addict to seek help voluntarily. For treatment and cure to have hope of being effective, it must be removed from the environment that was largely responsible for the problem in the first place.

For these reasons, I feel it is necessary to provide for a thorough program of medical care and detoxification outside the military environment, and that is what the bill I am introducing today does.

The military has neither the facilities, as I said, nor, in my opinion, the inclination to treat drug addiction within its ranks as the serious medical emergency it is. In fact, the attitude still exists in some segments of the military that drug addiction is a crime and not an illness. Until just recently, a serviceman found to be using narcotics was often court-martialed or subjected to other reprisals, and was nearly always dishonorably discharged. He thus was ineligible for veterans' benefits and other medical services just when he had the greatest need for them.

Servicemen who had become addicted were turned back on the streets with little hope of treatment, counting the hours until the next fix and searching for ways to pay for a $50-a-day habit. So, ironically, the Armed Forces of the United States, whose job is to defend the country from its enemies abroad, has unwittingly and unintentionally contributed to the spread of drug-related crimes across the cities and towns of America.

The Pentagon has long overlooked the obvious way to handle addicted servicemen—by treating them as human beings who are sick, and who need help. Drug addiction should be treated as an illness, not as a crime.

My bill would establish an effective method of treating members of the Armed Forces who are drug users. It provides for the honorable discharge of addicted servicemen, and their civil commitment to the already existing drug treatment facilities set up by the Public Health Service under the Narcotic Addict Rehabilitation Act of 1966—NARA—or any other appropriate public or private hospital or facility available for the care and treatment of drug dependent persons. These hospitals can do what the limited military programs cannot—they can provide long-term medical care, if needed, away from the pressures of military life. Costs of treating these former servicemen would be reimbursed by the Department of Defense.

Honorable discharges would be provided retroactively to all former servicemen who had been given discharges less than honorable solely on the basis of personal use of drugs or possession of drugs. These men would automatically become eligible for veterans' benefits, especially health and medical, and other services previously denied them, but not for disability pensions unless they also have a service-connected disability.

Another provision of my bill would require that the confidentiality in the doctor-patient relationship be protected in the Armed Forces. All too often an addict who might desire treatment has had to resort to elaborate subterfuge to keep his illness hidden, because he feared the reaction of superior officers. My bill would put an end to this in two ways:

First, the release of an addict from the Armed Forces would be based on the certification to the appropriate service Secretary by a qualified Armed Forces physician that the serviceman is drug dependent, and unable to perform his duties. The Secretary would then take action to separate the member from the military and arrange for his civil commitment. This provision would take the determination of illness outside the chain of command and place it where it belongs—in competent medical hands.

Second, any request for treatment, or

information obtained by a service doctor relating to the treatment of a drug addict, will be deemed confidential and be inadmissable under the Uniform Code of Military Justice for any purpose of prosecution.

Assurance of confidentiality in the doctor-patient relationship would encourage a drug user to seek treatment without fear of court martial.

It is to the advantage of the military services to remove drug addicted personnel from their ranks, where they can be of little productive use. But the Armed Forces must also insure that these persons are not just dropped into the streets to contribute to the spread of drug-related crimes in civilian life. In July of this year, the House Foreign Affairs Subcommittee on Europe, which I chair, sponsored a trip to drug rehabilitation centers in New York City and saw known narcotics hangouts in the Harlem ghetto. Many of the unemployed young men sitting in drug-induced stupors on the sidewalks were Vietnam veterans who contribute to the profits of organized crime by buying and selling dangerous drugs, and add to the statistics for assault and robbery against the public. As more troops are withdrawn from Southeast Asia, this danger will increase daily unless something is done now to stop it.

The provision of title 3 of the NARA provide adequate safeguards of the rights of addicts committed to the program. It provides for long term treatment facilities. It removes the addict from the stress of the military environment. This bill calls for funding of drug rehabilitation programs for ex-servicemen out of Defense Department funds.

To summarize, my bill includes:

First. The discharge, under honorable conditions, of drug dependent servicemen, upon a physician's recommendation, and their civil commitment to Public Health Service hospitals or other appropriate facilities under the provisions of the NARA.

Second. The retroactive granting of such discharges to those previously discharged dishonorably by reason of narcotics dependency.

Third. The establishment of medical confidentiality in the doctor-patient relationship in the military, and exclusion of information obtained therein from any prosecution of the patient for use or possession of drugs. The ban on prosecution would not apply to crimes which might have been committed while under the influence of narcotics.

The purpose of my bill is to encourage the cure of drug-addicted military personnel. It is not concerned with punishment or discipline. It is the responsibility of the military to insure that servicemen who become addicted are returned to civilian life free from this scourge.

We have sent a generation of young men to war. We owe them, and the Nation, more than to send back a generation of narcotics addicts into the streets of America.

A copy of the bill and a section-by-section analysis follow:

H.R. 11532

A bill to provide for the discharge of members of the armed forces from active military service by reason of physical disability when suffering from drug dependency, to authorize the civil commitment of such members concurrent with their discharge, to provide for retroactive honorable discharges in certain cases, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) chapter 61 of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1222. Disability separation for drug dependence; civil commitment

"(a) Upon the determination of a physician in the medical service of the armed force concerned that a member of a regular component of the armed forces entitled to basic pay, or any other member of the armed forces entitled to basic pay who has been called or ordered to active duty (other than for training) under section 270(b) of this title for a period of more than 30 days, is unfit to perform the duties of his office, grade, rank, or rating because he is a drug dependent person, the Secretary concerned shall retire, discharge, or separate, as appropriate, such member from active military service on the basis of physical disability.

"(b) Not less than 30 days prior to the date on which any member is to be retired, discharged, or separated from active military service pursuant to subsection (a) of this section, the Secretary concerned shall file a petition with the United States attorney for whichever of the following districts the member chooses:

"(1) the district in which such member will be separated from active military service,

"(2) the district within which the permanent home of record of such member is located, or

"(3) any other district where facilities for treatment may be available

requesting that such member be admitted to a hospital of the Public Health Service for treatment of his drug dependence. The Secretary shall not file a petition with respect to any member if the Secretary determines that such member has voluntarily filed, or will file, within the 30-day period prior to his expected date of separation from active military service, a petition with the appropriate United States attorney requesting that such member be admitted to a hospital of the Public Health Service for treatment of his drug dependence. Any petition filed by the Secretary concerned or a member under this section shall set forth the name and address of the member with respect to whom the petition is filed, the scheduled date of his separation from active military service, and the facts or other data on which the Secretary bases the separation of such member from active military service by reason of drug dependence.

"(c) The provisions of section 302(b) and 302(c), sections 303 through 316, and title IV, of the Narcotic Addict Rehabilitation Act of 1966, shall apply in the case of any person with respect to whom a petition is filed under subsection (b) of this section in the same manner and to the same extent as if such petition had been filed by a narcotic addict or a related individual under section 302(a) of such Act, except that the term 'narcotic addict' as used in such provisions of such Act shall for purposes of consideration of, and commitment and treatment pursuant to, petitions filed under subsection (b) be deemed to mean a drug dependent person as defined in subsection (d) of this section.

"(d) When so specified in an appropriation or other Act, the Secretary of Defense shall make allotments and transfers to the Secretary of Health, Education, and Welfare for disbursement by him under the various headings of appropriations made to the Department of Health, Education, and Welfare of such amounts as are necessary for the care and treatment of former servicemen who are provided treatment under this section. The amounts to be charged the Department of Defense for treatment received by former servicemen under this section shall be calculated on the basis of a per diem rate approved by the Office of Management and Budget.

"(e) For purposes of this section:

"(1) The term 'drug dependent person' means a person who is using a substance which induces a state of psychic or physical dependence, or both, arising from the use of that substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects or to avoid the discomfort caused by its absence.

"(2) The terms 'narcotic drug' and 'depressant or stimulant substances' shall have the same meanings as are prescribed for those terms by section 102 of the Controlled Substances Act.

"(3) The term 'treatment' includes confinement and treatment in an institution and under supervised aftercare in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the drug dependent person by ending his dependence on narcotic drugs or depressant or stimulant substances and his susceptibility to dependence on such drugs or substances.

"(4) The term 'hospital of the Public Health Service' means any hospital or other facility of the Public Health Service especially equipped for the accommodation of drug dependent persons, and any other appropriate public or private hospital or other facility available to the Secretary of Health, Education, and Welfare for the care and treatment of drug dependent persons."

(b) The table of sections at the beginning of chapter 61 of such title is amended by adding at the end thereof a new item as follows:

"1222. Disability separation for drug dependence; civil commitment."

SEC. 2. (a) Notwithstanding any other provision of law, the Secretary concerned shall, pursuant to such regulations as the Secretary of Defense shall prescribe, grant a discharge under honorable conditions to any member of the Armed Forces who was discharged or separated from active duty under dishonorable conditions (whether or not such discharge resulted from sentence imposed by a court-martial) because such member—

(1) was a drug dependent person within the meaning of section 1222(d)(1) of title 10, United States Code, or

(2) personally used or possessed for his personal use any narcotic drug or depressant or stimulant substance.

(b) Notwithstanding any other provision of law, any statement or information related by, or obtained with respect to, any member of the Armed Forces on active duty in the course of—

(1) any request or inquiry by such member for treatment or rehabilitation for drug dependency, or

(2) any such treatment or rehabilitation received by such member, shall be deemed to be confidential medical information and is inadmissible for any purpose whatsoever related to any prosecution of any charge against such member under chapter 47 of title 10, United States Code, involving the use or possession of any narcotic drug or depressant or stimulant substance.

SECTION-BY-SECTION ANALYSIS OF MAJOR PROVISIONS

To provide for the discharge of members of the armed forces from active military service by reason of physical disability when suffering from drug dependency, to authorize

the civil commitment of such members concurrent with their discharge, to provide for retroactive honorable discharges in certain cases, and for other purposes.

A new section is to be added to Chapter 61 of Title 10, the U.S. Code:

1222. "Disability separation for drug dependence; civil commitment."

(a) The Secretary of a branch of the armed forces shall, upon the recommendation of a qualified service physician that a member of that service on active duty for more than 30 days is unfit to perform his functions because of drug dependency, discharge retire or separate that member from military service for physical disability.

This provision leaves the determination of the nature of a serviceman's dependence on narcotics in the hands of doctors, and the Secretary shall treat his case as they, rather than non-medical officers in the chain of command, shall recommend.

(b) Not less than 30 days before the termination of an addicted serviceman's active duty, the Secretary concerned shall petition the U.S. Attorney in

(1) the district in which the member will be separated from military service, or

(2) the district in which the member's permanent residence is located, or

(3) any other district where facilities are available,

Whichever the member chooses, requesting his civil commitment to a hospital of the Public Health Service for treatment of drug dependency. The petition will include the name and address of the member, the date of the termination of his service, and the data leading to the Secretary's action in discharging the serviceman by reason of addiction.

This provision provides for the civil commitment of addicts in the military in Public Health Servce hospitals specifically equipped to handle them. The military is not equipped to cure drug addicts. Addicts should be completely removed from the military environment, which may have been a contributing factor in their becoming addicted. They would be no asset to the military anyway, and the prospect of having to return to active duty after rehabilitation might make curing them or drug dependency more difficult.

(c) The procedures used for the civil commitment of addicted servicemen shall be those of Sections 302(b) and 302(c), section 303 through 316, and title IV, of the Narcotic Addict Rehabilitation Act of 1966. The NARA provisions provide adequate procedural safeguards, and they are designed to expedite the entry of the addict into a rehabilitation program.

(d) Costs of care and treatment of former servicemen under this act will be reimbursed to the Department of Health, Education and Welfare by the Dept. of Defense.

(e) 1. A "drug dependent person" is one who uses a substance which induces a state of psychic or physical dependence, which in turn hampers the serviceman's performance of his duties.

2. The terms "narcotic drug" and "depressant or stimulant substances" are those so defined by section 102 of the Controlled Substances Act.

3. "Treatment" means confinement and care in an institution, supervised aftercare in the community, and also medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services.

4. A 'hospital of the Public Health Service' is any hospital or facility of the Public Health Service, or any other public or private hospital or any other facility available to the Secretary of Health, Education, and Welfare, which is equipped to handle cases of narcotics addiction.

SECTION 2

(a) Each service Secretary, subject to such regulations as the Secretary of Defense shall prescribe, shall grant a retroactive discharge under honorable conditions to all those dishonorably discharged from active duty (whether by court martial or not) because they were

(1) drug dependent as defined in Section 1222(d)(1)g Title 10 of the U.S. Code; or

(2) personally used or possessed a narcotic drug.

The "amnesty" provision gives honorable discharges to all those dishonorably released from the military for drug use. The current crisis of drug addiction in the military is directly related to the large numbers of men drafted and the difficult physical conditions of Southeast Asia.

The retroactivity provision would have the effect of making the recipients of the honorable discharges eligible for veterans' benefits and treatment presently denied to them as a consequence of their dishonorable discharges.

(b) Medical confidentiality at all stages in the treatment of addicts in the armed forces, and the exclusion of any information obtained thereby from any prosecution, is designed to eliminate an addict's reluctance to identify himself and seek help. Identification of addicts, and their treatment and removal from military service, should be encouraged, not restrained by a soldier's fear of punishment or other reprisal. The addicted serviceman's concern should be with getting a doctor's diagnosis, and beginning the procedures for discharge, civil commitment and treatment, not with the action of his superior officers.

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## A LETTER TO PRESIDENT NIXON CONCERNING FOREIGN DIGNITARIES AND CIVIL LIBERTIES IN THIS COUNTRY

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 10 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, I rise to inform my colleagues about a letter I am posting today to the President of the United States. The letter, a copy of which I append here to my remarks, is self-explanatory. I would like at this point, however, to make a few additional observations.

First, it seems to me that in a case such as this, the U.S. Secret Service, which is properly concerned with the physical safety of visiting foreign dignitaries, has options other than the one exercised in this case. For example, the Secret Service agents could quietly place under observation any person who they fear might be inclined toward physically assaulting an official of a foreign government.

Second, we must take great care not only to protect visitors from other countries, but also to safeguard the civil liberties of citizens of our country. Our own people should not feel intimidated, nor should they be given any reason to fear that our own Government frowns on the expression of views honestly held.

Third, whatever the current foreign policy of the United States might be, it should not be permitted to conflict with our own Bill of Rights. Fourth, when a citizen is called upon to answer to a Federal policeman for his political views, we are starting a very dangerous trend in this country which erodes the most basic of our democratic principles. And when a man feels he might lose his livelihood because of his views, this danger is compounded.

Fifth, I do not understand why my constituent was asked to submit to photographs. What does the Secret Service intend to do with these photographs? So far, I have not been given a satisfactory answer to this question.

Sixth, what about those of us who may have criticized Mr. Brezhnev or Mr. Kosygin or Generalissimo Franco or Fidel Castro or Mao Tse-tung or Anwar Sadat or Marshal Ky? Will the Secret Service want our photographs, too, should these persons be invited to the United States?

Seventh, it seems to me that all this reflects a rather ominous trend in this country that seems to be carrying us back to that unhappy era when we were suffering from the excesses of McCarthyism.

At this point, I insert my letter to the President of the United States here, together with some other materials and newspaper articles that have a bearing on this situation:

CONGRESS OF THE UNITED STATES,
*Washington, D.C., November 2, 1971.*

President RICHARD M. NIXON,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: I am writing to report to you gross violations of the civil rights of one of our constituents, Mr. Borivoje M. Karapandzich, of 7104 Lawn Avenue, Cleveland, Ohio. I feel certain that you as Mr. Karapandzich's President, are as concerned as I am as his Congressman about protecting his freedom to speak out as he sees fit, without having to answer for his views to a federal policeman. Because strong remedial action is called for by you as the chief law enforcement officer of our country, I am apprising you of the facts in this case—evidence gathered in an investigation conducted by me last weekend in my Congressional District.

What got me started was a letter I received in my Washington office late last Friday, October 29, 1971, as I was about to depart for a visit to my constituency. The letter from Mr. Karapandzich, as you can see from the copy which I enclose for your perusal, was addressed not only to me but also to the Senators from Ohio—The Honorable William B. Saxbe and the Honorable Robert Taft, Jr. You will note in the letter that Mr. Karapandzich told how he was questioned in his home by agents of the U.S. Secret Service and then asked to go downtown the next day to have his picture taken by the Secret Service agents. The questioning evidently stemmed from the fact that Mr. Karapandzich is an outspoken foe of the Tito regime in Yugoslavia.

On reading the letter, I, of course, knew that here we were being confronted with a dilemma that is classic in a democracy such as ours. On the one hand, nothing should be permitted to happen which might discourage Mr. Karapandzich or any other citizen for honestly asserting his beliefs, however valid or invalid they might be, and that certainly he should not be insulted for having exercised his freedom of speech and freedom of the press.

On the other hand, you had invited Mr. Josip Broz (Tito) to the United States, for reasons of diplomacy with which I have no quarrel. As a guest of the United States, Tito must, of course, be protected against bodily harm, and you and the Secret Service are charged with this responsibility. If the Secret Service has any good reason to believe that Mr. Karapandzich might seek to physically harm Tito, then its agents had a clear duty to take whatever steps are legal and necessary to assure Tito's safety.

In weighing both these considerations, I reflected that it was fortunate I was already headed for Cleveland, where I could take time out to make a first-hand determination of the facts. As Mr. Karapandzich's Congressman, I felt I owed him a response of some kind to this letter, and I visited him in his

home the following morning, Saturday, October 30, 1971. In our talk Mr. Karapandzich elaborated on the story he related in his letter.

He said that Mr. Cozart and the second Secret Service agent came to his front door about 7:30 p.m. on the evening in question, without having telephoned in advance. Mr. Karapandzich said he was home at the time with his wife and his 18-year-old daughter. He said the agents were polite and courteous—"correct" was the word he used—at all times, but that they asked him questions that were highly disturbing. For instance, Mr. Karapandzich said, they asked him whether he had any "guns" or "bombs". Mr. Karapandzich said he replied that, while he had always been highly critical of Tito, he had never advocated violence against him.

In his narrative, Mr. Karapandzich said the agents finally left his home after advising him to come downtown to the Secret Service office the following day to have his picture taken. If he were not to come downtown, the agents said, according to Mr. Karapandzich, that they would return and photograph him in his home. Mr. Karapandzich said that, on leaving work the following day at 5 p.m. he stopped in the Secret Service office, and the photographs were taken.

In answer to my questions, Mr. Karapandzich said he was a naturalized American citizen, that he had been in this country for some twenty years and that he had never been arrested or accused of a crime. He said he worked at the Cleveland City Hall as an engineering aide. Then he implored me to write a letter for him to his superior at City Hall, attesting to his loyalty as an American citizen. He said he needed the letter because he feared that the Secret Service might go to his superior with derogatory information against him, and that this might cause him to lose his job.

My conclusion after the interview was that Mr. Karapandzich appeared to me to have been truthful and to genuinely be suffering mental anguish as a result of the visit from the Secret Servicemen. However, I decided that I should check with the Secret Servicemen also, to determine whether they had any additional facts about the case—facts of which I might not be aware. I went downtown that Saturday to the Secret Service office but, as I expected, the office was closed, and I decided I would wait until Monday, November 1, 1971.

On that day—yesterday—I again went to the Secret Service office and found Mr. Cozart there. The most significant fact to emerge from my interview with him was that he, Mr. Cozart, claimed to have no information that might lead him to believe that Mr. Karapandzich might seek to physically assault Tito, or to have this done by someone else. In general, Mr. Cozart confirmed the story given me by Mr. Karapandzich.

I then requested that Mr. Karapandzich be given a written apology, but this request was not satisfied. I was told, in fact, that what had happened in Mr. Karapandzich's case was in accord with the routine of the Secret Service—a fact which I find highly disturbing.

Having been given no satisfaction by the Secret Service, I address myself to you, Mr. President. I urge you to direct the Chief of the Secret Service in Washington to write a letter to Mr. Karapandzich apologizing for the conduct of his agents. I also ask that you direct that official to give written assurances that this sort of incident will not be repeated with respect to any resident of the 20th Congressional District of Ohio, whether the resident is an immigrant, as Mr. Karapandzich is; a son or daughter or grandchild of an immigrant, as so many of my constituents—and your constituents—are; or a native-born American. I feel, Mr. President, that such assurances are necessary because the political leaders of many countries—in addition to Yugoslavia—regularly come under criticism on one ground or another by residents of Cleveland, Ohio. Because these dignitaries might also visit the United States, as Tito has done, I would like to feel that our constituents have nothing to fear as a result of their having spoken their minds. Please help me assure them they have nothing to fear.

I must add, Mr. President, that I feel very strongly about this matter. I ask that you communicate this fact to the Chief of the Secret Service—that, unless the apologies and assurances are forthcoming, I shall see to it that litigation is brought in the U.S. District Court of Northern Ohio. A Court order will be sought enjoining the Secret Service from engaging in the course of conduct which prompted Mr. Karapandzich's complaint to me and to his two Senators.

I would prefer to have the assurances and not to go to court. Because matters of foreign policy are involved here, I feel it would be best not to have any confrontation between officials serving different branches of the United States government. However, if I can obtain no assurances on behalf of our constituents, I will have no alternative but to follow through in the Court.

Thank you for giving this matter your attention. I would appreciate an early reply.

Sincerely,

JAMES V. STANTON,
*Member of Congress.*

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CLEVELAND, OHIO,
*October 27, 1971.*

Hon WILLIAM B. SAXBE,
*U.S. Senator of Ohio,*
*New Senate Office Building,*
*Washington, D.C.*

Hon. ROBERT TAFT, JR.,
*U.S. Senator of Ohio,*
*New Senate Office Building,*
*Washington, D.C.*

Hon. JAMES V. STANTON,
*Congressman of the 20th District,*
*Longworth House Office Building,*
*Washington, D.C.*

DEAR SENATORS AND CONGRESSMAN: On Tuesday, October 12, 1971, two gentlemen came to my home who introduced themselves as secret agents for the security of the President and Vice President of the United States, and as members of the U.S. Secret Service, Department of the Treasury in Washington, D.C. One of them, a Mr. Bob Cozart, interrogated me all evening. On the following day, Wednesday, October 13, 1971, Mr. Cozart photographed me four times!

DEAR SENATORS AND CONGRESSMAN:

I am a citizen of these United States of America.

I am a loyal citizen and true patriot of my new homeland.

I have been neither arrested nor condemned for anything.

I have never had any criminal inclinations whatsoever.

Therefore, the lives of the President and Vice-President of the United States have never been threatened or endangered by me. Their lives are endangered by Josip Broz Tito, communist dictator of Yugoslavia who only in one instance, in the city of Kovceje massacred twenty thousand innocent Yugoslavs. Therefore, Tito is the criminal and murderer, not I.

DEAR SENATORS AND CONGRESSMAN:

I am appealing to you to protect my honor, my reputation, and my human dignity from these secret agents of the present administration in Washington; an administration that invites and hosts international criminals, yet subjects its loyal citizens to harassment and discrimination. Meanwhile, if you do not protect my infringed upon human and citizen rights, I shall be forced to seek protection from the World Association of Judges, 75 rue de Lyon, Geneva 13, Suisse.

Any consideration and assistance given in my behalf will be greatly appreciated.

Thank you very much.

With best wishes and warmest regards.

Very truly yours,

BORIVOJE M. KARAPANDZICH,
*Free American-Yugoslav Writer.*

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[From the Washington Post, Nov. 2, 1971]

TITO CRITIC TELLS OF U.S. "HARASSMENT"

CLEVELAND, November 1.—U.S. Rep. James V. Stanton (D-Ohio) said today he had demanded an apology from the Secret Service for what he alleged was undue harassment of a Yugoslav immigrant here.

Stanton told newsmen that unless he got satisfaction from the Secret Service he would file suit in U.S. District Court seeking to enjoin the federal agency from further harassment.

Stanton's complaint involved Borivoje M. Karapandzich, an outspoken critic of Yugoslavian President Tito. Karapandzich, who works at City Hall as an engineering aide, has writen a book highly critical of Tito, who is currently touring the United States.

Stanton said Karapandzich had written him complaining that Secret Service agents went to his home Oct. 12 and questioned him at length about his attitude toward Tito and asked if he had any weapons in the House.

Stanton further said Karapandzich agreed to go to the Federal Building here at the agents requests for a picture. Karapandzich told Stanton all this caused him "mental anguish."

Stanton called the agents' actions a violation of civil liberties which could not be tolerated.

In Washington, the Secret Service had no immediate comment.

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[From the Washington Post, Oct. 29, 1971]

FBI QUERIES POSSIBLE OPPONENTS OF TWO SUPREME COURT NOMINEES

(By John P. MacKenzie)

The FBI has carried its investigation of President Nixon's two Supreme Court nominees into the unfamiliar territory of the civil rights and civil liberties workers who uncovered damaging evidence against previous Nixon choices for the bench.

Agents in at least five cities have met with a mixed but mostly chilly reception after asking potential opponents of William H. Rehnquist and Lewis F. Powell Jr. whether they had any information and whether they planned to fight the confirmations.

Reaction to the FBI inquiries ranged from surprise at the bureau's sudden interest to outrage that the interest extended beyond data-gathering to the plans of persons considered unsympathetic to the Nixon administration.

Professor Gary Orfield of Princeton, who testified against confirmation of Clement F. Haynsworth Jr. and G. Harrold Carswell, said he was asked whether he expected to testify at Senate hearings opening on Wednesday.

Stanford law professor Anthony Amsterdam, who publicly opposed the possible nomination of Judge Mildred Lillie, was asked whether he would give his views on the court nominees either to the Senate or the American Bar Association, which is conducting its own investigation. Both men refused to commit themselves on the subject.

Among those who said they were questioned by the FBI was Richard T. Seymour, a lawyer with the Washington Research Project Action Council, a civil rights organization.

Seymour, whose investigation of Carswell produced evidence that he had helped convert a public golf course to a private club to avoid admitting Negroes, was called first at his Washington office. On that call the FBI learned that Seymour had already left for Phoenix, Ariz., where Rehnquist practiced law before becoming an assistant attorney general in 1969.

Reached at a Phoenix motel yesterday, Seymour told the Washington Post that an

FBI agent had contacted him by telephone on Wednesday.

Seymour said the agent expressed some confusion as to why he was supposed to contact him but that it concerned Rehnquist. The agent asked about Seymour's background, his purpose and whether he had developed any new information.

The young lawyer told the agent that he had turned up "nothing worth talking about yet." Then, said Seymour, "I asked him if he had any information. He said he couldn't disclose it without permission from higher-ups. I said we operated under the same system."

Seymour said the brief conversation was "very friendly—there was no attempt to scare me." Other individuals questioned expressed the same view.

Marian Wright Edelman, Seymour's superior at the Washington Research Project Action Council, said she received a call Wednesday in Massachusetts from the FBI's Washington office. The agent asked her to talk with a man from the FBI's Boston office, said Mrs. Edelman, who divides her time between Washington and Cambridge, Mass.

Mrs. Edelman, said she told the FBI that she had nothing to contribute as of now about either Rehnquist or Powell but she would call the bureau if anything developed.

From the agents' questions, Mrs. Edelman said she had concluded "they clearly never heard of any of us."

The FBI took the brunt of criticism last year for failing to discover derogatory information on Carswell before critics did. Many in the bureau and elsewhere in government felt that the criticism was not entirely deserved because of the short notice and secrecy restrictions under which field agents were forced to operate.

Harvard law professor Laurence H. Tribe, another private attorney consulted by the FBI, said he has had three FBI inquiries since Oct. 18, when The Post published his study of the recent judicial record of Judge Lillie, then a top name on the administration's list of potential nominees.

Tribe said the agent who called first said he was not conducting a formal check on Judge Lillie but wanted to be ready in case Washington asked for one. Asked the source of his interest in the candidate and what his professional opinion was, Tribe said he replied that he was acting as a scholar and former law clerk concerned about the Supreme Court and that he had a low opinion of the California judge.

Wednesday of this week Tribe received a personal visit and a telephone call from another agent, this time about Rehnquist and Powell. The FBI, Tribe said, wanted to know if he was conducting a comparable study of the two nominees. Tribe said he was annoyed at the question and refused to answer it.

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[From the Washington Post, Oct. 29, 1971]

NORTH CAROLINA GOVERNOR FUMES ABOUT SECRET SERVICE

CHARLOTTE, N.C., October 28.—Gov. Bob Scott is angry over the way Secret Service guards treated him during President Nixon's visit for Billy Graham Day Oct. 15, The Charlotte Observer said today in a copy-righted article.

The Observer quoted Scott as saying an official of the Federal Aviation Administration, told him his plane could not land if it arrived after 1:45 p.m., 15 minutes prior to Mr. Nixon's scheduled arrival.

"I said, 'Look, I'm the governor of North Carolina,' Scott said. 'Are you telling me that I can't land in my own state?' I said, 'Now I'm up here and I intend to get down and I don't have a parachute, so we're going to land when we get there.

"He told me that if we landed after the specified time they would take the pilot's license. And I said, 'Go ahead and take it. I'll give him another job.'

"I also told him that I was the governor of the state the President was coming to and that if necessary I could order highway crews to get construction under way on every street leading to the airport."

His plane arrived at 1:30 p.m.

The Secret Service wouldn't let Scott fly the state flag from his car in the presidential caravan from Douglas Airport to the Coliseum, which further irritated the governor.

And once at the Coliseum for a tribute to Graham, the article said, Scott was again offended by the Secret Service.

"They just almost didn't let me out of the auditorium," Scott said. "I came down the stairs to go out the door to my car, but the Secret Service wouldn't let me out.

"I argued with them for a good while, identified myself as the governor of North Carolina, pointed out my aides and my car, but nothing doing. I just thought it was overdone—in fact, ridiculous," Scott said.

After the presidential entourage arrived at the airport for Mr. Nixon's departure, Scott said, the Secret Service twice brushed him aside when he attempted to shake hands with Mr. Nixon just before the President boarded his jet.

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[From the Washington Post, Oct. 30, 1971]

WHITE HOUSE REGRETS SNUB

The White House said yesterday that if North Carolina Gov. Bob Scott was mistreated by Secret Service agents during President Nixon's visit to Charlotte two weeks ago, it was cause for regret.

The Charlotte Observer reported Thursday that Scott, a Democrat, was angry over Secret Service treatment of him when Nixon visited the city Oct. 15 to honor the Rev. Billy Graham.

"It's always unfortunate when a misunderstanding of this sort occurs," said Nixon's press secretary, Ronald L. Ziegler.

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[From the Washington Evening Star, Oct. 29, 1971]

PLAN IS DRAWN BY UNITED STATES TO FIRE "SUBVERSIVES"—DISMISSAL WOULD BE AUTOMATIC

(By Joseph Young)

The Nixon administration is drafting plans for the automatic firing of all federal employes who are members of any organization the government decides is "subversive" or "revolutionary-terrorist."

The plan would abolish present legal safeguards adopted following the witch-hunt of the Joseph McCarthy era in the 1950s and the loyalty programs of the late 1940s.

It would apply to both "sensitive" as well as "non-sensitive" jobs in government.

Mere membership in a group listed by the attorney general as "subversive" is not now grounds to fire a federal employe. The government must prove that an employe is an "active and knowing" member of such an organization.

The proposed new standards would bring the dismissal of an employe if the government decided his continued employment "would not promote the efficiency of the service."

Apprised of the administration's proposed changes, federal employe union leaders expressed alarm that this could result in a new witch-hunt in the federal service.

They also express concern that the proposal would mean virtually any employee could be fired on vague charges.

The union leaders ask who is to determine in these rapidly changing times of social stress and upheaval which organizations are "subversive" or "revolutionary" and which are not?

Federal union leaders say there is a grave danger that government employes belonging to groups demanding an end to the fighting in Vietnam or in the cause of school and housing integration and other social issues would stand to lose their jobs if the plan becomes effective.

Asst. Atty. Gen. Robert C. Mardian, chief of the Justice Department's internal security division, referred to the proposal in remarks prepared for an Atomic Energy Commission security conference. Mardian has also indicated the administration's thinking on the matter in testimony before Congress.

The ideas discussed by Mardian are only "working proposals," a Justice Department spokesman said today.

"These proposals," he said, "are simply part of our current evaluation of the existing security system. Officials have not yet decided whether it would take new legislation or only a presidential order to put the proposals into effect, if a decision is made to implement them, the spokesman added.

In his remarks to the AEC group, he described as "legalism," federal court decisions which carefully circumscribed operations of internal security programs.

He said that "legal distractions . . . have placed an onerous, if not impossible, burden on government and industrial security officers," and that the new standards are part of several proposals to correct this.

Among others he named was a July 2 executive order from President Nixon authorizing the Subversive Activities Control Board to hold hearings and designate groups that fall into the "subversive" or "revolutionary-terrorist" category.

This order is under attack in Congress. There have been bills introduced by Sen. Sam Ervin, D-N.C., to bar use of federal funds to enforce the order.

Mardian argued that evaluating the membership in groups "dedicated to revolutionary-terrorist" principles would offer a "more realistic" test than present standards.

Mardian argued that government agencies should be able to fire employes if membership in an offending group would diminish his agency's efficiency.

Mardian added that "the vast majority of Americans would . . . agree that persons who are knowing members" of such groups "should not be employed in even non-sensitive positions, not simply because they are disloyal, but because such people are not likely to improve the delivery of governmental services of a government system they are trying to destroy."

Queried by Jared Stout of the Newhouse News Service as to which additional organizations would be named as subversive or which kind of activities by federal employes would be regarded as subversive or revolutionary-terrorist, Justice Department spokesmen declined to do so.

A Justice Department spokesman said the proposed plan could take the form of either legislation or a presidential executive order.

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[From the Washington Post, October 30, 1971]

UNITED STATES WEIGHS CHANGES IN CHECKING WORKERS

Assistant Attorney General Robert C. Mardian said yesterday the government is considering a change in procedures to tighten security requirements for federal probationary employees hired prior to security checks.

The change as outlined by Mardian in an interview and in July 29 testimony to the House Committee on Internal Security as well as in a speech this week to the Atomic Energy Commission Security Conference.

Under the proposal, which has not yet been approved at the White House, a government agency would have to certify that the continued employment of a probationary employee "will promote the efficiency of the service."

Mardian said the change is designed to deal with the problem of probationary federal employees who turn out, after hiring,

to be members of "subversive" or "revolutionary-terrorist" organizations.

Under present procedures, he said, the government can rid itself of such probationary employees only if it can prove they have engaged in criminal or other misconduct or that there is a reasonable doubt of their loyalty to the government.

Mardian flatly denied a Washington Star story which said a plan in the drafting stage calls for automatic firing of all federal employees who are members of any organization deemed to be subversive or revolutionary-terrorist.

He said the courts have held that mere membership in such organizations is not sufficient grounds for dismissal, from federal service. These decisions, he said, permit action against a federal employee only if the government can prove he knowingly involved himself in furthering the illegal objectives of a "subversive" organization.

No major plan to change the security rules regarding permanent federal employees is being contemplated, Mardian said.

Anthony L. Mondello, general counsel of the Civil Service Commission, said no plan such as described in the Star article is known to commission officials, including Chairman Robert E. Hampton.

## HOW LONG?

The SPEAKER. Under a previous order of the House, the gentleman from New Mexico (Mr. RUNNELS) is recognized for 5 minutes.

Mr. RUNNELS. Mr. Speaker, the wife of one of our prisoners of war being held in North Vietnam has forwarded a most interesting calendar to me. This calendar is being distributed by an organization in Santa Fe, N. Mex., called Rescue Line, Inc. A statement by Louis R. Stockstill titled "How Long?" is printed on the back of this calendar.

I insert this statement in the RECORD for the benefit of my colleagues:

HOW LONG?

There was a time when U.S. participation in the Vietnamese war may have been justified. But today our President, with the apparent blessing of a majority of our people, is firmly committed to withdrawal.

Hundreds of thousands of our troops have been returned home. Others continue to be withdrawn, and those left behind constitute an ever diminishing number, operating from an ever diminishing position of strength.

While on the other side of the battle-lines within South Vietnam, and across the borders of Cambodia, Laos and North Vietnam, nearly 1,700 American soldiers, sailors, airmen, Marines and civilians are still being held as prisoners of war or listed as missing in action and presumed to be prisoners. Some have been held captive five, six and seven years. Some have died in the POW compounds. Others may now be dying or facing the growing threat of death. Most families of these men still do not know if they are even living.

Over the years, our Government has sought through a variety of avenues to win full identification of the prisoners, and to obtain improved treatment for them. But not a single effort can be termed completely successful.

Now, seven years after the first American was taken prisoner, too few alternatives remain . . .

One of the hopes that an increasing number of POW-MIA families have is that North Vietnam and her allies may be willing to list all of the men they hold and begin a program of repatriation if our Government will set a firm withdrawal date. And they feel we must now make that offer—the offer of a specific withdrawal date, contingent only upon the institution of an immediate repatriation program that will assure the return of all prisoners of war by the conclusion of the withdrawal. They feel that if the offer is rejected, we will have lost nothing . . . if we do not make it, we will have closed a door.

Other POW-MIA families feel that we must wait and see if our Government's efforts will produce results in time to save the lives of at least some of the prisoners—known and unknown.

Americans must take a stand and whichever alternative we believe in, we must make it known to our elected officials in Washington. If we do not, we will have failed in our responsibility to those Americans who continue to rot and die in the prisoners of war camps throughout Indochina.

Write to your elected officials today. Tomorrow may be too late for the prisoners and missing.

## ALL-OUT ATTACK ON PROBLEMS OF THE ELDERLY

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 15 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I rise today to address my remarks and hopefully the attention of all of the Members in this House to the continuing plight of the elderly in our society. There is probably nothing new in what I am going to say, nothing that probably has not been proposed or said before, and certainly nothing new about the subject itself. Yet, this just convinces me all the more that it is necessary to say it all again, to try one more time, to focus attention on the whole range of problems which continue to beset the elderly of this Nation. For in spite of all the bills which have been filed each session of Congress for as long as I have been here, all the many colleagues over the years who have joined in cosponsoring these bills, even in spite of such landmark legislation as medicare and medicaid and a series of welcome increases in social security benefits, the crisis facing the elderly of this Nation seems to be continuing unabated and is probably in many ways a problem offering less promise of solution today than 10 years ago. Because, despite these undeniable steps in the right direction—these major victories for the elderly—not only the elderly but every Member of Congress has come to realize that the situation has not really materially improved and seems to get worse with each passing year. Certainly, the cries of anguish from the elderly across this country have not been stilled. But instead seem to be augmented with each passing year—years crowded with the birthdays of millions who suddenly find themselves officially classified by Government bureaus as elderly.

It has become customary in Government circles to refer to those over 65 as elderly, yet a moment's reflection on one's own experiences and personal associations would indicate to every Member here that there is something terribly arbitrary about that figure. We all know that for some, the problems of old age—such as increasing disabilities and infirmities, incapacity to earn a decent living, loneliness, and isolation from the dominant younger generations, are readily identifiable problems facing many in our population below the age of 65 all of which serves to underline the tragedy we are facing. We have not really made all that much progress towards solving the problems of those over 65 let alone the similar problems of those under 65 which, in essence, are problems of the elderly.

Much has been said about the political implications of all of this, yet ironically nothing much seems to have resulted. All respected commentators seem to be in agreement that one of the new features of the landscape in the 1960's was the muscle demonstrated by the senior citizens of the Nation.

The events leading to the passage of medicare convinced most commentators that the electorate now included a new bloc which had to be reckoned with new national organizations representing the interests of the elderly fulltime in Washington made their appearance on the American scene. Any public figure who ignored the interests of the elderly would do so at their own peril. And yet, in spite of all the legislation filed which failed to pass and even the legislation which was filed and did pass; in spite of all the speeches both on the hustings and in the Halls of Congress; the more I read my mail, the more I visit my district, the more I read the papers. I am convinced that we have not really made a significant dent in tackling the curse of being old in this country. It is as if the elderly, after years of neglect, were in fact overly grateful, only to wake up a few years later to realize that they were not really that much better off than they had been before.

Inflation in the final analysis has proved to be a fast runner, indeed, and easily overtaken the elderly who could not hope to keep up. For cruel as inflation is to every segment of the economy, like so much else in our modern society, it looks with more favor on those who are younger and more competitive and can stay ahead of the game than those who have lived the good life, saved for the rainy day, or are dependent upon the support of friends or governments. For those on a fixed income, whether it be in the form of a Government check, a pension plan, or their own savings accrued through a lifetime of hard work, inflation has been nothing short of disastrous. Spiraling hospital costs have led to the imposition of regulations and restrictions, cutbacks, and rate increases that have left medicare a mere shadow of its former promise of later years spent free from worry about medical bills. Social security benefits when finally passed, could only be viewed as long delayed responses to cost of living increases which were experienced many months before and since overtaken by more recent and sharper increases—a classic case of how the legislative process itself just does not seem to be keeping up with the race against inflation which is exhausting our elderly. Adequate housing, by the time it is proposed, argued, funded, constructed, and opened proves to be hopelessly short of the needs of the

moment and a further source of dismay and heartbreak to the many thousands who are turned away for every one who is accepted.

I realize, without going any further, that I have touched upon problems which are too complicated to be ticked off lightly and brushed over in passing. In the next few days I intend to treat each of these major problem areas facing the elderly of this Nation in a separate speech with my proposals and suggestions for tackling them. The only thing I can say about all of them together is that the time for nibbling at opportunity is long since gone. If there ever was a time to seize the opportunity and the occasion in a full embrace, to take a brandnew departure from existing approaches and to, in effect, espouse a revolution in our thinking about the aged, now is that time. If we have learned no other lesson in the decade of the 1960's in our approach to the problems of the elderly, it is that the traditional piecemeal, bit-by-bit, step-by-step approach simply has not worked. The resulting patchwork of laws and programs and benefits for the elderly have been straining at the seams and have not proved strong enough to, in any sense, protect the elderly from the vicissitudes of old age. The elderly in this country are justifiably fed up with those who are either faint hearted or half hearted in their approach to the problems of the aged. The 1960's started off by unleasing hopes that were bound to be dashed before the decade was over, with the result that, at the decade's end, we knew full well that there was probably less hope for either a new or a fair deal or even a great society for the elderly than when the decade began.

We are all familiar with the practice in other lands and cultures of leaving the elderly and aged in the snow to die so the younger, healthier members can move on to fight for their own survival, free of the encumberance of the infirmities of the very aged. Our society, on the contrary, has always prided itself on its more humane and Christian approach. But is an approach which allows our elderly to spend their last days in ceaseless concern about paying bills, deeply worried about the costs of medical attention and availability of hospital space, withering away neglected in totally inadequate nursing homes, or at the end of long queues waiting for a vacancy in that great mirage which is known as housing for the elderly—is such an approach any more Christian, any more humane than the more honest and primitive practice of other lands and times? This is the piercing question we must ask ourselves, for the elderly are no island unto themselves. There is a part of all of us that is growing old. We, too, have to be worried deep down about the fate of the elderly if for no other reason than the purely selfish realization that we are all concerned about what the future holds for us. That someday we, too, will be there is too often taken as meaning we can put off the day of final reckoning and the day is far away. Nothing could be further from the truth.

There is nothing wrong with public officials addressing themselves to any problem in this Nation. The public continue to find themselves confronted with the plight of the elderly is that so little has been done and so much remains to be done. As long as there is such a huge constituency out there that has needs which have gone unrecognized and unsolved for so long and are in danger of becoming a national disgrace, then it behooves each and every public official to try, and to try again, to try to do all in his power to bring about a new national consciousness, awareness, approach—whatever you want to call it—to the problems of the elderly. Tomorrow, I will begin my discussion of these problems by focusing on a new approach to the concept of social security. In a subsequent address, I will focus on the problem of medical care and costs for the elderly; in my final address, I will discuss the need for an all-out national program of housing for the elderly. Taken all together, you will have the product of one Congressman's reflections and soul searching on what he feels to be, without a doubt, the most pressing and depressing problem of our time.

## J. EDWIN WHITE HAS SERVED HIS FELLOW MAN

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 20 minutes.

Mr. FUQUA. Mr. Speaker, life moves at such a pace that we seldom have the time to stop and reflect, to take the time to earnestly and sincerely think about those who have made the good things in life possible.

The same statement could be made of a commercial institution, of a university, a community and county as well as an individual.

For some time now I have been planning to stop and say a simple but heartfelt thank you to a man who has meant so much in my life that I could never personally repay him. I do not do this only because of what he has done for me, but because I have seen him labor so long and so hard for so many civic, educational, and other worthwhile endeavors.

He is not the type of individual who seeks the headlines, not because he does not deserve them, but I think he seeks to avoid them. Yet, there are so many civic endeavors in Tallahassee, Fla., that have had his support and guidance, he deserves this and many other tributes.

He is Mr. J. Edwin White, a man I consider to be one of the most unselfish men and tireless workers I have ever known.

The oldest of three children who lived to maturity, his father was the late J. L. White and his mother's maiden name was Annie Dickson Bramell. An older brother passed away at the age of 6 months.

Born in Maysville, Ky., he completed the first grade before the family moved to Tallahassee in about 1912, and because the school would not accept his credits, he had to start over again.

He likes to tell about the little Kentucky school where he started. The first row was the first grade, the second row the second grade, and on down the line.

His father farmed in Kentucky, but changed that pursuit when he moved to Tallahassee, following two other brothers who had moved to Florida and encouraged him to come down. They were an interesting family, one of his father's brothers having been a medical doctor at Johns Hopkins University and who discovered one of the first cures for diphtheria.

When his family moved to Leon County, one of his uncles had the historic Prince Murat place, and another had a farm on what is now part of the Florida State University.

J. L. White moved to a place west of town—Tallahassee being a community of 3,000 to 4,000—and pursued a business life primarily in real estate. Some farming was done by a tenant farmer on the place and the father raised what he termed selected plants to sell. They were hardly stock that required breeding and care.

In spite of all the activity, things were tough for the family just as they were for many Americans at that time.

He has a right to be proud of that heritage and I suppose that part of the difficult conditions that followed him through his young adult life perhaps made him a little more concerned about his fellowman.

He graduated from Leon High School in 1924 and although he had a tremendous desire to attend the University of Florida, it was just impossible.

He went to work for $12 a week for the old O. I. Gramling & Co., unloading carloads of hay, sugar, oats, hay, and whatever else was at hand. A friend said that he could outwork most any man around and could stack some items three times higher than an ordinary room.

He wanted to do better and secured a job with the Internal Improvement Board. He had planned to attend a business school that was opening, but a position came open in the Florida boom of 1924–25, and he worked for the IIF of Florida in the Everglades Drainage District.

A meeting he attended as an officer of the Methodist Epworth League in Bradenton, Fla., convinced him that he needed to travel, to find something with more opportunity.

For this reason, he took a job with Smith, Richardson & Conroy, selling produce. But today, he says he was more of an order-taker than a salesman. He said in a recent conversation that he would talk to a customer and ask if he wanted anything instead of trying to sell. The thing that was important was that he was learning about people and it was a valuable training experience.

About 6 months later an opportunity came to represent the Meredian Grain & Elevator Co. of Meredian, Tenn., so he got the job traveling south—Georgia, Florida, and Alabama.

The turning point in his life perhaps came when a Mr. Wilson of that company called him into the office one day and pointed out to the young inexperienced salesman what he was doing wrong and said he wanted to give him a job in the office, but that frankly, no one could read his handwriting.

Well, what seemed to be a great tragedy at the time was the best thing that could happen to an ambitious young man who lacked training and experience. The determination was never to leave him.

Four years had passed and his classmates were coming back from college.

He knew that somehow he had to secure more education if he was ever going to compete successfully.

He went to the Citizens Bank of Tallahassee and borrowed $250 to go to a business school which is now out of existence, Bowling Green Business University of Bowling Green, Ky. It cost $175 for tuition and he needed a penmanship course, but could not afford the $20 for tuition.

He found that an opening was coming up in the penmanship class for a student who would assist in checking, so that tuition was paid. He was at the office early the next morning and got the job. It was an eventful year for a determined young man.

He had decided to stay in Kentucky, but just as the course was ending, his mother wired him that his father was dying. So, his treasured graduation certificate had to be sent to him by mail as he came home. His father was an invalid for a number of years and he decided not to return to Kentucky to take a job offer in a bank there.

A job with the telephone company as a cost accountant occupied his time for a couple of years before he went to work for the Levy family as a property manager. The Levy's owned a tremendous amount of the business and other property in Leon County at the time.

All of this was merely to be training for the real undertaking of his business life, and that was to become the Tallahassee Federal Savings & Loan Association. Ten hard years were to provide what was needed to have the tenacity to build with dollars an institution which will probably move past $100 million in assets in the next year.

The Federal Home Loan Bank Board Act, or Home Owners Loan Act, had been passed in 1933 so that families could refinance their homes and save them from repossession as America suffered through the horrors of depression.

Mr. White and the original directors heard of its passage and got together to start a new institution. A Mr. Francis Mason who was the chairman of the Federal Agency helped them get a charter.

It is not easy to make real the difficulty of this task, for this was uncharted ground and took considerable courage on the part of men like Mr. White at that time. Other institutions had tried and failed. To put it simply, it was no easy chore, but an arduous one that men of less tenacity would have abandoned long before turning the corner to success.

Mr. White walked the streets to get the $1,500 needed to incorporate. The book that he used to sell shares for the original institution is one of his prized possessions.

The term used was a full page share which meant $100 a month deposited. But, many persons came in for 50 cents a month and thus, would have the corresponding portion of page share.

They did not have too many $100 investors. That individual was rare.

The original group that got together numbered 12, with 11 becoming directors and Mr. White served as the secretary-treasurer for the 11-man board. The only surviving original director is the current chairman of the board, Mr. Jack Simmons, Sr.

Mr. Simmons also was to serve as the first President of the new institution.

Mr. White was making $90 a month as a manager of the Levy properties and opened up an office for the new institution on the ground floor of his office building. There was no separate telephone and no salaries—only hard work and a dream.

It should be pointed out that most of the savings and loan institutions in Florida as we know them today started in south Florida. Tallahassee Federal was among the first in north Florida.

During the boom, there had been what was known as building and loan associations which were State chartered. As the boom burst, there were 64 and only four survived. There were two in Talahassee which did not go broke, but were liquidated.

The memory of those institutions was to haunt men with a dream like J. Edwin White.

When one sees the huge building housing the association today, it is hard to believe it was several years before they could hire a lady to work in the office.

The first employee was a man named Francis Black who wanted to be an airlines pilot. He needed to study geography, so he kept the office, answered the phone, and studied for $1 a day while Mr. White walked the streets soliciting accounts.

Mr. Black achieved his goal and today continues in a most successful career as a pilot for Eastern Airlines.

A porter then did part-time work answering the phone when Mr. White was out of the office.

Today, there are 50 employees of this large financial institution.

On December 1, 1940, assets had grown to $1 million and the growing institution moved to quarters on Park Avenue, site of the present police headquarters in Tallahassee. That site was to be remodeled and revamped on four different occasions as the association grew until there was simply no space left.

This brought on the move to purchase property from the Catholic Church on North Monroe Street and adjoining lands, till the association owned almost the entire block. It was on this site that Tallahassee Federal was to build the magnificent structure that houses its operation today and which has been cited time and time again for its architectural beauty.

This was not an easy accomplishment. Two presidents followed Mr. Simmons with Mr. White becoming a member of the board in 1948 as the secretary-treasurer, who for the first time became not only the operating official but a member of the board.

At this time he also left his position with the Levy Co. to go to work with Tallahassee Federal on a full-time basis. It was a far cry from that day when the doors first opened and he noted that at that time he had thought a salary of $100 a month would be the greatest thing in the world.

There were tremendous problems in every direction to be solved as Tallahassee Federal evolved. One man kept fighting and working—whatever hours and whatever time and no matter what the heartaches—that was J. Edwin White.

While there are others who have made great contributions, this stands as a monument to his fierce determination to succeed against odds when most men turn back. Today he has achieved the success which some of his friends of many years ago said they always felt he would attain.

If there is one thing they said impressed them about this man at every stage, it was his determination. There was something about this quiet and shy young man that caused those who really cared to know that here was somebody special.

And they were right. Today he is the success they predicted and which those of us who know him best today feel is richly deserved.

In all of the trials and tribulations of life, he has had a helpmate who has stood loyally by his side. Norma Bauer came to Florida State College for Women as an assistant dietician. They were married on May 14, 1932, and she has been a great inspiration.

It has been said many times that behind every successful man stands a good woman. Certainly this is true in the case of J. Edwin White.

Mrs. White is a gracious and good lady who has made great contributions to the life of her community in her own right. It could well be said that she was his mainstay when things were the most difficult—and having her for a strong right arm made it all worthwhile.

They have one child, a daughter, Amelia Ann, named after Mrs. White's grandmothers.

She is married to Mr. Thomas E. Rowell, Jr., and they have two children, Thomas, III, and Anna Marie. They are 5½ and 2½ years old and it goes without saying that they are the apple of their grandparents' eyes.

He became president in 1957, but whatever his title, he has been the managing officer of the institution.

It is interesting to note that a member of the association has one vote for each $100 or fraction thereof he has invested, up to a maximum of 50 votes.

Mr. White had dreamed of a home for his institution as assets passed $1 million mark after another. He began his plan with a huge lobby and winding staircase. He gave his ideas to a draftsman and the plans began to develop—a traditional southern style architecture, both courtly and elegant—beautiful and practical.

The lady who worked with Mr. White on the plans for the building was an accomplished draftsman, had studied architecture, and worked with several architects. She worked with him for over a year on the initial plans. The building was carefully thought out for the future and an institution of tremendous size could be housed within its overall master plan.

While the present building appears completed, the future has not been neglected. It is designed so that the south walls can be eliminated after an adjoining structure is added, and the staff

moved into additional quarters in a minimum of time.

This is certainly planning for the future and attests to the ambitious dream of Mr. White—for when Tallahassee Federal moved into these quarters in June of 1959, assets were only $26 million. Talk of reaching $100 million might have seemed humorous to all but this one quiet man who will set that goal in the very near future.

Today, Tallahassee Federal has assets of $67 million—their goal is $100 million by the end of next year—and anyone who knows Mr. White knows they will reach that mark.

The building of Tallahassee Federal would be enough of a contribution for an ordinary man. Mr. White is not an ordinary man.

One of the leaders in the profession, he served as president of the Florida Savings and Loan League in 1943 and did all of its legislative work from 1938 until 1956 when the association was able to secure the services of another close friend of mine, Robert Fokes.

Bob said to me recently when we talked about Mr. White that no man "responds more quickly or devotes more time and talent to civic activities, university affairs and charitable drives than does Edwin White. Tallahassee and Leon County are both replete with improvements to the public good as a result of his endeavors."

Each State names a director of the U.S. Savings and Loan League, a position held for 2 years by Mr. White.

Edwin White's leadership in the savings and loan business is not confined to the State of Florida. He has been a member of the U.S. Savings and Loan League's legislative committee for over 15 years. This committee hammers out the legislative goals of the savings and loan business and is one of the key committees in the operation of the U.S. Savings and Loan League. Mr. White has attended every U.S. League legislative conference held in Washington, D.C., since 1957.

Thus, on a national level, he has worked to improve the savings and loan business. Currently, there are in excess of 47 million savers and approximately 12 million borrowers utilizing the services of the savings and loan business. Nationally, savings and loans finance approximately 45 percent of all single-family homes. Mr. White's contribution on a national level is well recognized by leaders in the savings and loan industry as is evidenced by his reappointment to the legislative committee by 15 presidents of the U.S. Savings and Loan League.

Stephen Slipher, legislative director of the U.S. League, says that:

> Ed White has been a dedicated and effective member of our Legislative Committee and his work has been an important part of our legislative effort over the years.

He is a steward in the Trinity Methodist Church. His church has meant much to him as he served as an officer of its youth organization, at that time, the Epsworth League, which had a great influence on his life.

The very excellent Tallahassee Rotary Club saw him render outstanding service as president in 1943, having been a member since 1936.

He served as president for two terms, served as a director, of the Tallahassee Board of Realtors. He continues to hold his real estate license which was such an important part of his life with the Levy Co. Of course, those lessons have been invaluable in making tremendous decisions on loans, sometimes innovative, for Tallahassee Federal.

He has been a director and president of the Leon County Cancer Society, heading up three drives. He has been a director of the United Fund for 10 years and served as its chairman.

The Seminole Boosters is an organization of supporters of the athletic program at the Florida State University in Tallahassee. Again, J. Edwin White was one of its organizers and made the first contribution. When Coach Bill Peterson moved the Seminoles into the forefront of the Nation with his football teams, it was Mr. White who spearheaded drives which brought in $10,000 the first year and $14,000 another for a great coach at a great institution.

One of the first directors of Tallahassee Community College, he has been active for many years in the Masons—holding membership in both the Scottish and York Rites as well as the Shriners.

He has been the recipient of an award as Boss of the Year from the National Secretaries Association and has served in so many activities and promotions to benefit Tallahassee, its educational institutions and citizens, that it would be impossible to enumerate.

Always interested in government, he served as State treasurer of the successful campaign of LeRoy Collins for Governor.

One of the closest friends I have ever had, the late Dr. C. Paul Vickers, took me down to see Mr. White before I ran for Congress. I know that I was just a small county representative who wanted to do things, and somehow I think he understood.

While I was a little frightened, to be honest, at our first meeting I left there feeling that I had a friend. Little did I know that he was going to become one of my closest friends and advisers and contribute so much to my life.

We won the first campaign against overwhelming odds. About 6 years ago, it looked as if my career might be interrupted when the legislature combined my district with that of a fine gentleman and who had served some seven terms. Mr. White, I remember, never blinked an eye at the odds and we went to work.

Stated as honestly as I know how, there are three or four men whom I consider to have been essential in that campaign, and it could not have been won without their help. Mr. White is one of those men and I could never repay the debt of gratitude which I owe him.

William Hussey, executive vice president of the Florida Savings and Loan League, told me this recently:

> As a recognized leader in our industry for more than a quarter of a century, Mr. White served as President of the Florida Savings and Loan League in 1943 and for some 25 years served as chairman of our state legislative committee. In his position as committee chairman he was instrumental in assisting the design and implementation of the annual legislative program of the League and a catalytic agent in determining policy.
>
> Mr. White's uniqueness of character singles him out as a colorful, dynamic savings and loan personality who stands firmly behind his ideals and philosophies.

Mr. White feels strongly about the savings and loan institutions across the land:

> Our purpose is to allow families to own their homes. Perhaps just as important, we try to advise them so that they don't try to buy something which we know they can't afford.
>
> Tallahassee Federal has been a major part of my life. I hope that we have built an institution that is strong, that for time to come will continue to serve people. In all of those activities in which I have played a part, I have wanted very much to try to do something for my fellow man and perhaps make the road just a little easier for someone else.

Recently, a certified public accountant sent out a form letter to the 22,000 depositors of Tallahassee Federal to ascertain if their accounts were correct.

Mrs. Carrie Barwick of Panacea, Fla., is one of those depositors and there are 6,000 loans which have been made with the funds of depositors like her.

Here is what she had to say in response to the inquiry about whether or not her account was correct:

> I believe this is correct. But to my honest opinion, what Mr. White says is true.
>
> If everyone loved the underdog as Mr. White does, what a wonderful world this would be. The very poor (very poor) look just as wonderful as a millionaire, if not better, to Our God Loving Mr. White.
>
> That does not seem like a business place alone—it seems like going home. Everyone is kind, friendly and considerate as God's chosen people. Please forgive me for writing a love letter along with business. Without love for people that need help plus kind words, to me it would seem like a prison.

Mr. White loves fine things and one of his hobbies has been collecting coins and stamps as well as antiques.

This interest recently caused a lady to bring by a document which proved to be the long lost Forbes Purchase papers, signed by President Tyler. It was a land purchase which had tremendous impact on one section of our Nation and is a part of history. Mr. White purchased it.

Typically, after checking to find that it was an important national document, he gave it to the United States as a gift. I have had the personal thanks of the national archivist for his generosity.

In my remarks here today I have tried to say something about a man who is a part of the institution we know as savings and loan associations. They cross the Nation and they serve America. In making these remarks, I hope to pay tribute to all of the good works which they have accomplished for this Nation and its people.

And I wanted to say something about a man and to say thank you for a great many friends of his in Tallahassee and Florida who felt that someone should express a simple note of gratitude for them.

And finally, I wanted to say something about a fine man whose friendship means more than can be expressed here. I am pleased to have the personal knowledge that there are a great many others who feel the same.

## TAKE PRIDE IN AMERICA

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

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.

An address given by William Lindholm a year ago underscores the greatness of this country by comparing our progress to that of the Soviet Union. Mr. Lindholm pointed out that if we were to match Soviet production we would have to destroy about two-thirds of our railroad mileage; destroy about 60 percent of our houses, destroy about 60 percent of our steel mills, and reduce our overall standard of living by about 60 percent. To quote Mr. Lindholm:

> There is just no contest. We are strongest nation the world has ever seen, and we have shared our wealth as no nation has ever done.

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## ENVIRONMENTAL RECOMMENDATIONS OF THE PUBLIC LAND LAW REVIEW COMMISSION

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

Mr. UDALL. Mr. Speaker, it was my honor to serve as a member of the Public Land Law Review Commission under the able chairmanship of our distinguished colleague, WAYNE N. ASPINALL of Colorado.

The historic Public Land Law Review Commission report has been both praised and criticized, but I believe it was in most respects a responsible report which will stand the test of time. Some of the criticism has been directed at an alleged failure to make adequate environmental recommendations.

A recent paper deals with the report and centers on the environmental recommendations and their status. I think it sufficiently important that I wish to make it available to my colleagues and the public.

Mr. Speaker, Jerome C. Muys, Washington attorney and former assistant general counsel of the Public Land Law Review Commission, recently addressed participants in a National Institute of the American Bar Association on the environmental recommendations of the Commission and the legislative and administrative status of their implementation. Mr. Muys is an outstanding lawyer who made a great contribution to the Public Land Law Review Commission.

The Institute, having as its general theme "Law of the Environment," was held in Washington on October 7 and 8, and was attended by members of the bar. Mr. Muys' remarks were made during a session on "Land Use Policy and Control" and as such are of particular interest to members of the Committee on Interior and Insular Affairs where our Subcommittee on the Environment is considering national land use policy legislation.

My colleague, Mr. ASPINALL, joins me in my assesment of Mr. Muys and the importance of his paper. I commend his remarks, which I submit for the record as follows, to the attention of my colleagues:

### THE ENVIRONMENTAL RECOMMENDATIONS OF THE PUBLIC LAND LAW REVIEW COMMISSION AND THE LEGISLATIVE AND ADMINISTRATIVE STATUS OF THEIR IMPLEMENTATION

(By Jerome C. Muys)

#### I. BACKGROUND OF THE PLLRC REPORT (JUNE 1970)

A. There was recognition by both Congress and the Executive Branch in the early 1960's of the need for a comprehensive review of federal land policy.[1] The result was the creation of the Public Land Law Review Commission (PLLRC) by the act of September 19, 1964, which charged the Commission to:

(i) study existing statutes and regulations governing the retention, management, and disposition of the public lands;

(ii) review the policies and practices of the federal agencies charged with administrative jurisdiction over such lands insofar as such policies and practices relate to the retention, management, and disposition of those lands; and

(iii) compile data necessary to understand and determine the various demands on the public lands which now exist and which are likely to exist within the foreseeable future.

(iv) recommend such modifications in existing laws, regulations, policies, and practices as will, in the judgment of the Commission, best serve to carry out the policy that . . . "the public lands of the United States shall be (a) retained and managed or (b) disposed of, all in a manner to provide the maximum benefits for the general public." [2]

The nineteen member Commission was formally organized the following year and its study program was launched in early 1966. Its comprehensive study program encompassed some 33 separate studies and, coupled with the extensive information and view points obtained from numerous public hearings and its 34 member Advisory Council and the 50 Governors' representatives, formed the basis for the Commission's recommendations.[3]

#### II. THE PLLRC REPORT

The Commission submitted its report, *One Third of the Nation's Land*, to Congress and the President in June 1970. The initial reaction to the lengthy and complex report spanned the spectrum of opinion, generally being condemned by spokesmen for a number of conservation groups before the ink was dry. Several irresponsible articles by national news magazines were also highly critical. The only publications to date reflecting any serious analysis of the report are the Natural Resources Council of America's "What's Ahead For Our Public Lands" (1970) and the proceedings of a symposium sponsored by the University of Wyoming last summer contained in the December 1970 issue of the Wyoming *Land and Water Review*.

#### III. THE BASIC THRUST OF THE PLLRC REPORT

The fundamental thrust of the more than 400 Commission recommendations is that Congress should declare that the public lands should be retained in Federal ownership unless it is determined, as a result of recommended land use planning procedures, that maximum benefit from particular lands could best be realized through disposition to non-Federal ownership, state, local, or private.

Beyond that basic policy declaration, Congress is urged to exercise its Constitutional authority with respect to the Federal lands (art. IV, sec. 3, cl. 2) by generally providing more specific goals for public land management and better guidelines for the exercise of managerial discretion by the Federal land management agencies. At the heart of the Commission's recommendations is a proposal for the Federal agencies of a land use planning system which will give appropriate recognition to all values of the public lands in the context of greater public participation in the planning process and improved coordination both within the Federal Government and between the Federal land agencies and state and local governments.

To establish a more equitable relationship between the Federal Government and the users of the Federal lands, Congress is urged to require that the Federal Government receive full value for the sale or use of all public lands and resources and impose more stringent environmental controls on all permitted public land uses, while users are to be assured firm tenure and security of investment within the terms of their use rights and privileges. Improved administrative adjudication procedures, accompanied by expanded provision for judicial review, are recommended to insure fairness in administrative decisionmaking to both individual applicants and users, as well as the general public.

Improved intergovernmental relationships between the Federal Government and the states is the objective of Commission recommendations that Congress (1) clarify jurisdictional responsibilities in controversial areas such as water rights administration and fish and wildlife regulation on public lands, and (2) establish a comprehensive payment in lieu of taxes system to provide equitable compensation to state and local governments because of the tax immunity of federal lands.

#### IV. THE COMMISSION'S ENVIRONMENTAL RECOMMENDATIONS

It is difficult to sort out from the more than 400 Commission recommendations those which may indisputably be characterized as "environmental", inasmuch as almost all public land policies may lay some claim to such characterization. Nevertheless, environmental recommendations by the Commission may be grouped into at least five categories for purposes of analysis.

*A. Environmental quality as a public land policy goal*

Environmental quality should be recognized by law as an important objective of public land management, and public land policy should be designed to enhance and maintain a high quality environment both on and off the public lands. (Rec. 16).

"To assure that environmental quality be given the attention it deserves on the public lands *we propose that the enhancement and maintenance of the environment, with rehabilitation where necessary, be defined as objectives for all classes of public lands.* This proposal goes beyond the existing statutes by giving environmental quality a status equivalent to those uses of the public lands which now have explicit recognition, and by indicating that through design and management, environmental quality can be improved as well as preserved." (Rep. p. 70).

*B. Planning for environmental quality*

(1) Public land agencies should be required to plan land uses to obtain the greatest "net public benefit". (Rec. 2). This must involve a weighing of all benefits and costs

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[1] See "The Public Land Law Review Commission—Background and Need", House Interior and Insular Affairs Comm. Print No. 39, 88th Cong., 2d Sess. (1964).

[2] 43 U.S.C.A. §§ 1391, 1394 (1971 Supp.).

[3] See Pearl, *The Public Land Law Review Commission: Its Purposes, Objectives, and Program*, 2 Calif. West. L. Rev. 92 (1966); Gibbons, *The Public Lands—Whence? Whither? A Midstream View of the Public Land Law Review Commission*, 2 Nat. Res. Lawyer 179 (1969); Muys, *The Public Land Law Review Commission Study—Issues and Interests*, 3 Nat. Res. Lawyer 315 (1970).

of alternative land use decisions. The Commission recognized that "the terms 'benefits' and 'costs' have a decidedly economic ring, but we do not intend by the use of these terms to place emphasis on economic uses and values. It is essential to give full consideration to noneconomic factors in this planning process, and many of our recommendations elsewhere in this report, particularly in connection with environmental quality, fish and wildlife, and some forms of outdoor recreation, are directed to this important end." (Rep. p. 46). The Commission could not have made any clearer its conviction that Federal land use planning must give full recognition to environmental values.

(2) Congress should specify the factors to be considered by the agencies in land use planning and decisionmaking, including environmental factors, and an analytical system should be developed for their application. The public land agencies should be required to formulate long-range, comprehensive land use plans for each state or region, relating such plans not only to internal agency programs but also to land use plans and attendant management programs of other agencies. Specific findings should be provided in their plans, indicating how various factors were taken into account. (Recs. 2, 5, 19). The Commission would extend the National Environmental Policy Act's requirement for environmental impact statements for "*major* Federal actions significantly affecting the quality of the human environment" to *all* public land use plans and decisions. "There should be a record available with all such plans and decisions from which can be determined the extent to which environmental factors were considered. This should be accepted as a normal process in land management." (Rep. p. 77).

Further, Congress should provide for greater use of studies of environmental impacts as a precondition to certain kinds of uses (Rec. 20). Such studies would be required where severe, often irreversible environmental impacts are involved in a particular kind of land use, and would provide the basis for a decision to select alternative sites or routes "or even not to proceed with the project at all." (Rep. p. 80).

(3) Congress should require classification of the public lands for environmental quality enhancement and maintenance. (Rec. 18). Recognizing that "the development of knowledge about the tolerance of particular environments to various uses at an early stage is essential, both to meaningful planning for land uses in a particular area and to the development of appropriate operating rules and controls for permitted uses" (Rep. p. 74), the Commission recommends that a standard system of environmental quality classifications should be developed and, after Congressional approval, employed by the Federal land administering agencies in classifying the public lands for environmental management" (Rep. p. 75).

Such a classification system would be the foundation for a number of the Commission's environmental protection recommendations, such as its proposal that domestic livestock grazing should be excluded from so-called "frail" lands which, because of their soil characteristics and limited rainfall, exhibit a delicate ecological balance which, once upset by grazing, might not be susceptible of restoration. (Rep. p. 108).

(4) Congress should require that management of public lands recognize the highest and best use of particular areas of land as dominant over other authorized uses. (Rec. 4). As to lands set aside for primary purposes, such as parks and wilderness areas, Congress should direct the agencies to manage them for secondary uses that are compatible with the primary purpose. (Rep. p. 48). On "multiple use" lands administered by the Bureau of Land Management and the Forest Service, the Commission recommends that the agencies "identify those areas that have a clearly identifiable highest use" for designation as "dominant use areas."

On such areas "other uses would be allowed where compatible" so that "the same sort of relationship between dominant and secondary uses would exist on these lands as now exists, for example, between the dominant and secondary uses of national wildlife refuges and national recreation areas" (Rep. p. 51). This recommendation would make explicit as a matter of land use planning and management a concept implicit in the Multiple Use Act of 1960 and which has in fact been implemented to a large extent by the Forest Service and the BLM. The Commission made it clear that dominant use zones would not be established by Congress, but by the agencies through the Commission's recommended land use planning system. Nor would the BLM and the Forest Service be required to make a dominant use designation for *all* lands under their jurisdiction. "It should be clearly established that only those areas that have an identifiable highest primary use at the time of classification should be placed in a dominant use category. The remaining lands would remain in a category where all uses are considered equal until such time as dominant use becomes apparent." (Rep. p. 51). Furthermore, any dominant use classification would not be frozen for all time, but would be subject to modification through the recommended land use planning process as public values, resource needs, or other determinants may change.

The Commission's dominant use recommendations are discussed in some detail with respect to its timber and fish and wildlife recommendations (Recs. 28 and 64). Although the same principle is involved in each instance, conservationists have condemned the concept with respect to timber, but applauded its utilization in connection with protection of fish and wildlife habitat. With respect to timber dominant areas, the Commission explained its concept as follows:

Criteria for establishing timber production as a dominant use of public forest lands must involve consideration of other existing or potential uses. Those lands having a unique potential for other uses should not be included in timber production units. Critical watersheds, for example, where cutting may be prohibited or sharply limited, should not be included. Similarly, important, or potentially important, intensive recreation use sites close to urban areas should not be included, on the other hand, watershed, recreation, or other uses would not be precluded on lands in the system.

*Timber production should be the dominant use, but secondary uses should be permitted wherever they are compatible with the dominant use.* Generally these areas would be available for recreation use except during the period when timber is being harvested and the time thereafter required to permit new growth to get started. It may also be necessary to impose greater restrictions than now exist on grazing during periods when timber stands are being regenerated. (Rep. p. 93).

Fish and wildlife dominant zones would include areas in which endangered species are found and those in which actual habitat is provided, such as key big game wintering or summering areas or choice bird nesting and feeding areas. Key fish zones might consist of portions of stream systems or in some cases the whole watershed. (Rep. p. 168).

*C. Preservationist programs should be expanded*

(1) An immediate effort should be undertaken to identify and protect those unique areas of national significance that exist on the public lands, with special emphasis on Alaska. (Rec. 78). A major aspect of this recommendation would be to make BLM lands eligible for addition to the National Wilderness Preservation System.

(2) Congress should provide for the creation and preservation of a natural area system for scientific and educational purposes. (Rec. 27). "As the need to understand the ecological consequences of man's activities has become more evident, the preservation of examples of all significant ecosystems has become important to provide a basis for comparisons in the study of the natural environment." (Rep. p. 87).

(3) All nonconforming uses in national parks, monuments, and historic sites should be prohibited by statute. (Rep. p. 205).

(4) The values for which national parks and wilderness areas have been set aside should not be destroyed by overuse for intensive outdoor recreation purposes. (Rep. p. 206).

*D. Improvisg environmental control mechanisms*

(1) Under the contractual and licensing authority which governs most uses of the public lands, there is ample authority to include provisions for environmental protection in such control instruments as timber sale contracts, mineral leases, grazing permits, and recreational and other special use permits. The adequacy of authority with respect to certain uses, such as mining activities under the Mining Law of 1872, and certain occupancy uses, particularly road construction and utilization on the public domain, is questionable. (Rep. p. 81). However those apparent gaps would be closed if Commission recommendations are implemented.

The Commission's recommendation concerning the Mining Law of 1872 (Rec. 48) is perhaps its most controversial, having generated one of the few dissenting statements found in the report. (Rep. pp. 130–32). Conservationists have long urged the outright repeal of the 1872 law and the substitution of a leasing system along the lines of the Mineral Leasing Act of 1920, which applies to oil and gas and certain other minerals. The Commission majority, however, recommended that Congress preserve the basic location-patent system of the 1872 law and superimpose certain features generally embodied in a leasing system, namely greater agency management control over mining operations, a rental and royalty system to assure fair returns to the Federal Government, and the imposition by permit or contract of environmental conditions to govern, respectively, the exploration and development phases of mining operations. In practical effect the Commission's recommended hybrid system embodies most of the elements of a leasing system, except that the Secretary of the Interior would not be given discretionary authority to screen individual exploration or development projects as he does under the Mineral Leasing Act of 1920. In order to bar mining from environmentally sensitive areas he would have to rely on the classification authority which the Commission recommends he be provided by Congress. (Rec. 7). The Commission would broaden and make permanent the classification authority conferred on the Secretary by the temporary Classification and Multiple Use Act of 1964, which expired when the Commission ceased to exist last year. Under that authority the Secretary would be able to suspend the operation of the recommended location-patent system from any lands which, as a result of the land use planning processes recommended by the Commission, he deemed it necessary to insulate from hard rock mining operations. However, he would have to do so in advance of the initiation of any rights under the modified mining law.

(2) Those who use the public lands and resources should be required by statute to conduct their activities in a manner that avoids or minimizes adverse environmental impacts, and should be responsible for restoring areas to an acceptable standard where

their use has an adverse impact on the environment. (Rec. 25). The required protective or rehabilitative measures should be made a part of a federal permit, license, contract or other control document so that potential users will have a clear understanding of what is required of them, and will have to consider the associated costs in determining the economic feasibility of their enterprise. (Rep. p. 85).

(3) Federal land administering agencies should be authorized to protect the public land environment by (1) imposing protective covenants in disposals of public lands, and (2) acquiring easements on non-Federal lands adjacent to public lands. (Rec. 24.).

(4) Congress should authorize and require the public land agencies to condition the granting of rights or privileges to the public lands or their resources on compliance with applicable environmental control measures governing operations *off* public lands which are closely related to the right or privilege granted. (Rec. 23).

This Commission recommendation "is premised on the conviction that the granting of public land rights and privileges can and should be used, under clear congressional guidelines, as leverage to accomplish broader environmental goals off the public lands" (Rep. p. 81). Firms that are in violation of federal, state or local environmental quality standards would not be eligible to obtain public land resources for use in the plant where the violation occurs, and the granting of federal public land privileges would similarly be subject to termination for such violations. (Rep. pp. 102–03).

*E. Indirect environmental benefits*

(1) The recommended opening up of the federal agencies' planning and decisionmaking procedures (Recs. 11, 109) should afford greater opportunity for presentation and consideration of environmental factors.

(2) The Commission's recommendations for full value pricing of public land resources (Rec. 136) should help assure that certain uses with significant environmental impacts, such as mining, are not encouraged by unjustifiable subsidies.

(3) The replacement of all existing public land revenue-sharing programs with a more equitable payments-in-lieu-of-taxes program to compensate state and local governments for the tax immunity of Federal lands (Recs. 101–103) should minimize pressures to shape land use decisions solely to produce revenues, even though such decisions might be in conflict with sound land use management practices.

V. CONGRESSIONAL AND ADMINISTRATIVE IMPLEMENTATION

Representative Wayne N. Aspinall, former Public Land Law Review Commission Chairman and Chairman of the House Committee on Interior and Insular Affairs, has laid out a legislative program for his Committee designed to implement the Commission's recommendations and produce a comprehensive revision of public land law. His intent is to enact an initial broad statement of public land policies, followed by public land use planning legislation and procedural and substantive legislation dealing with specific uses of the public lands, e.g., recreation and timber. There is no indication of a similar "game plan" on the Senate side as yet. Some Members of the House and the Senate, such as Senator Jackson, a PLLRC member, have considered that top-priority items should be (1) the enactment of an Organic Act granting the Bureau of Land Management permanent land management authority, and (2) major revision of the Mining Law of 1872 (both major PLLRC recommendations) and have introduced bills to those ends. Other bills dealing with grazing, water rights, payments in lieu of taxes, and certain procedural matters have also been introduced.

In addition, the Nixon Administration, after about a year in which little positive response to the Commission's recommendations was evident, has recently declared that it considers enactment of Administration proposals to (1) create a Department of Natural Resources, (2) establish a national land use policy, and (3) grant the Bureau of Land Management permanent land management authority its priority items in the land use field.

Just exactly how the legislative priorities will shake down in Congress remains to be seen, but Rep. Aspinall's approach appears soundest and best designed to produce a rational comprehensive package of land use legislation. For the immediate future, it would be a significant accomplishment if the 92nd Congress could enact legislation dealing with public land policy goals and land use planning directives, perhaps as part of a package including national land use policy legislation.

House action has centered on H.R. 7211, the Public Lands Policy Act of 1971, on which a week of hearings were held in July, and proposed national land use policy legislation, on which hearings were held in September.

Testimony on H.R. 7211 was mixed, generally endorsing the bill's approach but with differing reactions to various specifics. A number of witnesses obviously did not understand the bill's limited purpose, and urged repeal of the mining law or other specific action in areas of their particular interest. However, there was much constructive criticism and, since Rep. Aspinall made it clear that he was not wedded to the particular provisions of H.R. 7211, it seems likely that consensus can be reached within the committee on an acceptable public lands policy bill.

In the Senate, Senator Jackson's Interior Committee has held extensive hearings on national land use policy legislation and, more recently, on Senator Jackson's bill to provide permanent management authority for the Bureau of Land Management and to replace the Mining Law of 1872 with a leasing system. There was also limited consideration in the Senate hearings of S. 2540, a modified version of H.R. 7211, the proposed Public Lands Policy Act of 1971, and S. 2542, an American Mining Congress proposal to revise the Mining Law of 1872 generally along the lines of the PLLRC recommendations, but omitting some of the Commission's recommended environmental safeguards.

Although the Nixon Administration has been slow to submit legislation implementing the PLLRC recommendations, a number of the Commission recommendations have been implemented administratively.

VI. NATIONAL LAND USE POLICY PROPOSALS

In addition to its extensive recommendations concerning land use planning goals and procedures with respect to Federal lands, the Commission had also recommended that Congress provide financial assistance to the public land states to facilitate statewide land use planning efforts and that such planning efforts should be within a regional institutional framework patterned after the river basin planning commissions authorized by the Water Resources Planning Act of 1965. (Recs. 14 and 15). In the 91st Congress, Senator Jackson introduced legislation generally along the lines recommended by the Commission, but applying to all 50 states. Extensive hearings were held on the bill and it was reported out of Committee with amendments at the close of the 91st Congress. It has been reintroduced as S. 632 in the 92nd Congress.

Meanwhile the Nixon Administration had developed a more limited national land use policy proposal which was introduced in the 92nd Congress as S. 992. Hearings have been held on the two bills by both the Senate and House Interior and Insular Affairs Committees.

Both proposals are broader than the Commission's recommendations, which were limited to public land use planning considerations. The essential thrust of each is to bolster state action in the land use planning field through federal financial assistance and to provide for improved coordination of all federal activities with the State's planning effort.

The Jackson bill is more comprehensive and also includes some provisions for coordination of federal land use planning efforts, although not as detailed as the Commission recommended. Some policy directives and guidelines for the federal land management agencies seem essential if Congress is to declare a truly "national" land use policy, inasmuch as the Federal Government owns approximately one-third of the nation's land. In addition, S. 632 provides various sanctions if the states fail to undertake statewide planning efforts.

The Administration bill would have the states concentrate their planning and control activities on "areas of critical environmental concern" and "key facilities" (airports, interstate highway interchanges, and major recreational developments) of more than local significance or impact. Its premise is that a narrower focus will be more successful than a more comprehensive effort and will restrict the federal and state involvement to matters more appropriate to those levels of government. S. 992's "carrot" grant program is more modest than S. 632, reflecting its narrower scope, and it contains no "stick" comparable to the sanctions provided for in S. 632. Finally, it would vest administrative responsibility for the grant and review program in the Secretary of the Interior, who is directed to coordinate with the Secretary of HUD, in contrast to Senator Jackson's proposal to have the program administered by the Federal Water Resources Council, which already administers water resources planning grants. Senator Jackson's bill has reportedly been substantially revised in this respect and will be taken up by the Senate Committee in the near future.

## MATCHING OF GIFTS BY EMPLOYEES OF THE FEDERAL GOVERNMENT TO INSTITUTIONS OF HIGHER EDUCATION

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

Mr. MILLER of California. Mr. Speaker, I am introducing today a bill providing for the matching of gifts made by employees of the Federal Government to institutions of higher education.

The purpose of this bill is simple and straightforward, and so is the mechanism for implementing it.

We have had abundant evidence that our colleges and universities are going deeper into the red with each passing year. The bill seeks to help reverse that trend. It would do so by encouraging and stimulating persons who have benefited from college training to increase their financial support to these institutions. It proposes to do this by authorizing, under proper safeguards, the Secretary of Health, Education, and Welfare to match such gifts made by Federal employees.

Specifically the bill would do this: It would authorize and direct the Secretary of HEW to make a donation of any amount, from $10 to $5,000 in any calendar year, to match any properly validated financial gift made by an employee of the Federal Government, including members of the Armed Forces, to any duly accredited or approved institution of higher education within the United States.

The responsibility is assigned to the Secretary of HEW to issue appropriate rules and regulations governing the procedure, including the definition of eligible institutions, verification that a gift has been made, and assuring that the terms and conditions of the gift are legally valid and not adverse to the interests of the United States. The Secretary is also instructed to make publicly known the terms and conditions of the program.

Mr. Speaker, it is not necessary to document in detail before this Congress the plight of American institutions of higher learning today.

Budgets of our colleges and universities have climbed from $6.6 billion in 1960 to well above $20 billion today. Their student bodies between 1960 and 1970 have doubled, from 3.5 million to 7 million. Today, more than half the students leaving high school go on to some kind of advanced education. At the same time, the costs of education per student are rising. Private fund raising and private giving has flattened out, and is unlikely to rise further unless new ways are found to stimulate it. The alternatives that face us, therefore, seem to be these: for the Federal Government to bail out these institutions, for the institutions to accept smaller student bodies of only affluent students, or for the encouragement of private giving. My proposal deals with the third alternative.

I do not mean to disparage the idea of broad Federal aid to education at all levels. It is probably necessary for us to entertain legislation to this end also. Such measures are already under consideration. But I suggest that while we undertake the difficult and complicated task of designing appropriate legislation, on a very substantial scale, to restore the financial health of our institutions of higher education, we also move immediately to tap a source of private funds.

My concept is based on the experience of some 450 business organizations which, according to the American Alumni Council, had employee matching gift programs in operation at latest reports. The program was first launched in 1955, with the Corporate Alumnus Program of the General Electric Co.

According to a statement published by the American Alumni Council:

> Graduates and former students of our educational institutions—including employee-alumni of matching gift companies—are rendering increased financial support. From $143 million in alumni gifts in 1957–58 to $292 million in 1966–67 is a growth pattern that is on the right track.

While it is difficult to obtain precise figures, the latest information available to me shows that, under the corporate-matching program, about $15 million annually was being contributed to America's colleges and universities. This included the gifts and the matching grants made from among the 3-million-plus eligible employees. It is probable that actual figures are somewhat higher than this since complete reports could not be obtained from all American businesses. I am suggesting that, under the proposed bill, this figure would very likely be more than doubled. This is because the number of eligible Federal participants is more than 60 percent above the number of eligible participants in the private program.

I ask the Congress to lend its support to sustain and promote this pattern of growth.

What are the particular advantages of the plan I suggest?

To begin with, it is based on a matter of simple equity. If 450 private business corporations believe it sound policy to match the donations of their employees to colleges and universities, I suggest that the government should treat its employees with similar consideration. It will add to the attractiveness of government service to domonstrate this.

Second, this is a plan to add to the health of those institutions of higher learning which produce the resources of trained manpower basic to American industry, invention, innovation, and economic well-being.

Third, it affords an opportunity to encourage individual initiative in giving. It magnifies the effect of the private donation, which has long been a primary source of support for our colleges and universities. It strengthens the relationship between the colleges, their alumni, and their friends and helps to establish a habit among our citizens of contributing to socially essential educational services.

Fourth, the plan calls attention to the donation-sharing principle, and should encourage additional corporations to add their names to the list of those already participating in this excellent arrangement.

Fifth, it demonstrates in a practical way that the policy of donation-sharing is compatible with public administration, so as to encourage emulation by the States and perhaps also the municipalities of our Nation, in such a way as to encourage enlarged giving by their employees to institutions of higher education.

Sixth, the plan serves notice to the colleges and universities themselves that it is up to them to prove to their alumni and friends that they are worthy of these donations. They must not only meet the formal requirements of the program, as to accreditation, but also they must give evidence that they are worthy recipients in terms of educational quality, innovation, and tight fiscal management.

Seventh, to tap this source of revenue can be a means of stabilizing the total flow of dollars to our colleges. By diffusing and institutionalizing donations and donation sharing, we can create a modest but dependable and expanding source of income our institutions can count on in the future.

The feature of the plan that appeals most to me is the fact that it strengthens the valuable American characteristic of individual initiative in giving. It is gratifying that American corporations can be credited with this innovative social invention. It has proved its usefulness in operation in private industry; I see no valid reason why the Federal Government should not join, endorse and expand its operation.

Mr. Speaker, the names of the companies already taking part in this type of program follow—although my list is not completely up to date and I apologize for those I may have missed.

Also, I am submitting the text of the bill for the RECORD.

COMPANIES ENGAGED IN MATCHING GRANT PROGRAMS

Abbott Laboratories.
A. S. Abell Co. Foundation, Inc.
Abex Corp.
Aeroglide Corp.
Aerojet-General Corp.
Aetna Life Affiliated Companies.
Air Products & Chemicals, Inc.
Air Reduction Co., Inc.
Allegheny Ludlum Steel Corp.
Allied Chemical Corp.
Allis Chalmers Mfg. Co. Subsidiaries.
Alcoa.
American Airlines.
American Bank & Trust Co. of Pa.
American Brands, Inc.
American Can Co.
American Enka Corp.
American Express Co.
American & Foreign Power Co., Inc.
American Home Products Corp.
American Metal Climax Foundation.
American Oil Foundation.
American Optical Co.
American Potash & Chemical Corp.
American Smelting & Refining Co. (ASARCO).
American Standard, Inc.
American States Insurance.
American Sterilizer Co.
American Stock Exchange.
American Sugar Refining Co.
American Tobacco Co.
Arkwright Boston Mfg. Mutual Ins. Co.
Armco Steel Corp.
Armstrong Cork Co.
Ashland Oil & Refining Co.
Associated Box Corp.
Associated Spring Corp.
Athos Steel & Aluminum, Inc.
Atlantic Richfield Foundation.
Atlas Chemical Industries, Inc.
Atlas Rigging & Supply Co.
Bank of America Foundation N.T. & S.A.
Bank of California.
Bank of New York.
Bankers Life Co.
Barton & Gillet Co.
Bechtold Co.
Becton, Dickinson Fd.
Bigelow-Sanford, Inc. (S & H Fd.)
Bishop Trust Co., Ltd.
Bloch Brothers Tobacco Co.
Blue Bell, Inc.
Borg-Warner Corp.
Boston Mfg. Mutual Ins. Co.
Bowen & Gurin & Barnes, Inc.
G. A. Brakely & Co., Inc.
Bristol-Myers Co.
Brown-Forman Distillers Corp.
Brunswick Corp.
Buffalo Savings Bank.
Burlington Industries, Inc.
Bush Universal, Inc.
Business Men's Assurance Co. of America.
Business Press International, Inc.
Butterick Co., Inc.
Cabot Corp.
Callahan Road Improvement Co.
Campbell Soup Co.
Canadian General Electric Co., Ltd.
Carborundum Co.
Carpenter Technology Corp.
Carrier Corp.
Carter Wallace, Inc.
Cavalier Corp.
Central Illinois Light Co.
Central & South West Corp.
Cerro Corp.
Champion Papers, Inc.
Chase Manhattan Bank.
Chemical Bank.
Chemical Construction Corp.

Chicago Pneumatic Tool Co.
Chicopes Mfg. Co.
Chrysler Corp.
Cities Service Co. & Subsidiaries.
Citizens & Southern National Bank.
Clark Equipment Co.
Clarkson Industries, Inc.
Cleveland-Cliffs Iron Co.
Cleveland Electric Illuminating Co.
Cleveland Institute of Electronics.
Clevite Corp.
James B. Clow & Sons, Inc.
Coates & Clark, Inc.
Colgate-Palmolive Co.
Colonial Parking, Inc.
Columbus Gas System, Inc.
Columbian Carbon Co.
Columbus Mutual Life Insurance Co.
Combustion Engineering, Inc.
Commercial Solvents Corp.
Connecticut General Life Ins. Co.
Connecticut Light & Power Co.
Connecticut Mutual Life Ins. Co.
Consolidation Coal Co.
Consumers Power Co.
Container Corp of America (Concora).
Continental Assurance Co. (CNA Foundation).
Continental Can Co., Inc.
Continental Corp. Foundation.
Continental Oil Co.
Cook Foundation.
Cooper Industries, Inc.
Copley Press, Inc.
Copolymer Rubber & Chemical Corp.
Corn Products Co. (CPC International Inc.).
Corning Glass Works.
Crompton Co., Inc.
Crouse-Hinds Co.
Cummings Engine Co., Inc.
Cutler-Hammer, Inc.
Cyprus Mines Corp.
Dayton Malleable Iron Co.
Deering Milliken, Inc.
Denver U.S. National Bank.
Diamond Crystal Salt Co.
Diamond Shamrock Corp.
A. B. Dick Co.
Dickson Electronics Corp.
Difco Laboratories.
Donaldson, Lufkin & Jenrette, Inc.
Dow Badische Co.
Dow Chemical Corp.
Dow Corning Corp.
Draper Corp.
Dresser Industries, Inc.
Wilbur B. Driver Co.
Dun & Bradstreet Group Companies.
Eastern Car & Construction Co.
Eastern Gas & Fuel Association.
Eaton-Dikeman Co.
Eaton Yale & Towne, Inc.
Ebasco Industries.
Thomas A. Edison Industries. (McGraw-Edison Co.).
Frank W. Egan & Co. (Egan Machinery Co.).
Electric Bond & Share Co.
Electric Storage Battery Co. (ESB Foundation).
Emery Industries, Inc.
Ensign-Bickford Co.
Equitable of Iowa.
Esso Education Foundation.
Ex-Cell-O Corp.
Factory Mutual Engineering Div.-Associated Factory Mutual Fire Ins.
Federal-Mogul Corp.
Federated Department Stores, Inc.
Ferro Corp.
Firemen's Mutual Insurance Co.
Firestone Tire & Rubber Co.
First & Merchants National Bank.
First National Bank of Hawaii.
First National Bank of Miami.
First National Bank of Oregon.
First National City Bank of New York.
First New Haven National Bank.
First Pennsylvania Banking & Trust Co.
Fluor Corp., Ltd.
Ford Motor Co.
Ford Motor Co. of Canada, Ltd.
Forty-Eight Insulations, Inc.
Foster Wheeler Corp.
H. B. Fuller Co.
E. & J. Gallo Winery.
Gardner-Denver Co.
Gates Rubber Co.
Geigy Chemical.
General Atronics Corp.
General Casualty Co. of Wisconsin.
General Electric Co.
General Foods Corp.
General Learning Corp.
General Mills, Inc.
General Motors.
General Public Utilities Corp.
General Telephone & Electronics Corp.
General Tire & Rubber Co.
M. A. Gesner of Illinois, Inc.
Getty Oil Co.
Gibbs & Hill, Inc.
Gillette Co. (All U.S. Division & Subsidiaries).
Ginn & Co.
Girard Trust Bank.
Glens Falls Ins. Co.
Glidden Co.
Goldman, Sachs & Co.
B. F. Goodrich Co.
Goodyear Tire & Rubber Co.
Gorham Co.
W. T. Grant Co.
Graphic Printing Co., Inc.
Great Northern Paper Co.
Griswold-Eshleman Co.
Guardian Life Insurance Co. of America.
Gulf Oil Corp.
Gulf States Utilities Co.
Gurin, Barnes, Roche & Carlson, Inc.
Halliburton Co.
Hamilton Standard.
Hamilton Watch Co.
Hanes Corp.
Harris-Intertype Corp.
Harris Trust & Savings Bank.
Harsco Corp.
Hart Schaffner & Marx.
Hartford Electric Light Co. (Helco).
Hartford Insurance Group.
Hawaiian Telephone Co.
Hayes-Albion Corp.
Hercules, Inc.
Hershey Foods Corp. & Associated Companies.
Hewlett-Packard Co.
Hill Acme Co.
Hoffman-LaRoche, Inc.
Honeywell, Inc.
Hooker Chemical Co.
Hoover Co.
J. M. Huber Corp.
Hughes Aircraft Co.
Humble Oil & Refining Co.
Illinois Tool Works, Inc.
Industrial National Bank of R.I.
Ingersoll-Rand.
Inmount Corp.
Insurance Co. of North America (INA).
Interchemical Corp.
International Basic Economy Corp.
International Business Machines Corp.
International Flavors & Fragrances, Inc.
International Paper Co.
International Salt Co.
International Telephone & Telegraph Corp. (ITT).
Interspace Corp.
Irving Trust Co.
Irwin Management Co., Inc.
Itek Corp.
Jefferson Mills, Inc.
Jefferson Pilot Corp.
Jefferson Standard Broadcasting Co.
Jefferson Standard Life Insurance Co.
Jewel Companies, Inc.
John Hancock Mutual Life Insurance Co.
Johnson & Higgins.
Johnson & Johnson.
S. C. Johnson & Son, Inc.
Jones & Laughlin Steel Corp.
Kaiser Steel Corp.
Kendall Co.
Kerite Co.
Kern County Land Co.
Kersting Brown & Co., Inc.
Walter Kidde & Co., Inc.
Walter Kidde Construction.
Kidder, Peabody & Co.
Kimberly-Clark Corp.
Kingsbury Machine Tool Corp.
Kiplinger Foundation.
Richard C. Knight Insurance Agency, Inc.
Knox Gelatin, Inc.
Koehring Co.
H. Kohnstamm Co., Inc.
Koiled Kords, Inc. (Cook Fdn.).
Koppers Co., Inc.
Lamson & Sessions Co.
Lawyers Cooperative Publishing Co.
Lehigh Portland Cement Co.
Lever Brothers Co.
Little, Brown & Co.
P. Lorillard Corp.
Louisiana Power & Light Co.
Loyal Protective Life Insurance Co.
Lubrizol Corp.
Ludlow Corp.
Lumnus Co.
Lutheran Mutual Life Insurance Co.
MFB Mutual Insurance Co.
M. & T. Chemicals, Inc.
MacLean-Fogg Lock Nut Co.
Mallinckrodt Chemical Works.
P. R. Mallory & Co., Inc.
Manufacturers Hanover Trust.
Manufacturers Mutual Fire Insurance Co.
Marathon Oil Co.
Marine Corp.
Marine Midland Grace Trust of New York.
Martin-Marietta Corp.
Martha Washington Kitchens, Inc.
Massachusetts Mutual Life Insurance Co.
Matalene Surgical Instrument Co.
Maytag Co.
McCormick & Co., Inc.
McGraw-Edison Power Systems.
McGraw-Hill, Inc.
McNeil Laboratories, Inc.
Medusa Portland Cement Co.
Mellon National Bank & Trust Co.
Merck & Co., Inc.
Metals & Controls Corp.
Metropolitan Life Insurance Co.
Mettler Instrument Corp.
Middlesex Mutual Assurance Co.
Midland-Ross Corp.
Miehle-Goss Dexter, Inc.
Mobil Oil Corp.
Mohasco Industries, Inc.
Monroe Auto Equipment Co.
Monsanto Chemical.
Montgomery Ward & Co.
Moody's Investors Service, Inc.
Moog, Inc.
Morgan Construction Co.
Morgan Guaranty Trust Co. of N.Y.
Morgan Worcester, Inc.
Motorola, Inc.
Munsingwear, Inc.
Mutual Boiler & Machinery Ins. Co.
Mutual Life Insurance Co. of New York,
Mutual of Omaha Ins. & United Benefit Life Ins. Co.
National Biscuit Co.
National Cash Register Co.
National Distillers & Chemicals Co.
National Lead Co.
National Steel Corp.
Nationwide Mutual Insurance Companies.
Natural Gas Pipeline Co. of America.
New England Gas & Electric Association.
New England Merchants National Bank.
New England Mutual Life Insurance Co.
Newhall Land & Farming Co.
New Orleans Public Service Inc.
Newport News Shipbuilders Dry Dock Co.
New York Times.
New Yorker Magazine.
Norden Corp.
North American Car Corp.
North American Rockwell Corp.

Northeast Utilities Service Co.
Northwestern Mutual Life Insurance Co.
Northwestern National Life Insurance Co.
Norton Co.
W. W. Norton & Co., Inc.
John Nuveen & Co.
Occidental Charitable Petroleum Foundation, Inc.
Oklahoma Gas & Electric Co.
Old Stone Bank.
Olin Mathieson Chemical Corp.
Oneida, Ltd.
Ortho Pharmaceutical Corp.
Owens-Corning Fiberglas Corp.
Owens-Illinois Inc.
Oxford Industries, Inc.
Pan American Airways.
Pan American Petroleum Fdn. Inc.
Panhandle Eastern Pipeline Co.
Parker-Hannifin Corp.
Paul Revere Life Insurance Co.
Peat, Marwick, Mitchell & Co.
Pennsylvania Power & Light Co.
Pennwalt Chemicals Corp.
Penton Publishing Co.
Personnel Products Co.
Petro-Tex Chemical Corp.
Phelps Dodge Corp.
Philip Morris Co., Inc.
Phillips Petroleum Co.
Phoenix Insurance Co. of Hartford.
Pickands Mather & Co.
Pillsbury Co.
Pilot Life Insurance Co.
Pitney-Bowes, Inc.
Pittsburgh National Bank.
Pittsburgh Plate Glass Co. (PPG Industries.)
Plainfield Cytology Laboratory, Inc.
Polaroid Corp.
Pratt-Whitney Aircraft.
Preformed Line Products Co.
Price Waterhouse & Co.
Provident Life & Accident Ins. Co.
Provident Mutual Life Ins. Co. of Philadelphia.
Provident National Bank.
Prudential Insurance Co. of America.
Pullman, Inc.
Putnam Management Co., Inc.
Quaker Chemical Products Co.
Quaker Oats Foundation.
Ralston Purina Co.
Reader's Digest.
Reed & Barton.
Regent Insurance Co.
Reliable Electric Co. (Cook Fdn.).
Reliance Insurance Co.
Rex Chainbelt, Inc.
R. J. Reynolds Foods, Inc.
R. J. Reynolds Tobacco Co.
Riegel Paper Corp.
Riegel Textile Corp.
Rio Algom Mines, Ltd.
Rochester Germicide Co.
Rockefeller Brothers Fund, Inc.
Rockefeller Family & Associates.
Martha Baird Rockefeller Fund for Music, Inc.
Rockwell Manufacturing Co.
Rockwell Standard.
Rohm & Haas Co.
Rust Engineering Co.
Sadtler Research Laboratories, Inc.
St. Regis Paper Co.
Sanborn Co.
Sanders Associates, Inc.
Schering Corp.
S. C. M. Glidden-Durkee.
Scott Paper Co.
Joseph E. Seagram & Sons, Inc.
Sealright Co., Inc.
Security National Bank of Long Island.
Security Van Lines, Inc.
Seton Leather Co.
Sherwin-Williams Co.
Sherwood Medical Industries, Inc.
Shulton, Inc. (Foundation).
Signal Oil & Gas Co.
Signode Corp.
Simmons Co.
Sinclair-Kopper Co.
Sinclair Oil Corp.
Singer Co.
SKF Industries, Inc.
Smith, Kline & French Laboratories.
Smith-Lee Co., Inc.
Smith Monuments, Inc.
Socony Mobil.
Southland Corp.
Sperry & Hutchinson Co.
Spruce Falls Power & Paper Co., Ltd.
Squibb Beech-Nut, Inc.
Stackpole Carbon Co.
Standard Oil of Indiana & Subsidiaries.
Standard Oil of New Jersey & Affiliates.
Standard Oil of Ohio (Sohio).
Standard Pressed Steel Co.
Stanley Works.
Stauffer Chemical Co.
Sterling Drug Co., Inc.
J. P. Stevens & Co., Inc.
Stone & Webster.
Suburban Propane Gas Corp.
Sunray DX Oil Co.
W. H. Sweney & Co.
Sylvania Electric Products, Inc.
Syntex Corp.
Taylor Corp.
Tektronix, Inc.
Teledyne Inc. & Subsidiaries.
C. Tennant Sons & Co. of N.Y.
Tenneco, Inc.
Texaco, Inc.
Texas Company.
Texas Eastern Transmission Corp.
Texas Instruments.
Textile Machine Works.
Textron, Inc.
J. Walter Thompson Co.
J. T. Thorpe Co.
Time, Inc.
Times Publishing Co. & Congressional Quarterly, Inc.
Towers, Perrin, Forester & Crosby, Inc.,
Towmoter Corp.
Tracor, Inc.
Trans World Airlines, Inc. (TWA).
Travelers Insurance Companies.
Turner Construction Co.
Union Commerce Bank
Union Electric Co.
Union Oil Co. of California.
Uniroyal.
Uni-Serv Corp.
United Aircraft.
United Bank of Denver.
United-Carr, Inc. (Sub of TRW Inc.).
United Engineers & Constructors, Inc.
United Fruit Co.
United Illuminating Co.
United Life & Accident Insurance Co.
United States Borax & Chemical Corp.
United States Plywood-Champion Papers Inc.
United States Trust Co. of New York.
Upjohn Co.
Varian Associates.
Victualic Co. of America.
Vulcan Materials Co.
Walker Manufacturing Co.
Wallace-Murray Foundation.
Wallace & Tiernan, Inc
Wallingford Steel Co.
Warner Brothers (Warnaco).
Warner-Lambert Pharmaceutical Co.
Warner & Swasey Co.
Washington National Insurance Co.
Watkins-Johnson Co.
Charles J. Webb II.
Welch Foods, Inc.
Wellington Management Co.
Western Publishing Co.
Westinghouse Air Brake Co.
Westinghouse Electric Corp.
Weyerhaeuser Co.
Whirlpool Corp.
White Motor Corp
Whitney Blake Co. (Cook Fdn.).
John Wiley & Sons, Inc.
Williams & Co.
Winn-Dixie Stores, Inc.
Winter Co., Inc.
Wolverine World Wide, Inc.
Wyandotte Chemicals Corp.
Xerox Corp.
Arthur Young & Co.
Young & Rubicam.

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H.R. 11529

A bill providing for the matching of gifts made by employees of the Federal Government to institutions of higher education

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress finds that institutions of higher education in the United States are experiencing serious financial difficulties, and that present aid, public and private, is proving inadequate to meet this demonstrable and urgent need. It is, therefore, the policy of the Federal Government to promote contributions to such institutions through all feasible channels.

SEC. 2. In view of this policy, the Secretary of Health, Education, and Welfare is authorized and directed to match, on an unrestricted basis, any financial gift made by an employee of the Federal Government, including members of the Armed Forces of the United States, to any duly accredited or approved institution of higher education within the United States.

SEC. 3. Such matching gifts shall be made by the Secretary only when:

(a) the donor submits an appropriate request for a matching gift;

(b) the terms and conditions of the donor's gift are legally valid and are not adverse to the interests of the United States as determined by the Secretary;

(c) submission of proper evidence of the actual donation has been completed; and

(d) the amount of the donor's gift is not less than $10 nor more than $5,000 in any calendar year.

SEC. 4. The Secretary is authorized to:

(a) define "institution of higher education" for the purposes of this Act;

(b) make such rules and regulations as may be necessary to carry out the program herein authorized; and

(c) make available to all appropriate parties and to the public information concerning the program and its procedures.

SEC. 5. Nothing in this Act shall encourage or permit coercion of individual employees of the Federal Government by any other employee or official of that Government in order to exact such a gift.

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

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## NONDENOMINATIONAL PRAYER IN PUBLIC SCHOOLS

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

Mr. WYLIE. Mr. Speaker, because I know better, I have never given the slightest credence to the propaganda-style statements that the people of the United States as a whole are opposed to guaranteeing the right of nondenominational prayer to children in the public schools. I have always recognized that these statements are not the fact because of the tremendous volume of mail I receive, not just from my own district, my own State, but from all over the country, with respect to the proposal to amend the Constitution to guarantee this right that will be called up in this body on Monday next. A heavy preponderance of that mail favors the proposed amendment to correct what most people believe to be a wrong perpetrated by the Supreme Court.

But I am nonetheless happy at this time to be able to inform my colleagues that a poll taken by the National Enquirer—a weekly newspaper which now has the largest circulation of any newspaper in the United States—shows that 92.6 percent of those responding in a 2-week period are in favor of prayer in schools and of a constitutional amendment to guarantee that as a right.

This, Mr. Speaker, is no piddling poll, based on the opinion of a minuscule portion of our population. More than 50,000 persons took the trouble to respond to the Enquirer's poll—a great contrast with the 1,000 or 2,000 who are interviewed in the normal and widely published opinion polls. Every single poll taken since June 26, 1962, shows an increase in the number of Americans favoring a constitutional amendment on school prayer.

I am greatly impressed with the heavy margin favoring the school prayer amendment. I hope that my colleagues will—as representatives of all the people and not just special interest groups—be impressed also.

In this connection, I would like to say also that I think the National Enquirer has done a great public service by conducting this poll, and I would like to express my appreciation to Mr. Generoso Pope, Mr. Henry Dorman, and the other executives and editors of the National Enquirer for their interest and for their dedicated service in helping to determine, for the record, just how the people do feel about this urgent matter.

## RURAL RENEWAL

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

Mr. DORN. Mr. Speaker, rural renewal is urgent. Our cities have had urban renewal, which we favor. But urban renewal cannot solve a growing nationwide problem alone. We need a rural renewal program.

We continue to pour billions of dollars into programs designed to aid the overcrowded areas, but with little apparent progress in solving the overall national problem. The problems of housing, pollution, employment, and crime increase in the cities. Yet migration to the metropolitan areas continues, and underpopulation becomes a problem for rural areas. In recent years, whole sections of the Nation experienced population loss, and in our own area we have counties that have lost population. This underpopulation was not as well publicized as the crowded and deteriorated conditions in the cities, but rural population loss is part of the same problem.

The time is past due for intensified new efforts to stem the flow of people to the urban areas. I am today cosponsoring legislation, the Rural Development Incentive Act, to expand economic and social opportunities in rural America. This bill would provide tax incentives for job-creating industries to locate in rural job development areas. More industry in rural areas would stabilize the rural population and in time would reverse the flow of people into the cities.

Mr. Speaker, our form of government was based on the values of rural America. Jeffersonian democracy presupposed the existence of a strong and stable rural population, and Jefferson's writings indicate his fear of overcrowded cities. For reasons of social and political stability, for better housing and a better environment, now is the time for rural renewal.

## AIR FORCE GENERAL SAYS "WE NEED TO GET OUT OF VIETNAM"

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

Mr. LEGGETT. Mr. Speaker, I have long held that the Vietnam war has been a disaster for our military establishment and our military preparedness. First, it has diverted resources from national security needs to an area not related to our national security. Second, it has grievously damaged the morale of the armed services, and has exacerbated the tension between our military and American society as a whole.

I am pleased to note that Gen. George Brown, head of the U.S. Air Force Systems Command, has expressed similar views in a recent speech to the Society of Experimental Test Pilots. As paraphrased by Government Executive magazine, General Brown said in part:

A prevailing hostility is festering across the U.S. not only toward technology but toward the entire military in the fester. And though they make little public point of it, it is apparent that the military, at least as much as the rest of the Nation, welcomes the President's program of U.S. withdrawal from Southeast Asia.

"Though I hope we have the good sense to do it in an orderly manner so we don't throw down the drain everything we've invested out there," says Brown, "I do think," he adds, "we need to get out of Vietnam."

. . . the Army wants out to rebuild morale and strength. Navy wants out mostly because it needs badly those Southeast Asia funds to bolster the vital role of the Sixth Fleet in the Mediterranean. "And the Air Force," says Brown, "goes mostly to the Army point but is coming around to the second as well," i.e. freeing up resources to replace an aging tanker fleet, to get the airborne command post program moving, the B–1 and other pressing requirements.

While I am afraid that our Vietnam investment has, in fact, gone down the drain and there is blessed little we can do about it, I suggest that General Brown's point is well taken, and President Nixon would do well to heed it. We have more important things to concern us than the survival and comfort of the Thieu dictatorship.

## SENATOR MUSKIE'S CANDOR

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

Mr. LEGGETT. Mr. Speaker, the junior Senator from Maine, EDMUND MUSKIE, recently met with a group of black political leaders in my State of California. During the course of their discussion, they asked him about the possibility of a black vice presidential candidate on his ticket in the event he obtained the Democratic nomination for President.

The conventional response would have been for the Senator to assure them that his mind was completely open to the possibility. He could have said this despite the fact that his mind was not open, due to his conviction that a ticket containing a black vice presidential nominee could not be elected. He would thus have avoided ruffling the black leaders, and when the time came he could simply have proceeded to pick a white running mate.

Instead, he chose the more difficult but more honest course. He told them he would not choose a black running mate because such a ticket could not win. As a consequence of his honesty, he has received a good deal of criticism.

In my view, the criticism is not justifiable. It is not justifiable from the black spokesmen, who are surely aware that Mr. MUSKIE was stating a political fact of life at this time: A very unfortunate fact, a fact hopefully on its last legs, but a fact nevertheless. I am surprised and disappointed that the black leaders have shown this preference for evasion over honesty.

It is not justifiable from the other contenders for the Democratic nomination, none of whom are going to choose a black running mate either.

Senator MUSKIE's record on voting rights, education, civil rights, and racial matters in general is impeccable. It is, therefore, particularly inappropriate, unjustified, and hypocritical that his statement should be criticized by the Nixon administration which has attempted to appoint racists and segregationists to the Supreme Court, has cooperated in the disenfranchisement of blacks in the Deep South, and has generally attempted to sell blacks down the tubes at every opportunity and to undo the racial progress the country has made in the past decade.

I insert at this point in the RECORD an editorial from the Willows, Calif., Daily Democrat entitled "We Admire Muskie's Candor."

WE ADMIRE MUSKIE'S CANDOR

In the opinion of Sen. Edmund Muskie a white Presidential and a black Vice-President nominee is not electable in the U.S. in 1972.

For being so honest in expressing his own judgment, Senator Muskie is being criticized not only by Republican party leaders but by a few Democrats who are openly aspiring to the presidency.

Perhaps the Senator exercised poor political judgment for being so candid, but we admire his frankness. None of those who are censuring him for what he said can prove that he is a racist. The Senator's record on that score is clear. And that is more than some of his critics can say for themselves.

Those who are attacking the Democratic Senator are playing for the Negro vote. But the average black voter is not so easily deceived and swayed. He knows that Muskie is unbiased and unprejudiced and would not object to having a Negro running mate if he were convinced that the ticket would succeed at the polls.

The contemptible things there are being said about Muskie's remark do not distract from the fact that Muskie's reply was the self-evident truth.

The Republican and Democratic spokesmen who are trying to take political advantage of the Senator's candor are hypocrites. He was

brave and spoke the truth, knowing that it was a political risk for himself.

In fact, he might have inspired a public reaction that will eventually make it possible for a white presidential nominee with a black running mate to be elected to the White House. This would be an historic achievement for Senator Muskie.

## THE PRESIDENT IS TOO GROWN UP TO CRAWL FOR THE POW'S

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

Mr. LEGGETT. Mr. Speaker, on October 27, President Nixon was reported by columnist Jack Anderson to have said about the American prisoners of war:

I am not going to crawl to get them out. I am too grown up to crawl.

This statement so horrified a number of POW families that they felt compelled to send him a strongly worded letter. They have courteously provided me with a copy, which I have here with me today. The wording of the letter is quite strong, perhaps even intemperate. I myself would not express myself in this way, but then, of course, it is not my son who is rotting away in a prison camp for no defensible reason.

Their letter says in part:

Your statement, "I am too grown up to crawl," made from the safety and comfort of the White House, is in our eyes an expression of petty vanity unworthy of the office you hold.

Your priorities are inverted. We should not have to remind you that as Commander in Chief your primary responsibility is not to save your own face but to save the lives of those under you who are rotting and dying in a war in which the nation no longer believes.

Mr. Speaker, fortunately it is not necessary to crawl in order to get the prisoners back. All we have to do is to set a date for total withdrawal of our military presence from Vietnam by a fixed date, the sooner the better, and to condition this offer on satisfactory arrangements for the safety of the withdrawing troops and release of the prisoners of war.

Let us hope the President will announce such a proposal—a sincere, straightforward proposal, not a "loaded" effort to make propaganda points—as the crux of his Vietnam statement scheduled for next month.

The full text of the letter follows:

POW/MIA FAMILIES FOR
IMMEDIATE RELEASE,
*October 27, 1971.*

DEAR MR. PRESIDENT: We are aghast at your statement on prisoners of war, as reported in Jack Anderson's column of October 27. You are reported to have said, "We are going to end the Vietnam war. We are going to end it in such a way as to get the POWs out. I am not going to crawl to get them out. I am too grown up to crawl."

Perhaps it will not be necessary to "crawl." But we are horrified by your implication that you would not do it even if it were the only way to recover the prisoners.

Because of the policies of you and your predecessor, "crawling" is the least of the humiliating actions that have been imposed upon our loved ones in the prison camps. Your statement, "I am too grown up to crawl", made from the safety and comfort of the White House, is in our eyes an expression of petty vanity unworthy of the office you hold.

Your priorities are inverted. We should not have to remind you that as Commander in Chief your primary responsibility is not to save your own face but to save the lives of those under you who are rotting and dying in a war in which the nation no longer believes.

It takes a big man to humble himself on behalf of those for whom he is responsible; evidently you are not that man. In addition, you specifically doom our men to indefinite captivity by insisting on maintaining air support and a residual ground force to preserve the Thieu government. In contrast, the majority of your prospective opponents have declared themselves in favor of setting a date for total withdrawal in the near future, provided only that the prisoners are returned and the safety of the withdrawing troops secured. One of them has specifically said he would crawl into the conference room if that would bring the prisoners home. Unlike you, he evidently values the prisoners more than his pride.

From today onward, we will do everything in our power to see that *any one* of these candidates is elected, so that the men in the prison camps will have the responsible leadership to which they are entitled.

We will be happy to reverse our position if you return our men to us. But unless and until that day arrives, we must assume that your present promise to end the war and get the POWs out is as empty as your past promises have been.

Despairingly,

——— ———.

## LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. MURPHY of Illinois (at the request of Mr. ROSTENKOWSKI) for Monday, November 1 and Tuesday, November 2, on account of a death in the family.

Mr. MAZZOLI (at the request of Mr. BOGGS), for today, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LUJAN) to revise and extend their remarks and include extraneous matter:)

Mr. SHOUP, for 10 minutes, today.
Mr. KYL, for 10 minutes, today.
Mr. DERWINSKI, for 5 minutes, today.
Mr. WYMAN, for 15 minutes, today.

(The following Members (at the request of Mr. DENHOLM) to revise and extend their remarks and include extraneous matter:)

Mr. ASPIN, for 15 minutes, today.
Mr. ROSENTHAL, for 15 minutes, today.
Mr. JAMES V. STANTON, for 10 minutes, today.
Mr. CONYERS, for 60 minutes, today.
Mr. GONZALEZ, for 10 minutes, today.
Mr. RUNNELS, for 5 minutes, today.
Mr. BURKE of Massachusetts, for 15 minutes, today.
Mr. FUQUA, for 20 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PRICE of Illinois to extend his remarks during consideration of H.R. 2.

(The following Members (at the request of Mr. LUJAN) and to include extraneous matter:)

Mr. BROWN of Ohio.
Mr. RAILSBACK in six instances.
Mr. BUCHANAN.
Mr. HASTINGS.
Mr. LATTA.
Mr. DEVINE.
Mr. HUNT in two instances.
Mr. HOSMER in two instances.
Mr. WYMAN in two instances.
Mr. SCHMITZ in two instances.
Mr. DON H. CLAUSEN.
Mr. MCCLORY in two instances.
Mr. GOLDWATER.
Mr. SCHERLE in two instances.
Mr. ZWACH.
Mr. DUNCAN.
Mr. MCCULLOCH.
Mr. DERWINSKI.
Mr. BLACKBURN.
Mr. SCHWENGEL in two instances.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. CORMAN in two instances.
Mr. ADAMS in three instances.
Mr. CONYERS in 10 instances.
Mr. BEGICH in five instances.
Mr. DINGELL.
Mr. DIGGS in two instances.
Mrs. HANSEN of Washington.
Mr. HAGAN in three instances.
Mr. KLUCZYNSKI in two instances.
Mr. FOUNTAIN in two instances.
Mr. RARICK in three instances.
Mr. ROGERS in five instances.
Mr. RANGEL in three instances.
Mr. WALDIE in five instances.
Mr. GONZALEZ in three instances.
Mr. MURPHY of New York.
Mr. HICKS of Washington in two instances.
Mr. RYAN in three instances.
Mr. ROY.
Mr. BENNETT.
Mr. HARRINGTON in two instances.
Mr. ALEXANDER in two instances.
Mr. FULTON of Tennessee.
Mr. MAHON.
Mr. RONCALIO.
Mr. TIERNAN in two instances.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1736. An act to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes; to the Committee on Public Works.

S. 2339. An act to provide for the disposition of judgment funds on deposit to the credit of the Pueblo of Laguna in Indian Claims Commission, docket numbered 227,

and for other purposes; to the Committee on Interior and Insular Affairs.

## ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 3, 1971, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1247. A letter from the Secretary of the Army, transmitting a report on the number of officers on duty with Headquarters, Department of the Army, and detailed to the Army General Staff, on September 30, 1971, pursuant to 10 U.S.C. 3031(c); to the Committee on Armed Services.

1248. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to amend chapter 83 of title 5, United States Code, relating to adopted child; to the Committee on Post Office and Civil Service.

RECEIVED FROM THE COMPTROLLER GENERAL

1249. A letter from the Comptroller General of the United States, transmitting a report on alcoholism among military personnel; to the Committee on Armed Services.

## 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. EDWARDS of California: Committee on the Judiciary. H.R. 11350. A bill to increase the limit on dues for U.S. membership in the International Criminal Police Organization (Rept. No. 92–599). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Science and Astronautics. H.R. 11487. A bill to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Fla. (Rept. No. 92–600). Referred to the Committee of the Whole House on the State of Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 640. A bill to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty (Rept. No. 92–601). Referred to the Committee of the Whole House on the State of the Union.

## REPORTS OF COMMITTEES ON PRIVATE 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. MILLS of Arkansas: Committee on Ways and Means. H.R. 3786. A bill to provide for free entry of a four octave carillon for the use of Marquette University, Milwaukee, Wis. (Rept. No. 92–602). Referred to the Committee of the Whole House.

Mr. MILLS of Arkansas: Committee on Ways and Means. H. R. 4678. A bill to provide for the free entry of a carillon for the use of the University of California at Santa Barbara (Rept. No. 92–603). Referred to the Committee of the Whole House.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROTZMAN (for himself, Mr. ANDERSON of Illinois, Mr. FORSYTHE, Mr. COUGHLIN, Mr. ST GERMAIN, Mr. ROONEY of Pennsylvania, Mr. HARRINGTON, and Mr. DONOHUE):

H.R. 11522. A bill to require that all schoolbuses be equipped with seat belts for passengers and seat backs of sufficient height to prevent injury to passengers; to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON (for himself, Mrs. MINK and Mr. BEGICH):

H.R. 11523. A bill to provide that the President of the United States shall designate as Governor and Lieutenant Governor of American Samoa the individual who is nominated by the electors of American Samoa for each such position, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DORN:

H.R. 11524. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing and job-training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mr. FULTON of Tennessee:

H.R. 11525. A bill to insure adequate health care to children suffering from major illnesses, to insure adequate care to all infants born in low-income families, and to insure adequate maternal care to all women in low-income families; to the Committee on Ways and Means.

By Mr. KYL:

H.R. 11526. A bill to reform the mineral leasing laws; to the Committee on Interior and Insular Affairs.

H.R. 11527. A bill to reform the mining laws; to the Committee on Interior and Insular Affairs.

By Mr. MATSUNAGA:

H.R. 11528. A bill to amend section 312 of the Immigration and Nationality Act with respect to certain tests for naturalization; to the Committee on the Judiciary.

By Mr. MILLER of California:

H.R. 11529. A bill providing for the matching of gifts made by employees of Federal Government to institutions of higher education; to the Committee on Education and Labor.

By Mr. RANDALL:

H.R. 11530. A bill to amend section 700 of title 18, United States Code, relating to desecration of the flag of the United States; the Committee on the Judiciary.

H.R. 11531. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology and production, and for other purposes; to the Committee on Ways and Means.

By Mr. ROSENTHAL:

H.R. 11532. A bill to provide for the discharge of members of the armed forces from active military service by reason of physical disability when suffering from drug dependency, to authorize the civil commitment of such members concurrent with their discharge, to provide for retroactive honorable discharges in certain cases, and for other purposes; to the Committee on Armed Services.

By Mr. SCOTT (for himself, Mr. ANDERSON of Illinois, Mr. BEVILL, Mr. BLACKBURN, Mr. CÓRDOVA, Mr. DANIELSON, Mr. FRENZEL, Mr. GUBSER, Mr. HALPERN, Mr. LENNON, Mr. MCCLURE, Mr. MIZELL, Mr. PIRNIE, Mr. PRICE of Texas, Mr. PRYOR of Arkansas, Mr. ROE, Mr. RYAN, Mr. SIKES, Mr. STEPHENS, Mr. THONE, Mr. WARE, Mr. YOUNG of Florida, Mr. SEBELIUS, Mr. SHRIVER, and Mr. DEL CLAWSON):

H.R. 11533. A bill to authorize the Secretary of the Interior to establish the George Washington Boyhood Home National Historic Site in the State of Virginia; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of Texas:

H.R. 11534. A bill to amend title 38 of the United States Code to authorize the enrollment of eligible veterans in a course offered by an educational institution which has moved to another location, provided certain conditions are met; to the Committee on Veterans' Affairs.

By Mr. WALDIE (for himself, Mr. BRASCO, Mr. WILLIAM D. FORD, Mr. NIX, and Mr. CHARLES H. WILSON):

H.R. 11535. A bill to amend the Postal Reorganization Act of 1970, title 39, U.S.C. to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DICKINSON:

H. Con. Res. 443. Concurrent resolution expressing the sense of the Congress with respect to the method of assessment of the financial obligation of each member state of the United Nations; to the Committee on Foreign Affairs.

By Mr. MATSUNAGA:

H. Con. Res. 444. Concurrent resolution expressing the sense of Congress relating to the furnishing of relief assistance to persons affected by the Pakistani Civil War; to the Committee on Foreign Affairs.

By Mr. ABBITT (for himself, Mr. DOWNING, and Mr. DANIEL of Virginia):

H. Res. 681. Resolution urging the President to press for U.S. agricultural trade rights with the European Economic Community; to the Committee on Ways and Means.

By Mr. FOUNTAIN (for himself, Mr. JONAS, Mr. LENNON, Mr. TAYLOR, Mr. HENDERSON, Mr. BROYHILL of North Carolina, Mr. JONES of North Carolina, Mr. GALIFIANAKIS, Mr. MIZELL, Mr. PREYER of North Carolina, and Mr. RUTH):

H. Res. 682. Resolution urging the President to press for U.S. agricultural trade rights with the European Economic Community; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FULTON of Tennessee:

H.R. 11536. A bill for the relief of the Andrew Jackson Lodge No. 5, Fraternal Order of Police, of Nashville, Tenn.; to the Committee on Public Works.

By Mrs. HECKLER of Massachusetts:

H.R. 11537. A bill for the relief of Henryk and Nelly Gogacz; to the Committee on the Judiciary.