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## MR. NIXON'S FIRST 6 MONTHS

## HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1969

Mr. KEITH. Mr. Speaker, I would like to call the attention of my colleagues to an evaluation of the first 6 months of the Nixon administration which appeared recently in the editorial column of the Standard-Times of New Bedford, Mass.

This perceptive newspaper points out that the President has focused his attention on foreign affairs during his first 6 months in office, and I think we all must agree that the results have been promising. Mr. Nixon has renewed our ties with our European allies, he has recently returned from a successful tour of Asia, and most importantly, he has made significant progress toward ending the war in Vietnam.

On the domestic front, the paper points out that the administration is making progress in the battle against inflation—and has recommended a revolutionary approach to public assistance. While there is much more that must be done before our domestic problems are brought under control, Mr. Nixon has succeeded in restoring the confidence of the American people in the Presidency. One cannot help but feel that Mr. Nixon will accomplish a great deal if the pattern of his first 6 months continues.

Under unanimous consent I include the editorial at this point in the Record:

## MR. NIXON'S FIRST 6 MONTHS

In his inaugural, President Nixon promised a low-key, low volume administration aspiring to modest managerial competence, and at the end of his first six months in office, this is approximately the image that has emerged.

Opponents criticize him for indecision; proponents praise his cautious deliberation and pragmatism. Meanwhile, polls show the President's popularity has increased greatly since his hair's-breath election, in part because this summer is cooler, and shorter than last.

Instead of violence in the streets, Apollo 11's breath-taking success has captured Page 1, boosted American pride, and generated new talk of better understanding on earth.

Mr. Nixon's global tour, enhanced by the U.S. moon-landing, was a personal success, no matter whether it produces much or little. His receptions were enthusiastic; his manner vigorous; his remarks temperate, and the aura of the trip was such as to make Americans—who have been much given to self-criticism in recent years—think somewhat better of themselves.

His administration is not exciting, bold, or daring, nor has it negotiated impressively with the opposition Congress. If prolonged, this might be harmful; yet to this moment, it has produced a pause that many Americans find welcome in the wake of a several-year period of escalating war, spiraling inflation, assassination, world tension, and unparalleled domestic friction.

Clearly, the President has established two top priorities—ending the war in Vietnam, and curbing inflation.

With regard to the first, he has brought about the withdrawal of some U.S. troops, has lowered intensity of the war effort, and prodded Saigon into a position of greater political flexibility, all of which ought to help the peace efforts in Paris.

His efforts to make the dollar worth more have included a federal budget reduction, tighter watch on government spending practices, limited extension of the surtax, and a serious effort to prune unnecessary military and space programs, as well as to halt Pentagon cost overruns and blank-check weapon buying.

His administration, at least insofar as its first six months have not contributed to massive increases in federal spending, can also take certain pride in announcing the first budget surplus since 1960.

The President thus far has demonstrated more boldness and initiative in foreign affairs than in home affairs.

He has called for a revitalization of the North Atlantic Treaty Organization; delineated a new Asia policy that tells Asians we will not abandon them, but they must help themselves; indicated he desires to bring Communist China into the family of nations, and moved toward accommodation with the Soviet Union that would seek a strategic arms race curb and development of machinery to control crises involving the superpowers.

To some degree, as yet not clear to the general public, these efforts have won friendly signals from Moscow, Peking, Europe, and

perhaps even Hanoi. The Soviets especially seem to understand and to accept Mr. Nixon as a practical politician.

The President seems to be thinking about a foreign policy that will reflect the long-range view and, in the words of Democratic Majority Leader Mansfield, insure that we do "not become captive to the shifts and turns of the moment." Insofar as this will help us to avoid crises such as Cuba and Vietnam, the American public undoubtedly hopes he succeeds.

His home front efforts have been principally in the direction of assessing and reorganizing existing projects. It may be that his hesitancy in moving forward with urban action, job training and health programs stems from two factors: (a) The need of overhauling Great Society programs that failed to help the poor because of loose administration and inadequate planning, and (b) We do not yet know how much halting inflation will cost in unemployment and this is certainly important to any new social welfare program.

He has made mistakes at home, in our view, among them calling for antiballistic missile deployment; permitting a more benign attitude toward the South in civil rights law enforcement; rejected Dr. John H. Knowles as assistant HEW secretary; blocking the nomination of Franklin A. Long as head of the National Science Foundation—an error Mr. Nixon admitted—and catering to party conservatives by finding a high-salaried job for Otto Otepka.

The President has not yet done much to heal divisions among Americans, an effort to which he is pledged. While moderates and liberals within his administration struggle for dominance, and it cannot be seen yet who is winning, restive liberals believe we must have a rapid overhaul of national priorities to avoid major domestic upheaval and racial conflict.

Time undoubtedly will add substance to their case; at the moment, most Americans appear to accept the fact that halting the Vietnam war and stopping the inflation spiral will take more undivided presidential time. We agree.

Eventually, Mr. Nixon must do something more about the fact that the middle class of Americans feels overtaxed and the poor classes feel neglected.

At the moment, he may be accepting Jefferson's advice that "great innovations should not be forced on slender majorities," and a majority larger than that which elected him seems willing to go along with the President's interpretation of his mandate.

## HOUSE OF REPRESENTATIVES—Wednesday, September 3, 1969

The House met at 12 o'clock noon.

Rev. Jack P. Lowndes, pastor, Memorial Baptist Church, Arlington, Va., offered the following prayer:

*"Submit yourselves to every ordinance of man for the Lord's sake."*—I Peter 2: 13.

Accept our thanks, O God, for all that this land has given us. Realizing that Thou has provided sufficient for the needs of the human family, help us to do our part that all may share in this abundance and none go hungry or be enslaved. Keep us aware of all who are in need, near and far.

We thank Thee for the reign of law established among us by Thy faithful servants. Lead those who now have responsibility for making and enforcing laws that we with Thy help might make

it safely through the troubled waters of our time.

Help us by our thoughts, words, and actions to extend reverence for the laws that will bring a united society and a world of peace.

Our prayer is in the name of Thee, our Lord, to whom we yield final obedience. Amen.

## THE JOURNAL

The Journal of the proceedings of Wednesday, August 13, 1969, was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced

that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 11235. An act to amend the Older Americans Act of 1965, and for other purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 40. An act to authorize the Secretary of the Interior to modify the operation of the Kortes unit, Missouri River Basin project, Wyoming, for fishery conservation;

S. 73. An act to amend the act entitled "An act to authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, S. Dak.;"

S. 74. An act to place in trust status certain lands on the Standing Rock Sioux Indian Reservation in North and South Dakota;

S. 204. An act to amend the Indian Long-Term Leasing Act;

S. 210. An act to declare that certain federally owned lands are held by the United States in trust for the Indians of the Pueblo of Laguna;

S. 404. An act to provide for the construction and improvement of a certain road on the Navajo Indian Reservation;

S. 775. An act to declare that the United States shall hold certain lands in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, N. Dak.;

S. 921. An act to declare that certain federally owned land is held by the United States in trust for the Cheyenne River Sioux Tribe of the Cheyenne River Indian Reservation;

S. 1609. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands located outside the boundaries of Indian reservations in New Mexico;

S. 1768. An act to provide for the disposition of a judgment recovered by the Confederated Salish and Kootenai Tribes of Flathead Reservation, Mont., in paragraph 11, docket numbered 50233, U.S. Court of Claims, and for other purposes;

S. 2000. An act to establish the Lyndon B. Johnson National Historic Site;

S. 2540. An act to amend the Small Business Investment Act of 1958;

S. 2593. An act to exclude executive officers and managerial personnel of Western Hemisphere businesses from the numerical limitation of Western Hemisphere immigration;

S. 2816. An act to amend section 4(c) of the Small Business Act and sections 302 and 304 of the Small Business Investment Act of 1958; and

S.J. Res. 26. Joint resolution to provide for the development of the Eisenhower National Historic Site at Gettysburg, Pa., and for other purposes.

#### SUMMONS FOR THE SPEAKER TO APPEAR BEFORE THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN

The SPEAKER. The Chair, in his official capacity as Speaker of this House, has been served with a summons issued by the U.S. District Court for the Eastern District of Michigan to appear in the case of *Thomas W. Jones et al. v. Richard M. Nixon, James M. Hare, and the U.S. House of Representatives* (civil action No. 33037).

Under the precedents of the House, the Chair is unable to comply with this summons without the consent of the House, the privileges of the House being involved. The Chair, therefore, submits the matter for the consideration of this body.

#### COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works; which was read and referred to the Committee on Appropriations:

AUGUST 21, 1969.

Hon. JOHN W. MCCORMACK,  
Speaker of the House,  
The Capitol,  
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959 and

the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1969, the House Committee on Public Works on August 11, 1969, approved the following prospectuses:

Area of Fresno, California: Treasury Department, Internal Revenue Service Automatic Data Processing Center (Lease).

Detroit, Michigan: Treasury Department, Internal Revenue Service, National Data Center (Lease), with an amendment that the prospectus be hereby approved subject to the condition that the facility leased pursuant to said prospectus be located within the city limits of Detroit, Michigan.

Vicinity of Fort Monmouth, New Jersey: Army Electronics Command and Army Materiel Command (Lease).

Suffolk County, Long Island, New York: Treasury Department, Internal Revenue Service Automatic Data Processing Center (Lease).

Memphis, Tennessee: Treasury Department, Internal Revenue Service Automatic Data Processing Center (Lease).

Miami, Florida: Post Office and Courthouse (Alteration).

San Angelo, Texas: Post Office, Courthouse, and Federal Office Building (Report of Building Project Survey).

Sincerely,

GEORGE H. FALLON,  
Chairman.

#### COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works; which was read, and, together with the accompanying papers, referred to the Committee on Appropriations:

AUGUST 12, 1969.

Hon. JOHN W. MCCORMACK,  
The Speaker,  
House of Representatives,  
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of Section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Public Works has approved the work plans transmitted to you which were referred to this committee. The work plans involved are the following:

EXECUTIVE COMMUNICATION NO. 896, APPROVED  
AUGUST 11, 1969

Ohio: Pine Creek watershed.  
Oklahoma: Pryor Creek watershed.  
New Mexico: Sibley, Green, Jaralosa and Gaudier Arroyos watershed.  
Kansas: Lyons Creek watershed.  
Maryland: Piney Run watershed.  
Mississippi: Upper Leaf River watershed.  
Texas: Lakeview watershed.  
Arkansas: Lower Tri-County watershed.  
New York: Newtown Hoffman Creeks watershed.

Arkansas: Upper Tri-County watershed.  
Maine: Violette Stream watershed.  
Pennsylvania: Jacobs Creek watershed.  
Georgia: John's Creek watershed.  
Arkansas: Des Arc Bayou watershed.

Sincerely yours,

GEORGE H. FALLON,  
Chairman.

#### THE LATE HONORABLE DONALD C. BRUCE

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

Mr. JACOBS. Mr. Speaker, Donald C. Bruce, my predecessor as Representative

of the 11th District of Indiana, has on last Sunday suffered an untimely death.

Don and I disagreed on several issues, including which of us should be elected to the 88th Congress. That disagreement was resolved in his reelection to a second term from which he voluntarily retired in 1964.

In this age of far too much complacency and indifference, Don Bruce made a useful, commendable, and sincere contribution to the marketplace of ideas without which democracy cannot work.

His death at 48 is tragic. And I am sure the House joins in the sympathy of the Indiana delegation for his lovely wife, Hope, and his son, Don, and daughter, Patricia.

#### FORD MOTOR CO. ANNOUNCES REDUCED WARRANTY PERIOD

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

Mr. VANIK. Mr. Speaker, it was announced last Friday by the Ford Motor Co. that its warranty coverage beginning with 1970 models will be reduced to a flat 12-month warranty on all factory caused defects in the car regardless of mileage. It is also reported that the company will provide Ford purchasers' adjustments and services during the first 90 days after purchase.

Prospective car buyers have every reason to be irate at the effort to increase prices by reducing the outlays for warranty which were included in the prices of last year and for previous years.

Except for the price increase factor, few automobile owners will complain about the "retreat from warranty." To all but the most patient and persevering the automobile warranty has been a "myth of assurance." What value is a warranty if you have to present your automobile at the agency garage no later than 8:10 a.m. to get repair work done? What good is a warranty if getting the work done requires the loss of a car for day after day of procrastination?

Last Monday, I drove up for service at a very large official Ford agency in nearby Virginia. At 8:40 a.m. when I arrived, the service department was closed, "filled for the day." Only the early bird with several other cars has a chance for service. The next day I appeared at 8:15 a.m. and waited patiently in line until 8:50 a.m., when I was told that the quota for that day was filled. I gave up in despair and had my repairs made at a neighborhood service station. This will be my plan from here on in. When the work becomes too complex for the neighborhood gas station repairman, I will dispose of my automobile.

Automobile warranties have absolutely no value unless necessary repair can be made under reasonable circumstances. Factory-authorized service agencies which cannot provide this service should suffer a withholding of their franchise privilege. Perhaps the time has arrived for the automobile industry to franchise authorized automobile repairmen and let the car buyer make his choice of a new car from a catalog.

## TO AMEND THE OLDER AMERICANS ACT OF 1965

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 11235) to amend the Older Americans Act of 1965, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 4, line 12, after "title," insert: "Funds appropriated pursuant to the preceding sentence for the fiscal years ending June 30, 1970, and June 30, 1971, but not expended because a State did not have authority under State law to expend such funds, as determined by the Secretary pursuant to paragraph (4) of subsection (b) of this section, shall remain available as provided in such paragraph."

Page 5, after line 16, insert:

"(4) In any case in which a State does not have authority under State law to expend the full amount of its allotment under this subsection in the fiscal year ending June 30, 1970, the amount of such allotment which the Secretary determines the State did not have such authority to expend during a part of that fiscal year shall remain available to such State until June 30, 1971, subject to reallocation after June 30, 1970, in accordance with the provisions of subsection (c) of this section, except as provided by the following sentence. In any case in which a State does not have authority under State law to expend the full amount of its allotment under this subsection, including any amount available pursuant to the preceding sentence, in the fiscal year ending June 30, 1971, the amount of such allotment which the Secretary determines the State did not have such authority to expend during a part of that fiscal year shall remain available to such State until June 30, 1972, subject to reallocation after June 30, 1971, in accordance with the provisions of subsection (c) of this section."

Page 5, line 19, after "required" insert "(1)"

Page 5, line 20, after "(a)" insert "and (ii) for the purposes set forth in paragraph (4) of subsection (b)".

Page 6, line 2, strike out "the" where it appears the first time and insert "any"

Page 6, line 2, strike out "original".

Page 6, line 3, strike out "was" and insert "is"

Page 13, line 15, after "the" insert "new".

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

Mr. GROSS. Mr. Speaker, reserving the right to object, and I shall not object, would the gentleman be kind enough to explain the reference to "slightly crossing the poverty line"? Would the gentleman please explain how this operates? What is the formula for "slightly crossing the poverty line"?

Mr. PERKINS. Mr. Speaker, if the gentleman will yield, first let me state that the authorization in this bill is the same as in the bill which originally passed the House—that is \$252 million for 3 years. In answer to the question posed by the gentleman from Iowa, it is contemplated that there will be an increase in the compensation of foster grandparents by reason of social security increases. It is contemplated that, if they receive \$200, \$300 or \$400 in excess of the \$3,000 poverty figure—as will be the case in certain States—their participa-

tion in the program should not be terminated.

Mr. GROSS. The turning point is \$300 or \$400, approximately; is this what the gentleman is saying?

Mr. PERKINS. I must state to the gentleman that under the Senate amendment, the Commissioner on Aging will make this determination. I know that none of us would want to terminate program participation because the poverty level in New York City may not be the same as it is in eastern Kentucky. Even if it went \$600 or \$800 more than the \$3,000 figure, I would think this would be a reasonable determination which could be made by the Commissioner on Aging.

Mr. GROSS. But there are certain cases in which \$600 or \$800 would mean as much to an individual in Kentucky or Iowa as it would in New York; is that not true?

Mr. PERKINS. That is absolutely correct. But I think under the circumstances we will have to leave this to the discretion of the Commissioner on Aging.

Mr. GROSS. The gentleman's committee will give proper oversight to this question; will it not?

Mr. PERKINS. Yes, we will do our best.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky (Mr. PERKINS)?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

## REQUEST TO CONSIDER H.R. 13194, INSURED STUDENT LOAN EMERGENCY AMENDMENTS, 1969, UNDER SUSPENSION-OF-THE-RULES PROCEDURE ON MONDAY NEXT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that on Monday next after the conclusion of all other regularly scheduled business, it may be in order to call up the bill, H.R. 13194, the so-called guaranteed student loan legislation—and I say Monday next because many Members are not back here and I feel that all Members would like to be here and vote on the bill—and I make the unanimous-consent request that the bill come up under suspension of the rules on Monday next.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, let me say to the gentleman from Kentucky that insofar as I am concerned the gentleman has a very quick remedy for the situation in which the Committee on Education and Labor finds itself. If the gentleman from Kentucky will amend his request and ask unanimous consent that the bill be called up and considered next Monday, with consideration in the House as in Committee of the Whole, and the bill open to amendment at any point, I, for one, will have no objection to that request. Otherwise, Mr. Speaker, I must object to the present

request of the gentleman to call the bill up under suspension of the rules.

Mr. PERKINS. Mr. Speaker, let me respond by stating that I can appreciate the gentleman's viewpoint but if this bill were to be open for amendment, student unrest amendments undoubtedly would be tied to this most important legislation. This would seriously jeopardize final enactment of the legislation. I do not want in any way to jeopardize this legislation which is absolutely necessary.

If my good friend from Iowa continues to object, consideration of the bill will have to be postponed for 1 week and come up on the regular suspension day on the 15th of September.

Mr. GROSS. Mr. Speaker, the gentleman from Kentucky has his remedy. The gentleman from Kentucky surely does not want to deny the House the opportunity to work its will upon this legislation; does he?

Mr. PERKINS. Let me say to the distinguished gentleman from Iowa, there are many reasons for considering bills under suspension of the rules, and I do not view the suspension route as an attempt to deprive the House of working its will. But if we can foresee a situation where an urgently needed bill will get bogged down and never become law—which in my judgment will take place on this legislation if student unrest amendments are attached—then I think it is in the interest of the House that we take up the bill under suspension.

Mr. GROSS. In other words, to ram this down the throats of the Members of the House regardless of whether Members think the bill ought to be amended?

Mr. PERKINS. The gentleman knows this is not the case, that it is not my intention, as he well knows, the bill must receive two-thirds of the votes of the House before it can pass under suspension.

Mr. GROSS. And the gentleman suggests a two-thirds vote as a voting test on all legislation that may be controversial?

Mr. PERKINS. I am only referring to this specific piece of legislation.

Mr. GROSS. Mr. Speaker, I have no desire to continue this colloquy and I object to the request.

The SPEAKER. Objection is heard.

## CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 154]

Adair	Boggs	Corbett
Alexander	Bolling	Corman
Anderson,	Bow	Cunningham
Tenn.	Brademas	Davis, Ga.
Andrews, Ala.	Brock	Dawson
Andrews,	Brooks	Dickinson
N. Dak.	Button	Diggs
Aspinall	Cahill	Dingell
Baring	Celler	Dulski
Berry	Clawson, Del	Edmondson
Blanton	Clay	Edwards, Calif.



Eiwards, La.	Lukens	Saylor
Evans, Colo.	McEwen	Scherle
Findley	McMillan	Scheuer
Flynt	MacGregor	Sebelius
Foley	Mailliard	Sikes
Frelinghuysen	May	Snyder
Garmatz	Mills	Springer
Goodling	Morton	Steiger, Ariz.
Green, Oreg.	Myers	Steiger, Wis.
Green, Pa.	Nix	Stubblefield
Gubser	Obey	Stuckey
Hanna	O'Konski	Sullivan
Hansen, Wash.	Olsen	Symington
Hébert	Ottinger	Talcott
Holifield	Pasman	Teague, Calif.
Hoemer	Pepper	Teague, Tex.
Hungate	Pickle	Thompson, Ga.
Ichord	Pollock	Tierman
Jarman	Powell	Tunney
Joelson	Preyer, N.C.	Udall
Johnson, Pa.	Price, Ill.	Van Deerlin
Jonas	Quillen	White
Jones, Ala.	Rees	Whitten
Kirwan	Reld, N.Y.	Wilson
Kyl	Reifel	Charles H.
Landgrebe	Rivers	Winn
Lipscomb	Roberts	Wold
Long, La.	Rooney, N.Y.	Wolff
Long, Md.	Rooney, Pa.	Yatron
Lowenstein	Rosenthal	Young

The SPEAKER. On this rollcall 311 Members have answered to their names, a quorum.

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

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

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

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

There was no objection.

#### PROVIDING FOR CONSIDERATION OF H.R. 10105, MOTOR VEHICLE SAFETY ACT AMENDMENTS

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules and on behalf of the gentleman from Missouri (Mr. BOLLING), I call up House Resolution 517 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 517

*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. 10105) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970 and 1971, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, 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 Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. 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 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 recommend with or without instructions.

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

Mr. Speaker, House Resolution 517 provides an open rule with 2 hours of general debate for consideration of H.R. 10105 to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970 and 1971, and for other purposes. The resolution also provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment.

The purpose of H.R. 10105 is to extend and expand the National Traffic and Motor Vehicle Safety Act of 1966 and, as reported, is a 3-year authorization.

There is authorized for fiscal year 1970, \$23 million; for fiscal year 1971, \$35 million; and for fiscal year 1972, \$35 million; other than for the planning, designing, and construction of facilities as provided in title III. In title III, the Secretary of Transportation is authorized to plan, design, and construct facilities suitable for research, development, compliance, and other testing in traffic safety, including the alteration of existing facilities. However, no appropriation for an expenditure in excess of \$100,000 will be authorized for these facilities unless approved by the House and Senate legislative committees.

The act is amended to require that a tire manufacturer shall furnish notification of any defect relating to safety within a reasonable time after it is discovered. Also, manufacturers of motor vehicles and tires will be required to maintain records of the names and addresses of the first purchaser, other than a dealer or distributor, of the vehicle or tires produced. The bill as reported also sets forth certain requirements as to retread tires. Safety equipment covered is expanded to include headgear.

The act is amended to require the annual report on the administration of the act to include a statement of enforcement actions, including judicial decisions, settlements, or pending litigation during the preceding year.

Mr. Speaker, I urge the adoption of House Resolution 517 in order that H.R. 10105 may be considered.

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

Mr. Speaker, the purpose of the legislation is to extend and expand the National Traffic and Motor Vehicle Safety Act of 1966.

The bill extends the act for 3 years, through fiscal 1972, and authorizes \$23,000,000 for fiscal 1970 and \$35,000,000 for each of 1971 and 1972.

Additionally, the bill makes several changes in the act to resolve certain problems which have arisen in the past 3 years.

Protective headgear has been brought

within the definition now existing for motor vehicle equipment. This will permit the Secretary of Transportation to establish national standards so as to eliminate variable State standards.

The bill will also require tire manufacturers to inform first purchasers of any known safety defects, thus placing tire manufacturers in the same relative position as the auto manufacturers. The Secretary of Transportation is authorized to set out record-keeping requirements and precisely what information must be recorded and retained by the manufacturer.

Also, with respect to tires, the bill provides that after July 31, 1971, no retreaded tire of less than eight plies may be shipped in interstate commerce if the carcass of such retreaded tire was manufactured before August 1, 1968. This will give time to dealers to work off stocks. Violations will be subject to the civil penalties and injunctions already provided in the act.

Finally, title III of the act is amended by the bill to provide for planning, designing, and constructing of research and test facilities. Any such facility requiring an expenditure of over \$100,000 must have the approval of the Interstate and Foreign Commerce Committees and the Public Works Committees of the Congress.

The bill was reported unanimously by the committee. The Department of Transportation supports the legislation as does the Bureau of the Budget.

The bill is a committee substitute.

Mr. Speaker, I urge adoption of the rule.

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.

#### PROVIDING FOR CONSIDERATION OF H.R. 7621, THE CHILD PROTECTION ACT OF 1969

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 516 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 516

*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. 7621) to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes. 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 Interstate and Foreign Commerce, 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 Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. 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 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. After passage of H.R. 7621, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 1689, and it shall then be in order in the House to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the provisions contained in H.R. 7621 as passed by the House.

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

Mr. Speaker, House Resolution 516 provides an open rule with 1 hour of general debate for consideration of H.R. 7621, Child Protection Act of 1969. 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, after passage of H.R. 7621, the Committee on Interstate and Foreign Commerce shall be discharged from further consideration of S. 1689 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the provisions of the House bill.

The purpose of H.R. 7621 is to amend the Federal Hazardous Substances Act to protect children from toys and other children's articles which are hazardous due to the presence of electrical, mechanical, or thermal hazards.

The existing law defines a hazardous substance as one which is toxic, corrosive, an irritant, a strong sensitizer, flammable, radioactive, or which generates pressure through heat or other means. In 1968, the National Commission on Product Safety conducted hearings and concluded that an overwhelming number of articles appeared to constitute hazards which were not covered by existing law. The nature of these hazards took various forms and exposed children to burns, cuts, strangulation, suffocation, asphyxiation, and electric shock. Therefore, the Commission recommended this legislation which would enlarge the definition in existing law to include electrical, mechanical, and thermal hazards as to children's toys and articles.

Mr. Speaker, I urge the adoption of House Resolution 516 in order that H.R. 7621 may be considered.

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

Mr. SISK. I shall be glad to yield to my distinguished friend, the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Since the resolution from the Rules Committee is not available at the desk, would the gentleman state whether or not the rule is an open rule and whether it waives points of order?

Mr. SISK. If I may say to my colleague, I am sorry, I should have said that it

provides for a 1-hour open rule with no waiver of points of order. It is a straight open rule and will be open for amendment.

Mr. GROSS. I thank the gentleman. Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by the gentleman from California (Mr. SISK), House Resolution 516 does provide for an open rule with 1 hour of general debate for the consideration of H.R. 7621, the Child Protection Act of 1969.

As stated by the distinguished gentleman from California, the purpose of the bill is to amend the Federal Hazardous Substances Act in order to bring within the purview of the act several new categories of dangerous toys.

Existing law defines a hazardous substance. To this current definition the bill adds and defines electrical, mechanical, and thermal hazards as they exist in children's toys now on the market.

By thus including these terms in the definition of hazardous substances additional items are made subject to the terms of the act and are subject to regulation and control.

Under the act the Secretary of Health, Education, and Welfare is authorized, after procedures set forth in the act, to classify such items as a "banned hazardous substance" which would exclude it from the interstate market.

Two categories are set forth in the act. Items which are "banned hazardous substance" and may not be marketed in interstate commerce, and a "hazardous substance," which may be marketed if it is properly labeled.

The Secretary of Health, Education, and Welfare in classifying an article or toy as a banned hazardous substance must give notice of his intention and must give interested parties a chance to comment. The issuance of regulations banning the substance becomes final unless a person adversely affected files timely objections. Hearings are then required to be held, and on the basis of the record, the Secretary makes his determination.

Under the bill, if the Secretary finds that a child's article or toy is imminently dangerous, he may ban it from interstate commerce pending the outcome of the administrative determination.

Finally, if a banned hazardous substance is sold at retail, the seller must repurchase the item and, in turn, can return it to the distributor or manufacturer, who must repurchase it.

The administration of this legislation will be handled by the Food and Drug Administration within the Department of Health, Education, and Welfare. Cost of the program is estimated at \$448,000 in fiscal 1970, \$2,571,000 in 1971, \$1,330,000 in 1972, \$1,305,000 in 1973 and 1974.

The Department of Health, Education, and Welfare supports the reported bill, which contains several suggested amendments. The bill was reported unanimously.

The bill is a committee substitute.

Mr. Speaker, I urge adoption of the rule.

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.

#### PROVIDING FOR CONSIDERATION OF H.R. 12085, TO AMEND THE CLEAN AIR ACT TO EXTEND THE PROGRAM OF RESEARCH RELATING TO FUEL AND VEHICLES

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, and on behalf of the gentleman from New York (Mr. DELANEY), I call up House Resolution 518 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 518

*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. 12085) to amend the Clean Air Act to extend the program of research relating to fuel and vehicles. 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 Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, 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 amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill. 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. After the passage of H.R. 12085, it shall be in order in the House to take from the Speaker's table the bill S. 2276 and to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the provisions contained in H.R. 12075 as passed by the House.

The SPEAKER pro tempore. The gentleman from California (Mr. SISK) is recognized for 1 hour.

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 518 provides an open rule with 1 hour of general debate for consideration of H.R. 12085 to extend section 104 of the Clean Air Act. After passage of H.R. 12085, it shall be in order to take S. 2276 from the Speaker's table and move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

The purpose of H.R. 12085 is to amend the Clean Air Act to extend for 1 year the authority in the act which relates to research and development in the prevention and control of air pollution resulting from the combustion of fuels.

The will as reported will permit the funding of research programs under section 104 authority in the amount of \$18.7 million. Funds made available under section 104 can remain available until expended. This flexibility is extremely use-

ful in the planning and scheduling of large-scale research and development and demonstration projects.

This program has covered the following concepts:

First, advanced control systems for hydrocarbon and carbon monoxide from automobile engines;

Second, systems for control of oxides of nitrogen from automobiles;

Third, unconventional engines for passenger cars and buses;

Fourth, systems for control of particulates, especially lead, in exhaust;

Fifth, alternate fuels;

Sixth, understanding of diesel order and evaluation of control feasibility; and

Seventh, development of control concepts for lesser vehicle sources such as aircraft, small engines, and off-highway vehicles.

In the long run, a fully successful effort to restore clean air to the Nation's cities and towns will depend on the development and application of new and better techniques. Toward this end, both government and industry must pursue and intensify their research and development activities.

Mr. Speaker, I urge the adoption of House Resolution 518 in order that H.R. 12085 may be considered.

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

Mr. Speaker, House Resolution 518 is for a 1-hour open rule, no waiver of points of order, for the consideration of H.R. 12085, which extends section 104 of the Clean Air Act.

Mr. Speaker, the purpose of the bill is to extend for 1 year, through fiscal 1970, the authority contained in section 104 of the Clean Air Act. This authority relates to research, demonstration projects, and development in the field of prevention and control of air pollution resulting from combustion of fuel, primarily as used in motor vehicle engines.

The bill does not increase the amount budgeted by the administration for the program and, strictly speaking, an extension of section 104 is not absolutely necessary for the continuation of work in the general field. Under section 309 of the Air Quality Act, budgeted funds could be appropriated for these general purposes. However, the committee believes it desirable to extend section 104 of the Clean Air Act to reemphasize the commitment of the Government to the decrease of air pollutants emitted by motor vehicles. Additionally, the committee points out that funds made available under section 104 remain available until expended. This is extremely useful in long-term planning and development work.

The bill authorizes \$18,700,000 for use on section 104 projects, which is part of the overall budgetary amount of \$95,800,000 presently pending before Congress.

The committee notes the considerable efforts being made by the automobile industry to reduce air pollution by motor vehicles. However, since there is no economic incentive within the industry to develop pollution-free automobiles, the

committee believes research should be conducted outside the industry, both with respect to control of air pollutants and with respect to vehicle propulsion systems other than internal combustion engines.

There are no minority views. The Department of Health, Education, and Welfare has submitted a letter which supports its earlier testimony in favor of the bill.

Mr. Speaker, I urge adoption of the rule.

#### TRACTOR SAFETY AMENDMENT

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

Mr. STRATTON. Mr. Speaker, I take this time simply to advise the Members of the House that in connection with the bill, H.R. 10105, the amendments to the National Traffic and Motor Vehicle Safety Act of 1966, I propose to offer an amendment to amend the basic act, to provide for the setting of certain standards to cover safety with regard to tractors.

I noticed in the press this morning that Mr. Ralph Nader had released a report with regard to fatalities in tractors. Unfortunately, he did not mention in his report that I had introduced legislation dealing with this matter last January. I have been researching it carefully for some time, and as a matter of fact one of his assistants, I think popularly known as one of Nader's raiders, stopped by my office some weeks ago to get a look at our files and our legislation and the recommendations that he has made in his report are very similar to those contained in my basic legislation.

Primarily, what we would do would be to require tractors to have roll bars and also seat belts. More than 1,000 lives are lost each year from tractor accidents. Just in the 2½ weeks that I was back in upstate New York in my district during the recess, there were eight tractor fatalities in that area.

Mr. Speaker, this is an urgent problem. I do not think it needs to be studied any longer. We have had detailed studies by the American Society of Agricultural Engineers as well as other qualified research groups and I think it is time now for us to act. Therefore, I intend at the proper time, Mr. Speaker, to offer this tractor safety amendment to the bill, H.R. 10105.

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.

#### MOTOR VEHICLE SAFETY ACT AMENDMENTS

Mr. STAGGERS. 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. 10105) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970 and 1971, and for other purposes.

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. 10105, with Mr. DADDARIO 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 West Virginia (Mr. STAGGERS) will be recognized for 1 hour and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 1 hour.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, this bill is an extension of and an amendment to the original act of 1966 known as the National Traffic and Motor Vehicle Safety Act.

I think most Members of the House are familiar with the provisions of that act. We think H.R. 10105 is a good bill and I want to commend the subcommittee and the chairman of the subcommittee, the gentleman from California (Mr. Moss), for holding the hearings and bringing out this bill. There were 7 days of hearings, and the bill was reported to the full committee unanimously. Some changes were made in the full committee, and then it was reported out of the full committee unanimously.

Mr. Chairman, the original Motor Vehicle Safety Act authorized appropriations for a 3-year period at \$11, \$17, and \$23 million, respectively. We are recommending a 3-year extension of those authorizations at \$23, \$35, and \$35 million, respectively.

The committee feels that we must do everything within our power to head off the tragic slaughter on the highways. Deaths and injuries continue to climb and last year as the committee report shows, total fatalities reached the figure of 55,500.

In addition to renewing the money authorizations, the committee added a provision to bring protective helmets and headgear within the definition of motor vehicle equipment, enlarged the requirements for transmission of performance and technical data from manufacturers to the public, established a requirement for notification of tire defects similar to that existing as to motor vehicle defects, increased the requirements of the annual report which the Secretary of Transportation must make, provided for cutoff dates for retreaded tires and carcasses, and amended title III of the act to authorize the planning, designing, and constructing of research and test facilities.

We recognize that the language on pages 5 and 6 of the reported bill, line 23 on page 5 to line 21 on page 6 will have to be changed because under the Department of Transportation's regulations the August 1, 1968, date applies only to what the Department calls passenger tires. The Department can and should have standards for all tires.

A floor amendment in place of the language just referred to will be offered.

I believe that you are all well acquainted with this program and so far as I

know everyone is in agreement that we must exert increased efforts to achieve a higher degree of motor vehicle safety.

All relevant ideas as well as techniques and equipment should be explored. During the recess, a young businessman from my district, Mr. Abraham Goldsworthy, of Keyser, W. Va., came to me with an idea that deserves the attention of the Secretary and his employees in the National Highway Safety Bureau. Mr. Goldsworthy pointed out that during the recent Apollo 11 moon shot, traffic accidents showed a marked decrease because so much of the population stayed out of their cars and off the highways so that they could watch the moon shot. He suggested that particularly on the long weekends when so many take to the highways, such as this recent Labor Day weekend where the National Safety Council reported 589 traffic deaths, special programs could be transmitted such as first-run movies or key sports affairs which would tend to limit the numbers of people who would take to the roads for their holiday. I do not know that this would save one life, 40 lives, or 50 lives, but I believe that it is an idea which the Secretary can profitably pursue in his work and with other departments and agencies in the Government.

Finally, I believe that this legislation is drafted in the public interest and is entitled to the unanimous support of the Members of the House.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Chairman, as the chairman of the committee has outlined in his description of this legislation, we are amending the National Traffic and Motor Vehicle Safety Act which we passed 3 years ago. In the committee hearings it became evident that additional legislation was needed, particularly as it pertained to tires and their retreading. The legislation before us faces up to that problem and recognizes also the need for test facilities.

In this regard we had a jurisdictional problem in that, as we all know, automobile accidents are caused first, through faulty driving and second, through faulty equipment. The jurisdiction insofar as highway safety is concerned is largely in the hands of the Committee on Public Works, and the jurisdiction insofar as the safety of equipment is concerned is largely in the hands of the Committee on Interstate and Foreign Commerce.

To insure that wasteful duplication of facilities does not occur as a result of this split jurisdiction and to guarantee that all the various aspects of a proposed project are considered, section 7 of this bill allows for separate review of these projects by the appropriate committees. Then the Appropriations Committee will consider the budget request. In this way, Congress will exercise the appropriate oversight of the construction or alteration of facilities.

Other than this jurisdictional problem there is nothing unique about this legislation. Your Committee on Interstate and Foreign Commerce held hearings for an extended period of time. We heard

industry and Government witnesses. We won the support of interested parties for the bill. The subcommittee reported the legislation to the full committee, where it was unanimously accepted, and we have the bill before us today.

I concur in the conclusions which have been reached by the committee and which have been related to the Members by our chairman, and I urge passage of this legislation.

Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. HARVEY).

Mr. HARVEY. Mr. Chairman, I wholeheartedly support the extension of this legislation once again.

However, Mr. Chairman, I do have some concern with the report that our committee filed and what appears to me to be an ambiguity in the report. For just one moment, if I may, I would like to have the attention of the chairman of the committee in this particular regard.

This legislation, as the chairman mentioned, extends the definition of motor vehicle equipment to include protective headgear.

The language we first considered in our subcommittee was very broad language. It would have included, as I recall, gloves and all sorts of paraphernalia; but we restricted that language and limited it specifically to protective headgear.

As I understood the purpose of our action at that time, we were permitting the Secretary of Transportation to issue standards for helmets for motorcyclists, period, and that was it.

As I read the report, on page 15, there is discussed the justification for this redefinition, and this is essentially what is said.

Reading from the top line of page 15, it says:

Section 4 of the proposed bill concerns motorcyclist headgear.

Throughout that page 15 we discuss motorcyclists' headgear. However, then, when we go back to page 5 of the report, there is language which concerns me. At the bottom of page 5 of the report we seem to go much beyond that. I refer to the section entitled "Helmets and Headgear" and the second sentence near the bottom of the page, which starts out:

As a result of the hearings, the committee determined that this rather far-reaching change did not appear to be justified except in the case of protective helmets or headgear for use by drivers of, and passengers on or in, motor vehicles.

This of course is the language in the amendment we are considering. Nevertheless, there is at least some inference here that we go beyond headgear for motorcyclists and that we may possibly be talking about headgear for passengers or drivers of trucks or passenger cars.

I just want to make clear that this was not my intention in voting on this bill, and I certainly cannot conceive of it being the intention of any of the subcommittee members who voted for it, nor do I believe of any member of the committee.

As page 15 says, we were talking about headgear for motorcyclists, and that is it.

I should like to ask our distinguished

chairman if he concurs in this regard, and I yield to the gentleman.

Mr. STAGGERS. In response to the gentleman from Michigan, I certainly concur in everything he has said. I tried to make this clear in my statement, that this deals with just the motorcycle equipment, but if a person wanted to use one of these in a car there is nothing to hinder him from using it.

I believe I made the statement there is nothing in this bill that authorizes the Secretary to require these to be used. This is left up to the States. The last line says:

This amendment does not authorize the Secretary to require the use of these helmets or headgear.

I mentioned in my first statement, this is left up to the States; 39 States have laws. In one of those States the court has declared this unconstitutional. We do not know what is going to happen.

In talking with the subcommittee chairman and others, as to their intent, it was the fact that if we are to have headgear or helmets we want them to be safe. We want them to have standards so that they will not have something they cannot rely on or that would be substandard.

Mr. HARVEY. I thank the chairman for his explanation. I should like to ask one other question.

I believe on this basis the gentleman would agree with me that under existing law and existing standards if the Secretary were to require the use of headgear in passenger cars or trucks that certainly would be an abuse of discretion.

Mr. STAGGERS. Yes. He cannot do it under existing law.

Mr. HARVEY. I thank the chairman.

Mr. Chairman, once again I say I wholeheartedly support the extension of this legislation.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. MOSS), the chairman of the subcommittee.

Mr. MOSS. Mr. Chairman, there are several sections of this bill which have been criticized in nationally syndicated columns as representing a weakening of proposals originally brought before the committee. I want to make it abundantly clear that this is not in any sense a weakened piece of legislation.

One of the items criticized has been the striking of a fixed dollar amount appropriated for the construction of a test facility. The reason we resorted to the language providing for facilities to be planned and then submitted to the committee or the committees—and that includes the Committee on Public Works—was because of the fact that the department was unable to give us the precise type of facility or to describe to our satisfaction the type of facility it intended to construct. There was a very serious question of jurisdiction raised because it would be both a highway and an auto safety testing facility. So, after consultation with the very distinguished chairman of the Committee on Public Works—and this consultation included the ranking minority members in both instances—it was determined that



the pattern followed here, which has precedent in law in at least two other instances, would be more appropriate and would give the Congress a stronger voice in determining precisely the types of testing facilities which would be constructed.

Later on I will offer an amendment which will be criticized as a weakening amendment dealing with retreading, but again I wish to make it clear that that is offered because the department has not during the past 2 years obeyed the law. When we passed the original tire safety section we required the department to formulate standards for motor vehicle tires. The department promulgated standards for some tires for passenger cars. Therefore the strong language which we had intended to use to cover the retreading industry had to be set aside in recognition of the reality existing. So this amendment will propose to give the Secretary authority to promulgate appropriate regulations covering carcasses for recapping.

I think this is an excellent bill. I think it represents a forward step. I would urge the Department to become a little more vigorous in promulgating its rules and regulations so that we continue to improve the environment in which all of us ride from time to time when we are passengers in an automobile.

I have heard the story of the fact that drivers cause accidents, and I do not challenge that they do, but I also know that usually one driver is far more responsible for the accident than the other, and frequently is totally responsible. And, so, about one-half of the people involved in accidents are not the drivers of motor vehicles. I am also aware of the fact that there is a second collision that occurs in every accident and that is the collision of the passenger inside that vehicle. The type of environment in which he rides can to a large extent determine whether he lives or dies, whether he is horribly crippled, or whether he is safe.

Mr. Chairman, I hope the Committee adopts the bill as reported by the Committee on Interstate and Foreign Commerce.

Mr. TIERNAN. Mr. Chairman, I rise in support of H.R. 10105 which would amend the Motor Vehicle Safety Act. The magnitude of the highway safety problem, and its tendency to outstrip efforts to find solutions, was made clear over this past holiday weekend when 590 lives were lost on our Nation's highways. At this present rate of highway carnage, we will have killed more than 2 million people on our highways over the next 40 months. Clearly more steps need to be taken in order to impede this tragic waste of life.

Data from the National Highway Safety Bureau has shown that 18 percent of the tires they tested for compliance with the minimum safety standards failed one or more of the tests. One can only assume from these figures that there must be thousands of tires being sold today which do not meet the minimum safety standards.

One of the difficulties in recalling defective tires has been the inability of the manufacturer to notify the tire pur-

chasers of any defects. H.R. 10105, however, would require that the manufacturer keep records of names and addresses of tire purchasers in order to notify these buyers of safety related defects. These names will be fed back to the manufacturers from dealers around the country and when recall is necessary, the manufacturer can quickly retrieve the names and addresses of the customers who are affected. In this way the burden will be placed where it belongs, upon the tire manufacturer.

This bill is a significant step toward closing the gap in the area of highway safety. I urge my colleagues to join with me in support of H.R. 10105.

Mr. KEITH. Mr. Chairman, I have no further requests for time.

Mr. FEIGHAN. Mr. Chairman, a startling editorial appeared in the Cleveland Plain Dealer on August 23, 1969, which stated that—

Cleveland has the worst traffic death safety record in the nation among cities in its population classification. For the first six months of the year, the records show Cleveland had 82 traffic deaths, up 41 percent from last year. By yesterday morning the total was 102, compared to 76 at the same date last year.

This devastating increase, despite apparent efforts made to promote safety under the provisions of the National Traffic and Motor Vehicle Safety Act of 1966, is reflected in traffic accident and death tolls throughout our country. Therefore, whatever measures we are able to take leading to a lessening of the peril on our streets and highways should be high on our list of national priorities. We are losing more lives in the war we wage on the highways than those incurred on our battlefields and yet we read of no demonstrations organized to protest this great loss to humanity. There cannot possibly be any justification for the skimping of funds in the development of safety devices when the current deplorable conditions are a threat to everyone who uses the roads of our great Nation.

H.R. 10105 would amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970 and 1971. Although strides have been made in establishing standards for vehicles which would increase safety potential, it should be obvious that new and better techniques are essential if we hope to eliminate the need for sensational traffic statistics in the headlines.

One of the promising lifesaving devices mentioned in the committee report is the air bag restraint system which inflates at the moment of impact and cushions the vehicle occupants as they are propelled forward. Tests have indicated that with this device passengers may walk away virtually unharmed from collisions at up to 60 miles per hour. An article by Robert W. Irvin which appeared in the Washington Post of August 24, 1969, reports that the Ford Motor Co. hopes to pioneer the air bag system in 1971. This is to be installed in limited quantities at first, however, and predictions are that the device will not come into widespread use for several more years.

If we hope to promote safety through

this and other new devices, we are called upon to act now. I request my colleagues to join with me in urging immediate and increased attention to this priority issue and support H.R. 10105.

Under leave granted, the following referred-to articles read as follows:

[From the Cleveland Plain Dealer, Aug. 23, 1969]

#### TRAFFIC SURVIVAL

To paraphrase a cliché, everybody talks about traffic safety but nobody does anything about it. Well, practically nobody. A natural exception is the Greater Cleveland Safety Council whose president, Common Pleas Judge August Pryatel, reminds drivers and pedestrians that safety really is everybody's business.

Judge Pryatel is prompted by sickening statistics which show Cleveland has the worst traffic safety record in the nation among cities in its population classification. For the first six months of the year, the records show Cleveland had 82 traffic deaths, up 41% from last year. By yesterday morning the total was 102, compared to 76 at the same date last year.

Through the month of June, San Francisco's traffic death total was down 9% from 1968 and that's the kind of performance to emulate. All it takes is obedience of police traffic regulations. Signs and warnings are worthless if drivers and pedestrians ignore them. So safety in traffic becomes a matter of individual concern as well as stepped-up enforcement.

[From the Washington Post, Aug. 24, 1969]

#### AIR BAG CAR SAFETY DEVICE SLATED FOR 1971 MERCURY TEST

(By Robert W. Irvin)

The Ford Motor Co. hopes to pioneer an air bag safety device in 1971.

One program calls for installing the device first on the '71 Mercury Marquis. That would be the initial test of the system in a production automobile. It would add an estimated \$50 to \$100 to the car's \$4,000-plus cost.

The air bag is expected to be the device which will eventually replace many of the safety belts which now clutter up the inside of a car and are shunned by many motorists. It would make shoulder belts obsolete.

In an accident, the air bag inflates in the twinkling of an eye.

It pops out of the instrument panel or steering wheel and the cushion of air keeps a person from crashing forward.

The unit, on which Ford and Eaton Yale & Towne have been working since 1967, will initially be used only to protect the front-seat passenger, and the shoulder belts will be left in the car. One reason is that the federal auto safety standard which requires the shoulder belts would have to be changed before they can be removed.

Actually, the National Highway Safety Bureau has proposed that a regulation be written requiring the device not later than Jan. 1, 1972. The bureau will hold a hearing in Washington next Wednesday and Thursday to get the views of auto companies and other interested parties on the proposal. And it has set a Sept. 24 deadline for written comments.

Transportation Secretary John Volpe says he expects to see the device showing up on the first cars in 1971 and to be in widespread use the following year.

The device was tested first on baboons at Holloman Air Force Base in New Mexico in 1967. Since then it's been tested on dummies in simulated car crashes at automotive proving grounds.

The bag is triggered by an impact at 8 m.p.h. and inflates in three one-hundredths of a second. It deflates in one-half second. This is what helps cushion the car occupant. The device is said to be able to protect people

in crashes at speeds up to 40 m.p.h. better than safety belts. The baboons lived through tests simulating crashes of over 50 m.p.h.

A small explosive charge triggers the inflation of the bag. There had been fears the noise would injure eardrums. But tests have shown this is not the case. In fact, those who have had the bag inflated in front of them say they don't even notice the noise because the device is inflated so fast.

However, in the production version the sound is not quite so loud and the blow from the inflating bag is not as hard.

While those working on it believe the design is fail-safe and won't go off accidentally, the company is going to move cautiously in putting it on cars. That's why initially it will be installed on only one series—the Mercury Marquis—and only in front of the passenger, not the driver.

The company wants the same type of experience installing this device as it got with the anti-skid braking system. That was an option on the 1969 Continental Mark III. For 1970, it will be standard on the Mark III and optional on the Lincoln cars.

Prospects that the air bag will be in widespread use in a couple of years explain why little has been done to improve the present seat belt system.

Mr. BIAGGI. Mr. Chairman, I appreciate this opportunity to make a statement indicating my strong support of H.R. 10105, a bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970, 1971, and 1972, and for other purposes.

The National Traffic and Motor Vehicle Safety Act, which became law in 1966, has been an important piece of legislation. We are now beginning to feel the results. That act has led to the establishment of motor vehicle standards which have demonstrably saved many lives and reduced injuries. Notable among these achievements are the energy-absorbing steering column, improved windshields, and safety belts and harnesses. Unfortunately, motor vehicle deaths continue to rise. Last year 55,500 persons died on the highways, but this alarming and depressing figure for 1968 would be even higher if it were not for the program authorized by the National Traffic and Motor Vehicle Safety Act of 1966.

I feel that further and increased efforts to alleviate this national tragedy are fully warranted. The motor vehicle safety program needs to be larger in terms of manpower and facilities to head off the highway slaughter epidemic.

The initial standards which were promulgated by the National Highway Safety Bureau were based on standards that were in existence at the time the law was passed. Later standards which have been issued concern comparatively simple features. There are innumerable areas of vehicle safety of increasing degrees of complexity which must be explored.

I urge the automotive industry as well as the Department of Transportation to proceed as swiftly as possible to implement all improvements which are designed to prevent injuries and death. In order to carry this necessary work forward, I earnestly hope that my esteemed colleagues will join me in support of this worthwhile piece of legislation.

Mr. HALPERN. Mr. Chairman, I wish to declare my firm support for H.R. 10105 which extends and expands the

National Traffic and Motor Vehicle Act of 1966.

The matter of automobile safety is a primary concern to all Americans. Traffic deaths and injuries to this Nation are more costly in human life and suffering than either war or crime. In fact, automobile accidents have taken more American lives than all our Nation's wars.

Highway accidents are the third most common cause of death of youngsters between the ages of 1 and 4, the second most common for 5- to 14-year-old children and the cause of more deaths among those 15- to 24-year-old age group than the combined total of the next five categories.

The National Traffic and Motor Vehicle Act of 1966 was enacted to reduce traffic deaths and injuries. No doubt the establishment of this act has saved many lives and prevented injuries. However, efforts in traffic safety have been handicapped by budget cuts.

In hearings before the Committee on Interstate and Foreign Commerce on H.R. 10105, witnesses for the Department of Transportation made a convincing case for an expanded traffic safety program that would be large enough in terms of manpower and facilities to significantly reduce highway deaths. H.R. 10105 authorizes the money badly needed to continue and expand the traffic safety program.

It is imperative that traffic safety receive highest priority. The 55,500 persons killed and 4½ million persons injured in traffic accidents in 1968 is several times the number of soldiers killed and wounded in Vietnam. I urge that H.R. 10105 be adopted to curtail this senseless slaughter of Americans on the highway.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended by adding at the end thereof the following new subsection:

"(c) There is authorized to be appropriated for the purposes of carrying out this Act, other than title III, not to exceed \$23,000,000 for the fiscal year 1970, \$35,000,000 for the fiscal year 1971, and \$35,000,000 for the fiscal year 1972."

Sec. 2. Section 102(4) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391(4)) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and any protective helmet or headgear manufactured, offered for sale, or sold for use by drivers of, and passengers on or in, motor vehicles."

Sec. 3. The second sentence of subsection (d) of section 112 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1401) is amended to read as follows: "The Secretary is authorized to require the manufacturer to give such notification of such performance and technical data as the Secretary determines necessary to carry out the purposes of this Act—

"(1) to each prospective purchaser of a motor vehicle or item of equipment before its first sale for purposes other than resale; and

"(2) to the first person who purchases a motor vehicle or item of equipment for purposes other than resale, at the time of such purchase."

Sec. 4. (a) Section 113(a) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1402) is amended by inserting immediately after "Every manufacturer of motor vehicles" the following: "or tires".

(b) The first sentence of subsection (d) of section 113 of such Act is amended by inserting immediately after "Every manufacturer of motor vehicles" the following: "or tires".

(c) Section 113 of such Act is further amended by adding at the end thereof the following:

"(f) Every manufacturer of motor vehicles or tires shall maintain records of the names and addresses of the first purchaser (other than a dealer or distributor) of motor vehicles or tires produced by that manufacturer. The Secretary may establish, by order, procedures to be followed by manufacturers in establishing and maintaining such records. Such procedures shall be reasonable for the particular type of motor vehicle or type of tires for which they are prescribed. With respect to a tire marketed under a brand name not owned by the manufacturer of the tire, the brand name owner shall maintain the records otherwise required of the manufacturer by this subsection, and shall give any notification required by this section of the manufacturer whenever he is furnished such a notification by the manufacturer, and for the purposes of section 112(c) of this Act, such brand name owner shall be deemed a manufacturer.

"(g) For the purpose of this section, the term 'manufacturer of tires' includes, in the case of retreaded tires, the retreader."

(d) The amendment made by subsection (b) of this section shall take effect on the date of enactment of this Act. The amendments made by subsections (a) and (c) of this section shall take effect on the one hundred and eightieth day after the day of enactment of this Act unless the Secretary of Transportation finds, for good cause shown that a later effective date is in the public interests and publishes his reasons for such finding, except that such later effective date shall not be more than one year after the date of enactment of this Act.

Sec. 5. Subsection (a) of section 120 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1408) is amended by striking out "and (8)" and inserting in lieu thereof the following: "(8) a statement of enforcement actions including judicial decisions, settlements, or pending litigation during such year; and (7)".

Sec. 6. Title II of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by adding at the end thereof the following new section:

"Sec. 206. (a) No person shall sell, offer for sale, or introduce for sale or deliver for introduction in interstate commerce after July 31, 1971, any retreaded tire of less than eight plies if the carcass of such tire was manufactured before August 1, 1968.

"(b) No person shall sell, offer for sale, trade, or introduce for sale or trade, or deliver for introduction in interstate commerce after January 1, 1971, any tire carcass of less than eight plies for the purpose of retreading such carcass if such tire carcass was manufactured before August 1, 1968.

"(c) No person shall sell, offer for sale, or introduce for sale or deliver for introduction in interstate commerce after July 31, 1972, any retreaded tire of eight or more plies if the carcass of such tire was manufactured before August 1, 1968.



"(d) No person shall sell, offer for sale, trade, or introduce for sale or trade, or deliver for introduction in interstate commerce after January 1, 1972, any tire carcass of eight or more plies for the purpose of retreading such carcasses if such tire carcasses was manufactured before August 1, 1968.

"(e) Violations of this section shall be subject to civil penalties and injunctions in accordance with sections 109 and 110 of this Act."

SEC. 7. Title III of the National Traffic and Motor Vehicle Safety Act of 1966 is amended to read as follows:

**"TITLE III—RESEARCH AND TEST FACILITIES"**

"Sec. 301. (a) The Secretary of Transportation is authorized to plan, design, and construct (including the alteration of existing facilities) facilities suitable to conduct research, development, and compliance and other testing in traffic safety (including highway safety and motor vehicle safety), except that no appropriation shall be made for any such planning, designing, or construction involving an expenditure in excess of \$100,000 if such planning, designing, or construction has not been approved by resolutions adopted in substantially the same form by the Committees on Interstate and Foreign Commerce and on Public Works of the House of Representatives, and by the Committees on Commerce and on Public Works of the Senate. For the purpose of securing consideration of such approval the Secretary shall transmit to Congress a prospectus of the proposed facility including (but not limited to)—

"(1) a brief description of the facility to be planned, designed, or constructed;

"(2) the location of the facility, and an estimate of the maximum cost of the facility;

"(3) a statement of those agencies, private and public, which will use such facility, together with the contribution to be made by each such agency toward the cost of such facility; and

"(4) a statement of justification of the need for such facility.

"(b) The estimated maximum cost of any facility approved under this section as set forth in the prospectus may be increased by the amount equal to the percentage increase, if any, as determined by the Secretary, in construction costs, from the date of the transmittal of such prospectus to Congress, but in no event shall the increase authorized by this subsection exceed 10 per centum of such estimated maximum cost."

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read, open to amendment at any point, and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

**AMENDMENT OFFERED BY MR. MOSS**

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

The Clerk read as follows:

Amendment offered by Mr. Moss: On page 6, strike out line 23 and all that follows down through and including line 21 on page 6, and insert in lieu thereof the following:

"Sec. 206. The Secretary shall, not later than one year after the date of enactment of this section, establish safety standards under title I of this Act setting limits on the age of tire carcasses which can be retreaded. Such standards shall establish varying age limits for such carcasses based on the extent to which the carcass was designed and constructed to be retreaded, the rate of deterioration of the materials in such tire, and

such other factors as he determines necessary to carry out the purposes of this Act."

Mr. MOSS. Mr. Chairman, this is the amendment I mentioned in my earlier remarks. It is made necessary because of the failure of the Department to promulgate regulations governing all types of tires. To set a date and try to do it by size is not a practical approach to the problem. The committee gave considerable thought to this matter. This has been discussed, I might add, with the retreaders and it is acceptable to them.

I know of no opposition to it and I would urge adoption of the amendment.

Mr. KEITH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I too, support the amendment which the gentleman from California has introduced.

Until now, the Department of Transportation has set no standards to require that bus or truck tires be labeled as to the date of their manufacture. As a result, there is presently no way to tell how old the tire carcasses are or whether retreading would be safe.

The amendment of the gentleman from California (Mr. Moss) would require that the Secretary of Transportation set standards on the possible age limits of tire carcasses. These standards—far from being arbitrary or general in nature—would be based on the design of the carcass, the materials used, and other factors which vary with the manufacturer and the product.

In an industry where the problems are so diverse and the requirements of different areas so varied, allowance has to be made for these differences. Mr. Moss' amendment, instead of applying one general standard or rule, would allow the Transportation Department to work out these problems with the industry.

Mr. Chairman, since this amendment would be another step toward insuring tire safety—and auto safety in general—I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Moss).

The amendment was agreed to.

**AMENDMENT OFFERED BY MR. SMITH OF IOWA**

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa: On page 8, after line 13 and before the paragraph beginning "Amend the title," etc., insert the following:

"Sec. 8. (a) The Secretary of Transportation is hereby authorized to prepare and to submit to the Congress no later than April 1, 1970, a report on the extent, causes and means of prevention of agricultural tractor accidents on both public roads and farms. In addition to such other information as he deems appropriate, the Secretary shall include in the report—

"(1) an estimate, based on the best statistical information available, of the number of deaths and injuries resulting annually from agricultural tractor accidents;

"(2) an identification of the primary causes of agricultural tractor accidents, including consideration of the hazards most likely to cause death or injury; and

"(3) specific recommendations on means of preventing the occurrence of, and reducing the severity of injuries resulting from, agricultural tractor accidents, including such

legislative proposals as the Secretary determines are needed.

"(b) In formulating the recommendations to be submitted to the Congress, the Secretary shall give careful consideration to the advisability of establishing uniform Federal safety standards in the design and manufacture of all agricultural tractors sold in interstate commerce, requiring the installation on such tractors of safety devices, and providing assistance to the States in developing accurate reporting procedures for accidents involving such tractors.

"(c) In order to facilitate the prompt completion of this report, officials of other Federal departments or agencies shall make available to the Secretary, upon his request, any data or information in their possession relating to agricultural tractor accidents and shall otherwise provide assistance."

Mr. SMITH of Iowa. Mr. Chairman, I want to commend the members of the committee for the legislation they have brought before us today, and also for the work they did in 1966 on highway safety legislation. I think they are entitled in great measure to part of the credit for a reduction in highway fatalities in this country.

However, Mr. Chairman, agricultural tractor accidents remain about twice as high as automobile accidents for the number of miles traveled. I do not know all the answers to this problem, and I do not believe that anyone else does. There have been a number of theories, some of them are disputed or controversial, but undoubtedly there would be enough statistics available by soliciting them from the various States and from other sources, so that a report could be made so that we could better determine the causes, and secure some of the statistics and facts that are necessary so that the committee could better determine whether further legislation is needed in the form of standards, and so forth, with regard to agricultural tractors.

Mr. Chairman, this amendment authorizes the Secretary to make such a report, to gather the statistics together, and make his recommendations to the Congress by next April 1 so that we may have the benefit of that report upon which to base conclusions as to the need for further action.

Mr. Chairman, I urge the adoption of the amendment.

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

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

Mr. HARVEY. Mr. Chairman, I just want to congratulate the gentleman from Iowa on offering the amendment, and to say that I support the amendment. I believe it is a very appropriate thing for the Secretary to do to conduct a study in this field, and I believe that there is much worth while that can be accomplished through such a study in that regard.

Again, Mr. Chairman, I support the amendment offered by the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I thank the gentleman for his support.

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

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

Mr. MOSS. Mr. Chairman, I thank the gentleman for yielding, and I wish to congratulate the gentleman on the approach that he has taken in this amendment and I fully support the amendment.

Mr. SMITH of Iowa. Mr. Chairman, I thank the gentleman.

I yield back the balance of my time.

SUBSTITUTE AMENDMENT OFFERED BY  
MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. In the nature of a substitute for the amendment offered by the gentleman from Iowa (Mr. SMITH)?

Mr. STRATTON. That is correct; a substitute for the amendment offered by the gentleman from Iowa.

In fact, Mr. Chairman, I have two amendments and I ask unanimous consent that they may be considered en gros.

The CHAIRMAN. Is the gentleman offering the amendments—

Mr. STRATTON. I am offering them as a package, Mr. Chairman.

The CHAIRMAN. Is the gentleman offering both of the amendments as an amendment in the nature of a substitute for the amendment offered by the gentleman from Iowa (Mr. SMITH)?

Mr. STRATTON. That is correct, Mr. Chairman.

The CHAIRMAN. Is there objection to the request made by the gentleman from New York that the two amendments be considered en gros?

Mr. HALL. Mr. Chairman, may we have the request stated again?

Mr. STRATTON. The request, Mr. Chairman, was that I have two amendments which should be considered en bloc, which represent a substitute, or in the nature of a substitute for the amendment offered by the gentleman from Iowa (Mr. SMITH) and I have asked unanimous consent that they be considered en gros.

#### PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HALL. Mr. Chairman, will not the Clerk read the two amendments before the unanimous-consent request is placed?

The CHAIRMAN. The Chair will state to the gentleman that the amendments will be read.

The Clerk will read the amendments offered by the gentleman from New York (Mr. STRATTON) as a substitute for the amendment offered by the gentleman from Iowa (Mr. SMITH).

The Clerk read as follows:

Amendments offered by Mr. STRATTON as a substitute for the amendment offered by Mr. SMITH of Iowa: On page 8, after line 12, insert the following:

"Sec. 8. The National Traffic and Motor Vehicle Safety Act of 1966 is further amended by adding at the end thereof the following new title:

#### "TITLE V—TRACTOR SAFETY

"Sec. 501. The Secretary of Transportation shall prescribe and publish in the Federal Register minimum safety standards for tractors manufactured primarily for use for agricultural purposes including, but not limited to, standards for roll bars and safety

harnesses. Such standards shall be designed so that injuries to persons operating such tractors from accidents can be kept to a minimum. Standards first established under this section shall be prescribed and published no sooner than one hundred and eighty days, nor later than one year, after the date of enactment of this title.

"Sec. 502. The manufacture for sale, the sale or the offering for sale, in interstate commerce or the importation into the United States, or introduction or delivery for introduction, transportation or causing to be transported in, interstate commerce, of any tractor manufactured primarily for agricultural purposes which is manufactured on or after the date this title takes effect shall be unlawful unless such tractor meets the standards prescribed by the Secretary as set forth in section 501 of this title.

"Sec. 503. The promulgation, amendment, enforcement, and the penalties for violation, of standards established under this title shall be the same as for the promulgation, amendment, enforcement, and the penalties for violation, of standards established under title I of this Act."

On page 2, after line 12, insert the following:

"Sec. 3. Section 104(a) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1393(a)) is amended by striking out 'including representatives of State and local governments,' and inserting in lieu thereof 'including farmers, and representatives of State and local governments,'"

The CHAIRMAN. Is there objection to the amendments offered by the gentleman from New York (Mr. STRATTON) being considered en bloc as a substitute for the amendment offered by the gentleman from Iowa (Mr. SMITH)?

There was no objection.

The CHAIRMAN. The gentleman from New York (Mr. STRATTON) is recognized.

Mr. STRATTON. Mr. Chairman, I certainly support the basic intent of my colleague, the gentleman from Iowa (Mr. SMITH) in offering an amendment to instruct the Secretary to conduct certain studies into the possibility of tractor accidents and the necessity for perhaps including them in our safety legislation.

My substitute amendment, however, would go a little bit further than what the gentleman from Iowa had done because I think we already have enough data on which to take action in this particular area.

As I indicated earlier during the discussion on the rule I introduced back on the opening day of this Congress, H.R. 680 which provided for the Secretary of Transportation to have just 1 year to come up with some relevant safety standards for farm tractors, to include but not necessarily be limited to roll bars and seat belts. I did this not only on the basis of my own feeling about what was taking place in the agricultural communities which I have the honor to represent in upstate New York, but on the basis of a number of detailed studies already made.

The American Society of Agricultural Engineers, for example, has been examining this matter in great detail. They have statistics on the number of accidents and they have recommended substantially what my legislation contains.

We also have a very detailed study by the National Safety Council, reporting incidentally on some 789 farm tractor fatalities, and recommending arrange-

ments of this same kind to prevent people being killed when a tractor overturns by requiring roll bars, as I have suggested, and seat belts.

We also have a detailed study made by the Nebraska Highways and Farms Department on this matter, and I have these studies here with me this afternoon.

We also have a detailed study by a Canadian Royal Commission. The Swedes have experimented with this kind of legislation for some time.

As I mentioned earlier, Mr. Ralph Nader has just issued a report, which has been rather widely publicized, although he does not comment in it on the fact that the basis of his own suggestions lies in the legislation which I introduced on January 31, and the research my staff had done on the subject.

Just to underline again, Mr. Chairman, the urgency of this whole matter of farm tractor safety, let me just observe that during the 2½ weeks I have just spent in upstate New York during the recess the local papers reported eight deaths from tractor accidents.

My legislation would simply call upon the Secretary of Transportation to develop necessary standards. It would give him a year in which to do it. He could in the process take advantage of all the studies already available, and he could make additional studies. But it does seem to me that if all we are going to do now is ask for more studies, then we are simply going to postpone too long the action that must be taken to protect our farm people, and particularly farm children, who are often the majority of victims of these tractor accidents.

I hope that my amendments will be approved as a substitute for the somewhat softer amendment offered by the gentleman from Iowa because I believed we should act today rather than simply conduct more studies.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment in the nature of a substitute.

First, I would like to commend the gentleman from New York for his interest in this very significant and vital issue. I might say that I followed the reading of his substitute. I have a copy of his bill before me. I think he used the words out of his bill for his substitute amendment.

The bill is H.R. 680. No hearings have been held before the committee on the bill. It is offered now as an amendment. We have not heard from the farmers themselves as to what they want and what they need.

I am inclined to go along with the amendment offered by the gentleman from Iowa because he says we need to come up with some recommendations.

You know, different kinds of tractors are used in different parts of the country. Certainly this matter would have to be studied as to what we are going to do with the different kinds of tractors. In the flatlands of the West a different kind of tractor is used than is used in hilly country. I live on a farm and I run a tractor on our farm. With our tractor we can put both front wheels out pretty wide for the hills up there, and also the rear wheels, to prevent the possibility

of overturning. And we run those tractors on pretty stiff hillsides. I have done so myself. These are some of the problems we have.

Again I wish to commend the gentleman for his interest because it is a national issue. It is one that will have to be confronted and taken care of. But we should not do it in this way. The way to do it is by getting all of the evidence together and bringing it in and seeing what needs to be done. Then we will take it up as regular legislation before the committee and before the House.

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

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

Mr. STRATTON. I recognize the chairman's tremendous influence in this House, and with his opposition to my amendment, I realize it may have difficulty being approved by the House. In the unlikely event that it should fail, I wonder if I might have some indication from the chairman of his willingness, perhaps, to hold hearings on this basic legislation which, as he says, I have incorporated in my amendment, so at least we could move as swiftly as possible in this direction.

Mr. STAGGERS. If the gentleman is holding his hole card and saying that if he fails he wants something else, I point out to him that I do not like to bargain that way.

I said to start with that I recognize this is a vital national issue and certainly there will be hearings. I cannot say to the gentleman when, but if the amendment as offered by the gentleman from Iowa is adopted, we would probably wait until those recommendations come in.

I say again that I do commend the gentleman from New York for his interest.

Mr. STRATTON. Mr. Chairman, I certainly hope we might be able to get some hearings on the legislation.

Mr. KEITH. Mr. Chairman, I rise in opposition to the amendment. I join the chairman of our committee in congratulating and commending the gentleman from New York for the interest and initiative he has shown in offering this substitute amendment at this time.

I note that the gentleman did not say the Swedes had enacted any legislation. Only that they have examined the question. I note also the gentleman did not say the Canadians had enacted any legislation, but that they have experimented with the subject. If the gentleman from New York could elaborate on his statement and tell us whether these nations have, in fact, enacted legislation, it would be of some help to the committee in considering his amendment.

Mr. STRATTON. Mr. Chairman, if the gentleman from Massachusetts will yield to me, it is my understanding the Swedes do have a mandatory safety frame law, and therefore we have from their experience some statistics on how effective this is in preventing accidents.

The Canadians simply have been making a further study of tractor accidents. I did not intend to suggest they actually had a law.

While I am on my feet, I apologize to the gentleman from Massachusetts for not making available to him a copy of my amendment. I had intended to do so, but in the rush I missed the opportunity.

Mr. KEITH. Mr. Chairman, I appreciate the apology of the gentleman. I am certain the gentleman's intent is honorable.

In any event, it does seem that the gentleman from Iowa has offered an amendment which is much more compatible with the legislative procedure we are following here today. Therefore I rise in support of that amendment. I hope when the report does come back, the gentleman from New York will testify and give us the benefit of his advice and counsel and the experience of his constituency in this matter.

Mr. MOSS. Mr. Chairman, I rise in opposition to the substitute amendment.

Mr. Chairman, first of all, I would like to direct the attention of the Committee to the language of section 301 of title III of the act we are amending here today. It directs the Secretary of Commerce and authorizes him to make certain studies. It specifically states he is authorized by law to undertake research and development and testing relating to the safety of machinery used on highways or in connection with the maintenance of highways with particular emphasis on traffic safety, as he deems appropriate and necessary.

The gentleman from Iowa has offered a far more specific direction, as an amendment to the bill, which would direct timely study with a report back to the Congress by the first of April of 1970, giving us ample time to consider that report and act on it legislatively if that is necessary.

The chairman of the full committee, the distinguished gentleman from West Virginia, has indicated that he is going to try at an early date to fit into a rather crowded schedule hearings on the bill offered by the gentleman from New York and now before the House as a substitute amendment.

Mr. Chairman, this is a very complicated problem. It is not one the committee or the subcommittee has overlooked, but I think in fairness and in justice to both the users and the manufacturers, an opportunity should be given for hearings on anything as far reaching as this.

Mr. Chairman, I therefore urge the defeat of the amendment offered as a substitute by the gentleman from New York and I urge adoption of the amendment offered by the gentleman from Iowa.

Mr. NELSEN. Mr. Chairman, I wish to speak on the substitute amendment.

I feel the proposal which has been submitted by my colleague from Iowa is the wiser course, because if this procedure is followed our committee will have much more information on which to base a judgment.

I happen to operate tractors all the time. Frankly, I would be hesitant to be harnessed onto the seat of a tractor at any time. I believe it could possibly create more accidents than it would eliminate, for the reason one would have no way to

get off the vehicle in the event something might go wrong.

I may be wrong in my judgment, but I should like to have more information before I render any decision on it.

I believe the proposal offered by the gentleman from Iowa (Mr. SMITH) has merit. Then we can approach the objective our good friend from New York has in mind. Certainly I compliment him for his concern, because there have been far too many accidents.

I join with the chairman of our committee in support of the amendment offered by the gentleman from Iowa (Mr. SMITH) and in opposition to the proposal submitted by my friend from New York, feeling that we will gain the best answer by the approach of the amendment previously offered.

Mr. HARVEY. Mr. Chairman, I rise in opposition to the substitute amendment.

I will not take 5 minutes, but I want to say that we who serve on the subcommittee handling this legislation have never seen fit to attempt to write the standards into the legislation itself.

I know that the substitute amendment does not precisely write the standards into the legislation, but it suggests very strongly to the Secretary what the standards should be and in what area they should be, specifically with regard to the roll bars and seatbelts. We have never gone this far.

Despite lengthy hearings which we held both this year and 3 years ago when this legislation came up, I do not believe anybody on our committee feels he has had the expertise himself to attempt to write the standards into the law. It would be a fatal mistake for Congress to attempt this and Congress could well err grievously in doing so. We have always given this precise authority to the Secretary, as we did in section 103 of the legislation enacted 3 years ago.

Let me say even if we did see fit to write the standards ourselves, I would hate to think we would do it in this fashion on the floor today.

I have great respect, as I believe every member of the committee does, for the work Ralph Nader has done in the field of safety. He has made exhaustive studies. I have great respect for the American Society of Agricultural Engineers and the National Safety Council. Let us not forget, however, that we have designated an official agency of the U.S. Congress to perform these studies for us. This is essentially what the amendment of the gentleman from Iowa would have that agency do.

This is why I wholeheartedly concur in that amendment, and hope it will be adopted, and I oppose the substitute amendment.

Mr. MAYNE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Iowa. The gentleman is to be commended for this very sound approach to a serious problem which has assumed alarming proportions certainly in the Middle West and throughout rural America. In the State of Iowa alone there were 1,037 fatal farm tractor accidents in the period from 1947 to 1966. The number of fatal tractor accidents increased from 28 in 1947 to 70 in 1966,

an increase of 150 percent while the number of tractors on Iowa farms was increasing only 115 percent. A report on tractor safety as suggested by the gentleman is long overdue and certainly the Secretary of Transportation is the logical official to be assigned the responsibility of preparing such a report.

I believe this approach is much preferable to that suggested by the gentleman from New York (Mr. STRATTON), and will be more productive. I, therefore, rise in opposition to the substitute amendment and urge my colleagues to vote in support of the amendment offered by the gentleman from Iowa (Mr. SMITH).

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York in the nature of a substitute for the amendment offered by the gentleman from Iowa (Mr. SMITH).

The substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. SMITH).

The amendment was agreed to.

Mr. MOSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to develop some history and signify the intent of the committee.

In the matter of automobile tire sales it is clearly inherent in the language, and it is so intended by the committee, that the retailer will cooperate fully and that the rules and regulations promulgated by the Secretary of Transportation for the implementation of the reporting procedures will take cognizance of the fact that there must be full retailer cooperation if the recall provision on tires is to be successful.

Now, the Tire Manufacturers Association in a letter to me dated July 28 indicated their strong support for the reporting procedure which is contained in this legislation. They took cognizance of the fact that it would require the cooperation of the retailer, and it must, of course, have that cooperation or it cannot work successfully. It is very vital that it does work, because in one instance one manufacturer had 18 tires fail in 18 test wheel tests. So there is danger in tires; there is a need to have the machinery for recall just as there has proven to be the need to have the machinery for the recall of automobiles that have been produced with defects in them.

So, Mr. Chairman, I take this time merely to make the intent of the committee very clear on this matter.

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

Mr. MOSS. I am very happy to yield to the distinguished chairman of the committee.

Mr. STAGGERS. I certainly agree with the subcommittee chairman and call the attention of the House to the fact that the former Secretary of Transportation, Mr. Boyd, recommended this procedure to the Congress in January of this year, and it was also recommended by the present Secretary of Transportation.

Mr. MOSS. That is correct.

Mr. VANIK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to take this time to ask the chairman of the com-

mittee whether any consideration was given in this proposed legislation to direct the Administrator to provide for regulations which would bring about uniformity of bumper levels. With the intermix of automobiles and trucks on our Interstate Highway System, I ride in terror, as does everyone else on the public highways, when approach is made to trucks which have no bumper levels to meet those of an automobile. The fear of telescoping under a truck is something that haunts every driver on our highways. There are thousands of accidents and hundreds of deaths that occur every year as a result of the telescoping problem. Some people have been decapitated in this way. And, it seems to me that some definite action should be taken to provide for uniformity of bumper levels between all vehicles, including passenger vehicles and the intermix of trucks and automobile vehicles.

I would like to ask, Mr. Chairman, whether or not your committee considered this matter in connection with this legislation?

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

Mr. VANIK. I would be very happy to yield to the distinguished chairman.

Mr. STAGGERS. I might say that the Secretary and the agency or the bureau has this authority now. I am informed that they have probably been looking into it. We do not know whether they plan to come up with any recommendations. But this is their duty and I might say that we can call to their attention now the fact that they should come up with some recommendation in the manufacture of trucks and cars so that there might be, as nearly as possible, developed some safety device as the gentleman has suggested that will prevent these accidents in order to keep these vehicles from overlapping upon impact. I think the gentleman has raised a very good point.

When this bill was brought up in 1966 this authority was given to the Secretary and to the National Safety Bureau.

Mr. VANIK. I thank the distinguished chairman. I understand that the Department of Transportation has published, as of March 19, 1969, a proposed rule which would become effective as of January 1, 1971, to provide rear underide protection for trailers and trucks with gross vehicle weight of over 10,000 pounds. That rule proposal would provide that at a "height of no more than 18 inches from the road surface, the vehicle have a continuous structure that is capable of withstanding a large static load when tested at any one of three specified points."

The Department correctly points out the need for such standards noting that the "underriding of rear ends of trucks and trailers by passenger vehicles in the course of a rear end collision constitutes a major hazard to life and limb of the occupants of the striking vehicle."

But the Department's rule is inadequate. The rule does not "apply to truck tractors, or any vehicles with gross vehicle weight rating of 10,000 pounds or less." What these smaller trucks lack in danger in weight they make up for in speed. The standard should be applicable to all vehicles and trucks so that the risk of damage and fatalities resulting from nonmatching bumper guards is perma-

nently and forever removed from American highways. All trucks should be covered under the ruling and the ruling should have the force of law behind it.

If such a regulation is not adopted during this year, I hope that your committee will issue a mandate for this regulation next year.

Following is a letter which I received on this subject from Mr. Robert Brenner of the National Highway Safety Bureau on August 4, 1969:

U.S. DEPARTMENT OF TRANSPORTATION,  
Washington, D.C., August 4, 1969.

HON. CHARLES A. VANIK,  
House of Representatives,  
Washington, D.C.

DEAR MR. VANIK: This is in further reply to your letter of July 14, 1969, requesting that the Secretary of Transportation issue regulations to improve bumper surface relationships between heavy trucks and passenger cars.

We concur with your views on the benefits that can be realized in reducing highway injuries and collision damage by requiring improved performance capabilities from motor vehicle bumpers. The National Highway Safety Bureau is, in fact, in the midst of developing several regulations that should alleviate, to some extent, the problems created by mismatched vehicle bumpers. These include: Docket No. 1-9, Bumper Height No. 1-10, Bumper Effectiveness, and Docket No. 1-11, Rear Underide Protection. Dockets Nos. 1-9 and 1-10 apply to passenger cars and light trucks, and Docket No. 1-11 refers to heavy trucks and trailers. Docket No. 1-11 has now been issued as a Notice of Proposed Rule Making with an intended effective date of January 1, 1971. A copy of the Advance Notice of Proposed Rule Making issued on Dockets 1-9 and 1-10 and a copy of the NPRM issued on Docket 1-11 are enclosed for your reference.

For your added information, the unsafe conditions resulting from the use of high-front bumpers on heavy trucks are to be evaluated for eventual development of a regulation. Test programs have been initiated to obtain factual data on the problems posed by these vehicles on the highways, and on the economic and operational impact the regulation may have on the transportation industry.

Sincerely,

ROBERT BRENNER,  
Acting Director.

[Docket No. 1-9]

BUMPER HEIGHT—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, BUSES, AND TRAILERS

The Administrator is considering the issuance of a Federal Motor Vehicle Safety Standard specifying height requirements for contact surfaces of front and rear bumpers and bumper guards for motor vehicles, except motorcycles.

Comments due: November 13, 1967.

[Docket No. 1-10]

BUMPER EFFECTIVENESS—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, BUSES, AND TRAILERS

The Administrator is considering the issuance of a Federal Motor Vehicle Safety Standard specifying requirements for bumper performance, including requirements to preclude bumper interlocking and over-riding between vehicles.

Comments due: February 5, 1968.

MOTOR VEHICLE SAFETY STANDARDS: REAR UNDERIDE PROTECTION; TRAILERS AND TRUCKS WITH GROSS VEHICLE WEIGHT RATING OVER 10,000 POUNDS

The Administrator of the Federal Highway Administration is considering rule



making that would result in amending 49 CFR Part 371, Federal Motor Vehicle Safety Standards, by adding a new Standard: Rear Underride Protection—Trailers and Trucks With Gross Vehicle Weight Rating Over 10,000 Pounds. An advance notice of proposed rulemaking was published in the *FEDERAL REGISTER* of October 14, 1967 (32 F.R. 14279). Comments received in response to that advance notice have been carefully considered.

Responses to the advance notice and other information have confirmed that the under-riding of rear ends of trucks and trailers by passenger vehicles in the course of a rear end collision constitutes a major hazard to life and limb of the occupants of the striking vehicle. The great majority of comments in response to the advance notice supported the need for rear underride protection. Accident reports indicate that rear end collisions in which underride occurs are much more likely to cause fatalities than collisions generally.

The proposed Standard requires that underride protection be provided but it need not be accomplished by means of an identifiable member (an "Underride guard"), if the vehicle otherwise meets the configuration and strength requirements. The requirement of a specific member would raise difficulties of definition and application, such as the problem of describing the class of vehicles that by their inherent configuration do not need such a member. Instead, the proposed Standard requires that, at a height of no more than 18 inches from the road surface, the vehicle have a continuous structure that is capable of withstanding a large static load when tested at any one of three specified points. Vehicles such as heavy cargo trailers whose beds normally are above that level would be expected to meet the requirement by having a guard, while those vehicles such as moving vans whose rear ends are within 18 inches of the ground may meet the requirement by ascertaining that the structure at the lower edge of the rear end is capable of withstanding the specified test load.

It is recognized that the proposed Standard does not deal with possible safety hazards that may be caused by sharp protrusions at the rear of vehicles. It is furthermore, possible that since no minimum height or vertical configuration is specified for the guard line, a conforming guard may be attached that is so close to the ground that it is ineffective, since another vehicle could override it while underriding a higher rear structure. If these problems are found to be significant, they may be countered either with further elaboration of the Standard proposed herein or with a separate Standard in the area of bumper height and effectiveness (Dockets Nos. 1-9 and 1-10, 32 F.R. 14279). Comments are specifically invited in regard to these questions.

Several comments expressed concern that the installation of a guard would interfere with the freedom of operation of some large vehicles during off-road operations. The interests of safety dictate, however, that this protection should be present on public highways where there is extensive mingling of passenger cars with large vehicles. If necessary, the required structure may be made movable or removable for off-road operations.

It is anticipated that the proposed Standard will be amended, after technical studies have been completed, to extend the requirement for underride protection to the sides of large vehicles. It is also anticipated that mobile homes will not be included in the Standard. The Administrator is presently considering rule making that could declare them not to be "motor vehicles" within the coverage of the Act, or could put them into a separate category (Docket No. 26, 33 F.R. 11604).

Interested persons are invited to participate in the making of the proposed reg-

ulation by submitting written data, views, or arguments. Specific information and comments are particularly invited in regard to the cost of compliance. Comments should refer to the docket and notice number, and be submitted in 10 copies to: Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591. All comments received before the close of business on June 2, 1969, will be considered by the Administrator. The proposal contained in this notice may be changed in light of comments received. All comments will be available in the docket at the above address for examination both before and after the closing date.

In consideration of the foregoing it is proposed to add to 49 CFR Part 371, Federal Motor Vehicle Safety Standards, a new Standard as set forth below. Because of the design and development work that may be necessary to provide economical compliance with this Standard, it is proposed to make it effective January 1, 1971.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407), and the delegation of authority by the Secretary to the Federal Highway Administrator, 49 CFR Part 1, § 1.4(c). Issued in Washington, D.C., on March 13, 1969.

JOHN R. JAMIESON,  
Deputy Federal  
Highway Administrator.

#### REAR UNDERRIDE PROTECTION—TRAILERS AND TRUCKS WITH GROSS VEHICLE WEIGHT RATING OVER 10,000 POUNDS

**S1. Purpose and scope.** This standard establishes the requirement that the rear end of heavy vehicles be constructed so as to reduce the probability of underride in rear-end collisions.

**S2. Applicability.** This standard applies to trailers and to trucks. It does not, however, apply to pole trailers, truck tractors, or any vehicles with gross vehicle weight rating of 10,000 pounds or less.

**S3. Definitions.** "Rearmost part of the vehicle" means that point, on the portion of the vehicle that is not more than 66 inches above the road surface, that is farthest to the rear when the cargo doors, tailgates, or other closing devices are in the normal closed and locked position.

"Rear surface of the vehicle" means that portion of the exterior surface of the vehicle that would first be intersected by rays parallel to the direction of travel of the vehicle emanating from a source behind the vehicle.

"Guard line" means the lowest intersection of a horizontal plane with the rear surface of the vehicle that forms a continuous line that (1) extends to within 6 inches of each side of the vehicle and (2) has no portion more than 15 inches forward of the rearmost part of the vehicle.

#### S4. Requirements.

**S4.1** Each vehicle shall have a guard line that is no more than 18 inches from the road surface when the vehicle is unloaded.

**S4.2** Each vehicle shall be capable of meeting the displacement test of S5.

#### S5. Displacement test.

**S5.1** Position the vehicle on a level surface, restrained to prevent forward, upward, or lateral motion.

**S5.2** Prepare a test block of rigid material with a plane surface in the form of a square 4 inches on a side ("the surface").

**S5.3** Position the test block so that—

- (a) The surface is vertical and facing forward in the direction of travel of the vehicle,
- (b) The lower edge of the surface is in the same horizontal plane as the guard line,
- (c) The center of the surface is at any one of three points: 15 inches inboard from either side of the guard line, or at the center of the guard line, and

(d) The surface is in contact with the rear surface of the vehicle.

**S5.4** Apply a static force of 75,000 pounds in the forward direction to the test block, parallel to the direction of travel of the vehicle, with the block restrained from lateral or vertical movement.

**S5.5** Required result: The test block shall not move more than 15 inches forward of the rearmost part of the vehicle. Each vehicle must be capable of meeting the test at the three contact points (center and each side) specified in S5.3(c), but a given vehicle need not meet the requirements of this standard after being tested at one of those points.

[F.R. Doc. 69-3254; Filed, Mar. 18, 1969; 8:46 a.m.]

Mr. STAGGERS, Mr. Chairman, will the gentleman yield further?

Mr. VANIK. I yield further to the distinguished chairman.

Mr. STAGGERS. I am sure that the Secretary is listening to the gentleman's words and I am sure that there will be some action taken.

Mr. MIKVA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to commend the committee and its distinguished chairman for the entire bill but particularly for section 4 with reference to tire safety. This takes us out of what I think has been a dream world by assuming that tire manufacturers were voluntarily going to recall defective tires under the procedure which has heretofore been mandatorily applied to the recall of automobiles.

Mr. Chairman, to carry forward what the gentleman from California has spoken about, some 42,000 tires were involved in the batch which failed the test, and less than 500 of those tires were recalled, which means that there is somewhere around 41,500 or more tires which are quite likely to blow out while being used on automobiles in this country.

Mr. Chairman, the fact of the matter is that the tire is just as important a component part of an automobile as everything else connected with it. Simply because it is manufactured by someone else does not make it less important. We can no longer let the manufacturer of the tire escape his responsibility for recall purposes.

In a bill which I introduced early in the year that dealt with tire safety exclusively, provisions were included for extended testing. I think, ultimately, we will have to move to a much more extensive testing system by the Secretary and by the Department if we are going to make that long step forward toward automobile safety in this country.

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

Mr. MIKVA. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I wish to commend the gentleman from Illinois for his interest in this legislation and for his proposal.

I do not know whether the Members of the House know it, but about three-fourths of all the tires made are used for replacement. We are trying to get some uniformity all along the line and certain standards that will apply to all of these matters. I just wanted the gentleman

from Illinois to know that the committee is interested in this matter.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DADDARIO, 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. 10105) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970 and 1971, and for other purposes, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

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

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

The question was taken; and there were—yeas 322, nays 0, not voting 109, as follows:

#### [Roll No. 155]

#### YEAS—322

Abbutt  
Abernethy  
Adams  
Addabbo  
Albert  
Anderson,  
Calif.  
Anderson, Ill.  
Anderson,  
Tenn.  
Annunzio  
Arends  
Ashbrook  
Ashley  
Ayres  
Barrett  
Beall, Md.  
Belcher  
Bell, Calif.  
Bennett  
Betts  
Bevill  
Blester  
Bingham  
Blackburn  
Blatnik  
Boland  
Brasco  
Bray  
Brinkley  
Broomfield  
Brozman  
Brown, Calif.  
Brown, Mich.  
Brown, Ohio

Broyhill, N.C.  
Broyhill, Va.  
Buchanan  
Burke, Fla.  
Burke, Mass.  
Burleson, Tex.  
Burlison, Mo.  
Burton, Calif.  
Burton, Utah  
Bush  
Button  
Byrne, Pa.  
Byrnes, Wis.  
Cabell  
Caffery  
Camp  
Carey  
Carter  
Casey  
Cedarberg  
Chamberlain  
Chappell  
Chisholm  
Clancy  
Clark  
Clausen,  
Don H.  
Cleveland  
Cohelan  
Collier  
Collins  
Colmer  
Conable  
Conte  
Conyers

Fisher  
Flood  
Flowers  
Ford, Gerald R.  
Ford,  
William D.  
Foreman  
Fountain  
Frey  
Friedel  
Fulton, Pa.  
Fulton, Tenn.  
Fuqua  
Gallianakis  
Gallagher  
Gaydos  
Gettys  
Giaino  
Gibbons  
Gilbert  
Goldwater  
Gonzalez  
Gray  
Griffin  
Griffiths  
Gross  
Grover  
Gude  
Hagan  
Haley  
Hall  
Halpern  
Hamilton  
Hammer-  
schmidt  
Hanley  
Hansen, Idaho  
Harsha  
Harvey  
Hastings  
Hathaway  
Hawkins  
Hechler, W. Va.  
Heckler, Mass.  
Helstoski  
Henderson  
Hicks  
Hogan  
Horton  
Howard  
Hull  
Hunt  
Hutchinson  
Jacobs  
Jarman  
Johnson, Calif.  
Jones, N.C.  
Jones, Tenn.  
Karth  
Kastenmeier  
Kazen  
Kee  
Keith  
King  
Kleppe  
Kluczynski  
Koch  
Kuykendall  
Kyros  
Landrum  
Langen  
Latta  
Leggett  
Lennon  
Lloyd

Long, Md.  
Lujan  
McCarthy  
McClary  
McCluskey  
McClure  
McCulloch  
McDade  
McDonald,  
Mich.  
McFall  
McKneally  
Macdonald,  
Mass.  
Madden  
Mahon  
Mann  
Marsh  
Martin  
Mathias  
Matsunaga  
Mayne  
Meeds  
Melcher  
Meekill  
Michel  
Mikva  
Miller, Calif.  
Miller, Ohio  
Minish  
Mink  
Minshall  
Mize  
Mizell  
Molohan  
Monagan  
Montgomery  
Moorhead  
Morgan  
Morse  
Mosher  
Moss  
Murphy, Ill.  
Murphy, N.Y.  
Natcher  
Nedzi  
Nelsen  
Nichols  
O'Hara  
O'Neal, Ga.  
O'Neill, Mass.  
Ottinger  
Pattman  
Patten  
Pelly  
Pepper  
Perkins  
Pettis  
Philbin  
Pike  
Pirnie  
Poage  
Podell  
Poff  
Freyer, N.C.  
Price, Tex.  
Fryor, Ark.  
Pucinski  
Purcell  
Quile  
Rallsback  
Randall  
Rarick  
Reid, Ill.  
Reid, N.Y.

Reuss  
Rhodes  
Riegle  
Robison  
Rodino  
Rogers, Colo.  
Rogers, Fla.  
Rosenthal  
Rostenkowski  
Roth  
Roudebush  
Roybal  
Ruppe  
Ruth  
Ryan  
St. Germain  
St. Onge  
Sandman  
Satterfield  
Schadeberg  
Scheuer  
Schneebeli  
Schwengel  
Scott  
Sebelius  
Shipley  
Shriver  
Slak  
Skubitz  
Slack  
Smith, Calif.  
Smith, Iowa  
Smith, N.Y.  
Stafford  
Staggers  
Stanton  
Steed  
Stephens  
Stokes  
Stratton  
Taft  
Taylor  
Thompson, N.J.  
Thomson, Wis.  
Ullman  
Utt  
Vander Jagt  
Vanik  
Vigorito  
Waggonner  
Waldie  
Wampler  
Watkins  
Watson  
Watts  
Welcker  
Whalen  
Whalley  
Whitehurst  
Whitten  
Widnall  
Wiggins  
Williams  
Wilson, Bob  
Winn  
Wright  
Wyatt  
Wydler  
Wylie  
Wyman  
Yates  
Zablocki  
Zion  
Zwach

#### NAYS—0

#### NOT VOTING—109

Adair  
Alexander  
Andrews, Ala.  
Andrews,  
N. Dak.  
Aspinall  
Baring  
Berry  
Blaggi  
Blanton  
Boggs  
Bolling  
Bow  
Brademas  
Brook  
Brooks  
Cahill  
Celler  
Clawson, Del  
Clay  
Corbett  
Corman  
Cunningham  
Davis, Ga.  
Dawson  
Dickinson  
Diggs  
Dingell  
Dulski  
Edwards, Calif.  
Edwards, La.  
Evans, Colo.  
Findley  
Flynt  
Foley  
Fraser  
Frelinghuysen  
Garmatz  
Goodling  
Green, Oreg.  
Green, Pa.  
Gubser  
Hanna  
Hansen, Wash.  
Hays  
Hébert  
Hollfield  
Hosmer  
Hungate  
Ichord  
Joelson  
Johnson, Pa.  
Jonas  
Jones, Ala.  
Kirwan  
Kyl  
Landgrebe  
Lipscorn  
Long, La.  
Lowenstein  
Lukens  
McEwen  
McMillan  
MacGregor  
Mailliard  
May  
Mills  
Morton  
Myers  
Nix  
Obey  
O'Konski  
Olsen  
Passman  
Pickle  
Pollock  
Powell  
Price, Ill.  
Quillen  
Rees  
Reifel  
Rivers  
Roberts  
Rooney, N.Y.  
Rooney, Pa.  
Saylor  
Scherle

Sikes  
Snyder  
Springer  
Steiger, Ariz.  
Steiger, Wis.  
Stubblefield  
Stuckey  
Sullivan  
Symington  
Talcott  
Teague, Calif.  
Teague, Tex.  
Thompson, Ga.  
Thieman  
Tunney  
Udall  
Van Deerlin  
White  
Wilson,  
Charles H.  
Wold  
Wolf  
Yatron  
Young

So the bill was passed.

The Clerk announced the following pairs:

Mr. Kirwan with Mr. Adair.  
Mr. Hébert with Mr. Mailliard.  
Mr. Dingell with Mr. Lipscomb.  
Mrs. Hansen of Washington with Mr. Cahill.  
Mr. White with Mr. Jonas.  
Mr. Hanna with Mr. Morton.  
Mr. Garmatz with Mr. O'Konski.  
Mr. Sikes with Mr. Berry.  
Mr. Dulski with Mr. Del Clawson.  
Mr. Celler with Mr. Reifel.  
Mr. Boggs with Mr. Saylor.  
Mr. Brooks with Mr. Springer.  
Mr. Mills with Mr. Frelinghuysen.  
Mr. Brademas with Mr. Gubser.  
Mr. Wolff with Mr. Corbett.  
Mr. Teague of Texas with Mr. Bow.  
Mr. Aspinall with Mr. Hosmer.  
Mr. Lowenstein with Mr. Johnson of Pennsylvania.  
Mr. Blaggi with Mr. Andrews of North Dakota.  
Mr. Passman of Louisiana with Mr. McEwen.  
Mr. Price of Illinois with Mr. Brock.  
Mr. Rivers with Mr. Pollock.  
Mr. Green of Pennsylvania with Mr. Cunningham.  
Mr. Young with Mr. Snyder.  
Mr. Hollfield with Mr. Dickinson.  
Mr. Hungate with Mr. Myers of Indiana.  
Mrs. Sullivan with Mr. Goodling.  
Mr. Andrews of Alabama with Mr. MacGregor.  
Mr. Joelson with Mr. Kyl.  
Mr. Rooney of New York with Mr. Findley.  
Mr. Charles H. Wilson with Mr. Quillen.  
Mr. Thieman with Mr. Teague of California.  
Mr. Van Deerlin with Mr. Scherle.  
Mr. Jones of Alabama with Mr. Lukens.  
Mr. Long of Louisiana with Mr. Thompson of Georgia.  
Mr. Nix with Mr. Talcott.  
Mr. Blanton with Mr. Landgrebe.  
Mr. Alexander with Mrs. May.  
Mr. McMillan with Mr. Steiger of Wisconsin.  
Mr. Udall with Mr. Wold.  
Mr. Tunney with Mr. Steiger of Arizona.  
Mr. Ichord with Mr. Corman.  
Mr. Edwards of California with Mr. Dawson.  
Mr. Fraser with Mr. Diggs.  
Mr. Rooney of Pennsylvania with Mr. Davis of Georgia.  
Mr. Baring with Mr. Yatron.  
Mr. Stuckey with Mr. Pickle.  
Mr. Flynt with Mr. Stubblefield.  
Mr. Hays with Mr. Olsen.  
Mr. Rees with Mr. Clay.  
Mr. Symington with Mr. Evans of Colorado.  
Mr. Foley with Mrs. Green of Oregon.  
Mr. Roberts with Mr. Edwards of Louisiana.  
Mr. Obey with Mr. Powell.

The result of the vote was announced as above recorded.

The doors were opened.

The title was amended so as to read: "A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970, 1971, and 1972, and for other purposes."

A motion to reconsider was laid on the table.

#### GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members



may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. GRAY). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

### TRIBUTE TO THE LATE "ROCKY" MARCIANO

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to take this time to pay tribute to the late "Rocky" Marciano, former heavyweight champion of the world and a native of Brockton, Mass., a city which I have the honor of representing. "Rocky," born of immigrant parents, had a dream and the implementation of his dream is surely an American classic. With hard work, courage, stamina, and determination he fulfilled his childhood vow of making something of himself. It is not so much what he did but how "Rocky" did it that wins my praise and admiration. Goals set, he never wavered. Success only added to his character—never corrupted. It was perseverance and clean living that gave form to "Rocky's" dream.

Those who followed the champ's career marveled at the gentleness of the "Brockton Blockbuster" outside the ring, and it was often said that he seemed somehow out of place in the boxing world. He brought to boxing a fresh, clean wind and added a sense of honor and dignity to the profession. For millions of Americans he became an unflinching hero—one they could identify with and his life gave credence to the Horatio Alger myth.

After his retirement from the ring, as the undefeated heavyweight champion of the world, many of his efforts were directed toward the youth of America—boys like himself. He hoped to instill in them the same hopes and dreams he had as a boy. Who can say how many he touched, how many he influenced, how many imaginations he fired. The Marciano legend will not die, it will live in the imagination of every young boy it touches, as fathers will tell it to sons and they to their sons.

My sympathy goes out to his wife and family.

The following are tributes to "Rocky" which I would like to bring to the Member's attention:

[From the Brockton (Mass.) Enterprise, Sept. 2, 1969]

#### THE CHAMP

Rocky Marciano brought great distinction to this city when he became the heavyweight champion of the world.

Professional boxing, especially in the heavyweight class, long has been infiltrated by the gangster element.

But Rocky was clean. Not one whisper of anything contrary to good conduct was ever heard about The Champ during his days in the ring.

Rocky gave unsparingly of his time to causes that benefited financially by his presence.

He remained a Brockton home-town boy even after leaving this city.

Outside of the ring he was a gentle person.

Fighting was a business with Rocky, not a desire to physically hurt someone.

We extend our sympathy to his wife and family.

Their loss is a great one, their grief is difficult to bear, but their pride in The Champ will help them in their time of sorrow.

The Golden Age of boxing has died twice. Once in April of 1956, and for a second time in a plane crash in Newton, Iowa.

[From the Brockton (Mass.) Enterprise, Sept. 2, 1969]

#### "FORGET BOXING" THE ROCK WAS ONCE TOLD

(By Toni Costa)

When eight-year-old Rocco Francis Macchegiano began attacking a homemade punching bag in the cellar of his Dover St. home, little did anyone realize that he would one day become the world's undefeated heavyweight boxing champion.

That first punching bag, a gift from his uncle John who urged him to slug away at it, kindled in Rocky Marciano a spark which burst into the flaming success story of a life time—a story which boasts an undefeated professional boxing record.

That punching bag came after Rocky was popped in the nose by a neighborhood bully and came home crying. However, with a little practice, Rocky was never bullied again.

#### HE LEARNED QUICKLY

Somewhat skilled and toughened by his boyhood session with his punching bag, Rocky discovered while in the Army at Fort Devens, that soldiers on the boxing team received special passes and no KP.

A robust Italo-American who worked with a pick and shovel since he quit school at age 14, Rocky fought his way through the Army, losing only one bout.

#### THAT'S WHAT HE WAS TOLD

Spurred by his Army boxing record, Rocky, after his discharge, stopped in Chicago to see the father of an Army dhum who handled boxers.

"Go home and forget about fighting" was the advice Rocky refused to accept from the Chicago man who said he was too slow and too clumsy.

Undaunted by the temporary discouragement, Rocky returned to his hometown where he began his amateur boxing career, training in the upstairs of Brockton's Central Fire Station on Pleasant St. and keeping alive his youthful love for baseball.

#### GOOD BASEBALL PLAYER

A good baseball player in semi-pro competition in the Brockton area, the blockbuster hitch-hiked to Fayetteville, N.C., to the Chicago Cubs tryout camp.

His desire to break into professional baseball as a catcher were snuffed out in that southern town when he learned that he just couldn't cut the ice for the big leagues.

Still intrigued by boxing, Marciano, urged by friend and neighbor Allie Colombo to pursue the sport as a career, hitch-hiked to New York City where Al Weill signed him up immediately.

#### THAT STARTED IT

Rocky's professional career had begun—49 professional bouts, all wins for the Brockton boy who packed a cannon in each hand and successfully defended his championship title six times. And, before each fight, his faithful Italian mother knelt in prayer in St. Patrick's Church.

With Marciano's fame came fame for Brockton. Once known as the Shoe City, Brockton became known as the birthplace and home of Rocky Marciano.

#### THEY'LL NEVER FORGET IT

Few Brocktonians can forget the cry of Ruby Goldstein as he announced in New

York's old Madison Square Garden, "... and in his corner, from Brockton, Massachusetts, the Heavyweight Champion of the World, Rocky Marciano." Thousands thronged Brockton's Main St. in front of the Enterprise building to listen to those history making bouts.

In that corner along with Rocky, was another Brocktonian, Allie Colombo. Also in the corner, standing near the ring, was a little man holding a shoe box under his arm.

That man, The Rock's father, a former shoe worker, always brought with him an extra pair of boxing shoes in case his famous, but forgetful son, forgot his.

#### MAIN STREET WAS A BUSY STREET

Thousands of well wishers thronged Brockton's Main St. every time Rock returned after registering a knockout over a strong opponent. Each time he returned, he returned a bigger hero.

The fighter, with arms like a blacksmith, rode in triumph along the entire length of Main St. during his years as champ. His parades often ended with a huge welcome at the James Edgar Playground, opposite his boyhood home where he often propelled baseballs out of the spacious park.

Sunday night, when news of the fatal plane crash reached Brockton, that park, once the play area of a robust Italo-American, became a memorial.

The memories of Rocky Marciano, etched forever in the minds of the world, the annals of sports, and especially the memories of Brocktonians, will echo silently Thursday when the church bells knell and a Requiem is sung.

[From the Brockton (Mass.) Enterprise, Sept. 2, 1969]

#### FORMER FOES ARE STUNNED, SADDENED BY ROCKY'S DEATH

"This is the saddest news I've heard," Joe Louis said yesterday when he heard of the death of Rocky Marciano.

Marciano was the boxer who knocked out Louis in the eighth round in Madison Square Garden on Oct. 26, 1951, as the Brown Bomber was attempting a comeback.

"When he defeated me I think it hurt him more than it did me. He was always talking about it," Louis said.

#### SAID HE WAS SORRY

"After the fight, he sent a message to my dressing room saying how sorry he was the fight turned out the way it did.

"He just had a good heart," Louis said. "He put everything he had into boxing. He was the kind of man boxing can really use.

"Everything I remember about him is good," the 55-year-old ex-champion said.

#### KNEW OTHER SIDE, TOO

Jersey Joe Walcott and Ezzard Charles had felt the gloved fists thudding into them, raising welts and slashing open cuts. But they also felt the kindness of a man who sometimes seemed too gentle for the ring.

"The Rock and I were great friends," said Walcott, the man they called "Old Pappy" who lost the heavyweight title to Marciano. "We had a friendship unique among fighters. He was one of the toughest I ever fought, had a very unusual style, and he was a great puncher.

"He was a bundle of energy. The guy was pleasant, happy go lucky out of the ring, but in the ring he was a lion."

"I am very sorry to hear about it," said Charles, who is afflicted with a progressive crippling disease, a myrophic multiple sclerosis, "I always liked Rocky."

#### ATTENDED TESTIMONIAL

It was less than a year ago that Marciano had attended a huge testimonial for Charles. When it was time for Rocky to speak there were tears in his eyes, and that is one of the memories that Charles cherishes.

In Brockton, it was time for Rocky to come home again. "Sure, everybody in town knew Rocky," said Frank DiBarrie as he grabbed a bit to eat in the Brockton Cafe, directly across the street from the Hickey Funeral Home.

"He lived up the street, I used to play baseball down at Edgars Playground, and he would be there too. You couldn't find a better guy."

The sentiment was echoed again and again. "One of the greatest champions," said Sonny Liston.

"A sad thing . . . a fine person, a fine man," former welterweight champion Curtis Stokes said.

"Boxing has lost a real stalwart," World Boxing Association president Emile Bruneau added.

Harry Markson, who is in charge of boxing for New York's Madison Square Garden, said:

#### ONE OF THE GREATEST

"Of course I saw Rocky in most of his fights. I would regard him as one of the great fighters of our time. His record would show that."

"He was a tremendous ambassador of good will for our sport. His loss will be sorely felt not only in boxing but in all sport."

"He was rough and tough in the ring but always remained a fine and decent man with millions of friends," said J. Onslow Fane, chairman of the British Boxing Board.

England's Henry Cooper, the European heavyweight champion who never fought Marciano, said, "Boxing can ill afford to lose man like him. He was a credit to the game."

"I saw him box many times," said British promoter Jack Solomons. "He had great character and was very nice to know."

[From the Brockton (Mass.) Enterprise, Sept. 2, 1964]

#### ONE OF ROCKY'S LAST THOUGHTS WAS OF WIFE (By Gloria LeVasseur)

"He's going to be missed terribly. He was such a good father and husband."

These were the soft spoken words of Mrs. Rocky (Barbara) Marciano as we spoke with her this morning at the home of her mother, Mrs. Elizabeth Cousins of Brockton.

#### ARRIVES IN CITY

Mrs. Marciano arrived in Brockton early last evening with her mother, her daughter Mary Ann, 18, Robert Collins, the family lawyer, and Liberty Fresca, who is a close friend of the Marciano's.

Just two weeks ago, Rocky, Mrs. Marciano and Mary Ann had returned from a two-month tour of Europe.

"We had never known such happiness as we had enjoyed in the last few months," Mrs. Marciano stated.

#### WENT TO CHICAGO

Upon his return, Rocky left for Chicago where he had a speaking engagement.

"He called me Saturday and sang 'Happy Birthday' over the phone. My birthday is two days before his and we always celebrated them together."

Mrs. Marciano also told us, "He had just closed a deal on a coast-to-coast chain of Italian Restaurants, and was so happy, he thought this would give him more time to be home with his family."

#### SAID HE'D RATHER BE HOME

During this telephone conversation, he had told her he would be home late Sunday night or early Monday morning.

"I thought it was Rocky coming home when I received the news about 1:30 Monday morning. He was so often late arriving home."

"It's such a shock, I still can't believe it," she said. "I feel that he is still away on a trip, he traveled so much. Maybe if I can keep thinking he is on a trip it will be easier."

"Mary Ann misses him so much already."

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The poor thing hasn't slept in two days, and this morning she finally fell asleep."

Indeed Mary Ann was asleep, lying on the living room floor with a photograph of her father by her head, and a pair of boxing gloves held securely in her hands.

"We'll be going back to Fort Lauderdale Thursday evening and will make our home there," she told us. "We've lived there for 13 years and have made so many friends." Mrs. Cousins will also move to Fort Lauderdale to make her home with her daughter.

[From the Brockton (Mass.) Enterprise, Sept. 2, 1969]

#### ONE OF BOXING'S GREATEST STORIES COMES TO AN END

When Rocky Marciano landed a crashing right hand to the side of Jersey Joe Wolcott's head to knock the heavyweight champion out and take the title, the Brockton Blockbuster had added one of the most important chapters in the book of a prize fighting era.

#### HE WASN'T ALONE

Actually, the book had many co-authors. There was, of course, Rocky and there was his life-long friend, Allie Colombo.

Colombo went the route with Rocky. He started him out in the amateurs, turned him pro and brought him to New York to meet Al Weill, a boxing czar who later managed Marciano and became another author in Rocky's story.

#### HE HELPS, TOO

The fourth member of the Marciano team was Charlie Goldman, whom Weill called upon to join Colombo in Marciano's training. The pair proved to be a first-rate combination.

With Marciano's untimely death, the final pages of his great story were inked in, for the four men that made that story are now dead.

Since Weill passed away, Marciano and both his trainers have died within a period of 10 months.

#### THEY'RE SHOCKING

The Brockton fight trainer was killed when he was hit by a truck while working in a Stop & Shop Warehouse.

The contributors to the Rocky Marciano era are gone but the story they wrote will live on in boxing annals.

[From the Brockton (Mass.) Enterprise, Sept. 2, 1969]

#### ROCKY COMES HOME

(By Toni Costa)

Brockton Blockbuster Rocky Marciano is making his final visit to his hometown where a Solemn Requiem for a champion will be sung.

Rocky's return, instead of being marked with the traditional tumultuous, cheering crowds, is somber and mournful, for Rocky's return is for his funeral on Thursday when a Roman Catholic priest will intone the familiar chant, ". . . Eternal rest grant unto him . . ."

His return in 1952 as the proud heavyweight champion of the world was one of the greatest days in Rocky's life. Amid deafening cheers, praise and speeches, The Rock told his hometown friends how proud he was to bring the title to Brockton.

Monday night and today, things were vastly different. There were no crowds and cheers along Main St. A stunned silence hung over Brockton as people stopped in small groups to speak in hushed tones about "The Rock" and how tragic it all was.

Marciano, the local boy who climbed to the pinnacle of the boxing world as the undefeated heavyweight champion, was killed with two other men in a plane crash Sunday night in an Iowa pasture. He would have celebrated his 46th birthday Monday.

Just six months ago, a grief stricken Rocky

returned to Brockton to attend the funeral of his lifelong friend and trainer, Allie Colombo, who was crushed to death in a freak warehouse accident. Allie had been a key figure in Rocky's climb to success and even death could not separate the two for long.

Marciano, christened Rocco Francis Marchegiano, and two Des Moines, Iowa, men, died when their single engine plane lost its power, struck a tree and crashed into a pasture about two miles south of Newton in central Iowa Sunday night.

The other men, identified by authorities as Glenn Betz, 37, the plane's pilot, and Frank Farrell, 23, a passenger, were flying Rocky from Chicago to a birthday celebration in Des Moines.

Jasper County Sheriff Darrell Hurley, "The only thing we can find out so far was that the engine conked out and they went down."

Federal investigators combed through the wreckage of the green and white plane, but one of them said it might be two months before officials have a solid indication of what caused the plane to plummet into the pasture.

The crash was discovered by an area resident who reported to authorities that she heard an engine sputter and then the plane crash, a spokesman at the sheriff's office told the Enterprise this morning.

Deputy Sheriff Alan Wheeler, who along with Deputy James Verers were first on the scene, said the plane's clock was stopped at 9:05 P.M. He said the bodies of Betz and Farrell were thrown about 30 feet from the wreckage while Rocky was found lying near the plane.

"It took us some time to identify Marciano," said Wheeler. "We had no trouble identifying the other two men."

Wheeler explained that when they could find no identification for the third man, they pulled a suitcase from the plane.

"We opened the suitcase and found lots of pamphlets with 'Why I Retired' printed on them. There were pictures on the pamphlets; we compared them with the body and identified Marciano," explained Wheeler.

"It was over an hour before we identified him (Rocky) and then we couldn't believe it," said Wheeler.

Wheeler said the plane hit a tree limb about eight inches in diameter which sheared off a wing. The plane then hit the ground, bounced off a three foot swell on the earth, flew through the air, hit a large Oak tree and finally landed in a ditch.

While members of the sports world pay tribute to the retired champ, his family is gathering at the Marchegiano homestead at 188 Dover St., where his parents, Mr. and Mrs. Perry Marchegiano, "are taking it real bad," according to another son, Peter.

Not only is the champ's family in mourning, but all of Brockton, also, shocked that the city's hero—the man who put Brockton on the map—was dead.

Enterprise phones rang all day Monday with calls from people, who, in disbelief, questioned the authenticity of Rocky's death reports.

One woman said, "There must be some mistake. It can't be Rocky Marciano who lived in Brockton. It must be someone else."

The tragedy broke one man into near tears when he called for verification of the news broadcast, and another caller simply replied, "Oh, my God, no."

Marciano's widow, Barbara Cousins of Brockton, their 16-year old daughter Mary Ann, and 7-month old adopted son, Rocco, Jr., arrived for the funeral services. Upon her arrival, Barbara could only say, "It was so sudden, so sudden."

The body of the robust Italo-American is reposing in the Hickey Funeral Home, 403 Main St., where visitors may call this evening from 7 to 9 and tomorrow from 2-4 and 7-9 P.M. The casket will be closed.

## FUNERAL MASS

A Solemn High Mass of Requiem will be sung for the heavyweight Thursday morning at 10 in St. Coleman's Church, the church where the Marcianos were married. The body will then be transported to the Fannin Funeral Home in Fort Lauderdale, Fla. where there will be visiting hours Friday. Another Mass will be sung in St. Plus Church, Fort Lauderdale, Saturday, with burial in Park Cemetery.

In addition to his widow, children, and parents, Marciano is survived by two brothers, Louis "Sonny" Marchegiano of San Jose, Calif., and Peter Marchegiano of Brockton; three sisters, all of his hometown, Mrs. Vincent (Alice) Perreira, Mrs. Robert (Concetta) Languay, and Mrs. Armand (Elizabeth) Colombo; and many nieces and nephews.

At a time for sadness and final farewells, Frank DiBari said of the champ, "Sure everybody in town knows Rocky. He lived up the street. I used to play baseball down at Edgars Playground, and he would be there too. You couldn't find a better guy."

## MAYOR ASKS FLAG DISPLAY FOR ROCKY

Mayor John E. Sullivan Monday night ordered that all street flags, displayed on Monday in observance of Labor Day, be left in place today in memory of Rocky Marciano.

At the same time he announced that all other flags on public buildings are to be flown at half-staff.

The Mayor also requested that all Brocktonians who have flags to display them in honor of "my good friend Rocky."

His Honor explained that he had known the former heavyweight boxing champ and his family for about 30 years.

[From the Brockton (Mass.) Enterprise, Sept. 2, 1969]

**"WE'LL ALWAYS REMEMBER HIM AS CHAMP," SAYS STUNNED CITY**  
(By Bob Townsend)

"I'll always remember him as the champ," said Mary Ingram of 7 Winona St., as she reflected upon the death of Brockton's most renowned son, Rocky Marciano.

"I've seen him on television and I've read about him," she continued, "and I was proud that he came from Brockton."

## ALL HAVE MEMORIES

Everybody on Brockton's Main St. has special memories of The Rock.

Marciano had many friends in the Brockton area, but even those who didn't know him personally had to be moved by Rocky's dramatic ring career.

## HE REMEMBERS

"I remember seeing him fight," Bob Shay of 11 Spring St. recalled, "and I'm told he was a heck of a good guy."

Nineteen-year-old Kevin Clancy of 17 Jeanne Ave. knew the late Allie Colombo, Marciano's trainer, and remembers seeing pictures at Colombo's house of the retired champ.

"I'll remember him as a great fighter," Clancy commented.

## FINE ATHLETE

"When I think of Rocky," commented Connie Spillane of 101 Winthrop St. "I think of a good all-around athlete. I saw him play football (he played for Brockton High) more than I saw him fight. He always gave something extra."

"What gets your goat," Spillane said, "is that he had everything to live for."

Lawrence Brace of 73 Denton St. recalled Marciano's football career and said that he had "tremendous drive and strength. There was something super human about him on a football field."

## SAW HIM ON TV

"I watched his fights on television," recalled Ernie Roberson of 80 Wyman St. "He was a great fighter."

"I think he was one of the hardest hitters in the history of the game," was the evaluation of Melvin Harlow of 110 Stillman Ave.

## ONE OF THE SMARTEST

"Rocky was one of the smartest fellows I knew, too," Harlow added.

"Rocky was really a terrific man," said Mrs. Goldie Berman of 16 Lexington St., a friend of the Marciano family.

"I was quite a fan of his," Sandra Christopoulos of 49 Grove St., in Hanover, explained that her father, a friend of Rocky's, told her that Marciano was "a great person and a great fighter."

## STRUCK HIM OUT

Mike Hedio of 90 Highland St. remembers playing softball with Rocky at the Sons of Italy Park.

"I even struck him out once," Hedio recalled.

"Rocky was a real nice guy. He liked to have fun."

"Rocky was loved and respected by those who were close to him," said Dennis Farley, a friend of Rocky's brother, Peter.

## QUITE A STORY

Frank McCarthy of 61 Ellsworth St. remembers a story the late Harry Brown told him about Marciano.

Brown, who owned a sporting goods store in Brockton, was a friend of Rocky's.

"When Rocky started his career in the ring," McCarthy explained, "it looked as if he might end up being a punching bag. Being a friend and concerned with Rocky, Brown advised him to quit fighting before he was walking on his ears."

## FOUGHT THEM ALL

"I remember Harry used to kid about it after Rocky became champ," McCarthy continued. "He said that everybody should ask him for advice and everybody would end up doing just the opposite of what they were out out for."

"Rocky fought all the best of his day," McCarthy commented, "and he beat them all."

"I'll remember Rocky the way everybody will," James A. Barlow of 20 Main St. stated, "as a gentleman and a sportsman."

[From the Brockton (Mass.) Enterprise, Sept. 2, 1969]

**LATE TRAINER'S WORDS WERE PERFECT EPIGRAPH FOR HEAVYWEIGHT CHAMPION**  
(By Pete Farley)

The time was a few minutes before 12 o'clock the night of Sept. 21, 1955, and the stragglers in the crowd of 61,574 were still making their way out of the pressure cooker that Yankee Stadium had been for 33 minutes and 19 seconds before.

Not far away—in a clubhouse where Mickey Mantle normally slipped into a pin-striped uniform and Whitey Ford normally slipped into a pair of spikes—Allie Colombo stood wielding a pair of scissors the way a surgeon might yield a scalpel in an operating room.

## THAT'S WHAT HE SAID

"You really showed 'em something tonight, 'Rock,'" Allie bubbled as he cut the tape off the fists that had just pounded Archie Moore into submission. "They won't ever forget this one."

Allie, himself, is dead now, but no one could have written a more fitting epitaph for Rocky Marciano than he did in the sweaty exuberance of the Yankee Stadium dressing room that night 14 years ago.

Show 'em something?

Rocky Marciano showed 'em something every time he laced on a pair of boxing gloves.

## THE PROOF OF THE PUDDING

He showed 'em something that night in Philadelphia when, after Joe Walcott caught him with a left hand to floor him in the first round, he got up, shook the cobwebs out of his head and went on to win the world's heavyweight championship in the 13th round.

The Rock showed 'em something that night in New York when—bleeding and battered about the nose—he made Ezzard Charles pay for his indiscretions by knocking him out in the eighth round.

He showed 'em something that Sept. 21, 1955, night in Yankee Stadium, too, when, after Moore caught him with a short right to put him on the seat of his pants in the second round, he got to his feet and hacked away at him the way a farmer hacks away at a field of corn, until he knocked him out in the ninth round.

## HE COULD HIT

As a boxer, Rocky was no Sugar Ray Robinson. By the same token, as a puncher and as a fighter who could take a punch, Sugar Ray was no Rocky Marciano.

Rocky's code of battle was to lace on a pair of gloves, wait for the bell to ring and wade in with both fists flying.

"God gave me the body to take a punch and the hands to throw one," he once told me in a more serious moment. "What more can I ask?"

## HE AGREED

Charles, who fought—and lost to—Marciano twice within a period of three months in 1954—never thought Rocky should ask for anything more, indeed.

"Fighting Rocky," the former heavyweight champion admitted to me a few years ago, "was the most frustrating thing that's ever happened to me."

"It was bad enough," Charles said, "that every time Rocky hit me, it felt as if a telephone pole had fallen on me."

"Worse still, though," he groaned, "for a week after both fights, my arms hurt so much from hitting him with punches that I couldn't lift them."

## HE REMEMBERS

Moore, too, shakes his head to this day any time Marciano's staying power is brought up.

"I thought I had him," he told me in Boston not long ago when the subject of his second round knockdown of The Rock was brought up. "I hit him with a reflex punch, and I hit him a pretty good shot."

"I couldn't believe it," Moore said, "when I saw Rocky get to his feet at the count of four and come wading right back in at me."

None of the things Rocky did in the ring, though, was a surprise to Charlie Goldman, his late trainer.

"Training a promising kid," Goldman used to philosophize between puffs on a cigar that was bigger than he was, "is like putting a quarter in one pocket and taking a dollar out of another."

"In Rocky's case, though," he grinned, "I struck gold. It was the other way around."

"Even if Rocky was being outboxed," Goldman would say, "he had the equalizer—the right-hand knockout punch."

## QUITE A SIGHT

The sight of Goldman trying to be grim and gruff with Marciano in the gym was something to see, incidentally.

Goldman, a gnome-like little man who wouldn't have stood more than 5 feet tall if he'd stood on a boxing glove, would continually bark instructions from ringside.

"I hear you, Charlie," Rocky would grunt, breaking into a grin. "I'll keep the left hand higher the next time, I promise you."

## HE HAD ONE FRUSTRATION

Rocky, I suspect, though, always had one frustration in life.

That was baseball!

In fact, before he took up boxing seriously,

he had an ambition to become a big league catcher.

The Rock, who swung a pretty good bat, was good enough, too, to attract the attention of the Chicago Cubs.

"I thought I was on my way," he laughed many times in later years, "until I had to start making those throws to second base."

[From the Brockton (Mass.) Enterprise, Sept. 2, 1969]

#### MEMORIES? THE CHAMP LEFT THEM (By Al Caldwell)

The headline read "Rocky Marciano Dies in Plane Crash." When someone famous dies, you begin to remember things. But in your case, it goes back a little farther than that.

It starts 40 years ago to be exact, with a tough little curly-headed kid trudging past your house to begin the first grade at the old four-room wooden Belmont School (since torn down) with your own kid brother.

Later, after he was champion, he was to tell you that he still remembered the fact that on your brother's birthday, your mother provided ice cream and cake for all his classmates. Ice cream and cake were rare commodities for Rocky in those depression days.

#### THAT'S HOW HE WAS

You remember a kid who was never content to play with the boys his own age. A kid who wanted to play with the "big boys" and who stuck to it until they let him. A kid who took his lumps but stayed at it until they accepted him.

You remember a growing boy spending nearly all of his time at James Edgar playground across the street from his home, playing sandlot baseball with anyone who would play with him. A boy who had a burning ambition to be a big league baseball player but, when the chance came, found his arm wasn't up to standard.

#### HE HAD IT ALL

You remember an earnest young amateur fighter, with a wealth of power but still carrying his tactics from street fighting into the prize ring. An amateur who worked at it until he was able to fight in the national Golden Glove Championships in New York and finally lose a "home town" decision to Coley Wallace, the last decision he was to lose in the ring.

You remember Rocky turning pro and the early fights in Providence, with his father-in-law-to-be, Patrolman Lester Cousins, phoning the Enterprise after the fights. Some were on FM radio only with Walt Dunbar, who had formerly been a WBET sportscaster, doing the blow by blow.

#### HE'D ANSWER THE PHONE

You remember mornings after the fights, when Rocky would drop into the Enterprise newsroom about 7 A.M. after doing his roadwork and answer telephone calls on the fight results with jubilant "I won." And were the callers surprised. And you remember Rocky, jogging from Brockton to Weymouth for a Thanksgiving day grid game, waving and refusing rides.

Then you remember the first big fight, the 10-round bout on TV with Rolly LaStarza from Madison Square Garden which Rocky won by scoring the only knock-down of the fight. Every TV in Brockton was watching the fights that night.

#### LOVED BASEBALL

Even while moving up the fight ladder, Rocky never forgot his love for baseball. After he was fighting important main bouts in New York, Rocky would be home on a weekend, playing first base for the Taunton Lumber team. Not a stylist around the base, Rocky was always in there trying.

At bat, he attacked the ball the same way he attacked an opponent. Fans still remember one line drive which hit the far distant

left field fence at O'Donnell's on one savage hop. If Rocky's manager had had any idea that his prize property was playing semi-pro baseball on his weekends at home, he would have swallowed his cigar.

Then came the big fights. The experts said that Rocky was overmatched when he was scheduled to fight Rex Layne, a highly regarded Western heavyweight. His neighbors didn't think so and some mortgaged their homes to bet money that their boy would win.

Fight night and no radio or TV coverage. Main St. was jammed from Centre St. to Ward St. from curb to curb as the Enterprise recreated a blow by blow of the fight. Al O'Connor moved his Western Union receiving apparatus into the WBET studio and the fight went out over loudspeakers, blow by blow. And when Rocky put Layne away in the sixth round, Main St. erupted in an explosion of sound which nearly shattered the windows.

#### BUSINESS COMES TO A HALT

The Joe Louis fight was on TV and business in Brockton virtually suspended as Rocky met the Brown Bomber, true, not the champion now, but one of the legendary greats of the fight game.

When Rocky knocked the former champion through the ropes in the eighth and it was apparent he wasn't going to get up, the city went mad. It seemed that everybody left their homes to congregate in front of the Enterprise and the celebration was only slightly less happy and boisterous than that which greeted the news of the end of World War II.

The Louis bout meant a shot at the championship and one of the most gruelling battles in the history of the ring. Again, the city went crazy when Rocky finally put away the dogged and crafty Joe Walcott and became the first white fighter to hold the title in a decade.

Then there were the fights as champion. You remember the Ward Two Club, Rocky's home club, where his neighbors and friends jammed the hall to listen to every second of the bouts and the wild celebrations that followed each win.

You remember Rocky riding in a car in Brockton's 75th anniversary parade, with his wife, Barbara, and his young daughter by his side, beaming, happy, glad to celebrate with his friends and neighbors.

You remember his decision to retire undefeated, and a telephone call to the late Vic Dubois, Enterprise sports editor, who was in the hospital. Rocky told him, "I promised you'd be the first to know." And the promise was kept.

Then came the retirement years. Rocky was usually in Florida, but when he was home, there was always a toot on the horn and a wave of the hand for his friends when he saw them.

#### THEY WERE GOOD YEARS

The retirement years were good years. Speaking engagements, publicity chores, television appearances, meetings with the great and the famous. And then the crash and the end. It's been a long way from the little house near Edgar's playground to the plane crash in an Iowa field. It's a journey few men can make. For part of his 46 years, Rocky was there, on top, the champ. Who can ask for anything more?

[From the Boston (Mass.) Globe, Sept. 2, 1969]

#### MARCIANO FLYING TO BIRTHDAY PARTY WITH FRIENDS WHEN PLANE CRASHED

NEWTON, Iowa.—Rocky Marciano, only world heavyweight champion to retire undefeated, was killed in the crash of a light plane into a pasture Sunday night as he flew to celebrate his birthday with friends.

Marciano, who would have been 46 yesterday, died with a family friend and a pilot in the wreckage of a single-engine Cessna 172

which lost power, struck a tree and crashed into a small ravine in a weedy field about two miles south of here.

Marciano's body was pinned beneath the main wreckage of the four-place plane. Jasper County medical examiner Dr. John Maughan said all three men were killed instantly.

Marciano, known as the "Brockton Blockbuster" during his devastating reign in the 1950's, was one of the most popular boxers since Jack Dempsey ruled as heavyweight king.

He compiled a perfect record of 49 victories—43 of them knockouts—in professional bouts before he retired as undefeated champion on April 27, 1956.

Marciano, born Rocco Marchegiano, the son of a shoe factory worker, captured the world heavyweight title by knocking out Jersey Joe Walcott in 13 rounds at Philadelphia on Sept. 23, 1952. His last fight was on Sept. 21, 1955, when he knocked out Archie Moore in nine rounds in New York.

Killed with Marciano were Frank Farrell, 28, of Des Moines, a friend of the former champion, and Glenn Eugene Belz, 37, Des Moines, the pilot.

A family source said Farrell and Belz were flying Marciano from Chicago to Des Moines for a birthday dinner with Farrell and his family. The source said Farrell was the son of Lew Farrell, a former boxer who had known Marciano since boyhood. Lew Farrell died about two years ago.

Federal investigators sifted through the wreckage of the 1967 green and white Cessna, the property of Executive Flyers, Inc., Des Moines Flying Club, trying to determine the cause of the crash.

K. A. Egge, an FAA inspector, injected a mysterious note when he refused to identify the one person who supposedly saw the plane go down.

Egge said he would not provide the witness' name because of Marciano's national stature, the possibility of lawsuits and the fact that the witness saw the accident "long distance."

There were indications the plane may have encountered mechanical trouble or run low on fuel and that the pilot was trying to make it to the Newton airport, about 1½ miles from the crash scene on the Henry Ellander farm.

None of the Ellanders was home at the time of the accident, but Mrs. Colleen Swarts, 30, who lives about one-half mile from the crash site, said she saw the lights of the plane as it passed overhead in an overcast. She said the plane's engine stopped, then "kind of sputtered again."

"Then I heard this awful thud and I knew it had crashed," Mrs. Swarts said.

Deputy sheriff Jim Verwers, the first person at the scene, said there was a low overcast but no rain.

One wing of the plane was sheared off when it hit the tree. Bits of the plane, flight maps and weather charts were strewn some 250 feet from the tree to the point where the fuselage came to rest.

Marciano's ring career began in 1947. Before turning to boxing he had worked as a ditchdigger, a dishwasher, a candy mixer, a truck driver. In 1946 he had a baseball try-out with the Chicago Cubs as a catcher, but the Cubs didn't think he could throw well enough.

He fought in the Army, then tried amateur boxing. He persuaded manager Al Weill to take him on as a pro in 1948 and together they went all the way to the top.

His first pro fight was on Mar. 17, 1947 against Lee Epperson. He won his first 15 bouts by knockouts and then came into national focus when he won a 10-round decision from undefeated Roland LaStarza in 1950.

After that he knocked out Rex Layne, Freddie Beahere and his own idol, Joe Louis. A two-round knockout of Harry (Kid) Math-

ews got him the title fight with Jersey Joe Walcott in 1952.

He won the title and made six defenses before retiring in 1956.

[From the Boston (Mass.) Globe, Sept. 2, 1969]

#### ROCKY IMPRESSED EVEN CLAY

(By Bud Collins)

The shadowy figures were scuffling on the wall of a Houston hotel room—Rocky Marciano and Archie Moore on film, entertainers at a home movie of sorts. On a couch, the man who was being entertained showed admiration for the first time. "Yeah," said Cassius Muhammad Ali Clay, "that Rocky was good, wasn't he? First time I seen his films.

"He's the onliest one that would've given me some trouble."

As a film critic, Ali hadn't been impressed by the reels of Dempsey or Tunney, or even Joe Louis. Marciano was "something else," grinned Ali that Sunday morning before he fought and beat Ernie Terrell in the Astrodome.

Nobody in boxing needed Ali's appraisal to know that Rocky Marciano was something else. But it was surprising in those super-egoistic days of the current champion-in-exile, Ali, that he could turn off the self-canonization for a moment to recognize Rocky's superior qualities. Rocky got through to him, as he might have in the ring had they been contemporaries.

Marciano, who was killed Sunday in an airplane crash, may well have been the greatest heavyweight fist fighter in the line of succession going back to another Massachusetts tough, John L. Sullivan out of Roxbury. Rocky beat everybody they put in with him—49 for 49. Nobody else did that. Nobody else had perfect results in their work, although Ali (29 for 29) had his heart set on surpassing Rocky's mark before encountering his present problems with the Justice Department.

Nevertheless, the critics were grudging when it came to putting greatness and Marciano in the same sentence. He wasn't particularly gifted, not in the sense of being a picture fighter. The picture he brought to mind was George Bellows' "Stag at Sharkey's"—a painting of a couple of club brawlers wading into each other with no thought to style.

The Marciano style was: Hit the other guy hard, and lots—and never mind what he did to you.

He didn't know how to lose. Though the purist may have winced at his approach, it all comes down to winning in boxing, and Rocky never was a party to failure that could be deliberated on.

A brawler, yes, but Charlie Goldman—a barroom fighter in the '90s who who became Marciano's first formal tutor—found in Rocky a brawler whose heart, desire and physique could meet the demands of the big league. A few refinements were added, but Rocky was still the essential fighter: Hit the other guy more than he could hit you.

For a while the critics seemed to resent Rocky's mauling of an idol, an aged Joe Louis who was propped up once more to test the young brawler. It seemed indecent that this thrashing machine from Brockton should mangle a legend. Rocky probably didn't like the idea, either, for Louis had been his hero. But Louis got into the ring with him, and there was no mercy for anybody who took that step.

Marciano only knew one way. Bash and batter. Forget the punches that came, the pain, the fatigue. Do anything. Win. Keep bashing and battering until the other guy is in a heap.

Rocky's nose was nearly torn off by Joe Walcott, and he was bashed and battered himself, but Rocky found a way to win the

title. Somehow, groping through the blood and hurt, he let go with a left hand that embalmed old Joe—"the biggest I've even seen," says Don Dunphy who announced all the fights.

Rocky couldn't make all the moves that set forth boxing as the Sweet Science for some of its patrons. Such frills as the Ali Shuffle were mysteries. He was as neat and nifty as a rush hour at a slaughterhouse. Back away—smother the other guy with so many punches he's in an avalanche.

But appreciation from him grew as his retirement lengthened. He would bound down the aisle to the ring to be introduced at the big fights and the roar of the crowd was bolsterous, yet warm.

The champions who succeeded him, Floyd Patterson and Ali, could not be taken to the usual boxing loyalist's heart. They were puzzles. Patterson, introspective and brooding, worried about the fact that nobody regarded him as the real thing. Ali was the screamer, convert to a religion that made whites uncomfortable, finally a draft-resister.

Rocky was a champion people could understand. They saw him as uncomplicated, a family man who trained hard, punched people thoroughly and well, and was good to his parents.

His success made the public feel there was actually something wholesome about boxing: the milltown boy, clean through and through, wins the title, respect and riches through hard work. He rewards his fellow townsmen who bet on him at long odds, and makes Brockton famous for something more romantic than shoes.

All that remains is the record, and the memories of exciting nights in arenas and ball parks when Rocky stirred those who watched him at work. The record and the memories are excellent. A man can't leave much better than that. It is hard to believe Rocky dead, of course, but the most unbelievable will be the rivals, the men who pounded on him and were beaten by him. They'd swear that it would take more than a plane crash to kill Rocky.

[From the Boston (Mass.) Globe, Sept. 2, 1969]

#### MAN WHO BEAT ROCKY RECALLS AMATEUR BOUT

Bob Girard, now a fireman in Lynn, Mass., was one of Rocky Marciano's biggest fans and ranked with three others as the only men who ever defeated the Brockton blockbuster.

A good amateur, but unheralded as athletes go, Girard, who once won a three-round decision from one Rocco Marchegiano (Rocky's real name) said yesterday when he heard about Rocky's death, "It's terrible. It's hard to believe."

Girard beat Marciano in the finals of the 1947 state amateur heavyweight championship at old Mechanics Hall.

Girard reminisced, "I followed his career all the way. I knew he'd be a champ that night. He was fantastic in the ring; if the fight lasted long enough, he was bound to get you. He could at any time—with one punch.

"He was the best I ever fought—the best I ever saw. I wonder to this day how I ever took his punch," Girard said.

Sportsman and race horse owner Peter Fuller was another of the young boxers who knew Marciano in those pre-professional days. He recalled another fight at Mechanics Hall.

Fuller and Marciano were scheduled to meet on an amateur card but, as Fuller related:

"The promoter saw the crowd and said we could draw a bigger crowd as winners next week. He announced we wouldn't fight that night but the winners of that card would fight the next week."

The fight never came off. Fuller won his bout, but Rocky jammed his thumb and lost the decision.

"Rocky was an incredible guy. He had a tremendous strength, aside from his physical strength," Fuller said.

[From the Boston (Mass.) Globe, Sept. 2, 1969]

#### "I'LL FIGHT ANY MAN IN THE HOUSE"

LONDON.—Boxing writer Bill Martin of the British Press Assoc. recalled this story about Rocky Marciano last night:

"I best remember him in 1965 when he was taken down to meet the locals in a bar in West London. This suited Marciano, for he was a sucker for people, and having signed 100 autographs and shaken hands with everyone in the bar, he was pushed up onto the stage to make a speech.

"He said in an accent, straight from the gangster film of the 1930s, 'I can't sing, I can't dance and I'm not very good at telling stories. But just to be sociable I'll fight any man in the house.'"

[From the Boston (Mass.) Globe, Sept. 2, 1969]

#### RITES THURSDAY: ROCKY'S DEATH STUNS BROCKTON

(By Robert L. Levey)

BROCKTON.—Rocky Marciano's friends and relatives began arriving here yesterday to mourn the former boxing champion, who died in a light plane crash Sunday night.

Marciano's body was flown to Boston and then taken to the Hickey Funeral Home, 40 Main st. It will lie in wake from 7 to 9 to-night and Wednesday from 2 to 4 and 7 to 9.

Those who knew Marciano were still dazed yesterday. Local friends of the fighter and his family began visiting his parent's home on Dover street.

Marciano's younger brother, Peter, was there to comfort the elderly father and mother, Mr. and Mrs. Peter Marchegiano.

A group of Marciano's friends sat on the front stairs of the house in the intense heat and chatted about the man who had brought them so many thrills.

"He would have been 46 today," said his younger brother. "The last time he came here was about two weeks ago. He came here a lot to visit mother and father. In the winter, they'd go down there and stay with him in Florida."

Though Rocky had been out of the ring for 13 years, he remained extremely active in business enterprises and on the sports speaking circuit.

He had just started a new business venture, a string of spaghetti houses. Peter was supposed to leave for San Jose, Calif., this week to help manage the chain.

Rocky's wife, Barbara, and two children, Mary Ann, 16, and Rocky, Jr., 17 months flew to Boston from Florida and arrived in Brockton in the late afternoon.

Mrs. Marciano said Rocky had called her Saturday and wished her a happy birthday. His own birthday was to have been celebrated when he returned to Florida on Monday.

A solemn high Mass of requiem for Marciano will be said Thursday at 10 a.m. at St. Colmans Church on Wendell ave., Brockton. His remains will then be shipped to Fort Lauderdale, Fla., where a wake will be held Friday at a local funeral home and burial will be Saturday in Queen of Heaven Cemetery, Fort Lauderdale.

Marciano's other brother, Louis, arrived in Brockton yesterday from his home in San Jose. He also leaves three sisters in Brockton, Mrs. Vincent (Alice) Pereira, Mrs. Robert (Connie) Langway and Mrs. Armond (Elizabeth) Columbo. The family has asked that in lieu of flowers contributions be made to Boys Town of Italy.

Marciano, undefeated as a professional boxer, held the world heavyweight boxing championship from Sept. 23, 1952 to his retirement on Apr. 27, 1956.



Since then he developed a successful business career and a reputation as a loyal friend and devoted family man. His father had come from Italy and was a shoe worker in the Brockton mills.

When Rocky had finally battled himself to the top, someone in his hometown said "Brockton used to be famous for shoes, but since he won the title, it's only famous for him."

[From the Boston (Mass.) Globe, Sept. 2, 1969]

#### LITTLE ROCKY CAN WALK NOW, WANTED SO MUCH TO SHOW DAD

FORT LAUDERDALE, FLA.—Rocky Kevin Marciano was going to surprise his daddy. The 7-month-old only son of boxing great Rocky Marciano had learned to walk since his father departed on business 10 days ago.

But today he was unable to comprehend that his father would never again come through the front door and bear hug his boy. Little Rock loved those hugs. The same stubby, muscular arms that once terrorized ring opponents were warm and cuddly to him.

"He didn't know young Rocky could walk," said Mrs. Elizabeth Cousins, mother of Marciano's wife, Barbara. "All of us find it hard to believe he's dead, but it hits home when you learn Rocky's body is en route to Brockton in a casket."

Mrs. Cousins said a Mass was planned at St. Colman's Church where the couple was married.

The mother-in-law was visiting Mrs. Marciano when her son-in-law was killed. She arrived last Wednesday from her home in Rocky's native Brockton, Mass., along with the Marciano's other child, 16-year-old Mary Ann.

"There are a lot of presents," Mrs. Cousins said. "I don't know what will be done with them. We're not thinking too much about that with what's happened."

Since retiring from boxing with a 49-0 record, Marciano had been involved in various businesses. Some lost small fortunes, but others made money. The family lived at 2700 N. Atlantic blvd., on Fort Lauderdale Beach in an expensive waterfront home.

"He was always running everywhere to make money," Mrs. Cousins said. He was building and selling boats, dabbling in real estate and had construction holdings. The latest venture was a restaurant chain known as Luigi's in California.

A Mass will be celebrated at St. Pius Church here after the body arrives from Massachusetts. Mrs. Cousins said plans are to bury Marciano here Saturday.

[From the Boston (Mass.) Globe, Sept. 2, 1969]

#### TWO RING FRIENDS DIED WITHIN YEAR

The Death of Rocky Marciano late Sunday followed within a year the deaths of the two men closest to him in the ring, his trainers Alvie Colombo and Charlie Goldman.

Colombo died on Jan. 7 1969, when he was crushed by a truck in Readville, Mass. Goldman died of natural causes last Nov. 17.

#### CLAY, MARCIANO FOUGHT 70 ROUNDS FOR COMPUTER

CHICAGO.—Cassius Clay, deposed heavyweight champion, expressed admiration for the late Rocky Marciano yesterday.

"I got to know him while we were filming a computer fight not long ago," Clay said. Marciano and Clay sparred about 70 rounds for a film to be shown early next year.

"We did every conceivable thing that could happen in a fight," Clay said. "Then they'll take it and cut it up according to what the computer says. Rocky will never get to know how it comes out."

Although Marciano had not fought since

1955, he was in trim shape for the make-believe bout, according to Clay.

"For a guy his age, he was in just as good shape as me," Clay said. "He was slimmed down and didn't have any fat that I could see. When he got tired, I was tired. Most of the time we pulled our punches, but once in a while one landed."

"For a week after that, I couldn't lift my arms because the body punches were for real. They say that's the way he beat his opponents when he was fighting, and I can believe it."

Who would have won a real fight if they had both been in their prime?

"Marciano would never say that he could beat me," Clay said, "and I won't say that I could beat him. It would have been a real fight, though."

[From the Boston (Mass.) Globe, Sept. 2, 1969]

#### A GREAT CHAMPION AND A GOOD MAN

The boxing world mourned the death of Rocky Marciano and from all parts of the United States and England the tributes that poured in had a common sound:

"A great champion and a good man."

Joe Louis, the 55-year-old former champion, said, "Everything I remember about him is good. He was the kind of man boxing can use. When he defeated me I think it hurt him more than it did me. After the fight he sent a message to my dressing room saying how sorry he was the fight turned out the way it did."

"This is the saddest news I've ever heard."

In Weehawken, N.J., Emile Griffith, former middleweight and welterweight champion of the world, fought back tears when he heard the news.

"I came back from the movies and heard the news; my friend asked me, 'Emile, why are you crying?' and how could I explain. Rocky and myself were always good friends—that's what hurts me, and why I'm crying because this man was a gentleman with me, a great champion and a perfect gentleman."

Jersey Joe Walcott, who lost the title to Marciano in 1952, said, "No one can really appreciate at this point what Rocky has done. He was a man all youth looked up to and a personal friend of mine. I'm not only saddened, but also deeply hurt. He was a man of courage in the ring. Outside he was gentle and kind."

Cassius Clay, deposed heavyweight boxing champion, said, "He was so great and so popular, and he never showed conceit. He was always so down to earth. Like everyone else I'm shocked."

Harry Markson, director of boxing at New York's Madison Square Garden, said, "I would regard him as one of the great fighters of our time. His loss will be sorely felt not only in boxing, but also in all of sports."

J. Onslow Fane, chairman of the British Boxing Board, said Rocky was "a fine, decent man with millions of friends."

Henry Cooper, England's European heavyweight champion, said, "It's a tragedy. He was a proper gentleman, a credit to the game."

"I am very, very sorry," said Ezzard Charles, former heavyweight champion.

Chairman Edwin Dooley of the New York State Athletic Commission issued a statement:

"My fellow commissioners mourn the untimely death of undefeated world heavyweight champion Rocky Marciano. He was not only a great champion who fought most of his exciting bouts right here in New York, but a credit to the whole boxing fraternity. . . . Rocky will always be remembered as an immortal in boxing."

#### ALL-TIME GREAT, SAYS SILVERMAN

Sam Silverman, who promoted 31 of Rocky Marciano's fights, called him an all-time great yesterday.

"Rocky might be the best heavyweight who ever lived," said the veteran fight promoter. "You don't know how good a fighter is until he gets licked. He's never been beaten."

"Rocky was an inspiration to kids who wanted to become fighters. He had a clear background. He came up the hard way."

"Boxing gave Rocky a lot and he gave boxing a lot. He's one of the all-time greats."

[From the Boston (Mass.) Globe, Sept. 2, 1969]

#### NATIONAL BOARD TO PROBE CRASH

WASHINGTON.—The National Transportation Safety Board moved quickly yesterday to investigate the plane crash that took the life of former heavyweight boxing champion Rocky Marciano and two others.

Board chairman John H. Reed said he has ordered Alfred Crawford, supervisory air safety investigator at Kansas City, to look into the crash.

[From the Boston (Mass.) Globe, Sept. 2, 1969]

#### ROME PAPERS DEVOTE PAGES TO MARCIANO

ROME.—All three Rome afternoon newspapers devoted full pages of news and pictures to Marciano—the son of Italian immigrants.

In Ripa Teatina, where Rocky's parents were born, a town of 3000 inhabitants, townspeople milled around the squares, some in tears. Condolences were offered to Marciano's cousin, Edda Marchegiano.

The town gave Marciano a triumphal welcome when he visited it in August, 1964.

Marciano had been expected to return next month to Rome to attend the world middleweight title fight in Naples between champion Nino Benvenuti and Fraser Scott of the United States.

An Italian organizer, Eduino Zucchet, said Scott wanted Marciano to be in his corner. All afternoon newspapers in Paris carried two and three column headlines on Marciano's death, with pictures.

So did other papers throughout Europe.

[From the Boston (Mass.) Globe, Sept. 2, 1969]

#### MARCIANO'S TITLE BOUTS

Rocky Marciano defended his world heavyweight boxing championship six times before retiring undefeated in 49 bouts—43 victories by knockouts—in April, 1956.

His title fights:

Sept. 23, 1952—Won the title on a 13-round knockout of Jersey Joe Walcott in Philadelphia.

May 16, 1953—Knocked out Walcott, first round in Chicago.

Sept. 24, 1953—Knocked out Roland LaStarza, 11th round in New York.

June 17, 1954—Won 15-round decision from Ezzard Charles in New York.

Sept. 15, 1954—Knocked out Charles, eighth round, in New York.

May 16, 1955—Knocked out Don Cockell, ninth round, in San Francisco.

Sept. 21, 1955—Knocked out Archie Moore, ninth round, in New York.

Marciano retired the following year.

His earnings in title bouts, including television receipts, (but not radio) were \$1,460,338.

[From the Boston (Mass.) Herald-Traveler, Sept. 2, 1969]

#### MARCIANO THE CHAMPION COMES HOME—FAMILY PLANS BROCKTON RITES (By Bill McCaffrey)

BROCKTON.—The body of Rocky Marciano, retired heavyweight boxing champion of the world, will be returned here today for funeral services in the city where he began a boxing career that led to fame and fortune. Marciano, whose savage punching and courage became a legend in the boxing world,



died Sunday night in a single engine plane crash at Newton, Iowa.

A funeral Mass will be celebrated at St. Colman's Church, Thursday at 10 a.m. and another Mass will be sung at St. Pius Church, Ft. Lauderdale, Florida, Friday.

The former champion will be buried Friday in Queen of Heaven cemetery in Ft. Lauderdale. Marciano had made his home there in recent years.

Marciano was en route from Chicago to a Des Moines steak house, where a birthday party was scheduled to be held Sunday night.

Later he was to fly home to Ft. Lauderdale where a birthday party had been planned by his wife, Barbara and his daughter.

Instead his sorrowing widow arrived at Logan airport to complete her husband's funeral arrangements.

"It was so sudden, so sudden," Mrs. Marciano said Monday on arrival from her home at Ft. Lauderdale, Fla.

The tearful widow was met at the airport by a number of friends and relatives. She was accompanied by her daughter, Mary Ann.

Another child, Rocco Marciano Jr., 7 months, whom they adopted recently, was left behind in the care of Mrs. Cousens, Rocky's mother-in-law.

The boxing champion, who retired with his crown intact, was enrolled in the Boxing Hall of Fame in 1957.

Yesterday members of his family gathered at the home of his mother and father to lend them support during their bereavement.

The boxer's father, Perry (Pierini), is a retired shoe worker. His mother, Pasquelena, 68, and father live in a modest two-family home at 168 Dover St., Brockton. Marciano visited his parents only two weeks ago.

Mrs. Elizabeth Cousens, of Brockton, Marciano's mother-in-law, had flown to Ft. Lauderdale to attend the birthday fete.

His daughter, 16-year-old Mary Ann, had planned to lead the guests in singing "happy birthday" for her dad.

His parents were going to sing "happy birthday" on the phone last night.

The champ, whose reputation for clean living had won him respect outside the boxing profession, married a home town girl, the former Barbara Cousens, daughter of a former Brockton policeman.

Mrs. Marciano was placed under sedation last night shortly after her arrival to complete funeral arrangements. The funeral will be held in the same church where she and Rocky were married.

One of the first messages of condolence was from Msgr. Carroll, director of Boys-town in Rome, Italy. The former world champion planned to construct an orphanage in his parents' home town in Italy in their honor.

His parents are natives of Ripatetina, Italy. The family requests that donations be sent to Boys Town in lieu of flowers.

Rocky left Brockton high school in the first year to help support his parents.

His uncle Michael Piccento, 55, said Rocky's first ambition was "to earn enough money so his father could retire."

The senior Marchegiano has been in poor health for several years.

The parents were alone when they learned about the death of their son at 1 a.m.

He paid off the parent's \$3,800 mortgage on the house with the first big money check—\$4,000—he earned boxing.

"That's the kind of a boy he was," the uncle said, wiping a tear.

Mrs. Marciano was accompanied by her daughter, Mary Ann, last night. Their adopted son, Rocco, remained in Florida with Mrs. Marciano's mother.

But for his right arm, which sent so many boxing opponents reeling to defeat, Marciano might have been a big league baseball player.

He was given a tryout as a catcher by the Chicago Cubs in 1946. The Cubs were satis-

fied with his hitting but ruled that he couldn't throw fast enough.

The Ward 2 club of Brockton became famous when Rocky started up the fistie road to success. The whole town jammed into the club on Dover street only a few doors from his old home to cheer the champ on his victory.

Yesterday the club was closed and the blinds drawn. The photographs and trophies on the walls were the only reminders of yesterday's victories.

Yet the Ward 2 club is a symbol of hope and courage to a new generation of youth.

It was like "Times Square on New Year's Eve when Rocky won a fight," a club member said.

Rocky turned to fighting when he didn't make it in baseball because he wanted "to become somebody."

In his youth he worked at ditchdigging, dishwashing, candy mixing and truck driving. He began his boxing career while serving in the Army in World War II.

Rocky was given his first pair of boxing gloves by an uncle Mike Piccento, who still lives in the house where Rocky was born on Brooks street.

At that time Rocky came running into the house crying because a kid had "hit him."

"I decided it was time for him to learn how to take care of himself," the uncle said, "so I gave him the boxing gloves."

Rocky was gentle by nature but he had a fighter's face, complete with the "spread eagle nose."

He reached the height of his boxing career in the 1950's. Known throughout the nation as the "Brockton Blockbuster" he was one of the most popular boxers since Jack Dempsey. He captured the world heavy weight title by knocking out Jersey Joe Walcott in 13 rounds at Philadelphia, Sept. 23, 1952.

He compiled a perfect record of 49 victories—43 of them knockouts in professional bouts—before he retired as undefeated champion April 27, 1956.

Rocky was urged to return to the ring many times since his retirement, but he kept a pledge he made to his wife that he "would quit for good once he retired."

Killed with Marciano in the accident were Frank Farrell, 28, of Des Moines, a friend and Glenn E. Belz, 37, pilot of the single engine aircraft.

Former champ Sonny Liston called Marciano "one of the greatest champions there ever was." Jersey Joe Walcott said: "In the ring he was a lion, outside a lamb."

Cassius Clay deposed champ, called him "a nice humble gentleman."

His fights brought in gross receipts of \$4 million. In seven title fights the Champion earned \$1.5 million, not including radio.

Since then he tried several business ventures, one a potato farmer, in which he lost more than \$100,000.

But Rocky considered his work with kids in athletic programs in which he urged them to "try hard," as one of his greatest contributions in retirement.

Besides his wife, daughter, son, and parents, Marciano leaves three sisters: Mrs. Alice Tereira, Mrs. Concetta Langway, Mrs. Betty Columbo, all of Brockton; two brothers, Peter, of Brockton, and Louis, of San Jose, Calif.

Visiting hours at the Hickey Funeral Home, 403 Main St., Brockton will be 7-9 tonight, and 2-4 and 7-9 tomorrow.

[From the Boston (Mass.) Herald-Traveler, Sept. 2, 1969]

SIX-INCH PUNCH WON WORLD CROWN:  
ROCKY'S PRICELESS ASSET—ABILITY TO HIT

(By Arthur Daley)

NEW YORK—The one priceless asset that Rocky Marciano brought into the ring was the ability to hit. As a boxer he was only a

little more than adequate. However, he had dynamite kegs in either fist as he blasted his way to the heavyweight championship of the world before retiring undefeated after 49 straight victories. By any standard of measurement he had to rank as a great champion, not necessarily the best but very close to the top.

The tragic crash of a private plane in the midwest last night snuffed out Rocky's life on the eve of his 46th birthday and thus erased from the scene one of sport's more admirable personalities. He was a totally dedicated man, so single-minded of purpose that he subordinated himself to the monastic regimen leading to his goal of the heavyweight championship.

Not until near the end of his career did he show the slightest signs of yielding to human impulses. By then his retirement was hastened by his desire to live a normal life with his wife and a daughter who barely knew him.

The insensitive Al Weill was his ruthless manager and Weill even delayed for several years the Rock's marriage to a childhood sweetheart, Barbara Cousens. But Weill was a singularly skillful handler during the Marciano rise to the title, the svengali to the Rock's tribly. And Charlie Goldman, a gnome-like little marvel, was the trainer who became a pygmalion, breathing life into the statue.

What a puncher he was! When the Rock knocked out Joe Louis in 1951, the first big step upward, the Bomber couldn't brush his teeth or raise his hands to his head for a week, so numb were his arms from Rocky's pounding. In a fight with Roland LaStarza the force of those punches burst the blood vessels in LaStarza's arms.

Every Rocky punch hurt, whether on target or not. This was his strength. Before he fought Ezzard Charles, an extremely clever boxer, the experts agreed that Marciano's only victory chance would be by a knockout. But the Rock won by decision because he threw too many punches and was the more effective fighter. He could take a punch, too, and that also was important.

But of all the punches he ever threw none could compare with the right that bounced off the chin of Jersey Joe Walcott and earned the Rock his championship in 1952. It was the perfect punch, a classic such as few fight-goers ever are privileged to see. I was lucky that night in Philadelphia because my side of the ring gave me an ideal view of it.

In the very first round the deft Walcott landed a sneak left hook that dumped Marciano on his bitches, the first knockdown of his career. In the sixth the blockbuster was in grave distress. He was blinded temporarily by some foreign substance that entered his eyes, the Rock brushing against his eyes with the back of his glove as Jersey Joe continued to pile up the points while evading the Marciano paymaker. Walcott was far ahead into the 13th. Then it happened.

They maneuvered around the ring for a while. Walcott, to my right, stepped back from the constantly pressing Marciano. They were in perfect profile and I could see everything. Walcott misjudged the whereabouts of the ropes. They were closer than he expected. They flung him forward.

Rocky stepped in and braced himself. When he threw his right, the power rippled from his shoe tops right up his back and into his thunderous fist. The glove barely went more than six inches, smack on the button. An instant glaze covered Walcott's eyes. He was finished. The Rock hooked twice more at the falling body but they were unnecessary. Walcott already had been deprived of his senses and his championship.

I've known all the heavyweight champions from Jack Dempsey onward but I probably was closer to the Rock than to any of the others. Not only did I admire him as a fighter but as a man.

[From the Boston (Mass.) Herald-Traveler,  
Sept. 2, 1969]

# ROCKY MARCIANO

Rocky Marciano goes down in the books as a heavyweight champion who never knew the taste of defeat during his entire professional career.

Fight fans remember him also as the man whose battering fists sent the great Joe Louis into permanent retirement and who fought his way back from a near-knockout to wrest the title from Jersey Joe Walcott in the 13th round of their 1952 championship battle.

Brockton oldtimers and middletimers will recall him as a strangely gentle youth, strong and burly, who backed off from schoolboy battling because he was truly afraid of hurting someone. This is the man who died in a plane crash Sunday night on the eve of his 46th birthday and this was a man whose life style was the legendary American Dream come true. He was a kind of Horatio Alger hero in the flesh, the living embodiment of the virtues parents drum into the minds of their offsprings: Work hard, save your money, live a clean life.

Do these things and the rewards will be success (even fame, maybe), wealth and all of the good life that is America's so lavishly to give. Rocky learned the precepts from immigrant parents to whom the American dream was real and true and not something to be ridiculed and denigrated.

He worked hard to develop his one great skill; he married the hometown sweetheart, he lived a clean life, he saved his money. The fame that came to him young was never smeared by notoriety. He never viewed fame as an invitation to license, and he made it to the top with none of the slime and corruption of the fight game touching him.

In fact, the fight game should revere him in memory as one man, possibly the last, who gave boxing back its good name, if only for the four years he held the title.

And when he stepped down, Rocky Marciano still had the hometown girl as his wife and still had a bundle he had socked away. Never for him the benefits for the boozed-out, broken-down once-was champ, nor the pitiful comeback attempt to scrape up enough for survival.

In the age of the anti-hero and the non-hero, Rocky Marciano was the hero with whom the mass of Americans could readily identify, the hero who surmounted all difficulties by dint of hard work, dedication and perseverance. He was a near-classic example of the triumph of classic virtues. That, not the title or the records, may be his greatest achievement, and that's why, in such times and this age, he should be remembered.

[From the Boston (Mass.) Herald-Traveler,  
Sept. 2, 1969]

## SO MUCH TO LIVE FOR

(By Tim Horgan)

They were in Germany six weeks ago when Al Falloni told Rocky Marciano about his premonition.

"I dreamed you were on top of a 15-story building," Falloni said, "and you fell off and got killed and everybody started giving me hell for letting you go up there."

"What did they do that for?" Rocky laughed. "When my time comes, it'll come. There's nothing you'll be able to do about it."

The Rock's time came Sunday night in a patch of weeds in Iowa and he was right. There was nothing Al Falloni could do about it. Nothing except grieve.

"He had so much to live for, so many things he planned to do," said Falloni last night at his brother Larry's house in Bridgewater. Al's home is in Bayside Hills, N.Y., where Rocky used to stay when he was broke and went to New York to train under Charlie Goldman. Al works at 275 Madison Ave. in the offices of Rock Marciano-Al Falloni Enterprises. A close friend for 20 years, Falloni

had been Marciano's personal and business manager for the past 10.

Rocky, according to Al, had never been busier, never happier than he was in the weeks preceding his death.

"He has a 7-month-old son in Fort Lauderdale, Rocky, Jr., who looks just like him," Falloni said. "Rocky worshipped the boy."

"We just finished a world tour a few weeks ago," Al added, "and everywhere we went the people mobbed Rocky. It was unbelievable. In fact, Rocky himself said he was amazed he was still so popular."

The pair visited troops in Hawaii, Japan and Vietnam for the USO, then went on to North Africa, England, Germany and Italy.

"It was Rocky's first time in Italy," Falloni said, "and the people treated him like a hero. They mobbed him every place he went. And he did something he'd always wanted to do. He visited his mother's home town, Bruscia, about 20 miles outside Naples. He was thrilled we made plans to bring his mother and father there in November. Rock always wanted to do that too."

Falloni paused to shake the idea out of his mind.

"Just a few weeks ago," he went on, "we finished preparing Rocky's life story for television. We had no definite offer but I was always telling Rocky something might happen to him someday and I wanted him to pick out the things he wanted in his story."

Rocky chose six fights he rated his most important—the two with Joe Walcott and the ones with Joe Louis, Ezzard Charles, Don Cockell and Roland LaStarza.

"To the day he died," Falloni said "Rocky felt awful about beating Louis. When he was a kid he used to listen to Joe's fights on the radio and Rocky worshiped the guy. He hated to knock him out."

Marciano also deplored boxing's long decline. "We just formed a new corporation called the American Boxing Association," Falloni said. "It was set up to help boxing. Rocky wanted to get the colleges to take up the sport again, and he planned to tour campuses all over the country this fall. He was also going to try to get Congress to appoint a federal boxing czar. He thought that would save the game."

"He had so many other plans, too," Falloni said. "Next week he was supposed to make three TV commercials—for a shaving cream, a finance company and a heavy equipment firm. And he was always in demand for personal appearances. In fact, that's where he was heading when his plane went down."

"You know," Al said, "Rocky hated to fly in private planes. He always tried to get a commercial flight. But these people wanted to give him a birthday party and the only way he could get there was in a private plane and Rock couldn't bring himself to refuse so..."

So now he's dead, and Al Falloni, who six weeks ago had a premonition this would happen, helplessly grieves.

## ROCKY MARCIANO'S CAREER RECORD

1947

Mar. 17—Lee Epperson, Holyoke, KO 3.

1948

July 12—Harry Batzerian, Prov., KO 1.

July 19—John Edwards, Prov., KO 1.

Aug. 9—Bobby Quinn, Prov., KO 3.

Aug. 23—Eddie Ross, Prov., KO 1.

Aug. 30—Jimmy Weeks, Prov., KO 1.

Sept. 13—Jerry Jackson, Prov., KO 1.

Sept. 20—Bill Hardeman, Prov., KO 1.

Sept. 30—Gil Carditone, Wash., KO 1.

Oct. 4—Bob Jefferson, Prov., KO 2.

Nov. 20—Patrick Connolly, Prov., KO 1.

Dec. 14—Gilley Ferron, Phil., KO 2.

1949

Mar. 21—Johnny Pretzie, Prov., KO 5.

Mar. 28—Artie Donnato, Prov., KO 1.

Apr. 11—James Walls, Prov., KO 3.

May 2—Jimmy Evans, Prov., KO 3.  
May 23—Don Mogard, Prov., W 10.  
July 18—Harry Haft, Prov., KO 3.  
Aug. 18—Pete Louthis, Bedford, KO 3.  
Sept. 26—Tommy DiGiorgio, Prov., KO 4.  
Oct. 10—Ted Lowry, Prov., W 10.  
Nov. 7—Joe Domicic, Prov., KO 2.  
Dec. 2—Pat Richards, New York, KO 2.  
Dec. 19—Phil Muscato, Prov., KO 5.  
Dec. 30—Carmino Vingo, New York, KO 6.

1950

Mar. 24—Roland LaStarza, N.Y., W 10.  
June 5—Eldridge Eastman, Prov., KO 3.  
July 10—Gino Buonviro, Boston, KO 10.  
Sept. 18—Johnny Shkori, Prov., KO 6.  
Nov. 13—Ted Lowry, Prov., W 10.  
Dec. 18—Bill Wilson, Prov., KO 1.

1951

Jan. 29—Keepe Simmons, Prov., KO 5.  
Mar. 20—Harold Mitchell, Hart., KO 2.  
Mar. 26—Art Henri, Prov., KO 9.  
Apr. 30—Red Applegate, Prov., W 10.  
July 12—Rex Layne, N.Y., KO 6.  
Aug. 27—Freddie Beshore, Boston, KO 4.  
Oct. 26—Joe Louis, N.Y., KO 8.

1952

Feb. 13—Lee Sacote, Phil., KO 6.  
Apr. 12—Gino Buonviro, Prov., KO 2.  
May 12—Bernie Reynolds, Prov., KO 3.  
July 28—Harry Matthews, N.Y., KO 2.  
Sept. 23—Jersey Joe Walcott, Phil., KO 13.  
(Won World Heavyweight Title)

1953

May 15—Jersey Joe Walcott, Chi., KO 1.  
(Title Bout)  
Sept. 24—Roland LaStarza, N.Y., KO 11.  
(Title Bout)

1954

June 17—Ezzard Charles, N.Y., W 15.  
(Title Bout)  
Sept. 17—Ezzard Charles, N.Y., KO 8.  
(Title Bout)

1955

May 16—Don Cockell, San Fran., KO 9.  
(Title Bout)  
Sept. 21—Archie Moore, New York, KO 9.  
(Title Bout)

1956

Announced retirement as undefeated world heavyweight champion, April 27, 1956.  
Elected to Boxing Hall of Fame, 1959.  
Total bouts, 48; won by knockout, 43; won by decision 5.

[From the Boston (Mass.) Herald-Traveler,  
Sept. 2, 1969]

## RING NOTABLES SADDENED—OLD Foes LAUD HEART, KINDNESS

"This is the saddest news I've ever heard," Joe Louis said yesterday when he heard of the death of Rocky Marciano.

Marciano was the boxer who knocked out Louis in the eighth round in Madison Square Garden on Oct. 25, 1951, as the Brown Bomber was attempting a comeback.

"When he defeated me I think it hurt him more than it did me. He was always talking about it," Louis said.

"After the fight, he sent a message to my dressing room saying how sorry he was the fight turned out the way it did.

"He just had a good heart," Louis said. "He put everything he had into boxing. He was the kind of man boxing can really use."

"Everything I remember about him is good," the 56-year-old ex-champion said.

Jersey Joe Walcott and Ezzard Charles had felt the gloved fists thudding into them, raising welts and slashing open cuts. But they also felt the kindness of a man who sometimes seemed too gentle for the ring.

"The Rock and I were great friends," said Walcott, the man they called "Old Pappy" who lost the heavyweight title to Marciano. "We had a friendship unique among fighters. He was one of the toughest I ever fought, had

a very unusual style, and he was a great puncher. He was a bundle of energy. The guy was pleasant, happy go lucky out of the ring, but in the ring he was a lion."

"I am very sorry to hear about it," said Charles, who is afflicted with a progressive crippling disease, a myotrophic multiple sclerosis. "I always liked Rocky."

It was less than a year ago that Marciano had attended a huge testimonial for Charles. When it was time for Rocky to speak there were tears in his eyes, and that is one of the memories that Charles cherishes.

In Brockton, Mass. It was time for Rocky to come home again. "Sure, everybody in town knew Rocky," said Frank DiBarri as he grabbed a bite to eat in the Brockton Cafe, directly across the street from the Hickey Funeral Home. "He lived up the street. I used to play baseball down at Edgars Playground, and he would be there too. You couldn't find a better guy."

The sentiment was echoed again and again. "One of the greatest champions," said Sonny Liston.

"A sad thing . . . a fine person, a fine champion, a fine man," former welterweight champion Curtis Cokes said.

"Boxing has lost a real stalwart," World Boxing Association president Emile Brueneau added.

Harry Markson, who is in charge of boxing for New York's Madison Square Garden, said:

"Of course I saw Rocky in most of his fights. I would regard him as one of the great fighters of our time. His record would show that. He was a tremendous ambassador of good will for our sport. His loss will be sorely felt not only in boxing but in all sport."

[From the Boston (Mass.) Herald-Traveler, Sept. 2, 1969]

#### ROCK TOUGHEST OF CLASS GUYS

(By Bill Liston)

There's an old back road on the Silverado Trail country of Northern California where heavyweight champion Rocky Marciano, his handler and buddy, the late Allie Colombo, and this writer often took post-dinner walks when Marciano was in nearby Calistoga training for the Don Cockell fight.

One evening we ran into a couple of grizzled, old ex-prospectors who wanted to know who the rugged guy was. "That's Rocky Marciano," they were told. "He's the heavyweight champion of the world."

"Go on," one of them said. "Joe Louis is the heavyweight champion. This young man isn't big enough (185) to be the top fighter in the world."

Marciano laughed softly. "You're right," he said. "Joe Lewis will always be the heavyweight champion of the world in my book, too."

The Brockton Blockbuster was a humble, humane man even though he might have been a killer inside the ropes of the ring. He already had tasted the bitterness of poverty and struggle to fully appreciate all the rewards which go with success.

One got to know the real Marciano at the training camps . . . Greenwood Lake, N.Y. . . . Grossinger, N.Y. . . . Holland, Mich. . . . Russ Murray's estate in North Easton. . . . These are the spots where trainer Charlie Goldman polished the crude bruiser who didn't know the meaning of the word quit into a fighting machine who finished with an undefeated record of 49 straight victories—43 by knock-outs.

Al Weill was Marciano's manager of record, but actually it was Boston promoter Sam Silverman who guided The Rock through his early days in Providence. Weill couldn't have cared less about Marciano until he'd piled up something like 17 straight victories.

"Is that kid really that good?" Silverman was asked one day by Weill on the telephone. When Sam assured Weill that he was, all at once Weill, then matchmaker for the IBC at

Madison Square Garden, suddenly started to take in Marciano's fights.

There was a night in Holland, Mich., when Rocky Colombo and this writer were sitting around watching television. "Say," Marciano said to the writer, "all of the rest of the guys who spent any time around me asked for something. You never ask for anything—not even an autographed picture. How can I do you a favor?"

The writer said quickly, "Well, the day you decide to retire from the ring, give me a couple of hours on the country before you announce it."

The remark was made half in jest but wasn't forgotten by Marciano. Some two years later after he'd beaten Archie Moore, the phone rang one spring morning at the home of the writer. It was Rocky's wife, Barbara, calling.

"Rocky's having a press conference at the Shelton Hotel in New York at one o'clock," she said. "He's going to announce his retirement and he told me to call you."

Somehow, The Rock had remembered a promise made two years previously and never mentioned again.

Marciano was the fearless type that would sometimes take three or four punches just to land one. Perhaps this was one of the reasons he quit the ring so suddenly. At least I think so. Another is the fact that he didn't get along famously with Weill, and his partners who took nearly 60 per cent of his ring earnings.

"You know," he said once after he had beaten Bernie Reynolds in a Providence fight, "I got lucky tonight because I only got nailed a couple of times. But in tough fights, I have headaches for a week or 10 days or two weeks. Sometimes, I actually hear humming and ringing noises in my ears for that long and maybe longer and I know that can't be good for me."

But then he laughed that quiet chuckle of his and added, "But I used to have a sore back all the time from shovelling coke at the Brockton Back Gas Works. For this I get paid better."

Marciano often was criticized because he wasn't the free swing spender Max Baer, for example, was reputed to be. Rocky felt he worked too hard for the money he earned to throw it around. He came out of the ring with something like \$450,000 in cash—cash that he had accumulated in the toughest manner possible. He was determined he wasn't going to wind up in Tap City like Sugar Ray Robinson.

Marciano realized that some fight experts didn't compare him favorably with the likes of Louis in his prime, Jack Dempsey, Gene Tunney, Max Schmeling or some other great heavyweight champion.

"However," he remarked kiddingly once after he'd quit, "20 years from now fight fans will look at my record and know I fought everybody around and never lost a fight. I might even end up a living legend."

In these days of pseudo champs like Jimmy Ellis and Joe Frazier, The Rock from the playgrounds of Brockton already was a legend. It's tragic he had to leave so soon. He was the toughest class guy most people ever will meet in sports.

[From the Boston (Mass.) Herald-Traveler, Sept. 2, 1969]

#### FIRST ALLIE, NOW ROCKY: FUNNY THINGS ONE REMEMBERS

(By Jack McCarthy)

It wasn't too long ago that a feller knelt in a funeral home in Brockton and said a prayer for Allie Colombo. Now the Rock is gone, too. It's hard to believe.

Allie was there with the Rock through all the big ones, and the reason they were so close was that they were there together through all the small ones, too.

Funny, the things you remember. Rocky fighting Gino Buonvino at Braves Field,

awkward, but full of fight, and a veteran fight man leaning back with his cigar, saying, "He'll never make it. His arms are too short."

And a writer measuring the small ring that night after the fight, and Subway Sam Silverman watching in amazement.

Then there was the night in the Rhode Island Auditorium when Bernie Reynolds laid one on Rocky's chin just before the end of the second round. Rock, staggered, went to the wrong corner. After they worked on him between rounds, he came out and hit Reynolds with an overhand right, and Bernie actually bounced when he lit on his rear.

Always the impression remains of Rocky coming up from inside Rex Layne in Madison Square Garden with an uppercut from the floor. Marciano stepped back, and Layne fell like a big tree—cold. And the man in the press row screaming for Marciano and then apologizing to the fight writers—Walter Winchell.

There was the absolute lunacy in downtown Brockton when Rock starched Joe Louis and Joe Walcott. And the guys in the back room of the Ward Two Club waiting for the man to arrive to pay off the bets. Marciano paid off many a mortgage in Brockton. These guys rode with him all the way, and, remember, he never lost.

An the torment of Mrs. Pasqualina Marchegiano (Mama), when Rocky fought. She would retire to her room with her rosary beads, not ever wanting to hear a fight or watch one on TV. She would say, "I pray for Rocky, and I pray for the other man, I don't want anyone to get hurt."

One night, when Walcott knocked Rocky down in an early round, a relative listening at the radio shrieked, "Rocky's down, Rocky's down." Mama heard him, and it took all of the neighborhood's women to calm her.

But Mama, with her corsege, could smile and wave to the crowd during the victory parades downtown, while the Rock rode up ahead in the open convertible.

On one of these jaunts through the ticker tape, I and another youngster, Bill Liston, rode on the back of a convertible in the car in front of Marciano. After almost two hours of maximum exposure to the Brockton citizenry, the parade was over and Rocky, grinning, called Liston aside.

"I hate to tell you this, Bill," he said, "But you just rode through downtown Brockton with your pants split wide open." Liston swooned.

The great little trainer, Charlie Goldman, who died also this year, accompanied Rocky home in victory one time and went with us to a Brockton High School football game. Rocky's brother was playing. Charlie, who taught Rocky to utilize his natural strength and stamina, was then almost 70. When his attention wandered from the game, a reporter asked, "Don't you like football, Charlie?" Replied the derby-hatted little man from Broadway, "Don't bother me. I'm watching them cheerleaders."

Rock once, as a favor, came up to Winthrop at my request to a Rotary Club luncheon, for free—no fee, and he was the heavyweight champion of the world. The only condition was that I come down to Brockton to pick up Allie and himself. I asked, "Why don't you drive up? They just gave you a new car." The answer was, "I don't know how to drive."

He and Colombo were encountered walking along the road in dungarees after roadwork. They jumped in the car and we were off to Winthrop, thus setting up a scene right out of a movie.

When we passed South Station, a trailer truck cut me off as the driver backed into a spot. When I hollered, he leaned out of the cab and let me have it, verbally. Then Rocky leaned out of his window and straightened the guy out. I have never seen such a look of astonishment on anyone before or since.

Except, maybe, on the waitresses in Win-

thorp when they watched Marciano destroy five normal luncheon plates and Lord knows how many rolls.

I bracket Rocky with Joe Jerome, once headwaiter at Jimmie O'Keefe's and now at Nashawtic Country Club, as the two greatest eaters I ever saw. I always wanted to match them at their peaks. It would be a pick 'em match.

Rock could eat and Rock could fight, and he could train like no one before or since. He was in shape and he was in there to beat your brains out. No one ever wanted his money back after they watched him. If he didn't break your head in right away, he beat on your arms until you couldn't hold them up (Ezzard Charles and Roland LaStarza).

Rockie and Allie. I just can't believe it.

[From the Boston (Mass.) Herald-Traveler, Sept. 3, 1969]

FRIENDS, NEIGHBORS FILE BY BIER: MOURNERS  
PAY ROCKY TRIBUTE  
(By Jack Gallant)

BROCKTON.—A silent line of mourners filed quietly into the Elkey Funeral Home on Main street last night to murmur their condolences to the family and pay their last respects to Rocky Marciano.

The line, which began to form before seven before the former undefeated heavyweight champion's family arrived, was notably devoid of sports figures. It included mainly friends and area residents.

But later Sam and Mrs. Silverman appeared. Sam was Rocky's first big time promoter.

And from the local area boxing fraternity there was former world middleweight champion Paul Pender and former New England middleweight title holder Al "Red" Priest. Groups of curious, mostly teenagers, stood across the street in front of a block of stores or on nearby street corners.

Inside the white colonial funeral home, his parents, wife, daughter and brothers sat in a row of chairs to the right of the closed casket.

Tearfully, Rocky's wife, Barbara embraced a friend and then shifted her gaze to a photograph of her champion husband on the closed casket.

Two banks of floral tributes were arranged in back of the casket and along one wall of the small room.

An estimated 300 persons, many with children too young to remember Marciano's ring career, filed slowly out the back door and back to their cars.

Former boxing referee Sharkey Buonanno, of Providence, who had refereed "30 or 35 of Rocky's fights" stood outside and reflected on the "Brockton Blockbuster's" career.

"He was a terrific hitter," Buonanno said. "He would come way back, almost from the floor."

"I had to grab his arm once and stop a fight. If he'd have hit his opponent that night once more he would have killed him. But he had a heart of gold."

On the lawn, Libby Prasca, of Ft. Lauderdale, Fla., a neighbor of Marciano's walked in a small circle with grief showing in his eyes. He had come north with the dead champ's family, to help out, if he could.

"I'm a stranger here, I don't know anyone. It's a terrible tragedy," he said.

Former Champion Joe Louis, whom Marciano knocked out in the eighth round of a 1951 fight, said from Chicago last night that "everything I remember about him was good."

The 55-year-old "Brown Bomber" said Marciano "had a good heart and put everything he had into boxing."

"He was one of the great champions," said former champ Sonny Liston.

Louis, Liston and other boxing notables are expected to arrive in Brockton today and remain for the funeral Mass to be celebrated

at 10 a.m. Thursday in St. Colman's Church, on Wendell Avenue.

His body will be buried in Fort Lauderdale, on Saturday, in Queen of Heaven Cemetery.

#### ROCKY TRIBUTE IN POEM WRITTEN BY ARCHIE MOORE

SAN DIEGO.—Former boxer Archie Moore wrote a poem in tribute to Rocky Marciano, killed Sunday in a plane crash in Iowa.

Moore, former world's light heavyweight champion, was the last ring victim of Marciano. The world's unbeaten heavyweight champ knocked out Moore in nine rounds Sept. 31, 1955.

The poem, which Moore wrote to read in the ring of a Coliseum fight show last night, goes this way:

"At the end of the trail  
When the Master calls  
However we stand  
We must surely fall.  
Our memories will be measured  
By our good deeds.  
We know you have spread them  
Large and small—we wish you  
Godspeed."

[From the Boston (Mass.) Globe, Sept. 2, 1969]

#### MARCIANO'S FOES LOVED CHAMPION (By Harold Kasso)

Three years ago, when he was 43 years old, Rocky Marciano was offered \$4 million by a Texan to fight Cassius Clay. He thought it over, then refused because of his age.

Nobody was happier than his mother, Mrs. Lena Marchegiano of Brockton. She explained her feelings in these words: "I'm glad. He has a beautiful name. Everybody loves my son. It's better this way."

She did not want her son to fight again, no matter what the stakes. He had become wealthy, had earned his fame, had nothing more to prove.

To show that he could beat this fast, fancy and fresh young champion, Cassius Clay? She couldn't care less. She wanted her son safe and sound, and at peace.

For three years he was, then a single-engine plane crashed in Iowa, and he is gone.

Allie Colombo was spared this loss. Allie was Rocky's best friend, greatest admirer and most devoted associate, for he was always in the Rock's corner when he fought as an amateur and professional, in preliminary and title bouts.

An accident cost Allie his life last January. Allie was a fellow who would jump up and down angrily when asked what would have happened if Marciano had ever fought Clay.

"Marciano would have killed him," Colombo said once. "He would have let Clay run. He'd have stalked him, not chased him. He'd bob and weave, make Clay punch down, go underneath and get to his body first. He'd blast his belly, then his chin."

Colombo put his finger on a basic difference between Marciano and Clay.

"Clay always tried to humiliate someone. Nobody he beat likes him. But Rocky is friendly with those he beat—Charles, Louis, Walcott. They all liked him because he was an honest fighter who didn't try to show anybody up."

Once when describing Marciano, Colombo touched on one of the champion's traits that now seems tragically ironic.

"Rocky always has been a hustler," he said. "He'll go to Timbucktoo to make a buck. He doesn't sit down like other champions and expect everything to come to him. He goes out and gets it. Rocky makes friends everywhere, and he's always welcomed back."

When the final gong rang for Marciano, he was still hustling, on his way to make a buck or two for a speaking engagement in Iowa, not in Timbucktoo but in Des Moines.

Rocky worked as hard getting ready to hit

his opponents as Ted Williams worked to hit a baseball. He drove himself hard in the gym, but beside someone like Gene Tunney, he was a crude fighter. Two things he had: enormous physical stamina and a relentless will to win. In these respects, he was truly marvelous.

He was behind when he knocked out Joe Walcott in the 13th round to win the title in Philadelphia in 1952. He was behind 5-3-1 after eight rounds when he beat Ezzard Charles to a pulp over 15 rounds in June of 1954 in a tremendous contest.

The last time I saw Marciano was at the six-second Clay-Liston fight at Lewiston in May of 1955. The crowd had yelled, "Fake, fake, fake," and now had switched to "Fix, fix, fix."

Marciano, expiring at ringside, was smiling weakly, and saying, "I said boxing was dead, and I guess it's true."

He was a sad man that night, but not as sad as his friends and admirers are today.

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

Mr. BURKE of Massachusetts. I am happy to yield to the distinguished Speaker of the House.

Mr. McCORMACK. Mr. Speaker, in the tragic death of Rocky Marciano, last Sunday night, America has lost one of its finest and most outstanding citizens.

My sorrow over this grievous event is echoed in the sadness of all Americans who admired not only his skill as a boxer but also his devotedness to family, his integrity of character, and his kindness of heart—qualities which Rocky Marciano possessed in such abundance.

Rocky Marciano's record as a boxer and fighter is well known, indeed of almost legendary fame. His record of 49 victories, in 49 professional fights, is testimony to his invincible will, to his steadfast determination, to his strength of both body and spirit. In the ring, he was a fighter of courage; outside the ring, a man of kindness and humility.

He ranks among Jack Dempsey, Gene Tunney, and Joe Louis to name three, as one of the great boxers of all time. He was, moreover, a man of the highest personal worth, an inspiration and an example for all who have faith in the American dream—in the validity of hard work, rugged individualism, and regard for the humanity of others, as essential to true success.

In the world of sports, he was not only an undefeated champion, as Abe J. Greene, international commissioner of the World Boxing Association, so aptly stated:

He epitomized all the characteristics that true admirers of boxers held as their standards for the sports. More importantly, however, during his latter days he did much to carry the message of clean sports to hundreds of thousands of youths around the country.

In a time when young people seem to be increasingly confused and disillusioned with life, it is not only refreshing but of vital importance that men like Rocky Marciano by the excellence of their example show to the young, that success in this world can be and indeed must be, accompanied by the virtues of kindness, fairness, and a willingness to share one's blessings with others less fortunate than oneself.

Rocky Marciano shared himself with his family, with Americans, with the



world. He was a devoted man of quiet religious faith, whose essential goodness showed through in the style of his life, and in the substance of his acts. The warmth of his gentle and affable nature combined with an astute and articulate perception which imparted the feeling that here was a man, husband, father, a true model for all young men and who was a compassionate human being, a man who in the simple living of his life, was his own best spokesman.

Rocky Marciano was not spoiled by success. He did not allow his earnings to dissipate, and, in fact, quietly supported numerous beneficiaries, to whom he sent money regularly.

The anniversary of his birth on September 1, 1923, was to have been celebrated with his family on his 46th birthday. It is a tragic irony that he did not live to enjoy it. And yet, his birth, in Brockton, Mass., was the beginning of one of the most fortunate examples in the annals of the American success stories.

Rocky Marciano's father had come to the United States from Italy during World War I, to become a shoemaker. Young Marciano grew up a typical American boy—in the best sense of the word, a sports-loving youngster whose particular interests were baseball and football.

I can offer no tribute of my own more eloquent than those offered by his opponents in the ring who in the best sense of sportsmanship, considered him not merely a professional adversary but a fellow competitor worthy of their love and respect.

I extend to Mrs. Marciano and her loved ones my deep sympathy in their great loss and sorrow.

Mr. BURKE of Massachusetts. I thank the distinguished Speaker for his comments.

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

Mr. BURKE of Massachusetts. I yield to the gentleman from Michigan, the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I am delighted to join with the distinguished Speaker and others in paying tribute to a great American, Rocky Marciano.

I had the privilege of meeting Rocky Marciano at one point in his career. He came to my congressional district at one time to train for one of his bouts. His conduct in the area was exemplary. He was the kind of person all Americans, young and old alike, should look up to.

He came up the hard way. He led the kind of life which should be a great example to the youth particularly but equally to all Americans.

His decision to retire undefeated after some 40 or 50 bouts in the ring was a decision made, as I understand it, so he could spend more time with his family and devote a greater part of his life to helping others in doing what he could for a better America. The Nation was fortunate to have had such a leader of men.

All of us are saddened by his tragic death, but all of us can be proud that here was one American who did everything

possible to make our country a better place in which to live.

Mr. BURKE of Massachusetts. I thank the distinguished minority leader.

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

Mr. BURKE of Massachusetts. I am happy to yield to my colleague from Massachusetts.

Mr. KEITH. I, too, should like to join in this expression of honor and sympathy at the tragic and unexpected death of Rocky Marciano.

I was raised in the city of Brockton, and knew Rocky very well. I remember an incident years ago, when I was in the State senate and Jimmy Burke was in the house. We were attending a special joint session on a night when Rocky won one of his many victories. On hearing the news, I interrupted the speaker of that joint session to announce that Rocky Marciano had won yet another world's championship bout. The speaker thought momentarily of ejecting me from the session because of my disruption, but relented, and permitted me to make my remarks at that time.

I do not know if the gentleman in the well (Mr. BURKE) mentioned to our colleagues here in the House that Joe Louis is in Brockton today. Joe Louis, of course, was the biggest hurdle in Rocky's climb up the ladder to the world's championship. So liked and so respected, this magnificent former champion came to Brockton early upon hearing reports of Rocky's death, and is there now joining thousands of other mourners in paying tribute to this great American.

The Brockton Enterprise has followed the career of Rocky Marciano from his very first fight until this final sad homecoming. Among his most faithful fans were Vic DuBois, editor Ken Dalton and publisher Charles Fuller. And yesterday it was their sad duty to run an unprecedented eight-column headline across the front page of that paper—"Rocky Comes Home."

He will be truly missed by athletes, by sportswriters, by the American public and by the world because of the great contributions he has made to the sports field and particularly to boxing.

Mr. Speaker, in the world of professional boxing Rocky stood out like a beacon on a foggy shore. As his hometown paper put it in their eulogy, "Rocky was clean." Not one whisper of anything contrary to good conduct ever touched the champ during his distinguished career at the apex of professional boxing. A distinguished boxer and a distinguished citizen has passed on, and all who knew him, as I knew him, will miss his presence.

Let me quote the Brockton Enterprise. Their editorial comment was terse and touching, and they speak for all who knew Rocky when they speak of him:

#### THE CHAMP

Rocky Marciano brought great distinction to this city when he became the heavyweight champion of the world.

Professional boxing, especially in the heavyweight class, long has been infiltrated by the gangster element.

But Rocky was clean. Not one whisper of anything contrary to good conduct was ever

heard about The Champ during his days in the ring.

Rocky gave unsparingly of his time to causes that benefited financially by his presence.

He remained a Brockton home-town boy even after leaving this city.

Outside of the ring he was a gentle person. Fighting was a business with Rocky, not a desire to physically hurt someone.

We extend our sympathy to his wife and family.

Their loss is a great one, their grief is difficult to bear, but their pride in The Champ will help them in their time of sorrow.

The Golden Age of boxing has died twice. Once in April of 1956, and for a second time in a plane crash in Newton, Iowa.

Mr. BURKE of Massachusetts. I thank my colleague from Massachusetts.

#### GENERAL LEAVE TO EXTEND

Mr. BURKE of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the life and character of the late Rocky Marciano.

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

There was no objection.

#### THE LATE REV. JOSEPH S. ZABOROWSKI, C.R.

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

Mr. ROSTENKOWSKI. Mr. Speaker, I am deeply grieved by the death of one of my neighborhood's greatest spiritual leaders—the Reverend Joseph S. Zaborowski, C.R. Father Joe, as he was affectionately referred to, was a goodhearted man with many virtues.

He was a man who possessed the rare quality of being able to effectively communicate with people of all generations. In his first assignment after being ordained a priest, Father Joe became assistant pastor at St. Hyacinth Church in Chicago. During the 5 years which he spent there, Father Joe gained the endearment of all the parishioners through his dedication and zeal. He was particularly successful in molding together the parish Catholic Youth Organization, which, during his chaplaincy, attained a membership of 200 boys and girls. The organization published its own newspaper, fielded various athletic teams, sponsored innumerable social affairs, and went out on many picnic excursions.

He was a man who gave unselfishly of himself for the service and benefit of others. After he left St. Hyacinth in 1948, Father Joe spent 6 months at the Catholic University of America before being transferred to the Resurrection Fathers Mission Band in Castleton, N.Y. The life of a missionary is one of travel and travail. Various assignments took him from city to city, and in all of these tasks he gave his usual energy and devotion. However, toward the end of his third year as a missionary he was stricken with pneumonia and this first attack was shortly followed by another. This illness ended his missionary work.

He was a man who devoted his life to faith and works; and both his faith and works will live after him. In 1960, Father Joe was called upon to be the pastor of St. Hedwig Parish. His years at St. Hedwig's are well known to the majority of the parishioners. Apart from the fulfillment of his daily duties, Father Joe handled emergency situations as well as extraordinary events with skill and prudence. The highlight of these past years was the diamond jubilee of St. Hedwig Parish. The observance of this event, planned and guided by Father Joe, will long be remembered.

### TAXES BIG ISSUE IN INDIANA

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

Mr. MADDEN. Mr. Speaker, after spending almost all of the congressional recess back in my district, I find that high taxes, the Vietnam war, and inflation are by far the major complaints of almost all the citizens in my congressional district.

I also found that the only bright light regarding the complaint against heavy taxes is the fact that the House of Representatives last month passed a tax reform bill. Very few people are acquainted with all the angles of the tax reform bill but the fact that the House of Representatives recognized the need to do something about taxes brought great satisfaction and endorsement to the minds and hearts of the heavy-burdened taxpayers of the country.

The American people have gradually and finally come to realize that many of the biggest volume of our Nation's industry and business have been practically escaping their just share of tax responsibility through loopholes, deductions, exemptions, and so forth, and the actions of Congress on tax reform have given the public great encouragement. I fully realize that a great number of our citizens may be overoptimistic as to the extent of our tax reform bill, but, nevertheless, they feel that it was a good start to eventually place everybody, individual and corporate, on an equal tax-paying basis. They are all unanimous in the hope that the other body, when it considers the tax reform bill, will not, in any way, amend or reduce its impact but if any change is made they hope that the bill passed by the House of Representatives will bring more equalization in our tax system.

Mr. Speaker, I also wish to incorporate with my remarks, excerpts from a speech made by me at a Labor Day picnic in the city of Hammond, Ind.:

EXCERPTS FROM SPEECH OF CONGRESSMAN RAY J. MADDEN

Lake County organized labor, as well as labor groups throughout the United States are today commemorating and celebrating the anniversary of the day recognized throughout the land as the birth of the American laborer's fight for justice and equality in our economic system. Over three-fourths of a century has passed since a small group of labor pioneers met, and for those times, had the audacity and bravery to even publicly assert that wage and salary earners

should have a voice in our industrial and business system, especially pertaining to wage and working conditions. For generations the labor pioneers fought against tremendous odds and made very slow progress, but nevertheless realizing the just cause for which the working masses were struggling, they never relented or retreated.

The older folks remember the early days of this century when small organized labor groups were bodily punished and attacked, both in person and in the news media for rebelling and opposing sweat shops, low wages and deplorable working conditions and an industrial environment that almost bordered on slavery.

It required the intelligence, diplomacy and bravery of men like Sam Gompers, William Green, Phillip Murray, John Lewis and others to lay a foundation for the younger leaders and the younger generations to inherit their organizations and carry on the fight for future generations. Today millions of Americans enjoy the fruits of the pioneers' work, not only for their own personal and family benefits, but also for the economic prosperity of our Nation.

The stagnated and reactionary policies of the heavily financed anti-labor forces continued to reign supreme up until the devastating and disastrous economic depression-crash of the early 1930's. During those panic years over 14 million unemployed Americans and their families realized the cause of their unemployment and starvation conditions and proceeded under the banner of organized labor to do something about it. Utilizing the framework of the labor organizations, which for years had been carrying on an uphill battle against entrenched wealth and political reaction, they succeeded in enacting legislation in the middle 1930's which gave organized labor a recognized national status by law as part of our national economy. Millions of working men and women were placed in a legal category of status that brought about an economic upheaval which eventually restored normal prosperity and employment throughout our land.

Every young American man and woman should read the history of organized labor's economic past in this Country. Our youth should become acquainted with the fact that their only chance to preserve and retain these great gains is through a continued fight in the legislative halls of our states and in our National Capital to protect labor's long-fought-for gains. Labor must insist on improvement and further recognition for the laboring population to enjoy more of the abundance which every American is entitled to regardless of his status in life.

As your Representative in the Congress for over a quarter of a century, participating in these great economic victories and also reverses, I can testify that if it had not been for the support of the forces of organized labor through their meeting halls, resolutions, newspapers, radio and television, none of the many great legislative proposals which we have victoriously enacted into law, would ever have succeeded in being placed in our Federal statute books. Referring to just a few of our great legislative expansion proposals in the last quarter of a century whose enactment was directly brought about by organized labor, I can mention the Wagner Act, Federal Aid to Education, medicare, housing, the war on poverty, water and air pollution, consumer protection, aid to the elderly citizens, medical education and hospitalization, youth employment, apprentice training, etc., etc.

The greatest "legislative jackpot" was won in the 89th Congress three years ago when most of the above-mentioned legislative programs were enacted into law.

We are now entering September, the ninth month of the new Administration in Washington and I am not here today to criticize or make any final judgment on the record

that this new Administration has made or will make in its first year of responsibility. Every person within the reach of my voice, I believe, is familiar with the legislative proposals that the new Administration has made regarding some of the most important issues involving our domestic economy. Most of these proposals or recommendations have not arrived at a final determination and judgment should be withheld at least until the first Session of the 91st Congress is completed.

But if I could deliver only one message today to working men and women throughout our land, it would be to continue to keep active in the fight for the progressive programs that organized labor has propounded in the past and is recommending for action and expansion now in the Congress. These proposals and pending programs which I have just enumerated, along with others, need your active support in order to have them properly financed so as to carry through their functions for which organized labor gave such generous support. Powerful forces are at work in Congress and have been during the last nine months to financially strangle a great number of these outstanding proposals so as to curtail or render their functions null and void.

Now is no time for millions of our citizens affiliated with the working and producing segment of our Nation to stand idly by and see the Congress nullify and reduce appropriate funds for much-needed education, medicare, housing, water and air pollution, aid for the elderly citizens, apprentice employment for the youth and handicapped, etc., etc. Already in this Session of the 91st Congress some of these great proposals have been considerably damaged by Congress' inexcusably reducing the appropriations to carry out these important legislative programs. The Congress needs your help to build public opinion and support and begin pressing the leaders of Congress and the Executive Department not to curtail and impede progress by financially deserting many of the great programs inaugurated in the 89th Congress.

After many, many years of futile battle against fraudulent and excessive tax loopholes, exemptions and depletions for big oil, big foundations, big real estate, etc., etc., we finally pressured the Ways and Means (tax) Committee of the House to hold hearings and report out a bill on tax reform that passed the House by an overwhelming vote several weeks ago.

Through the fight that some of us have been making against the fabulous \$3.5 billion farm subsidy bill over the years we finally hit success last year in the House by limiting the payments and reducing its extension to a one-year period. Our fight was successful in saving billions of future payments to this fraudulent grab of taxpayers' money by large rural corporate conglomerates. The best evidence is that after 9 months of this year the powerful farm subsidy lobbyists have not appeared on the scene proposing the reenactment of the multi-billion dollar subsidy program for 1971.

### TAX REFORM

To my mind the tax reform bill which passed a month ago in the House of Representatives was one of the greatest breakthroughs against the powerful lobby system in Washington that we have witnessed in many, many years. As a member of the Rules Committee, I have personally carried on a lone fight each year in favor of the repeal of the fabulous and fraudulent loopholes enjoyed by "big oil," foundations, real estate, etc., etc. The Ways and Means Committee finally, in January of this year, announced that January hearings would be held by that committee on tax reform. For a period of four months, the committee held hearings and reported a bill which was



passed by the House on August 7. The bill took steps to curtail and abolish some of the loopholes. To my mind it was merely a "slap on the wrist" curtailing some of the fraudulent tax dodgers. Nevertheless it was a start in the right direction and the result of the House victory surprised a great many of the reactionary Members of Congress who have been protecting the tax loopholes.

For some reason or other, the newspapers and air media did not inform the American people the true facts regarding the scandalous tax loopholes and evasion enjoyed by many segments of our economy. But a small portion of our news media informed the public of the statements made on the Floor of the House by myself and others regarding the fact that possibly \$80 billion could have been brought into the Federal Treasury if the more fraudulent loopholes had been repealed. As an example: Atlantic Oil in 1963, '64 and '65, with a net income before tax, averaging about \$70 million a year paid no tax whatsoever during these three years. By comparison, the Consolidated Coal Company in the years 1962, '63 and '64, with an average gross profit during these three years of approximately \$36 million, paid an average percentage of Federal tax each year amounting to 26 percent of their profits. Possibly the coal companies do not have as powerful lobbyists in Washington as "big oil."

As a further example, from 1962 through 1966 the Atlantic-Richfield Oil Co. had profits of \$311,621,000. But after deducting its 27½ percent oil depletion allowance, "intangible drilling costs" and other tax exempt items it came up with a whole string of "no tax goose eggs." Its total income tax obligation for those five years was zero.

In 1962 the Marathon Oil Co. had a net profit of \$36 million. After deducting its depletion allowance and other items, Marathon not only paid no income tax but received a tax credit of \$2.2 million.

Shocking examples like these reflect no dishonesty on the part of tax loophole companies; they reflect a failure of Congress to face up to the glaring inequities in our income tax system.

Let us consider the tax "bonanza" enjoyed by the 27½ percent exemptions under the oil depletion allowance. In this case you determine your income from a producing well and deduct 27½ percent of that amount before beginning to calculate your income tax. You do the same next year, and the year after that and every year as long as that well produces. You don't stop when you have retrieved your investment; in fact, the average well is "depleted" 12 times over. If your drilling cost was \$50,000 your total income tax deductions on its production might be \$600,000. This bill reduces the depletion loophole 7½ percent and most Members feel that it should be repealed entirely. The multimillion dollar oil lobby is now busy pressuring the Senate to defeat the 7½ percent reduction in this tax "bonanza."

#### BIG OIL NOT ALONE ON TAX LOOPHOLES

Unfortunately, extravagant loopholes in other lines of business and industry cannot be covered in detail in one speech. To mention a few—large foundations—large corporate real estate operations—certain mineral products and estate taxes are among a few that also are enjoying scandalous exemptions from paying a just tax on their large profits. I do hope organized labor will make a special project program in the coming year to alert the American public to the fact that the tax of the wage and salaried earner and middle income taxpayer could be greatly reduced if all the major segments of our economy were compelled to pay a tax that would percentage-wise approach an equality with millions of American middle income and lower income taxpayers.

#### INFLATION

I know that leaders and members of organized labor are conscious of the great

threat to our economy and prosperity which hangs over the heads of all Americans today—inflation. Unless our leaders from industry, business, management, labor and government meet in conference and agree on some mutual program to curb the ridiculous rise in the price of consumer goods and cost of living generally, the benefits of profits, salaries and wages will mean absolutely nothing to two hundred million American citizens. The American way of life is being threatened through inflation and high prices and it must be curbed or the very citadels and pillars of our free Government will be imperiled and destroyed.

### TOWARD REFUNDING A SUCCESSFUL PROGRAM, A REPORT ON THE HOUSE INTERNS

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

Mr. MOSS. Mr. Speaker, the practice of hiring young people to fill summer positions in congressional offices goes back at least 20 years. Recently, there has been considerable discussion regarding the proper role of these "interns," their contribution to the office, the value of their summer experience, and the need for funding.

As the program developed, it became apparent that there was a real need for factual groundwork in this area, so that future decisions affecting the program could be based on a realistic evaluation of the contribution to the offices and the interns who participated. In late June of this year, with this goal in mind, my office launched an inquiry which eventually reached every congressional office, soliciting their evaluation of the intern program, and if they employed interns, a brief description of the scope of their office program.

#### METHODOLOGY

We solicited information from a total of 283 offices employing interns this summer. We received 226 responses—80 percent of the total. In all but a few cases, we mailed the chief staff members in each office a one-page questionnaire asking for information regarding their present program and an evaluation of their experience with student interns. In order to encourage a more objective analysis, we left identification of the responding office to the discretion of the staff member. The tabulated results of this inquiry are presented in part A, below.

In addition, we asked the 152 remaining Members for their evaluation of the program. The results of this inquiry, which drew responses from 35 Members, are presented in part B.

Finally, part C includes the combined totals for the 261 offices who cooperated in this effort.

#### PART A—SURVEY RESULTS

1. How many interns are presently working in your office? Response: 530.

2. (a) How many of your interns participate in a college program? Response: 174, or 32.8% of the total number of interns surveyed.

(b) How many of this number receive funding from their program? Response: 116,

or 66.1% of those in a college program and 21.7% of the total number of interns surveyed.

3. (a) Have you employed interns during previous summers? Response: (1) Yes, 170, or 80.6%. (2) No, 26, or 12.8%. (3) First term, 7.1%.

(b) Have you increased the size of your intern staff since last summer? Response: (1) Yes, 68, or 32.6%. (2) No, 130, or 67.4%.

(c) Do you plan to increase the size of your intern staff in the future? Response: (1) Yes, 18, or 9.1%. (2) No, 104, or 52.8%. (3) Can't say, 50, or 25.4%. (4) Depends on Availability of Funds and/or Space, 26, or 12.7%.

4. How many of your interns receive compensation from your office and/or a college program? Response: 444 out of 542\*, or 81.9%.

5. Types of Assignments (the figures listed below represent the number of offices, out of a total of 209, which used interns for each of the respective task-categories): (1) Legislative research, 164, or 78.5%. (2) Filing, 141, or 67.5%. (3) Handling mail, 141, or 67.5%. (4) Typing correspondence, 140 or 67%. (5) Drafting letters, 138, or 66%. (6) Speech research, 98, or 46.9%. (7) Miscellaneous other, 90, or 43%. (8) Press activities, 83, or 39.7%. (9) Drafting speeches, 49, or 23.4%. (10) Drafting legislation, 24, or 11.5%. (11) Campaign work, 20, or 10%.

6. From the perspective of your office's experience, both past and present, what is your general assessment of the intern program? Response: (1) Favorable, 197 (of 226 responding offices), or 87.2%. (2) Unfavorable, 3, or 1.3%. (3) Neutral, 11, or 4.8%. (4) No comment, 15, or 6.6%.

#### PART B—RESPONSE FROM MEMBERS NOT EMPLOYING INTERNS THIS SUMMER

Number of Respondents: 35 out of 152. Question: What is your general evaluation of the intern program, both as it functions in the individual office and in the House as a whole? Response: (1) Favorable, 11, or 31.4% of respondents. (2) Unfavorable, 11, or 31.4%. (3) Neutral, 6, or 17.1%. (4) No comment, 7, or 20%.

#### PART C—COMBINED TOTALS FOR #6, PART A, AND PART B

Number of Respondents: 261 out of 435, or 60%. Response: (1) Favorable, 208, or 79.7% of respondents. (2) Unfavorable, 14, or 5.4%. (3) Neutral, 17, or 6.5%. (4) No comment, 22, or 8.4%.

#### "WE'VE HAD A TERRIFIC SUMMER"

As the results show, there is overwhelming support for the program among those offices which employed interns this summer. To place many of the responses in the "favorable" category is really a statistical understatement. For example, the following reactions: "We have had a terrific summer." "Excellent; our intern is making a superior contribution to office operations." "We have frequently been surprised by outstanding efforts; seldom have we been disappointed." "I only wish he could join the staff full time." "A marvelous breath of fresh air; it will be hard to get along without them in the fall."

#### THE ROLE OF THE INTERN

"One way to fill the research gap," a responding staff member's reference to the primary task of interns, legislative research. As students, research is, after

\*Since a special effort, in the form of a supplemental telephone survey, was made to elicit responses to this question, the total number of interns surveyed is slightly higher than the total in question No. 1.

all, one of their principal areas of "expertise," and rarely does the press of the normal workload allow regular staff members to devote full time to extensive research projects. As another staff member put it, "We are able to use interns to get research done, which we would otherwise not be able to obtain in a timely manner." In other words, the employment of student interns helps to insure a flexible response to the need for investigation of new areas of legislative concern.

Routine office tasks also make up a large portion of the interns' duties. The combined effects of an increase in the normal workload and staff vacations during the summer help to account for the high priority given to such duties as filing, typing, and handling mail. Among offices that were chiefly oriented toward this approach, we found that the most highly successful were those who gave prospective interns a clear indication of what their office duties would be. The educational value of this type of activity should not be underemphasized, but a substantial number of the respondents were careful to point out that the educational perspective afforded through participation in office work was enhanced by giving interns ample opportunity to attend the seminars and meetings conducted by the bipartisan intern program or by the college programs.

#### FUNDING

We found that nearly 82 percent of the interns covered by our survey received funding either from their offices or from a college program. This is a rather impressive figure, until one begins to delineate and analyze the separate sources of funding.

The cutoff of House funds previously set aside for compensating interns placed an increased financial burden on the college programs, and their very limited financial resources necessarily prevent them from adequately bridging the "expense gap." Several programs provide no funding whatsoever, one provides only scholarships, another only transportation costs, and a remaining few provide grants which range from \$150 to \$900 for the summer. These various forms of funding reach 66 percent of those in a college program, and only 22 percent of the total number of interns covered by our survey. Fortunately, adequately funded intern programs in other sectors of government allow the chairmen of college programs to reserve most of their money for financing positions on the Hill, a situation which has its paradoxical aspects, since Congress is responsible for approving the funding of all the agency programs.

The clerk-hire allotment available to each congressional office provides the other principle source of intern funding. Simple calculations, using the figures in our survey, show that 326 of the 542 interns received funding only from their office, and, since a portion of the interns receiving money from their colleges undoubtedly receive additional funding from their offices, the available clerk-hire funds are spread even thinner. Yet, this is the major source of funding for the intern program.

It is unfortunate that the funding of a program of such importance is subject to the variations in regular staff hiring among individual congressional offices. There is no reason why an intern should be paid less just because the workload in his Member's office requires a larger full-time staff, but such is the logic of the present system of intern funding.

Consequently, there is great diversity in the amounts and sources of compensation available to interns in each office. At one end of the scale, our study shows that there were 98 interns who received no funding whatsoever—and an estimated total of 143 interns in this category, based on the bipartisan intern program's total figure of 820 House interns. These are positions which are not open to students with scant economic resources, and, to paraphrase many of the letters sent to prospective summer interns, only those who have enough money to pay summer expenses need apply. Our figures indicate that, for this summer, a total of 89 offices either were new participants in the intern program or had increased the size of their summer intern staff, and, in the absence of corrective measures, further expansion of the program will doubtless increase the tendency of offices to divert attention away from students who first, require outside funding or second, do not have access to organized college intern programs.

The scope of this study did not include a determination of the average amount received by funded interns, but it is safe to conclude that the House intern program is an opportunity largely closed to students who cannot afford to come here in the absence of outside funding adequate to cover living and travel expenses.

There are a number of partial remedies available. Individual offices could, theoretically, squeeze more money out of available office funds, and colleges undoubtedly will do so, in spite of pressing financial limitations of their own. However, only the House as a whole can, by restoring the funding provisions of Resolution 416, guarantee that a minimum of funds will be available for interns in each office, thereby including in the public record, and incorporating in the budget, a well-deserved vote of confidence in our intern program and the young people who participate in it. While this will not guarantee equal opportunity for intern positions regardless of financial need, we can, with the growing support of the colleges, take a forward step in that direction.

#### RECESSION IS JUST AROUND THE CORNER

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

Mr. PODELL. Mr. Speaker, wherever we look today, storm signals of economic distress are flying. The administration placidly observes the ominous trend, doing nothing to halt it and everything to increase its momentum. Already the average workman is feeling the pinch. Already pustules of unemploy-

ment are breaking out across the Nation.

Last month home construction activity declined another 9 percent, as tight money continues to depress the real estate industry. The Commerce Department announced that housing starts in July plunged down to a seasonally adjusted annual rate of 1,336,000, the sixth consecutive monthly drop in construction of privately owned housing, including farm homes. On the west coast scores of lumber mills are laying off workers in droves. Apartment construction also declined, as potential lenders pursue usurious profits alltime-high interest rates allow. The administration chooses not to attack such staggering rates of interests. Instead, it fights like a demon to extend the surtax, and now makes burbling noises about cutting House-enacted tax reforms which benefit lower and middle income taxpayers.

Big steel calmly raised prices an average of 4.8 percent, to be followed by the rest of this basic industry. Aluminum companies promptly followed suit. This morning copper and zinc companies did the same. Even the auto industry sought to roll these hikes back, and lost the battle because for pressing need for steel as a new model year neared. Ford has now raised truck prices 5 percent, and all new cars will be carrying significantly higher prices. The administration, its eyes riveted upon traditional laissez-faire policies of noninterference, is as silent as a closed door and as inactive as a snail at full gallop. It certainly admires old-fashioned American virtues, like greed in high corporate places. Simultaneously, the Federal National Mortgage Association offers debentures at all-time high rates of interest, 8.30 percent. The Farmers Home Administration announces a new top interest rate of 8.5 percent on notes it uses to cover loans for rural housing and rural community projects, including water and waste disposal systems. Orders for new and sales of used machine tools fell steeply. New orders in this basic category fell 22.1 percent, as used tool orders plummeted 16 percent. All background orchestration for this drama-turning-into-tragedy was provided by the stock market, which plummeted more than 150 points.

Twenty-six million stockholders and 100 million affected Americans watched in horror as they sustained a loss of \$125 billion. Soothing noises and much rhetorical vaseline flowed from the White House in response to anguished cries from all points of the economic compass.

Meanwhile, costs of homeownership rose nearly 1 percent in 1 month due to higher property taxes, mortgage interest rates, and home repair costs. Utilities across the Nation are lining up expectantly in front of public utilities commissions, requesting higher rates, which are being granted. Food prices alone tell the woeful consumer story, as family budgets stagger and collapse. Prices skyrocket. Hotdogs contain more fat and up to 15 percent of chicken ordinarily treated as garbage, and the administration could care less about tainted fish in the marketplace. The consumer is lead-

ing a shopping life akin to that of a fly alone in a room with 100 boys, each armed with a fly swatter. The administration watches happily from the sidelines, nodding approvingly.

Small savers are paying for high interest rates, but not sharing in the rewards. Banks are charging the highest interest rates in a generation on business, mortgage, and personal loans. Large investors obtain 8 percent on corporate bonds and 6 percent on tax-free municipals. Ordinary families receive the same 4 to 5 percent on their savings. Government is even paying large investors over 7 percent on short-term borrowed money. But it continues to pay series E savings bond buyers the same 4.25 percent, and 5 percent on Freedom shares available with E bonds. We therefore see the grotesque spectacle of a family borrowing money from a bank, paying anywhere from 8 percent to 15 percent, while its savings remain on deposit at 4 percent. The administration's response consists of pious mumblings about curbing inflation, balancing the budget, paying off the national debt, squaring the circle, and achieving perpetual motion. Industry and labor have been given the green light on prices and wages. Guideposts controlling such inflation-producing activities have been jettisoned. Oil companies, America's princes of plunder, have raised their prices nationally several times this year.

Meanwhile, our elderly are quietly overcome by hopelessness, as inflation devastates their limited incomes, which Government is not making even the slightest move to adjust and raise. Pious Presidential platitudes are cheap, but decent cuts of meat and drugs for arthritis are dear. But skies are so blue in California, and those golf courses are so green and inviting. Problems are so far away. It can all wait another day or another year. Or even forever. Who knows? Maybe it will all go away.

Unemployment edges higher daily. There are now more than a quarter of a million more Americans unemployed than when President Nixon took his oath of office, and the worst is yet to come. The National Industrial Conference Board estimates that more than a million workers could lose their jobs in a few short months. And do we not all remember that unctuously smooth rhetoric during the campaign that talked of ending inflation without increasing unemployment? The rate is now at a 9-month high, with adult men accounting for the lion's share of the increase. Is it meaningful to remind people that there were no such happenings during the Kennedy and Johnson administrations? We were in the ninth year of the longest uninterrupted economic boom in history, which aided the poor measurably through growth of payrolls, a phrase we have heard much of in recent months. Millions of people ceased to be "poor" as they were put to work by a prospering economy. They were willing to work and found jobs. Today, it was learned that the administration will announce a 75-percent cutback in Federal construction projects to curb inflation. These cutbacks could affect as much as \$1 billion worth of work. Once again, we see Gov-

ernment being used to harm people, rather than help them.

Our picture is bleak, indeed. Wrong solutions are being applied to inflation, which only succeed in harming those who are most vulnerable. Irresponsible elements in our business community on the highest levels are being encouraged to give overly acquisitive impulses the full go-ahead. Government raises its voice against those who seek tax justice, but remains silent when malefactors of enormous wealth and power rob an entire nation. If this is the way to run a government and manage an economy, then so do cucumbers give light and so will your local water commissioner start at fullback for the Redskins. Their ears are open, but they listen selectively. Their eyes are open, yet they see only in a limited sense. The voice of the people is unheard. The cry of the dispossessed rings out, but is unheeded. Perhaps it will continue until we are hip deep in an economic swamp which has no bottom. Only one thing is certain. Ordinary people will pay the economic bill and do the physical suffering. Their reaction will be fascinating to watch. Certainly, they have no reason to allow this to be perpetrated upon them. I must admit that it is quite an accomplishment to ruin a prosperous economy in less than a year.

#### UNITED STATES SHOULD RETALIATE TO HIJACKING OF TRANS WORLD AIRLINER TO SYRIA BY SENDING 50 PHANTOM JETS TO ISRAEL IMMEDIATELY

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

Mr. PUCINSKI. Mr. Speaker, the shameful and deplorable hijacking of the Trans World airliner last weekend by Arab partisans shocked the conscience of the whole free world.

It appears to me that we should not let this attack on an American airplane, an international carrier, go unchallenged. It is obvious that Arab partisans are developing a new form of terrorism against the United States and any other country which helps Israel.

As deplorable as the hijacking of this airplane was, even more shocking and shameful is detention by the Syrian Government of six Israel citizens who were passengers on this American airliner.

Mr. Speaker, the House must react as strongly as possible against this new form of political piracy by countries such as Syria. We must arouse the conscience of the world against this international outrage.

I was pleased to learn over the weekend that the International Federation of Airline Pilots Associations is contemplating very serious action against Syria for the detention of these citizens of Israel. The federation is planning a 24-hour worldwide strike if the remaining two passengers are not released by Monday.

Further, Mr. Speaker, I was interested to learn that the Airline Pilots Association in the United States is supporting this action.

I hope President Nixon will provide

further leverage by signing the Tokyo Convention treaty as soon as possible so we can show Syria and the rest of the world that we will not tolerate this type of hijacking.

But most important, it would be my hope that the United States will send forthwith to Israel the 50 Phantom fighters that the Israel Government so badly needs to build up her defenses.

We should not permit hoodlum hijackers to set our foreign policy through these hijackings in an effort to deter American support to Israel. The hijackers arrogantly boasted after they brought down the TWA liner in Damascus that they hijacked the plane in retaliation for American military aid to Israel.

Mr. Speaker, it seems to me that unless the United States does take a positive stand and sends these Phantom jets forthwith to Israel, we will see more of these hijackings. We should serve notice on the Arab countries and their terrorists who persist in these attacks on American aircraft that any action against the United States will only bring more assistance on our part to Israel. We must impress on these terrorists that any further attacks against the United States in any form will mean more arms to Israel. We must make it clear these attacks will not deter our aid to Israel. And we must make it clear through stepped-up military aid to Israel that international hoodlumism is not going to dictate American foreign policy. That appears to be the only way we are going to be able to stop these hijackers and these outrages on American rights.

#### THE LATE HARRY P. BERGMANN

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

Mr. HARVEY. Mr. Speaker, the District of Columbia and the surrounding metropolitan area lost one of their most distinguished citizens this past weekend when Harry P. Bergmann, senior vice president of the Riggs National Bank, was accidentally drowned in a boating accident in the Chesapeake Bay.

The tragic passing of Harry Bergmann is a deep, personal loss to me. It was my privilege to count him as a friend and as a neighbor. My relationship and my friendship with him date back to my first year in Congress. I first met Harry in 1961. He was then chairman of the American Bankers Association's Mortgage Finance Committee. At the time he was testifying in favor of the Housing Act of 1961—a pioneer piece of legislation in the housing field—then before the Banking and Currency Committee, on which I served.

In the years following, he testified in behalf of the American Bankers Association on several occasions, for he was a leader in the effort to provide suitable housing for all Americans through the use of our private enterprise system. I recall very well the last occasion that he testified while I still served on that committee—April 2, 1965. At the time, together with other ABA representatives, he testified in favor of the very contro-

versal rent supplement feature of the Housing Act of 1965. He suggested that it was a better alternative for solving the housing problems of the District of Columbia and other areas of the country than subsidized interest rates or public housing.

It was typical that Harry Bergmann tackled any problem with vigor and did not shy away because the problem might be controversial. In his tenure as president of the Congressional Country Club, he directed club affairs in the same forthright fashion.

Mr. Speaker, Harry Bergmann will be sadly missed by his wife, Mary Alice; by his son, Carl; and by his daughter, Carol, whom he worshipped. But he will be missed also by a host of friends in the Riggs National Bank; in the American Banking Association; and among the members of the Banking and Currency Committees in both the House of Representatives and the U.S. Senate.

Harry Bergmann was proud of his association with the Riggs National Bank; proud that he had started as a "runner" for that bank in 1934, and had risen by 1952 to become the youngest vice president of the bank at the youthful age of 37. He was proud of his membership in the entire banking community.

Mr. Speaker, Harry Bergmann will be missed not only by his family and those with whom he worked for so many years, but by the people of the District of Columbia, the surrounding metropolitan area, and our Nation as a whole. His character and leadership were of the high type that we could ill afford to lose.

I extend my heartfelt sympathy to his wife, Mary Alice, his son, Carl, and his daughter, Carol. I include with my remarks the newstory of this tragic loss as it appeared in the August 31, 1969, issue of the Washington Post:

**HARRY P. BERGMANN DROWNS; RIGGS SENIOR VICE PRESIDENT**

Harry P. Bergmann, 54, senior vice president of Riggs National Bank, drowned Friday evening in a boating accident near Thomas Point, Md., in Chesapeake Bay.

Bergmann fell out of his outboard-powered runabout while attempting to drop anchor, according to Maryland state police. He was able to swim back to the boat but couldn't hold on in the choppy waters.

His wife, the only other passenger in the boat, threw her husband a life preserver and tried to signal another boat for aid, according to the police report.

The body was taken to Gambrill's pier at Turkey Point, Md.

A state police trooper and the Woodland Rescue Squad attempted to revive Bergmann. He was pronounced dead on arrival at Anne Arundel General Hospital in Anne Arundel, Md.

Dr. E. G. Linhart, county medical examiner, yesterday confirmed that drowning was the cause of death.

Mr. Bergmann was born in Washington and attended McKinley High School and National and Southeastern universities here. He started with Riggs in 1934 as a runner and made rapid advancement. In 1952, at age 37, he became the youngest vice president in the bank's history.

He was a senior vice president and head of the bank's real estate and mortgage loan department at the time of his death. He lived at 5005 Nahant St., Sumner, Md.

From 1942 to 1946 he served in the Coast Guard Reserve and was discharged as a lieutenant.

During his career he studied at the American Institute of Banking and the Estontier Graduate School of Banking at Rutgers University in New Jersey.

Active in the American Bankers Association, he had served as chairman of the association's mortgage finance and credit practices committees. Mr. Bergmann was also a past president of the Congressional Country Club.

He is survived by his wife, Mary Alice; a son, Carl, of the home; and a daughter, Mrs. Carol Ann Freeman, who was married earlier this month.

#### THE TRAGIC HURRICANE IN MISSISSIPPI AND LOUISIANA

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

Mr. COLMER. Mr. Speaker, I live down on the Mississippi gulf coast. Unquestionably, it is the most beautiful stretch of ocean beach in the United States, if not in the world. It lies on the Gulf of Mexico. A half million people live in my congressional district, which includes these three counties on the coast.

On Sunday, 2 weeks ago, the most vicious hurricane in the history of the United States struck that beautiful coast land and the interior 13 counties of my congressional district. It now looks as if a giant blowtorch had passed over, or that a tornado of 100 miles wide had scooped down and destroyed that beautiful area. Millions of dollars of timber, as well as the tung oil orchards and the pecan industry, on the shoreline and the interior of that area was devastated. Possibly \$1 billion—I am trying to be conservative—would cover most of the damage. Those people are hard stricken. Thousands of homes, hundreds of beautiful motels and hotels, and highways have been destroyed, and possibly as many as 300 people have lost their lives.

Mr. Speaker, a committee of the House headed by my good friend Bos Jones very thoughtfully came down there and viewed the destruction. We are going to ask Congress to grant these stricken people some relief. To that end I am today joining with the Senators from Mississippi and Louisiana in introducing legislation which would at least partially help out in this great disaster.

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman from Mississippi yield?

Mr. COLMER. I yield to my friend from Oklahoma, the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I suppose my experience was similar to that of most Members of the House when they were away from Washington during the current recess. I was in my district, and in practically every home people were glued to their televisions and radios listening to the reports of this tragedy and the untold havoc that was being wrought upon the great gulf coast of this country, and particularly on that beautiful area in southern Mississippi which is the congressional district of my friend, the distinguished chairman of the Committee on Rules.

Everyone in America, I am sure, is

hopeful that the Congress, in its wisdom, as Representatives of the people of the country, may be of such assistance as is feasible and possible to those who have suffered this tragedy.

Mr. COLMER. Mr. Speaker, I thank my friend, the gentleman from Oklahoma, for his sympathy and compassion.

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

Mr. COLMER. I yield with pleasure to my distinguished Speaker and friend, the gentleman from Massachusetts.

Mr. McCORMACK. Mr. Speaker, the terrible disaster and loss of life and property as a result of the recent hurricane is one that shocks the entire country. All our people grieve for the people of Mississippi and the others in the Southland who were visited by this terrible and destructive condition, and particularly those who were killed and their loved ones.

I think it is fair that we should do everything possible to bring the maximum of consideration—I do not like the word "relief" in a case of this kind—to the people of Mississippi and to the other areas which were affected by this terrible visitation.

If the disaster loan law and other existing laws are not adequate to meet some of the situations, I think Congress should act very rapidly and very quickly in connection with other legislation that deserves justifiable consideration.

I can remember some years ago when we had a terrible hurricane in New England, when the State of New Hampshire and maybe one or two other States of New England were visited with terrible destruction. Part of the damage was the destruction of widespread areas of forests of New Hampshire and probably one or two other States.

Technically, as I remember it, the disaster loan law did not cover it, but Congress in its consideration and its wisdom put through a bill authorizing \$5 million to remove those fallen trees which were a fire menace to nearby homes and nearby villages, and on this ground.

I join with the gentleman from Mississippi (Mr. COLMER) and I know my colleagues will do the same thing, in assuring him and the people of the areas visited by this terrible disaster of our quick and speedy cooperation in every way possible.

Mr. COLMER. Mr. Speaker, I am grateful to my friend, the Speaker, for his very gracious remarks and for his offer of assistance.

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

Mr. COLMER. Mr. Speaker, I am happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, as the distinguished gentleman from Mississippi knows, it was my pleasure to be in Pascagoula, in the district of the gentleman, in this immediate area several years ago. I was impressed with the wonderful people, with the beautiful features of the countryside and also equally impressed with the growing industrial might of that area, and particularly with the shipbuilding program that



was going on at that time and which has expanded more recently.

Like others, I read of the terrible disaster that struck in Mississippi and elsewhere about 2 weeks ago. The pictures presented dramatic evidence of the devastation. It must have been a terrifying experience for the residents of the area. It was my personal experience to be in New London, Conn., in September 1938, at the time of the hurricane that hit all of New England. I had never before seen nor have I seen since such power that wind and water can level against property, and against people. As I understand it, the Hurricane Camille in Mississippi and in the gulf area was several times stronger or worse than the one in New England in 1938.

I am sure I speak for all of us, as the Speaker has before, in extending sympathy to the people of the area represented by the gentleman, and equally, I might add, to those in the great State of Virginia who subsequently suffered loss of life and property damage as a consequence of the Hurricane Camille. I assure the gentleman from Mississippi and others from his State and elsewhere that, as far as we are concerned, we will cooperate to the maximum in working with the President, the various agencies of the executive branch and in this Congress in trying to find a maximum amount of aid and assistance that can be granted in this time of emergency.

Mr. COLMER. Mr. Speaker, I am grateful to my friend, the gentleman from Michigan.

I would just like to add at this point that people in the State of Mississippi and people in the United States as a whole have been very generous in their response to appeals for assistance.

The Vice President personally visited the area and viewed the damage.

We in Mississippi bore the brunt of this terrible vixen named Camille, but we also sympathize with our adjoining States of Alabama and Louisiana, as well as with Virginia and West Virginia, for the terrible suffering and destruction that they suffered.

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

Mr. COLMER. I yield to my friend from Massachusetts.

Mr. KEITH. I thank the gentleman from Mississippi.

Mr. Speaker, the recent hurricane disaster which struck the gulf coast is not new to many of us, particularly to those of us from New England.

From time to time I have spoken on the floor of the Congress on the need for a national disaster policy on the part of the Federal Government, in place of the present piecemeal approach to the problem.

In the case of the recent gulf coast tragedy and the hurricane which swept up Long Island Sound and into the bottleneck of Buzzards Bay in 1938 and took 600 lives, the worst problems are due to the abnormally high tides, for which there can be no insurance.

Our citizens can collect insurance for the wind storm, tornado, and hurricane damage, but cannot collect for the damage caused by the abnormally high

tides which inevitably accompany the wind storms. There should be a national policy covering such situations.

In 1956, Congress passed an act to deal with hurricane disasters and floods that accompany them, but refused to fund it.

We tried with a piecemeal approach in later years.

But what is needed is a national policy, a standard operating procedure for the States and the Federal Government to follow, so that the reimbursement is in direct proportion to the damage done, in cases where no private insurance is available.

Such a disaster relief program could be expanded to possibly include earthquakes such as hit Alaska a few years ago, and may again hit California or other parts of the country.

I urge that the House face up to this problem in a businesslike way. We should not continue with the piecemeal approach we have now, that sometimes results in more assistance going to some areas than to others, where perhaps there is less political pressure available because of smaller population.

I appreciate the gentleman from Mississippi joining in these remarks today, and hope that some corrective action eventually comes from this tragedy, which so recently hit us on the gulf coast as it has hit us so many times on the east coast.

Mr. COLMER. Mr. Speaker, I appreciate the contribution of the gentleman from Massachusetts. I believe it is a very valuable one, and one which should be considered.

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

Mr. COLMER. I yield to my friend from Alabama.

Mr. EDWARDS of Alabama. As the gentleman knows, we are next door neighbors on the coast.

I know that all of us along the coast, when we hear a hurricane is coming, hold our breath. We know it is going to hit somewhere. We never know, really until the last minute, where it is going to hit.

All of us on the coast certainly have expressed our sympathy, and again we express our sympathy, to the gentleman and to his constituents.

I want to pay tribute to the gentleman for the wonderful service he and his staff have performed for many Members of this House who have had relatives involved, or inquiries made concerning the welfare of people in the Mississippi coastal area.

Certainly we have understood the problems that the gentleman and his staff have encountered down there. Yet his responsiveness has been tremendous, and I think the House ought to compliment the gentleman on this.

Mr. Speaker, I would like to say this also: When a hurricane hits, the one thing I have seen and which the gentleman has seen is that all other Americans come to the aid of the area which has been hit. While there was much destruction and damage done in my own district, it was certainly not anything of the magnitude done in the gentleman's district. I think of the little town of Bayou la Batre almost next door to the

gentleman's district which was hard hit and had many millions of dollars worth of damage. Yet on the day after the hurricane, the citizens of that coastal town loaded five boats there and hauled them over to Gulfport with food and supplies and medicines for the gentleman's constituents.

The city of Mobile, which suffered considerable damage, where electricity was off for several days, sent a stream of trucks loaded with supplies to the Mississippi coast. This I believe is indicative of the whole gulf coast region's spirit in working together as good neighbors and good Americans, coming to the aid of those who suffered such terrible damage.

I join the gentleman in his effort to find ways to assist the hurricane victims and also in the hope that ways can be found to head off future disasters of this type. Legislation is being introduced today and I am happy to be a cosponsor.

Mr. COLMER. Mr. Speaker, I yield to the gentleman from California (Mr. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, briefly I wish to relate to the gentleman in the well that as the ranking Republican on the Subcommittee on Flood Control of the Committee on Public Works, which I presume will be handling the disaster relief legislation, that we will be giving you every consideration as expeditiously as possible. Those of us who experienced similar disaster problems in California this past year and in previous years remember what the gentleman in the well has done in responding to requests that we have made of him. It is our intention to fully reciprocate now.

Mr. COLMER. Thank you so much.

Mr. Speaker, I say again that this beautiful area with valuable timber and other assets has been destroyed. The one thing that impressed me possibly more than anything else, as I went back and forth by helicopter, by plane, and later by car, was the spirit of the people there and their feeling that they are going to come through. They are going to rebuild.

Mr. Speaker, your heart would be touched to see this area and to realize that here you see a house destroyed but still an American flag is stuck up in the yard signifying that they are going to rebuild with courage and with determination.

Mr. Speaker, I appreciate the remarks of my friends and I yield back the balance of my time.

#### ASSISTANCE PROVIDED BY THE U.S. DEPARTMENT OF AGRICULTURE TO SURVIVORS OF HURRICANE CAMILLE IN THE GULF COAST MISSISSIPPI AREA

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

Mr. ABERNETHY. Mr. Speaker, the people of Mississippi, whose suffering and losses from the ravages of killer Hurricane Camille have aroused the sympathy of fellow Americans across the



Nation and, indeed, of people in many parts of the world, are profoundly appreciative of the help in the form of services, food, goods, and money that have poured into their State since the disaster.

It is impossible to single out and commend the many sources of spontaneous aid that sprang up around the country. However, I would like to pay a special tribute to the people of the U.S. Department of Agriculture, who acted with compassion and urgency in providing a very broad range of assistance to those trapped in the terror wrought by the high winds and devastating tidal wave.

The people of the U.S. Department of Agriculture immediately supplied help ranging from food, power, and protection against disease and insects to technical help in salvaging forests and financial help in reclaiming fields, feeding herds, and rebuilding farm buildings. Here is something of what they have already accomplished since the hurricane struck on August 17 and 18.

Upon realization of the intensity with which Camille had ravaged the gulf coast, Secretary of Agriculture Clifford Hardin dispatched a high-level task force for an on-the-site inspection of major categories of needs that agencies of the USDA could meet. These were: First, the needs of refugees and storm stranded residents for food; second, the need to assess damages to agricultural lands, animals, crops, and facilities; third, the need for assistance in salvaging as much downed timber as possible, to reduce insect infestations that would spread to and destroy remaining healthy stands, and the need to guard against the high risk of forest fires; and, fourth, the need for spraying areas where large accumulations of dead animals and debris could lead to the proliferation of flies and mosquitoes, and the need to fight fire ants which were spread throughout the area by the storm.

In cooperation with State and local workers the most urgent requirements were defined and appropriate actions initiated within hours.

Employees of the Food and Nutrition Service throughout the Mississippi area were ready even before Hurricane Camille struck, ready to move to hard-hit areas and immediately assess food requirements so food might be rushed from Jackson and surrounding points.

Latest official figures indicate that over 3 million pounds of food from school lunch and commodity distribution supplies have been transported to hurricane victims. Over 2 million pounds has been moved into the State for further emergency feeding and to provide reserve stocks to carry on the regular Food and Nutrition Service programs in the area. On a typical day recently 38,975 storm victims received food through USDA for family feeding and 25,215 received food from USDA stocks at mass feeding stations. Thirty USDA nutrition specialists are working with local authorities in feeding many thousands of storm victims.

James Farrar, officer in charge of FNS in McComb, Miss., rushed to hard-hit Bay St. Louis to assess food require-

ments immediately following the storm. He called for and received foods to meet estimated needs in that community. The following day, Farrar found 3,000 families without food in D'Iberville, across the bay from Biloxi. He again got word out and food was helicoptered in from Jackson.

Hollis Henry, assistant to the FNS commodity district supervisor, John Hughes, went to Gulfport with several assistants as soon as an automobile could get through. They set up emergency food distribution operations at the local civil defense headquarters. He and his staff began working around-the-clock throughout the period of critical food emergency. Meanwhile, John Hughes and his staff were busy in Jackson coordinating the distribution of emergency foods throughout stricken areas along the coast. These actions were not exceptions but rather the standard set by FNS and voluntary agency personnel in the storm-struck areas.

Often the speed with which assistance was provided was because of the innovation and sense of duty of individuals. Mrs. George Dumas of Gulfport is one example. The wife of an Agricultural Research Service employee, she found that although phone lines were down throughout the area, a Federal Telecommunications System linkage still existed between her home and USDA offices outside the storm damaged area. Mrs. Dumas used her phone constantly during the emergency to relay information on spraying to and from the ARS Plant Pest Control Center at Gulfport and scientists elsewhere. Her efforts helped get urgently needed spraying operations underway quickly.

Working with Gov. John Bell Williams and State and Federal public health authorities, the USDA deployed over 60 men and numerous vehicles and pieces of equipment to the Mississippi gulf coast. Jeep-mounted mist sprayers are at work treating the beach areas with malathion insecticide to kill flies, mosquitoes, and other pests which spread diseases. Five or more planes were dispatched to make aerial applications of the insecticide. At last count 114 drums of malathion had been sent to the area from nearby stocks. Applied at 3 to 4 ounces per acre, malathion is safe to use and breaks down rapidly with no harmful residues.

The Agricultural Research Service moved to combat another insect threat, fire ants. These ants with their painful and sometimes debilitating stings were scattered by the winds and waters into homes and debris. The USDA spread 100,000 pounds of poison bait to protect workers and refugees from them. Many were already reported bitten by the fire ants and some required hospitalization. Two commercial planes were rented by ARS to spread the Mirex bait which was donated by the manufacturer as a service to hurricane survivors. About 75,000 acres of Hancock, Harrison, and Jackson Counties are being treated with the bait.

A major problem for farmers in the struck areas is the clearing of debris-strewn land and the building of new fences. An immediate allocation of

\$300,000 was made to the Mississippi Agricultural Stabilization and Conservation State Committee for use for these purposes. This enables farmers who must undertake this work right away to do so. They can collect repayment for 80 percent of the work at a later date upon presentation of expense records. A farmer may count his own time as money in calculating his 20 percent of the land-clearing costs.

More ASCS funds may be made available at a later date for a broader range of necessary practices and programs.

ASCS also extended emergency grazing privileges on reserve cropland taken out of production in 15 Mississippi counties. Herd losses in Mississippi did not immediately appear severe except for dairy herds. In areas where power has been disrupted for extended periods, dairymen who depend on electric milking equipment may have to liquidate their herds. Beef cattle herds were scattered, but survived in sufficient numbers to largely reassemble the herds. Twenty-nine carloads of feed are being warehoused in Jackson for emergency distribution to farms in need.

Timber losses were heavy. The Forest Service's preliminary survey indicated that between a million and a quarter and a million and a half acres of trees were damaged in Mississippi. Loss estimates in terms of board feet are not firm yet.

Representatives of the lumber industry traveled with Secretary Hardin's task force to Mississippi to consider means of timber salvage. Local lumber officials joined the Secretary's group for on-site inspections and to plan a course of action. The Governor's appointment of a State timber salvage committee grew out of recommendations made to him by the USDA task force.

The Forest Service is working with the State forester and pulpwood and lumber industry representatives to plan the best salvaging of the damaged stands possible; to control insect infestations in downed timber which would spread to healthy trees causing extensive timber losses; and to minimize the increasing forest fire hazard.

Thirty-three Mississippi counties have been designated eligible for Farmers Home Administration emergency loans to restore farm operations. Farmers unable to secure other credit for restoring equipment, livestock, and crops wiped out by the storm are eligible for Farmers Home Administration emergency loans at 3 percent interest. An estimated 366 farm buildings were destroyed in Mississippi and another 400 sustained major damages.

The Rural Electrification Administration made \$2.3 million in emergency loan funds immediately available to four cooperative rural electric systems to speed temporary power to their service areas blacked out by the storm. Another \$6.3 million in REA loans has been approved to enable three of these cooperatives to install permanent lines and equipment to replace those destroyed by Camille.

Temporary electric service to most of the consumers is now restored thanks to round-the-clock efforts of the cooper-

atives' crews with help from neighboring areas and States.

And so within this relatively short time since the awesome force of Camille ripped through the Mississippi gulf coast, we have seen this much know-how and material and spirit mustered by just one of the many departments of Federal Government involved in this effort. It is very satisfying to me to know that Government can respond so well and so quickly and in such a humanitarian way when the people need help. This is public service as it should be, public service at its best.

Mr. Speaker, I have to this point confined my remarks to the assistance, aid, interests, and activity of those associated with our great Department of Agriculture. I have done this because it is this Department with which I, because of my committee assignment, am more closely associated and to which I made a special appeal for assistance. Especially do I wish to express a word of thanks to the President and Vice President for their compassion and assistance. Many in other departments and agencies, as well as public officials, individuals, and celebrities, such as the great Bob Hops, from every section of the country have been wonderful in coming to the aid of stricken Mississippians.

Were I to make an effort to refer to each and all of them, many would undoubtedly be omitted. So, on behalf of the people of my State I express thanks to each and all.

Mr. Speaker, other assistance will be needed which will require special legislation. Such will be promptly introduced. I, therefore, wish to join with my colleague, the gentleman from Mississippi (Mr. COLMER), who has just addressed you, in urging that the legislation have the early consideration of this great House of Representatives.

#### EXCERPTS FROM PRESIDENT NIXON'S SPEECH AT NATIONAL GOVERNORS' CONFERENCE

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

Mr. GERALD R. FORD. Mr. Speaker, for those of us who believe that Washington is neither the font of all knowledge nor the source of all wisdom, the new federalism of President Nixon is refreshing indeed.

In a speech Monday night to the National Governors' Conference the President pledged that Washington will refrain from telling States and localities how to conduct their affairs and will seek to transfer ever greater responsibilities to the States.

Mr. Speaker, we recognize that the accrual of power to the Federal Government has been a gradual thing and that such power cannot all at once be turned back to the States and the local governments.

But today, at least, we see a beginning in that direction, for, in the President's own words:

Washington will no longer try to go it alone. Washington will no longer dictate

without consulting. A new day has come, in which we recognize that partnership is a two-way street and if the partnership is to thrive, that street has to be traveled both ways.

Mr. Speaker, the New York Times of yesterday carried pertinent excerpts of the President's speech. I insert these in the RECORD, as follows:

#### EXCERPTS FROM PRESIDENT NIXON'S SPEECH AT NATIONAL GOVERNORS' CONFERENCE

COLORADO SPRINGS, September 1.—Following are excerpts from the address by President Nixon tonight at the National Governors' conference:

The central race in the world today is neither an arms race nor a space race. It is the race between man and change. The central question is whether we are to be the master of events or the pawn of events.

If we are to win this race, then our first need is to make government itself governable.

When the new Administration took office last January, we confronted a set of hard and unpleasant facts.

I cite these not in a partisan way; they are not the fault of any one Administration or any one party. Rather, they are part of our common experience as a people, the result of an accumulating failure of government over the years to come to grips with a future that soon overtook it.

We confronted a legacy of Federal deficits that has added \$58-billion to the burden of public debt in the past 10 years.

We confronted an inflationary spiral that had gone out of control, that has raised consumer prices 18 per cent in the last five years, 26 per cent in the last 10 years, and that threatened to destroy the dollar unless we acted promptly and forcibly to curb it.

#### A FISCAL VISE

We confronted the fact that state and local governments were being crushed in a fiscal vise, squeezed by rising costs, rising demands for services and exhaustion of revenue sources.

We confronted the fact that in the past five years the Federal Government alone spent more than a quarter of a trillion dollars on social programs—more than \$250-billion. Yet far from solving our problems, these expenditures had reaped a harvest of dissatisfaction, frustration and bitter division.

Never in human history has so much been spent by so many for such a negative result. The cost of the lesson has been high, but we have learned that it is not only what we spend that matters; it is the way we spend it.

Beyond this, we confronted a collapse of confidence in government itself, a mounting distrust of all authority that stemmed in large measure from the increasing inability of government to deliver its services or to keep its promises.

As Prof. Peter Drucker has written, "There is mounting evidence that government is big rather than strong; that it is fat and flabby rather than powerful; that it costs a great deal but does not achieve much."

"There is mounting evidence also that the citizen less and less believes in government and is increasingly disenchanted with it. Indeed, government is sick—and just at the time when we need a strong, healthy and vigorous government."

The problem has not been a lack of good intentions and not merely a lack of money. Methods inherited from the thirties proved out of date in the sixties; structures put together in the thirties broke down under the load of the sixties.

#### GOVERNMENT UNRESPONSIVE

Overly centralized, overbureaucratized, the Federal Government became unresponsive as well as inefficient.

In the space of only 10 years, state and local expenditures rose by two and a half

times—from \$44-billion in 1958 to \$108-billion in 1968.

States alone have had to seek more than 200 tax rate increases in the past eight years.

We have to devise a new way to make our revenue system meet the needs of the seventies—to put the money where the problems are and to get a dollar's worth of return for a dollar spent.

Our new strategy for the seventies begins with the reform of the Government:

Overhauling its structure.

Pruning out those programs that have failed or that have outlived their time.

Ensuring that its delivery systems actually deliver the intended service to the intended beneficiaries.

Gearing its programs to the concept of social investment.

Focusing its activities not only on tomorrow, but on the day after tomorrow.

This must be a cooperative venture among governments at all levels, because it centers on what I have called the "new federalism"—in which power, funds and authority are channeled increasingly to those governments closest to the people.

The essence of the new federalism is to help regain control of our national destiny by returning a greater share of control to state and local authorities.

This in turn requires constant attention to raising the quality of government at all levels.

The new strategy for the seventies also requires a strategy for peace—and I pledge to you tonight that we will have an effective strategy for peace.

This means maintaining defense forces strong enough to keep the peace—while not allowing wasteful expenditures to drain away resources we need for progress.

It means limiting our commitments abroad to those we can prudently and realistically keep. It means helping other free nations maintain their own security but not rushing in to do for them what they can and should do for themselves.

It does not mean laying down our leadership. It does not mean abandoning our allies. It does mean forging a new structure of world stability in which the burdens as well as the benefits are fairly shared—a structure that does not rely on the strength of one nation but that draws strength from all nations.

An effective strategy for peace makes possible an effective strategy for meeting our domestic needs. To place this new domestic strategy in concrete terms, let me cite a few examples of changes we in the new Administration have made or proposed since taking office.

We have proposed the first major reform of welfare in the history of welfare. . . .

We have proposed the first major restructuring of food programs for the needy in the history of the food programs. . . .

We have declared the first five years of a child's life to be a period of special and specific Federal concern. . . .

We have proposed the first major reform of the income tax system in nearly two decades, to remove millions of the poor from the tax rolls entirely, to close loopholes that have allowed many of the rich to escape taxation and to make the entire structure more balanced and more equitable.

We have proposed the most fundamental reform of the unemployment insurance system in the history of unemployment insurance.

We have proposed the first reform in the fiscal structure of federalism since the nineteen thirties. In proposing to begin the sharing of Federal tax revenues with the states—to be spent as the states see fit—we are putting our money where our principles are.

We have proposed, for the first time in history, a comprehensive and effective delegation of Federal programs to state and local management.

## TWO COUNCILS CREATED

We have begun the first over-all reform of the organization of the Federal Government since the Hoover Commission. . . .

For the first time, machinery has been created to raise the problems of the cities and the problems of the environment to the level of formal, interdepartmental, Cabinet-level concern with the creation of the Urban Affairs Council and the Council on Environmental Quality.

There is another reform I have asked and to which I attach special priority as a matter of high principle: reform of the draft.

Until peacetime conditions make a shift to an all-volunteer armed force possible—while the draft remains necessary—it is imperative that we make it as nearly fair as possible, and that we reduce to a minimum the unnecessarily long period of uncertainty that now hangs over the lives of millions of our young people. . . .

If we are to make our choices effective, we need the machinery to translate wish into reality. . . .

It already is painfully clear that many hard choices will have to be made. Dreams of unlimited billions of dollars being released once the war in Vietnam ends are just that—dreams. True, there will be additional money—but the claims on it already are enormous. There should be no illusion that what some call the "peace and growth dividend" will automatically solve our national problems or release us from the need to establish priorities. . . .

In order to find the money for new programs, we will have to trim it out of old ones.

## WON'T GO IT ALONE

One of the key points I want to make tonight is . . . Washington will no longer try to go it alone; Washington will no longer dictate without consulting.

This poses a new challenge to the states—not only to administer programs, but to devise programs; not only to employ resources, but to choose the things for which they should be employed. . . .

The new federalism also recognizes the role of people—of individuals doing, caring, sharing.

As only one dimension of the new tasks we face, the best estimates are that America's population will increase by 100 million between now and the year 2000.

That means that thirty years from now, there will be half again as many people as there are today. It means that in this short span of time we have to build the equivalent of 50 cities the size of Philadelphia.

Or, to put it another way, the Committee on Urban Growth Policy recommended that we should begin planning now for 100 new cities averaging 100,000 in population, and 10 new cities averaging a million each. Yet even if we did this, it would accommodate only 20 percent of the added population we have to plan for by the year 2000.

## THE POSTAL SERVICE ACT OF 1969

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

Mr. BUCHANAN. Mr. Speaker, after very careful consideration and study of the postal reform recommendations sent to the Congress by the President in May of this year, I would like to give my full endorsement of these much-needed proposals by cosponsoring today the Postal Service Act of 1969.

There is certainly no question in the minds of most American citizens that major reforms in the U.S. postal system are critically needed. The Post Office De-

partment is operating in most instances with antiquated equipment and under the direction of management which has no real authority to manage. Its employees are frustrated in their efforts toward advancement and lack the essential right to bargain collectively with their employer. The Department is losing a billion dollars a year and as mail volume continues to skyrocket, this deficit will rise accordingly. The American citizen bears the ultimate burden of these weaknesses through taxes to underwrite the postal deficit, as well as through less than adequate postal service.

The provisions of the Postal Service Act represent not only the best judgment of the President and the Postmaster General on this problem, but are the result of extensive study by the Presidentially appointed Kappel Commission. This Commission, under the direction of Frederick R. Kappel, came to the general conclusion that the U.S. Post Office Department is being run in contradiction to most of the basic principles of modern management. Its comprehensive report presented two primary recommendations, now included in the Postal Service Act: First, improve the management structure of the Post Office by making it a separate Government-owned corporation along the lines of the Tennessee Valley Authority. Second, give the corporation real authority to manage its own operations, through such means as the borrowing of funds, the setting of postal rates, entering into contracts, and establishing its own personnel policies on the basis of merit.

The Postal Service Act of 1969 would implement these recommendations by taking the head of the Post Office Department out of the President's Cabinet and establishing a Government-owned postal system to be known as the U.S. Postal Service. The Postal Service would be run by a nine-man board of directors selected without regard to politics. Seven of the directors would be appointed by the President, subject to Senate confirmation. The remaining two, a full-time chief executive officer and a chief operating officer, would be selected by the seven directors.

The Postal Service would have essential control over its own operations in a manner similar to such other Government corporations as the TVA. It would have the power to sue and be sued, to adopt bylaws and regulations, to keep its own accounts, and to issue bonds as a means of raising funds for expansion and modernization of postal facilities. In this way, it is hoped that the Postal Service will become entirely self-supporting within 5 years of the commencement of operations.

The law, however, would not take control of the mail service out of the hands of Congress, which would retain broad powers of direction and veto. The Postal Service would be required to submit regular reports to the Congress and any provision of the Postal Service Act could be changed or eliminated by law at any time. The Congress would, furthermore, have review and veto power over all postage rate changes recommended by the Service.

Finally, while my own initial reservations about this proposed system have centered primarily around its effect upon postal employees, I am now firmly convinced that the Postal Service Act will be of great benefit to postal workers as well as being otherwise in the public interest. Among other things, the act provides for collective bargaining of employees within the system. All postal employees would be given the right by law to negotiate directly with management over wages and working conditions. All present workers, furthermore, would be transferred into a new postal career service with full retention of their civil service retirement benefits enjoyed under existing law. Employees are also guaranteed benefits at least equal to existing benefits of Federal employees with respect to workmen's compensation, unemployment compensation, life insurance, health insurance, and retirement.

I would sincerely like to urge all my colleagues in the House to give the provisions of the Postal Service Act their most careful study and sympathetic consideration.

## CONGRESSMEN URGE OPEN TRIAL IN SMOG CONTROL ANTITRUST CASE

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

Mr. BROWN of California. Mr. Speaker, it is futile to try to compromise the quality of our environment. Yet, that is just what will happen if the Justice Department is pressured into allowing a consent decree to be issued in the pending antitrust suit against automobile manufacturers who are charged with conspiring to prevent speedy development and installation of antismog devices.

Today, I have joined with 18 of my colleagues in the House in sending to Attorney General Mitchell a letter requesting that an open trial be held in this vital case. Pretrial discussions have been underway for some time, and it is possible a decision on whether to hold a trial or go to decree might be made any day now.

Intense lobbying being applied by the Washington counsel for the Automobile Manufacturers Association—AMA is one of the defendants along with the four major car makers—aims to have the Justice Department agree to a nolo contendere plea, and then have the Department put out a consent decree. Such a consent judgment admits no liability for the alleged charges, and so it becomes nothing more than a slight tap on the wrist for the manufacturers.

We believe this case is one of the most vital suits ever instituted by the Justice Department, and we see it representing a major forward step in the campaign for effective air pollution abatement. It must not be nullified or circumvented.

Mr. Speaker, at this point, I would like to insert into the RECORD copies of the letters—my initial letter sent last week, and the letter signed by my 18

colleagues—which were sent to the Justice Department:

HOUSE OF REPRESENTATIVES,  
Washington, D.C., August 29, 1969.

HON. JOHN N. MITCHELL,  
Attorney General of the United States,  
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: Over the last twenty years, Southern California residents have been subjected to ever-increasing amounts of air pollutants at a rate which seriously threatens both human health and the complete delicate ecology of the area. Although vigorous efforts by state, local and Federal officials have succeeded in reducing many of the major polluting factors, a prime cause of this air pollution continues to be motor vehicle exhaust emissions.

As the problem grew more dangerous, numerous government officials at all levels pressed automobile manufacturers to develop and produce effective anti-smog engines and control devices. But, generally, response from manufacturers has been disappointing. In a letter to President Johnson, Los Angeles County Supervisor Kenneth Hahn noted in 1965 that "Now, after twelve years of correspondence . . . I have found out that you cannot 'cooperate' or urge them 'voluntarily' to do the job."

The Justice Department's anti-trust suit now pending against the manufacturers and the Automobile Manufacturers Association represents a crucial forward step in the drive for effective air pollution abatement. The cost to the American public—in terms of ill health and environmental damage—resulting from the alleged collusion has been huge.

It is my understanding that pre-trial negotiations are now underway between Justice Department and the defendants, and that chances are good that a consent judgment may be reached in this case and that there would then be no open trial.

I believe that the overriding significance of this case makes it imperative that an open trial be held, and I urge you to push for such a trial. The alleged actions of the defendants are—if true—reprehensible, and full and complete public knowledge of them should be brought before the public. I do not feel that the public interest is served in this case by closed-door negotiations.

I am also worried that a plea of nolo contendere and a consent judgment would leave many municipalities and other government units who are closely following this case without sufficient legal grounds to institute damage suits.

In addition, the case offers the opportunity to rule on some important precedents. The question of joint responses by a manufacturers association plays a key role in this case, and the Justice Department's prayer is potentially a landmark position. Another area is that of product fixing to limit competition, and I would hope that the full force of the law is brought to bear in order to deter this sort of collusion.

I fully believe that this case may be one of the most vital suits ever instituted by the Justice Department, and again I urge you to do all you can to hold an open trial.

Sincerely,

GEORGE E. BROWN, JR.,  
Member of Congress.

HOUSE OF REPRESENTATIVES,  
Washington, D.C., September 2, 1969.

HON. JOHN N. MITCHELL,  
Department of Justice,  
Washington, D.C.

DEAR MR. MITCHELL: We are writing to indicate our concern over the persistent and disquieting reports that the Department of Justice is about to compromise one of the most important antitrust cases affecting the health and welfare of the American people. We are aware of the closed-door negotiations

now taking place between the automobile industry's lobbyists and the Department, negotiations which may lead to a consent decree in the Department's case against the Automobile Manufacturers Association (AMA), General Motors, Ford, Chrysler and American Motors.

Earlier this year, your predecessors in the Department resisted extraordinary industry pressures and filed a civil complaint against the defendants—(although the Department did decline to ask for a criminal indictment, as its investigating attorney had requested). The complaint alleges generally that the automobile companies, operating under the auspices of the AMA, joined together, through the device of a cross-licensing agreement—to suppress research, development and application of pollution control devices. The more important allegations charge that the companies agreed to pursue research, development, manufacture and installation of pollution control devices on a non-competitive basis, that they agreed to seek joint appraisal of patents submitted by persons not a party to the cross-licensing agreement, and that they agreed on at least three occasions—in 1961, 1962, and 1964—to attempt to delay installation of motor vehicle air pollution control equipment.

These allegations, if proved true, mean that the defendants bear responsibility for a great share of the injury to human health and the many millions of dollars in economic injury resulting from automobile pollution. If these charges are true, the American people have a right to be fully informed of this outrageous corporate callousness by a full and open trial of the issues involved. We fear, however, that the American people will be denied their right to know the full story. We fear that the entire incident will be covered over by a legal deal arranged between the Department and the AMA's Washington counsel.

The representations made to your Department by this law firm do not include, we are sure, the following information:

That the automobile is responsible for dumping more than 90 million tons of pollutants into the atmosphere each year, more than twice as much as any other single polluter.

That the automobile accounts for 91% of all carbon monoxide, 63% of the unburned hydrocarbons and 48% of the oxides of nitrogen emitted from all sources.

That doctors, in a single year, advised 10,000 people to move away from Los Angeles because of the harmful effects of air pollution. (Automobile pollution represents 85% of the contaminants emitted into the ambient air of Los Angeles daily).

That air pollution—of which motor vehicles account for approximately 60% nationally—contains serious toxic substances associated with higher rates of illness and mortality from emphysema, lung cancer, chronic bronchitis and heart diseases.

Professor Barry Commoner, leading authority on pollution, said just last week:

"Once the automobile is allowed out of the factory and transformed, it then reveals itself as an agent which has rendered urban air carcinogenic, burdened human bodies with nearly toxic levels of carbon monoxide and lead, embedded pathogenic particles of asbestos in human lungs, and contributed significantly to the pollution of surface waters."

The time remaining for us to return our environment to a livable state is short, and if the allegations contained in the Department's complaint are proved true, the automobile companies have deliberately and cynically wasted fifteen precious years. The Los Angeles County Board of Supervisors has charged that if the automobile companies had sincerely devoted their energies to the air pollution problem in California during

the years 1953–1956, "air pollution from automobiles would have ceased to be a problem by 1966 . . ."

If the defendants in this case are indeed culpable, a consent decree of almost any kind would undermine the penalties of the anti-trust laws designed to deter future adventures into collusion. There would be no public acknowledgement by a public-relations conscious industry of its responsibility for the appallingly slow progress in air pollution control. Furthermore, a consent decree would raise formidable barriers to the many treble damage suits which could be founded on an open trial and full public record of the defendants' activities.

Many municipalities are closely following this case with a view toward bringing follow-up actions for pollution damage to health, property and local economies, much in the same way that states and municipalities brought follow-up suits in the *Library Book Cases*. Then also, there are a number of businessmen who invested large sums in pollution-control research, many of whom claim that they were injured by the AMA agreement. Furthermore, it is conceivable that this would open up a new area for class actions to be brought on behalf of thousands of people. But a consent decree might mean that the thousands of pages of evidence—collected by federal investigators over the course of a two-year study at a cost of many thousands of dollars—would be left to collect dust in the Department's files, forever lost to private litigants. This, of course, is what the auto industry wants. We hope that the Department does not become an accomplice in the industry's attempt to avoid redressing the injuries which it may have caused.

In addition, a consent decree would mean that the Department is surrendering a unique opportunity in a particularly strong case to have the courts rule on important landmark legal questions. For one, the Department's complaint requests that the AMA be restrained from making joint responses to government regulatory agencies with regard to information concerning air pollution control technology. Should the Department prevail on this question in court, it would do much to make public any diversity of opinion which may exist among automobile manufacturers in the field of air pollution control. In addition, the Department would have a new weapon in its arsenal to loosen the death-grip which many trade associations hold over weaker members. Secondly, there is the important issue of "product fixing", the joining together of manufacturers to limit competition for product quality. Until recently, the main thrust of antitrust law enforcement has generally been limited to price fixing and a ruling on product fixing might deter a practice which all too common in many American industries.

If the defendants have broken the anti-trust laws, and are responsible for the adverse health and economic effects of automotive pollution, then they must be prepared to have the law applied with its full force. The Administration promised to see that the rights of victims would be protected along with the rights of law-violators. In this situation, an open public trial would help show that this Administration considers corporate lawlessness on no different footing than any other violation of law.

Sincerely,

JOHN A. BLATNIK, GEORGE BROWN, PHILIP BURTON, SHIRLEY CHISHOLM, JOHN CONTERS, JR., BOB ECKHART, DON EDWARDS, LEONARD FARBERSTEIN, DONALD FRASER, ANDREW JACOBS, JOSEPH KARTH, EDWARD KOCH, ALLARD LOWENSTEIN, RICHARD OTTINGER, BERTRAM PODSELL, BENJAMIN ROSENTHAL, EDWARD ROYBAL, ROBERT TERNAN, CHARLES WILSON.

Next, and because it is such an important suit, I shall insert a copy of the



Justice Department's complaint against the manufacturers:

[U.S. District Court, Central District of California, Civil No. 69-75-JWC, Filed January 10, 1969]

UNITED STATES OF AMERICA, PLAINTIFF, v. AUTOMOBILE MANUFACTURERS ASSOCIATION, INC.; GENERAL MOTORS CORPORATION; FORD MOTOR COMPANY; CHRYSLER CORPORATION; AND AMERICAN MOTORS CORPORATION, DEFENDANTS

#### COMPLAINT

The United States of America, plaintiff, by its attorneys, acting under the direction of the Attorney General of the United States, brings this civil action against the defendants named herein, and complains and alleges as follows:

#### I

##### *Jurisdiction and venue*

1. This complaint is filed and these proceedings are instituted under Section 4 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. § 4), commonly known as the Sherman Act, in order to prevent and restrain continuing violation by the defendants, as hereinafter alleged, of Section 1 of the Sherman Act.

2. Each of the corporate defendants named herein transacts business and is found within the Central District of California.

#### II

##### *Defendants*

3. Automobile Manufacturers Association, Inc., a corporation organized and existing under the laws of the State of New York with its principal place of business in Detroit, Michigan, is made a defendant herein. Automobile Manufacturers Association, Inc., is a trade association whose membership consists mainly of firms engaged in the business of manufacturing and selling motor vehicles and component parts and accessories thereto in various states of the United States.

4. The Corporations named below are made defendants herein. Each of said corporations is organized and exists under the laws of the State indicated and has its principal place of business in the city indicated. Within the period of time covered by this complaint said defendants have primarily engaged in the business of manufacturing and selling motor vehicles in various states of the United States, and also manufacture and sell component parts and accessories thereto.

Defendant corporation, General Motors Corporation; State of incorporation, Delaware; principal place of business, Detroit, Michigan.

Defendant corporation, Ford Motor Company; State of incorporation, Delaware; principal place of business, Dearborn, Michigan.

Defendant corporation, Chrysler Corporation; State of incorporation, Delaware; principal place of business, Highland Park, Michigan.

Defendant corporation, American Motors Corporation; State of incorporation, Maryland; principal place of business, Detroit, Michigan.

5. Whenever in this complaint reference is made to any act, deed or transaction of a corporate defendant, such allegation shall be deemed to mean that said corporation engaged in said act, deed or transaction by or through its officers, directors, agents or employees while they were actively engaged in the management, direction or control of corporate business affairs.

#### III

##### *Co-conspirators*

6. Each of the corporations listed below in this paragraph is not named a defendant herein but is named as a co-conspirator and has participated as a co-conspirator with the defendants in the offense hereinafter charged

and has performed acts and made statements in furtherance thereof.

Corporation, Checker Motor Corporation (successor to Checker Cab Manufacturing Corporation); State of incorporation, New Jersey; principal place of business, Kalamazoo, Michigan.

Corporation, Diamond T Motor Car Company; State of incorporation, Illinois; principal place of business, Cleveland, Ohio.

Corporation, International Harvester Company (a consolidation of International Harvester Company, a New Jersey Corporation, and International Harvester Corporation, a Delaware Corporation); State of incorporation, Delaware; principal place of business, Chicago, Illinois.

Corporation, Studebaker Corporation (successor to Studebaker-Packard Corporation); State of incorporation, Michigan; principal place of business, South Bend, Indiana.

Corporation, White Motor Corporation (successor to The White Motor Company); State of incorporation, Ohio; principal place of business, Cleveland, Ohio.

Corporation, Kaiser Jeep Corporation (successor Willlys Motors, Inc., a Pennsylvania Corporation); State of incorporation, Nevada; principal place of business, Oakland, California.

Corporation, Mack Trucks, Inc. (successor to Mack Manufacturing Corporation); State of incorporation, New York; principal place of business, New York.

7. Various other persons, firms and corporations not made defendants herein have participated as co-conspirators with the defendants in the offense charged in this complaint and have performed acts and made statements in furtherance thereof.

#### IV

##### *Definition*

8. As used herein, the term "motor vehicle air pollution control equipment" means equipment, or any part thereof, designed for installation on a motor vehicle or any system or engine modification on a motor vehicle which is designed to cause a reduction of pollutants emitted from the vehicle, including, but not limited to, any device for the control of emissions of pollutants from the exhaust system, the crankcase, the carburetor, or the fuel tank.

#### V

##### *Trade and commerce*

9. Automobiles for the most part are manufactured in the State of Michigan and are shipped therefrom to each of the fifty states of the United States. Some automobiles are assembled in various states of the United States from parts manufactured in the State of Michigan and other states. In 1966, 78,315,000 passenger cars and 15,864,000 trucks and buses, exclusive of off-the-road vehicles, were registered in the United States. In that year, 8,804,712 passenger cars valued at more than \$17½ billion and 1,791,587 commercial vehicles valued at more than \$3.9 billion were produced in this country. Of the trucks produced, 96,560 were built with diesel motors.

10. The largest number of passenger cars registered and new cars sold in any state of the United States in 1966 was in the State of California where 7,621,792 cars were registered and 832,338 new cars sold. The largest number of passenger cars, registered in any county of any state in the United States in 1966 was in Los Angeles County where 2,932,980 cars were registered. Similarly, in 1966 California accounted for the largest number of truck registrations and new truck sales with 1,542,984 trucks registered and 150,927 new trucks sold, and Los Angeles County accounted for the largest number of trucks registered, numbering 436,218.

11. Since at least 1952 it has been established that motor vehicles contribute to air pollution by the emission of hydrocarbons, carbon monoxide, oxides of nitrogen and

other contaminants. For example, in Los Angeles County, as of January 1967, gasoline-powered motor vehicles accounted for 12,465 tons out of a total of 14,610 tons, or 85.3 percent of contaminants emitted into the ambient air daily. As a result of new and continuing requirements that automotive vehicles be equipped with air pollution control devices, a large and growing market for the production and installation of such devices has developed. Motor vehicle air pollution control devices are shipped in interstate commerce either as engine or system modifications or as equipment attached to automobiles, which are shipped from Michigan and other states to each of the fifty states of the United States.

#### VI

##### *Offense alleged*

12. Beginning at least as early as 1953, and continuing thereafter up to and including the date of this complaint, the defendants and co-conspirators have been engaged in a combination and conspiracy in unreasonable restraint of the aforesaid interstate trade and commerce in motor vehicle air pollution control equipment in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

13. The aforesaid combination and conspiracy has consisted of a continuing agreement, understanding, and concert of action among the defendants and co-conspirators, the substantial terms of which have been and are:

(a) to eliminate all competition among themselves in the research, development, manufacture and installation of motor vehicle air pollution control equipment; and

(b) to eliminate competition in the purchase of patents and patent rights from other parties covering motor vehicle air pollution control equipment.

14. For the purpose of forming and effectuating the aforesaid combination and conspiracy, the defendants and co-conspirators did those things which they combined and conspired to do, including, among other things, the following:

(a) agreed that all industry efforts directed at the research, development, manufacture and installation of motor vehicle air pollution control equipment should be undertaken on a non-competitive basis;

(b) agreed to seek joint appraisal of patents and patent rights submitted to any of them by persons not parties to a cross-licensing agreement entered into on July 1, 1955, and amended and renewed periodically, and to require "most-favored-purchaser" treatment of all parties to the cross-licensing agreement if any one were licensed by a person not a party to that agreement;

(c) agreed to install motor vehicle air pollution control equipment only upon a uniform date determined by agreement, and subsequently agreed on at least three separate occasions to attempt to delay the installation of motor vehicle air pollution control equipment;

(1) in 1961 the defendants agreed among themselves to delay installation of "positive crankcase ventilation" on vehicles for sale outside of California until the model year 1963, despite the fact that this antipollution device could have been installed nationally for the model year 1962 and that at least some automobile manufacturers expressed willingness to do so, in the absence of a contrary industry-wide agreement;

(2) in late 1962 and extending into 1963, the defendants agreed among themselves to delay installation of an improvement to the positive crankcase ventilation device, an improvement which the California Motor Vehicle Pollution Control Board had indicated it would make mandatory;

(3) in early 1964 the defendants agreed among themselves to attempt to delay the introduction of new exhaust pollution control measures on motor vehicles sold in Cal-



fornia until the model year 1967; despite the fact that all were capable of installing the improvement for the model year 1966, the defendants agreed to tell California regulatory officials that installation of exhaust antipollution measures would be technologically impossible before 1967, and only under regulatory pressure made possible by competing device manufacturers not in the automobile industry did the defendants agree to a California regulatory requirement that exhaust devices be installed for the model year 1968; and

(d) agreed to restrict publicity relating to research and development efforts concerning the motor vehicle air pollution problem.

#### VII Effects

15. The aforesaid combination and conspiracy has had, among others, the following effects:

(a) hindering and delaying the research, development, and manufacture—both by the defendants and coconspirators and by others not parties to the agreements alleged herein—and the installation of motor vehicle air pollution control equipment;

(b) restricting and suppressing competition among the defendants and coconspirators in the research, development, manufacture and installation of motor vehicle air pollution control equipment; and

(c) restricting and suppressing competition in the purchase of patents and patent rights covering motor vehicle air pollution control equipment.

#### Prayer

Wherefore, the plaintiff prays:

1. That the Court adjudge and decree that the defendants have engaged in a combination and conspiracy, in unreasonable restraint of the aforesaid interstate trade and commerce, in violation of Section 1 of the Sherman Act.

2. That each of the defendants named in this complaint, its successors, assignees and transferees, and the respective officers, directors, agents and employees thereof, and all persons acting or claiming to act on behalf thereof:

(a) be enjoined from continuing, maintaining or renewing, directly or indirectly, the combination or conspiracy hereinbefore alleged, or from engaging in any other practice, plan, program, or device having a similar effect;

(b) be enjoined from entering into any agreements, arrangements, understandings, plan or program with any other person, partnership, or corporation, directly or indirectly:

(1) to delay installation of air pollution control equipment or otherwise restrain individual decisions as to installation dates;

(2) to restrict individual publicity of research and development relating to air pollution control technology;

(3) to require joint assessment of the value of patents or patent rights relating to air pollution control equipment;

(4) to require that acquisition of patent rights relating to air pollution technology be conditioned upon availability of such rights to others upon a most-favored-purchaser basis; or

(5) to respond jointly to requests by government regulatory agencies for information or proposals concerning air pollution control technology unless such agency requests a joint response in a particular case; and

(c) be required to issue to any applicant interested in developing motor vehicle air pollution technology unrestricted, royalty-free licenses and production know-how under all United States patents owned, controlled or applied for to which the cross-licensing agreement dated July 1, 1955, as amended, has been applicable, and to make available to any such applicant all other know-how related to air pollution control

technology which has been exchanged with any other defendant.

3. That the plaintiff have such other, further and different relief as the nature of the case may require and the Court may deem just and proper in the premises, including cancellation of the cross-licensing agreement dated July 1, 1955, as amended, and an injunction ensuring that all future joint arrangements relating to air pollution control technology be appropriately limited as to subject matter of joint effort and numbers of participants so as to maintain competition in the development of air pollution technology.

4. That the plaintiff recover the costs of this suit.

Dated:

RAMSEY CLARK,  
Attorney General.  
EDWIN M. ZIMMERMAN,  
Assistant Attorney General.  
BADDIA J. RASHID,  
Attorney, Department of Justice.  
WM. MATTHEW BYRNE, Jr.,  
U.S. Attorney.  
RAYMOND W. PHILLIPS,  
CHARLES L. MARINACCO,  
Attorneys, Department of Justice.

A few weeks after the suit was filed, Morton Mintz of the Washington Post wrote this interesting background story about the early history of the case:

[From the Washington Post, Jan. 26, 1969]  
SMOG FIGHTER INSPIRED AUTO INDUSTRY  
LAW SUIT

(By Morton Mintz)

More than four years ago, an angry municipal official made a speech in Houston. Little noticed at the time, the speech was the genesis of the Justice Department's civil antitrust suit filed this month charging that the four major U.S. auto manufacturers and their trade association conspired to delay development and installation of devices to curb automotive air pollution.

The public official was S. Smith Griswold, then air pollution control officer of Los Angeles County. For a decade, he had fought to control the sources of smog. All of these sources but one were brought under control or significantly checked. The exception was by far the most important source: the ubiquitous automobile.

As time went on, Griswold became convinced that for all its talk about how hard it was trying and how much it was spending, Detroit was at best halfhearted about control devices for the crankcase and the exhaust system. Finally, in June, 1964, in his Houston speech to the Air Pollution Control Association, he exploded.

"Everything that the industry is able to do today to control auto exhaust was possible technically ten years ago," he said. "No new principles had to be developed; no technological advance was needed; no scientific breakthrough was required."

Griswold depicted Detroit as a citadel of "arrogance and apathy" that has "bought ten years of delay and unhampered freedom to pour millions of tons of toxic contaminants into the atmosphere."

At the time, the industry was spending \$1 million a year for pollution control. Griswold contrasted this with the total of \$9.6 million that 22 industry executives earned in 1963 and with the \$1 billion being spent for 1965 model changes.

Finally, Griswold tried to explain the industry's purported apathy. "Control of air pollution does not make cars easier to sell," he said. Neither does it "make them easier to produce. To people interested in profits, expenditures for the development and production of exhaust controls are liabilities."

#### A CASE MADE UNWITTINGLY

In an interview, Griswold, who now heads a Washington consultant firm on air pollu-

tion and other environmental problems, said he was unaware that his speech laid out the essentials of an antitrust case.

Nothing might have happened had it not been for a chance visit that Ralph Nader, then an obscure volunteer worker in the Labor Department, paid to the office of Thomas F. Williams, public information officer for the Division of Air Pollution of the Public Health Service.

Donald Green, an aide to Williams, showed the speech to Nader, who as a lawyer sensed its antitrust implications. In a recent interview, Nader said that the Griswold speech struck him as a potentially classic portrayal of "product-fixing"—activity covered by the antitrust laws. In this case, he felt, the activity involved important impacts on health and might be delaying technology that would permit eventual phasing out of the fume-producing internal combustion engine.

After reading the speech, Nader telephoned Griswold in Los Angeles. Several long conversations followed, on the phone and during Griswold's visits to Washington.

Nader tried but failed to interest a Justice Department antitrust lawyer who specialized in auto industry matters. But in the late summer of 1964, Nader learned that William H. Orrick Jr., then the Department's antitrust chief, had set up a new policy planning staff. Nader got in touch with its head, Murray H. Bring.

Neither Bring, now a member of the Washington law firm of Arnold and Porter, nor any past or present Justice Department official involved with the case would discuss it. But the upshot of Nader's getting in touch with Bring was that he was invited to outline his antitrust theory to Orrick and more than a dozen of his aides. At a meeting lasting more than an hour, he recalls, he argued that alleged product-fixing of this kind deserved at least as much priority as conventional price-fixing cases.

In late 1964, Griswold himself informally asked the Department to make an antitrust investigation. Although he told an interviewer he could not be certain from memory, he said he believed he alerted Justice to a resolution that he was helping to prepare for the Los Angeles County Board of Supervisors.

#### ADVISE 10,000 TO MOVE AWAY

As finally adopted by a unanimous vote on Jan. 26, 1965, the resolution traced the history of the problem of air pollution in Los Angeles County, pointed out that because of that problem physicians had advised 10,000 persons to move away in a single year and said that health and welfare continue to be "jeopardized by the exhaust emissions of 3.5 million motor vehicles, burning about 7,150,000 gallons (of gasoline) daily."

The resolution charged that the industry had pooh-poohed the role of automobiles in Los Angeles pollution until forced to change its position by an accumulation of overwhelming evidence, by the spur of competition from "outsider" firms that had developed control devices on their own and by the pressure of California legislation making control devices mandatory.

If the Automobile Manufacturers Association (AMA) "had given the same attention to the problem in 1953-56 as they did after installation became mandatory, air pollution from motor vehicles would have ceased to be a problem in 1966," the resolution asserted.

Saying that action was not taken in the 1960s because of agreements among Automobile Manufacturers Association members to pool all of their findings and to cross-license developments for pollution control, the Board of Supervisors concluded by requesting the Justice Department to make an antitrust investigation.

By the time the resolution was formally adopted, the Justice Department already had

served demands for records on the industry—an action it took in early January, 1966.

Essentially, the Department complaint filed last Jan. 10 in Los Angeles reflects the Board's resolution. The complaint points out, for example, that in the single month of January, 1967, gasoline-powered vehicles dumped 12,465 tons—about 25 million pounds—of contaminants into the atmosphere of the bowl-shaped Los Angeles area. This was 85 per cent of all emissions.

And the suggestions was obvious in the suit that had the defendants competed in the field of control devices, rather than purportedly suppressing progress in violation of the antitrust laws, there would have been less pollution, less disease and less property damage.

The AMA's position is the reverse: the "cooperation" among the defendants—General Motors, Ford, Chrysler and American Motors, plus the AMA—was not only entirely legal and open and aboveboard, but was also the only feasible way to achieve the progress everyone sought.

The Department's charges also were heatedly rejected by the defendant manufacturers. American Motors, for example, said it "categorically denies engaging in any combination or conspiracy . . ."

#### COLLISION WITH AUTO SAFETY

Between the time the Justice Department started to move on the case and the time the suit was filed, the matter became involved briefly with a congressional hearing.

By late 1965, the industry was faced with another crisis: the seeming inevitability of auto safety legislation. For Detroit, the question was how tough the law would be.

In April, 1966, the AMA went before the Senate Commerce Committee to plead for an "umbrella against antitrust" so that it could undertake joint development of safety devices.

To illustrate the need for the "umbrella," AMA spokesman John S. Bugas, a Ford vice president, pointed out that the industry already was under investigation in connection with pollution control devices.

Committee Chairman Warren G. Magnuson (D-Wash.) asked Justice for immediate comment. Donald F. Turner, who meanwhile has succeeded Orrick as head of the Antitrust Division, replied with a letter attacking the industry proposal. The Department's investigation concerned cooperative efforts "to suppress, not to promote," use of the devices, Turner said. Besides, the antitrust laws are not a barrier to "necessary and constructive" joint efforts, he said.

Turner had assigned the investigation to Samuel Flatow, who has since retired from the Department to enter private practice here. As a result of Flatow's work, first in Washington and then in Los Angeles, a grand jury was convened, in July 1966, and heard evidence until December, 1967. Flatow then requested permission to ask the jurors to return a criminal indictment, a request the Department denied.

There may have been a practical consideration: At least four Federal judges who might have received the case reportedly are strongly opposed to criminal sanctions in antitrust cases. But a more fundamental consideration is that long-standing Department policy reserves the criminal route for price-fixing and other traditional cases in which there is no question of blatantly illegal conduct. The pollution case was not traditional.

Another factor is the practical utility of a criminal case as opposed to a civil case. A criminal case can result in penalties intended in part to deter further misconduct. But a civil case can lead to the fashioning of a court decree that prohibits specific forms of misconduct thereafter.

#### AN UNUSUAL PRAYER

In the pending case, the Department offers an unusual "prayer," to use the legal term. It

is that the court will prohibit the defendants from responding "jointly to requests by Federal regulatory agencies for information or proposals concerning air pollution control unless such agency requests a joint response in a particular case." This is an uncommon recognition of the proposition that the behavior of trade associations can violate the antitrust laws.

If the "prayer" is granted, one of the broad questions that will be generated is this: When any Government agency is involved in the process of setting safety standards, can a trade association be the spokesman for an industry in which dissent and diversity among member companies is being suppressed?

The Department's "prayer" is, of course, confined to the particular facts of the air pollution case. But the petition is also in accord with the intent of Congress, expressed in the auto safety law, that car manufacturers be stimulated by the National Traffic Safety Agency to compete in the area of safety.

Late last year, the Agency declared its intention to require manufacturers to disclose to new-car buyers such safety-related performance data as the distances needed to brake to a stop from various speeds, data that would permit comparative shopping on safety aspects. The primary response from the industry was the AMA's. GM, Ford and Chrysler filed no initial responses of their own. American Motors' was an endorsement of the AMA's.

Nader's contention—denied by the AMA—was that the Association controlled the responses and that the AMA was itself controlled by GM, the industry leader.

The Department also seeks a court order banning patent licensing agreements of the kind used here and for bidding other agreements under which individual car makers did not publicize their progress in pollution control.

Another subtle but important aspect of the case is its origins in a marriage of antitrust lawyers to specialists with expertise in a field as arcane as pollution control devices.

Nader believes that the full potential of the antitrust laws to protect the public against "product-fixing" and technological repression and stagnation cannot be realized until engineers and other experts become part of the regular staff of antitrust agencies.

A prominent Washington antitrust lawyer with both private and Government experience agrees, noting that technology has brought "a whole new breed of antitrust problems that lawyers can understand only if they work with technical experts."

Actually, such problems occasionally have surfaced before. The Federal Trade Commission, for example, knew that odometers were built to record more miles than actually were driven—to the benefit of manufacturers and rental firms but to the detriment of owners and renters.

But the FTC failed to act for almost three decades. A group of law students guided by Nader said in a recent report that this was due to the FTC's being "duped by an excuse perennially put forth by the auto manufacturers; they claimed they had to make odometers register high because state highway officials demanded that they make speedometers register high (to diminish actual driving speeds) and that the two were inseparably connected . . . the fact of the matter is that odometer and speedometer are not connected, as any mechanical engineer would have known."

While behind-the-scenes maneuvering by the defendants has been intensive, the manufacturers have brought only one public statement on the suit. Although I would question many of the suppositions made in that statement—by AMA president, Thomas C. Mann—I would like to reprint his remarks in the

RECORD as an indication of the type approach the manufacturers are using:

#### AMA NEWS RELEASE

WASHINGTON, D.C., January 10.—Thomas C. Mann, President of the Automobile Manufacturers Association, today issued the following statement on the suit filed by the Department of Justice against AMA and some of its member companies in Los Angeles:

"We greatly regret the Department of Justice's sudden decision to attack the industry's 15 year old cooperative program to develop and perfect motor vehicle emissions controls. The Department's action is based on a profound misunderstanding of the cooperative program and its actual effects.

"Under this program, initiated at the request of the California authorities, the industry has been developing new technologies for solving this pressing problem of our urbanized society. The program has not hindered or delayed the development and installation of motor vehicle air pollution control equipment. On the contrary, it has already succeeded in reducing the level of hydrocarbon emissions of new cars approximately 63% below the level of the pre-control models, and additional controls now under development are expected to further reduce hydrocarbon emissions to 79% below pre-control models. Moreover, the systems developed as a result of the program have reduced carbon monoxide emissions by about 60%.

"This progress has been made during a period when state and federal regulation has continually taxed the ability of engineers to meet the stringent standards that have been set. It would not have been possible to meet the timetables set by governmental agencies without the cross-fertilization of ideas and the full exchange of technical information among automobile manufacturers and suppliers. This exchange has been made feasible by a royalty-free patent cross-license agreement which all domestic manufacturers of passenger cars, a number of truck manufacturers and many foreign vehicle manufacturers have joined. Although this type of agreement has been praised as encouraging competition, the Department now attacks it.

"With continuing increases in the vehicle population and in the volume of pollutants entering the atmosphere from non-vehicular sources, there is need for even greater reductions in automotive emissions. The manufacturers are now faced with a new requirement for controlling the emission of oxides of nitrogen, a task which in many respects will be more difficult than controlling hydrocarbon emissions. In our judgment, the Department's action today will substantially retard the rate of progress toward all of these goals by casting a serious cloud on the present arrangements and thus reducing the essential flow of information among the participating companies.

"This will be especially harmful to the smaller passenger car and truck companies and to many foreign manufacturers who account for a substantial share of the U.S. market. If these companies are unable to make the necessary progress to meet the more stringent requirements that the regulatory authorities have set for accomplishment within the next several years, the Government will be faced with the necessity of postponing more stringent requirements. If such postponement should occur, the public will be the loser.

"The problem of how Government can most effectively command scientists and engineers to make a new technological breakthrough of this kind, and the corresponding problem of how the industry can most effectively respond to such a command, are both novel and difficult. However, it is difficult to see how any result other than delay and increased cost can come from the Department's action seeking to prohibit the free interchange of technical information

about automotive emissions among the firms which are in the best position to find the needed solutions.

"A year ago the President called on Government and industry to join as partners in attacking the problems of air pollution. The automotive industry has done its best to respond to that request. Today's action can only complicate the difficult task of making the partnership a fruitful one."

What Mann said in his statement has more recently been echoed by Chrysler Corp.'s chief engineer, Charles M. Heinen, who told a meeting of the New York Society of Automotive Engineers that "the main battle against automobile pollution has been won." Dan Fisher of the Los Angeles Times reported on that speech:

**EMISSION CONTROL ENGINEER SAYS SO: HAS AUTO SMOG BATTLE ALREADY BEEN WON?**

(By Dan Fisher)

"Ladies and gentlemen, let me come to the point: The main battle against automotive air pollution has been won."

That's how Charles M. Heinen, Chrysler Corp.'s chief engineer, emission control and chemical development, opened a speech Wednesday to a meeting of the New York Society of Automotive Engineers.

Heinen, who tends not to mince words, stated: "We have done the job proposed . . . For the sake of perspective, let me say that if there were no other vehicles on the road except the 1969-1970 models, we would—overnight—breathe the same clean air we had in 1940 as far as the automobile contribution is concerned."

To reduce emissions from the levels that will be achieved in the 1970 models "is going to be rough, and it looks like it will be very expensive—in the billions of dollars—to car owners. The next step also raises serious and sincere questions among thoughtful and knowledgeable observers as to how much a further reduction is really necessary and is it worth it from a social, scientific, medical, and economic standpoint."

Heinen suggested that future California and federal regulations—for 1971 models and beyond—will make little significant contribution over what's already been done, and that for that small significant gain, the cost would be \$10 billion plus on a national level.

That works out to about \$100 added to the price of each car sold in a year.

While hydrocarbons and carbon monoxide are controlled under present California standards, a third pollutant is covered in 1971 California standards—oxides of nitrogen.

Research indicates, Heinen said, that when hydrocarbons are controlled, the reaction of the reduced hydrocarbons and oxides of nitrogen is insufficient to produce photochemical smog.

Although challenging the reasons for control, he said the technology to control oxides of nitrogen is within reach. "Unfortunately, it would mean penalties in cost, performance, fuel economy, and driveability," the emissions specialist added.

He also took issue with California medical authorities who have predicted dire health results from exposure to automobile-caused air pollution. "As a matter of fact, a further review of the medical position would seem to say that the situation is not critical now, or indeed, even serious in the opinion of pretty near everyone except those in California."

The decision about oxides of nitrogen control "should probably be made on the basis of its effect on visibility and on plant damage," he said.

Other automotive engineers have suggested that the least they seek is more time to work on inexpensive solutions to the oxides

of nitrogen problem. While the 1971 California standards covering this pollutant can be met at relatively low cost, they say, those proposed for 1972 and 1974 cannot, with present technology.

One auto company engineering vice president has predicted flatly that those standards may be the ones that finally result in a court fight.

Maybe one reason Heinen can call the battle over is that the solutions are not as difficult as the manufacturers would want us to believe. For example, I find this following article from the Los Angeles Times quite fascinating:

**REDUCING CAR SMOG EASY, ENGINEER SAYS—SIMPLE ADJUSTMENT CUTS EMISSIONS, HEARING TOLD**

(By George Getze)

A simple mechanical adjustment of present-day automobile engines will reduce nitrogen oxide emissions by about 40%, it was stated Wednesday at a public hearing in the New Federal Building.

Robert W. McJones, consulting automotive engineer for the Pacific Lighting Corp., said the reduction would be enough in most cases to bring the cars into compliance with the nitrogen oxides standards already set by California for 1971 model cars.

That is a standard the automobile industry doubts it can meet.

McJones testified that the reduction of pollutants, hydrocarbons and carbon monoxide as well as nitrogen oxides, would be even greater than 40%, if natural gas instead of gasoline were used as fuel.

McJones and Reine J. Corbell, project engineer for Pacific Lighting, were witnesses Wednesday at a Department of Health, Education and Welfare hearing.

The hearing is being held to collect information that will help Robert J. Finch, secretary of HEW, decide whether or not California is to be permitted to have auto smog standards more stringent than those set nationally by the federal agency.

Most of Wednesday's session was taken up by cautiously worded doubts of the technological feasibility of controlling both nitrogen oxide and hydrocarbon emissions from automobiles, at least in time to meet California's present and proposed standards.

The doubting was mostly on the part of representatives of the manufacturers.

Witnesses from California universities, air pollution agencies and citizens' groups all insisted the standards could be met if Detroit really tried.

"If the automobile makers can't meet the standards with gasoline-fueled vehicles, California should insist upon conversion to gaseous fuels," Corbell said.

#### A 40-PERCENT REDUCTION

The simple adjustment—which McJones said would reduce nitrogen oxides emissions 40% even on gasoline automobiles—consists of disconnecting the hose or metal line that connects the carburetor and distributor.

The purpose of the hose is to advance the spark timing when an automobile is cruising along, neither slowing down nor speeding up.

The theory is that this saves gasoline, but some automotive engineers doubt that it does.

"When the hose is disconnected the auto operation at full throttle is unchanged, and the ordinary full throttle timing applies at cruising, too," McJones told the HEW committee headed by William Megonnell, assistant air pollution commissioner for HEW.

Corbell said Pacific Lighting had tried the adjustment on 10 Fords, Plymouths, Dodges, Chevrolets and Ramblers, all late models.

He told the HEW committee that only two of the cars met the 1971 nitrogen oxide standards even approximately. When the hose was disconnected, however, all but four

met the 1971 standards, even though they were operating on ordinary fuel.

McJones and Corbell said there was no adverse effect on performance.

Typical reductions, for example, were from 2,500 parts of nitrogen oxides per million parts of air, to 1,000; 1,300 ppm to 800, and 3,400 ppm to 1,400.

#### EXPRESSES DOUBT

The chief witness for the automobile industry was Donald Jensen, who used to be executive head of the California Motor Vehicle Pollution Control Board but who now works for the Ford Motor Co. He also spoke Wednesday for the Automobile Manufacturers' Assn.

"There is a substantial question whether the California oxides of nitrogen standards can, in fact, be met by all vehicle manufacturers," Jensen told the committee.

He said the association "neither supports nor opposes California's request" for standards more stringent than the national ones.

When Jensen finished his prepared statement Megonnell pointed out that he had heard very little in it of support for California's request but a lot of opposition.

Another member of the HEW committee, Kenneth Mills, asked Jensen if Detroit would make and progress at all in controlling pollutants such as oxides of nitrogen, if very stringent standards were not adopted.

Jensen answered that the industry would make progress and would work at controlling the pollutants, even if it was not required to do so by strict standards.

#### CALLS FOR FAITH

"What the chairmen of the boards of the automobile corporations say can't be taken lightly," Jensen told the HEW committee.

He said it must be taken "on faith" that these board chairmen really mean what they say, and they say auto makers are going all out to control air pollution from automobiles.

The Department of Justice replied Wednesday to Dep. Atty. Gen. Charles O'Brien's charge, made the day before, that it had used fraud and chicanery in trying to block California's investigation of auto smog.

O'Brien used the hard words in telling the HEW committee that federal attorneys had blocked his efforts to get information from Wallace Linville, Linville, a smog expert, had testified before the U.S. grand jury investigating Detroit's efforts (and alleged lack of efforts) to control auto smog emissions.

A spokesman for the Department of Justice said Wednesday that a federal law prohibits persons from disclosing testimony before a grand jury, which was why Linville was advised not to answer all of O'Brien's questions.

He denied any fraud or chicanery was involved.

"The department has cooperated and will continue to cooperate with the state's endeavor to investigate the automobile manufacturers' air pollution control record," the spokesman said.

As Heinen points out, current controls, devices and regulations for new motor vehicles have gone far in easing the seemingly exponential growth of air pollutants, but the emissions from the millions of older cars not subject to the stringent laws continue pouring ton after ton of smog into the air. If the battle is over, it is going to be one heck of a mopup operation.

Certainly, the advances in cutting down pollution from nonvehicular sources have been impressive. As the following Los Angeles Times story notes, the Los Angeles basin has apparently eliminated all pollution emanating from powerplant smokestacks, and says:

The automobile is now contributing more than 90% of the total tonnage of pollutants in Los Angeles air.

The article follows:

**LOS ANGELES AREA CALLED FREE OF POWER-PLANT SMOKE—THOUSANDS OF COMPLAINTS CUT TO ONE BY USE OF LOW-SULFUR FUEL OIL, FULLER DECLARES**

(By George Getze)

Smoke and chemical fallout from electric power plant smokestacks have disappeared "almost miraculously" in the Los Angeles Basin, Louis J. Fuller, head of the Air Pollution Control District, said Tuesday.

Instead of the usual thousands of complaints of smoke plumes and fallout that have poured in on the APCD, there was only one complaint last winter and spring, Fuller said.

He said the drastic change was due to the burning of low-sulfur fuel oil when not enough natural gas was available in cold weather.

Fuller said the APCD now forbids the burning of any fuel oil when natural gas is available. But until federal regulations were changed to permit the importation of low-sulfur oil from Indonesia, cold weather meant that high-sulfur domestic oil was burned.

The federal permission to bring low-sulfur oil into the United States is good only through next winter. Fuller said the APCD has already begun to fight for permanent permission.

"In view of the tremendous improvement in plumes and fallout, it is unthinkable that permission to bring in low-sulfur oil should not be continued," Fuller said.

#### DENIES RELAXING FIGHT

The APCD chief's remarks were made in an interview in which he replied to charges that the APCD had relaxed its fight against stationary sources of smog in the Los Angeles basin.

The accusation has been made twice recently, once last month before the Board of Supervisors and once last week before the State Air Resources Board, by a group of women called Stamp Out Smog.

They said that smokestacks were "mushrooming," that the county's air pollution control is no longer the model for the rest of the world, that it is going backward instead of forward, that variances to APCD rules are granted wholesale and that smog control officers have lost the energy and initiative they had 10 years ago by not following through on a suggested rule that would have prevented the construction of more power plants in Los Angeles County.

Fuller said it's nonsense.

Smokestacks, thanks to the APCD's fight to provide low-sulfur fuel, don't smoke in Los Angeles County, so that any remark about their "mushrooming" is meaningless, he said.

"Our control of stationary sources is more of a model for the rest of the world now than it ever was," Fuller said.

"It is accepted as a model everywhere. Within the year the U.S. Public Health Service published an air pollution engineering manual based on knowledge and technology developed by the Los Angeles APCD," he said.

Another example he cited was the federal government's publication of a field operations manual describing APCD enforcement practices as models for other agencies throughout the world.

So far, APCD is the only district in the world to have begun the regulation of such inconspicuous sources of air pollution as the evaporation of volatile organic solvents used in paints, inks and dry-cleaning compounds, he said.

APCD was also responsible for the drafting of the new state law regulating the emission of black smoke from jet airplanes, Fuller

said. It will go into effect Jan. 1, 1971, in order to give the airlines time to comply.

#### SAYS VARIANCE MISUNDERSTOOD

Fuller said the matter of variances to these rules is misunderstood. The APCD grants no variances. They are all granted by the Air Pollution Hearings Board, created by the State Legislature.

He said air pollution experts realize it is often impossible for companies to comply immediately with new rules, and that they must have time to get new equipment or modify what they have.

Many of the current variances, for example, have been granted to give firms time to comply with Rule 86, the one governing the evaporation of organic solvents. Fuller said any fair examination of the variances that have been granted would show no maladministration by the hearing board, but instead a very careful regard for the public welfare.

He said the evaluation of emissions from automobiles and stationary sources shows that the control of stationary sources is excellent, and that the automobile is now contributing more than 90% of the total tonnage of pollutants in Los Angeles air.

"The remaining problem in Los Angeles is almost entirely with the automobile, although that can't be said for some other counties in the Bay Area and farther north," he said.

Latest statistics show that 9,695 tons of carbon monoxide are emitted here by automobiles every day, compared with 35 tons by stationary sources. The figures for hydrocarbons are 1,820 tons from the automobile, and 730 tons from stationary sources.

Fuller agrees with A. J. Haagen-Smit, chairman of the Air Resources Board, that one of the biggest problems is the control of nitrogen oxides, which are the product of all kinds of burning.

Nitrogen oxides are an important emission of stationary sources such as power plant smokestacks, but figures submitted by the Air Resources Board last week show that even with them industrial burning is a less important source than automobiles.

The ARB report shows that daily emissions of nitrogen oxides in Los Angeles are 939 tons, of which 575 come from auto exhausts and 258 from industrial burning of fuel. Other sources are minor.

To control the nitrogen oxide emissions from power plants, Fuller a year ago suggested a new APCD rule, No. 67.

In a letter to the supervisors, he said the rule would prevent construction and operation of new "monster" power plants or any other fuel-burning installation unless they were equipped with very efficient pollutant controls.

The suggested rule would have forbidden the operation of any equipment unless discharges into the atmosphere were limited to 200 pounds an hour of sulfur compounds, 140 pounds an hour of nitrogen oxides and 10 pounds an hour of dust or "particulate matter."

Stamp Out Smog has accused the APCD of losing initiative and energy because it has not followed up this suggestion by pressing the supervisors.

Fuller said Tuesday that he had decided, after conferring with the Department of Water and Power, that the rule is not necessary now.

He said the department was adding one boiler to the Scattergood plant at Playa del Rey, and that though it would contribute oxides of nitrogen, it would permit the phasing out of older boilers that contribute more.

In any case, no move is under way to build any of the "monster" power plants he had in mind when he wrote to the supervisors.

"If Rule 67 should become necessary I won't hesitate to submit it to the supervisors," Fuller said. "I am waiting now to see

whether or not it will be needed. If it is, it is all ready."

To show an overall perspective of the air pollution problem—with special emphasis on the particular situation in Los Angeles—I would like to insert the following series of articles from the Los Angeles Times. Taken as a whole, the picture thus presented in them does not seem overly optimistic, and, indeed, the outlook I get is not extremely promising—given the laggard rate at which society seems to be energizing its resources in this critical struggle just to maintain the current quality of our air.

The articles follow:

**NO MORE ALERTS OR EYE IRRITATION, EXPERTS SAY: 1970'S EXPECTED TO BRING VICTORY OVER SMOG**

(By George Getze)

The 1970s will be the decade of realization in Los Angeles County's long fight against air pollution.

By 1980 most cars and trucks on the road will be equipped with control systems that meet the standards set by the California Pure Air Act.

It will take that long because of the time lag in used cars, but, according to the Air Pollution Control District, by the end of the '70s the air of the Los Angeles basin will have 83% less hydrocarbons than it has now. There will be no more smog alerts they say, and eye irritation will be rare.

Visibility obviously will be better although the brown haze of nitrogen dioxide still will be seen occasionally. Oxides of nitrogen in the atmosphere will have decreased 41%.

The APCD says these results will depend on state and federal insistence that automobile makers manufacture cars and trucks with exhaust control systems efficient enough to meet the strict California standards that will all be in effect by 1974.

The accompanying graph shows the status of automobile air pollution as the 1970 decade begins.

The number of cars in the county is increasing and will continue to increase. This increase amounts to 31% in the nine years since 1960.

Despite that, the exhaust and other controls already in effect have resulted in decreases in two of the chief pollutants of Los Angeles basin air—hydrocarbons and carbon monoxide, both of which have been declining since 1965.

#### DECREASE OF 16 PERCENT

The decrease in hydrocarbons since the peak amounts to 16%. (To appreciate what has been accomplished one must consider what might have been if control had not been begun. If the emissions of hydrocarbons had risen in the same proportion as the number of automobiles, the daily tonnage of hydrocarbons in the atmosphere would now be 2,500 instead of 1,645.)

The decrease in carbon monoxide amounts to 12%. (It would be 11,380 tons a day instead of 9,100 if the present controls had not been applied.)

But as has been pointed out many times, the act of controlling hydrocarbons and carbon monoxide has improved combustion, and this has tended to make automobile emissions of nitrogen oxides worse.

This improved combustion with the increasing number of cars, accounts for nitrogen oxide emissions rising by 66% since 1960.

Controls are about to be applied to them, too, even though the automobile industry is protesting that it can't do the job on schedule. The state's answer is that it will have to if it wants to sell cars in California.

Here are the auto emission standards that will be in effect for all 1974 model cars sold in California:

Hydrocarbons—1.5 grams per mile, of 125



parts per million, beginning in 1972. (The standard for 1970 model cars is 2.2 grams per mile, or 180 ppm.)

Carbon monoxide—23 grams per mile, or about 1% by volume of exhaust gas, beginning with 1970 models.

Nitrogen oxides—1.3 grams per mile, or about 350 ppm, beginning with 1974 models. (There will be no standard for 1970 models, but 1971 models will have a standard of 4 grams of nitrogen oxides per mile, or about 1000 ppm, and 1972 and 1973 models must emit no more than 3 grams per mile, or 800 ppm of nitrogen oxides.)

Clean air in Los Angeles, even with control of automobiles as projected in the Pure Air Act and enforced by the Air Resources Board, would not be possible without control of stationary sources.

#### CARS WORST OFFENDER

By far the greater part of Los Angeles County air pollution comes from the automobile, but that is only because the APCD has been applying controls to stationary sources for more than 20 years.

The measure of success is evident in the fact that 88% of Los Angeles pollutants comes from cars.

Ninety-eight per cent of carbon monoxide, 88% of nitrogen oxides, 68% of hydrocarbons and 41% of dust (particulate matter) comes from automobile exhausts, crankcases and evaporation from gas tanks.

That is why control of the automobile emissions in the 1970s plus continued improvement of the control of remaining stationary sources, should bring blue skies and clean air back to Los Angeles basin.

#### BUT THERE WILL STILL BE SMOG (By Irving S. Bengelsdorf, Ph. D.)

A razor blade company once ran a humorous ad showing a young man, his face lathered, falling off a skyscraper. As he fell, he was shaving himself and saying, "By using Company X's razor blade I save 11.4 seconds each morning when I shave."

This certainly was an interesting short-range statistic, but as far as his long-range future was concerned—as he plunged earthward to imminent doom—it was most irrelevant.

The same is true of the long-range future of smog in southern California. Although our air now is so filthy that for more than half the year it exceeds the air quality standards for certain pollutants set by the State Department of Health, we are told that by having this or that emission control on automobiles of smokestacks, we now prevent many tons of pollutants from getting into the air. Irrelevant. We still have smog.

We once were told by the now defunct Motor Vehicle Pollution Control Board that we would "Return to the Clean Air of 1940." One need not be very clairvoyant to look at Los Angeles in 1969 and realize that very little—surely not the air—is going to return to the way it was in 1940.

Now we are told that by the 1980s blue skies and clean air will come back to the Los Angeles basin. The new stricter standards for automobile emissions—to be in effect by 1974—will do the job. This is based upon the assumptions that cars coming from Detroit after 1973 will meet the stricter California emission standards, and that they will continue to do so as they age and are driven thousands of miles. We have no guarantee that either assumption is valid.

But, let us suppose that cars after 1973 do, indeed, meet the stricter emission standards. In 1980, it is estimated, there will be at least about 5.2 million cars in Los Angeles county. About half of these 5.2 million cars will be tossing out 1.3 grams of nitrogen oxides per mile—the strict California emission standard beginning in 1974. The other half—those cars built before 1974—will

be putting out three, four, or more grams per mile.

But, let us assume that all 5.2 million cars in 1980 put out only 1.3 grams of nitrogen oxides per mile. Each car, on the average, will burn about two gallons of gasoline per day. Assuming an average mileage of 15 miles per gallon, each car should travel about 30 miles per day.

Thus, 5.2 million cars travelling 30 miles per day, putting out 1.3 grams per mile, would toss out about 203 million grams of nitrogen oxides per day. With 454 grams in a pound, and 2,000 pounds per ton, the 5.2 million cars would spew out about 225 tons of nitrogen oxides per day.

How much of each pollutant has to be present in Los Angeles air to make smog appear? Some calculations indicate that smog can be present in the basin if there are between 200 and 250 tons of nitrogen oxides per day. Since automobiles will account for most of this by themselves in 1980, there isn't much room left in the air to accommodate the nitrogen oxides pouring out of smokestacks of power plants generating electricity. And the demand for electricity in this area has been doubling almost every nine years.

For the long-range future of the southern California air resource, the willy-nilly patchwork approach of an emission control device here, and another there, will not work.

Five years ago, in a statewide conference entitled "Man in California—1980s," Dr. Philip A. Leighton, emeritus professor of chemistry at Stanford, warned, "Air pollution may be likened to a weed. Controls may clip back the weed but they will not keep it from growing up again. To kill the weed we must get at the root, and the root of the whole problem of general air pollution is combustion (burning)."

It should be obvious that if we are to attain a population of 18 million people in the Los Angeles megalopolis by the year 2000, as predicted by some, we must begin now to change drastically both our ways of personal transportation and the generation of electrical energy.

#### EXPERTS SOLVE SMOG PUZZLE, CREATE ANOTHER (By George Getze)

Engineers and scientists have to face up to a very basic chemical fact in going about the job of trying to control Los Angeles smog.

It is this: One of the chief ingredients of photochemical smog, the hydrocarbons or organic gases, is the result of inefficient and incomplete combustion, but the other two, sunlight and the oxides of nitrogen, are not.

The oxides of nitrogen, in fact, are the natural result of combustion and the more efficient that combustion is the more oxides of nitrogen are produced.

When California authorities forced automobile makers to begin controlling hydrocarbon and carbon monoxide emissions they went about it by increasing the efficiency of gasoline combustion.

This was accomplished by adjusting the carburetor to a "leaner" mixture of air and gasoline—that is, more air and less gas.

#### OXIDES OF NITROGEN RISE

It has worked, and hydrocarbons and carbon monoxide emissions from automobiles have diminished.

Another, not so pleasant, effect of more efficient automobile engines has been to increase automobile emissions of oxides of nitrogen.

This is because the atmosphere of the earth is almost entirely nitrogen and oxygen—about 80% and 20%, respectively. The two gases are physically mixed in the atmosphere but not chemically united.

When air is subjected to high temperatures, as it is when it is burned in an engine or furnace, the two gases of the atmosphere

combine to form nitric oxide—one atom, of each.

This happens no matter what fuel is burned. Nitric oxide will form if hay or carrots, or any other conceivable fuel, is burned.

(Tobacco, for example, produces nitric oxide when burned. Taking a drag off a cigarette gives the smoker a jolt of 500 parts per million—about the same that he would get if he stuck his head in a power plant smokestack and took a deep breath.)

The more air exposed to the heat and pressure, the more atoms of oxygen and nitrogen combine.

#### SIXTY-EIGHT PERCENT DUE TO AUTOS

That is the most important reason the burning of gasoline in a "leaner mixture" has resulted in an increase of nitrogen in Los Angeles air.

Another reason is that automobiles produce about 68% of these oxides emitted daily in the basin. Electric power generating plants are the next biggest contributor, with 135 tons daily or 14%, compared to 645 from motor vehicles, followed by relatively minor sources—the oil refineries (40 tons daily or 4%) and the heating of homes and offices (85 tons daily in cold weather or 6.5%).

Unfortunately, the process of smog formation is not complete with the emission of nitric oxide.

Nitric oxide, when it gets into the air from an auto exhaust or power plant smokestack, reacts chemically by picking up another atom of oxygen to form nitrogen dioxide.

This is the pollutant that is one of the essential components of photochemical smog. It also is the one that causes the ugly brown haze.

In the absence of light, this chemical reaction is a slow one. When it takes place in bright sunlight, especially in the presence of the organic gases, or hydrocarbons, the reaction is rapid and thorough.

Controlling the oxides of nitrogen, it is clear, is not a matter of improving efficiency of combustion. It is a problem of an entirely different kind.

As long as there is any burning at all, oxides of nitrogen are bound to be present in the air.

All that it will be possible to do, short of doing away with Los Angeles altogether, is to ameliorate conditions.

The Air Pollution Control District, however, expects this amelioration to be substantial.

The APCD estimates that by making certain changes in the automobile engine and by strict enforcement of emission standards already set, the oxides of nitrogen in the basin's atmosphere can be reduced 41% by 1980.

That will not be perfect. Alerts probably will be a thing of the past, but Los Angeles still will occasionally have brown haze and eye irritation even then.

Still, it will be quite an amelioration. Two methods have been suggested for reducing the oxides of nitrogen emitted from auto exhausts.

Robert McJones, a consulting automotive engineer for the Pacific Lighting Corp., recently testified at a federal public hearing that retarding the spark would cut nitric oxide emissions 40%.

Retarding the spark reduces the peak temperatures in the cylinders and, consequently, less nitric oxide is formed.

Although representatives of the automobile industry who attended the hearing acted as though they had never heard of such a thing, retarding the spark is now considered the most likely step the industry will take to meet the California emission standards for 1971 model cars.

The 1971 limit for cars sold in California will be 1,000 parts of nitric oxide per million parts of exhaust gases.

To meet the much stricter 1972 and 1974 standards (800 ppm and 350 ppm) something else will have to be done.



One way that has been suggested is to lower the temperature of combustion by recirculating 15% or so of the exhaust gas so that it goes through the engine a second time, after the oxygen in it has been used up.

This inert, recirculated exhaust gas sops up some of the heat in the cylinder—and thus also effectively the nitric oxide.

#### THE PRICE OF CLEAN AIR

"The main battle against smog has been won."—Charles M. Heinen, chief engineer, emission control and chemical development, Chrysler Corp., April 9.

"The peak output of automobile-produced smog in Southern California definitely has passed—and will never be as high again."—Dr. Fred Bowditch, director of emission control, General Motors, Aug. 5.

"The third consecutive smog alert was called Friday in the Los Angeles Basin as a blazing sun continued to cook pollutants in the air."—The Times, Aug. 23.

There is a kind of grim irony in the recent public concern over the potential threat from transportation and storage of military poison gases.

City dwellers throughout the nation already are slowly poisoning themselves by inhaling the air polluted by automobiles. The threat is actual and still unabated.

Nowhere is the peril of auto-caused air pollution more serious than in the Los Angeles Basin.

At least 10,000 persons leave each year on the advice of their physicians. The millions that remain simply suffer and complain that "something must be done."

Something has been done. But not enough and not quickly enough.

Although emission control regulations have brought about a reduction in the total amount of hydrocarbons and carbon monoxide, experts say the skies over Los Angeles will not be substantially cleared of pollutants until 1980.

That timetable, however, could be accelerated—if smog sufferers would pay the price.

Air pollution control can be as strict as the people want it to be. California demonstrated that public pressure is stronger than all the auto industry lobbyists when it forced Detroit to install smog control devices.

Congress also was responsive to the collective outrage of Southern Californians who demanded that this state be allowed to set tougher emission standards than the federal requirements.

Although Detroit complains, it will comply with the increasingly stringent regulations set by the Legislature for new cars in the 1970 model year and subsequently. No industry wants to give up its biggest market.

But even with improved devices, the fight against smog moves slowly because a majority of the cars in the Los Angeles Basin still have no exhaust control system at all. The total of motor vehicles in the basin, moreover, increases by nearly 10% every year.

To achieve a substantial improvement in air quality, therefore, every one of the more than 4 million cars and trucks in Los Angeles County must be equipped with an emission control device in proper working order.

This would mean that every owner of a pre-1966 vehicle would have to assume not only the initial cost of such a device but also the expense of maintenance and at least annual inspection. In Los Angeles County alone, the total price would amount to hundreds of millions of dollars.

The Legislature mandated installation of control equipment on used cars but only if two acceptable devices were available and if their cost did not exceed \$85. Neither condition has been met.

Much more must be done to develop feasible inspection of the control systems installed at the factory. Unlike the crankcase blowby, these devices cannot be properly inspected with a quick look under the hood.

So long as the public insists on buying big cars with excessive horsepower, the fumes they produce can be reduced only by better control equipment subject to periodic maintenance and inspection—until there is a major breakthrough in engines or fuel.

Detroit says that turbine or steam engines or one powered with natural gas are not yet practical and may never be. Oil companies similarly offer little encouragement that pollution can be reduced by modifying present fuels.

Perhaps. But if the public outcry were loud enough, more action would be motivated in industry—and in government. Why is not the federal government doing more independent research in these two areas?

The ultimate cure was proposed by State Sen. Nicholas Petris (D-Alameda) when he proposed that the internal combustion engine be outlawed in California in 1975.

Not long ago, his bill would have drawn nothing but laughter from his colleagues. This year it passed the Senate and had support in the Assembly before being defeated.

Life without one—or two or three—cars seems unthinkable to most Southern Californians. But life may be unbearable if auto-caused air pollutants are not drastically curtailed, and before 1980.

The air can be made cleaner, just as other kinds of environmental pollution can be controlled. But smog will not diminish until the public demands—and supports—corrective action.

EXPERT SAYS CITIES DON'T HAVE CHOICE BETWEEN CLEAN, DIRTY AIR—CANADIAN ECONOMIST TELLS SCIENCE MEETING URBAN AREAS MUST DECIDE WHAT DEGREE OF CONTAMINATION IS ACCEPTABLE

(By George Getze)

Los Angeles and other modern cities do not have the choice of clean air or dirty air.

The realistic question they must answer, according to a Canadian economist, is what degree of contamination will be found acceptable.

R. M. Clinkscale said Monday at the Anaheim Convention Center that the quality of air available to every city will be a compromise in pollution.

"The only total answer to air pollution is to put an end to all combustion," Clinkscale said in an interview.

"Nobody wants to take that drastic a cure, and nobody who realizes what would be to put an end to all combustion," Clinkscale said.

He was a speaker Monday at the 15th annual technical meeting of the Institute of Environmental Sciences. Theme of the 1969 meeting is man in his environment.

"There is a basic conflict between those who want to use the air for basic life support, and those who want to use it for waste disposal," Clinkscale said.

He does not think the polluters should necessarily have to pay the whole bill for cleaning up the air as much as is possible.

"There is no market mechanism to resolve that conflict," he said. "That is, there is no economic method that would solve the problem of pollution through the ordinary workings of profit and loss."

"You can't buy and sell clean air, and there is no profit incentive for a firm to pay for waste disposal when it doesn't have to," he said.

In Southern California, Clinkscale pointed out: the polluters and the people who want the air chiefly to breathe are the same people—the automobile drivers.

Clinkscale does not think many local communities have really thought this out, especially how much it will cost.

Los Angeles, he said, has done far more than any other city in the world, but even in California it has not been entirely de-

cided how cleaning up the air will be paid for.

For instance, Clinkscale said, strict control of automobile emissions will not be enough. There will have to be periodic inspections of the control devices and systems to be sure they are working properly. Such inspections will be expensive.

"Every community or air basin will have to decide what level of air quality it will enjoy—and how that quality will be paid for," Clinkscale said.

"It's the paying for it that will determine the quality."

THREAT TO SURVIVAL, SCIENTIST WARNS: AIR POLLUTION PERIL: ICE AGE OR HOT HOUSE

(By George Getze)

Continuing air pollution will bring about one of two conditions—both highly unpleasant and both dangerous to man's survival on earth, according to Dr. A. J. Haagen-Smit, chairman of the Air Resources Board.

Dr. Haagen-Smit said Wednesday that one result of air pollution may be to produce the famous "greenhouse effect" that would heat up the earth's atmosphere and make earth more like Venus is thought to be.

The other possibility is for the increasing amount of pollution particles in the atmosphere to act like a screen to keep out the sun's rays, resulting in a drastic lowering of the temperature and a new period of glaciers.

Scientists are worried about both possibilities, with some considering the cooling off more likely and others the heating up.

"We don't know yet which school is right," Dr. Haagen-Smit said.

"But we'd better do something before we've either melted the polar ice caps and flooded the world's biggest cities, or before we have to suffer through an era of glaciation."

Dr. Haagen-Smit is professor of bio-organic chemistry at Caltech and the scientist responsible for fixing the blame of Los Angeles smog on the automobile.

It was he who discovered the chemical make-up of photochemical smog; that is, smog that is the result of the effect of light on organic pollutants in the atmosphere.

He said this generation is seeing important man-made changes in the atmosphere of earth.

"In burning the fossil fuels of coal, oil, and gas, we are increasing the carbon dioxide in the air by about .08 percent every year. This concerns many scientists who predict a rise in temperature because of the insulating effect of carbon dioxide."

Dr. Haagen-Smit said other experts point out that the increase of the load of particles carried in the atmosphere (that is, its general dirtiness) could lead to a decrease in temperature because of increasing reflection of the sun's rays by this layer of particles.

"Our ancestors lived in the happy certainty that the earth was infinite, that there was enough soil, water and air to go around forever," he said.

"But now, looking at the earth from an astronaut's vantage point, we have begun to realize that the earth isn't so big, and that the apparent stability applies only to our own time, an infinitely small thing in the time scale of geologic changes," Dr. Haagen-Smit said.

Dr. Haagen-Smit spoke at the international symposium on man and beasts sponsored by the Smithsonian Institution in Washington, D.C.

SMOG PERILING DESERT AS HEALTH SITE, STATE TOLD—RIVERSIDE COUNTY OFFICIAL SEEKS HELP TO HALT FLOW OF POLLUTION THROUGH PASS

(By George Getze)

Air pollution upwind from the Coachella Valley may mean the "twilight of the desert" as a health and recreational area, a Palm

Springman Tuesday told the State Air Resources Board.

Fred Metheny, representing the Regional Anti-Pollution Authority of Riverside County, asked the ARB for "protection from the smog invasion from the west."

San Geronimo Pass, Metheny, said, is like a shotgun aimed at the hearts of Palm Springs, Palm Desert, Indian Wells, Desert Hot Springs, Indio and other towns in the desert.

The lethal ammunition is smog from Riverside, Fontana, Los Angeles and other areas west of the low desert valleys, Metheny said.

Metheny was a witness before the ARB in the first of a series of public hearings to discuss air quality standards for the whole state. Other hearings will be held in San Francisco, Sacramento, San Luis Obispo and Eureka.

#### OPPOSED TO CONSTRUCTION

Metheny said the desert communities which banded together in the anti-air pollution authority are opposed to the construction of power stations, refineries and other industry in the Beaumont-Banning area in San Geronimo Pass.

He asked Dr. A. J. Haagen-Smit, chairman of the ARB, for advice on how to prevent their construction.

Dr. Haagen-Smit said he had asked the attorney general's office what could legally be done by one community to control air pollution in a neighboring community.

His advice to Metheny and the desert communities was to make their own air quality standards as strict as possible, and then try to persuade the Riverside County Board of Supervisors to refuse permits for industrial construction in the pass.

If that doesn't work, the question will have to be worked out in the courts, Dr. Haagen-Smit advised.

He said enforcement of air quality standards throughout the state will alleviate the problem faced by the resort communities that are subjected to the air pollution of industrial neighbors upwind.

The ARB, Dr. Haagen-Smit said, is considering setting air quality standards for six pollutants. They are oxidants (including ozone), carbon monoxide and nitrogen dioxide, all important elements of automobile smog like that in Los Angeles, and sulfur dioxide, hydrogen sulfide and man-made dust, which the Air Pollution Control District has largely controlled in Los Angeles but which are serious nuisances elsewhere.

#### WORK OUT STANDARDS

The standards being considered were worked out by the State Health Department and the ARB's technical advisory committee, and are as follows:

Oxidants (including ozone), a density of .10 parts per million lasting an hour.

Carbon monoxide, .20 ppm for 8 hours.

Sulfur dioxide, .10 ppm for 24 hours, or .50 ppm for 1 hour.

Particulate matter, or dust, enough to reduce visibility to  $7\frac{1}{2}$  miles on the smoggiest days.

Hydrogen sulfide, .03 ppm for 1 hour.

Nitrogen dioxide, .25 ppm for 1 hour.

Dr. Haagen-Smit explained that when these standards have been adopted it will be the duty of the ARB to see to it that local and state authorities enforce them.

Local communities, such as Palm Springs, may have standards stricter than those adopted by the state.

The oxidant, or ozone, level is the one used to determine the degree of smog in Los Angeles and the one on which smog alerts and the new special school warnings to reduce exercise are based.

In a special report presented by the ARB Tuesday, downtown Los Angeles was shown to have had 176 days in 1967 in which the proposed oxidant level was exceeded. (That

year is the most recent for which statistics have been completed.)

Azusa had 235 such days that year, Pasadena had 213; Burbank, 204; Pomona, 207; Anaheim, 152; Santa Ana, 69.

Salinas, in Monterey County, had 3; San Rafael, in Marin, had 17; San Francisco had 12; San Jose, 81; San Diego, 35; Sacramento, 49; San Bernardino, 173; Cucamonga, 217; Fresno, 88, and Oakland, 20.

Another table in the same report compared 1967 oxides of nitrogen emissions in four metropolitan areas.

Los Angeles-Orange County's daily emissions averaged 939 tons, of which 575 tons of oxides of nitrogen came from automobile exhausts; 40 tons from oil refineries, and 258 from industrial burning of fuel. Other sources were minor.

San Francisco-Oakland's daily emissions averaged 500 tons, of which 273 came from auto exhausts, 186 from industrial fuels and only 9 tons from oil producers.

San Diego's average daily tonnage of oxides of nitrogen was 173, 92 tons of which was from automobiles and 86 tons from industrial fuels.

The August-September issue of National Wildlife, the excellent publication of the National Wildlife Federation, contains a new feature called the EQ—Environmental quality—index. And, of the six components making up the total index—air, water, soils, minerals, forests, and wildlife—the quality of our Nation's air rates lowest. In making its rating, National Wildlife said this:

Air pollution is probably the most serious threat to our Environment Quality. It is a silent killer which hovers over every city in our nation and touches the creatures of the polar life zones.

So our Air Quality Index stands at very bad. The Trend: We are losing.

It is a frightening kind of pollution that colors our skies, burns our eyes, blackens our lung tissues, darkens our white houses, dissolves nylon stockings, corrodes metal, hardens rubber, and dust-coats everything. I must clean the apples from my trees. Rainwater is no longer good for washing hair, my daughters tell me.

And air pollution is worse than it looks. Particles are the only air pollution you can see; the deadly gasses are invisible. It is suspected that polluted air is a major factor in causing emphysema, bronchitis and lung cancer.

When London was hit by a four-day "killer smog" in December, 1952, the "excess death toll" was estimated at 3,500 to 4,000 persons. In 1948 a stagnant air mass over Donora, Pennsylvania, choked its 15,000 residents, killed 20 and made more than 6,000 sick.

Automobile exhaust is by far the greatest polluter, followed by home heating, industry, and the burning of garbage and other wastes.

Belatedly, some progress is being made to control it. The National Air Pollution Control Administration is attacking the problem on a regional basis, with primary responsibility for clean-up resting with state and local governments. The country is being divided into 57 Urban-Industrial Air Quality Regions and, hopefully, by the summer of 1970 local authorities will have set up air quality standards to be enforced by state and local officials. If they fail, the Federal government may then step in and enforce the standards.

All but four states—South Dakota, Nebraska, Alabama and Maine—have air pollution control laws now.

But that is only the start of the battle. It is amazing how little is known yet about the full effects of air pollution on human health, and how little we are spending to control it.

Air pollution is the more serious kind of pollution since once in the atmosphere man is helpless and must rely on nature to purify it. (And that means washing it down to our land, where it goes into our rivers and on to the sea.) As long as we are so short-sighted as to use the atmosphere as a garbage dump, our air will become dirtier and more dangerous.

The current quality of our air is a national disgrace. And America's automotive syndrome has been the major contributing factor to the steady decline of that quality. For years, Government attempted to use the carrot approach to entice auto manufacturers to do something about the problem, and for years, the manufacturers procrastinated as they claimed that they were indeed doing all they could do.

As I quoted in my letter to Attorney General Mitchell, Los Angeles County Supervisor Kenneth Hahn started writing the manufacturers back in the early 1950's, asking them what they were doing to ease the mounting smog. Each year or so, Hahn would write, and each time, he would receive back equally evasive answers. Finally, as Supervisor Hahn wrote in a letter to President Johnson:

I have found out that you cannot "co-operate" or urge them "voluntarily" to do the job.

And so, if the carrot does not work, it is time to use the stick. The stick was wielded by the Justice Department in bringing this important suit, and I hope it is used more and more as needed. But, to opt for a consent decree in this case would amount to dropping the stick altogether. Were that done, I am sure the results would be disastrous.

The time is short before the Justice Department makes its choice on the manner of deciding this suit. The need for a public trial is overwhelming. Already 20 or so Members have expressed their views on the necessity for this public hearing, and I would hope that similar sentiments are soon forthcoming from many more of my colleagues as well as from all citizens and organizations who are worried about the quality of our delicate environment.

#### THE LATE HONORABLE BARRATT O'HARA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MIKVA) is recognized for 60 minutes.

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

Mr. MIKVA. Mr. Speaker, any mortal who lives to be 87 years of age is a man to be envied. The joys, the sorrows, and the experiences that are included in that long a lifespan are a panorama of several generations and of a large slice of the history of civilization.

When, however, that longevity is given to a restless activist like Barratt O'Hara then he and the world are fortunate indeed. Today we meet to share our sorrow at the loss of such a man, to express our deepest sympathy for those to whom he was so dear and to pay tribute to his 87 years of service to the people of Illinois

and the Nation. But more than that today we meet to express our admiration and wonder for the many lives of Barratt O'Hara.

To talk about Barratt O'Hara's career is impossible; he had too many careers. Each of them was a lifetime of service for the average person. In Barratt O'Hara's case, moreover, each of them led to still another more challenging and more fulfilling. At 29 he was the youngest Lieutenant Governor ever elected in Illinois. At 66 he started a congressional career that led to 18 useful years of service to his district, State, and country, and brought new honors and satisfactions to Barratt O'Hara. Indeed, even at 29 he already had a storehouse of experiences that would have contended many men. He had already been a soldier and explorer, a newspaper editor, and a lawyer.

Many men hold positions and engage in occupations. To Barratt O'Hara, however, the position or the occupation was rightly the means to the end. He used his position as Lieutenant Governor of Illinois to head up an investigation of the miserable working conditions under which women were employed in Chicago and other metropolitan areas of Illinois. As a result, Illinois passed one of the first wages and hours statutes for women in the country. He used his legal education and membership in the bar to crusade for social justice in the city of Chicago. As an associate of Clarence Darrow and others, he championed abolition of capital punishment, better jail conditions, and more vigorous protection of the rights of an accused. He worked hard for the interest of consumers and sought to protect them from the excesses of everybody from credit merchants to the traction interests.

He used his position in Congress to take on not just the safe causes, but the controversial ones as well. He was an early advocate of civil rights legislation and many times was one of the few voices in this Congress raised against the excesses of investigating committees.

One of his most satisfying achievement was the classics of democracy program. Under this program the U.S. Information Agency translates and distributes at reasonable prices a basic library of democratic philosophy.

In 1959, Barratt O'Hara became the first chairman of the Subcommittee on African Affairs where he continued his efforts to promote peace by bringing an end to human misery and oppression through economic assistance and increased communication, and the understanding between this country and the emerging countries of the world. His several visits to Africa as chairman of this subcommittee convinced him of the great possibilities for successful self-development of that continent.

I had the privilege of seeing Barratt O'Hara in battle—with him in most instances and against him in two instances. On all such occasions he was a vigorous but gracious combatant. He never uttered an unkind word about his opponent even as he battered them with his skill and zest.

What was the career of Barratt O'Hara? It was life, it was people, it was

progress. He disdained the status quo as much as the life of ease. The name of the game was action—in San Juan, in Springfield, and in Washington.

We honor Barratt O'Hara not for his 87 years, not even for the offices and positions of honor he held; we honor him for the variety and zest he found and brought to his time. The length of Barratt O'Hara's life was overshadowed by its fullness, its richness, and its contributions to his fellows. In our hour of sadness at his parting and in his family's sense of loss, we must all remember that Barratt O'Hara's life was not that of a martyr but of a joyous warrior itching to do battle. And we are all the better for his having lived it.

Mr. McCORMACK. Mr. Speaker, there are men whose passing touches us as the fall of a great tree in a forest—there is a sense of irreplaceable loss, an emptiness not easily to be filled by the passing years. So it is with the loss of a dear and honored colleague and friend, Barratt O'Hara, whose death at 87 marks the close of one of the most remarkable lives in the long and distinguished annals of this House and indeed of our Nation. I venture to say that there have been very few in the history of this great deliberative body whose careers have been so marked by the drama of life, compelling human interest, unending vitality, and dedicated service to the common good.

Consider the astonishing diversity of his attainments in so many varied fields of endeavor—journalist, soldier, political leader, radio commentator, lawyer, motion picture executive—the range of his career can only be compared with a Churchill, whose fierce courage he also calls to mind. It seems hardly possible that so many years have passed since his coming to this House in 1948. Though his passing was full of years, yet he was, in Channing's words, "always young for liberty," a champion of liberal causes to the end, openminded, and generous in spirit. During nearly half a century of service in this House, I have never known a finer or more remarkable man nor a more devoted public servant.

He was the last congressional veteran of the Spanish-American War and, in this respect alone, was a living tie with a significant part of our national history—of which he always spoke on the anniversary each year of the sinking of the *Maine*. His adventurous career began at 15 years when he ran away from home, fired with the flush of youthful patriotism, to enlist in the 33d Michigan Volunteer Infantry, which became the second American force to enter Cuba—after the "Rough Riders" of Theodore Roosevelt fame. A corporal at the siege of Santiago, he became chief scout for his brigade and eventually received the Cuban Order of Military Merit. Following the end of the war, he returned to high school—for he had falsified his age in order to serve—and completed his graduation, entering the University of Missouri shortly thereafter.

At the age of 20, he was sports editor of the St. Louis Chronicle. Later he moved to Chicago where he edited and published the Chicago Magazine, served as sports editor of the American and

Sunday editor of the Examiner, and even wrote a history of boxing "From Figg to Johnson." Eventually he entered politics, ran for office, and at the age of 30 was elected Lieutenant Governor of Illinois, the youngest man ever to hold that position. The world of politics was no stranger to him for as a boy of 13 in 1895 he had accompanied his father, Judge Thomas O'Hara, on a mission to Nicaragua for President Cleveland to settle a border dispute with Great Britain. Typically, he had stayed behind to join the Smithsonian expedition exploring the Central American jungle for the route of the proposed canal later shelved in favor of a Panamanian site. As Lieutenant Governor of Illinois, he set the tone for his subsequent identification with the cause of the poor and dispossessed by investigating the substandard wages paid to working women.

After a 4-year term, he resigned to accept a position as president of the Arizona Motion Picture Co., which he left in 1917 on the entry of this country into the First World War. He enlisted almost at once, was commissioned as a major, and later became judge advocate general of the 15th Division. In this capacity—utilizing his law degree from Kent College in Chicago, granted in 1912—he won new distinction. Following the armistice in 1918 he retired from the service and undertook a full-time law practice—after "some detours," as he put it, he had found his vocation—during which time he defended some 300 homicide cases of which fewer than 30 were convicted. He took pride in this unusual 90-percent acquittal record and in the fact that none of those convicted were executed. With good reason the great Clarence Darrow paid tribute to his extraordinary courage. As "Battling" Barratt he became a truly great defense lawyer.

During the dark days of the depression, he undertook a daily radio commentary, wherein he demonstrated his ability to reach out to a vast range of people in trouble. One need cite only the incident in which he offered to assist a woman who faced immediate eviction and found some 20,000 people waiting his arrival, all also in need of help during those difficult times.

Then in 1948, at the unlikely age of 66, he opened a distinguished new chapter in his life by winning election to this House. Defeated next time around, he returned in 1952 and stayed until 1968. For many years he was indeed the oldest Member of this body—a fact which he regarded as an occasion for pride, emphasizing his age in his campaigns in the rightful conviction that senior citizens throughout the land could be of use in service to their country regardless of years. As dean of this House in recent years, he rendered signal service in this way to millions of Americans too often denied their proper place in our national life.

His zest for debate and his receptivity to new ideas never flagged. He took pride in never missing a rollcall vote until extreme circumstances intervened against him.

His career in this body was characterized by that breadth of vision and depth

of human concern which marked his whole life, public and private. In 1965 he represented this country at the 20th General Assembly of the United Nations. Vigorously opposed to colonialism in all its forms, he understood the feelings of millions in the newly emerging nations, particularly in the great continent of Africa which he saw so painfully coming into its rightful heritage of freedom in this troubled century. In arguing for the complete divorcement of this country from colonialism, he spoke prophetically:

As Africa goes, so goes the world.

As chairman of the Subcommittee on Africa of the Foreign Affairs Committee of this House, he was able time and again to prove his genuine concern for the peoples of that continent. His own words, oft quoted, well define the attitude and spirit which he embodied in this House:

I've never looked at a fellow American and thought he wasn't as fully American as I am.

Truly one "with native honor clad," I am proud to pay him these words of respect even as I grieve for the circumstance which calls them forth. Many here at this time will remember his dear wife—who passed away in 1948—and will extend to his children, his grandchildren, and his great-grandchildren the assurance of abiding sympathy in our common loss, comforted in the quiet passing of his life and in the precious heritage of love and service which he leaves. As we look back at his long career, we are mindful of those words spoken ages ago by St. Paul:

Watch ye, stand fast in the faith, quit you like men, be strong." (1 Cor. 16:13).

Mr. MIKVA. Mr. Speaker, I yield to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Speaker, it is with a saddened heart that I rise to pay tribute to our late friend and former colleague from the State of Illinois, Barratt O'Hara. Few men, I believe, have served in this august body with as much distinction—No one, I am sure, was regarded with more affection by his colleagues.

To me, he was not only a dear friend, but he was also a valued adviser and the source of wise counsel. It was by distinct privilege to live with Barratt O'Hara for over a month at the Congressional Hotel when I first arrived as a green Member-elect and to be taken under his wings, so to speak, during that first session of my first term. The lesson which he taught me best, and which typified his sterling qualities, was couched in these words:

Sparky, don't ever get up to address the House unless you have a contribution to make.

Barratt O'Hara's dedication to the freedom and well-being of his fellow men clearly manifested itself in his long and illustrious career as a soldier, editor, lawyer, Lieutenant Governor and Congressman. He carried his 80-plus years lightly and with grace, and the youthful vigor and zestful drive of the former dean of the House of Representatives inspired all who knew him.

His sincere dedication to the work of the Congress while serving the needs

of his constituency earned the respect of his colleagues in the Congress and gratitude of Americans everywhere.

In reflecting these past few weeks over the loss of this uniquely vibrant and courageous American, I found some solace in the words of James Whitcomb Riley, who once wrote:

I cannot say, and I will not say  
That he is dead.—He is just away!

With a cheery smile and a wave of the hand,  
He has wandered into an unknown land,

And left us dreaming how very fair  
It needs must be, since he lingers there.

To the members of his bereaved family, I extend my profound condolences, and hope that they will find some measure of comfort in the fullness of his life's services to his fellow men.

Mr. MIKVA. I yield to the gentleman from Pennsylvania, the distinguished chairman of the Committee on Foreign Affairs, of which Mr. O'Hara was such a proud member.

Mr. MORGAN. Mr. Speaker, I was deeply grieved when I learned of the passing of our long-time friend and former colleague, Barratt O'Hara, at Georgetown University Hospital. Barratt was 87 when he died on August 11. This was hard to realize for during all his life he remained young in spirit and his intellectual vigor never waned.

All his life, Barratt was a uniquely interesting personality. He had not one, but many highly successful careers in different fields before finally coming to the Congress at the age of 66. For many years, he was the oldest Member of the Congress. In his earlier days he was the youngest man to ever serve as Lieutenant Governor of the State of Illinois.

It was my privilege and pleasure to serve with Barratt during most of his years in the House, where he brought a vast fund of diversified knowledge gained in his earlier careers as a lawyer, government official, soldier, journalist, motion picture executive, and radio commentator.

As chairman of our Foreign Affairs Subcommittee on Africa, Barratt displayed a keen and sympathetic insight into the problems of the emerging nations of that continent, and he labored long to help build and maintain friendly relations with them. His rare skill as a debater, his deep knowledge of parliamentary procedure, and his unflagging energy, all contributed to make him one of the ablest and most effective Members of the Congress. He was a great asset to the Committee on Foreign Affairs. His lucid and persuasive oratory helped clear the legislative path for many important foreign policy bills and resolutions.

We shall all miss this grand old man who had so richly earned our admiration, respect, and friendship. He showed us all how to grow old gracefully and usefully as well as with a boundless enthusiasm. We shall long miss him.

Mr. MIKVA. Mr. Speaker, I yield to the gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Speaker, many Members of the House, including myself, were greatly saddened by the passing of our former colleague, Congressman Bar-

ratt O'Hara, of Illinois. Barratt O'Hara could be well recalled as the last Member of Congress who represented the old school of politics back after the turn of the century. No Member of the Congress has had a more dynamic career, both politically and professionally over such a long period of years. For years he held the distinction of being the only Spanish-American War veteran serving in either body of the Congress. His career started at a very early age. He was indeed a supreme American patriot.

He succeeded in enlisting in the U.S. Army in the Spanish-American War at the age of 15, and as he often related when he signed up he absentmindedly made a mistake in his age of 2 years which allowed him to go to Cuba and fight with Teddy Roosevelt's Rough Riders. Upon his retirement from the war he reentered high school, graduated, studied law at night and upon being admitted to the bar, practiced law many years in the city of Chicago.

He was elected Lieutenant Governor of Illinois at the age of 30, in the campaign of 1912. During his service as Lieutenant Governor he appointed a special committee of the State legislature and was selected as chairman of the committee to investigate child labor, sweatshops, and low wages for working women in factories in that period of time. He subpoenaed many of the sweatshop proprietors who, in those days, were paying juveniles as low as 15 cents to 25 cents a day—12 hours a day—7 days a week, in Chicago and other localities. Indirectly, he caused laws to be passed at that early period to curb sweatshop operations and raise the status of female and juvenile workers to a higher level and prohibit employment of children under a certain age. He was one of the outstanding lawyers of Chicago and the Midwest for many years and was associated with the celebrated Clarence Darrow in many criminal cases which attracted national attention.

Barratt had an outstanding personality and was a friend to everybody. Never would he intentionally utter a word that would besmirch the character, or hinder legitimate progress of his fellowman, regardless of personal competition.

Previous to Barratt's enlisting in World War I in 1917 he had become president of one of the large studios in Hollywood, Calif., an organization previously headed by David Wark Griffith. He resigned this position to again serve his country in a military capacity in World War I. Later on, in conjunction with his law practice, he did considerable radio broadcasting in behalf of the American Federation of Labor and other groups.

During his career he was a member of many organizations—the American Legion, Veterans of Foreign Wars, press association, fraternities, and so forth. He was also somewhat of an author, having written several books on various subjects pertaining to sports, law, and current issues of the time. Barratt also boasted about his perfect rollcall record in the Congress over the years, having missed only one rollcall up to the time President Johnson appointed him as a delegate to the 20th session of the General Assembly of the United Nations in New York. Few public men of this century have enjoyed



a more illustrious career than our departed former congressional colleague.

I join other Members in extending to his family my deepest sympathy in their bereavement.

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

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

Mr. GALLAGHER. Mr. Speaker, I rise to join with the gentleman from Illinois in mourning the death of our colleague, the Honorable Barratt O'Hara.

All of us have life experiences which are treasured as jewels. Among those, I have one which will always shine as the brightest of gems: my close association with Barratt O'Hara.

What are the ties that bind men to one another? Is it that Barratt O'Hara and I served 11 years together on the Foreign Affairs Committee? That is certainly part of it. During that period, I came to know the gentleman from Illinois as a true statesman, one whose grasp of formidable problems was exceeded only by his desire to solve them. His presence on the committee was missed from the very day he retired.

But more, is it that I knew of Barratt O'Hara's outstanding record of military service to our Nation? That is certainly a special part of it. He was with Teddy Roosevelt on the charge up San Juan Hill and with the 80th Division during the brutal battles of World War I. Here was a man with courage, a man without fear. Memories of Barratt O'Hara as a fighter in war and peace are not easily forgotten.

And yet, despite their significance, these points are only part of the story; beyond them, indeed beyond the host of incidents and experiences that yield a good friendship is the basic character of Barratt O'Hara himself. He was a very special human being.

Perhaps this is best expressed by stating that in all the years I knew him, I never heard Barratt O'Hara utter an unkind word. The love and respect which he received was surely matched, if not surpassed, by the warmth and generosity he extended. If he was the oldest in age when he left the House, he was still the youngest in spirit. No man ever walked in these Chambers with more compassion, more dignity, and more honor than Congressman Barratt O'Hara.

We say goodbye, then, to our friend, and offer our prayers and sympathy to his family. Barratt O'Hara will be missed in these Halls, both as a colleague, and as a friend. For those of us who had the pleasure to know Barratt O'Hara had the privilege to know that rare person whose very presence can warm the heart.

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

Mr. MIKVA. I yield to the distinguished gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, I commend our colleague in the well, the gentleman from Illinois, for taking this time to pay tribute to our very distinguished colleague from Chicago, Ill., Barratt O'Hara.

Those of us who had the great privi-

lege of serving with Barratt O'Hara gathered new insight and new inspiration from his lofty ideals of public service. He had a compassion for the dignity of man. Throughout his whole life and all his public office one could see him in struggle after struggle on behalf of human rights. Barratt O'Hara was at his best when he could pierce through the resistance of those who did not understand the great yearnings of man after justice.

Barratt O'Hara gave his whole life to public service. He could, perhaps, have gone into fields which might have made him a much wealthier man, but he realized the fight he put up for the common man would leave in its wake many great rewards.

I think all of us who had the opportunity to work with Barratt O'Hara are much the richer for that. He came through this life but once, and he left in his wake a great record of public service, of which all of us can be proud.

Barratt O'Hara was a newspaperman and one of the members of the Three and One-Half Club in the House of Representatives and Senate, that club made up of Members who were former newspapermen. It is called the Three and One-Half Club because it is midway between the third estate which represents government and the fourth estate which represents the newspaper world.

Perhaps the greatest attribute of Barratt O'Hara that I remember was that he sought out disagreement whenever he thought injustice was being done. He had great courage and took great comfort in a good fight for justice, but I do not think there is a Member in this Chamber who would not say that while Barratt O'Hara disagreed often, he never was disagreeable. He had that composure and self-control that made him a giant among men even though he was one of the shortest men in the House.

I think all of us recall with great pleasure watching Barratt O'Hara shake his great head in anger whenever he was trying to demonstrate a point to the rest of the Members. I do not know of any Member who was more admired and respected and loved, or one who will be more sorely missed as a Member of this great institution. He had earned the love and admiration of the country. He had written his own chapter. He had come a long way in making great contributions. I think all of us who knew him realize we are that much the richer and wiser for having had him serve in this great body.

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

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

Mr. STRATTON. Mr. Speaker, I want to join in paying tribute to our late former colleague, Barratt O'Hara, the gentleman from Illinois. What has been said with respect to him certainly is on the beam and has caught the unique spirit of one of the most unusual and gifted Members of this body. As the gentleman from Illinois (Mr. PUCINSKI) said a moment ago, we can all visualize in our minds, those of us who had the privilege of serving with Barratt O'Hara the at-

mosphere of this House when Barratt O'Hara took the well to speak out, usually briefly and often very dramatically and in emotional terms, and always very effectively, on some particular point that concerned him deeply.

Barratt O'Hara was a man of great courage, who never hesitated to say the unpopular thing if it needed to be said. He was a patriotic man too who, in spite of the modern fad to decry patriotism, was never afraid to speak out for his own country, recalling his own service in the uniform of his country.

He was one who, in spite of his age and in spite of some infirmness in moving about quickly, was one of the most effective and hardest working Members of the House.

Perhaps as we pause to pay tribute to our departed friend we might realize that when he was serving here as the oldest Member of this body he demonstrated clearly that one's effectiveness in this House is not based simply upon years on the calendar. Some people are worn out at 70. Others are just beginning to live!

Suggestions have been made recently to impose some age limit on service in the Congress. Certainly Barratt O'Hara, in his early eighties, was still a tremendously effective Member of this body, and this body would have been poorer had we been prevented from having his services during the last decade of his life because of some purely arbitrary age limit imposed on service in the House.

I know that we are all better today for having served with Barratt O'Hara, and we shall miss him.

Mr. MIKVA. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, I thank the able gentleman in the well for allowing me to join with him and our colleagues in paying tribute to the memory of Barratt O'Hara.

All of us who knew him and loved him here will attest that never did a more gallant figure adorn this House than Barratt O'Hara.

Who among us can ever forget the occasions when he would come to the well and pour out of his warm and compassionate heart his deep feeling about some subject upon which he was addressing the House.

Oftimes he spoke with the moving eloquence and passion of a Henry Clay or a Patrick Henry.

Barratt O'Hara for almost fourscore and 10 years enjoyed a great and full and rich life. It was a life of adventure, as a soldier, as a lawyer, and as a statesman, because to Barratt O'Hara life was a great romance, a challenging enterprise. He always felt that he was fighting for a great cause, and he fought for those causes with the passionate dedication and devotion of a man who felt deeply about something close to his heart.

I believe I have never known a man who captured the imagination of a person who knew him more than Barratt O'Hara. He was a Napoleonic figure in a way, small of stature but brave and dynamic. Few men great in stature would dare to challenge Barratt O'Hara in combat or contest, either physical or intel-



lectual, who knew him and were aware of his great capacity.

We all remember little anecdotes about him. I often have dinner over at the Congressional Hotel in the dining room, oftentimes joined by my wife. When we did we almost always sat at the table that had long been preempted by Barratt O'Hara. What a wonderful, delightful experience it was to sit there with him and watch him enjoy his martinis—I am sure he would not mind that being disclosed about him—and to let him regale you with his exciting experiences in life. Few men have had such noble and challenging and adventurous varieties of experiences as Barratt O'Hara had. One would find himself lingering there for a couple of hours, perhaps, on occasion—and many of my colleagues here I have seen there enjoying the same experience—because it was refreshing, inspiring and stimulating to sit there with Barratt O'Hara and share those occasions with him.

So, Mr. Speaker, I am one of the Members of this House—and I am sure that every Member of this House feels the same way—who will always honor and cherish the friendship of Barratt O'Hara and ever remember the kind words and sentiments that he liked to offer to anyone who seemed to be receptive. I think all of us will say that never again shall we see the like of Barratt O'Hara. There will always be a void in this House because he is not here and because that noble little figure does not rise in a stooped manner and come here to this podium and speak with the eloquence with which he captivated the Members who were privileged to listen to him.

Mr. Speaker, I am proud to join with you and others who honor the memory of Barratt O'Hara. I hope that that memory will inspire many others to the kind of character, life, patriotism and nobility which he symbolized so well in this House and in this country.

Mr. MIKVA. Mr. Speaker, I now yield to the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Speaker, I, too, wish to join all of those who are here speaking of Barratt O'Hara. I served with him in this House for many years, and I was on the Committee on Foreign Affairs with him. Barratt, although small in stature, was a lion. I regret very much his passing. I regretted when I learned of the death of our beloved colleague. While he was in years the oldest Member of the House, upon his retirement, he was among the youngest in mind and in spirit. He was also, in the best sense of the word, a warrior. From the battlefields of San Juan to the floor of this Chamber he was willing to fight for the principle that men are created equal. He believed in the dignity and integrity of humanity regardless of race, color, or creed. As chairman of the Subcommittee on Africa, he never ceased in his efforts to help the people of that continent. For his efforts he was rewarded by the people of that continent who, although they did not know him personally, knew of his efforts on their behalf. Now he is gone, but he shall not be forgotten. Wherever

he is I am certain he is looking down on this House today with the kindly twinkle in his eye and the smile on his face and wishing that he were here, too. And I do, too.

I thank you.

Mr. MIKVA. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. PATTEN).

Mr. PATTEN. Mr. Speaker, how does one adequately pay tribute to a champion of the oppressed, a fighter for human dignity, a fellow admirer of the law, a comrade, and a friend?

I had the privilege of knowing Barratt O'Hara only during the last 7 years of his life, when he befriended me as a newcomer to the House. In that short time, however, there developed a friendship that Mrs. Patten and I will always cherish. I loved his fighting spirit, respected his legal ability, admired his courage, and was honored to have him for a friend.

The newspapers have already listed all the accomplishments of this wonderful man. When you read through the list, it is hard to realize that it all refers to just one man. This was the man who became the youngest Lieutenant Governor of Illinois and served as the oldest Member of the House. This was the man who made a name for himself as a journalist and commentator, and who was also an outstanding lawyer, so admired by such men as Clarence Darrow. This was the man whom the African countries respected when he urged our help in aiding their emergence as new nations. This was the man whom the females of our Nation turned to as a champion of their right to equality. Here was a man whom the young could respect for his liberal views and determination to fight for justice for all our citizens. This was a man whom the senior citizens could look to as a living example that age does not render them useless and incapable of making further contributions to mankind.

In joining my colleagues here today to pay tribute to Barratt O'Hara, I still find it hard to believe that he is gone. All the words seem inadequate now to convey to those who did not know him personally the warmth of his humor, the strength of his convictions. Those of us who had him for a friend know what it meant to have him in our corner during a crucial vote, to have his counsel on matters before the Congress.

Mr. Speaker, we who knew Barratt O'Hara have lost a great friend. Our country has lost a great advocate and lawmaker. People the world over have lost one of their great champions.

Mrs. Patten joins me in conveying our deepest sympathy to Barratt's family. We will always treasure the warmth his friendship has meant to us.

Mr. MIKVA. Mr. Speaker, I thank all of my colleagues for their contribution. I believe they have captured the great breadth of the spirit of Barratt O'Hara of Illinois.

Mr. ROSTENKOWSKI. Mr. Speaker, I am deeply grieved as I join with my distinguished colleagues who eulogize today the life and accomplishments of one of America's truly great men—the Honorable Barratt O'Hara. Words alone cannot fully express the broad spectrum of

contributions that this man gave to all Americans and Illinoisians alike.

Barratt O'Hara was a brilliant soldier. At the age of 15 he ran away from home to enlist in the 33d Michigan Brigade, which followed Teddy Roosevelt's Rough Riders as the second American force in Cuba. He became chief scout for the brigade and was awarded the Order of Military Merit by Cuba. But this did not end Barratt's military service to his country. When World War I erupted into a full-fledged battle, he joined the Army and again served his country with distinction and courage. He was commissioned a major, and became Judge Advocate General of the 15th Division.

Barratt O'Hara was a journalist. At the age of 20 he became sports editor of the St. Louis Chronicle. Later he moved to Chicago where he was sports editor of the American and Sunday editor of the Examiner.

Barratt O'Hara was recognized as one of the outstanding lawyers of his day. He defended 300 murder cases of which fewer than 30 were convicted and none received the death penalty. Clarence Darrow was once quoted as having said:

I am envious of only one thing in the world—I wish I had Barratt O'Hara's courage.

Barratt O'Hara excelled in the field of politics. In 1913 at the age of 30 he was elected Lieutenant Governor of Illinois, becoming the youngest man ever to hold the office. In this job, he attracted attention with his investigation of substandard wages being paid women. After 4 years as Lieutenant Governor he returned to private life until 1948 when he was elected to the U.S. House of Representatives from the Second District of Illinois. In 1950, he lost his bid for reelection but won again in 1952 and kept his seat for the next 16 years thereafter. In Congress he became a member of the House Foreign Affairs Committee and became the first chairman of a new Subcommittee on Africa. He was also the floor manager for the passage of the bill which authorized the founding of the National Science Foundation.

Of Barratt O'Hara it can truly be said that he was a great man who will be long remembered in the annals of history.

Mr. MURPHY of Illinois. Mr. Speaker, it is with great sorrow that I rise today to join with my colleagues to pay my respects to the late Barratt O'Hara, distinguished former Congressman from the Second District of Illinois. Mr. O'Hara had a varied and distinguished career as statesman, soldier, lawyer, newspaperman, radio commentator and motion picture executive.

Mr. O'Hara served his country in both the Spanish American War and World War I and throughout his life was active in veteran organizations and was concerned with the welfare of his fellow veterans. He served the State of Illinois as Lieutenant Governor from 1913 to 1917 and the people of the Second District of Illinois as their Congressman for 18 years. He served as sports editor of the St. Louis Chronicle and the Chicago American and later became managing editor of the Chicago magazine and Sun-

day Telegraph. As an attorney, he became one of the most respected criminal defense lawyers in the United States, working in a number of cases as joint counsel with the famed Clarence Darrow.

It was my privilege to know Barratt O'Hara for many years. When I first came to Congress in 1959, I was appointed to the newly created African Subcommittee of the Committee on Foreign Affairs. The first chairman of that subcommittee and the chairman for the next 9 years was my good friend, Barratt O'Hara.

Mrs. Murphy joins me in extending heartfelt sympathy to his family on the loss of this great American.

Mr. KLUCZYNSKI. Mr. Speaker, the riders in a race, wrote Mr. Justice Oliver Wendell Holmes on his 51st birthday, do not stop short when they reach the goal. There is a little finishing canter before coming to a standstill. There is time to hear the kind voice of friends and to say to oneself: "The work is done." So it was with our colleague and friend, Barratt O'Hara, able as very few among men to look back upon a career spanning the great events of our troubled century, a life so remarkable that a writer of fiction would hesitate to create it lest the credibility of his readers be strained. Soldier, journalist, motion picture executive, sportsman, criminal lawyer, politician, and statesman—hardly an area of human enterprise and experience which his life did not at some time encompass.

If at the time of his passing he was dean of this House—which he first entered in 1948 at the age of 36—and its only surviving veteran of the war with Spain, it is also well to recall that he began public life at the age of 30 as the youngest man ever elected to be Lieutenant Governor of Illinois. His 18 years of service in this House were, in effect, the climax of a lifelong commitment to the commonweal. For Barratt O'Hara, every stage in "the ages of man" offered its distinctive challenge and opportunity. Little wonder he spoke with such scorn of our contemporary practice of compulsory retirement at 65 and all the attitudes which accompany this misguided attempt to cut short the scope of human energy and achievement.

That sharp-tongued cynic H. L. Menck-ken, once described Barratt O'Hara as "the world's greatest authority on the history, ethics, and philosophy of pugilism," mindful, no doubt, of his career as sports editor in St. Louis and Chicago, and of his book on boxing, "From Figg to Johnson"—covering the period from 1719 to Jack Johnson, the "Great White Hope" of the recent play. Something of this spirit imbued all of Barratt O'Hara's colorful career, characterized as it was by fairplay, hard hitting, and a sense of dramatic timing. In the vernacular of the day, he gravitated inevitably toward the action—whether in war or peace, in vigorous service to his country and to the ideals by which he shaped his life, ideals of justice, equality, and compassion. No more fitting memorial could be found than the fact of his early championing of the minimum wage, in direct response to the sorry plight of underpaid women and girls in sweatshop con-

ditions on the eve of the First World War. In the same spirit, having fought for the first minimum-wage law, he helped effect the first pension laws for policemen and firemen in Chicago. In these areas of concern, his convictions were truly prophetic for national policy in the subsequent decades of the New Deal.

The mass media were far from alien to him in the great formative years of their birth and expansion. His 5-year radio program over WCFL in Chicago, sponsored by the AFL during the dark days of the depression, brought him into vital contact with the daily lives of countless individuals of every condition in one of the greatest American cities. Earlier, he had succeeded the great D. W. Griffiths as head of a motion picture company—a career stopped short by the entry of America into the great war and his consequent enlistment. He had always argued that the Spanish-American War had marked the advent of America to genuine world power status, a status firmly established by our role in the War of 1914-18. As the youngest U.S. soldier at the siege of Santiago in Cuba—he had left home and high school to volunteer at 15—where his unit had landed barely 3 days after the arrival of Theodore Roosevelt's Rough Riders, he earned the Order of Military Merit, acting as chief scout for his brigade.

His extraordinary career as a criminal lawyer after the war reminds us that somehow in the midst of all this he secured his formal education at the University of Missouri, Northwestern, and the Kent College of Law. Considering his long and distinguished legal record, it would be reasonable enough to expect that the law would define his public life and mark the final destination of his adventurous spirit. Yet his service in Congress lay far ahead. Some measure of his distinction as an attorney may be derived from the words of the great Clarence Darrow, himself no coward, "I am envious of only one thing in the world—I wish I had Barratt O'Hara's courage." As "Battling Barratt," he won acquittals for over 90 percent of several hundred homicide cases, never losing a client to the electric chair. Somehow he also found time to write several books, including one on the Constitution.

In this House his qualities continued to be manifest. Vigorous and forthright in debate, he was proud of his rollicking votes: 2,702 out of 2,704 as of 1965—a House record. His political abilities were considerable: in 1952, the year of the Eisenhower victory, he carried his district by 6,500 votes. His position on controversial issues was never in doubt nor was he afraid of criticism. A broadly inclusive, deeply grounded liberalism found consistent expression in his policies and views.

Barratt O'Hara's special concern was that of foreign affairs, to which he brought unusual qualifications. As a youth of 13, he had accompanied his father on a mission for President Cleveland to settle a Central American dispute with Great Britain; later, he stayed with a Smithsonian expedition in Nicaragua, and accompanied the exploration party marking a route for the proposed

interoceanic canal—eventually built in Panama. As an interpreter, he played a part in settling a boundary dispute between Nicaragua and Costa Rica. It was his lifelong and ever-deepening sense of world community which resulted in his being named a special U.S. delegate to the United Nations in 1965. A passionate foe of colonialism and a genuine friend to emerging nations, he foresaw a future filled with hope and promise for the African peoples, even as he looked with growing concern upon our contemporary American concern with affluence and ease. In 1959, as chairman of the Subcommittee on Africa of the Foreign Affairs Committee, he traveled widely in Africa and met with leaders and ordinary folk throughout that great continent.

In honoring Barratt O'Hara on the sad occasion of his passing, we honor one whose loyalty to America will be a continuing inspiration to this House and to all of our citizens. He saw our Nation taking its rightful place in the great family of nations, providing understanding and help wherever necessary, to achieve a just and lasting peace based upon a world order in which the ideals and convictions by which he sought to live would find enlarging horizons. While his death deprives us of his presence the memory of his life, his character, and his achievement will not quickly pass away. Truly a silver-tongued orator, those who heard him speak will not soon forget his voice. To the end, his word was his bond in personal relations, and none ever turned to him for help in vain. Yet, in the midst of a life filled with activity, he preserved moments of quietness and helped others to do the same. I recall how during his weekly broadcasts in the early 1920's—when radio first was out—I would drive to the forest preserves where in silence I could listen to his broadcast. To his sons, his grandchildren, and great grandchildren, Mrs. Kluczynski and I extend our sympathy even as we share their sense of pride in the imperishable legacy he has left.

Mr. ANNUNZIO. Mr. Speaker, I would like to join Hon. ABNER J. MIKVA, the distinguished Representative for the Second District of Illinois, who has taken this special order, and my other colleagues in paying tribute to the late Hon. Barratt O'Hara who died on August 11 at the age of 87. He was first elected to Congress in 1948 and served his constituents of the Second District of Illinois and his country with tireless energy, dedication, and ability for 20 years until his retirement in 1968.

Barratt O'Hara had a remarkable career—a career that has proven real life indeed can be more colorful and exciting than the most ambitious fiction.

In 1895, when he was only 13 years old, he accompanied his father on a diplomatic mission to Nicaragua and stayed on to join a Smithsonian Institution party exploring a proposed canal route. At 15, he ran away from home to join the volunteers for the Spanish-American War. At 17, he was a decorated veteran.

At 20, he had finished high school and college and became sports editor of the St. Louis Chronicle. He moved to Chicago where he attended law school, was sports editor of the American, Sunday editor of

the Examiner, editor and publisher of Chicago magazine, and the author of a history of boxing. At 29, the "boy wonder of Illinois politics" was elected Lieutenant Governor, the youngest in Illinois history.

When World War I began, he volunteered immediately and served his division as Judge Advocate General. After the war, his work as defense attorney won the admiration and respect of the famous lawyer, Clarence Darrow, who once remarked that the only thing in the world he envied was Barratt O'Hara's courage.

Always dedicated to the cause of justice, Mr. O'Hara, as Lieutenant Governor of Illinois, fought to raise the substandard wages then paid to women. During the depression, he gave a daily radio commentary trying to help people. Once, he announced that if a woman about to be evicted would meet him at a certain place he would try to help, and about 20,000 people responded—all equally in need.

As chairman of the Subcommittee on Africa of the House Foreign Affairs Committee, he was a champion of developing nations and by his sympathetic understanding won many friends for America in the new African countries.

For his literary achievements, Mr. O'Hara received the Chicago Press Veterans Association Award and the Chicago Daily Defender Award. In 1965, he was honored with the Clarence Darrow Humanitarian Award in recognition of his distinguished public service; and in the same year, President Johnson appointed him as a delegate to the 20th General Assembly of the United Nations. Then, in 1966, he received the Shevchenko Freedom Award.

First elected to Congress in 1948 at the age of 66, Congressman O'Hara retained his vigor, his interest in new ideas, and zest for debate to the end of his life. He was youthful long past the age when most men are ready to resign themselves to the rocking chair and pass the torch to other hands. Seldom does one find a man of his stature—a man so wholeheartedly dedicated and responsive to the needs of the people he served.

Barratt O'Hara earned the genuine admiration and deep respect of his colleagues. His career was an inspiration to our youth, and his contributions have made America a better and a stronger country. Those of us who had the privilege of knowing him as a friend and colleague for so many years deeply mourn his passing, and our hearts go out to his bereaved family.

Mr. ANDERSON of Illinois. Mr. Speaker, those of us from the State of Illinois were particularly saddened to learn of the passing on August 11 of our former colleague, Barratt O'Hara.

All who served with him in the House knew well his ability as a debater, his wit, his kindness, and his good fellowship.

He first came to the Congress in 1948 and returned in 1952, where he served for 16 years. He became a member of the Committee on Foreign Affairs in 1957, and he took a special interest in Africa. In 1959 he was made chairman of the

Subcommittee on Africa of the Committee on Foreign Affairs, and he came to be recognized as an authority on the emerging African nations. Through making several visits to the continent of Africa, he became personally acquainted with many heads of state and other leading figures in most of the countries of Africa.

Even at the age of 86 years, Mr. O'Hara displayed remarkable mental alertness, physical stamina, and the ability to deal effectively with his fellow men. Few men of his years retain their intellectual and oratorical powers as our late colleague did. All of us benefited from our association with him, and we shall miss him.

Mr. ERLBORN. Mr. Speaker, with the death of our former colleague from Illinois, Barratt O'Hara, this Nation has lost one of its most distinguished citizens.

He fought bravely in two wars and, in peace, ably served the public at the municipal, State, and National levels. Before entering high school, he took part in several expeditions to Latin America; and, at an age when most of us are thinking of retiring, he was elected to Congress for the first time.

He brought to the House of Representatives a remarkably varied background as explorer, soldier, editor, and author. His 18 years in Congress, and his entire life, were characterized by an inquiring and innovative mind.

Truly, he was an uncommon man.

Mrs. REID of Illinois. Mr. Speaker, I join with my colleagues in paying tribute to our former colleague, the Honorable Barratt O'Hara. I shall always remember that he was one of the first Members from "the other side of the aisle" who greeted me and offered assistance when I first came to the House of Representatives in January 1963. He recalled that he had been a friend of my father-in-law, the late Frank R. Reid, who served in the Illinois House of Representatives at the same time that Barratt O'Hara was Lieutenant Governor of the State of Illinois—and who later served as a Member of Congress from 1923 through 1935.

On several occasions during our years of service here together, I appeared on programs with Barratt O'Hara and he was always most courteous and solicitous. He and I became very good friends notwithstanding the fact that in some matters our philosophical approach differed. I know that in his convictions he was honest and sincere, and for the causes in which he believed he worked and fought with tenacity, courage and ability. He was a very conscientious Member of Congress and he served his district, State, and Nation well.

It is always sad to realize that such a distinguished colleague and friend will no longer be with us. Nevertheless, I know that Barratt O'Hara has left for us a cherished legacy by the example of the full, useful, colorful and dedicated life which he led.

Mr. DERWINSKI. Mr. Speaker, I respectfully join my colleagues in paying a very special tribute to the late gentleman from Illinois, Barratt O'Hara, who was certainly one of the most remarkable men who ever served in Congress and

who truly deserves this tribute being held this afternoon by those of us who had the honor of serving with him.

As a Member from Illinois representing a neighboring district and having served with him on the House Foreign Affairs Committee, I pay tribute to the leadership, spirit, integrity, and the vast experience which made Barratt O'Hara an outstanding public servant.

He had a long and fascinating career dating back to his service in the Spanish-American War, followed by his entrance into the field of journalism as a sports editor, and becoming the youngest man ever to be elected Lieutenant Governor of the State of Illinois.

Through his long years in the House and on the House Foreign Affairs Committee, he was properly recognized as an authority on Africa and his great interest and personal concern for the people of that continent was recognized by all of us who worked with him.

Barratt O'Hara was a remarkable and warmhearted individual and a great orator with a deep insight into world affairs based on his long unique record of service. He will be long remembered with great affection by all.

Mrs. Derwinski joins me in extending our deepest sympathy to the O'Hara family.

Mr. ANDREWS of Alabama. Mr. Speaker, the passing of Barratt O'Hara, a friend and distinguished former colleague, is a source of great sorrow to all who were privileged to know and work with this most unusual man.

To say that Barratt lived a full life is clearly an understatement, for he crowded into his 86 years on this earth a wealth of experiences that few mortals have or ever will match.

Barratt proved his uniqueness and exceptional abilities long before he came to Congress. After riding with Teddy Roosevelt's Rough Riders during the Spanish-American War, of which he was the last congressional veteran, he began a series of amazing and highly successful careers as a newspaperman, Hollywood movie executive, defense attorney, and finally U.S. Representative from the State of Illinois.

Along the way, he served with the Army in World War I and served as the youngest lieutenant governor in Illinois history.

By the time Barratt decided to run for Congress, he was 66, but that did not diminish his will to run then, nor did it from that time on as he carved out a 20-year career of service in this great body. He was a fierce competitor on the campaign trail and even rebounded from defeat early in his congressional service.

That same fiercely competitive spirit which put Barratt into office time and time again made him exceptionally effective as a legislator. He was a man of deep convictions and outspoken for causes that he championed. The gentleman from Illinois was respected by all.

This man of sharp wit, uncommon ability and inexhaustive spirit will be missed, but his accomplishments will remain as permanent monuments to his years among us.

Mrs. Andrews and I extend our deepest

sympathies to the family of our friend, Barratt O'Hara.

Mr. ICHORD. Mr. Speaker, it is always a sad occasion to lose a friend and former colleague, and especially when death takes a man who loved life and his fellow men as did Barratt O'Hara. His 18 years as a Member of the U.S. House of Representatives are filled with countless successes, for he was a man of dynamic legislative ability and his brilliant career as a statesman up to the time of his passing was marked with indelible contributions to government, both State and Federal, which shall outlive all of us present here today.

All who knew Barratt O'Hara when he served in this body realized without reservation his creative ability and his legislative skills which were emphasized by his zest for life and his vigorous service to the Nation. He had a forceful life and left a rich heritage of accomplishments. Few of his colleagues can match Barratt O'Hara's resoluteness, his salty confidence, his deep sense of commitment, his firm dedication to his office and the people he represented, his adherence to high principles and conduct during his entire life and his work. Above all these qualities, he was generous, warm, and an understanding human being.

Barratt O'Hara, it can be truly said, lived day-by-day with full confidence and an abiding faith in the democratic processes which he zealously guarded, and he was one of those rare individuals of whom it can be said "he never compromised his principles."

It was a distinct honor to serve in this body with Barratt O'Hara and it is my deep privilege to join in this ceremony in paying respect and tribute to him this day. His record of service in military service and in government to the State of Illinois and America is one which all can strive toward as a lifetime goal, for Barratt O'Hara was, indeed, a man of giant proportion and broad dimension. The last years of his life can well be recorded as a "chapter in courage." Although his pace was slower the last few years I knew him and his physical endurance was shorter, his determination to fulfill the tasks entrusted to him by his people and the State he loved was a lesson in loyalty to everyone.

Barratt O'Hara left us a legacy—not only an image of a jaunty figure of a man with unruly white hair, but also the memory of an exceptional character and a legislator of great virtuosity whose priorities were duty and honor in any undertaking.

Mr. Speaker, Barratt O'Hara carved a place in history in his State of Illinois and his country, as well as in the hearts of those who had the rare privilege to know him and to work with him.

I feel a deep personal loss in his passing and extend warm and sincere sympathy to the members of his family.

Mr. GIAIMO. Mr. Speaker, what is a full life? No man can truly say. Some measure life in years; others measure it in deeds. Yet no one will disagree when we say that Barratt O'Hara lived his life to the fullest.

Barratt O'Hara, our beloved colleague, lived 87 years, each of them filled with

the fruits of knowledge, activity, and service to his fellow man. He was a newspaperman, a soldier, an attorney, a public official, and a statesman. Many have done some of these things; some have done all of them, but few have done them so well for so long.

In one lifetime, Mr. Speaker, this man became the youngest Lieutenant Governor in the history of the State of Illinois and the oldest Member of the House of Representatives. In one lifetime, he fought in the Spanish-American War and voted on questions of missiles and nuclear weapons. In one lifetime, he explored the jungles of Central America and helped to determine this country's policy toward the emerging nations of Africa. In one lifetime, he saw America reach from coast to coast and helped her to reach to the moon and stars.

Barratt O'Hara served in this body for 18 years. He earned the respect, friendship, and admiration of all who knew him, not because of his age, but because of his wisdom and compassion. To the people of his district, State, and Nation, this man was, in the best sense, a public servant.

While I join in this moment of sadness and extend my deepest sympathy to his fine family, I must also recognize the feelings of awe and reverence which are in all our hearts today. Were I to write his epitaph, I would simply say of Barratt O'Hara, "He lived as we all would want to live."

Mrs. GREEN of Oregon. Mr. Speaker, it is with deep sorrow that I join the Members of the House today in paying tribute to the late Barratt O'Hara.

His death was a great loss to the Nation to which he had contributed so much; a great loss to this Government which was made infinitely better by his wisdom, courage, and integrity for so many years; and a great personal loss to me, and to scores of other Members, I am sure, for Barratt O'Hara was a true friend.

His passing was sad, for while Barratt was 87 when he died, he had such a fine mind and unbounded enthusiasm that one never thought of him as old in conventional terms. In fact, his stamina and joy in living was an inspiration to all Americans.

His career was fuller than most men could even dream of and the adventure and important events of which he was a part would have drained a lesser man and prompted retirement at the usual age. But Barratt O'Hara did not curl up into a rocking chair and dream of days past: He became a Member of the House of Representatives at 68. He was never embarrassed by his age. Rather he gloried in it. He was fond of telling how the elderly people in his district would break out their wheelchairs, go to the voting booths, and cast their votes for him. He was proud that he could encourage the old to participate in the electoral processes, and the old—and the young—of his district had much to be proud of in him. His vigor and brilliance would be a credit to any district.

His confidence, graciousness, and deep respect for his fellow man, attributes that seem sometimes to come only from many years of living, were a glowing

light in this House. There was a natural inclination for new Members to seek out his advice and counsel when he was dean of the House and he always found the time and had the patience to give guidance and support.

I fondly remember the times he gave me the encouragement and courage to carry on when matters became so controversial, arguments so heated and personal insults were substituted for rational discourse and argument. Often it was a few gentle words like "Stay in there Edith," or "Don't give up now." His many kindnesses and his gentle words will always be remembered and treasured.

Another unforgettable aspect of his character was his courage. His unyielding stand for justice and for the deprived and underprivileged never ended. Clarence Darrow once said that he was envious of only one thing in the world—the courage of Barratt O'Hara.

That courage will live on in those he inspired to be more courageous.

Mr. HATHAWAY. Mr. Speaker, on August 11 of this year, our distinguished former colleague, Barratt O'Hara, passed away.

Representative O'Hara served in this body for nearly 20 years and represented the people of Illinois with honor and distinction.

His career as a public servant stretched from the Spanish-American War to his last days in the House of Representatives in 1968.

Mr. O'Hara was a dedicated man. His courage as a lawyer in Illinois and as a member of this House won him the praise and respect of all who knew him. He was an honorable man of great ability.

It was a privilege to serve with him in Congress during my first 4 years here, and I am sure each of us have benefited from our association with Barratt O'Hara.

The country and the Congress are richer for his life, and I extend my deepest sympathy to his family in their loss.

Mr. NIX. Mr. Speaker, it is difficult to believe that our former colleague, Barratt O'Hara, has passed to his reward. There have been others who have lived as long as Barratt. But I doubt if many have lived as full and as active a life as he did. Each episode in his life was in a sense a career. He was a soldier, an explorer, a newspaper editor, a State executive, a lawyer, a motion picture producer, a radio commentator, and the latest but not the least in his colorful life, a distinguished Member of this House.

Representative O'Hara was a vigorous debater and a skilled interrogator. He championed causes with a vigor that many of his younger colleagues envied. He was one of the first to recognize the growing importance of the new nations of Africa. As chairman of the Subcommittee on Africa of the Committee on Foreign Affairs, he traveled in many parts of that continent. He was interested in exchanging views with the leaders of the emerging nations. More important, he was always anxious to meet with the common people from whom he gained insights and understanding that often eluded others.

Age never dimmed Barratt's enthusi-



asm nor narrowed his vision. He was the eternal optimist. All who knew him will always remember him and be saddened by his departure.

Mr. CORMAN. Mr. Speaker, it was with great sorrow that I learned of the death on August 11 of former Representative Barratt O'Hara.

In this life, we judge our fellow men by their achievements and by their character. Congressman O'Hara was one of those rare individuals whose life, measured by both standards, was truly remarkable.

Throughout his long and productive lifetime he exhibited unlimited devotion to his Nation and to the less fortunate among men. In more than 70 years of public service—as a soldier, journalist, lawyer, and Member of Congress, Barratt O'Hara was guided by principles of justice and brotherhood. He was a man of knowledge, experience, kindness and integrity. For 18 years, he served the people of Illinois in the U.S. House of Representatives, and he served them with complete dedication. During these same years, he earned the respect and affection of his colleagues in the Congress.

I should like to extend my deepest sympathy to the sons and grandchildren of Barratt O'Hara. I hope it will be of some comfort to them to know that he is remembered with great admiration and affection both by those he served and by those with whom he served.

Mr. EVINS of Tennessee. Mr. Speaker, permit me to join with my colleagues of Illinois and others in paying a brief but sincere tribute to the memory of our beloved friend and colleague, Representative Barratt O'Hara, who passed away recently.

At the time of his retirement from the House, Barratt O'Hara was the oldest Member in the House and the only Spanish-American War veteran serving in the Congress. He began his career of service in the House in the 81st Congress. After serving in the General Assembly of Illinois, he often remarked that he served with Gov. Adlai Stevenson of Illinois.

As a member of the Committee on Foreign Affairs of the House and chairman of the Subcommittee on Africa, Barratt O'Hara played an important role in helping shape our Nation's foreign policy. He was also a delegate to the 20th Session of the General Assembly of the United Nations by Presidential appointment.

Barratt O'Hara served his beloved district, State of Illinois and Nation faithfully and well, and he will live in our memories as a dedicated public official who measured up to his responsibilities and his duties.

He was eloquent, courageous, and colorful and most esteemed and respected. He was my friend and devoted colleague, and we shall miss him. I want to take this means also extending to members of the O'Hara family this expression of my most sincere sympathy in their loss and bereavement.

Mr. PATMAN. Mr. Speaker, many illustrious and distinguished Americans have served in this body, but few have combined such a long and faithful representation of their congressional district

with so many other notable achievements as did the late Honorable Barratt O'Hara of Illinois. It was my privilege to serve with Barratt O'Hara for 18 years in the House and to witness and be a part of his many accomplishments during those eventful years. Winning election to the Congress at the age of 66, he had already compiled a record which rivals the feats of the greatest American heroes.

Barratt O'Hara was an explorer, a veteran of both the Spanish-American War and of World War I, an eminently successful attorney, a noted editor, publisher, and author, a radio commentator, and the youngest Lieutenant Governor in the history of the State of Illinois. The wide experience he gained in these remarkable pursuits gave him great insight into the problems which confronted the Congress during his almost two decades of service here and made him a uniquely effective and valuable Member of the Congress. His sage advice and great knowledge, particularly in the difficult area of international affairs, greatly benefited those who served with him, and his warm friendship was treasured by the many who were fortunate enough to know him.

Barratt O'Hara lived a truly full and meaningful life. He will long be remembered as a great American who fulfilled his duty to his country in overflowing measure.

Mr. WHALEN. Mr. Speaker, I would like to thank my colleague from Illinois (Mr. MIKVA) for reserving this time today so that we might join in tribute to his predecessor and our former colleague, the late Honorable Barratt O'Hara.

Perusing the career of Barratt O'Hara one can only be impressed by the variety of efforts to which he directed his energies during his 87 years. He was a soldier, sports editor, Illinois Lieutenant Governor, defense attorney, and radio commentator before his election at the age of 66 to this body where he served the Second District of Illinois for 18 years. During his years in the House, he perhaps was best noted for his service on the Foreign Affairs Committee and as chairman of its Subcommittee on Africa.

In the minds of his colleagues and friends, Barratt O'Hara will be remembered longest, however, for his courage which Clarence Darrow envied and which others have sought to emulate.

The people of Chicago, the State of Illinois, and the Nation are indeed fortunate to have had a man of his interests and vision as a Member of this Chamber.

May he rest in peace.

Mr. DE LA GARZA. Mr. Speaker, I am proud to join in paying tribute to a man who befriended me when I came to the House as a freshman Member and whose sage counsel was of enormous benefit to me, as it was to many others. Barratt O'Hara—or "Tiger," as I affectionately addressed him—lived a long time and his life was an inspiration to all so fortunate as to know him.

Twice he donned military uniform to serve his country—in the Spanish-American War and World War I. He enlisted for service in the earlier conflict

when he was a boy of 15. After 2 years he returned to civilian life and to high school. He went on to college and was graduated from law school. He worked successfully as a newspaperman before beginning the practice of law in Chicago in 1912. He was elected to Congress in 1948 and, except for one term, served continuously in the House until the beginning of this year.

He had a genius for friendship. He was a man you could count on, a man of many parts, truly a man for all seasons. Our world is richer for his having lived in it.

Mrs. MINK. Mr. Speaker, Barratt O'Hara began his career in the U.S. Congress at an age when most men are thinking about retirement. And he brought to his tasks an industriousness and enthusiasm which all of us would do well to emulate.

Devoted to serving his constituents in Illinois, his breadth of mind and range of interests and experience enabled him to see the relationship of his State and Nation to the world. He was concerned, therefore, with global problems. His sympathy for, and interest in assisting the developing nations of Africa was recognized and appreciated through that continent and in other parts of the world. In his work he truly demonstrated our national commitment to brotherhood and to the duty of the powerful to aid those who are just beginning the long, hard work of nation-building.

I am grateful to have had the opportunity to know Mr. O'Hara, and to learn from his splendid performance how magnificent an opportunity we have to serve our fellow men as Members of the Congress of the United States.

Mr. EILBERG. Mr. Speaker, a short while ago, a man who loved America with impassioned devotion and served her greatly, both in public office and as a private citizen, passed away.

He was my friend and colleague, Representative Barratt O'Hara, who represented the Second Congressional District from Illinois. He was a man of rich gifts in many fields. As the oldest Member of Congress until his defeat last year, Barratt was cherished by his contemporaries as a two-fisted fighter for human rights who loved life, loved people and feared nobody; he was as much at ease with Members of Congress as he was with the poorest constituents in his district.

He could wield alike the winged phrase and the sledge hammer; he was an honest and courageous public servant, an unforgetting and unforgettable friend.

Representative O'Hara was a man on fire for his country, a man who kindled fires in our hearts. He was a man of action, calling upon us to fulfill our responsibilities not only for the sake of our own Nation and people, but for the sake of those throughout the world who look to us for hope, inspiration, and leadership.

We would do well to study the example of his life, thus, personally, rededicating ourselves to those responsibilities of American citizenship which he so zestfully fulfilled.

Barratt O'Hara twice donned the uniform of this country's Army—to serve in the Spanish-American War and in World War I. At the age of 30, he became the

youngest Lieutenant Governor in Illinois history. As chairman of the Illinois Senate Vice and Wage Commission, he was chiefly responsible for the passage of the first State minimum-wage laws. As a lawyer, he defended over 300 clients, none of whom received the death penalty. These are but a few of his outstanding accomplishments.

As a member of the Committee on Foreign Affairs and chairman of the Subcommittee on Africa, he was of tremendous help in fostering good will and friendship between this country and our neighbors.

Perhaps Representative O'Hara's greatest attribute was that he put his trust finally and everlastingly in the wisdom of the majority of the people of this United States.

Those of us who enjoy the blessings of free institutions owe much to men like Barratt O'Hara. His greatness is found in his recognition of the value of freedom and the rights of each human being.

The poorly informed may think that freedom and liberty owe their origin to the Declaration of Independence and our American way of life. Representative O'Hara knew that the right to liberty, freedom, and opportunity was self-evident in the divine inheritance of people everywhere. It was his program to restore the opportunity of securing and, then of preserving, liberty. At the same time, he fought to destroy tyrants and those standing in the pathway to human progress.

His fight will go on with the help of men of good will, but his influence and fortitude will be greatly missed. I know the sons he left behind him are proud of him, and I send to them my deepest sympathy and warmest regards.

Mr. HUTCHINSON. Mr. Speaker, Barratt O'Hara's colorful career as a newspaper reporter, a successful criminal defense lawyer, the State's youngest Lieutenant Governor, and as a distinguished Member of this House took place in Illinois, but he was a native of Michigan. He was born and raised in the city of St. Joseph where his father was one of our State's circuit judges. The O'Hara family were Democrats in an overwhelmingly Republican district, and when Barratt was a boy of 13, President Cleveland sent his father to Nicaragua as a member of a commission to look into the feasibility of a canal between the Atlantic and Pacific Oceans. Barratt went along. While there, he accompanied an expedition through Nicaragua, marking a route for the canal. He went with a second expedition exploring the jungles of Central America and still a third expedition in determination of a boundary dispute between Nicaragua and Costa Rica.

Returning to Benton Harbor, he attended high school and was a member of the football team. At the outbreak of the Spanish-American War when he was not yet 16 and only a sophomore in high school, he enlisted in the 33d Michigan Volunteer Infantry and landed in Cuba 3 days after Teddy Roosevelt and his Rough Riders. Barratt participated in the siege of Santiago and was the last Spanish-American war veteran to serve in this House. After the war, he returned to Benton Harbor and worked briefly as

a reporter on the old Benton Harbor Evening News which was one of the predecessors of that city's present-day newspaper, the News-Palladium. He then left Michigan to work on newspapers both in St. Louis and in Chicago. Later he became a successful criminal attorney in Chicago and active in Democratic politics there.

Throughout his long career, Mr. O'Hara continued his friendships in the twin cities of Benton Harbor and St. Joseph, Mich., and among them was Stanley R. Banyon, publisher of the Benton Harbor News-Palladium and the St. Joseph Herald-Press. Mr. Banyon was as active and staunch a Republican as Mr. O'Hara was a Democrat, but that difference in political philosophies did not dim their close acquaintance which had continued from childhood. When Mr. Banyon passed away several years ago, Barratt came to me as Congressman from Mr. Banyon's place of residence and stated that if I had no objection he would like to place a eulogy of Mr. Banyon in the Record. Barratt O'Hara had a gift of expression and oratory and his remarks in this House on the life and career of his boyhood friend, Stanley Banyon, were equal to his gifted ability on that occasion.

On the news of Mr. O'Hara's passing, the Benton Harbor News-Palladium gave the event extensive front-page coverage and on Wednesday, August 13, that paper eulogized Barratt O'Hara as a man of charm and gutsy patriotism in its lead editorial.

I insert that editorial at this point in the RECORD:

**BARRATT O'HARA: CHARM AND GUTTY  
PATRIOTISM**

He served in the House with Jack Kennedy and he landed in Cuba three days after Teddy Roosevelt and his Rough Riders.

These widely-separated moments of history illustrate perhaps better than anything else the long and adventuresome life of Barratt O'Hara, a native of St. Joseph who died in Washington Monday at the age of 87.

When he was only 15, still a student in St. Joseph high school, he volunteered to fight in the Spanish-American war. Many years later he received Cuba's highest military decoration from Fulgencia Batista, the dictator later to be deposed by another dictator, the masquerading communist, Fidel Castro.

He was a veteran congressman when John F. Kennedy entered the House of Representatives. Later, after President John Kennedy was assassinated, O'Hara recalled that "I told him one day he got his sweetness from his mother's father, who was mayor of Boston at one time. We were always friendly and about two weeks before he was killed, he served as a guide when I took several constituents through the White House. When we left, he said 'Barratt knew my grandfather.' Those were the last words I heard him say."

When he was only 13, O'Hara had accompanied his father, Berrien Circuit Judge Thomas O'Hara, to Nicaragua. The father had received a presidential commission to seek for a possible canal route, linking the Atlantic and Pacific oceans.

The taste of the tropics may have been what whetted the younger O'Hara's appetite for adventure and caused him to enlist for the fight in Cuba. In any event, he returned from war to the Twin Cities and graduated from Benton Harbor high school, where he played football.

He worked for a time as a reporter on the old Evening News, a forerunner of this newspaper, then headed for bigger news jobs in Illinois. He went from sports to political reporting. Simultaneously, after having reached Chicago news rooms, he studied law nights.

He got his law degree, and at 30 was elected the youngest lieutenant-governor in the history of Illinois. For a time his Democratic party's moon was in eclipse, and he dropped out of politics to practice law. But at 36, he won a seat in Congress and served there 18 years in all. He was defeated only last year when he lost the Daley machine support and got trounced in the Democratic primary. At 86, he was then the oldest member of Congress.

Looking back years later, O'Hara said he moved away from the Twin Cities "because there were too damned many Republicans in Berrien county."

That didn't stop him, however, from being a close friend of this district's arch-Republican Congressman, the late Clare Hoffman of Allegan.

While maintaining careers in both law and politics, O'Hara managed also to serve as an officer in World War I, to serve for a time as a member of the U.S. delegation to the United Nations, and even to do a little radio announcing.

He came "back home" to the Twin Cities on several occasions to chat with boyhood friends. And when he did, he was common as an old shoe; except, that is, for his appearance. With his white mane of hair, handsome features and smooth complexion, he looked as distinguished as a Roman senator ought to.

Quite obviously, he had to have a lot of moral tolerance, perhaps even hidden guile, to survive the jungle of Chicago politics. Some partisan enemies might snarl at his lack of statesmanship, even write him off as a Claghorn.

He did have the flexibility, and often the vagueness, of a born politician. But he had much more, too.

He was a gutsy patriot, a good-hearted human being, a loyal friend, a charming person who lifted the spirits of those around him—indeed, a remarkable man. One who was a distinguished credit to his native heath and to the art of living.

Mr. JOHNSON of California. Mr. Speaker, today I am honored to join in paying tribute to our late colleague, the Honorable Barratt O'Hara.

Mr. O'Hara, at a time when others would be satisfied to just "sit and rock" won election to the House of Representatives at the age of 66. He served his district, his State, and the Nation for 18 years with the same courage and intelligence he demonstrated in his earlier career as a writer, soldier, lawyer, film executive, and radio commentator. During his service in the House of Representatives he was a student and supporter of emerging African nations and he once stated "As Africa goes, so goes the world. We have been thrilled by their progress."

Those of us who were privileged to serve with this dedicated servant of the people have missed his guidance and leadership, and we mourn his passing. I certainly agree with a comment from an editorial that "Mr. O'Hara displayed one of the rare skills: growing old with grace and enthusiasm."

Mrs. Johnson joins me in extending deepest sympathy to his three sons and their families.

Mr. DANIELS of New Jersey. Mr. Speaker, I join my colleagues in paying

tribute to our friend, the late Barratt O'Hara of Illinois.

Barratt O'Hara's life was a celebration of adventure and freedom. In 1895, at the age of 13, he accompanied an expedition mapping a proposed route of a canal to the Pacific through Nicaragua. After returning to the United States 2 years later, he joined Teddy Roosevelt's Rough Riders in Cuba and was awarded the Order of Military Merit by Cuba.

At the age of 20, after attending the University of Missouri, he was sports editor of the Chicago American and later attended law school. He edited a magazine, wrote a history of boxing, became the youngest Lieutenant Governor in Illinois history and was president of a Hollywood movie company. Finally, after serving in World War I, he settled down to practice law.

Barratt O'Hara became a criminal lawyer—one of the old school. He was a fighter and a scrapper. Clarence Darrow, the dean of criminal lawyers, is quoted as having wished he had Barratt O'Hara's courage.

Such courage was well evident to his colleagues in the House. Through his very last term, when he was well into his 80's, Barratt fought hard for the ideals and programs which he believed were in the peoples' interest. Never did the spirit of adventure that fired his youthful intellect fall him even during the late years when most other men are old. But Barratt O'Hara was never old.

While his body aged, his intellect and spirit remained young and vital. He carried his years with warmth and grace and inspired us to take advantage of the youth and energy which we might still possess. We shall miss him.

Mr. COHELAN. Mr. Speaker, I join with my colleagues in eulogizing our recently deceased colleague, Congressman Barratt O'Hara from the Second District of Illinois.

Barratt O'Hara was one of those rare individuals whose zest for life overcame the usual debilitations of age. When he was first elected to Congress he was 66 years old, and he served in the House until he was 86. Before coming to the House, Congressman O'Hara had also led an active and full life. He served in the Spanish-American War at the age of 15, and at the age of 30 he was elected the Lieutenant Governor of Illinois, thus becoming the youngest man ever to hold that office. Barratt O'Hara was also a sports editor of a St. Louis newspaper and a noted criminal lawyer.

While in the House of Representatives, Barratt served on the House Foreign Affairs Committee and chaired the African Subcommittee. We will all miss Barratt and we sympathize with his family on their loss.

Mr. RODINO. Mr. Speaker, it is with a deep sense of personal loss that I join today in mourning the passing of a cherished friend, our former colleague, Barratt O'Hara.

Barratt and I came to the House together some 21 years ago, and I was privileged to know him as a legislator of outstanding ability and a high sense of purpose. He was a man of courage and deep convictions, and, even as he pro-

gressed in years, he was ever a man of refreshing ideas.

Barratt O'Hara's varied career was long and illustrious, and, as the Washington Post editorialized on his passing, he displayed one of those "rare skills: Growing old with grace and enthusiasm." We, whose lives were made more meaningful by our association with this fine and noble gentleman, shall never forget him.

Mr. BIAGGI. Mr. Speaker, the late Honorable Barratt O'Hara was a man whose talent, character, and achievement may serve as an inspiration to all Americans. It is said that the youth of modern America have few heroes to emulate, but they could do no better than to pattern their lives after that of the late Representative from Illinois. Barratt O'Hara was a man of courage, dedication, patriotism, faith, and energy.

Barratt O'Hara accepted early the responsibilities of adulthood and citizenship. At the age of 15, he joined the 33d Michigan Brigade which invaded Cuba during the Spanish-American War. Returning home, he attended college, began a career in journalism, and became the youngest Lieutenant Governor in the history of Illinois. Following service in the Army in World War I, he enrolled in law school and later engaged in a successful law practice.

Representative O'Hara was first elected to Congress in 1948, at the age of 66. The knowledge and wisdom he had gained in a long career as soldier, lawyer, journalist, and political leader were put to use constantly in the 18 years he served his congressional district in the House of Representatives.

There are many additional reasons for remembering Barratt O'Hara with respect and admiration. The great affection in which he was universally held was a tribute to a dedicated public servant. I was deeply saddened to learn of the death of Barratt O'Hara. The talents of a lifetime were devoted to the betterment of his country. He was a fine legislator and a true friend.

Mr. CLEVELAND. Mr. Speaker, Barratt O'Hara lived a wonderful life. He was a close friend of mine and I miss him. We agreed on only a few issues of the day and often our votes were to be found in different columns of the tally sheet.

Our friendship began soon after I entered Congress when I started living at the Congressional Hotel and often taking my dinner there. Mr. O'Hara, more often than not, was to be found in the far corner at the end of the main dining room. Frequently he would be surrounded by friends and admirers, many of them Members, mostly of his own party. Sometimes he would be alone.

We began to dine together, if neither had other commitments and in this loose and pleasant way our friendship took root.

We fought over the day's battles on the floor; we would prognosticate on the events coming up on the morrow. We would work over the days news, sometimes agreeing, sometimes not.

I was often drawn into the warmth of his circle. We respected each other

and shared totally a love of country and the Congress. I gained many a tip from him about the Congress and the personalities in and around it.

No one could avoid his spell. He was Barratt the "Enchanter." I remember watching his magic work on a group of militant young folk—girls and young men and a couple of small children. They were having supper at a big table near his. I happened not to be dining with him that night.

The young people had been spending the day protesting hearings by the Un-American Activities Committee across the street. They were talking loud and clear about it. Before they knew it, Barratt O'Hara came over and introduced himself. He sat down and worked himself into the discussion, ignoring the rudeness of them—he was, after all, an intruder.

By the time I had finished my meal and left the room, he had the young people laughing and listening to his every word. It took him about 20 minutes. It was an amazing performance—unforgettable.

In tribute to the memory of a fine man, an outstanding public servant, and a valued personal friend, I place in the Record the obituary published on August 12 in the Washington Post:

EX-CONGRESSMAN BARRATT O'HARA DIES AT 87

Former Rep. Barratt O'Hara (D-Ill.), dean of the House of Representatives until he lost his bid in June, 1968, died yesterday at Georgetown University Hospital.

Mr. O'Hara, first elected to Congress at the age of 66 in 1948, was turned down last year by Illinois Democratic slatemakers despite his plea for "just one more term." Instead, the party backed Rep. Abner J. Mikva in the Second Congressional District primary. Mr. O'Hara, who had beaten Rep. Mikva in 1966 for the nomination, lost the primary by 13,000 votes.

He was a champion of liberal causes and the emergence of new African nations. He was chairman of the House Foreign Affairs subcommittee on Africa at the time of his defeat.

A small man with a full mane of white hair, he padded quietly around the Capitol grounds to the nearby Congressional Hotel, where he lived alone, until he was admitted to Georgetown Hospital on July 13 suffering from congestive heart failure. The immediate cause of death has not yet been determined.

He was the last congressional veteran of the Spanish-American War and he always spoke of it on the anniversary of the sinking of the Maine that set off the war.

In 1895, at 13, Mr. O'Hara went to Nicaragua with his father and accompanied an expedition marking the route of a proposed canal. A Panama route was chosen later.

At 15 he ran away from home to enlist in the 33d Michigan Brigade, which followed Teddy Roosevelt's Rough Riders as the second American force into Cuba. He became chief scout for the brigade and was awarded the Order of Military Merit by Cuba.

He attended the University of Missouri, became sports editor of the St. Louis Chronicle at 20, then moved to Chicago where he was sports editor of the American and later Sunday editor of the Examiner.

He went to law school, edited and published "Chicago Magazine", wrote a history of boxing "From Figg to Johnson" and at 30 became the youngest lieutenant governor in Illinois history. In this job he attracted

attention with his investigation of substandard wages being paid women. A brief stint as president of a Hollywood movie company followed, then Army service in World War I, and finally law practice.

"I always wanted to be a lawyer," said Mr. O'Hara later. "There just were some detours."

As defense attorney, he tried nearly 300 homicide cases and won acquittals for more than 90 per cent of his clients. None was executed.

#### PRaised BY DARROW

He was a man of great physical and moral courage. The legendary trial lawyer, Clarence Darrow, was quoted as saying, "I am envious of only one thing in the world—I wish I had Barratt O'Hara's courage."

During the depression, Mr. O'Hara did a daily radio commentary trying to help people. Once he announced that if a woman about to be evicted would meet him at a certain place he would try to help, and 20,000 people showed up, equally in need of help.

Elected to the House in 1948, he was defeated for reelection, but came back in 1952 and stayed, through the 89th Congress. Unlike many older members who prefer to sit back and listen and then vote no, Mr. O'Hara had a zest for debate and new ideas.

Once, when past 80, he leaped up so fast to answer a young speaker that he tripped over a colleague's feet and gashed his head. He was back next day with a bandage.

Mr. O'Hara was very proud of the fact that for years he had not missed a roll-call vote. His record was broken when he left town for a day when he understood there were to be no roll calls.

There was a roll call, but somehow his name appeared as being present. Rather than keep his record that way, Mr. O'Hara missed the next roll call on purpose. He missed more in 1965 when he was a member of the United States delegation to the United Nations General Assembly.

Mr. O'Hara is survived by three sons, Barratt Jr., and Lorence, both of Chicago, and Howard, of Guam, and three grandchildren. His wife, Florence, died in 1948.

Mr. FASCELL. Mr. Speaker, those of us who were privileged to serve with the late Honorable Barratt O'Hara will be forever the richer for our association with a man of such varied interests and abilities.

I am told that Clarence Darrow once remarked that the only thing in life which he envied was the courage of Barratt O'Hara—and that is easy to believe.

One stood in awe of a man who served in the Spanish-American War, edited a major newspaper, and became Lieutenant Governor of the State of Illinois by the age of 30. His career as a highly successful trial lawyer would have been a fulfilling life's work for any man, but instead Barratt O'Hara came to the Congress at an age when most men seek a well-deserved rest from responsibility.

Through his 18 years of service in the House of Representatives, Congressman O'Hara proved by example that senior members of our society have much to offer their country. As a fellow member of the Foreign Affairs Committee, I was always impressed by the experience and insight which Barratt O'Hara brought into any discussion or debate.

We have missed the expertise and ability of Barratt O'Hara in the Congress, and now we will miss our associa-

tion with this man of exceptional courage.

Mr. Speaker, I join with our colleagues in grief at the loss of Congressman O'Hara. One cannot help but feel that a part of America has gone with him.

Mr. HALPERN. Mr. Speaker, the loss of our beloved former colleague, Barratt O'Hara, weighs heavily upon all of us. He was a daring spirit whose career reflected many of those qualities which have provided leadership and inspiration in American life.

Mrs. Halpern and I pride our years of personal friendship with him and we shall always think of him as one of the most beautiful human beings we have ever known.

This great man once said:

There are no "freedoms"; there is simply freedom, and it runs as the breath of life through every phase of the American tradition. In fact, it is America.

Barratt O'Hara was a man who spent the whole of his adult life fighting for the preservation of that freedom.

Although he was the oldest Member of Congress until his defeat last year, the freshness and individuality of his thinking and action evoked enthusiasm and admiration from all who had the privilege and honor to serve with him.

Representative O'Hara was a self-made man, thoroughly American in the best sense of the word, a genuine product of the great State of Illinois and his time. He was patient under adversity, unselfish in his aims, lofty in his ideals. His name will long be remembered.

He served his country in many capacities. He was in two wars—the Spanish-American War and World War I. He was the youngest Lieutenant Governor of Illinois. As chairman of Illinois' first Senate vice and wage commission, he was responsible for the passage of the first State minimum-wage laws. He held many memberships in civic organizations and was one of the organizers of the American Legion in Illinois. Finally, he was a member of the Committee on Foreign Affairs of this House and chairman of its Subcommittee on Africa.

His life was full of noble, generous, deeds—of disinterested, heroic acts of kindness. I feel sure that it will always be remembered that a leading characteristic of Barratt's was charity—not charity in its restricted, modern sense, but charity in the sense in which the Gospel uses the term—that attribute without which man becomes "as sounding brass or a tinkling cymbal." No man was ever possessed of more human sympathy or had more of the milk of human kindness.

Representative O'Hara was in the later years of life when he was serving in Congress. Yet he was not one to let age stand in the way of performance of his duty. He was a fighter for what he knew to be right.

His mind was preeminently positive in its character. He took his stands quickly, and, when taken, he held to them with a tenacity which commanded the admiration of those even against whom he contended; yet he was tolerant in everything, except when he was asked to be tolerant of what he believed to be unjust. Then neither friendship nor affection,

neither wealth nor position, could deter the force of his indignation.

Such traits of character are rare; we may appropriately regard the record of Barratt O'Hara's achievements as an illustration of much that was great and good in the American past.

Mr. COLLIER. Mr. Speaker—

The days of our years are threescore years and ten, and, if, by reason of strength, they be fourscore years, yet is their strength labor and sorrow, for it is soon cut off, and we fly away.

Barratt O'Hara, who served with credit and distinction in this great body, lived beyond both the threescore and ten and the fourscore of which the Psalmist speaks. If these added years were accompanied by labor and sorrow, it was labor in behalf of the people whom he represented in this Chamber, and sorrow that his service here must finally cease.

What was unusual about Congressman O'Hara was that his two decades of membership in the National House of Representatives did not commence until he was almost 67 years old, an age when many men have either retired or look forward to retirement upon reaching their 70th milestone.

During his ninth and final term, Barratt O'Hara was our oldest Member and the only veteran of the Spanish-American War in this body. He was but 15 when he volunteered for that conflict. His later career as a newspaperman, lawyer, and businessman was interrupted by additional military service during World War I.

The burden of sorrow of those he left behind can be lightened somewhat as they recall the many achievements of a long and useful life. As a soldier, as a writer, as a jurist, and as a servant of the people, Barratt O'Hara did his duty to his community, his State, and his country. May he rest in peace.

Mr. RHODES. Mr. Speaker, as we reconvene this session of the 91st Congress, I should like to join in a special tribute to a beloved and respected former Member of the House of Representatives who passed away last month, the Honorable Barratt O'Hara.

Barratt O'Hara, until he left at the end of the 90th Congress, was the oldest Member of the House and bore the distinction of being the only Spanish War veteran in the Congress. He enjoyed an illustrious career and participated in history-making events prior to his coming to Congress, among which most notable perhaps were his expedition as a youth through Nicaragua with General Ludlow and Admiral Walker to mark the route for an interoceanic canal and later taking part in the siege of Santiago de Cuba led by "Teddy" Roosevelt and his Rough Riders.

Barratt O'Hara was first elected to the House of Representatives in November of 1948, and during his many years of service to our country, he received nationwide acclaim and gratitude for his unselfish devotion and astute statesmanship dedicated to the preservation of justice, dignity, and freedoms of his fellow men.

I had a great deal of personal affection for Mr. O'Hara, and his thoughtfulness



and kindness to me was deeply appreciated. I had a particular reason for valuing his friendship, because his niece, Mrs. Richard Fennemore, is a valued friend and a constituent of mine.

The Nation greatly misses and mourns its Barratt O'Hara, and Mrs. Rhodes joins me in expressing our deepest sympathy to his family in their bereavement.

Mr. BOLAND. Mr. Speaker, the last congressional veteran of the Spanish-American War—Barratt O'Hara—has died. Former Congressman O'Hara will be missed by his colleagues; yet he needs no one to eulogize his impressive accomplishments. As an outstanding journalist and lawyer in private life, as a statesman in time of peace, and as a soldier in time of war, Barratt O'Hara had a long and distinguished record of service both to the Nation and to the people of the State of Illinois.

Born in St. Joseph, Mich., on April 28, 1882, Barratt O'Hara demonstrated striking ability even as a child. At the age of 13 when his father was our Minister of Nicaragua, he lived history by joining General Alexander in an expedition to explore that jungled Central American nation in search of a route for the proposed canal. Two years later, he became the youngest American to participate in the siege of Santiago de Cuba, and was subsequently awarded by the Republic of Cuba for his service to the Cuban people during their war for independence.

After receiving a law degree from Kent College, he gained valuable experience as a newspaperman. A sporting writer for the St. Louis Chronicle at age 20, he later served as Sunday editor of the Chicago Examiner and editor and publisher of the Chicago magazine.

Throughout all of his legislative life Barratt O'Hara contributed much to the welfare of the people. As the youngest Lieutenant Governor in the history of Illinois, he inaugurated the minimum-wage concept in legislation. His investigations into the substandard wages paid women and girls who were employed in the sweatshops of Chicago attracted national attention. As chairman of the Illinois legislative Vice and Wage Commission, he was as successful in passing the first minimum-wage law of any State in the Middle West. The results of his investigations were rewarding: President Wilson called the young Lieutenant Governor to Washington; eight States subsequently enacted minimum-wage laws and the minimum-wage movement was launched.

Barratt O'Hara equally stood out as one of the finest criminal lawyers in the State of Illinois and the Nation—notably in his defense of the poor and unfortunate. He knew the deprivations they suffer and the sacrifices they make. He successfully defended 200 people charged with murder during his brilliant career at the bar.

Elected to Congress in 1948 at the age of 66, he was defeated for reelection in a bid for a second term, but came back in 1952 and stayed through the 89th Congress. In spite of his age Representative O'Hara had a zest for spirited debate and

new ideas. Throughout his 18 years of service in Congress he continually worked for the underdog, championing such necessary legislation as FEPC, minimum wage laws, adequate pensions, as well as adequate wages for civil service and postal employees, railroad workers and improved social security. Realizing the great importance of basic research in modern life, national defense, and health, O'Hara worked actively for legislation establishing the National Science Foundation.

To overlook his contribution to the field of civil rights would be to leave out an important part of his legislative career. Barratt O'Hara had struggled for civil rights all his life. He had sponsored antipoll tax and antilynching legislation. During the 84th Congress he was a member of the steering committee which worked to get civil rights legislation enacted. Continuing his work in this field, he was the first to sponsor in the House the civil rights legislation of 1958.

During the 85th Congress, aware of the challenges presented by our gradual loss of leadership in the world, Barratt O'Hara accepted an assignment to the Committee on Foreign Affairs. His leadership in this committee helped build a more peaceful world through technical assistance to backward, poverty-stricken nations by means of loans administered by the Export-Import and International Banks. He recommended tapering off of the military aid and looked askance at the alarming armaments race.

As chairman of the standing Subcommittee on Africa since its inception in 1959, Barratt O'Hara made a great contribution to a better mutual understanding and friendship between the United States and the newly emerged nations of that great continent. He saw a progressive future for the African Continent, comparing circumstances there with the way America was growing 70 years ago. Barratt O'Hara also served as ranking majority member of the Subcommittee on Inter-American Affairs, an area in which he has had a strong interest since his boyhood days exploring Nicaragua.

Barratt O'Hara boasted one of the best attendance records in the history of the House. Except for the 2 months when he was serving as a special U.S. delegate to the United Nations, O'Hara missed only one roll call in the House since his election in 1948. He was proud of his commendable record. While realizing that it was unreasonable to expect anyone to maintain a 100 percent record, he believed that a Congressman owed it to the voters to be present at least 90 percent of the time.

Barratt O'Hara was a man of great physical and moral courage—a champion of liberal causes. As the youngest Lieutenant Governor of Illinois, as one who was instrumental in enacting the first minimum wage law in Illinois, and as legislator in Washington, as one who was influential in evolving civil rights legislation, Barratt O'Hara has helped to sustain the fundamental tenets of our democracy. In his devotion to the public good Barratt O'Hara evinced a dynamic concern not only for his Chicago constituents, but for the needs of the na-

tional citizenry as well. It is indeed fitting that we pause to honor a great colleague, who symbolizes all the strength and sinew of America.

Mr. PHILBIN. Mr. Speaker, I was greatly saddened to learn of the passing of my dear friend, former Congressman Barratt O'Hara, one of the finest gentlemen and most able representatives of the people that I have ever known.

Barratt was a very dear friend of mine and knowing him was a proud privilege and unforgettable experience.

He had a well-stocked mind, a ready wit and was totally dedicated to the performance of his congressional duties.

He was gifted in many ways and always spoke with clarity, eloquence, and deep conviction.

An outstanding liberal, his service in public office and to the people went back many years. I can recall talks I had with the great internationally known lawyer and public figure, Mr. Clarence Darrow, of Chicago, years ago when I was a young man. Commenting on the political leadership of the great city of Chicago, the brilliant thinker, philosopher, and speaker, Darrow stated that the greatest liberal he knew in the city was Barratt O'Hara who was then serving in high public office.

He told me several anecdotes of Congressman O'Hara's service, loyalty, and devotion to the cause of the rank and file of the people, and praised him with encomiums and brisk, word sketches.

Barratt O'Hara was extremely popular in the House and we were all proud to call him our friend. He was respected, admired, and loved by all of us on both sides of the aisle.

As the great Darrow once said to me of Barratt:

He is the outstanding liberal in our city and State, and one of the great leaders of true democracy in this country. We must be thankful to him for his many battles for the common people.

He has left with us a great legacy of honest, enlightened public service, warm, unselfish friendship, loyalty and inspired leadership that will long be a source of strength and a guide to us in our endeavors.

His great achievements in this body will be inscribed and gratefully remembered here for many years to come by a truly appreciative Nation which recognizes the debt it owes to this unflinching battler for social justice and the glory of his country.

I express my deepest sympathy, and send prayers and condolences to his family and surviving relatives.

May this illustrious son of Illinois, Barratt O'Hara find rest and peace in his heavenly home.

Truly, to the end, he lived out the words of Plato: "Man was not born for himself, but for his country," and I would add in Barratt's case, for his God.

Mr. MILLER of California. Mr. Speaker, Barratt O'Hara was my friend. I shall miss his wise counsel and our spirited and sometimes hilarious conversations.

I know of no one who lived a fuller life or who enjoyed life and the chal-

lenges that it carries with it than did Barratt O'Hara.

I would quite frequently drop over to the hotel where he resided and we would have dinner together; these were always rewarding and enjoyable occasions. I would sometimes take the younger, newer Members, particularly lawyers, to meet Barratt as he presided at the evening meal. They were always awed by his knowledge and his experiences in the law.

He was an American gentleman who never lost his love for his country—a country he defended in the days of his youth. I am proud to have called him friend and I, for one, know that the world is a much better place because of his having been here.

Mr. FRIEDEL, Mr. Speaker, I join my colleagues today in expressing my deep sorrow at the passing of our former colleague, Barratt O'Hara. He was truly a champion of liberal causes.

At 15, Barratt, ran away from home to enlist in the 33d Michigan Brigade which followed Teddy Roosevelt's Rough Riders as the second American force in Cuba. He was later awarded the Order of Military Merit by Cuba.

From sports editor of the St. Louis Chronicle, Barratt moved to Chicago and became sports editor of the American, and at the age of 30 he became the youngest Lieutenant Governor in Illinois history.

He was first elected to Congress at the age of 66, and was the last congressional veteran of the Spanish-American War.

Over the years my wife and I came to know him personally. His sage and scholarly approach to the affairs of state were a never ending source of interest to us.

As chairman of the Subcommittee on Africa, of the House Committee on Foreign Affairs, he did much to help in the emergence of new African nations. He also left his mark in the records of Congress for his untiring efforts to obtain better wages for women as well as champion of other liberal causes.

Congressman O'Hara was a man of great physical and moral courage and the famous Clarence Darrow is quoted as saying "I am envious of only one thing in the world—I wish I had Barratt O'Hara's courage." I think all of us who had the honor to serve with him can appreciate that tribute to a colleague who served his country and his constituents with honor, integrity, and ability.

His passing from our midst is a great loss to our country and to me personally.

Mr. Speaker, many years ago, I saw an inscription on a monument which I believe describes Barratt O'Hara. It read "Soldier, Statesman, Patriot, and Friend."

To his three sons, Barratt, Jr., Lorence, and Howard, Mrs. Friedel and I extend our deepest heartfelt sympathy.

Mr. DADDARIO, Mr. Speaker, it was with deepest sorrow that I learned of the passing of Barratt O'Hara, a distinguished and dedicated public servant.

It was my privilege to know Barratt intimately enough so that I could on occasion drop by his office to chat with him.

His career was so varied and his involvement so intense, that it would be impossible to conclude which phase of his life he enjoyed the most.

I would expect that in the final analysis everything he did gave him pleasure for he could not engage himself in any venture without the participation of his enormous talents. He was a proud and sensitive man. He was concerned about his country and as a Member of the Congress showed that concern in everything he did and said. His presence in this body has added to its character as his individual friendship has been of benefit to each and every one of us.

Barratt O'Hara had a long and varied career as soldier in the Spanish-American and First World Wars, as sports writer and editor, author, attorney, radio commentator, and Member of Congress for seven terms. His stewardship of the Foreign Affairs Subcommittee on Africa, his admirable roll call record, his annual addresses on the anniversary of the sinking of the *Maine*, and his energetic participation in floor debate will be long recalled by his many friends and colleagues in this House. I personally shall sorely miss his friendship and counsel.

To his sons I extend my heartfelt sympathies.

Mr. MORSE, Mr. Speaker, Barratt O'Hara experienced more of the history of this Nation than most men; indeed, he played a far greater role in its development than most.

We who were privileged to serve with him knew him not only as the oldest member of the House and the only Spanish War veteran in the Congress, but as a dedicated, thoughtful, and compassionate public servant who contributed not only to the needs within this country, but as well to our understanding of the peoples of other nations.

As a member of his subcommittee, I was privileged to know him as a distinguished scholar in African affairs, and as a concerned human being.

Barratt O'Hara had the wisdom born of native intelligence, the sagacity born of time, and the perceptivity and understanding that comes from vast and richly varied human experience. And he put his knowledge and ability to work for the good of the Nation and the world.

He will be sorely missed by us all.

Mr. WHALLEY, Mr. Speaker, this Nation has been saddened by the loss of the beloved former Illinois Congressman, Barratt O'Hara. I would like to join my colleagues in paying tribute to this great man and great American.

First elected to Congress at the age of 66, when most men would be ready to retire, Barratt O'Hara was a fine example of resourcefulness, dedication, and ability. He was a man of remarkable talents and earned the admiration and respect of practically everyone he met.

Barratt O'Hara had the energy and zest for life and new ideas that would have put to shame many men of half his years. In a nation that symbolizes the qualities of youth, his example demonstrated that vigor, energy and ambition are not monopolized by the young.

It was my pleasure and privilege to serve with Barratt O'Hara on the House

Foreign Affairs Committee. As chairman of the Subcommittee on African Affairs, he made an outstanding contribution to the American recognition and understanding of the problems faced by the new nations in Africa.

Moreover, his effective contributions and devoted service helped benefit many areas of American life, and he will be sadly missed.

I extend heartfelt sympathy to the family of Barratt O'Hara.

Mr. FEIGHAN, Mr. Speaker, it was with regret that I learned of the passing of our very able and distinguished former colleague, Barratt O'Hara.

Barratt had an extremely dramatic career and spent his life devoting his energies to the welfare of our country in war and in peace. In the Congress he carved an enviable, distinguished and inspiring career. All who had the privilege to serve with him or to know him will miss him.

Barratt had a keen understanding of the problems facing our Nation and demonstrated high qualities of leadership. These traits marked his career as one who could be depended upon. The conscientious manner in which he ably and zealously carried on his work for his district, State, and the Nation, is significant of his innate qualities which sustained him throughout his long and useful public career.

When Barratt O'Hara spoke in the well, there was unusual silence because he spoke briefly and succinctly to the point. Our country has been fortunate to have the services of this able and distinguished statesman.

I am glad to have this opportunity to join with my colleagues in honoring his memory and recounting some of his attributes. My family join me in expressing to the members of his family our deepest sympathy.

Mr. MONAGAN, Mr. Speaker, I would like to pay tribute to my long time friend and colleague, Barratt O'Hara, who passed away on August 11.

Barratt O'Hara and I served together for 10 years on the House Committee on Foreign Affairs. During much of that decade he was chairman of the House Foreign Affairs Subcommittee on Africa and he served in that position with intelligence and vigor.

Barratt's own career served to make him the ideal champion of the small and struggling nations of Africa. He was a born adventurer who at the age of 13 explored the jungles of Central America and who at the age of 15 ran away from home to fight in the Spanish-American War. He was a successful criminal lawyer who defended over 300 murder cases with less than 30 of his clients convicted, and none receiving the death penalty. While engaged in these multifaceted activities Barratt also found time to be a successful journalist, Illinois' youngest Lieutenant Governor, a motion picture executive, a major in World War I, and a radio commentator.

His flamboyance, courage, and tenacity; his unwillingness to quit or accept defeat, these were the characteristics that distinguished his work on the com-

mittee and during his 18 years in the Congress. We in Congress who knew him mourn his passing and extend our sympathies to his family.

Mr. O'HARA. Mr. Speaker, it is always saddening when one of our colleagues leaves the responsibilities and troubles of this life behind him. But I was especially saddened when the news came that my longtime friend Barratt O'Hara had died.

For the first 10 years of my service in this House, the name of Barratt O'Hara of Illinois was called by the reading clerk on every rollcall just before my own name. Throughout those 10 years, the better I came to know him, the more honored I felt I was by the association.

Barratt O'Hara's life and career, Mr. Speaker, were a living demonstration of the frequent irrelevance of the reasoning that equates age with ineffectiveness or with blind reaction. Barratt O'Hara was older than most of us, to be sure. But I have had many occasions to envy him, not only his stamina and staying powers when long evening sessions were fraying the tempers and adding the judgment of some of his more youthful colleagues, but the eternal ability he demonstrated to see old questions in a fresh, new light. Barratt O'Hara may have been the last Spanish-American War veteran among us—and that was something of which he had every reason to be proud—but he was also in every way a Congressman for the space age.

Barratt O'Hara has long fought the good fight. He served among us with more than his share of honor. He has been a credit to the two "families" of which I am proud to have been a fellow member with him—the House of O'Hara and the House of Representatives.

Mr. ZABLOCKI. Mr. Speaker, I wish to join with my colleagues in paying tribute to the memory of an outstanding Member of the House of Representatives and a great American, the Honorable Barratt O'Hara.

As one who served with Congressman O'Hara for almost 20 years and as a fellow member of the House Foreign Affairs Committee, my memories of him are many and varied.

He will be remembered for his fiery presentations on the floor of this legislative hall. Even in advanced years his voice was strong and vigorous as he debated the issues of the day. In the deliberations of the House Foreign Affairs Committee he used his skills as a distinguished lawyer to sharpen and define legislative language, to clarify the meaning of complex provisions of foreign aid bills and to find flaws in foreign aid programs in order to eliminate shortcomings and strengthen the programs.

As the chairman of the Subcommittee on Africa, his passionate pleas for understanding of the nations and peoples of that continent and his eagerness to assist the development of the countries and improve the welfare of their inhabitants will long be remembered.

Mr. Speaker, we shall sorely miss Congressman Barratt O'Hara. Let all of us and his loved ones be consoled in the thought that a truly remarkable man has left this troubled world for his justly deserved eternal rewards.

Mr. ROYBAL. Mr. Speaker, it would be hard, if not impossible, to name an American who lived a fuller, more interesting and useful life than the former Representative from the Second District in Illinois, the Honorable Barratt O'Hara.

Mr. O'Hara passed away on August 11 of this year, leaving behind him a career of a model citizen and dedicated statesman. His distinguished services as a public servant are inseparably connected with the history of this country.

As a Representative in the House, as a member of the Committee on Foreign Affairs, and as chairman of the Subcommittee on Africa, he exhibited, in all these positions, a wisdom and patriotism which made a deep and lasting impression upon the hearts of his fellow citizens.

The oldest Member of Congress when he last served in 1968, Barratt O'Hara was eminently qualified for his role. His intellectual powers, his capacity for reason, and his ability to understand and analyze a subject clearly made him a valuable colleague and friend.

Born in 1882, Representative O'Hara was one of the few men remaining in public office who bridged the gap between the present generation and the trying times of both the Spanish-American and First World Wars—in both of which he served.

He was a worthy illustration of the self-made American; his life was a vindication of a system, which offers its rewards to those who actively seek them. Barratt O'Hara was the architect of his own fortune, having made his way in life by self-exertion and a dedicated sense of purpose.

Before he was 15 years old, he had accompanied General Ludlow and Admiral Walker to Nicaragua to search for a canal route and had joined a Smithsonian Institution party exploring the jungles of Central America. By the age of 15, he was in Cuba with "Teddy" Roosevelt and his Rough Riders.

Five years later he was sports editor of the St. Louis Chronicle. Two years later he was Sunday editor of the Chicago Examiner and editor and publisher of the Chicago magazine.

At 30 he became the youngest Lieutenant Governor in Illinois history. In subsequent years, he took a prominent part, both in peace and war, in debating the great questions affecting his Nation's interest and honor. He was as pure a patriot as ever served in the councils of State and he was ever anxious for the public good, seeking always to promote it during his long and eventful life.

He was frank and fearless in expressing his opinions and in performing his duties. He possessed rare powers of eloquence which never failed to capture the attention of his audience, and which always commanded admiration.

Barratt O'Hara was prompt in decision, and firm in action. His was a vigorous mind, trained in the contests of a stirring life, strengthened by broad experience, and sharpened by acute observation.

As a friend and fellow member of the House Foreign Affairs Committee, I shall long remember Barratt as a man of out-

standing courage and character. His example will be an inspiration to all those who knew and admired him.

Mr. RYAN. Mr. Speaker, I am privileged to join our distinguished colleague, the gentleman from Illinois (Mr. MIKVA) in paying tribute to Barratt O'Hara, and I commend him for reserving this time so Members of the House may have the opportunity to honor the memory of his illustrious predecessor.

Barratt O'Hara, in 87 years, led a long and distinguished career not only as a Member of the House of Representatives, but also as a soldier, journalist, Lieutenant Governor of Illinois, motion picture executive, radio commentator, and lawyer. The intelligence and commitment that he exhibited in his early careers came with him to Washington.

As a House Member, Barratt O'Hara distinguished himself as a supporter of emerging African nations and as an adversary of the House Un-American Activities Committee.

He chaired the House Foreign Affairs Subcommittee on Africa, playing an important role in shaping American policy toward the African countries.

Barratt O'Hara's fundamental commitment to civil liberties and his sense of justice caused him to oppose the House Un-American Activities Committee at a time when the political risk was high. I recall when he was one among six of us who voted against appropriations for that committee, and I remember the encouragement he gave me when I organized opposition in the House to it.

His courage was always an inspiration. Barratt O'Hara capsuled his attitude toward the committee as follows:

I've never looked at a fellow American and thought he wasn't as fully American as I am. It's a crime when a man turns to another and calls him un-American.

Barratt O'Hara won his House seat at the age of 66, when most men are thinking of retirement. He was defeated for reelection, but he ran again 2 years later, won, and kept his seat for the next 16 years with little difficulty.

At the age of 15, he enlisted in the Army, lying about his age, so that he could fight in the Spanish-American War. He joined the 33d Michigan Volunteer Infantry, served as a corporal, and then as a chief scout of his brigade. His service earned him the Cuban Order of Military Merit.

After the war, he went back to high school and then to the University of Missouri. When he was 20, he became the sports editor of the St. Louis Chronicle. He continued his newspaper career in Chicago, where he eventually became editor and publisher of the Chicago magazine.

In 1913, Barratt O'Hara was elected Lieutenant Governor of Illinois. He was 30—the youngest man ever to hold the office. After his 4-year term was over, he became president of the Arizona Motion Picture Co., only to resign when World War I was declared. He served as major and then as judge advocate general of the 15th Division.

He had received a law degree from Chicago-Kent College in 1912, and so at the end of the war, Barratt O'Hara

started his career as a lawyer. He always considered this his favorite career, and it was one to be proud of. Of the 300 murder cases in which he served as attorney, only 30 of his clients were convicted, and none received the death penalty.

Barratt O'Hara's ability to do all these things and do them well was a mark of the man. He continued to make a major contribution to the debates in the House of Representatives throughout his service, proving that one is never too old to contribute to his country.

The Washington Post, in an editorial after his death, praised Barratt O'Hara in the following manner:

"Our youth and our manhood are due to our country," wrote Pliny, "but our declining years are due to ourselves." Few men have reversed that sentiment more dramatically than Barratt O'Hara.

Barratt O'Hara had no declining years. He grew older but never old.

My deepest sympathy goes to his three sons. They certainly should be proud of their father's full and purposeful life, which shall be a constant reminder to all Americans that it is never too late to serve one's country.

I include at this point in the RECORD the obituary from the New York Times of August 12:

**BARRATT O'HARA, LEGISLATOR, DIES—OLDEST MEMBER OF HOUSE UNTIL DEFEAT IN 1968**

WASHINGTON, August 11.—Former Representative Barratt O'Hara, Democrat of Illinois, who was the oldest member of the House until his defeat last year, died today in Georgetown University hospital. He was 87 years old and lived at the Congressional Hotel here.

Mr. O'Hara was admitted to the hospital July 13 with a congestive heart ailment. The immediate cause of his death was not available.

Mr. O'Hara, a Spanish American War veteran, served 18 years in Washington. He was defeated in the 1968 Democratic primary by Representative Abner J. Mikva.

He was United States delegate to the 20th United Nations General Assembly in 1965.

Surviving are three sons, Barratt Jr. and Lorence of Chicago and Howard of Guam; four grandchildren and six great-grandchildren.

Mr. O'Hara will be buried in Oakwood Cemetery, Chicago, Friday morning.

#### CAREERS WERE VARIED

Mr. O'Hara was elected to Congress in 1948, lost in 1950, won again in 1952 and kept his seat for the next 18 years. He usually won easily.

His entry into national politics capped several careers—soldier, journalist, Lieutenant Governor, motion-picture executive, radio commentator and lawyer.

At a time when most men would be ready to retire, Battling Barratt, as he was often called, won his first House seat at the age of 66, and was for many years the oldest member.

He used to emphasize his age in campaigns on the premise that it would encourage older segments of his electorate to feel that they could still be useful.

#### YOUNGEST IN STATE OFFICE

Mr. O'Hara, who was chairman of the House Foreign Affairs subcommittee on Africa at the time of his defeat last year, was elected Lieutenant Governor of Illinois when he was 30, becoming the youngest man ever to hold the office.

In 1917, after his four-year term as Lieutenant Governor, he became president of the

Arizona Motion Picture Company. He resigned upon the declaration of war with Germany. He was commissioned a major, and became judge advocate general of the 15th Division. He retired at the end of World War I and began the career he always called his favorite, that of a lawyer. He had held a law degree from Chicago, Kent College of Law since 1912.

#### WON HOMICIDE CASES

He defended 300 murder cases; fewer than 30 of his clients were convicted and none received the death penalty.

Clarence Darrow was once quoted as having said: "I am envious of only one thing in the world—I wish I had Barratt O'Hara's courage."

At 13 Barratt O'Hara accompanied his father, Judge Thomas O'Hara, to Nicaragua, where the judge was President Grover Cleveland's special representative during a dispute with Britain. He remained to join a Smithsonian Institution party exploring Central American jungles.

At the age of 15, he ran away from home to fight in the Spanish-American War. He was a high school sophomore when the war broke out. Lying about his age, he enlisted in the 33d Michigan Volunteer Infantry, and served as a corporal at the siege of Santiago. He became chief scout for his brigade, and was awarded the Cuban Order of Military Merit.

The war over, Mr. O'Hara returned to his high school classes and went on to the University of Missouri. At the age of 20, he was sports editor of the St. Louis Chronicle.

#### A CHAMPION OF AFRICA

Mr. O'Hara once replied to what he considered a disparaging remark about Africa: "As Africa goes, so goes the world. We have been thrilled by their progress."

He advocated a "complete divorce" of the United States from colonialism.

He fought for years to abolish the House Un-American Activities Committee. After the committee won a tough fight for survival in 1967, Mr. O'Hara declared:

"I've grown old in this fight against the Un-American Activities Committee. I've never looked at a fellow American and thought he wasn't as fully American as I am."

"It's a crime when a man turns to another and calls him un-American."

"This House may not do it this year, but this House is on the way to abolishing this committee."

Mr. REID of New York. Mr. Speaker, I join in mourning the passing of our distinguished former colleague, Barratt O'Hara.

Barratt served his country in war and in peace, in a lifetime of devotion that spanned two centuries. He was one of the first Members of this House to realize the importance of developments among the emerging nations of Africa and to recognize that the Congress has a responsibility to be informed about changing conditions on that continent. As chairman of the Africa subcommittee, he was the first to hold hearings on southern Africa.

He was, too, a kind and generous friend, with always a pleasant word and concerned inquiry about his colleagues and their families. Those of us who entered the House when he had already been here for many years will remember particularly his helpfulness in our early days and his continuing interest in our endeavors. To the end of his service in this House, he was a source of information and counsel on many issues and he remained always youthful in spirit.

Mrs. Reid joins me in extending our deepest sympathy to his family.

#### GENERAL LEAVE TO EXTEND

Mr. MIKVA. Mr. Speaker, I ask unanimous consent that all Members of the House may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

#### CRISIS STAGE IN SOME OF OUR SCHOOL SYSTEMS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Georgia (Mr. HAGAN) is recognized for 10 minutes.

Mr. HAGAN. Mr. Speaker, we are rapidly approaching the crisis stage in some of our school systems.

This is particularly true in sections of the South, where the Department of Health, Education, and Welfare is taking what amounts to punitive measures against both the white and the black races.

These are in the form of dictatorial edicts calling for "busing" of students and other unreasonable measures to insure racial balance in the classrooms.

These measures are contrary to the wishes of the majority of responsible, thinking parents of both races, who have the best educational interests of their children at heart.

In a letter to the President last month, I called on Mr. Nixon to review the guidelines now being pursued by HEW.

My pleas to Health, Education, and Welfare Secretary Robert Finch for a review of HEW guidelines and a request for a meeting with him on this matter have fallen on deaf ears.

Apparently the President is the only one who can call an "about face" to these unreasonable HEW policies.

Therefore, I ask my colleagues in the House to join me in again urging Mr. Nixon to help restore the sanity and reason of "freedom of choice," which is the law of the land.

The insanity of any other course of action can only lead to chaos for our children and our schools.

#### PRESS REPORTS FROM NATIONAL GOVERNORS' CONFERENCE WITH REFERENCE TO CUTBACKS IN FEDERAL AND FEDERALLY AIDED CONSTRUCTION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Maryland (Mr. FALLON) is recognized for 10 minutes.

Mr. FALLON. Mr. Speaker, I am alarmed by the press reports from the National Governors' Conference quoting Vice President Agnew to the effect that drastic cutbacks in Federal and federally aided construction programs will be announced shortly. I have expressed my concern in a telegram today to President Nixon.

Such action at this time would have a serious effect on employment and would cause a critical disruption in the on-the-job training programs which have been established to upgrade the skills of minority group workers. I personally feel



that this is no time to throw employees on the streets without jobs.

The Federal aid highway program is vital to our national effort to improve traffic safety. The postponement of highway development would be costly in terms of human lives and other accident costs. Furthermore, it is quite clear the postponement of the highway program, even for a short time, would appreciably increase the cost of meeting our highway needs and is, therefore, poor economy.

As chairman of the House Committee on Public Works, I have received a large number of telegrams and telephone calls expressing the great concern which is felt by highway officials at all levels of government. They feel that the situation is nothing short of disastrous and have called upon me for leadership in the matter.

I sincerely hope that this ill-advised action will be reconsidered by the President.

#### THE LATE RABBI JOSEPH S. SHUBOW

(Mr. McCORMACK (at the request of Mr. ALBERT) was granted permission to extend his remarks at this point in the Record.)

Mr. McCORMACK. Mr. Speaker, the death on August 21, 1969, of Rabbi Joseph S. Shubow of Boston, spiritual leader for years of Temple B'nai Moshe of the Brighton section of Boston, and vice president of the Zionist Organization of America, took from our midst one of America's most prominent and outstanding churchmen, and one whose intense love of America was always evidenced by thought and deed. His death—and so sudden—has shocked and saddened his countless of thousands of friends and admirers of all races, color, and creed. Rabbi Shubow was nationally and internationally known.

Rabbi Shubow came to the United States as a boy, graduating from the Boston Latin School; receiving a bachelor of arts degree cum laude from Harvard University in 1920, and a year later, his master's degree. Rabbi Shubow was ordained at the Jewish Institute of Religion in New York.

His intense love of his adopted country was always evidenced throughout his lifetime. During World War II he served as chaplain for the Ninth Army in Europe.

Rabbi Shubow was a recognized scholar and linguist. He authored the Brandels Abukah volume, a Zionist treatise dedicated to the late Justice Louis D. Brandels. In 1959 he was awarded a doctor of philosophy degree by Harvard University.

On the occasion of his passing, Rabbi Murray L. Rothman, president of the Massachusetts Board of Rabbis, and Rabbi M. David Weiss, executive vice president, issued the following statement:

We record with deepest regret the passing of one of our group's founders and its second president. In 1935 Rabbi Shubow, with a small group of local rabbis, organized the Greater Boston Rabbinical Association, the forerunner of the Massachusetts Board of

Rabbis, now numbering over 100 Jewish spiritual leaders.

Rabbi Shubow also helped found the Associated Synagogues of Massachusetts in 1941, which brought together orthodox, conservative and reform congregations in this area to better serve the religious community. He was also instrumental in organizing the services of the Jewish chaplains, leading to the formation of the United Rabbinical Chaplaincy Commission.

Rabbi Shubow was always an articulate and eloquent voice in behalf of democracy, and of social justice here and abroad.

For years, he was one of my most valued friends.

When he spoke in the field of religion, Rabbi Shubow spoke of God, His word, and His law, in a manner that not only inspired those of his religious convictions, but to communicants and members of all other creeds.

When he spoke of America, Rabbi Shubow did so with pride; affirmatively, not negatively; always the voice of courage—never with appeasement.

When he spoke against injustice, here and abroad, it was with the voice of logic and eloquence that made him a recognized leader in the fight for justice.

While the voice of Rabbi Shubow is silenced, his spirit will long be with us.

To his wife, Mrs. Judith Shubow, and her son and daughter and other loved ones, I extend my deep sympathy in their bereavement.

I know the beautiful, and yes, constructive and effective life Rabbi Shubow led, will always be a great consolation to them.

#### SOME OBSERVATIONS ON CZECHOSLOVAKIA

(Mr. BROWN of California asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, during the just concluded recess there occurred the first anniversary of the invasion of Czechoslovakia by the U.S.S.R. in August 1968. The Los Angeles Times, in its issue of August 22, 1969, commented in its usual penetrating way on this subject, under the heading "Anniversary of Aggression." I would like to include this editorial at this point in the Record:

##### ANNIVERSARY OF AGGRESSION

By invading Czechoslovakia and crushing that country's groping movement toward a more humane form of communism, the Soviet Union created the very thing it purportedly feared—a nation which is bitterly anti-Russian and even anti-Communist.

This has been plain for some time, but the riots which erupted in Prague and other Czechoslovakian cities on Thursday, the first anniversary of the Russian invasion, hammered the fact home.

Unfortunately, the protests—courageous and admirable as they were—do not change the grim reality that Czechoslovakia is a captive nation, and seems condemned to remain one for a long time.

Leaflets circulated by the anti-Soviet underground summed up the prevailing Czech attitude in a few words:

"We want freedom  
"And not Russian suppression."

The official line propagated by the Soviet government and its quislings in Prague is

that such views are not representative of the Czechoslovak people as a whole, but are held by "hooligans" and citizens who have been misled by "subversives."

The Kremlin knows better, of course—which is precisely why the Russians have been so visibly nervous as the first anniversary of the occupation drew near.

In an obvious attempt to intimidate the Czechs and discourage any serious revolt against the occupation, Soviet military forces were beefed up—and maneuvers ostentatiously held in the Czech countryside in recent days.

The Czech underground itself urged a strategy of peaceful resistance, in order to avoid providing the Russians with a pretext for clamping down even harder on what little freedom the Czechoslovaks still enjoy.

The underground urged the people to mark the anniversary by boycotting public transportation, movies and shops, and by staging a five-minute sitdown strike at their places of work.

Deeply felt rage and frustration boiled over, however, and large-scale rioting broke out both Wednesday night and Thursday. Security forces had to use nightsticks, tear gas and water cannons to subdue scores of thousands of Czechs who poured through the streets of Prague, crying "Long live Dubcek!" and "Russians go home!"

The riots and renewed condemnation of the occupation by outspoken foreign Communists are politically embarrassing to the Soviet Union. Unfortunately, however, this is a price which the Kremlin appears willing to pay to prevent the spread of the Czech heresies to Eastern Europe's other captive nations.

One can hope that a sullen Czechoslovakia, slipping ever deeper into economic stagnation, will eventually prove so expensive that the Russians will find it wise to relax their grip.

In the short run, however, the anniversary protests—by revealing the depth of hatred for Russia and contempt for the Moscow brand of Communism—will probably result in an even harder crackdown on Czechoslovakia's dissident students, intellectuals and workers.

In looking through my own files on this subject I note that I issued a press release condemning the invasion and calling on President Johnson to protest in the strongest possible way. In passing, I pointed out the loss of U.S. moral leadership in the world and the lessened impact of such a condemnation, as a result of our own military involvements in Vietnam and in various Latin American countries, which we consider to be within the sphere of interest of the United States.

In addition to issuing the press release, I was moved to make some observations of a more philosophical nature, which, for some reason or other, I left languishing in my files. Having an aversion to such a waste of effort, and because the comments were of a nature as to be pertinent today, I am submitting for the Record these observations which I prepared in August of 1968:

##### SOME OBSERVATIONS ON CZECHOSLOVAKIA

(By George E. Brown, Jr.)

The Czechoslovakian crisis provides a focus for concerned citizens to explore thoughtfully the nature of many of the serious issues of foreign policy which face the world today. I would like to offer a few observations on these issues in the hope of stimulating a discussion that will go beyond the repetition of clichés or the expression of purely emotional reaction. Such discussion should have as its

goal strengthening America and increasing the influence of her role in the world.

It has been obvious for several years that Soviet control over the other Communist countries of the world and over the Communist parties in non-Communist countries has been weakening, as these countries and parties sought to enhance their own nationalist aspirations and follow their own brand of Communism. U.S. policy, beginning with Eisenhower, has sought to recognize these changes by selective treatment of each country. Yugoslavia and Poland, for example, were extended trade concessions and aid under Eisenhower not granted to other Communist countries, in recognition and encouragement of their efforts to follow policies independent of the U.S.S.R. Mainland China and Albania have broken strongly with the Soviets, but for different reasons than Yugoslavia and Czechoslovakia, and have remained closer to the Stalin model of Communism. The U.S.S.R. itself has, since the Stalin era, moved toward different policies, generally considered less totalitarian, in economic matters and in political and cultural expression.

Within the Soviet bureaucracy, which Joseph Kraft describes as "... the world's most entrenched, powerful and dim-witted ...", there has been a struggle to adjust to this dynamic and changing situation in the Communist world. Similar struggles take place in the U.S. bureaucracy, which I would describe as the world's second most entrenched, powerful and dim-witted. In both bureaucracies there is a faction which holds that the ultimate solutions to the problems of the world depend upon the capacity for the application of overwhelming military force, and which therefore constantly seeks to maximize the allocation of national resources for military purposes, and the use of military means to solve as large a segment of problems as possible. This faction believes that totalitarian control, the hallmark of the military mind, must be applied as broadly as possible throughout society.

There is a large segment of public opinion, and of public officials, in both the U.S. and U.S.S.R. which supports this position as being the only "realistic" approach to the world. This segment of opinion tends to see each of their systems as the only reasonable way to organize political, social and economic affairs, for themselves and ultimately the rest of the world, and to envision a final military confrontation between the two systems as being the ultimate and inevitable test between reason and un-reason, or good and evil.

In both countries the bureaucratic factions committed to maximum military emphasis, and their supporters among the people, see themselves, and present themselves, as the embodiment of patriotism. In a sense, they seek to monopolize the most respected symbols of nationalism—the flag, patriotic music and ceremonies, our boys in service, and our honored dead—as emotional, if not rational, support for the course of action which they follow. This course is always labeled as "defense", never as "attack", or even as "war".

The predominant tendency on each side to see the other side as a single undifferentiated and unchanging evil force, ultimately to be resisted or conquered by a greater force on "our" side, has made it difficult to develop and employ policies based upon the concept that the other side is composed of various elements all in a process of change and that such changes within each element when favorable to our goals should be encouraged and when antagonistic to our goals should be discouraged. Even such a respected figure as President Eisenhower was attacked by many staunch patriots of the right as a "crypto-Communist" for his support of flexible policies toward the Communist countries. His successors have likewise been attacked by many for any initiatives which contradict their theory of the ultimate and unchanging evil of the other side.

The Czechoslovakian crisis now serves to illustrate several things of importance. It shows that Czechoslovakian Communism was undergoing rapid changes. These changes were in the direction of increased freedom of political and cultural expression, and possibly increased freedom to experiment with economic mechanisms, such as market control of production, profit motivations to some producers, etc. While these changes were all within a framework of declared loyalty to Communist theory and Communist political solidarity, they actually threatened that theory and that solidarity by illustrating alternatives to the dominant Soviet interpretations, alternatives which might even be superior in the minds of their own citizens.

Czechoslovakian innovations in Communist doctrine, and increased tolerance of free expression, would inevitably create demands in other satellite countries for similar freedoms. In countries where Soviet domination has been most oppressive, such as East Germany, this could set off a train of events leading to the overthrow of the existing regime. Strong pressure for German reunification, which the Soviets see as their greatest danger in Europe, would result.

Growing Czechoslovakian freedom would pose threats within the U.S.S.R. itself. It would lend strength to the growing demands for Soviet intellectual freedom. It would accelerate the disintegration of the myth of Communist solidarity based upon a single Soviet version of Communism. It would shake the control of the military hard-liners within the Soviet hierarchy, a control based upon the theory of a unified Communist world faced by the danger of destruction from a unified non-Communist world.

After what must have been a most intense struggle within the inner circles of the Kremlin, it is obvious that a victory was won by those who fear the currents of change, and who propose to halt those changes, or control their pace, by the application of military force. They won, and the Soviet troops marched into Prague.

The Czechoslovakian situation also makes it clear that the Soviets made their move knowing with absolute certainty that there would be no danger of any retaliation—military, diplomatic, economic or otherwise—from the U.S. or any other powers, or from the U.N. as the world's collective peace-keeping organization. It is important to the people of this country in appraising our role in the world today to recognize this fact. Despite the circumlocutions of the Secretary of State there is in practice a clear understanding between the U.S. and the U.S.S.R. that each will respect the power, if not the right, of the other to use military force or other means of its choice to maintain its predominant influence within certain defined areas. Czechoslovakia, as was Hungary, is clearly within that area for the U.S.S.R. Latin America is clearly within the area of U.S. domination. As for the U.N., both of the Great Powers have demonstrated by their actions that it will be disregarded and held powerless, except in those situations where the Big Two agree on the course to be followed.

The high-risk areas of the world today are not the core-areas for the U.S. and the U.S.S.R., but are the fringe areas where boundaries are arbitrary or indistinct, or third-world areas where local tensions and conflicts may get out of control.

The Czechoslovakian crisis therefore illustrates with clarity that the same set of attitudes which holds to the inevitability of military conflict between a monolithic Communist world and a monolithic non-Communist world, also clearly precludes any effective action by the controlling groups on either side to support changes on the other side tending to make the two worlds less monolithic. Each side instead is content to issue

propaganda statements which they recognize to be exercises in hypocrisy. This situation is an example of the phenomena known as the "self-fulfilling prophecy."

When a situation such as the Czechoslovakian crisis arises, on either side, the military hard-liners (sometimes loosely described as "hawks") of both sides use it to bulwark their arguments for an increased allocation of man-power and material resources. In the U.S. the first official reaction has been that this "proves what we said all along about the evil U.S.S.R." Congressional leaders make clear that now we must not only maintain our present troop level in Europe, which faced imminent reduction, but possibly increase it. They also react with increased emotion against a reduction in the level of bombing and other military activity in Vietnam. Undoubtedly the Soviet Generals and their Politburo spokesmen are making the same kinds of speeches, claiming that Czechoslovakia shows that if you give an inch to the forces of change they will take a mile. In Peking the official line seems to be that Czechoslovakia shows that the U.S. and the U.S.S.R. have secretly plotted together to destroy the Czech peoples movement, hence proving the Chinese contention that they must fight themselves to fight both of the two super-powers.

It seems quite difficult for the U.S. bureaucracy, military and otherwise, and their Congressional spokesmen, to recognize that the Czechoslovakian crisis is clear evidence of the failure of Soviet bureaucratic methods. Soviet Communism is no longer able to stifle the drive for individual freedom and national expression within the Communist bloc. The invasion of Czechoslovakia will hasten the movement for greater freedom within the Communist world. This is best illustrated by the violent condemnation of the Soviet action by the Communist governments of Yugoslavia and Rumania, and by the Communist parties of France, Italy and most other Western countries, condemnation which exceeded in its force and effectiveness that of the U.S.

The attitude of Western Communist parties is indicated by the statement in the Italian Communist evening paper *Paese Sera*, which said:

"The occupation was a present to our enemies. Nobody can convince us that Czechoslovakia is the Dominican Republic, that the Soviet Union is Johnson's America, that socialism has to use the methods of imperialism, and least of all today when imperialism should be dead."

I consider it a great tragedy that much of official U.S. opinion has actually accepted, in practice, the basic premises of Soviet totalitarianism. That opinion agrees with Soviet leaders that individual freedom and national aspiration can be stifled by military force, even when that force is controlled by a false and evil doctrine. That opinion sees no moral wrong in using military force to support "our" dictators in areas central to our interests. That opinion sees no inconsistency in accepting the Soviet's right to suppress deviant political doctrines in their sphere of influence, as long as they concede our right to do the same in our sphere of influence. That opinion sees no hypocrisy in establishing a United Nations to secure world peace under law, but then acting on the basis that the only effective law is that which "grows from the barrel of a gun."

The Czechoslovakian crisis demonstrates the fact that the U.S. will play a minimal role in supporting change within the Communist world. While we will pass resolutions calling for freedom and national determination for Communist bloc peoples, in practice our policies will support continued Soviet domination. The key role will be played by these people themselves who, while under communist dictatorship, show by their actions that there is no greater power than

that of the human spirit seeking to control its own destiny. Those in both the U.S. and the U.S.S.R. who believe that the key to human advancement is the possession and use of overwhelming military power, will find that history has passed them by. With their power they can, and have, and probably will again, destroy what man has created, but they will never create the freedom which nourishes human progress.

It seems to me ridiculous and demeaning to the American spirit that we now must play a minor role in arousing the world to the immorality of the Soviet occupation of Czechoslovakia, while the Communist countries, Communist parties in non-Communist countries, and other governments mobilize the opinion of mankind against this action. The moral leadership we once held among the nations we have now abdicated in favor of the "realism" of military force. It is tragic that this event, the clearest evidence of the failure of a policy of repression, will be used by the "Hawks" as evidence of the success of military power, and as argument for further devotion of our resources to that sterile course.

A rational and perceptive analysis of the Czechoslovakian situation would recognize the real strength of the forces resisting totalitarianism in the Communist bloc and in the U.S.S.R. itself. As nations acquire economic security for their people, based upon industrial development and educational achievement, it becomes increasingly difficult to suppress freedom of thought, speech, publication and political choice. These values supercede physical security as the most important goals of the society. Any tyranny is more threatened by this than by any other factor or force. The "Cold War", raised to the level of a religious crusade by those who see it as the ultimate confrontation of good and evil, actually helps to maintain the worst features of Communist dictatorship in Communist countries, and leads the cold war crusaders in this country to justify the imposition of restrictions on freedom here, as well as the allocation of the major part of our U.S. budget to military rather than domestic needs.

The wiser course for this country would be to provide every assistance to those forces which seek the victory of freedom over tyranny. Reduce our military presence in Europe, and around the periphery of the Communist world. Increase our support for regional and international military forces whose mission will be to preserve freedom anywhere in the world, not the "friendly" dictatorships within great power spheres of interest. Use all of our influence to gain respect and adherence for non-military solutions to all international problems, not just those where we see no advantage to our use of force. Permit and encourage the widest possible exchange of information, and informed persons, between the two great power blocs.

I am firmly convinced that the dogmatic ideology of Communism cannot survive the exposure of its error to the informed and inquiring human intellect. Such exposure presents the most effective method of change which can be used. But it likewise requires confidence in the results of inquiry, and a willingness to accept change in one's own ideology and dogma where such change contributes to human freedom and progress. This willingness is a rare commodity among those most zealous in their desire to destroy the evil they see in systems other than their own.

#### THE MYTH OF MIRV

(Mr. BROWN of California asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, I wish to call to the attention of my colleagues an article in last week's Saturday Review on the subject of MIRV. Entitled "The Myth of MIRV," the article is written by Leo Sartori, an associate professor of physics at MIT.

I consider this article to be the best single exposition of the many aspects of the MIRV problem that I have seen. Its excellence is due in part to the clear explanation of how MIRV relates to nuclear strategy in general and the present balance of deterrence between the United States and the U.S.S.R.

Professor Sartori concludes that to continue testing and eventually to deploy MIRV will, while increasing our military power, actually reduce our security as a nation. He explains this situation as follows:

How does installing MIRVs differ from just increasing the number of one's ICBMs?

First, neither side can be sure, once MIRV deployment has begun, how many weapons the enemy has; as a result, each is almost sure to overestimate the other's strength, and accordingly to overrespond. Thus the spiral of escalation and counter-escalation will expand at a faster rate. The feeling of relative security that comes from knowing the strength of one's opponent will be gone forever once the MIRV era begins.

The second feature peculiar to MIRV is that it enhances the premium on striking first in a crisis situation, making war more likely.

A simplified example explains why possession of MIRV by both sides increases the temptation to strike first. Suppose each side has exactly 1,000 land-based ICBMs (without MIRV). If side A wishes to attack, it may target one of its missiles on each of B's. Suppose the chance that a given missile destroys its target (called the "kill probability") is 75 per cent; this allows for the possibility of misfire, targeting error, and so on. Even if A were to fire his entire force in a first strike, he could expect to knock out only 750 of B's missiles. The surviving 250 would be more than enough to enable B to retaliate. Thus, A is deterred. Obviously, so is B. This corresponds roughly to the present situation.

Next, suppose both sides have installed MIRVs in their arsenals with ten warheads per missile. Each side now has 10,000 warheads in the same 1,000 silos as before. Because the warheads are smaller each one is less likely to knock out a silo; the kill probability is reduced, say, to 50 per cent. But A can target many warheads on each of B's silos. He can fire, say 800 of his missiles, keeping 200 in reserve. The 800 missiles contain 8,000 warheads, so eight bombs can be aimed at each of B's 1,000 sites. Even though each weapon is only 50 per cent effective, the chance that all eight will fail is extremely small, only about one in 250. According to the laws of averages, only four of B's missiles will survive, while A has 200 left. Evidently, B can obtain the same advantage by firing his missiles first.

Because a single incoming missile is capable of destroying many MIRVed warheads in the ground, there is a great premium on getting missiles into the air first, when the other side is MIRVed. This is clearly a destabilizing factor in any crisis.

It is unfortunate that large elements of our society, as well as many Members of Congress, have become thoroughly confused over the differences between military power and national security. For much of human history, one could make a rational, if not always convincing, case for the concept that military power and

national security were directly related, at least when military power was used for primarily defensive purposes, as we claim ours to be. But in the fantasyland of modern military technology such comforting illusions are no longer valid. "Defense" and "attack" have lost their former meaning. Missiles aimed at the enemy's cities are considered nonprovocative and defensive in nature. They represent only a "second-strike" capability. On the other hand missiles aimed at the enemy's missiles, particularly if either or both side's missiles are MIRVed, represents the most virulent of aggressive actions, the posture of the "pre-emptive first strike." Any exacerbation of relations between the two countries under these conditions in an invitation to disaster.

Professor Sartori's concluding paragraph presents the only sensible course:

The present moment, when approximate equality prevails, seems exceptionally well suited to begin the reversal of the escalations of the past twenty years. In the words of John B. Anderson, a conservative Republican Congressman: "The time has come to call a halt to this insane nuclear version of keeping up with the Joneses."

The best chance to call a halt is to stop MIRV, but the chance is slipping through our fingers.

The complete article follows:

#### THE MYTH OF MIRV

(By Leo Sartori)

(NOTE.—Leo Sartori is an associate professor of physics at MIT and a member of the Union of Concerned Scientists.)

The initials MIRV, virtually unheard of six months ago, now appear on the front pages every day. They stand for a new weapon with an impressive name: Multiple Independently Targeted Re-entry Vehicle. What is MIRV? Why is the military so anxious to have it, and why have forty-two Senators sponsored a resolution urging the President to seek an agreement with the Russians to ban further tests?

Briefly, MIRV is a "missile bus" whose "passengers" are nuclear bombs. It enables a single booster to deliver as many as fourteen bombs, each one accurately aimed at a different target. The targets can be 50 or 100 miles apart, perhaps even more. Both we and the Russians have the know-how to produce MIRVs; none have been deployed yet, but testing is proceeding on both sides.

It is generally agreed that from a military viewpoint, MIRV is an effective weapon. Unlike ABM, which critics contend may not work and will not add to our defense, MIRV almost surely will work and potentially represents a tremendous increase in striking force. The opposition to MIRV is based on the conviction that it will lessen our security by severely escalating the arms race, and will increase the danger of nuclear war.

Much of the administration's case for ABM is based on the assumption that the Russians, by installing MIRVs in their big SS9 missiles, could threaten the reliability of our "nuclear umbrella" by the middle of 1970s. The principal purpose of our own MIRVs, according to the Pentagon, would be to ensure our ability to penetrate any expanded Soviet ABM. The Defense Department plans to install MIRVs in about half our Minuteman ICBMs, and is refitting most of the Polaris submarine fleet with the new Poseidon missile, also to be equipped with MIRVs.

Critics point to the planned deployment of MIRV and ABM as a typical example of the futility of nuclear escalation—the dog chasing its own tail. We will install these weapons in response to the Russians' planned deploy-

ment, and they will install them in response to our own deployment. In the end both sides will be less secure, and the balance of terror will be more unstable than ever.

The best way to avoid this latest round of escalation is to agree with the Russians to stop testing MIRV. The opponents reason that neither side would stake its survival on an inadequately tested weapon. Therefore, if testing stops we can be confident there will be no deployment. But neither side would agree to a test ban if it felt the other side had already tested enough to go ahead with deployment. Since the United States is rapidly approaching this critical stage, a test ban must be agreed to quickly if it is to have any chance of success.

But even if we get an agreement not to test, how will we know the Russians aren't cheating? Fortunately, with spy satellites and other modern surveillance techniques, each side can detect with some confidence a test of a multiple warhead missile by the other. We have recently detected a Soviet test of this kind in the Pacific Ocean. On the other hand, a ban on deployment of MIRV's would be much more difficult to police. It is probably impossible to determine, without detailing on-site inspection, whether a missile in its silo contains one warhead or many. The issue of on-site inspection has been a major stumbling block in past negotiations. The Soviets have traditionally resisted it, and even we, who have always expressed our willingness to allow inspections, might well be reluctant to submit to the kind of search required to verify that MIRV's have not been installed. Yet, without adequate verification, a deployment ban would be meaningless. Thus, unless testing stops soon, the prospects for a MIRV agreement appear dim.

What are the military advantages of MIRV? Clearly, one gets more warheads with the same number of silos and boosters, but on the other hand the individual warheads must be smaller. In fact, the combined yield (megatonnage) of all the weapons in a "MIRVed" missile is less than the yield of the single weapon which the same missile could carry. The reason for the loss is the extra weight that must be carried in the form of heat shields and casings, as well as the more complicated guidance and propulsion systems required with MIRV.

The decreased yield is naturally a disadvantage: small weapons cause less destruction than large ones. But the reduction is not in direct proportion to the yield; the area of destruction of a one-megaton bomb, for example, is more than half as great as that of a two-megaton bomb.

Despite the reduction in total yield, the increased number of warheads makes MIRV attractive to the military. There are two main purposes for which MIRV would be useful, one essentially defensive and the other potentially aggressive. The first is in a retaliatory strike against an enemy's cities. Except against the very largest cities many-megaton weapons are superfluous; much of their destruction would take place outside the city. And the crippling effect on a country of several small nuclear weapons landing on different cities is far greater than that of a single large bomb which completely devastates just one city. ("Small" here can still mean many times the size of the Hiroshima bomb.) MIRV therefore provides greater retaliatory strength with the same number of missiles.

If the opponent has an ABM defense, MIRV confronts the defense with a larger number of incoming objects; the chance that at least one of the warheads reaches its target is greatly increased. MIRV can therefore be regarded as a penetration aid. But for this purpose, independent targeting is unnecessary. The function of exhausting an ABM defense can be accomplished equally well by a less complex form of multiple-warhead missile called MIRV (multiple re-entry

vehicle). In MIRV the individual warheads are not independently targeted, but are all fired at the same target in the manner of a shotgun blast. We now have MIRV's in a number of Polaris submarines.

The second possible use of MIRV would be to attack the other side's missiles. For such a purpose, accuracy is all-important and yield is only a secondary consideration. A hardened ICBM silo can survive even a many-megaton burst a few miles away, whereas even a weapon of a few kilotons will destroy the silo if it lands close enough. Consequently, a MIRVed missile containing, say, five warheads can potentially destroy five of the opponent's ICBMs, whereas the same missile carrying a single large warhead can destroy, at most, one. By installing MIRV's, one side therefore greatly increases its capacity to strike at the other side's missiles, provided the accuracy is high enough. (A system without independent targeting is not suited to this purpose and is therefore considered less provocative.)

The first generation of MIRV's probably would not be accurate enough to permit one-on-one targeting; two and perhaps more warheads would have to be targeted on each enemy ICBM to assure its destruction. But once MIRV's are deployed, the door would be opened to further improvements that are already in the research and development stage. Such improvements could reduce targeting errors to unbelievably small distances, and could be installed with no noticeable change from the outside. The threat to opponents' missiles would then be very severe.

It is a paradoxical fact of life in today's nuclear age that weapons aimed at missiles are considered far more aggressive than weapons aimed at cities. The reason is simple: weapons aimed at cities are presumably intended for retaliation only; whereas those aimed at missiles can be used in a pre-emptive first strike. (They can also be used in what is called a "counterforce second strike." If an enemy launches a moderate attack, using only some of his missiles, one may choose to respond by attacking his remaining missiles, thus depriving him of the opportunity to launch a second round. Counterforce second strike is therefore a defensive strategy. Unfortunately, there is no way to convince the other side that one's missiles are intended only for counterforce second strike, and not for an aggressive first strike.) In a surprise attack, the all-important objective would be to destroy the opponent's missiles, thus denying him the ability to retaliate. If a country intended to launch such an attack, the installation of MIRV's would be an important step toward acquiring the capacity to do so. This is the most alarming feature of MIRV.

How does installing MIRV's differ from just increasing the number of one's ICBMs? As far as striking capability is concerned, the effect is pretty much the same. But there are at least two ways in which the destabilizing effect on the strategic balance is likely to be greater. First, neither side can ever be sure, once MIRV deployment has begun, how many weapons the enemy has; as a result, each is almost sure to overestimate the other's strength, and accordingly to overrespond. Thus the spiral of escalation and counter-escalation will expand at a faster rate. The feeling of relative security that comes from knowing the strength of one's opponent will be gone forever once the MIRV era begins.

The second feature peculiar to MIRV is that it enhances the premium on striking first in a crisis situation, making war more likely. The reasons for this will be described later.

In order to evaluate the arguments for and against MIRV, it is necessary to have in mind some picture of the present strategic balance—the strengths of the two super-

powers in deliverable nuclear weapons. One statistic points up the enormity of the nuclear arsenals: a single B-52 bomber carries more explosive power than has been used in all the wars of history. And we have more than 600 B-52s, as well as about 1,000 land-based ICBMs, and more than 600 long-range missiles carried by Polaris submarines. All these missiles carry warheads in the megaton range (one megaton is the equivalent of one million tons of TNT, about fifty times the yield of the Hiroshima bomb that killed 100,000 people.) Altogether, we have more than 4,500 deliverable nuclear weapons. It has been estimated that 400 one-megaton warheads could kill seventy million Russians and destroy about three-quarters of Soviet industry. (These figures refer to immediate destruction only, and do not include the widespread effects of fallout, contamination, epidemics, and so on, that surely would follow.)

The Soviet arsenal is also immense. Their ICBM force has expanded in recent years and now approximately equals ours in number. Although we are still considerably ahead in submarine missiles and nuclear bombers, as well as in total deliverable warheads, there is no doubt the Russians could devastate us if they tried.

In this situation, with each side having so much strength, numerical superiority means little. Each country insists that its strategic force is not an offensive weapon, but is intended only to "deter" the other side from attacking. At the moment, the ability of each power to retaliate after any attack is unquestioned; thus an uneasy stability rules. This state of mutual deterrence can be upset only if one side becomes capable of destroying so many of the opponent's weapons in a surprise attack that the opponent is unable to retaliate effectively. The ability to launch such an attack is known as first-strike capability.

It is not hard to imagine how desperate our situation would be if the Soviets ever obtained a first-strike capability. Even if they never actually launched a single missile, the mere threat of an attack would be sufficient to force important concessions throughout the world, perhaps even to make us surrender. The prospect that the United States might acquire a first-strike capability must appear equally ominous in the eyes of the Russians. Understandably, then, any move by one side that even vaguely threatens to lead to a first-strike capability is viewed with great apprehension by the other. The trouble is that each side sees its own arms expansions as purely defensive, while attributing aggressive intentions to similar actions by the opponent. At various times, both American and Soviet officials have accused the other side of "going for a first-strike capability." The most recent instance was a statement by Secretary of Defense Melvin Laird before the House Appropriations Committee on May 22, although this was subsequently qualified in testimony before the Senate Foreign Relations Committee.

How serious is the threat of a Soviet first-strike capability? To answer this, one must inquire what such a capability entails. At present, each of our three major strategic forces—Polaris submarines, long-range bombers, and land-based missiles—constitutes by itself a retaliatory force of vast strength. To achieve a successful first strike, the Russians therefore would have to knock out all three forces simultaneously. (Even if they could do all that, they would still have to worry about the 7,000 so-called "tactical" nuclear weapons based in Europe, many of which can be delivered on targets in the Western Soviet Union.) Moreover, they would have to have very high confidence in the complete success of such an attack; if any hitch occurred, their homeland would be in ashes minutes later. The United States would be faced with a similar requirement if it should ever contemplate a first strike. Let us



examine the prospects of either country attaining this capability.

The Polaris fleet is considered the least vulnerable part of our deterrent. Whereas the locations of land-based ICBMs are accurately known to the Russians through satellite photography, neither photography nor radar is effective underwater. The nuclear subs can stay under many months and cruise many thousands of miles without surfacing, and while submerged they are practically invisible. The two principal methods of submarine detection are sonar—based on the reflection of sound waves—and MAD (magnetic anomaly detection), which senses small changes in the earth's magnetic field produced by a submarine's iron hull. However, both are effective only over distances of a few miles, at most. Therefore, although they can be employed for tracking purposes, they are almost useless in searching for submarines in the vast expanse of midocean.

An effective method for locating nuclear submarines at large distances requires major new ideas and technological breakthroughs, not just the refinement of known techniques. Such breakthroughs do not appear to be on the horizon. Our own effort in antisubmarine warfare, despite expenditures of several billion dollars a year, has not come up with anything promising. And the U.S. Navy, at least, is highly confident that the Russians are no further along. Others have expressed doubts about the long-term safety of the submarine deterrent, but these doubts are not based on any known Soviet developments. We cannot be 100 per cent certain that some supersecret Soviet anti-submarine weapon is not being perfected; but this seems most unlikely.

The most plausible threat to the submarine deterrent is that swift "hunter-killer" subs will lurk offshore, pick up the missile-carrying subs as they leave their home ports, and trail them continuously thereafter. Both we and the Soviets have nuclear hunter-killer subs and are undoubtedly working hard on improving them. The hunter-killers would have to be considerably swifter and more maneuverable than their quarry, which can carry out numerous evasive measures to shake off pursuit. And to make sure that all the Polaris are continuously shadowed would require a substantial fleet of hunter-killers. Since we have a good indication of the number of Soviet submarines, we should have adequate warning if such a threat loomed.

Before the advent of intercontinental missiles, long-range bombers constituted our entire deterrent force. During that era, a fraction of the strategic bomber fleet was airborne at all times. After several embarrassing accidents this system was dropped, but about 40 per cent of the strategic bomber fleet remains on fifteen-minute runway alert. Since our long-range radar provides at least twenty minutes' warning of an ICBM attack, a good fraction of the B-52s should be able to get off the ground before any enemy missiles arrive. Because the strategic bombers carry such heavy loads, a relatively small number can provide strong retaliation.

It is argued that some possible attacks, particularly by low-trajectory missiles launched from offshore submarines, could come with less than fifteen minutes' warning and could conceivably destroy the bomber fleet on the ground. To guard against this, the B-52s are being more widely dispersed, with a greater number stationed far from the coasts. Moreover, the airborne alert can always be reinstituted if necessary; presumably this would be done during any period of crisis. To neutralize completely the bomber-borne deterrent would then require an air defense system considerably more effective than either we or the Russians now possess.

I have left for last the land-based missiles, on which most of the first-strike discussion

has concentrated. Since their locations are pinpointed accurately by satellite reconnaissance, ICBMs are in principle vulnerable to attack, even though their hardened, concrete silos can survive anything but an almost direct hit. The accuracy required for assured destruction depends on the hardness of the silo and on the yield of the attacking missile; in some cases, accuracies of half a mile or less may be needed. But this is already within or very near the capability of both ourselves and the Soviets.

There is no doubt that, given enough missiles, either side could destroy practically all the opponent's missiles, provided the latter remain in their silos. It is also agreed that neither side has nowhere near enough missiles to accomplish this at the present time. The disagreement is on the question of *how many* missiles the Russians would need in order to knock out our ICBMs, and *how long* it will take them to reach that capability if we do nothing about it. Secretary of Defense Laird says this may occur by 1975 if the Soviets continue to deploy SS-9s at the present rate of about fifty a year, and equip them with three MIRVs per missile. Others claim that Laird's estimate is exaggerated.

The calculations on which estimates of probable destruction are based include many factors about which our knowledge is unprecise—the accuracy and yield of the Soviet missiles, their launch-failure rate, and so on. A conservative planner naturally tends to be pessimistic when in doubt. By using the most pessimistic estimate of every quantity that enters the calculation, one arrives at a result that, in all probability, is a gross overestimate of the true capability of the opponent. But prudence requires that we be prepared for such an extreme possibility if we can.

It is conceivable that the Soviet missile force could, by 1975, be strong enough to destroy most (say 95 per cent) of our Minutemen in a surprise attack. This is the premise on which the Administration bases its decision to proceed with ABM deployment and also forms part of the rationale for MIRV. The ABM, it is argued, will increase the number of Minutemen that survive the hypothetical Soviet first strike, and with MIRVs those surviving Minutemen will provide stronger retaliatory power.

Two principal lines of argument are offered in rebuttal to this case. First, even if the Soviets could wipe out our Minutemen, our other two deterrents would still deny them a first-strike capability. The weapons carried by a single Polaris submarine, even without MIRVs, can destroy sixteen cities. The diversity of our retaliatory force is often cited as its greatest strength.

Moreover, the argument over destruction of the Minutemen assumes that they all remain in their silos. But these solid-fueled missiles can be fired in about a minute, far less than the radar warning time of an ICBM attack. There would therefore be ample time, in case of an all-out attack on us, to fire some or even all the Minutemen before any enemy missiles arrive; the latter would then fall on empty silos, and the attempted first strike would fail.

The Administration counters that such a policy of "fire on warning" would be dangerous and unwise. Unlike bombers, missiles cannot be recalled in case of a false alarm. Perhaps they are equipped with a "disarm" mechanism that can be activated in flight; this information has not been made public. In any case, the government is understandably reluctant to rely on a strategy that commits us to massive retaliation before we know the full scope of the attack, indeed, even before we are absolutely positive that we have been attacked at all. Although our technology has come a long way since the time when the early warning system mistook the rising of the moon for a missile attack,

we should still avoid the chance, no matter how remote, of plunging the world into nuclear disaster because of a radar malfunction. A fire-on-warning policy has few enthusiastic advocates.

But, say the opponents, this argument misses the point of deterrence. What matters is not whether we actually adopt a fire-on-warning strategy, but rather the mere fact that we *could* do so. How can the Russians be sure, in launching their hypothetical first strike, that the President would not immediately "press the button" and thus obliterate their country? Without such assurance they cannot count on knocking out the ICBM force, no matter how many SS-9s they may have.

Finally, if the Minuteman force should ever in fact become seriously menaced, measures can be taken to reinforce it that do not have the provocative features of MIRV. Foremost among these is superhardening—strengthening the silos so they can survive an explosion at even closer range. Substantial improvements in hardening appear to be technically feasible. Superhardening does not increase the threat to the opponent's deterrent.

If the Russians had a very effective ABM system around all their cities, they might achieve a first-strike capability without necessarily being able to destroy all our retaliatory forces in an initial attack. They could count on their ABM to bring down whatever missiles and bombers managed to survive a first strike. But neither side can plausibly expect to have that powerful an ABM for a very long time. The Soviet ABM defense ("Galosh") now deployed around Moscow has been more than fully countered. Even if each defensive missile were 100 per cent effective, which is highly doubtful, we have enough Minutemen targeted on Moscow to saturate the defense without MIRV. The Russians have apparently halted further deployment of this system, which is considered far less effective than the proposed American Safeguard system. Practically all authorities agree that it is impossible to defend populations against the kind of attacks that the superpowers are capable of launching. The most that ABM could contribute would be to reinforce a first-strike capability that is almost fully established without it. That is, if a country had the power to eliminate almost all the opponent's forces in a first strike, the possession of an extensive city ABM system would protect its population from the small number of remaining missiles and thus buttress its first-strike capability.

If the critics are correct, none of our three major deterrent forces is likely to be seriously threatened in the foreseeable future. The chance that the Russians could, with high confidence, destroy all three deterrents simultaneously then seems very slim indeed. All the arguments that establish the reliability of our own retaliatory forces can be applied to the Soviets as well, although their submarine and bomber-borne deterrents are less convincing at present than ours. But, barring totally unforeseen developments, it seems practically impossible for either the United States or the Soviet Union to attain a first-strike capability.

If this is the case, why does the military on both sides continually clamor for more and better weapons? In particular, why MIRV?

Some would answer simply that in today's troubled world, we can never have enough weapons. Any weapon that adds to our strength will decrease the chance that we are attacked; if MIRV is effective and technically feasible, our country ought to have it. This reasoning has an obvious appeal, but it overlooks the fact that in the age of nuclear missiles, strength is no longer synonymous with security. During the past twenty years our security has actually diminished, even as our strength has increased. Before the Soviets

had nuclear weapons and delivery systems we surely were more secure than we are today, even though our own weapons were fewer and far less sophisticated. Nowadays our security depends as much on our opponent's strength as on our own, and additional weapons will not make us safer if they stimulate compensating expansions in the Soviet arsenal.

A more realistic strategy is to deploy only those weapons required to ensure that each element of our retaliatory force remains unquestionably effective. The Pentagon apparently believes that MIRV is necessary for this purpose. Dr. John S. Foster, Jr., chief of research and development for the Defense Department, told the Senate Appropriations Committee in testimony released June 13: "We are developing . . . MIRV payloads as a way to insure our ability to penetrate Soviet defenses." Dr. Foster added that it was important to maintain the present test schedule as a hedge against the possibility that the Soviet Union would convert an anti-aircraft defense system into a defense against ICBMs. It is hard to see why that possibility should be cause for such a large-scale immediate response on our part.

We are told that the Russians are developing MIRV in an attempt to obtain a first-strike capability, whereas our MIRVs are intended purely for retaliatory (defensive) purposes. No doubt a Soviet counterpart of Secretary Laird is pointing to the American MIRV development as an indication of our aggressive intentions, while proclaiming the defensive intent of the Soviet program. In the climate of mutual suspicion that has prevailed since the beginning of the cold war, this situation is hardly surprising. Each side attaches great significance to actions or utterances by the opponent that reinforce its fears. For example, a preoccupation with high missile accuracy must be particularly worrisome to the other side. A retaliatory strike against cities does not require extreme accuracy; the threat of a thermonuclear bomb exploding anywhere in New York City or Moscow provides an equally effective deterrent. But high accuracy is essential for an attack on missile silos. The Soviets must therefore have viewed with great alarm Secretary Laird's recent request for additional appropriations to accelerate work which will "improve significantly the accuracy of Poseidon guidance, thus enhancing its effectiveness against hard sites." Such a statement by a Soviet Politburo member would surely be cited by Mr. Laird as proof of the Russians' first-strike intentions.

If each country believed the other's proclamations of peaceful intent, the arms race would soon be over. This, unfortunately, is not a likely prospect. But irrespective of the motives on either side, it seems clear that we would feel more secure if the Soviets did not have MIRVs, and they would feel more secure if we didn't have them. It is equally clear that if one side proceeds with MIRV deployment, the other inevitably will also. Therefore, an agreement that prevents the deployment of MIRV is in the best interest of both countries.

Critics of MIRV claim that it is more than just an escalation; that its deployment by both sides will actually make nuclear war more likely. The reasoning is as follows. Nuclear war can break out in a number of ways; a cold-blooded surprise attack by one side during a period of calm, is not the only way or even the most likely one. A more plausible sequence of events begins with a crisis involving the major powers. The leaders of both countries are under great pressures. It has always been an axiom of military theory that the attacking side has an initial advantage. This is particularly true in a nuclear confrontation: Even though neither side has a first-strike capability, the country that strikes first would likely suffer fewer casualties and less destruction. The pressure to get in the first blow is reinforced by the fear that the opponents may be planning to

do so. As the tension mounts, the leaders of one country may be persuaded by their military staff to strike first and accept, say, thirty or forty million casualties, rather than risk total annihilation if the other side should attack.

All this is true with or without MIRV; unless there is substantial disarmament we are sentenced to live indefinitely under such a threat. But if both sides have MIRVs the advantage to the attacker is materially increased; hence the chance that a crisis may end in disaster is also increased.

A simplified example explains why possession of MIRV by both sides increases the temptation to strike first. Suppose each side has exactly 1,000 land-based ICBMs (without MIRV). If side A wishes to attack, it may target one of its missiles on each of B's. Suppose the chance that a given missile destroys its target (called the "kill probability") is 75 per cent; this allows for the possibility of misfire, targeting error, and so on. Even if A were to fire his entire force in a first strike, he could expect to knock out only 750 of B's missiles. The surviving 250 would be more than enough to enable B to retaliate. Thus, A is deterred. Obviously, so is B. This corresponds roughly to the present situation.

Next, suppose both sides have installed MIRVs in their arsenals with ten warheads per missile. Each side now has 10,000 warheads in the same 1,000 silos as before. Because the warheads are smaller each one is less likely to knock out a silo; the kill probability is reduced, say, to 50 per cent. But A can target many warheads on each of B's silos. He can fire, say, 800 of his missiles, keeping 200 in reserve. The 800 missiles contain 8,000 warheads, so eight bombs can be aimed at each of B's 1,000 sites. Even though each weapon is only 50 per cent effective, the chance that all eight will fail is extremely small, only about one in 250. According to the laws of averages, only four of B's missiles will survive, while A has 200 left. Evidently B can obtain the same advantage by firing his missiles first.

The preceding analysis is admittedly oversimplified. It ignores submarines and bombers, which are important. It assumes that B does not fire his missiles on warning, which he could well do, and the kill probabilities used are higher than present-day accuracy makes possible. But such values are not out of the question for tomorrow, and the example illustrates an essential point. Because a single incoming missile is capable of destroying many MIRVED warheads in the ground, there is a great premium on getting missiles into the air first, when the other side is MIRVED. This is clearly a destabilizing factor in any crisis.

In this example, if B's 10,000 warheads were in individual silos, a far greater fraction would survive any attack that A could mount. Thus a good case can be made for the argument that if we were genuinely threatened by Russian MIRVs, deploying more Minutemen would be a much more logical response than putting in our own MIRVs.

As the example indicates, MIRV is a step toward a first-strike capability. In fact, in the hypothetical situation described, both sides have a first-strike capability at the same time. If combined with future breakthroughs in anti-submarine warfare and in air defense, MIRV could one day make that dread possibility a reality. One can imagine the pressures that then would arise in any crisis, with each side knowing that it had at least a good chance of getting away with a surprise attack, and that the opponents did also.

What is the likelihood that MIRV will be stopped? A short time ago the chances seemed negligibly small, but opposition has been increasing at a rapid rate recently, in the editorial columns and in Congress. At last count, forty-two Senators have co-sponsored Senator Brooke's resolution urging the President to seek a joint Soviet-American moratorium

on MIRV testing. A second resolution by Senator Clifford P. Case goes further and asks for a temporary cessation of U.S. testing pending negotiation of a formal agreement. President Nixon agreed in his June 19 press conference that a mutual halt to MIRV testing might be desirable, but he declined to order a unilateral halt, preferring to wait for the arms control talks to consider the question.

The key to the possibility of an agreement is the state of the testing programs. Our own program began in August 1968 with an announced timetable of two years. Nine tests each of MIRVED Minutemen III and Poseidon have been announced, and those are said to put us one-third the way through our test program. The complete functioning of the entire system is not yet reported to have been fully tested. But some critics suspect that the military is rushing the tests in an effort to get them through before the arms talks begin.

Soviet testing is apparently less far along. The tests of a three-part warhead announced by Secretary Laird on May 22, which were the first ones reported, could not be positively identified as tests of MIRV; they may have been merely MRV. If three warheads re-enter the atmosphere and splash down a few miles apart, it is not obvious whether they were independently targeted. Presumably, the array of Soviet radar equipment monitoring the tests was not sufficiently elaborate to indicate unambiguously that each warhead was being separately tracked. (The difficulty in distinguishing tests of MRV from those of MIRV implies that in any agreement, both types of tests would have to be prohibited. Some proponents of MIRV claim that the Russians could disguise tests of MIRV to make them look like ordinary single-warhead missiles, which could not be banned. If that were true, even a test-ban agreement could not be confidently policed. But it is hard to believe that a country could proceed to deploy MIRVs without at least some realistic tests of the complete system.)

The advocates of an immediate U.S. moratorium argue that the proposal to discuss a mutual test ban at the arms talks may prove to be futile. By the time the negotiators get down to substantive discussion, we may already have passed the point of no return; in fact, some fear that the point has already been passed. The critical stage is when we have tested enough to make deployment feasible—more precisely, when conservative Soviet planners can no longer be confident that this is not the case. After that, all chance for a test ban agreement will have been lost.

Senator Brooke believes there will be enough time for the negotiators to conclude a meaningful test ban agreement provided the arms talks begin soon. He is confident that his resolution, scheduled to be brought up when Congress returns from vacation, will pass, at least in the Senate.

It would seem that we have nothing to lose by halting our tests for six months or a year. The potential threat which MIRV is intended to answer is so far in the future that we could surely resume testing and deployment—if it became necessary—long before the threat materialized.

On the positive side, a moratorium would give tangible evidence of our good faith and our desire to reach a meaningful agreement. Such an agreement would benefit both major powers and would create an atmosphere which might make other arms limitation agreements more likely. It would begin to implement the provision of the recently ratified Nuclear Non-Proliferation Treaty which calls for good-faith arms control negotiations. It would be enthusiastically received by the non-nuclear countries.

The present moment, when approximate equality prevails, seems exceptionally well suited to begin the reversal of the escalations

of the past twenty years. In the words of John B. Anderson, a conservative Republican Congressman: "The time has come to call a halt to this insane nuclear version of keeping up with the Joneses."

The best chance to call a halt is to stop MIV, but the chance is slipping through our fingers.

### HIGH INTEREST FEEDS FIRES OF INFLATION

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the highly respected magazine of Wall Street has recently editorialized on the current high level of interest rates and their destructive effect on the economy.

In the course of the editorial, the magazine states:

We all know, the banks all know, and finally the Government knows, that credit is intrinsic to the American economy. To raise the price of money is like raising the price of any other essential commodity—far from dampening inflation, it contributes directly to it.

Mr. Speaker, I place this excellent editorial, "Banks: National Interest or Self-Interest?" in the RECORD:

#### BANKS: NATIONAL INTEREST OR SELF-INTEREST?

Treasury Secretary Kennedy said it: a prime rate rise by the banks probably will not help to curb credit demands.

Kennedy knows it—that "probably" was a political gesture—the banks know it and we know it. Some of the more responsible banks recognize the dangers of increased interest rates and tried to stem the tide, but exactly one week after Kennedy hinted that Washington has finally grasped that expensive money does not necessarily curtail the demand for credit, several banks raised their prime rate to as high as 8½ per cent.

This is cynicism at its worst. What the banks are doing is taking advantage of America's inflation plight to pump up their profits to even more unrealistic levels.

It's high time Washington accepted the fact that banking represents a monopoly business and took steps to see its profits regulated in a similar way to other monopolies, like Bell Telephone, for instance.

The really sickening part of the whole business is that this country's banks are charging "what the traffic will bear" in the name of patriotism. They say they are trying to "frighten" business out of borrowing by raising interest to ever-higher levels when they know well and good that credit is a built-in part of American business. Business has to borrow whether it likes it or not, and high interest rates merely add to the cost of doing business, and therefore contribute directly to inflation—the very ogre that the banks cynically claim they are trying to defeat.

How about the company that has to borrow to carry its receivables? How about the building company that doesn't get paid until X amount of work has been done? How about the company that has to finance expansion to meet contracts? How about the company that has to refinance debt? How about the company that has to finance replacement machinery? And how about the workman who has to raise the cash to buy a car or repair the old one so he can get to work to make money?

We all know, the banks all know, and, finally, the Government knows, that credit is intrinsic to the American economy. To raise the price of money is like raising the price of any other essential commodity—far from dampening inflation, it contributes directly to it.

Kennedy said, after noting that a prime rate rise would not help curb credit demands, that he hoped the banks would bear this in mind and act "responsibly." They have proved as clearly as possible that they do not care to act responsibly, that they place their own interests above the interests of the economy, the country and the Free World whose prosperity hinges on the prosperity of the United States.

Since the banks have demonstrated their own incapability of acting responsibly, it is now up to Washington to legislate some stricter rules. The question of interest rates should be considered in tandem with the more politically acceptable issue of one-bank holding companies. Banks have an advantage—more, they have a corner on the most important commodity of all, money—and there should be more strictures than the one that simply calls for reserve deposits. The banks, incidentally, have found a way around the reserve requirement, by way of Eurodollars, but that is another story. It does, however, add to the evidence that the banks are not putting the national interest before self interest.

Bell, that political whipping boy, would never dare try to get away with so much.

Meanwhile, there are other disturbing clouds on the horizon, shaking the faith of the public in some of its most respected institutions. The stock market is again suspect as news of a widespread penny stock hypo job makes the headlines. Under this system, penny stocks are bid up to ridiculous heights and then exchanged for paid-up life insurance. The insurance then is used as collateral for large loans.

We would have a lot more faith in the good intentions of banks if, instead of merely raising the price of credit, they would start refusing some business at any price, regardless of collateral. There is a lot of doubtful lending that could be erased before it became necessary to charge 8½ per cent to protect the supply of money.

### HIGH INTEREST RATES BRING DANGER OF RECESSION

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, high interest rates are endangering the entire American economy, threatening to throw the country into a severe recession.

Already, many segments of the economy—particularly the homebuilding industry—are in deep trouble because of the Nixon administration's high interest policies.

Mr. Speaker, the AFL-CIO, realizing that workers are being badly hurt by high interest rates, recently issued a statement calling attention to the danger of a recession stemming from the misguided monetary policies currently being followed.

Mr. Speaker, I place in the RECORD a copy of the statement, "Danger of Recession," issued by the AFL-CIO Executive Council on August 7, 1969:

#### DANGER OF RECESSION

(Statement by the AFL-CIO Executive Council, New York, N.Y., August 7, 1969)

The highest interest rates in 100 years are leading to a collapse of home construction, cutbacks in production and rising unemployment.

As a result, the risk of recession grows daily.

For the fifth time in six months, the big commercial banks, on June 9, uniformly

raised the prime interest rate they charge their richest borrowers and best credit-risk customers. Other interest rates are scaled from this basic price of money. In many parts of the country, effective mortgage rates are already as high as 9% to 10% and more.

The present 8½% prime rate is up 31% in the past year, 89% since the end of 1960. It is the biggest price increase of them all. And the average home buyer and small businessman pays even greater interest rates.

In the guise of fighting inflation, these increases contribute to rising living costs. Interest rates are passed on, all along the line—from the farmer and manufacturer to retailer and consumer.

Such price boosts, paid by the consumer, maintain and even widen the profit margins of industrial corporations and utilities. After-tax profits in early 1969 were 94% above 1960.

When the consumer borrows money to make a purchase, he pays the interest-rate hike, again, on the installment or mortgage loans—and the high interest-rate costs are built into family living expenses for years ahead.

Moreover, sharply rising interest rates discourage business expansion and result in job losses. As builders' loan costs and mortgage rates rise—and money gets hard to borrow, as well as more expensive—home builders postpone construction. State, county and municipal governments put off building schools, hospitals and roads. Small and medium-sized businesses are compelled to postpone plans for expanding operations.

The beneficiaries of soaring interest rates are the banks. After-tax profits of the nation's banks moved up 33% in the three years from 1966 to 1968. According to a tabulation by a New York investment firm, 52 major banks outside New York "Had an average gain for the first half of 1969 amounting to 19.6%," the New York Times of July 27 reported. As for the major New York City banks, seven giants showed a 9.6% increase in after-tax profits in the first six months of the year, according to the same report.

Restrictive monetary policies, however, hit almost every other part of the economy. The effects of skyrocketing interest rates and the government's restrictive economic policies can be seen clearly:

Housing starts in June were down to a yearly rate of 1.4 million—from 1.8 in January—and are continuing down.

The dollar-value of retail sales in the April-June quarter was only 1.4% above the summer of 1968—less than the increase in retail prices, indicating some decline in the physical volume of sales.

Unemployment is inching up—from 3.3% of the labor force in the first three months of 1969 to 3.5% in the second three-month period and 3.6% in July. This increase is concentrated among unskilled workers.

However, prices continue to rise. The cost of living in the April-June quarter was up 5½% from a year ago, washing out substantial portions of recent wage gains. The buying power of the after-tax weekly earnings of the average non-supervisory worker, in the past several months, was slightly less than a year ago.

Yet business investment in new plant and equipment—the only economic sector with demand-pressure—continues to boom. Such business outlays rose at an estimated yearly rate of 18% in the April-June quarter despite soaring interest rates. Rising interest rates have little, if any, early effect on the profit-inflation and investment boom of the big companies.

The blue chip corporations are the last to be curbed by tight money and high interest rates. With large financial reserves and their own ways of raising funds, they are less dependent on borrowed money from the banks. Moreover, when they do borrow, they pay the lowest interest rates available. Generally re-

strictive monetary policies affect the blue chip corporations, after the incomes and demand of other economic groups are so depressed that the sales of the corporate giants are curbed.

The Administration and the Congress should take every possible action to seek a roll-back of the prime interest rate.

The Justice Department should quickly report to the Congress on its examination of the big banks' price-fixing actions for possible violation of the anti-trust laws.

Congress should begin a comprehensive examination of the nation's monetary mechanisms and policies—as the basis for much-needed reform of the government's monetary machinery and policies.

The 7% tax credit for business investment in new equipment should be repealed, as well as fast write-offs of all real estate investment operations, except low- and moderate-income housing—to curb the major source of inflationary pressures.

The danger of recession will continue to grow, unless the Administration and the Congress act to curb the greed and avarice of the bankers and to reduce the pressures of profit-inflation and the investment boom.

### MILTON FRIEDMAN WARNS OF OVERKILL BY FEDERAL RESERVE

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, many leading economists now fear that the Federal Reserve has once again overreacted to the dangers of inflation and is leading the country toward another severe recession.

The monetary overkill is discussed in the August 18 edition of Newsweek magazine by Milton Friedman, one of the Nation's most widely known economists and a close student of the Federal Reserve.

Mr. Friedman states:

Let the Fed continue on its present course much longer, however, and the economic consequences are sure to be serious.

While I do not agree with all of Mr. Friedman's thesis, his column in Newsweek raises many legitimate and serious questions about the performance and the ability of the Federal Reserve System. I place a copy of the column in the Record:

#### MONETARY OVERKILL (By Milton Friedman)

The Federal Reserve System is at it again. Once more, it is overreacting as it has so often in the past.

To mention only the most recent examples, in 1965 the Fed accelerated monetary growth just as the economy was reaching full capacity. It thereby set off the inflation that has been bedeviling us ever since. In early 1968, the Fed abruptly halted monetary growth for about nine months. This produced the credit crunch in August 1968 and the mini-recession in the first half of 1967. The Fed then overreacted again, reviving the inflation that had been showing some signs of tapering off. The Fed continued to raise the money supply at an inordinate rate up to the very end of 1968. The consequences of that mistake are still with us in the form of rapidly rising prices—at a rate of 6 per cent per year so far in 1969.

As these episodes illustrate, it takes about six to nine months for the Fed's actions to affect the economy. That is why we are just now beginning to see the effects of the Fed's belated move to restraint last December.

That move to restraint was moderate at first. Then, around April, the Fed tightened the screw another turn, repeating its classic pattern of overreacting. This new policy threatens to convert a moderate economic slowdown into a severe contraction.

These developments raise three questions:

1. What is the evidence that the Fed is overreacting?
2. Why is the Fed overreacting?
3. What consequences are likely for the economy?

#### 1. THE EVIDENCE

From January 1967 to December 1968, the Fed was highly inflationary, and the quantity of money, defined narrowly as currency plus demand deposits, rose at a rate of 7 per cent a year. From December 1968 to April 1969, the Fed was moderately restrictive, and the quantity of money rose at a rate of 4 per cent a year. From April 1969 to the four weeks ending July 23 (the latest four-week period for which figures are available as I write this), money supply has not grown at all. Other monetary magnitudes (broader monetary totals, the monetary base, member bank reserves, unborrowed reserves) all confirm this shift to a highly deflationary policy.

The use of April as the turning point may slightly overstate the magnitude of the shift because some April figures are abnormally high. However, reasonable alternative dates show the same general pattern.

#### 2. THE REASON

Federal Reserve officials have given no public indication that they have deliberately changed their policy since the move to restraint last December. Yet the figures show that the Fed has drastically restricted monetary growth still further since April. Why? Because the Fed's methods are obsolete and have not been adjusted to our growing understanding of monetary relations.

For most of its history, the Fed has concentrated on interest rates or "money-market conditions" as measures of monetary influence and has paid little attention to the quantity of money. Recently, the board has come increasingly to recognize that interest rates are highly defective measures of monetary influence and has begun to pay more attention to monetary aggregates. But its policy directives are still expressed largely in terms of "money-market conditions," which the New York Federal Reserve Bank, where the directives are actually carried out, interprets as referring primarily to interest rates.

These obsolete procedures automatically produce overreaction. When the rate of monetary growth is reduced, the initial effect is to raise interest rates. The Fed reduces monetary growth by selling bonds (or buying a smaller amount), which tends to lower the price of bonds and raise their yield. However, after about six to nine months, the reduced rate of monetary growth starts to affect income and spending, which, in turn, produces a decline in the demand for loans. The delayed effect of reduced monetary growth is therefore to lower interest rates. When this effect starts operating, the New York Federal Reserve Bank interprets it as a sign that monetary influence is easing and reduces the rate of monetary growth still more in order to keep interest rates from falling. That is how the present operating procedures of the Federal Reserve automatically produce overreaction.

#### 3. THE CONSEQUENCES

The cessation of monetary growth since April has already affected securities markets—which reflect the effect of monetary changes much more promptly than does the economy as a whole. In the stock market, the squeeze on money balances has intensified the recent sharp decline. In the bond market, interest rates have recently shown some tendency to decline—the typical delayed effect of the shift to monetary restraint last December. The shift to additional tightness

has kept this incipient decline from materializing.

Economic activity as a whole has so far been little affected by the cessation of monetary growth. Indeed, if the Fed were even now to correct its course and return to a more moderate policy, the effects on economic activity might not be serious. The effects of monetary changes on total spending are spread out over many months. Hence brief perturbations in monetary growth tend to be averaged out. Only persistent movements in money have persistent effects on the economy.

Let the Fed continue on its present course much longer, however, and the economic consequences are sure to be serious. Stable non-inflationary economic growth in the U.S. requires that the quantity of money grow about 4 or 5 per cent per year. If the quantity of money does not grow at all, as it has not since April, total dollar income is very likely, after some delay, to stop growing also or even to decline. We cannot go quickly from nearly 8 per cent a year—the recent rate of growth in total dollar income—to zero per cent without a severe economic contraction. Inflation has an inertia of its own. Many prices and wages are determined long in advance and will continue to rise even after the pull of demand has eased. We shall be doing well if, by early 1970, the price rise is brought down to 4 per cent a year. Under those circumstances, a zero rate of growth of total dollar income would mean that real income would decline at 4 per cent a year. This is a rate of decline that has not been exceeded for more than an isolated quarter since 1957-58. It is also a rate of decline that would produce a sharp rise in unemployment.

Some retardation in growth and some increase in unemployment is an inevitable, if unwelcome, by-product of stopping inflation. But there is no need—and every reason to avoid—a retardation of the severity that will be produced by a continuation of the Fed's present monetary overkill.

That is why it is so urgent for the Federal Reserve System—which does not wish and does not intend any such outcome—to start the quantity of money growing again. It is equally urgent that they do so without overreacting in an inflationary direction. We need modernization and steadiness, not erratic jerks from one side to the other.

### MONTCLAIR'S OWN BUZZ ALDRIN

(Mr. RODINO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RODINO. Mr. Speaker, Apollo 11's landing on the moon realized an epic quest and proof of man's indomitable will. With calm and confidence, its journeymen—Armstrong, Aldrin, and Collins—opened monumental vistas which remain for future generations to explore.

Montclair, N.J., feels a special pride in calling one of these astronauts, Col. Buzz Aldrin, its native son. And this Saturday, September 5, Montclair has planned the largest celebration in its 101-year history to honor this giant among men. For the glories of his feat, which are, of course, universally recognized, as well as for his intelligence, integrity, discipline, and rugged individualism, Buzz Aldrin is a legend in his time. He transcends the boundaries of city and Nation. He belongs not only to this generation.

Through his achievement, all mankind has been allowed to share the exultation of discovery, catapulting man's imagination into spheres heretofore undreamed.



Buzz Aldrin's contribution to history is immeasurable, and I am honored to join in Montclair's tribute to her most famous son.

# THE TRAGEDY IN NORTHERN IRELAND—RODINO INTRODUCES RESOLUTION TO HELP RESOLVE IT

(Mr. RODINO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RODINO. Mr. Speaker, I am introducing today a resolution directed toward helping to find a solution to the tragic situation in Northern Ireland.

I am sure we have all been deeply shocked and saddened by the strife and bloodshed that have rent this unhappy country. It is appalling to realize that the divisive forces have deteriorated into a fratricidal conflict of violence and hatred.

Unfortunately, there is no doubt that the strife has developed from the Northern Ireland Government's incredibly archaic and oppressive policy of political, economic, and social discrimination against its Catholic minority. And it is an undoubtable fact that today any society which considers itself democratic must insure equal protection and equal rights under the law for all its citizens.

His Holiness Pope Paul spoke, I know, for all men of good will and humanity in urging a solution without violence that would assure equal rights for all. As he so movingly said, it is particularly sorrowful that at this time in history when ecumenical efforts are progressing so well, that "those who are fighting each other are Christians."

In June, I joined with many of my colleagues in sending a letter to President Nixon expressing deep concern about the situation and urging that this be made known to the heads of government of Northern Ireland and Great Britain. When the Irish Government sent its External Affairs Minister to the United Nations to ask for Security Council consideration of the situation, I personally contacted Secretary General U Thant in support of this effort.

British military forces have for now brought a halt to the disorder and bloodshed—but the barricades still stand in Bogside. And until they come down and all the people of Northern Ireland have equal rights and justice, and can live without fear, we must not cease our efforts. For the present situation is one which must concern every man who cherishes liberty and justice.

Mr. Speaker, I include the text of this resolution, which I am submitting today, in the Record at this point:

H. RES. 524

Whereas the United States and all civilized nations of the world have been shocked and saddened by the strife and bloodshed in Northern Ireland;

Whereas the disastrous breakdown in law and order and continuing violence decrease the opportunity for peace and stability which the Government of the United States seeks to promote throughout the world;

Whereas the fratricidal conflict in Northern Ireland has developed as a result of the

oppressive history of political, economic and social discrimination against the Catholic minority of that country;

Whereas the Government of Northern Ireland has therefore violated the basic principles embodied in the Charter of the United Nations; and

Whereas the repressive and unjust policies of the Government of Northern Ireland are completely antithetical to the dedication of the United States to the objectives of achieving equal rights and human dignity for all individuals, regardless of race, color or creed: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that every effort should be undertaken to bring an end to the conflict in Northern Ireland and the suffering of its citizens; and to this end, the House of Representatives respectfully urges the President of the United States—

(1) to use all the diplomatic approaches at his command, including our membership in the United Nations, to seek a settlement of the conflict;

(2) to lend all feasible and appropriate assistance to agencies working to bring measures of relief to the innocent victims of the conflict who are hungry, homeless and injured; and

(3) to offer to place at the disposal of the Governments of Northern Ireland and Great Britain, at their request, all the resources of the United States with respect to the information and experience acquired from our own efforts to achieve the ideal of a democracy based on the principle of one man, one vote, and to assure equal opportunity in all areas for every citizen.

## ROCKY MARCIANO—ALWAYS THE CHAMPION

(Mr. RODINO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RODINO. Mr. Speaker, last Saturday I was shocked and deeply saddened to learn of the death of my dear friend Rocky Marciano in an accidental plane crash. His untimely death at the age of 46, just at the time of life when he was into his second career as a businessman, and a father of a newly adopted 17-month-old son, is a tragedy to all who knew and loved him. To Mrs. Marciano, his daughter, and son, Mrs. Rodino and I extend the most heartfelt sympathy.

Rocky Marciano was not only a great pugilist and an excellent professional athlete, but even more importantly he was an outstanding human being. His qualities as heavyweight champion of the world were outshone by his qualities as a compassionate, concerned man who loved and cared about his family and his fellow man. His attitude about people endeared him to all and made him the best possible example to the youth who looked up to him.

He was certainly the most gentle, even-tempered, and soft-spoken boxer that I have ever known. He never had an ill tongue when speaking of anyone, and although he earned a sizable amount of money he was essentially nonmaterialistic minded. The little man who had received bad breaks, or the less fortunate who were not as tough and determined in mind and body as Rocky was, always received his concerned attention—and just as often with money as with sympathy. After he retired he spent a great deal of time and effort in youth activities

throughout the United States, and only recently he was visiting wounded troops returned from Vietnam.

Mr. Speaker, the world of boxing will not soon find an equal to Rocky Marciano—either inside the ring or out. As for the rest of us who knew and loved him, we mourn his death and cherish his memory.

I would like to include in the Record following my remarks an excellent article on Rocky Marciano from the New York Times of September 2, 1969:

### MARCIANO IS KILLED IN IOWA AIR CRASH

NEWTON, IOWA, September 1.—Rocky Marciano, who slugged his way to the world heavyweight championship and then retired undefeated, is dead—the victim of a light-plane crash on the eve of his 46th birthday.

Marciano, whose savage punching and courage gained him fame and fortune inside the ring and whose reputation for clean living won him respect outside it, was killed last night.

The pilot, Glenn Belz, 37, and Frank Farrell, 23, both of Des Moines, were also killed in the crash of the single-engine Cessna on a farm 30 miles northeast of Des Moines.

Marciano was en route from Chicago to a Des Moines steak house where a birthday party was being held for him. He then was going to fly to his home in Fort Lauderdale, Fla., to celebrate his birthday today.

Mrs. Elizabeth Cousens, Marciano's mother-in-law, and his 16-year-old daughter, Mary Ann, flew to Fort Lauderdale from Brockton, Mass., last Wednesday to join his wife, Barbara, and 17-month-old son Rocky Kevin, for the party.

"There are a lot of presents," Mrs. Cousens said. "I don't know what will be done with them. We're not thinking too much about that with what's happened."

The National Transportation Safety Board said in Washington that it was looking into the crash. Federal Aviation Administration investigators arrived at the scene today, but declined comment.

A flight service official at Des Moines said the pilot had informed him at about 10 P.M., that he intended to land at the Newton Airport, just over a hill from the farm but gave no indication of trouble. The crash apparently occurred a short time later.

Marciano's body is being sent home to Brockton where a mass will be offered at St. Colman's Roman Catholic Church on Thursday at 10 A.M.

The body then will be sent to Fort Lauderdale for a mass at St. Pius Church, with burial tentatively set for Saturday.

### UNDEFEATED IN CAREER

Rocky Marciano was a fighter in the proper sense of the word. The blocky, short-armed, aptly nicknamed Brockton Blockbuster, was a boxer in name only.

Actually, his greatness was based on his aggressiveness, his willingness to trade punches and to brawl at close range, and his ability to withstand punishment in long exchanges. The sharp left jab, the clever footwork and the sense of timing that could make an opponent miss punches by narrow, calculated margins, were not part of Marciano's make-up. But he certainly could hit, 43 of his victories, ending by knockout.

In contrast to the "bruiser" qualities that he displayed in the ring, Marciano was a gentle, affable and pleasant companion in his everyday activities. His constant alertness was evident by the quick movements of his large brown eyes, which were able to pick out shy acquaintances in the jubilant crowds that gathered around him in moments of victory.

His gaze could become still and intent as he participated in conversation, in which he was articulate and, in professional inter-

views, most cooperative. His high-pitched speech, bearing the trace of his native Massachusetts, was soft and reminiscent of that of a parish priest or family counselor.

#### IN THE TOP ECHELON

With a record of 49 victories in 49 professional fights, Marcano, by necessity, was counted among the best of heavyweights, at least in the time span that began with Jack Dempsey, in 1919.

Ring buffs generally concede that the top four champions in the division were Dempsey, his conqueror Gene Tunney, Joe Louis and Marcano.

But there will always be animated discussion as to which of these was the best, at his fighting peak. Some hold for Dempsey of the flashing and murderous left hook, others for Tunney of the cool, methodical, calculated battle plan. Still others for Louis, the young Joe Louis with power and crushing speed in each hand.

Marcano's adherents concede all these points, but they also maintain that their champion performed so well against each of these types. Of the three, Marcano fought only Louis, whom he knocked out in eight rounds on Oct. 26, 1951. However, at that time there was the age difference in Marcano's favor. He was born on Sept. 1, 1923, and Louis on May 13, 1914.

His fight with Louis was the 38th of Marcano's professional career, and the outcome stamped him as having championship potential. His manager, Al Weill, carefully "picked spots" for him after that, selecting opponents that were acceptable as box-office attractions, but hardly powerful enough to sidetrack Rocky on the road to the title.

One of these opponents was Harry Matthews, a "built up" light heavyweight whose manager, Jack Hurley, had bally-boosed into a heavyweight championship contender. Marcano knocked out Matthews in two rounds on July 28, 1952, and assured himself of a match with Jersey Joe Walcott, who was then the champion.

That fight took place in Philadelphia two months later, on Sept. 23, and it developed into what has come to be regarded as the archetype of a duel between a boxer and a bruiser. Walcott, a superb ring workman, was almost nine years older than Marcano, and therefore he was on the short end of the betting at odds of 8 to 5.

But Walcott, in the first round, took command by ripping a left hook to the head and knocking him down for a count of four. It was the first time that Rocky had ever been knocked down, and when he got back to the corner he asked his handler, "Who did that?"

#### WALCOTT AHEAD IN THE 13TH

Craftily outpunching his foe at the long exchanges, and giving Marcano little chance to get in close where he could deal out devastating punishment, Walcott enjoyed a comfortable edge on the score sheets going into the 13th round of the scheduled 15-round contest. Contributing in a great measure to Walcott's lead was the fact that Marcano had been cut on the nose by a punch in the fifth round.

In the rest period, medication was applied to the cut, but it spilled over into his eyes, and for the next three rounds Marcano was almost completely blind as he sought to grapple with the elusive Walcott. The effects of the medication wore off, but the plodding Marcano still found it difficult to catch up with the champion.

But in the 15th round, as the highly skilled Walcott bounced off the ropes Marcano let fly with a straight, solid right that caught Walcott flush on the chin. Down he went, for the full count, and Marcano became champion. In a return bout, a year later, Marcano had little trouble with Walcott, knocking him out in one round.

A loose comparison with Marcano's first

fight against Walcott could be made with the Brockton Blockbuster's scrap with Archie Moore, which took place on Sept. 21, 1955, and which was Marcano's last fight. Moore, who was born in 1913, had experienced a resurgence that had brought him to the forefront of challengers for the crown.

#### SECOND KNOCKDOWN

Like Walcott, Moore was a consummate boxer and, also like Walcott, Moore scored an early knockdown, in the second round, for the only other time in his career that Marcano was on the floor. After that, though, Marcano dominated his smaller rival, and finally stopped him in nine rounds.

At the time there seemed no indication that Marcano was about to end his fighting career, if for no other reason than that he would try to win and even 50 fights.

But in the months following the Moore fight word came down from Brockton that Rocky's wife, the former Barbara Cousins, and his mother, Pasqualina, were trying to persuade him to stop fighting. Their main reasons were that he had accumulated enough money, and that they would like to be able to see more of him. The long training grinds and the personal appearances that went with being champion kept him away from home too long.

So, on April 27, 1956, he announced his retirement. He had held the title three and a half years and defended it six times.

Marcano, who was born and raised in Brooklyn, was christened Rocco Francis Marchegiano. His father came to the United States in World War I from Italy to become a shoemaker in the famous Massachusetts shoe center.

In his fighting career, Marcano's gross earnings, before taxes and manager's shares, amounted to \$1.7-million. Like most successful boxers, he discovered it was difficult to stay out of the limelight and the action, and in 1959 he went through a secret training session of a month in contemplation of a comeback, but he decided against it. At his best, Marcano weighed 185 pounds, standing 5 feet 11 inches.

#### BUSINESS ENDEAVORS

After he definitely retired, Marcano tried several business activities, some with indifferent success and others good enough to prevent a drain on his savings, if nothing else. Marcano was quite the reverse of the profligate fighter who made a half million before he was 25 and who was broke before he was 30.

Despite his reputation for conservative spending, Marcano had a list of beneficiaries to whom he sent money regularly. One of these was Carmine Vingo, a Bronx heavyweight with whom Marcano boxed on Dec. 30, 1949.

Early in that fight Vingo, according to Rocky "hit me the hardest punch I ever took." But in the sixth round Marcano scored a knockout. The end was almost tragic though, for Vingo had suffered a brain concussion. He recovered, but never fought again.

Vingo was one of two Bronx battlers that tested Marcano sternly. The other was Roland La Starza, whom he outpointed on March 24, 1955, in a fight that was so close that many thought La Starza the winner. In a return clash, Marcano's first after becoming champion, he scored a knockout in 11 rounds.

In 1954 Marcano defended his title twice, each time against a former champion, Ezzard Charles. In 1955 Marcano knocked out Don Cockell of England in nine rounds, four months before beating Moore. Cockell had another chance at the title when he met Floyd Patterson on Nov. 30, 1956, in a bout to determine a successor to the retired Marcano. Patterson won by a knockout in five rounds.

#### TRIED OUT BY THE CUBS

Marcano's boyhood was the typical one of a sports-loving American youngster, with his main interests being baseball and football. Indeed, while playing center for the Brockton High School eleven, he might have made a bid for an athletic scholarship at Holy Cross or Harvard. In baseball his chunky build made him an ideal catcher, and he was even tried out by the Chicago Cubs, who turned him down because he could not make the big-league throw to second base.

It was while he was in the Army—in Fort Lewis, Wash.—that Marcano was introduced to boxing. He participated in a number of tournament matches, and when he was released he entered the amateur ranks, losing only one fight.

He turned pro in 1947 and won his first 16 fights by knockouts, mostly in Providence, R.I. An interruption to the knockout skein came when Don Mogard went the scheduled 10 rounds with him, although the decision, in 1949, Marcano's first New York fight, also in 1949, was against Pat Richards, whom he stopped in two rounds, and his next was the Vingo clash.

Among the good fighters that Marcano beat on the way up were Ted Lowery, Red Applegate, Rex Layne and Bernie Reynolds. In his early days Marcano's tutelage came, more or less, from a close friend, Allie Colombo, who died in an auto accident a year ago.

Weill, the sharpest boxing manager of the era, was finally persuaded to guide Marcano's career, and Weill was a strict, if not tyrannical, boss. He insisted that Marcano learn the ring rudiments from the late Charley Goldman, a veteran of the barge fighting days and Goldman was shrewd enough to mold Marcano's strength and durability in the fighter's ring education.

Marcano was elected to the Madison Square Garden's Hall of Fame in Boxing—along with Dempsey, Sugar Ray Robinson, the late Benny Leonard and Henry Armstrong—in June, 1967.

#### TRIBUTES OFFERED

Tributes to Marcano poured in yesterday from former opponents and ring officials.

From Camden, where he is director of community relations, Walcott said: "He was not only a great champ but a great American. He was a man of courage in the ring. Outside he was gentle and kind."

Louis, who was in Charlotte, N.C., to referee a wrestling match, remarked: "This is the saddest news I've ever heard." The Brown Bomber recalled the night of Oct. 26, 1951, when Marcano ended Louis' comeback try.

Emile Bruneau, president of the World Boxing Association, said that Marcano was a "truly great fighter" and a credit to boxing.

Abe J. Greene, international commissioner of the World Boxing Association, said: "He epitomized all the characteristics that true lovers of boxing held as their standards for the sport. In his latter days he had done much to carry the message of clean sports to hundreds of thousands of youths around the country."

#### THE ISSUE OF HIGH PRIORITY AND NATIONAL URGENCY

(Mr. COHELAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. COHELAN. Mr. Speaker, I am compelled once again to speak to an issue of high priority and national urgency, an issue deserving of our immediate attention, and of our faithful commitment. That issue is the critical state of the educational system in this country and

the need for increased Federal assistance to education.

To provide for the fullest productive development of our human resources, through excellence in our educational system, must always be one of our chief objectives. The education of our people is a national investment of importance to our future course and of extremely significant national consequence in terms of economic development and higher standards of living.

President John F. Kennedy reminded us that "education is a basic benefit of a free and democratic civilization, and as such remains the right, necessity, and responsibility of all." We were charged by the Kennedy administration with two goals:

A new standard of excellence in education; and the availability of such excellence to all who are willing and able to pursue it.

We must continue, at all costs, to pursue these goals with reason, with a new sense of responsibility, and with a spirit of determination and resourcefulness. The general upheaval and dissatisfaction so prevalent today among our people has basic roots in the weaknesses of our schools. Statistics show a distinct relationship between the deficiencies in public schools and the problems of poverty, unemployment, reduced earning power in later years, and social aberration.

Of perhaps more imminent concern and similarly related to deficient school systems is the crisis among our student population. It saddens us to read of the steady rise of violent student protests and demonstrations, of the increase in the use of drugs, of the rise in the juvenile crime rate, and of the high percentage of school dropouts. The whole concept of the "generation gap" is unsettling and worrisome.

A recent series of incidents on one of our large city college campuses is indicative of the disruptive ferment among our young people today. One of the central issues of provocation was the admission of underacademically qualified students to the college. Traditionally, city colleges accept their applicants without regard to stringent admission requirements. However, the ever-increasing number of students wanting to go to college, have forced these institutions to raise admission standards in an effort to contain enrollment, and also in an effort to maintain high quality academic standards. The high schools from which these students come are by and large inferior institutions, graduating, according to one source, about 15 college-qualified students per year. The students have thus become the victims of compounded circumstances; their frustrations are manifested in riots. The colleges, on the other hand, find themselves in a similar trap; if they accept underqualified students, they risk lowering of standards and loss of accreditation.

Today, we are witnessing a most dangerous and critical situation. We have a precious and valuable heritage to defend and perpetuate. So serious a cause cannot escape our attention and should no longer be placed aside for other concerns. I am convinced that educational needs

should warrant greater or at least the same priority as defense and space programs. I am also convinced that a conscious effort to meet the needs of our education system is a positive step toward solving our social ills, and that immediate action to increase the Federal contribution to education is imperative.

Traditionally, the public school systems have been the responsibility of the individual States and communities, but it is increasingly evident that support of the Nation's schools is fast becoming a burdensome strain on the States, and similarly on the individual taxpayers.

Recent surveys indicate that Federal support is not keeping up with State and local efforts. The facts are revealing and render a rather unfavorable indictment against the Federal Government in this regard. In the 1967-68 academic year, State taxes for elementary and secondary schools amounted to \$1.2 billion, and local taxes amounted to \$900 million, while the Federal share amounted only to \$109 million, one-twentieth of the State-local support.

On the State and local levels, more than three-fourths of the funds for education come from sales and property taxes. State sales taxes make up approximately one-fourth of these funds, and local property taxes account for more than 50 percent of the school funds. While sales taxes represent an important source of revenue, they have two inherent weaknesses in that they tend to be regressive and thus place a disproportionate burden on those least able to pay; and they are highly sensitive to economy changes and fluctuations—sales tax is one of the first taxes hit when consumer buying is curtailed.

Property taxes which presently provide for close to \$15 billion, or half the support for schools, tend also to be regressive and place a somewhat unfair burden on a rather large segment of our population. A measure of feeling against the spiraling of local property taxes is evidenced by the fact that school bond issues have been turned down at a rate of 55 percent during the past year, as compared with an average rejection rate of 25 percent in previous years.

In spite of the importance of these two sources of revenue, it remains that their yield is relatively insufficient when compared to the overall needs and requirements of the Nation's schools. It also remains that their levels are approaching a ceiling beyond which it would be unrealistic to go.

Studies have shown that there is a great degree of variation in the economic and financial ability of States to support their educational systems. Generally, low-income States tend to have a higher percentage of school-age children and consequently tend to allot a higher percentage of the total income for education, but are unable to equal the per pupil expenditures of the more affluent States.

Recent surveys have indicated a more rapid increase in per capita income in the lower income States, but trends do not suggest that the wide differences in State per capita incomes that exist in great degree among some States will disappear. The point of significance for all

of us is whether we can afford to wait for changing economic trends to improve educational opportunities while we know that one of the most effective ways of increasing productivity and raising per capita income is through improved educational systems.

We have a long and honorable tradition of aid to education in this country, developing from the conventional theory of State and local responsibility to a new concept based on "partnership" among Federal, State, and local governments, the universities, colleges, community action groups, and private corporations.

There has indeed been a Federal commitment to education at all levels, directed to the development of the manpower resources of the Nation. Federal support, consisting of a wide variety of programs—land grants, financial grants and loans, allocation of surplus commodities, and federally owned property, operation of special education programs and institutions, and cost of services and contracts—has been categorically allocated to specific programs, either in research, training, or instruction; aid to disadvantaged children; training and retraining programs for youth and adults for better job opportunities; special education programs in the sciences, mathematics, and modern foreign languages; and various vocational educational programs.

It was not, however, until 1965 with the ESEA that the Federal Government took a major step to assist our elementary and secondary schools. Since the enactment of ESEA, almost \$3 billion in Federal moneys have been invested in the Nation's school systems. By 1968, title I programs served 9 million children, including 500,000 nonpublic school students, in 15,000 school districts throughout the country.

Under ESEA, \$45 million was directed to assist 185,000 children of migratory farm workers, and \$30 million went to over 1,200 institutions for neglected and deprived children. In 1967, special educational services for over 80,000 physically and mentally handicapped children received \$12.9 million. Another \$5 million provided educational services to 50,000 Indian children in Bureau of Indian Affairs schools.

New library and instructional materials have been made available to approximately 43 million children and 1.7 million teachers in public and private schools. In addition, State educational agencies have increased their staffs by more than 2,000 members, in an effort to extend their services to local educational agencies.

We can be proud of the progress made thus far, but we must also be honest to the fact that we haven't begun to cut the surface of the problems. We still face an acute shortage of fully qualified teachers, a problem defined by HEW officials as "the Nation's most critical educational problem." Teacher's salaries remain embarrassingly inadequate, and we continue to be reminded of the pressing needs in the areas of overcrowded classrooms and outmoded, antiquated facilities.

Recent statistics released by the Office

of Education, HEW, and by the National Education Association dramatically point out needs in school housing and teacher supply. In the fall of 1968, there were approximately 1,709,000 classrooms available to house some 44,681,000 enrolled students. The teacher supply at that time was an estimated 1,909,900, providing average ratios of about 26 to 1. Established goals necessary to achieve desired levels of instructional and learning efficiency are pupil-teacher ratios of 20 to 1. To reach this goal, teacher recruitment must reach an annual rate of 215,229; the average annual teacher recruitment rate for 1962-66 was 192,117.

Teacher salary scales, a prime factor in the teacher shortage problem, are grossly unbalanced. In 1967 the average salary was \$6,830—27.4 percent below the metropolitan area budget of \$9,404 for a four-person family, and 18.1 percent below the nonmetropolitan area budget of \$8,391 for a four-person family, and 0.7 percent below the \$6,881 budget for a three-person family.

In 1968, the average annual salary throughout the United States for those with a B.A. degree was \$5,523, and \$6,065 for those holding M.A. degrees. These salaries compare rather unfavorably with other similar professions: 18.5 percent below those with a B.A. in liberal arts, \$6,780; 34.4 percent below those with a B.S. in engineering, \$8,544; 27.6 percent below those with an M.A. in liberal arts, \$8,376; and 39.5 percent below those with an M.S. in engineering, \$10,020.

In the 10 largest cities in this country, teacher salary scales are 10.1 percent below those with a B.A. in liberal arts, and 28.7 percent below those with a B.S. in engineering; in the category of master's degrees, teachers salaries are 21.1 percent below those in liberal arts and 34 percent below those in engineering.

ESEA represents an important beginning and in the few short years since its inception, it has certainly made beneficial contributions. It remains, however, a compensatory education program, and while the needs of our impoverished areas are great, we cannot forget that the general needs of our educational system are also great and equally deserving of attention and assistance.

It remains, also, that the efforts of the Federal Government are still not apace with those of State and local governments. Since 1965, State and local revenues for schools have increased four times over that of the Federal Government: State support has yielded an average of \$6 billion as compared to the Federal share of \$1.4 billion. Last year's total budget for elementary and secondary schools, as reported by the Office of Education, HEW revealed the following figures: total budget, \$31.7 billion; Federal share, \$2.6 billion; State share, \$12 billion; local share, \$17 billion; other sources, \$100 million.

The continual cut-backs in authorizations represent a most serious deterrent to the entire ESEA program. Total appropriations for ESEA programs for the fiscal year 1969 were \$1.5 billion—\$2.4 billion below the authorized level of \$3.9 billion. Title I funds, which provide support to school districts with large num-

bers of educationally disadvantaged children, totaled \$1.1 billion of an authorized \$2.8 billion. This appropriation was an estimated \$400 million less than was available for title I in the first year of ESEA.

The fiscal year 1970 budget requests show a \$1.6 billion for all ESEA programs—\$2.8 billion below the authorized level of \$4.4 billion; the request for title I funds was \$1.2 billion, less than half of the \$3.1 billion authorized.

The administration's failure to request adequate appropriations can only have a deteriorating effect on the entire program, and serves to undermine and negate much of the original purpose of the legislation. It is peculiar and alarming how we continue to cut back funds in the face of increasing costs in education, increasing needs, and growing school population. The appropriated funds will eventually be spread so thin, that their effectiveness will be questionable.

We must begin to look realistically at the situation and seriously reassess our priorities and responsibilities. An approximate \$5 billion per year appropriation level, which has been suggested by some advocates of increased Federal assistance to education, but which would seem excessive and unreasonable to some, merely represents a little less than one-half of 1 percent of the GNP for this year—1969. Surely we can afford a greater percentage of our resources for our Nation's schools.

I was somewhat encouraged by the House action on H.R. 514, the ESEA Amendments of 1969. This legislation offers hope for improvement, but I was strongly disappointed that this bill only provides for a 2-year extension of the ESEA programs, and I was disheartened that authorizations were frozen at the 1969 levels.

The times are difficult and great demands are pressing on all of us, but I cannot emphasize too strongly or emphatically the importance of this issue of increasing Federal aid to education. Our neglect of this area cannot continue.

Of first order, we should strive for full funding for all existing legislation. We must then proceed to careful consideration of legislative proposals designed to lend general overall support to our educational system, making sure that we provide for realistic authorizations and appropriations.

I suggest the following points to be incorporated as integral measures of any future legislation of this nature:

First, additional and better equipped school facilities;

Second, smaller total classroom enrollment;

Third, greater teacher-pupil ratios;

Fourth, more and better qualified teachers;

Fifth, more realistic teacher salary scales;

Sixth, additional paraprofessional staff; and

Seventh, funds for special education programs and teacher-training programs.

## HOW TO HANDLE CAMPUS AGITATORS

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, a great deal has been spoken and written about disorder created by a vocal minority on the college campuses. In this connection, a recent letter to the editor in the Columbus, Ohio, Dispatch suggested a solution which apparently was effective at St. Benedict's Monastery. Perhaps some of our college administrators can learn a lesson.

The letter follows:

"NEW" APPROACH TO CAMPUS STRIFE

TO THE EDITOR: The answer to campus anarchists was given centuries ago in St. Benedict's instructions on proper operation of monasteries:

"If any pilgrim monk come from distant parts, if with wish as a guest to dwell within the monastery, and will be content with the customs which he finds in the place . . . he shall be received for as long a time as he desires.

"If, indeed, he find fault with anything, or expose it, reasonably, and with the humility of charity, the abbot shall discuss it prudently, lest perchance God had sent him for this very thing.

"But, if he have been found gossip and contumacious in the time of his sojourn as guest, not only should he not be joined to body of the monastery, but also it shall be said to him, honestly, that he must depart. If he does not go, let two stout monks, in the name of God, explain the matter to him."

P. R.

COLUMBUS.

## NORTH AMERICAN ROCKWELL OV-10 BRONCO

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, notwithstanding recent disclosures before the House Appropriations Committee, North American Rockwell Corp., of Columbus, Ohio, has developed an outstanding aircraft in the OV-10A Bronco.

In the Armed Forces Journal of September 6, 1969, it is revealed the Air Force evaluation of the OV-10 in the South Vietnam close air support role that it responds 10 times faster than other aircraft heretofore used.

The article in full is reprinted:

OV-10AX? OV-10's 5-MINUTE SUPPORT RESPONSE TENFOLD BETTER IN AIR FORCE SEA TEST

(By Walter Andrews)

A recently completed Air Force evaluation of the OV-10 in the South Vietnam close air support role, called "Misty Bronco," shows the aircraft to be ten times faster in responding to Army close support requests than aircraft used heretofore.

### FIVE VERSUS FIFTY MINUTES

The "Misty Bronco" evaluation showed that the OV-10 could respond to a battlefield request for close air support in about five minutes, on the average. This compares with a response time of about 50 minutes for other close support aircraft now being used in Vietnam.

The ten-fold OV-10 response increase is particularly important in Vietnam, where



approximately 50% of all troop engagements last 20 minutes or less and involve an enemy force of ten or less.

"Misty Bronco" involved six OV-10s from the 19th Tactical Air Support Squadron (stationed at Bien Hoa) supporting a Brigade of the 25th Division. The tests, which began on 4 April, were completed on 13 June. Over 500 sorties were flown.

Shortly before completion of the two-month evaluation, General George S. Brown, Commanding General of the 7th Air Force, directed that all Air Force OV-10s in Southeast Asia be armed. Before, the OV-10s were used principally in unarmed observation missions.

Service officials say that "Misty Bronco" utilized the OV-10 in a "new concept" of close support aircraft tactical deployment.

Taking advantage of the aircraft's loitering capability "a couple were always kept orbiting in the battlefield area."

Such a concept was found to be, either too expensive or impractical with other craft (such as the F-4, F-100, and A-37) designed for higher altitude missions, but used in Southeast Asia for close support work.

#### OTHERS NEEDED FAC

Pentagon officials also said the Misty Bronco tests showed that the other aircraft needed the aid of another FAC (Forward Air Controller) observation aircraft on the scene in order to be effective. In contrast, the OV-10 worked alone.

Because of armoring limitations within the Air Force, the 5 June order to arm the OV-10 just involved rockets. However, the Air Force expects to be able to arm, supply, and maintain the OV-10's 4M80C machine-gun by the middle of this month.

#### AX OV-10?

The Misty Bronco evaluation could affect the oft-proposed but seldom-approved Air Force/O&D Systems Analysis program for a new AX close support aircraft.

When proposed for development, the OV-10 was promoted by ODD&E as a low-cost, fast-response close-support aircraft. However, Air Force and Marine Corps buys of the OV-10 were predicated principally on its utility in observation and forward air control missions.

Within the last two weeks, "supplemental" Concept Formulation studies on the AX were completed and forwarded to the Secretary of the Air Force. The additional studies were done at the request of the Office of the Secretary of Defense.

With Air Force priorities and funding largely committed to a new air superiority fighter and a new strategic bomber, prospects for a new AX development program no longer appear as good as they have been.

The cost of the OV-10 also may stand it in good stead. The aircraft is estimated at \$450,000 per fly-away aircraft, compared with an estimated cost of over \$1 million a copy for the AX.

The OV-10 is produced by North American Rockwell's Columbus Division. It is equipped with five external store stations and two external missile stations. All external store stations have a 600-pound capacity with the exception of the centerline store station, which has a 1,200-pound capacity.

Internal armament consists of four fixed, forward-firing, 7.62mm machine guns.

The AX, however, would carry more iron bombs, have an armor-defeating 30mm high-velocity cannon, and carry ordnance better suited against "hard targets."

The Senate Armed Services Committee recently recommended funding for AX development.

Senator Howard W. Cannon (D-Nev.), Chairman of the Committee's ad hoc Subcommittee on Tactical Air Power, said he didn't think both the Army's Cheyenne helicopter and the Air Force's AX could be sup-

port for close air support (JOURNAL, 26 July).

"However, when the Army cancelled the Cheyenne helicopter program and, after independently reviewing the proposed AX program, we recommended that funds for it be authorized."

Cannon said a total AX program cost of \$1.467-billion "will buy slightly less than 1,000 aircraft." Total R&D costs are estimated at \$137-million, he said. (Some Pentagon officials, however, say that AX R&D costs are likely to be much higher. According to these sources, one version of the Air Force's FY '71 budget request shows that over \$140-million would be needed for AX development in FY '71 alone.)

As now planned, AX would fly at gross weights of about 44,000 lbs.—roughly four times that of the OV-10. One Air Force estimate shows a unit fly-away cost of \$1.22-million for the AX.

#### OV-10 PRODUCTION

A total of 271 OV-10s have been produced. Of these, 114 have been delivered to the Marine Corps and 157 to the Air Force. However, 18 of the USMC OV-10s were diverted to the Navy in Vietnam for Riverine missions in the Delta. Those Navy OV-10s have flown armed missions using the Hughes MK 4 20mm gun pod, 7.62" rockets, and the conventional ordnance. The Navy aircraft fly at gross weights of about 14,000 lbs., compared with 11,000 lbs. for most Air Force missions.

To date, OV-10s have logged over 60,000 flying hours in Vietnam. In addition to the 19th Tactical Air Support Squadron (TAS), Air Force OV-10s are flown by the 20th and 23rd TAS, Marine Corps units using the aircraft are VMO-2 and VMO-6. The Navy Riverine missions are flown by VAL-4.

The last OV-10 was delivered to U.S. forces in April of this year.

However, North American is continuing production to fill an order for 18 aircraft from the Federal Republic of Germany. The first two of these OV-10s will be delivered in January of 1970. Germany has ordered a special version, with a J-85 engine mounted atop the fuselage. The modification is expected to increase OV-10 cruise speed from 245 knots to about 300 knots to meet German needs for target-towing missions.

#### A NEW ZEALANDER COMMENTS ON APOLLO 11

(Mr. MIZE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MIZE. Mr. Speaker, President Nixon told us of the warm response he met in nation after nation on his recent world trip. He commented on the special pride that all men shared in the accomplishments of our Apollo astronauts, and the team that supported them back here on earth.

Recently Thad M. Sandstrom, general manager of the WIBW radio and TV in Topeka, Kans., wrote an editorial for his stations which highlights the truly international significance of the U.S. space program. I know my colleagues will be heartened by its message. Under leave to extend my remarks at this point in the Record, I insert the WIBW editorial, as follows:

Much has been said and written about the landing on the moon. It seems to us that after all the arguments about the validity of the dollars spent to put a man on the lunar surface, perhaps the most important immediate benefit is the rise in the American prestige—with the world's people taking on a

new respect for the American system of government and economics.

A few days ago, a letter arrived in Topeka addressed to Dick Harrison, President of the Fleming Company. It came from an IGA grocery concern in New Zealand, and the letter demonstrates, it seems to us, what the moon landing means to others—and in turn to us.

"We here in New Zealand have watched with great interest and indeed wonder at the unbelievable and fantastic achievements of your heroic astronauts.

"We are all very humble indeed and we have developed a tremendous admiration not only for your astronauts but for your scientists, engineers, doctors and indeed every single person involved in every minute detail of this tremendous feat. We are overwhelmed by the sheer efficiency, accuracy and precision with which every single foot of the journey has been planned and calculated. No one could be other than completely overawed with the magnitude of the success.

"We are proud too of the American people and their ideology; we are proud of the unselfish way in which the world has been allowed—no not allowed—welcomed in to share in the experience of living every minute of the journey; we are proud of the way in which your President expressed such an earnest desire that this could lead to everlasting peace since so many people on this earth were for once united in their hopes and prayers for success.

"We are proud too of your Astronauts Neil Armstrong and Edwin Aldrin as indeed we are of Michael Collins whom we believe deserves special mention. Although his part was not publicized as being as spectacular, we do recognize the tremendous courage that it must have meant to watch and wait for what must have seemed an eternity for him whilst his companions risked their lives in the interests of Mankind universally. What would failure have meant to him? Abandonment of his fellow astronauts knowing there was still life for a few hours; the turning of Apollo 11 away from them forever; the unthinkable prospect of returning to the earth completely alone and finally the prospect of living with his vivid and ghastly memories thereafter. Who could be other than proud of these courageous people?"

That letter from New Zealand was mailed in a special souvenir envelope picturing Astronauts Armstrong, Aldrin and Collins. It quotes Armstrong's phrase that will go down in history . . . "One small step for a man—One giant leap for Mankind." Indeed, the moon landing has great implications for the future prestige of the United States in the world—and in selling the world on the American way.

#### DOES THE NATION WANT BIGGER TRUCKS?

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, again this year we will be faced with the decision whether to allow heavier, longer, and wider vehicles on our Nation's highway systems. Last year a similar proposal was defeated on the floor of the House.

The proponents of this year's bill have attempted to make it more palatable by inserting in the bill a length limit of 70 feet for any kind of vehicle. However, a clause "grandfathering in" all special permits effective in all States as of July 1, 1969, effectively evades this length limitation.

Last year's bill created a great deal of controversy and there is little reason to

believe that it will be any different this year.

Mr. John O. Morton, former commissioner of public works and highways of New Hampshire, and past president of the American Association of State Highway Officials—AASHO—recently sent me the following letter and newspaper column which depicts his feelings on this bill. May I say that the views of Mr. Morton can be accepted with the utmost confidence as he has proven himself through many years of public service, to be one of the top experts in matters involving public works and highways.

This column, written by James J. Kilpatrick, is a very good, brief explanation of the facts surrounding this bill, H.R. 11870.

The letter and article follow:

CONCORD, N.H.,  
August 11, 1969.

HON. JAMES C. CLEVELAND,  
Longworth House Office Building,  
Washington, D.C.

DEAR JIM: The attached clipping from the Boston Globe dated August 6, 1969 quite accurately states the feeling of the American people with regard to bigger trucks.

Sincerely,

JOHN O. MORTON.

[From the Boston (Mass.) Globe, Aug. 6, 1969]

#### DOES NATION WANT BIGGER TRUCKS?

(By James J. Kilpatrick)

WASHINGTON.—At one time or another, every motorist has known the miserable experience—sometimes the terrifying experience—of trying to pass a tractor-trailer truck in foul weather conditions. The box-car profile blocks the road ahead. One gropes through rain and flying spume, hands gripping the wheel. Just a couple of feet to the side, 35 tons of steel are rolling along at 60 miles an hour. At last you get around; and behold: another truck ahead.

A House subcommittee resumes hearings this week on a bill that brings these recollections vividly to mind. The bill would set new permissible maximum width, weight, and length limits for the interstate highway system. Truck and bus companies are ardently supporting the bill; the American Automobile Assn., representing passenger car drivers, is just as dead set against it. For my part, I wish there were some way to find a compromise down a middle lane.

Proponents of the bill make an excellent case—up to a point. The present interstate width and load limits were fixed 13 years ago, according to standards laid down in 1946. Since then, the interstate highways have come into being. It is a plausible contention that these magnificent freeways are capable of handling wider and heavier loads than the old primary highways could take.

The bill would permit the states to authorize an increase in single-axle loads from 18,000 to 20,000 pounds; an increase in tandem-axle loads from 32,000 to 34,000 pounds; and an increase in the gross load limit from 73,280 pounds to a higher figure obtained from a length and axle formula. The maximum permissible width would be increased from 96 to 102 inches.

These changes are recommended by the U.S. Bureau of Public Roads. They are not opposed by the American Assn. of State Highway Officials (A.A.S.H.O.). The point is made that roughly half the states already permit these higher load limits, under a grandfather clause inserted in the basic Federal act of 1956. The proposed increase in maximum width would make it possible for trucks to carry cargoes (such as plywood) that come in multiples of eight feet; the extra six inches,

it is said, also would contribute to greater stability and to greater safety.

So far, so good. The ordinary motorist may wince at the greater width, but it is hard to object to the proposed new limits on weight. At about this point in the debate, however, the proponents run out of gas; the remainder of their case is much less impressive.

The bill proposes a Federal length limit of 70 feet. It's too much. Oregon now allows up to 75 feet on designated highways and Nevada has a 70-foot limit, but 27 states hold to 65 feet. Iowa limits length to 60 feet and 20 states have a 55-foot limit. Both the Bureau of Public Roads and A.A.S.H.O. recommend 65 feet. In asking for this added length, the truckers are getting grabby.

Proponents of the bill emphasize that the bill is "only permissive"—no state would have to approve the higher limits; and they point out that the new dimensions would apply to the interstate highways only. The answer to this is, unh-hunh, or who's kidding whom? Once the higher limits were authorized, the truckers' lobby would roll into high gear; few legislatures would resist. And as spokesmen for counties and cities have observed, the new behemoth trucks would have to get on and come off the interstate system by way of old highways and bridges not meant for the mastodon size.

The truckers say that larger trucks will produce economies in freight expenses, which economies in turn will be passed along to consumers. It seems doubtful. Consumers have not seen many such economies lately. The truth is that this bill would benefit truck and bus companies. Okay, but let's leave it at that.

Substantially, this same bill passed the Senate last year, but died in the House when the 90th Congress ran out of time. On balance, the better arguments still lie against the bill. Unless a reasonable compromise can be found, the resurrected measure ought to be interred again.

#### THE PEOPLE'S RIGHT TO KNOW

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, 2 years have passed since our able colleague, the Honorable JOHN MOSS, of California, spearheaded the passage of the Freedom of Information Act. This landmark legislation furnished the basis for legitimizing the people's right to know. Representative Moss, acting in his official capacity as chairman of the appropriate subcommittee and also because of his great personal interest in freedom of information, has helped push forward the frontiers in many areas where resistance has been encountered.

And yet the narrow and encrusted bureaucratic resistance has hardened in some agencies, and among particular types of individuals who do not fully deserve to be labeled as "public servants." Among some agencies and individuals there appears to be a misguided zeal for secrecy which has its roots in what the psychologists appropriately term "insecurity." This insecurity breeds an excessive, overkill amount of security. Timidity or perhaps fear of what superiors might think frequently generates the overcautious suppression of information to which the public is entitled. Also, the source of an inquiry often dictates the generosity or the clamlike response to a

request for information. Consumers and students, young people and newspapermen, liberals and labor sources somehow always have greater difficulty obtaining information than producers and industrial interests, staid conservatives and bankers, lobbies for the manufacturers and top-drawer firms with wealthy clients.

During this past summer, a group of public-spirited younger lawyers and students, led by Ralph Nader, Gary Sellers, Reuben Robertson, John Esposito, Harrison Wellford, James Turner, and Robert Fellmeth, compiled a "Status Report on the Responsiveness of Some Federal Agencies to the People's Right To Know About Their Government." This report was released on August 26, 1969, and because of its interest to all Members, it is useful to have the complete text of this report:

A STATUS REPORT ON THE RESPONSIVENESS OF SOME FEDERAL AGENCIES TO THE PEOPLE'S RIGHT TO KNOW ABOUT THEIR GOVERNMENT  
(By Ralph Nader, Gary Sellers, Reuben Robertson, John Esposito, Harrison Wellford, James Turner, and Robert Fellmeth)

A well informed citizenry is the lifeblood of democracy, for in all arenas of government, information, particularly timely information, is the currency of power. The criticality of information is illustrated in the reply of the Washington lawyer to one who asked him how he prevailed on behalf of his clients: "I get my information a few hours ahead of the rest."

In this Nation, where the ultimate power is said to rest with the people, it is clear that a free and prompt flow of information from government to the people is essential to replace the myth of democratic pretense with the reality of citizen access to a just governmental process. It was with these truths in mind that Congress passed, after a decade of temporizing, the Freedom of Information Act (FOIA) in 1966. The Act became effective on July 4, 1967. When President Johnson signed the bill into law on July 4, 1966 he stated: "I have always believed that freedom of information is so vital that only the national security, not the desire of public officials or private citizens, should determine when it must be restricted."

It is apparent that intention far exceeds performance when it comes to statements by public officials about freedom of information policy. Never has a theoretical consensus hovered around such a shambles of divergent reality. The Freedom of Information Act, designed to provide citizens with tools of disclosure, has been regressively forged into a shield against citizen access. It is important to remember that the FOIA is a unique statute. Its spirit encourages government officials to display an "obedience to the unenforceable." For insofar as the statute is enforceable, the duty devolves to the citizen. Few citizens are able to engage an agency in court—the only recourse afforded by the Act. Those who can afford judicial recourse are special interest groups who need the protection of the FOIA least of all. Consequently, as a practical matter, the attitude of agency officials toward the rights of the citizenry overwhelmingly determines whether the FOIA is to be a pathway or a roadblock.

After three months of exploring the frontiers of the Freedom of Information policy of several federal agencies, with one hundred students working in study groups coordinated by the undersigned, we have reached a disturbing conclusion: that government officials at all levels in many of these agencies have violated systematically and routinely both the purpose and specific provisions of the law. These violations have

come so regularly and with such cynicism that they seriously block citizen understanding and participation in government. There is prevailing an official belief that these federal agencies will not stand for searching inquiries, or even routine inquiries that appear searching because of their rarity, from its citizens.

The term "citizens" is used in this context to refer to any person or persons who are not regulated by the agency and who do not constitute an organized, special interest group. The distinction is important because most agencies have a two-pronged information policy—one toward citizens and one toward the special interest groups that form the agency's regulatory constituency. For the latter, a pattern has emerged of preferential access and treatment over the years. The lobbyists, the trade associations, and the corporations have made the contacts, have developed the institutions (e.g., industry advisory councils) and have generally compromised or intimidated the agency personnel into affording them entry into the early decisional process prior to public surfacing of rule-making, advanced rule-making, policy speeches, and the like. And it is during the inner council discussion stage, the draft-report or draft-standard stage that most of the decisions are made. The options for public impact at later, public stages narrow very rapidly when there is an established system of preferential access to industry or commercial groups. As is well known to the Washington press corp, this process occurs in the Department of Interior with the oil and coal industries, and with the federal banking agencies and the banking industry—to name two of the more egregious wedlocks.

The relationship between free access to information and responsible government is very direct. All of the agencies we have studied enjoy large discretionary power over the programs they administer. Under the agency's legal structure, they can go one way or another; they can delay action, decide what portions of the law to enforce or not enforce, and even adamantly refuse to carry out programs mandated by Congress. These agencies are more agencies of discretion than they are of law. Within limits, this is often necessarily the case, but without free and fast information to the public, discretion more easily becomes an absolutism or tyranny for the common citizen.

Professor Kenneth O. Davis defined discretion in this way:

"A public officer has discretion whenever the effective limits on his power leave him free to make a choice among possible courses of action or inaction. /D/Discretion is not limited to what is authorized or what is legal but includes all that is within 'the effective limits' on the officer's power. This phraseology is necessary because a good deal of discretion is illegal or of questionable legality. Another facet of the definition is that a choice to do nothing—or to do nothing now—is definitely included; perhaps inaction decisions are ten or twenty times as frequent as action decisions. Discretion is exercised not merely in final dispositions of cases or problems but in each interim step; and interim choices are far more numerous than the final ones. Discretion is not limited to substantive choices but extends to procedures, methods, forms, timing, degrees of emphasis, and many other subsidiary factors."

The Freedom of Information Act which came in on a wave of liberating rhetoric is being undermined by a rip tide of bureaucratic ingenuity.

"The law was initiated by Congress and signed by the President with several key concerns," says a 1967 Attorney General's Memorandum. These are: "that disclosure be the general rule, not the exception that all individuals have equal rights of access; that the burden be on the Government to justify the withholding of a document, not on the

person who requests it; that individuals improperly denied access to documents have a right to seek injunctive relief in the courts; that there be a change in Government policy and attitude."

The Act then explicitly provides for nine exemptions which offer a vast amount of discretion—so vast that to call these exemptions loopholes would be to indulge in the grossest kind of understatement. Exemptions for "internal communications," for material deemed to be compiled for investigatory purposes, for information "given in confidence," are agency favorites. Federal Trade Commission officials have discovered that merely instructing a secretary to open an investigatory file and dropping the item in it serves to take care of the FOIA. And as more people are learning, FTC investigational files have every potential of lying, fossil-like, undisturbed by the concern of bureaucratic man.

The broad ambit of discretion, worked upon by agencies which differ in their degree of commitment to public and special interests, is also leading to differing and inconsistent proliferation of practices and interpretations. Each agency has created its unique 'common law' in interpreting the act and in developing a maze of confusing regulations. Information which is claimed to be exempt from disclosure in one agency is freely given in another agency. (For example, records of advisory council meetings—United States Department of Agriculture—no, National Highway Safety Bureau—Yes. The Federal Extension Service (USDA) gave the students permission to ask the Inspector General to see the audits; the Farmers Home Administration did not.)

Agencies also differ in the depth of the "appeals tier" within the agency which a petitioner must exhaust before he can go to the courts for relief. Each appeals point on the tier increases the probability of exhausting the petitioner and mooting the quest, especially when each internal appeal takes weeks or months. Consumers Union's experience with the Veterans Administration is a good example of how much stamina and resources a petitioner requires to obtain test results of so mundane a product as hearing aids.

There is little doubt that if government officials display as much imagination and initiative in administering their programs as they do in denying information about them, many national problems now in the grip of bureaucratic blight might become vulnerable to resolution.

The particular intransigence characterizing refusals to provide requested information by various agencies studied this summer is noteworthy. These are not agencies in the "sensitive category." They do not deal with military or foreign affairs. They are entrusted with the most sympathetic missions in the governmental arena—health, safety, food purity and distribution and transportation. Yet even under daily approach and reasoned requests, these agencies refused to provide information, some of which is described below. One can imagine the chances of a citizen writing in from Kansas or Oregon.

What follows is a focus on those agency acts which violate or misinterpret the Freedom of Information Act. However, it is encouraging to take note of the many public servants in the federal government who have respect for the purpose of the FOIA and who frequently bridle under restrictions by their superiors that they believe wholly unjustified. The benefits of the openness of these civil servants, who have provided accurate information to the students as well as to any other interested persons, have been to further the interest in citizen involvement. Not only have the students been able to obtain a more comprehensive picture of the workings of their government, but agency personnel have in many cases received im-

portant insights and feedback from the dialogue they have established with the students. By a significant margin, the National Air Pollution Control Administration (HEW) has displayed the most open position on information access. Against this standard of performance, other agency restrictions become even more outrageous as to their ulterior purposes in protecting incompetence and cloaking regulatory surrenders to special interests—e.g., non-enforcement of the laws governing the behavior of corporations.

It is now appropriate to describe some of the concrete instances of government secrecy and the techniques used to exhaust petitioners from persisting in their quest.

1. The FOIA provides a specific exemption from mandatory disclosure for material which is an "investigative file." The text says: "[no disclosure is required of] investigative files compiled for law enforcement purposes, except to the extent available by law to a private party."

The intent of this exemption was to protect that kind of investigative material which if revealed would undermine law enforcement. Thus, in order for material to qualify as an "investigative file," it must be both investigatory in nature and capable of being used in a law enforcement proceeding. That is, even "investigatory" parts of the file are only exempt for so long as they can be used in a law enforcement proceeding, i.e., if law enforcement is still possible, those investigative parts of the file which relate to that enforcement may also still be privileged. When any prosecution proceedings are completed or precluded by other factors, then the entire file should be open—unless other investigative files would be directly impaired by its disclosure. The fore-going is the broadest possible interpretation that can be taken of that provision in the Act.

Several agencies have not been satisfied, however, with even these broad limits on the "investigative file" principle, so they have expanded and transmuted its character by changing the definition of what is an investigative file. For example, the Department of Labor has denied public access to their records of past (5, 10, and 15 years old) violations of the Walsh Healey Act which sets minimum wages and safety standards for businesses which have more than \$10,000 worth of sales to the Federal Government. The only sanction for violators is a 3 year bar from further contracts. Thus the Department of Labor keeps secret the nature of past violations which have ceased and are two decades old on the theory that the Labor Department might still get around to using these violations in some future law enforcement proceeding. The Department of Labor also restricts even their record of corporate violations of these Walsh Healey standards (rather than the investigative reports within the files). These records and the records of violations filed by inspectors are analogous to records of traffic tickets and were denied to students. In the selected industry reports (showing what companies had been inspected) the Labor Department blocked out the names of all companies inspected before allowing the students access. These denials were then followed with a request for the students to sign a pledge of non-revelation in order to receive the documents.

Another illegal broadening of the "investigative file" exemption is invoked when other excuses fail. This is when the agency places public information in an investigatory file and then refuses to separate the two. For example, the Department of Labor has claimed that all material in all Walsh Healey files is "investigative" even when the requested material is non-investigative in nature. Thus, the Department secures secrecy by its own comingling and subsequent refusal to separate. The Department then completes its denial to the records of their enforcement of that Act.

2. The FOIA provides a specific exemption for internal governmental papers in order to preserve and encourage the freedom of internal communication within government and to prohibit premature disclosure. The text of that exemption says: "(no disclosure is required of) inter-agency or intra-agency memorandums or letters which would not be available by law to a private party in litigation with the agency."

The legislative history of this exemption makes it clear that, in judging whether non-disclosure was to be allowed, the prime criterion was to be the relative finality of resolution of the issue in any such document. The evil to be prevented by the exemption was, in the words of the House Report "premature disclosure."

In practice, several agencies have illegally broadened this exemption to deny access to matters relating to past decisions within the Executive Branch. The Department of Agriculture has gone further and denied access to the minutes of the National Food Inspection Advisory Committee and the Poultry Advisory Committee. Those committees are made up of non-federal personnel, including private members, and their alleged purpose is to suggest policy and discuss new hazards to the public interest. The Department wants to prevent the public from realizing what an impact private interest groups and their state satellites have on meat and poultry inspection policy and what conditions and new hazards exist.

The Interstate Commerce Commission has also invoked this exemption to deny public access in specific areas to records of Congressional correspondence with the ICC. Also the ICC has declined to release a six year old study of the ICC made for it by the Civil Service Commission. The ICC has also refused to make public the past evaluations of ICC performance which were prepared by ICC personnel. Thus, no information is released as to how the agency assesses its performance. The public usefulness of a contrary policy was seen a few weeks ago when an internal FDA evaluation report was made public. The Department of Labor has misused this exemption to deny public disclosure of their interpretations of the Walsh Healey Act—made in 1936—even though that Act has been amended several times since and the public need for this information is essential if any determination of how the law has been administered over the last 33 years is to be made.

Other illustrations reflect the variety of excuses for denials. The Department of Defense has denied access to information on the quantity of oil being pumped from the bilges of naval ships on the grounds that this data will be included in a report which contains operational data relative to military characteristics and will therefore be classified. The water pollution study group wanted information about oil dumping. The Defense Department makes no claim that the specific information requested is itself classified or in any way exempt from the FOIA. DOD is a past master of the "contamination technique"—take several doses of unclassified material that may prove embarrassing and mix them with other doses of classified information and, lo and behold, the sum is entirely classified. Civilian agencies have been quick to deploy this method.

The Federal Water Pollution Control Administration has denied access to copies of research proposals made to but not accepted by FWPCA. The study group wanted this information to assess the research priorities at the agency, to determine whether there was any unfair preference by FWPCA and to see what reasons were given for denial of such proposals.

Only under pressure from the study group and the New York Times did the ICC finally release information pertaining to the ex-

pense accounts of ICC commissioners which were assumed by industry groups when the commissioners visited trade meetings.

Before continuing on to discuss even more flexible techniques for information suppression, the point must be made that most of the exemptions in the FOIA are discretionary—that is, with the exception of other statutory restrictions and Executive Orders, the agency does not have to invoke the exemption. It is still expected to produce the information and not take advantage of the exemption without a strict shouldering of the burden. Instead, agencies are simply offering the particular exemption as a reason for denial and not producing the underlying facts which are entitled to invoke the exemption.

Agencies are developing ever refined ways to handle requests under FOIA. Here are some:

The typical tactic is to delay replying for several weeks and then state that the request for information was not specific enough. This tactic has enormous potential and agencies like it. First, if the agency does not permit the inquirer initial access to learn what specifics the agency has, he has no choice but to make a more general request. Any agency knows that one level of secrecy can lead to more exquisite levels of secrecy. So the organization or filing of the information possessed by the agency is not revealed. Consequently, the citizen is exposed to a charge of non-specificity. The more knowledgeable and fraternally received lobbyists, on the other hand, have no such problems. The Department of Agriculture, especially its Pesticide Regulation Division, has perfected this dismal science to a degree that it may uproot itself by the excess of its success.

The Department of the Interior used the delay technique with all the arrogant presumption of the new Assistant Secretary of Interior, Carl Klein. He developed a hamstringing system of centralized appointments and a centralized room for interviews to be conducted under the watchful eye of his monitors. In the initial three weeks of the study, the Department repeatedly denied information by cancellation or delay of scheduled meetings and by this monitoring device. An appeal to Herbert Klein, Director of Communications and Secretary Hinkel was necessary to instruct Mr. Carl Klein in his duties to the public. He withdrew his edicts promptly. But other delays emerged. For example, the memo of FWPCA's assistant commissioner for enforcement (which outlined the enforceability of water quality standards) was released only after a 10-14 day delay after the initial request and an appeal to the DOI's information officer. The reason given for the delay was the assertion that this document was still in the working paper stage; however, the paper had already been completed and circulated. Since any work of man can always be perfected, the designation of "working paper" can have no discretionary limits which is another way of saying that the agency who exploits this technique becomes a law unto itself.

A closely related response to the "working paper" one is that the information is still not verified or is in incomplete form. The FWPCA gave the latter as the reason for refusing, following a ten-day delay, a student permission to see reports on the status of water pollution abatement programs at 20 federal installations. There is a written demand pending to see the information in whatever form it exists since we have taken the position that the agency's laxity in compiling this information is a self-serving and illegal basis for denial of access.

This request for the status reports on 20 installations was made after FWPCA denied more detailed information about the entire problem on the ground that this general information would give the researcher a "warped impression." (At another time this

same researcher was told that release of information would endanger Interior's relationship with DOD "because DOD is finicky about releasing figures on total sewage." Presumably, the enemy could then rush back to its abacus and calculate the manpower strength of the base. Sewage from domestic military bases is a national security matter, according to FWPCA. It could co-incidentally be a national pollution matter that is the basis of the reluctance.

More primitive responses come forth as an agency loses its last reedy rationalizing props for withholding information. Relevant materials on pesticides in the Department of Agriculture\* disappeared, on the action of a high official, after the students began researching them with permission at the Pesticides Regulation Library. Outright lies are not unknown as shown by the attached appendix II describing in greater detail the Civil Aeronautics Board experience. The National Highway Safety Bureau has denied any knowledge of preferential release to General Motors in late June of an Army medical team report on offbase accidents involving servicemen in Europe. But it was sent to GM privately. Since the company has recalled several million cars for a carbon monoxide hazard, GM can be forgiven its urgent interest in a medical report showing high CO levels in the automobile crash victims' blood. But why not let all the people know at the same time? The report is being released today.

The Food and Drug Administration, which has been more cooperative than some of the other agencies in releasing information to the study group about food purity regulation (perhaps because it has so little to reveal) claimed through an official spokesman that it maintained no brand name list of beverages containing cyclamate. Such a list, however, had been used repeatedly to answer specific inquiries about specific brand names. On learning that the inquirer was part of the summer study group, the agency made the list available. This illustrates that whatever difficulty we may be having, the lone citizen making inquiry by mail from afar or even by visiting the agency is subjected to more government secrecy.

Another generic technique of preferential treatment is to compile the kinds of information that industry desires but decline to compile the information that a consumer or laborer could use. The Department of Interior compiles much information of use for the minerals industry but very little benefits consumers or workers. The Interior Department had to be pushed and prodded to develop a report on environmental depredations of the coal industry, after half a century, and then was reluctant to make it public. Consumer-related information about federal oil policy—from quotas to offshore leases—have been most hard to elicit from Interior. The same imbalance prevailed for hazards in off-shore drilling.

Search costs and reproduction costs can daunt a citizen after he has secured access to agency information. Copying fees range from no charge in some agencies to \$1.00 a page in other agencies. Similarly, some agencies charge no search fees, others charge up to \$7.20 per hour. Why the difference?

In conclusion, what are some lessons to be learned? First, the Freedom of Information Act is not being used by the public to secure relief in the courts. Since the effective date of the FOIA on July 4, 1967, court records reveal that 40 cases were brought under the FOIA (to March, 1969). Thirty-seven of these cases involved actions by corporations or private parties seeking information relating to personal claims or benefit. In only three cases did the suits involve a clear challenge by or

\* See Appendix I for additional USDA denial.



for the right of the public at large to information. Even more significant, no records have come to our attention of any court actions initiated by the news media who should be the prime public guardians and litigators under the FOIA. Patently, the effect of the FOIA cannot be measured by court cases. But just as patently, a mere 40 cases in the first 20 months of the Act's history are shocking. There need to be institutions, be they public interest law firms, Universities, Law School Law Reviews, newspapers, magazines or the electronic media, who systematically follow through to the courts on denials of agency information. The individual citizen just does not have the resources.

The FOIA will remain putty in the hands of narrow-minded government personnel unless its provisions are given authoritative and concrete interpretation by the courts. Such litigation then feeds back a deterrence that radiates throughout an agency. Many general counsels of agencies are straining the Act to its utmost and beyond because of the improbability of judicial review. The new General Counsel of the Federal Highway Administration, David Wells, has already begun to apply the Byzantine secrecy that he learned from his former railroad and trucker employers. He now wants to prevent disclosure of violations of automotive safety standards to the public. Yet these violations are relayed quickly to the manufacturer involved. The corporation has the right to receive them but not the motorist who may become a casualty because of not knowing about the safety violations in his car or tires. David Wells will have much to learn and like his mentor, Francis Turner, will probably have to learn it all in public.

Second, Congress is not exercising adequate oversight over the way the FOIA is being observed. There have been no Congressional hearings since the Act was passed, although there is abundant material for a most worthwhile public hearing series. Two reports, one from the House and one from the Senate, have been published compiling the regulations and containing responses to some inquiries from the respective committees. Comprehensive Congressional hearings are a must.

Third, a Presidential review group should be constituted to eliminate the inconsistencies which now exist, and are increasing, among the FOIA compliance regulations of the various federal agencies. This group should also establish uniform ground rules which will make it exceedingly difficult to achieve devious and illegal circumventions of the FOIA. For example, there should be a clearcut injunction against the commingling tactic and agencies should be required to separate or segregate the public information from what information may be legitimately withheld. For another example, there should be a one-stop appeal in the agency before judicial review. Stacking up layers of appeals within the agency is a strategy of attrition and facilitates divergent policies within the department or agency.

Fourth, each agency should be specifically required to (a) respond in some manner to all information requests within 7 days of receipt of such request or a specific reason given to justify further delay; (b) have available in the Washington office, and elsewhere as needed, a public information reading room with access to copying machines; (c) prepare in advance and have available in the public reading room that data most typically requested of the agency and all relevant data showing workload, productivity, law enforcement activities and similar agency evaluation information, as well as agency-Congress and agency-public records. Such a system will not only encourage more citizen interest—which should be a frontline policy of all agencies—but also will improve the efficiency of response to citizen requests.

Fifth, specific procedures should be de-

veloped for taking corrective actions when federal officials resort to harassment techniques or other actions contrary to the FOIA. The establishment of a Director of Communications earlier this year offers the opportunity to develop effective sanctions on agency leaders who generate or condone such secrecy. Without such review and sanctions from the White House, agencies will continue to thwart or violate the Act with impunity. The most important distinction between agency responses toward information requests is the distinction between the agency's leadership. Clearly then, the most important factor in the Executive Branch for freedom of information is the President himself. And it is up to you, ladies and gentlemen of the fourth estate, to remind him continually of this first imperative.

#### APPENDIX I: SOME INFORMATION EXPERIENCES WITH THE U.S. DEPARTMENT OF AGRICULTURE

1. Racial hiring charts for individual electric cooperatives financed by REA loans: although the REA's information office decided to give the information, the Department's Office of General Counsel removed it without telling REA. On appeal to the REA administrator, the charts were made available.

2. Information on the fat content of various brand name frankfurters tested by the Department since 1955. Denied.

3. The Farm Credit Administration's record on the recipients of FCA-approved loans. The FCA must approve loans of more than \$100,000 made by federal land banks, and other large loans made by the production credit boards. The FCA has refused several times to reveal the names or locations of the recipients, or the sizes or terms of the loans.

4. Results of the Federal Extension Service's study of its program operations in 60 counties, done in 1965 and 1966. Denied.

5. Lists of specific pieces of information that agencies consider exempt from disclosure under the Freedom of Information Act. Denied.

6. Minutes of meetings of the National Food Inspections Advisory Committee and the Poultry Advisory Committee. Denied.

7. Minutes of meetings of the Citizens Advisory Committee on Civil Rights, whose members were private citizens. Denied.

8. Records of any civil rights complaint—concerning either hiring problems or program discrimination—made against the Department. Each one of the agencies, as well as the Department's civil rights staff, has refused to tell us who has complained, how the complaints were investigated, and what the Department has done to correct any violations it found. Denied.

9. Audits done by the Department's Inspector General on various agencies. After all our requests for audits were routinely turned down, we asked to see summaries of some of the audit findings. This was refused. In one case, both the audited agency (the Federal Extension Service) and the state director whose program was under study (Dr. Marshall Bahn of VPI) gave us permission to see the OIG audit of extension programs in Virginia. Even so, the OIG refused.

10. Copies of memoranda or directives circulated in the Department to tell employees how to handle information requests in general and our summer study in specific. Denied.

11. The Pesticide Regulation Division's registration records for specific pesticide products, for instance the Shell Vapona No-Pest Strip. Denied.

12. Copies of a proposal by the Department's Program Review and Evaluation Committee for a new system to keep track of civil rights progress. After the Department refused

to give us the chart, we informally asked an administrator and got the chart immediately.

13. Copies of civil rights compliance plans that state universities and land grant colleges have sent to the Federal Extension Service. FES regulations required the state colleges to prepare adequate plans in order to keep getting federal money for state extension programs. The FES has refused to reveal any details of the plans it has approved.

14. Records of any action the Department has taken to correct problems pointed out by a number of groups—the U.S. Civil Rights Commission, the Department of Justice, private citizens, and the Department's own Inspector General and Citizens Advisory Committee on Civil Rights. Denied.

15. All records of action the Pesticide Regulation Division has taken in a number of areas: seizing unsafe pesticide products; recalling products from the market; issuing citations to manufacturers of unsafe pesticides; and recommending prosecution of pesticide manufacturers. Denied.

16. Information about the Pesticide Regulation Division accident reporting system. The PRD refused to tell us how it evaluates accident reports and what action it has taken in response to the information.

17. Data that manufacturers submit to PRD when they have their products registered. The PRD claimed that all the information in the registration file is covered by the "trade secret" option, even though the specific product formula is contained in a brown envelope marked "confidential" and can be easily separated from the rest of the file.

18. Records of PRD's pesticide sampling program, which analyzes samples of pesticides from the market. We asked only for those files where no enforcement was planned, but PRD denied all the files, claiming they were exempt under the clause protecting enforcement records.

19. A Department of Agriculture report revealing health hazards in Talmadge-Aiken Act meat plants has been denied Congressmen Thomas Foley and Benjamin Rosenthal and United Press International. This denial has no time limit, as USDA admits that their investigation is closed in this matter.

#### APPENDIX II: THE CIVIL AERONAUTICS BOARD, A CASE STUDY OF INFORMATION POLICY AND THE PUBLIC INTEREST

The study of the CAB took as one of its primary areas of concern the ways in which the Board and the airlines industry deal with or fail to deal with complaints from members of the public. At the outset, statistical information was requested (in writing) as to the total number of complaints received by the CAB, the volume of complaints lodged against the various airlines, and the major categories and sources of complaints. The CAB refused to give this information on the grounds that it had inadequate personnel to keep any records of this sort. Not until the very end of the summer did we learn, from another source, that the Board had made detailed studies of precisely the kind of information requested. The CAB lied.

Similarly, data was requested on the CAB's backlog of consumer complaints. The board took four weeks to respond to this single request for the most basic kind of information as to how well it is performing its duties. When that information was finally provided, we learned that the backlog—number of complaints on which the CAB has taken no action—has risen by over 600 percent over the last five years!

Frustrated by this inability to get the basic statistical information from the CAB, we requested an opportunity to inspect the complaints filed by citizens with the CAB against the airlines. This request under the Freedom of Information Act was arbitrarily denied on the astonishing theory—articulated and re-

peated by Charles Kiefer, Executive Director of the CAB—that if the public's complaints were made available for inspection, the airlines would find out the complainants' identities and retaliate against them. Finally, after weeks of delay, the Board agreed to permit inspection of a few complaints, but only if the student agreed not to write down the names or sources of the complaints. This meant, for practical purposes, that we could not correspond with citizens filing serious complaints to see whether they were disposed of satisfactorily by the airlines or the CAB.

Late in the summer, we learned of a recent report by the CAB of the causes and handling of customer complaints received by the airlines industry. This important study, made at substantial public expense, demonstrated that citizen discontent with the airlines industry has hit a critical level, and cited specific airlines for their apparent complete lack of interest in the problems of inconvenienced air travelers.

Nevertheless, the CAB has suppressed this report from the public, which has every right to know which airlines are concerned with resolving legitimate complaints—and which ones are not. The report was denied to us on the specious reasoning that it "mentions names of airlines", gives numbers of complaints received by some of the airlines and was compiled from the records of the airlines regulated by the CAB. For these reasons, and because the CAB feared that the findings might be competitively detrimental to the deficient airlines, the CAB officials concluded—apparently without the benefit of legal advice from the CAB legal staff, it should be noted—that release of the survey to us, or even the names of the airlines considered to be deficient, was precluded by a statutory section prohibiting the Board from divulging certain classes of confidential financial and commercial data obtained in CAB audits of the airlines' books. This argument, however, utterly ignores the fact that much of the information requested had already been released to several of the airlines as well as to their trade association. The legitimacy of the CAB's rationale is further shattered by the fact that detailed information on the number and types of complaints is readily exchanged among the airlines themselves, which destroys the shibboleth of pretended confidentiality.

The fact of the matter is that the CAB officials have been regularly providing business management and public relations advice, at public expense, to private interests in the airline industry, and have been withholding critical information on the industry which is needed by the public. The dangers of governmental secrecy are manifest in this episode of patent disregard by an important regulatory agency for its responsibilities to the public. For while the CAB is busy providing services for special corporate interests, it has no time or resources for its basic mission of regulation. For example, during the summer numerous requests for basic statistical data which we requested were denied by the CAB on the grounds that it has inadequate staff and accordingly could not assemble such information or provide it for our study. Some of the records the CAB told us it does not bother to keep include the following statistics:

Speeches and personal appearances made by members of the CAB.

Records of the costs of investigations conducted by the CAB.

Travel allowances and budgetary allocations for individual Board members, the Executive Director and the Director of Community and Congressional Relations of the CAB.

Enforcement actions by the CAB's Bureau of Enforcement against air carriers for violations of the law.

Complaints charging racial discrimination by the airlines.

The number of initial decisions of CAB hearing examiners appealed to the Board in accordance with its regulations.

The number of interested parties seeking to intervene in CAB proceedings pursuant to its rules of practice.

We frankly find it beyond belief that an agency can effectively protect or advance the public interest without establishing for itself basic priorities and keeping certain basic records of its work. In the atmosphere of openness and public scrutiny contemplated in the freedom of information philosophy we submit, such contempt for the rights and needs of citizens and such patronizing solicitude for the business interest and image of private industry cannot thrive.

#### UMWA PRESIDENT SHOULD PERSONALLY EXPLAIN FAMILY MINING ACTIVITIES

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the Labor Day edition of the New York Times contains reports of serious allegations concerning union and management activities of the family of W. A. Boyle, president of the United Mine Workers of America. There are reports that members of the Boyle family in Montana, Mr. Boyle's home State, had sought to close down certain coal mines for their own benefit.

There are also reports that members of the family had owned a coal mine in which four men were killed in 1958 as the result of safety violations.

These are serious allegations which should concern every Member of Congress as we prepare to consider far-ranging Federal coal mine safety and health legislation. These are serious allegations concerning every rank-and-file miner in the 160,000-member UMWA which will vote December 9 on whether to retain the tired and wornout policies practiced by Mr. Boyle as president or to replace him with the fresh new leadership of Joseph A. "Jock" Yablonski.

I think that Mr. Boyle owes it to Members of Congress and to members of his own union to personally answer these allegations instead of hiding behind a public relations consultant as the following article from the September 1 New York Times indicates he did:

**BOYLE CONTROVERSY GRIPS THE MINE UNION—FAMILY OF ITS CHIEF LINKED TO CLOSINGS IN MONTANA AREA**

(By Ben A. Franklin)

WASHINGTON, Aug. 31—Controversy over the role that the family of the president of the United Mine Workers of America has played in both union and management affairs is spreading from the Appalachian coal fields of the East to the farthest seam in the continent.

In Montana, the former home of W. A. (Tony) Boyle, the president of the United Mine Workers, there were reports last week that members of the Boyle family had sought to close down certain coal mines for their own benefit.

There were also reports that members of the family had owned a mine in which four men were killed in 1958 as a result of safety violations.

A Boyle spokesman has denied any implication of impropriety in both instances.

#### ELECTION IN DECEMBER

Mr. Boyle, 64 years old, faces the most strenuous struggle of any president of the United Mine Workers in an election Dec. 9, in which he seeks to hold onto his \$60,000-a-year post. He has been accused by his opponent, Joseph A. Yablonski, 59, of padding the union payroll with relatives and collaborating with coal mine operators.

Mr. Boyle is expected on Monday to open a coal field speaking tour in West Virginia with new proposals for sweeping changes in the 160,000-member union. But the week's developments in Montana appeared to have done little to help him defuse Mr. Yablonski's attack.

It has not been widely known in the union until now, for example, that Mr. Boyle's late brother, Jack, was himself a mine owner in Montana or that four union men were killed in Jack Boyle's mine in 1958 in a roof fall.

The mine workers' district president in Montana, another brother named Richard J. Boyle, declared the accident was "unavoidable" as did a subsequent coroner's jury. Both the state and federal mine accident reports, however, described the deaths as the result of safety violations in the Boyle mine.

#### REPORT IN UNION PAPER

The accident was reported in the union newspaper, The United Mine Workers Journal, without naming or identifying the owners of the Mountain State Coal Company of Roundup, Mont., of which Jack Boyle was president.

These reports and others were focused upon last week by The Billings Gazette, in three page one articles headed "The Boyle Family in Montana." It reported that the U.M.W. in Montana twice during the mine management career of Jack Boyle, had caused "ostensibly for safety reasons" the closing of all the larger mines in the Roundup area that competed with the Boyle mine interests.

The mine closing affected at various times all of the Mountain State Coal Company's important competitors in the area. It finally forced them to abandon production entirely.

The closings were publicly described by the Montana state mine inspector at the time as "unwarranted" and "unnecessary." The Jack Boyle Mining Company finally won a contract to supply the Atomic Energy Commission with 25,000 tons of coal a year.

A check of records and interviews here with officials of the United States Bureau of Mines disclosed that the bureau had become so concerned about what one Federal mine official called "this unusual pattern of selective mine closings" that both it and the Federal Bureau of Investigation had considered for a time separate investigations of the matter.

A memorandum in January, 1957, in the Bureau of Mines files, marked "Administrative Confidential," reported that Marling J. Ankeny, then the bureau's director, had declined to make a recommendation for an investigation, and the matter was dropped.

Responsible Bureau of Mines safety officials said in interviews here that the investigation was not pursued because, in the case of each mine closing, "legitimate" safety violations were found after complaints to the bureau by union leaders in Montana. Union officials sought special Federal inspections of the affected mines, the official said, "and violations were found."

"Of course, there isn't a coal mine in the country where you can't find some violation," a Federal mine safety expert said.

"Our problem then was that there were violations, all right, but that the whole thing looked to us like a concerted effort to in-

volve us in closing down particular mines," the bureau official said.

"There is no doubt that some of those mines competing with Jack Boyle's operation were closed earlier than they should have been."

In both cases—in 1950 and in 1956–57—Richard J. Boyle was president of U.M.W. District 27, with headquarters in Billings. R. J. Boyle is still the \$25,000-a-year district president, having been appointed to succeed his brother, Tony, in that post when the latter came to Washington in 1948 as the top assistant to the late John L. Lewis.

A reporter for The New York Times was unable this week, during a visit to Billings, to contact any of the Montana Boyles.

A Boyle spokesman in Washington later denied most of the Montana newspaper reports. The U.M.W. president declined to grant an interview, and the queries were submitted and answered in writing at his request.

The replies were made available by Oscar Jager, a former editor of labor union newspapers, who is now a public relations consultant here. Mr. Jager two weeks ago assumed the press relations account of Mr. Boyle's campaign organization.

The spokesman denied that any of the Boyle brothers had improperly sought to close Montana mines or had influenced the Musselshell County coroner's verdict that the four-man fatality in Jack Boyle's mine was "unavoidable." He also said the union would accuse Mr. Yablonski of "bribery" on the basis of a statement in The Billings Gazette.

The newspaper published a note with the first of its three articles on Aug. 24 saying that Mr. Yablonski's aides had sent the reporter who wrote the articles, Roger Hawthorne, \$50 for "expenses" during four months of research and preparation for the stories. The newspaper said Mr. Hawthorne, 28, had returned the check uncashed.

#### COMMENT OF INSPECTOR

Mr. Hawthorne said he had accepted the check "without thinking." He said he had asked Mr. Yablonski's aides for the money to cover travel and other reporting expenses not authorized by his editors.

Loren Newman, the single Montana State mine inspector at the time of the reported closings of the Boyle competitors—The Roundup Coal Mining Company and the Republic Coal Company—said the closings were "unwarranted."

The Republic Coal Company file, at the United States Bureau of Mines here, disclosed that the company's Klein No. 2 mine at Roundup, a competitor of the Mountain States Mining Company of which Jack Boyle was president, had been ordered closed for safety violations in November, 1956, by a Federal mine inspector who last examined the mine more than two weeks earlier.

The files indicated that officials at the Bureau of Mines had been surprised at this "deviation" from prescribed inspection procedure and had ordered the mine reopened less than three weeks later after a number of safety violations were corrected.

After repeated closings the company, however, failed to resume production in November, 1956, and abandoned the mine. Its contract to supply coal to the Atomic Energy Commission was taken up by the Roundup Coal Company. Within a month, the Roundup mine was closed by Federal mine inspectors, acting on an anonymous safety complaint.

When the rank and file safety committee of the U.M.W. local at the Roundup Mine complained that there was no safety violations warranting a closure order, the union committeemen were dismissed by Richard J. Boyle, the District 27 president, for inconsistency.

The Roundup mine was not reopened, records here showed, for more than a month. In order to meet delivery commitments to the A.E.C., the company was forced to divert some of its business to the Mountain States Mining Company, headed by Jack Boyle.

State and Federal mining officials said, however, that the Boyle mine produced only sub-bituminous coal, a poorer grade, and that many of its delivered carloads were rejected on arrival at the A.E.C. plant in Hanford, Wash. In 1959, the Mountain States Mining Company finally joined the others in abandoning production. The company's Montana Queen mine property was seized by the county in 1961 for nonpayment of taxes.

#### CONFIRMED BY JURY

Richard J. Boyle described the rock fall as "unavoidable," a decision later confirmed in the coroner jury's verdict.

The state mine inspector's report on the accident however, noted that the unsupported mine roof that had crushed the four men, who were clearing away an earlier rock fall, "should always be supported by roof jacks, safety props or other means."

The state inspector's report said that "Mr. R. J. Boyle was present [when the accident occurred] and had sounded the roof and believed it to be safe and did not believe roof jacks or safety props necessary."

The Federal inspector's report on the same accident, records here disclosed, made the same findings that "temporary roof supports should be provided to protect workmen engaged in cleaning up operations following a roof fall." It also observed that open explosives had been detonated to break up the previously fallen roof slabs, a Federal violation.

The Federal report said that this "probably contributed to the accident owing to vibration and concussions" from the unconfined explosive charges.

Six months later, the same Federal inspector's routine mine inspection report on the Jack Boyle mine was returned to Billings for "revision" with a sharply worded memo from the Bureau of Mines Denver field office. "A reader of the report might question that the roof was supported 'where required,'" the memorandum said, "When, indeed, a multiple fatality occurred because of a lack of adequate support."

#### STATEMENT BY JOSEPH A. (JOCK) YABLONSKI, CANDIDATE FOR PRESIDENT OF THE UNITED MINE WORKERS OF AMERICA

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, on Labor Day in my congressional district, the present president of the United Mine Workers of America, Mr. W. A. Boyle, read an address in Logan, W. Va., which was prepared by public relations consultant Oscar Jager. As it is written in the Bible, "The voice is Jacob's voice, but the hands are the hands of Esau." On September 2, Mr. Joseph A. Yablonski responded to this statement in a significant statement which I believe fully qualifies Mr. Yablonski to be the next president of the UMW:

#### STATEMENT OF JOSEPH A. YABLONSKI

The speech given Labor Day by Tony Boyle is a major moral victory for my campaign and for the rank and file coal miners whose rebellion produced my candidacy. It

is an unmistakable sign that even the aloof Mr. Boyle has at last realized that the United Mine Workers of America are bitterly disappointed with his leadership.

The speech was written by Oscar Jager, a professional political publicist who has been hired by Mr. Boyle to advise him on his campaign. When Tony Boyle decides that the adoring flacks who have glorified him throughout his lackluster regime are not enough and a new apologist is needed, there can be no doubt that he is growing uneasy about his chances for re-election.

However, Mr. Jager was unable to give Mr. Boyle's speech its progressive ring without plagiarizing freely from my campaign platform. He calls, for example, for \$200-a-month retirement pensions, a benefit which I have been advocating since I entered the race last May. I think it is indicative of Mr. Boyle's imagination that it took three months and the counsel of a high-priced political adviser before he realized that I have a good idea.

Mr. Jager's speech contains a number of confessions of Mr. Boyle's well-known inadequacies. Jager writes, for instance, that the UMW "has tremendous catching up to do," after six years of Mr. Boyle's leadership. Apparently Mr. Jager realizes that a progressive-sounding speech by Tony Boyle would be altogether preposterous if it did not contain some mention of how regressive Mr. Boyle has actually been.

Perhaps the most astonishing for its hypocrisy is Mr. Boyle's promise of a \$50-a-day wage for miners by 1971. To the miners who heard his speech in Elkhorn City, Kentucky, this promise must have seemed a cruel joke. Thousands of union miners in that region have worked for years under "sweetheart" contracts by which they are paid as much as \$15-a-day less than the union's scale wage. Mr. Boyle is responsible for these shabby arrangements, just as he is responsible for the new contract in the Pennsylvania anthracite region where miners can be required to work seven days a week. Coming from anyone other than Mr. Boyle, the promise of a \$50-a-day wage for America's coal miners would be a laudable pledge. But coming from Tony Boyle, it can only be viewed as hollow campaign talk, almost laughable in its inconsistency with his record as a negotiator.

Mr. Boyle's speech calls for improving the benefits of the Welfare and Retirement Fund, but he suggests few ways of doing this other than those I have already proposed. His pledge to provide pensions for widows of coal miners could have come straight out of my campaign literature. He even lifts my idea of increasing the royalty paid to the Fund on every ton of coal produced in union mines. It may seem an exaggeration to claim that he copied such an obvious proposal as this from me, but the fact is that Mr. Boyle has negotiated three contracts without any increase in the royalty, which has remained the same for 17 years. Can anyone honestly believe, based on his past performance, that Mr. Boyle would ever follow through on these promises if he were re-elected?

I want to make it clear that I regard a \$50-a-day wage and an increased welfare royalty as fair and deserved objectives for the nation's miners. But I shall not engage in an exchange of contract promises with anyone whose promises are as meaningless as Mr. Boyle's.

Another hypocritical goal set by Mr. Boyle is the organization of workers in coal-related industries. If Mr. Boyle is so concerned with broadening the union's base, why did he expel District 50 which added 225,000 men to the union's rolls? Mr. Boyle claims he took the action against District 50, which was a favorite project of John L. Lewis, because of its endorsement of atomic energy power plants. But the real reason for the expulsion was that District 50's officers chal-

lenged Mr. Boyle's dictatorial authority over them.

Of all the planks in the platform that Mr. Jager has erected for Mr. Boyle, the least sturdy is the one dealing with the union's internal structure. For five years, the Labor and Justice Departments have sought through the federal courts to get Mr. Boyle to comply with the law by allowing the election of the union's district officers. I have promised that the very first step I will take if I am elected is to give rank and file miners the right to elect all their district officers. Mr. Boyle, however, proposes the oldest tactic of political delay there is. He wants to create a "commission." It would make "recommendations" on "structural changes" in the union. It is not enough for Mr. Boyle that the present dictatorial structure is illegal and that coal miners are demanding that it be changed. Union democracy is apparently so odious a concept to him that not even pressure from the federal government and his own membership can budge him from his determination to keep the United Mine Workers the most notoriously tyrannical union in the country.

The hiring of Oscar Jager and the delivery of this speech are clear indications that Tony Boyle is trying to put on a new face. But when it comes to the key issue, union democracy, it's still the same old Tony. No amount of expensive public relations help and hypocritical promises can paper over the abysmal record Mr. Boyle has compiled in his six years in office. He remains, despite these cosmetic efforts, a thoroughly discredited leader.

I repeat again my challenge to Mr. Boyle to debate the issues in this election, anytime and anywhere. A Charleston, West Virginia, television station has offered to make an hour of free air time available for such a debate. I have accepted the offer. Mr. Boyle has refused. Short of a debate, I challenge Mr. Boyle to take his new platform before an open news conference in Washington, as I have done repeatedly since I entered the race.

#### HIGHWAY SAFETY: COMMENTARY NO. 14

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, the point that Bill Gold made so well in his Washington Post column on August 26 deserves to be brought to the attention of my colleagues. I am referring to Mr. Gold's description of highway fatality statistics and the drastic need for positive action.

Highway accidents are the No. 1 killer of people 37 years old and younger. Each week more than 1,000 people are slaughtered in highway accidents. This does not include the vast number that are maimed or crippled for life. As Mr. Gold states, more Americans are killed on our Nation's roads each year than have died in Vietnam.

The tragic fact is that the Nation's attitude concerning highway deaths remains passive. We feel that death statistics are nothing more than that. We continue to feel that we will never become involved and will never become a statistic.

As Mr. Gold says:

We need to develop the constant awareness that an accident is an impersonal statistic only to those who are not involved in it. To each victim, an accident is a personal tragedy; and there is not one among us that is safe or immune.

I agree with Mr. Gold, this is one war that the United States has not won. I commend him for his fine article, and I commend his article, which follows, to my colleagues:

#### THIS IS ONE WAR THE UNITED STATES HASN'T WON

(By Bill Gold)

In a recent column, I noted that our traffic death toll is now one thousand per week. A reader ringed this statistic in red and sent the item back to me with the notation: Deaths? This is obviously an error. What was the figure really supposed to be?

A death toll of a thousand a week is indeed an error in the sense that most of the victims die needlessly. But the statistic itself was accurately reported. In fact, it may have been understated a bit. By the end of the year, traffic deaths may total between 68,000 and 69,000.

A Nation that is gravely concerned over its losses in Vietnam might be interested to compare war deaths with traffic deaths.

In the 193 years since Revolutionary War days, our country had lost 1,135,000 lives in wars—with almost half of those deaths due not to battle casualties but to disease, accidents and other causes. Actual battle deaths total 633,638.

In only 68 years since the turn of the century, automobiles have claimed 1,700,000 lives.

Statistics on traffic injuries are not as precise because there is no universal agreement as to what constitutes an injury, and injuries are not reported on a national basis. Insurance companies speak of 3 million to 4 million traffic injuries per year in this country. The National Safety Council, which counts only those injuries which are disabling beyond the day of the accident, offers the lowest of the generally respected figures: 2 million per year.

Even so, 2 million injuries per year in automobiles is hard to comprehend. The person who has not yet been injured by an automobile is becoming rare. The one who is fated to live out his life without ever being injured by an automobile may soon become a statistical freak.

The only bright spot in the picture is that the death-injury rates per passenger mile seem to be leveling off. The toll climbs higher each year because we're running up more passenger miles, not because the per-mile rate is climbing.

But the rate isn't declining, either. And in order to keep it stable we've had to invest billions to build safer roads.

When you ask traffic authorities why we haven't been able to whittle down the per-mile accident rate, the first thing they're likely to say is: Excessive speed and/or alcohol.

Raise a questioning eyebrow and they'll show you cold facts. Last year, excessive speed was a factor in about 31 per cent of all fatal accidents. Alcohol is a factor in roughly 50 per cent of fatal accidents.

It isn't always the driver who's been boozing. Many a pedestrian fatality has been traced to alcohol.

And "excessive speed" doesn't always mean 70 miles an hour. The National Safety Council finds that more than half of the fatal accidents in urban areas occur at speeds under 30 miles an hour. It's just that there are times and places when even 30 is too fast for prevailing conditions.

We used to like to boast that this Nation has never lost a war. Even before Korea and Vietnam clouded those claims, we should have become aware that we were losing the bloodiest of wars in daily traffic, and that simple common sense demands an end to our no-win policy on the highways.

The broad outlines of what needs to be done have been spelled out for us for years. We need more courtesy, safer cars, safer

highways, less emphasis on speed, less alcohol, better driver training and education, better enforcement, swifter and more certain punishment for lawbreakers—and a realization that it can happen to each of us. We need to develop the constant awareness that an accident is an impersonal statistic only to those who are not involved in it. To each victim, an accident is a personal tragedy; and there is not one among us who is safe or immune.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TIERNAN for September 3 to 17, on account of official travel.

Mr. HUNGATE (at the request of Mr. LEGGETT) for September 3 through September 17, 1969, on account of official business.

Mr. BRADENAS (at the request of Mr. GALLAGHER) for Wednesday, September 3, through Friday, September 5, on account of official business.

Mrs. HANSEN of Washington (at the request of Mr. RODINO) for Wednesday, September 3, through Monday, September 8, on account of official business.

Mr. OLSEN (at the request of Mr. JOHNSON of California) for September 3 and 4 on account of official business.

Mr. CORMAN for Wednesday, September 3, on account of official business.

Mr. CHARLES H. WILSON (at the request of Mr. ALBERT) for today through September 13, 1969, on account of official business.

Mr. ASPINALL (at the request of Mr. ALBERT) 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:

Mr. RODINO, for 1 hour, on September 4, during which to pay tribute to Representative JOELSON of New Jersey.

Mr. HALL, for 60 minutes on Wednesday, September 10, 1969, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. BIERSTEN) to revise and extend their remarks and include extraneous matter:)

Mr. DICKINSON for 1 hour on September 11.

Mr. EDWARDS of Alabama for 1 hour on September 11.

(The following Members (at the request of Mr. STOKES) to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ for 10 minutes today.

Mr. FALLON for 10 minutes today.

Mr. HAGAN for 10 minutes today.

Mr. VAN DEERLIN for 60 minutes September 4.

Mr. ROSTENKOWSKI for 60 minutes September 9.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:



Mr. DADDARIO and to include extraneous matter.

Mr. MADDEN.

Mr. FEIGHAN (at the request of Mr. STOKES) during debate on the bill H.R. 10105 and to include extraneous matter.

(The following Members (at the request of Mr. BIESTER) and to include extraneous matter:)

Mr. McKNEALLY in three instances.

Mr. PELLY in five instances.

Mr. GUBSER in two instances.

Mr. FINDLEY.

Mr. ESCH.

Mr. BURTON of Utah in 10 instances.

Mr. FULTON of Pennsylvania in five instances.

Mr. WHITEHURST.

Mr. SMITH of California.

Mr. DUNCAN in two instances.

Mr. CHAMBERLAIN.

Mr. STEIGER of Wisconsin.

Mrs. REID of Illinois.

Mr. ASHBROOK in two instances.

Mr. SCHADEBERG.

Mr. DERWINSKI in three instances.

Mr. COLLIER in four instances.

Mr. BROWN of Ohio in two instances.

Mr. COLLINS in five instances.

Mr. WYMAN in three instances.

Mr. SHRIVER.

Mr. SCOTT.

(The following Members (at the request of Mr. STOKES) and to include extraneous matter:)

Mr. CORMAN in seven instances.

Mr. COHELAN in three instances.

Mr. FRASER in three instances.

Mrs. GREEN of Oregon in six instances.

Mr. THOMPSON of New Jersey in two instances.

Mr. POWELL in 10 instances.

Mr. MONTGOMERY.

Mr. ANDREWS of Alabama in two instances.

Mr. ROSENTHAL in five instances.

Mr. KASTENMEIER.

Mr. TIERNAN.

Mr. PUCINSKI in 10 instances.

Mr. DANIEL of Virginia.

Mr. EVINS of Tennessee in five instances.

Mr. GARMATZ.

Mr. O'HARA in four instances.

Mr. PHILBIN in four instances.

Mr. BINGHAM.

Mr. MCCARTHY in three instances.

Mr. HATHAWAY in two instances.

Mr. ANNUNZIO.

Mr. ICHORD in two instances.

Mr. HAWKINS in four instances.

Mr. RYAN in three instances.

Mr. MEEDS.

Mr. WRIGHT.

Mr. OTTINGER.

Mr. GONZALEZ in two instances.

Mr. ADAMS in two instances.

Mr. BIAGGI in three instances.

Mr. CHAPPELL.

Mr. BURLISON of Missouri in two instances.

Mr. NICHOLS in four instances.

Mr. CHARLES H. WILSON.

Mr. RARICK in four instances.

Mr. FASCELL in two instances.

Mr. FODELL in five instances.

Mr. FEIGHAN in four instances.

Mr. DE LA GARZA.

Mr. BYRNE of Pennsylvania.

Mr. LEGGETT.

Mr. MANN in two instances.

Mr. EDMONDSON in two instances.

Mr. MATSUNAGA in two instances.

Mr. ABBITT.

Mr. ANDERSON of California in two instances.

#### SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 40. An act to authorize the Secretary of the Interior to modify the operation of the Kortes unit, Missouri River Basin project, Wyoming, for fishery conservation; to the Committee on Interior and Insular Affairs.

S. 73. An act to amend the act entitled "An act to authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, S. Dak.," to the Committee on Interior and Insular Affairs.

S. 74. An act to place in trust status certain lands on the Standing Rock Sioux Indian Reservation in North and South Dakota; to the Committee on Interior and Insular Affairs.

S. 204. An act to amend the Indian Long-Term Leasing Act; to the Committee on Interior and Insular Affairs.

S. 210. An act to declare that certain federally owned lands are held by the United States in trust for the Indians of the Pueblo of Laguna; to the Committee on Interior and Insular Affairs.

S. 404. An act to provide for the construction and improvement of a certain road on the Navajo Indian Reservation; to the Committee on Interior and Insular Affairs.

S. 775. An act to declare that the United States shall hold certain lands in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, N. Dak.; to the Committee on Interior and Insular Affairs.

S. 821. An act to declare that certain federally owned land is held by the United States in trust for the Cheyenne River Sioux Tribe of the Cheyenne River Indian Reservation; to the Committee on Interior and Insular Affairs.

S. 1609. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands located outside the boundaries of Indian reservations in New Mexico; to the Committee on Interior and Insular Affairs.

S. 1766. An act to provide for the disposition of a judgment recovered by the Confederated Salish and Kootenai Tribes of Flathead Reservation, Montana, in paragraph 11, docket numbered 50233, U.S. Court of Claims, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 2000. An act to establish the Lyndon B. Johnson National Historic Site; to the Committee on Interior and Insular Affairs.

S. 2540. An act to amend the Small Business Investment Act of 1958; to the Committee on Banking and Currency.

S. 2593. An act to exclude executive officers and managerial personnel of Western Hemisphere businesses from the numerical limitation of Western Hemisphere immigration; to the Committee on the Judiciary.

S. 2815. An act to amend section 4(c) of the Small Business Act and sections 302 and 304 of the Small Business Investment Act of 1958; to the Committee on Banking and Currency.

S.J. Res. 26. Joint resolution to provide for the development of the Eisenhower National Historic Site at Gettysburg, Pa., and for other purposes; to the Committee on Interior and Insular Affairs.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on August 13, 1969, present to the President, for his approval, bills of the House of the following titles:

H.R. 671. To compensate the Indians of California for the value of land erroneously used as an offset in a judgment against the United States obtained by said Indians;

H.R. 1707. For the relief of Miss Jallieh Farah Salameh El Ahwal;

H.R. 5107. For the relief of Miss Maria Mosio;

H.R. 8136. For the relief of Anthony Smilko;

H.R. 10107. To continue for a temporary period the existing suspension of duty on certain idle and the existing interest equalization tax; and

H.R. 12720. To provide for the conveyance of certain real property of the District of Columbia to the Washington International School, Inc.

#### THE LATE HONORABLE DANIEL J. RONAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. ROSTENKOWSKI).

Mr. ROSTENKOWSKI. Mr. Speaker, it is with a heavy heart that I notify the House and my colleagues of the passing of a great friend and truly great Illini and colleague, DANIEL J. RONAN. DAN RONAN passed away on August 13.

I would like to mention that Congressman RONAN was a public servant extraordinaire. All of his adult life, from the time he served in the U.S. Army, in the Illinois General Assembly and the city council and here in the House of Representatives he was not only a great public servant but a great man.

Mr. Speaker, I offer a resolution (H. Res. 525) and ask for its immediate consideration.

The Clerk read the resolution as follows:

#### H. RES. 525

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable Daniel J. Ronan, a Representative from the State of Illinois.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further mark of respect the House do now adjourn.

The resolutions were agreed to.

#### ADJOURNMENT

Accordingly (at 3 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Thursday, September 4, 1969, 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:

1060. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a copy of a Presidential determination relative to the transfer of defense articles and services under section

3(a)(1) of the Foreign Military Sales Act of 1968; to the Committee on Foreign Affairs.

1061. A letter from the Deputy Assistant Secretary of Defense (International Security Affairs), transmitting a report pursuant to the provisions of section 507(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1062. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements of Federal home loan banks supervised by the Federal Home Loan Board for the year ended December 31, 1968 (H. Doc. No. 91-149); to the Committee on Government Operations and ordered to be printed.

1063. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 3, 1968, submitting a report, together with accompanying papers and an illustration, on Port Sutton, Tampa Harbor, Fla., in partial response to resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted May 4, 1962, and June 23, 1964 (H. Doc. No. 91-150); to the Committee on Public Works and ordered to be printed with an illustration.

1064. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 14, 1968, submitting a report, together with accompanying papers and illustrations, on Coos Bay, Oreg., requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted April 2, 1962, and May 10, 1962 (H. Doc. No. 91-151); to the Committee on Public Works and ordered to be printed with illustrations.

1065. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of shellac from the national stockpile; to the Committee on Armed Services.

1066. A letter from the Acting Assistant Secretary of the Army (Research and Development), transmitting a report on research and development contracts for \$50,000 or more for the period January 1 through June 30, 1968, pursuant to the provisions of section 4 of Public Law 557, 82d Congress; to the Committee on Armed Services.

1067. A letter from the Assistant Commander for Contracts, Naval Facilities Engineering Command, Department of the Navy, transmitting the semiannual report of military construction contracts awarded on other than a competitive bid basis to the lowest responsible bidder for the period January 1 to June 30, 1969, pursuant to the provisions of section 804, Public Law 90-408; to the Committee on Armed Services.

1068. A letter from the Attorney General, transmitting a report of voluntary agreements and programs as of August 9, 1969, pursuant to the provisions of section 708(e) of the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

1069. A letter from the Secretary of Housing and Urban Development, transmitting the report on self-help housing pursuant to the provisions of section 1714(b) of the Housing and Urban Development Act of 1968; to the Committee on Banking and Currency.

1070. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting the report on Department of Defense procurement from small and other business firms for July 1968-May 1969, pursuant to the provisions of section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1071. A letter from the Deputy Under Secretary, Department of Transportation, transmitting a correction to the draft of proposed legislation transmitted August 11, 1969, entitled "Public Transportation Assistance Act

of 1969"; to the Committee on Banking and Currency.

1072. A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to extend for 1 year the authority for more flexible regulation of maximum rates of interest or dividends; to the Committee on Banking and Currency.

1073. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to repeal the prohibition against flying kites in the District of Columbia; to the Committee on District of Columbia.

1074. A letter from the Chairman, District of Columbia Bell Agency, transmitting the third annual report of the Agency pursuant to the provisions of Public Law 89-519; to the Committee on the District of Columbia.

1075. A letter from the Comptroller General of the United States, transmitting a report on the administration and effectiveness of the economic opportunity loan program for low-income rural families under the Farmers Home Administration, Department of Agriculture; to the Committee on Education and Labor.

1076. A letter from the Secretary of Health, Education, and Welfare, transmitting the first annual report of the National Council on Vocational Education reviewing the administration and operation of vocational education programs pursuant to the Vocational Education Amendments of 1968; to the Committee on Education and Labor.

1077. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness in meeting the supply requirements of overseas U.S. agencies; to the Committee on Government Operations.

1078. A letter from the Comptroller General of the United States, transmitting a report on the management of the suggestion award portion of the incentive awards program, Department of the Army; to the Committee on Government Operations.

1079. A letter from the Secretary of Health, Education, and Welfare, transmitting a report covering personal property donated to public health and educational institutions and civil defense organizations under section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, and real property disposed of to public health and educational institutions under section 203(k) of the act, pursuant to the provisions of section 203(o) of the act; to the Committee on Government Operations.

1080. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to amend the act entitled "An act to authorize any executive department or independent establishment of the Government, or any bureau or office thereof, to make appropriate accounting adjustment or reimbursement between the respective appropriations available to such departments and establishments, or any bureau or office thereof," approved June 29, 1966, so as to include within its coverage the municipal government of the District of Columbia; to the Committee on Government Operations.

1081. A letter from the Secretary of the Interior, transmitting a report on activities of the Geological Survey under section 2 of the act of September 5, 1962, relating to the study of marine volcanic rocks in an area outside the national domain during the reporting period January 1 through June 30, 1969, pursuant to the provisions of 43 U.S.C. 31(C); to the Committee on Interior and Insular Affairs.

1082. A letter from the Assistant Secretary of the Interior, transmitting notification of receipt of an application for a loan from the Pioneer Water Co., Porterville, Calif., pursuant to the provisions of section 10 of the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

1083. A letter from the Chairman, Indian Claims Commission, transmitting a report that proceedings have been finally concluded with respect to docket No. 79-A, *The Iowa Tribe of the Iowa Reservation in Kansas and Nebraska, the Iowa Tribe of the Iowa Reservation in Oklahoma, et al., Plaintiffs v. The United States of America, Defendant*, pursuant to the provisions of 60 Stat. 1055, 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

1084. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting recommendations of the Council concerning a proposal to transfer the old mint building in San Francisco to the State of California for the use of San Francisco State College, pursuant to the provisions of section 202(b) of Public Law 89-665; to the Committee on Interior and Insular Affairs.

1085. A letter from the Secretary of Commerce, transmitting the 13th program report on the activities of the U.S. Travel Service for the calendar year 1968, pursuant to the provisions of section 5 of the International Travel Act of 1961 and Public Law 89-348 as amended; to the Committee on Interstate and Foreign Commerce.

1086. A letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to amend the act entitled "An act to require certain safety devices on household refrigerators shipped in interstate commerce," approved August 2, 1956; to the Committee on Interstate and Foreign Commerce.

1087. A letter from the Acting Secretary of Transportation, transmitting the third report on activities carried out under the High Speed Ground Transportation Act of 1955, as amended in 1968; to the Committee on Interstate and Foreign Commerce.

1088. A letter from the Chairman, National Transportation Safety Board, Department of Transportation, transmitting a copy of the 1968 annual report of the Board, pursuant to section 5(g) of the Department of Transportation Act; to the Committee on Interstate and Foreign Commerce.

1089. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of July 31, 1969, pursuant to the provisions of section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1090. A letter from the Secretary of the Air Force, transmitting a report of claims paid by the Department of the Air Force for fiscal year 1969, pursuant to the provisions of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended; to the Committee on the Judiciary.

1091. A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, with respect to the settlement of claims against the United States by civilian officers and employees for damage to, or loss of, personal property incident to their service; to the Committee on the Judiciary.

1092. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1093. A letter from the Chairman, Commission on Mortgage Interest Rates, Department of Housing and Urban Development, transmitting the report of the Commission, pursuant to the provisions of Public Law 90-301; to the Committee on Veterans' Affairs.

1094. A letter from the Acting Director,

Bureau of the Budget, Executive Office of the President, transmitting a report on the operation of section 201(g) of the Revenue and Expenditure Control Act of 1968 on the number of civilian officers and employees in the executive branch for the quarter ending June 30, 1969, as well as for the entire fiscal year 1969, pursuant to the provisions of that section; to the Committee on Ways and Means.

1095. A letter from the Acting Secretary of the Treasury, transmitting a determination of the President under the Antidumping Act of 1921 and certain other information required under title II, section 201(b), of Public Law 90-634; to the Committee on Ways and Means.

1096. A letter from the Acting Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

1097. A letter from the Acting Assistant Administrator for Program and Policy, Agency for International Development, Department of State, transmitting the annex to the first annual report on the steps being taken to strengthen management practices in the foreign aid program; to the Committee on Foreign Affairs.

1098. A letter from the Comptroller General of the United States, transmitting a report on assistance to Laos administered by the Agency for International Development, Department of State, Department of Defense; to the Committee on Government Operations.

1099. A letter from the Chief Justice of the United States, transmitting a report of the proceedings of the Judicial Conference of the United States, held in Washington, D.C., on March 13 and 14, 1969, together with the proceedings of the special meeting held on June 10, 1969 (H. Doc. No. 91-152); to the Committee on the Judiciary and ordered to be printed.

1100. A letter from the Architect of the Capitol, transmitting his semiannual report of expenditures during the period January 1 through June 30, 1969, pursuant to the provisions of section 105(b) of Public Law 88-454; to the Committee on Appropriations.

1101. A letter from the Secretary of Defense, transmitting a supplemental report relative to the sale or transfer of Government-owned communications facilities in Alaska under Public Law 90-135; to the Committee on Armed Services.

1102. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administration of the migrant and seasonal farmworkers program administered by the migrant opportunity program in Phoenix, Ariz., under title III-B of the Economic Opportunity Act of 1964, as amended, Office of Economic Opportunity; to the Committee on Education and Labor.

1103. A letter from the Comptroller General of the United States, transmitting a report on opportunities for increased savings by improving management of value engineering (design or manufacture simplification) performed by contractors, Department of Defense; to the Committee on Government Operations.

1104. A letter from the Comptroller General of the United States, transmitting a report on the opportunity for the Geological Survey to increase revenues through changes in its map-prioting practices, Department of the Interior, Bureau of the Budget; to the Committee on Government Operations.

1105. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the appropriation of funds for Fort Donelson National Battlefield in the State of Tennessee, and for other purposes; to the Committee on Interior and Insular Affairs.

1106. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1107. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States under the provisions of section 212(a)(28)(I)(i) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1108. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to the provisions of section 212(d)(8) of the act; to the Committee on the Judiciary.

1109. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1110. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1111. A letter from the Administrator of Law Enforcement Assistance, Department of Justice, transmitting the first annual report of the Law Enforcement Assistance Administration, pursuant to the provisions of section 519 of the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

1112. A letter from the General Manager, U.S. Atomic Energy Commission, transmitting a report on the settlement of claims by Commission employees for damage to, or loss of, personal property incident to their service paid under the authority of the Military Personnel and Civilian Employees' Claims Act, for fiscal year 1969, pursuant to the provisions of 31 U.S.C. 241(e); to the Committee on the Judiciary.

1113. A letter from the auditor, American Symphony Orchestra League, Inc., transmitting the annual audit report of the league, for the fiscal year ended May 31, 1969, pursuant to the provisions of Public Law 87-817; to the Committee on the Judiciary.

1114. A letter from the Acting Secretary of Transportation, transmitting a draft of proposed legislation to improve and clarify certain laws affecting the Coast Guard Reserve; to the Committee on Merchant Marine and Fisheries.

1115. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of grants, financed wholly with Federal funds, approved by his office, under section 1120 of the Social Security Act, pursuant to the provisions of section 1120(b) of the act; to the Committee on Ways and Means.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUCHANAN:

H.R. 13557. A bill to revise the laws relating to post offices and post roads, and for

other purposes; to the Committee on Post Office and Civil Service.

By Mr. BURKE of Massachusetts:

H.R. 13558. A bill to authorize the Secretary of the Interior to study the feasibility and desirability of a Boston Harbor National Recreation Area in the State of Massachusetts; to the Committee on Interior and Insular Affairs.

By Mr. BUTTON (for himself, Mr.

ALEXANDER, Mr. BELCHER, Mr. BRADEN, Mr. BURTON of Utah, Mr. CHAPPELL, Mr. DON H. CLAUSEN, Mr. DAVIS of Georgia, Mr. EDMONDSON, Mr. ESHLEMAN, Mr. FOREMAN, Mr. FRASER, Mr. FRIEDEL, Mr. GARMATZ, Mr. GIBBONS, Mr. GUD, Mr. HAMILTON, Mr. HORTON, Mr. KING, Mr. KLEPPE, Mr. LUTAN, Mr. MCNEALLY, Mr. MIZE, Mr. OTTINGER, and Mr. PRYOR of Arkansas):

H.R. 13559. A bill to amend title I of the Housing Act of 1949 to extend, in certain pending cases, the period prior to approval of a neighborhood development program within a public improvement or facility must have been commenced in order to qualify as a local noncash grant-in-aid; to the Committee on Banking and Currency.

By Mr. BUTTON (for himself, Mr. CULVER, Mr. REID of New York, Mr. RYAN, Mr. SHRIVER, Mr. SIKES, Mr. TUNNEY, Mr. WINN, Mr. WRIGHT, and Mr. ZION):

H.R. 13560. A bill to amend title I of the Housing Act of 1949 to extend, in certain pending cases, the period prior to approval of a neighborhood development program within a public improvement or facility must have been commenced in order to qualify as a local noncash grant-in-aid; to the Committee on Banking and Currency.

By Mr. CORMAN:

H.R. 13561. A bill to provide for a comprehensive and coordinated attack on the narcotic addiction and drug abuse problem, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAMER (for himself, Mr. GER-

ALD R. FORD, Mr. MICHEL, Mr. HUNT, Mr. KUYKENDALL, Mr. BROVHILL of North Carolina, Mr. BROVHILL of Virginia, Mr. HOSMER, Mr. SANDMAN, Mr. SCHNEEBELI, Mr. McCLOSKEY, Mr. FREY, Mr. COWGER, Mr. BUCHANAN, and Mr. FINDLEY):

H.R. 13562. A bill to amend the Federal Water Pollution Control Act, as amended, to provide adequate financial assistance and to increase the allotment to certain States of construction grant funds; to the Committee on Public Works.

By Mr. FISHER:

H.R. 13563. A bill to establish fee programs for entrance to and use of areas administered for outdoor recreation and related purposes by the Secretary of the Interior and the Secretary of Agriculture, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FUQUA (by request):

H.R. 13564. A bill to provide that in the District of Columbia one or more grantors in a conveyance creating an estate in joint tenancy or tenancy by the entirety may also be one of the grantees; to the Committee on the District of Columbia.

H.R. 13565. A bill to validate certain deeds improperly acknowledged or executed (or both) that are recorded in the land records of the Recorder of Deeds of the District of Columbia; to the Committee on the District of Columbia.

By Mr. FULTON of Pennsylvania:

H.R. 13566. A bill to amend chapter 34 of title 38 of the United States Code to restore entitlement to educational benefits to veterans of World War II and the Korean conflict; to the Committee on Veterans' Affairs.

H.R. 13567. A bill to amend title 38 of the United States Code to provide that World

War II and Korean conflict veterans entitled to educational benefits under any law administered by the Veterans' Administration who did not utilize their entitlement may transfer their entitlement to their children; to the Committee on Veterans' Affairs.

By Mr. GLAIMO (for himself, Mr. ADAMS, Mr. CHAFFELL, Mr. DADDARIO, Mr. DENT, Mr. GONZALEZ, Mrs. GREEN of Oregon, Mr. HOWARD, Mr. KOCH, Mr. MIKVA, Mr. PODELL, Mr. PUCINSKI, Mr. SCHEUER, Mr. TIERNAN, and Mr. CHARLES H. WILSON):

H.R. 13568. A bill to provide more efficient and convenient passport services to citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. GUDE:

H.R. 13569. A bill to amend the Public Health Service Act to provide for a comprehensive review of the medical, technical, social, and legal problems and opportunities which the Nation faces as a result of medical progress toward making transplantation of organs, and the use of artificial organs a practical alternative in the treatment of disease, to amend the Public Health Service Act to provide assistance to certain non-Federal institutions, agencies, and organizations for the establishment and operation of regional and community programs for patients with kidney disease and for the conduct of training related to such programs, and for other purposes; to the Committee on Ways and Means.

By Mr. HALL:

H.R. 13570. A bill to amend title I of the Housing Act of 1949 to extend, in certain pending cases, the period prior to approval of a neighborhood development program within a public improvement or facility must have been commenced in order to qualify as a local noncash grant-in-aid; to the Committee on Banking and Currency.

By Mr. JACOBS (for himself and Mr. JONES of North Carolina):

H.R. 13571. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 13572. A bill providing for Federal railroad safety; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS of Florida:

H.R. 13573. A bill to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas:

H.R. 13574. A bill to amend title 38 of the United States Code to suspend the payment of non-service-connected disability pension to any of certain veterans who are outside the United States for 36 or more consecutive months and to lift such suspension only after such a veteran is within the United States for 12 consecutive months; to the Committee on Veterans' Affairs.

H.R. 13575. A bill to make uniform the eligibility requirement for telephone service for medical officers in the Veterans' Administration; to the Committee on Veterans' Affairs.

H.R. 13576. A bill to amend title 38 of the United States Code to increase the rates of dependency and indemnity compensation payable to widows of veterans; to the Committee on Veterans' Affairs.

By Mr. WIDNALL:

H.R. 13577. A bill to extend for 1 year the authority for more flexible regulation of maximum rates of interest or dividends; to the Committee on Banking and Currency.

By Mr. BUCHANAN:

H.R. 13578. A bill to allow the purchase of additional systems and equipment over and

above the statutory price limitation; to the Committee on Government Operations.

By Mr. BURTON of Utah:

H.R. 13579. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. BYRNE of Pennsylvania:

H.R. 13580. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. COLMER (for himself, Mr. FAL-

LON, Mr. JONES of Alabama, Mr. GRAY, Mr. CRAMER, Mr. ABERNETHY, Mr. WHITTEN, Mr. GRIFFIN, Mr. MONTGOMERY, Mr. HEBERT, Mr. CAFFERY, Mr. WAGGONNER, Mr. PASSMAN, Mr. RABICK, Mr. EDWARDS of Alabama, Mr. DICKINSON, Mr. DORN, Mr. ROBERTS, Mr. KEE, Mr. CLARK, Mr. WRIGHT, Mr. EDMONDSON, Mr. JOHNSON of California, Mr. HENDERSON, and Mr. HAMMERSCHMIDT):

H.R. 13581. A bill to provide additional assistance to the States of Alabama, Florida, Louisiana, Mississippi, Virginia, and West Virginia for the reconstruction of areas damaged by Hurricane Camille; to the Committee on Public Works.

By Mr. DONOHUE (for himself, Mr. HUNGATE, Mr. WALDIE, Mr. FLOWERS,

Mr. MANN, Mr. SMITH of New York, Mr. SANDMAN, Mr. RAIBACK, and Mr. COUGHLIN):

H.R. 13582. A bill to amend titles 5, 10, and 32, United States Code, to authorize the waiver of claims of the United States arising out of certain erroneous payments, and for other purposes; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 13583. A bill to amend title I of the Housing Act of 1949 to extend in certain pending cases, the period prior to approval of a neighborhood development program within which a public improvement or facility must have been commenced in order to qualify as a local noncash grant-in-aid; to the Committee on Banking and Currency.

H.R. 13584. A bill to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18; to the Committee on the Judiciary.

By Mr. HENDERSON:

H.R. 13585. A bill to provide mail recipients with the option not to receive through the mail unsolicited and potentially offensive sexual materials and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KUYKENDALL:

H.R. 13586. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. McDADE:

H.R. 13587. A bill to regulate the use of the mails with respect to the sending of material which is sexually oriented, to prohibit the sale of mailing lists for the illegal dissemination of such material, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MELCHER:

H.R. 13588. A bill to suspend the discontinuance of railroad passenger train service until December 31, 1970, to create a commission to study the feasibility of continuing railroad passenger train service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLLEN:

H.R. 13589. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. SANDMAN:

H.R. 13590. A bill to amend the Military Selective Service Act of 1967 in order to provide for a more equitable system of selecting

persons for induction into the armed services under such act; to the Committee on Armed Services.

H.R. 13591. A bill to amend the Manpower Development and Training Act of 1962 to provide for programs of education, job training, and supportive followup services of inmates of correctional institutions; to the Committee on Education and Labor.

By Mr. WATTS:

H.R. 13592. A bill to amend certain provisions of the Federal Food, Drug, and Cosmetic Act; to the Committee on Interstate and Foreign Commerce.

By Mr. BOGGS (for himself, Mr. HEBERT, Mr. CAFFERY, Mr. EDWARDS of Louisiana, Mr. RABICK, Mr. WAGGONNER, Mr. PASSMAN, and Mr. LONG of Louisiana):

H.R. 13593. A bill to provide additional assistance for the reconstruction of areas in the States of Alabama, Florida, Louisiana, Mississippi, Virginia, and West Virginia which were damaged by Hurricane Camille of 1969; to the Committee on Public Works.

By Mr. BROTZMAN (for himself, Mr. GERALD R. FORD, Mr. OBERBERG, Mr. FRY, Mr. PETTIS, Mr. PRICE of Illinois, Mr. RUFFE, Mr. STUCKEY, Mr. HANNA, Mr. BELCHER, Mr. KING, Mr. CORBETT, Mr. HOWARD, Mr. MICHEL, Mr. DEVINE, Mr. HATHAWAY, Mr. DULSKI, Mr. MURPHY of New York, Mr. KARTH, Mr. ESCH, and Mr. ANDERSON of Illinois):

H.J. Res. 883. Joint resolution providing for the display in the Capitol Building of a portion of the moon; to the Committee on House Administration.

By Mr. BYRNE of Pennsylvania:

H. Con. Res. 328. Concurrent resolution expressing the sense of Congress with respect to reducing the balance-of-payments deficit by encouraging American industry and the American public to ship and travel on American ships; to the Committee on Merchant Marine and Fisheries.

By Mr. GLAIMO:

H. Con. Res. 324. Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups; to the Committee on Interstate and Foreign Commerce.

By Mr. DADDARIO:

H. Res. 523. Resolution expressing the sense of the House of Representatives that the United States should actively participate in the 1972 United Nations Conference on Human Environment; to the Committee on Foreign Affairs.

By Mr. RODINO:

H. Res. 524. Resolution expressing the sense of the House of Representatives with respect to the settlement of the conflict in Northern Ireland and the establishment of equal rights for all citizens of that country; to the Committee on Foreign Affairs.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

254. By the SPEAKER: Memorial of the Legislature of the State of California transmitting copies of certain resolutions adopted at the 1969 session, relative to school district appropriations and various other significant matters; to the Committee on Education and Labor.

255. Also, memorial of the Legislature of the State of California, relative to Space Pioneers Day; to the Committee on the Judiciary.

256. Also, memorial of the Legislature of the State of Florida, relative to requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States to provide for



revenue sharing of Federal income taxes; to the Committee on the Judiciary.

257. Also, memorial of the 10th Guam Legislature of the Territory of Guam, relative to extending the GI home loan program to the territory of Guam; to the Committee on Veterans' Affairs.

258. By Mr. ULLMAN: Memorial of the 55th Oregon Legislative Assembly petitioning the Secretary of the Treasury to modify the regulations promulgated under the authority of Public Law 90-618, the Gun Control Act of 1968, to remove the undue and unnecessary restrictions on the purchase and possession of firearms and ammunition by law-abiding citizens; to the Committee on the Judiciary.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FARBERSTEIN:

H.R. 13694. A bill for the relief of Carlos Echegaray; to the Committee on the Judiciary.

By Mr. FUQUA:

H.R. 13695. A bill for the relief of Harry A. Murray; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 13696. A bill for the relief of Mrs. Vivencia O. Consing; to the Committee on the Judiciary.

By Mr. JOELSON:

H.R. 13697. A bill for the relief of Judith Nesser, to the Committee on the Judiciary.

By Mr. LEGGETT:

H.R. 13698. A bill to authorize the Secretary of the Interior to convey certain real property in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. MCKNEALLY:

H.R. 13699. A bill for the relief of Claudio Ricca, Accursia Ricca, his wife, and their children, Giuseppe Ricca and Lucia Grazia Ricca; to the Committee on the Judiciary.

By Mrs. MINE:

H.R. 13600. A bill for the relief of Mrs. Lee Morrison; to the Committee on Veterans' Affairs.

By Mr. ULLMAN:

H.R. 13601. A bill to release and convey the reversionary interest of the United States in certain real property known as the McNary Dam townsite, Umatilla County, Oreg.; to the Committee on Interior and Insular Affairs.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

216. By the SPEAKER: Petition of the City Council, Eastlake, Ohio, relative to taxation of State and local government securities; to the Committee on Ways and Means.

217. Also, petition of Allan Feinblum, New

York, N.Y., relative to full employment; to the Committee on Education and Labor.

218. Also, petition of the Naha City Assembly, Naha, Okinawa, relative to removal of poison gas, germ, and radioactive weapons; to the Committee on Foreign Affairs.

219. Also, petition of the executive director, International Conference of Police Associations, Washington, D.C., relative to a resolution adopted at the 17th annual conference concerning a grievance of the Rochester Police Locust Club, Inc.; to the Committee on the Judiciary.

220. Also, petition of Demetrios Demopoulos, Athens, Greece, relative to redress of grievances; to the Committee on the Judiciary.

221. Also, petition of Ram Sroop Sidher, Yuba City, Calif., relative to redress of grievances; to the Committee on the Judiciary.

222. Also, petition of Allan Feinblum, New York, N.Y., relative to trials by jury; to the Committee on the Judiciary.

223. Also, petition of Henry Stoner, York, Pa., relative to establishment of a U.S. Civil Service Academy; to the Committee on Post Office and Civil Service.

224. Also, petition of the City Council, Crescent City, Calif., relative to taxation of State and local government securities; to the Committee on Ways and Means.

225. Also, petition of the City Council, Watsonville, Calif., relative to taxation of State and local government securities; to the Committee on Ways and Means.

### SENATE—Wednesday, September 3, 1969

The Senate met at 12 o'clock noon and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord, our God, who art from everlasting to everlasting, whose faithfulness never ceases, we thank Thee for Thy providential care over us and Thy renewing grace within us while we have been separated.

As we resume the work of this House may faith and courage and wisdom be given to us in full measure. Surround those who are ill with healing ministries and to all who are well give new strength for new days. Keep ever before us the holy vision of service to all the people. Show us when to speak and when to be silent and ever to preserve that inmost peace of those whose souls are Thy dwelling place. Help us to find and to follow the truth that makes all men free and great and good. Give us the assurance we do not work alone but that we are fellow workers in that higher kingdom whose builder and maker is God.

Through Jesus Christ, our Lord.  
Amen.

#### THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, August 13, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of August 11, 1969, the Secretary of the Senate, on August 21, 1969, received a message in writing from the President of the United States submitting the nomination of Clement F. Haynsworth, Jr., of South Carolina, to be an Associate Justice of the Supreme Court of the United States, which was referred to the Committee on the Judiciary.

Under authority of the order of the Senate of August 13, 1969, the Secretary of the Senate, on August 29, 1969, received messages in writing from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received on August 29, 1969, see the end of proceedings of today, September 3, 1969.)

Under authority of the order of the Senate of August 13, 1969, the Secretary of the Senate, on September 2, 1969, received messages in writing from the President of the United States submitting sundry nominations, which were referred to the appropriate committees. (For nominations received on September 2, 1969, see the end of proceedings of today, September 3, 1969.)

#### REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of August 13, 1969, Mr. JACKSON, from the Committee on Interior and Insular Affairs, reported favorably, with

an amendment, on September 2, 1969, the joint resolution (S.J. Res. 121) to authorize appropriations for expenses of the National Council on Indian Opportunity, and submitted a report (No. 91-389) thereon, which was printed.

#### MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts:

On August 18, 1969:

S. 714. An act to designate the Ventana Wilderness, Los Padres National Forest, in the State of California.

On August 20, 1969:

S. 912. An act to provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado;

S. 1373. An act to amend the Federal Aviation Act of 1958, as amended, and for other purposes; and

S. 1611. An act to amend Public Law 85-905 to provide for a National Center on Educational Media and Materials for the Handicapped, and for other purposes.

On August 25, 1969:

S. 742. An act to amend the act of June 12, 1948 (62 Stat. 382), in order to provide for the construction, operation, and maintenance of the Kennewick division extension, Yakima project, Washington, and for other purposes.

#### EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of A.