

In 1953, there were no Congressional Subcommittees on Consumer Affairs; there was no office in the White House or anyone in the White House devoted to this area; there was no Consumer Assembly; and there were very few Members of Congress interested in the subject. The Food, Drug and Cosmetic Act was full of serious holes—some of which, I am sorry to say, still exist, although many others have been repaired. Pesticides were such an unknown (and generally unfeared) problem that Federal regulation was virtually nil. Poultry of the filthiest kind moved in interstate commerce without Federal inspection. Chemicals of doubtful safety were being used in foods in such profusion—despite the findings of the Delaney Committee in 1949-50—that no one knew what harm they were doing. There was no necessity to have these additives tested and cleared before they could be used.

We still have such a long road to travel before even the health aspects of consumer protection are adequately taken care of—the votes in the House Tuesday on meat inspection gave a good illustration of that fact—that no one in the consumer movement can dare to relax and consider the big victories all won. They are far from won.

So many consumer victories were won in recent years, however—not this year, but in the 88th and 89th Congresses, and particularly last year—that there is no longer a sufficient sense of urgency among the general public over consumer problems which still continue unsolved. Thus, the work of a Consumer Assembly is even more important now than it is when the public is actively aroused over consumer causes. For you must now help to develop an interest where it does not yet manifest itself.

As a Member of Congress deeply involved in many of the issues in which you are also concerned, I see much evidence of your interest—in your letters as officials of organizations or consumer groups. But I don't see much evidence of your effectiveness right now. You are not reaching your own people and enlisting their active help and support.

Despite an excellent public relations campaign in behalf of the Smith-Foley bill on compulsory Federal inspection of most of the meat in intrastate commerce, much of it unfit to eat, we failed rather miserably on this issue on the House Floor Tuesday. There were many reasons, of course. But the main one, I feel, was that so few housewives wrote in on this subject that only a handful of Members of the House were concerned enough to stay on the House Floor for the hard fighting in Committee of the Whole, where the real damage can most easily be done.

On the consumer credit bill, we have been hearing from some of the business interests which have a stake in the battle over revolving credit, but not from many customers, who have a much larger stake in it. You good consumer leaders write us; your people don't.

Don't they know about the fight? Or don't they care?

Even when we do hear from the individual consumers on this bill; the chances are that the issue which is at the very heart of this controversy—revolving credit—is not even mentioned. I received a letter just yesterday from a consumer group in Minnesota who seemed to feel the Senate-passed bill on truth-in-lending was a good bill

which needed a push to get through. We need no push to get through a bill which contains all of the special interest exemptions of the Senate measure. All 12 members of my Subcommittee are committed at least to that kind of measure and a majority of us favors from a little to a lot more than the Senate-passed bill.

The Senate bill completely exempts first mortgages, no matter how unconscionable the terms or how fantastic the extra charges. It exempts from the annual rate disclosure requirement the great bulk of consumer credit transactions—those up to about \$110.00. It does not include credit life insurance in the annual percentage rate. It does nothing about garnishment, the worst weapon used by predatory credit outfits in victimizing the poor. It sets up a special "sweetheart" exemption for revolving credit. And it completely ignores the many abuses in the advertising of credit.

But revolving credit is the crux. On that, we divided 6 to 6 in the Subcommittee. And the big retailers, who use computerized credit systems and delight in the exemptions they have won from the Senate for their type of credit, see a clear victory ahead for the special privileges contained for them in the Senate bill.

Believe it or not, our greatest hope right now in getting through a strong bill which would treat all forms of consumer credit alike seems to rest in the efforts being put forward by a group which would really prefer no legislation at all—the small town and big city furniture dealers, who sell on the installment basis, and who have warned their Congressmen that they may be put out of business if they have to tell their customers they are charging at the rate of 18% a year, say, for credit arrangements similar or identical to those which the department stores, or Sears or the others on revolving credit, can offer at the expressed rate of 1½% a month. To the customer, the one statement of credit cost sounds very high, the other very low. Yet in this example the rates are the same. Why not then require use of comparable terms? How else can the consumer compare credit costs?

What the chain retailers want—and got from the Senate—is a device to hide from the average consumer the comparable cost of their credit in relation to other forms of consumer credit. Could this be truth in lending?

As I said, the big retailers have won this argument in the Senate and with half of the Members of my Subcommittee; they are making great inroads with other Members of Congress, too. In the full Banking Committee, the issue as between a weak or strong bill is so close that a single uncommitted Member might represent the deciding vote. On the House Floor, we will lose—our efforts for a strong bill will be killed—unless the public is aroused, and that means that you people must get busy, really busy, in reaching the rank and file. I need no resolutions from your organizations; I need support from individual voters in every Congressional district. Can you help me?

Chairman Wright Patman of the full Committee, who has been fighting for the cause of the moderate and low-income citizens during all of his long and distinguished career in politics, has given me all of the help and support it is possible for any Committee Chairman to give a Subcom-

mittee Chairman. Without his backing, I could never have held the illuminating and far-reaching hearings our Subcommittee conducted. But he has only one vote in Committee and on the Floor.

If we lose in this battle, you can all look for an explosion into all credit fields of open-end or revolving credit such as the department stores have devised and developed, and soon, more than half of all consumer credit would be outside the fully effective coverage of truth-in-lending regulation. Without realizing it the public would be paying 18 or 24% interest on a majority of its credit transactions.

The 90th Congress is not the 89th. It does not have the liberal majority we had last year. Its punch was lost even before we convened—it was lost just exactly one year ago, when so many of the promising freshman Democrats of the 89th Congress were defeated for re-election by Republicans who stand pat with their party elders and form the deciding margin in obstructing good legislation.

This is not a political rally today, I know. Many of the organizations you represent do not participate directly in political activity, and, in fact, are not permitted to do so.

But aside from Federal employees, there is no reason why all of you here who deeply care about consumer causes can not use some of your individual prestige to get out and work for the election of the kind of Congressmen who will be responsive to consumer needs. That includes Congresswomen, too.

On the other hand, no matter how hard you work in that direction, it will be at least a year before the House can be re-oriented again toward the consumer. What about the period between now and then?

My advice is this: Let those who now have the responsibility for casting votes in the House on consumer legislation know that you are gunning for their hides if they continue to evade their legislative obligations to consumers.

Make it clear to them that by voting for bills which are all title and no substance—bills stripped of their consumer provisions—they are not winning consumer confidence.

I have seen you people work when you are really fired up on a bill which means something to you and to your members. I have seen the galleries filled with head counters—keeping track of who is on the Floor, who is going down the line on the decisive teller votes. You call Members in their offices to find out why they are not on the Floor for the unrecorded votes where the real damage is done. I haven't seen any of that effective work lately. What's wrong? Is everyone tired? Or aren't the issues that important any more?

I have come here today to accept your gracious expressions of appreciation for my efforts on consumer causes, but, like a Dutch aunt—and my maiden name was Kretzer, I might add—I have scolded you for not doing enough. Perhaps I should apologize for that.

Well, I will apologize—but only when your absolutely essential efforts succeed in helping us to get through a good, strong, effective consumer credit bill. It can't be done without far more work than has been put into it so far, and you people, and the people you represent, are the only ones who can really do this job.

## HOUSE OF REPRESENTATIVES

FRIDAY, NOVEMBER 3, 1967

The House met at 12 o'clock noon.

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

*Blessed are they that hear the word of God and keep it.—Luke 11: 28.*

Eternal God, our Father, we thank Thee for the coming of another day and for the opportunity it provides to work with Thee in the service of our country. May the hours glow with the glory of Thy presence and in everything we do may we be mindful of Thy good spirit.

We come to Thee with real regrets and high hopes, each one of us with a prayer

of our own. If we are weary, strengthen us; if we are worried, grant us a peace that calms anxiety; if we are wayward in thought and deed, steady us; if we are wavering in our allegiance to high ideals, be Thou our rock and our fortress; if we are forever seeking our own way, help us to see that there may be other ways and above all to see Thy way.

Enable us to meet the tasks of this day with unwavering strength and unwearying endurance. May we continue our work with an integrity of spirit and a steadfastness of purpose, to Thy glory and for the good of our Nation. In the name of Christ, we pray. Amen.

### THE JOURNAL

The SPEAKER. The Clerk will read the Journal of the proceedings of Thursday, November 2, 1967.

The Clerk began the reading of the Journal.

### CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. 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. 360]

Abbitt	Fuqua	Nix
Adair	Gardner	Ottinger
Andrews, Ala.	Gathings	Passman
Ashley	Gialmo	Pettis
Aspinall	Gubser	Philbin
Barrett	Gurney	Pickle
Berry	Haley	Poage
Bingham	Halleck	Pool
Boggs	Halpern	Pryor
Bray	Hammer-	Rarick
Broomfield	schmidt	Resnick
Brown, Ohio	Hardy	Rostenkowski
Buchanan	Harsha	Ruppe
Burke, Fla.	Harvey	St Germain
Burleson	Hathaway	St. Onge
Button	Heckler, Mass.	Sandman
Casey	Helstoski	Selden
Celler	Herlong	Sikes
Chamberlain	Horton	Smith, Iowa
Clark	Hull	Smith, N.Y.
Conable	Ichord	Snyder
Corman	Jarman	Springer
Cowger	Jones, Mo.	Steed
Culver	Jones, N.C.	Taft
Cunningham	Karth	Teague, Tex.
Curtis	King, N.Y.	Thompson, N.J.
Daddario	Kluczynski	Tiernan
Dawson	Kuykendall	Tunney
Denney	Leggett	Utt
Derwinski	Lloyd	Waggonner
Diggs	Long, La.	Waldie
Dow	McEwen	Walker
Dulski	McMillan	Watkins
Eckhardt	Mathias, Calif.	Watson
Esch	Mathias, Md.	Watts
Eshleman	Meeds	Wiggins
Everett	Meskill	Williams, Miss.
Evens, Tenn.	Michel	Williams, Pa.
Farbstein	Miller, Calif.	Willis
Fino	Morgan	Wilson, Bob
Fisher	Morris, N. Mex.	Wilson,
Ford,	Mosher	Charles H.
William D.	Multer	Winn
Fountain	Murphy, N.Y.	Wylder
Fraser	Myers	
Fulton, Tenn.	Nelsen	

The SPEAKER. On this rollcall 298 Members have answered to their names, a quorum.

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

### THE JOURNAL

The Clerk proceeded to read the Journal of the proceedings of yesterday.

The SPEAKER. Is there objection to dispensing with further reading of the Journal?

Mr. GROSS. Mr. Speaker, I object to

dispensing with further reading of the Journal.

Mr. ALBERT. Mr. Speaker, I move that further reading of the Journal be dispensed with.

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

Mr. GROSS. Mr. Speaker, I object.

The SPEAKER. Objection is heard. The question is on the motion offered by the gentleman from Oklahoma.

The question was taken.

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

The SPEAKER. The Chair will state that the rollcall just disclosed the presence of a quorum.

The motion was agreed to.

The Journal of the proceedings of yesterday was approved.

### PROVIDING FOR CONSIDERATION OF S. 2388, ECONOMIC OPPORTUNITY AMENDMENTS OF 1967

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 966 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 966

*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 (S. 2388) to provide an improved Economic Opportunity Act, to authorize funds for the continued operation of economic opportunity programs, to authorize an Emergency Employment Act, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed six hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill, and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. 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 of the amendments 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.

The SPEAKER. The gentleman from Indiana is recognized for 1 hour.

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

Mr. MADDEN. I yield to the gentleman from Michigan.

#### LEGISLATIVE PROGRAM FOR TODAY

Mr. GERALD R. FORD. Mr. Speaker, I take this time to ask the distinguished majority leader the program for this

afternoon, the measures which it is anticipated will be brought up.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, in response to the inquiry of the distinguished minority leader, the only legislative business this afternoon is the pending resolution which the gentleman from Indiana has called up.

Mr. GERALD R. FORD. Mr. Speaker, I thank the distinguished majority leader.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ANDERSON], pending which I yield myself such time as I may consume.

Mr. Speaker, this resolution (H. Res. 966) calls up for debate and amendment S. 2388, properly known as the poverty relief legislation, or officially the Economic Opportunity Act. Chairman PERKINS and members of the Health, Education, and Labor Committee are to be commended for the 26 days of public hearings and the many days in executive session in the task of assembling this legislation and the accompanying report.

On Monday, and Tuesday—city elections—general debate is scheduled, and on Wednesday the House will consider amendments and a rollcall vote on this legislation.

I do hope that these days of debate will be on a high level, eliminating false charges and exaggerated criticism of this much-needed and necessary legislation.

A nationwide, complex organization to conduct the many offices and personnel required to successfully administer this vast national program cannot be streamlined to perfection in the short time that it has been in operation. No doubt there have been mistakes made by various officials, supervisors, and OEO personnel, but I am satisfied that the top officials are doing everything possible to correct and eliminate some of these mistakes and errors of organization.

#### JOB TRAINING

In the hearings yesterday by the Rules Committee, one of our colleagues in criticizing some of the various branches of the so-called poverty administration, stated that amendments would be offered to this bill for the purpose of giving private enterprise the responsibility to create and expand jobs for the unemployed and training for the uneducated or inexperienced American youth who have not had the opportunities to learn a trade requiring skill or some of the construction "craft" jobs. At the committee hearings yesterday I called attention to the impossibility of this succeeding, owing to the fact that industry, business, and private enterprise are not equipped to carry out the many functions that the EOA program is gradually and successfully solving in order to improve and expand our future economy.

As an example, I called the committee's attention to the situation existing in the great industries of the Calumet region of Indiana, which I represent. The three major steel mills, a half dozen oil refineries, and several hundred other factories and free enterprise institutions have, during the last 15 or 20 years, installed modern labor-saving machinery which enables an industry to put out



twice the production with but 25 percent of labor required 15 or 20 years ago. For instance a retired employee of United States Steel in Gary said that in one department where he worked in 1945 approximately 700 people were employed. Today, by reason of the installation of modern, scientific, electrical, pushbutton machinery, almost twice the amount of steel is being produced with only approximately 100 employees. The same situation applies to thousands of factories and mills throughout America. The problem that this Congress and our Government must try to solve is to provide employment and income for millions of part-time or unemployed families. They must have food, clothing, and education.

Two weeks ago the newspapers over the Nation carried a report that the population in the United States reached 200 million persons. Older folks remember 1915 when great publicity was given to the fact that our country reached the 100 million mark in population. This same article predicts that the next 100 million will arrive not 50 years from now, but approximately 22 years from now. Surveys have been made revealing that 71 percent of our population is now living in urban centers. If the prophecy of this newspaper article is correct, 22 years from now the cities and urban centers will have 71 million more people added to the present population of approximately 210 million people confined to our metropolitan areas. Unless the Government supervises and enacts legislation along the lines of the so-called Equal Opportunity Act, which we are considering today, this Nation will be faced with unemployment, uprisings, riots, discontent, and the danger of the very foundations of our present system of government being destroyed and overthrown.

#### HEADSTART

I do not maintain that the enactment of this program, the so-called poverty program, is the solution, but I do say that during its rather brief existence it has helped millions of our unemployed and poverty-stricken families and millions of our young folks to be given an opportunity to learn a trade or skill that will enable them to provide for themselves. In addition, millions of younger children have been given invaluable information in the so-called Headstart programs in order to instill in their young minds the necessity to continue their education to lay a foundation to become productive future citizens of America.

In my congressional district there are 28 centers established to meet the comprehensive education, health, and welfare needs of economically deprived children who are about to enter school. Approximately 2,000 youngsters were enrolled in this program during the summer of 1967. These youngsters received a complete medical and dental checkup and followup work when necessary. In addition, parents are encouraged to take an active part in the program.

#### NEIGHBORHOOD OPPORTUNITY CENTERS

The neighborhood opportunity centers are also established in my district to help poverty-stricken and backward people

learn methods to aid and help their families. Different church societies and organizations, health groups, visiting nurses, human relations groups, and so forth, are all taking interest in the poverty program in the Calumet region of Indiana. The Trade Winds Rehabilitation Center in Gary, financed with free labor by the AFL Building Trades Union, has been working in cooperation with the poverty program in conducting a speech and hearing class for economically deprived children in aiding them to speak plainly and build confidence so they can enter school with their young neighbors. The OEO organization has also established a home management and consumer education project, aiding low-income women to learn techniques which would improve homelife and teach them to become effectively involved in their communities. The Visiting Nurses Association of East Chicago are working in cooperation with the OEO in establishing a public health and education program for low-income families. In my area the OEO established numerous summer programs for grade and high school children to be given the opportunity for exercise and practical education outside the schoolroom, and these programs have greatly reduced juvenile delinquency in our district. They have provided summer day camps, swimming programs, and other recreation for the youth.

#### VISTA

Many volunteers have joined the VISTA program in order to visit homes and aid in every way to improve and uplift the lives of poor and impoverished American families. This work has brought about great results in aiding parents with delinquent boys and girls in elevating their home life and extending cooperation to place their youth in temporary jobs or pursuits that will take them off the streets and away from youthful clubs and gangs. The poverty program has also established a free and voluntary nursing project. Many doctors have volunteered to aid in expanding these programs.

I fully realize that it is difficult for some Members of Congress, representing rural districts and smaller towns throughout the country, to visualize the hazards and the shocking conditions which exist in the slum areas of most metropolitan cities.

Statistics reveal that in the average metropolitan industrial communities that 13.8 percent of the families have an income of less than \$3,000 per year.

Approximately 3 percent of the families have an income of less than \$1,000 annually.

Nine percent of the families are in houses which are substandard.

About 6 percent received aid from dependent children's funds.

Of the total population over the age of 65 approximately 11 percent receive old-age assistance.

As I previously outlined in my remarks, there will be approximately 70 million more people living in these urban areas 20 years from now. The situation is critical now, and as the years pass it will not only expand and become more critical, but if the Congress and the Government reject their responsibilities to

solve these problems it might mean that in another generation the very citadels and pillars of our free enterprise system as we know it will be destroyed. The next generation will condemn our present-day leaders for not erecting and providing solutions and barriers against the continuance and expansion of these conditions.

Some Members are deploring the cost of this OEO program. We should not forget that millions of our youth and unemployed will be placed on an income-producing basis in a few years, by reason of this training and cooperative assistance. They will become taxpayers instead of dependents on future tax relief rolls. After World War II our gross national product was approximately \$202 billion—today it is approximately \$770 billion, so the Nation can easily afford this solid investment in our future.

I hope the Congress enacts this legislation and provides for future expansion so we can bring about a curtailment of poverty, unemployment, and discontent throughout the land.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is rather interesting to observe some of the language that is contained in this resolution, the resolution that would make in order the consideration of the so-called antipoverty bill, because it says on line 4 of this resolution that it is to "provide for an improved Economic Opportunity Act." That, certainly, is a result devoutly to be hoped for in view of all the criticism that has emerged and the strife that has swirled around this program since its inception.

Mr. Speaker, upon occasion it is very interesting, and usually very instructive, to go back and read the debates which have taken place in this body, debates as they relate to legislation—and I did that last night.

Mr. Speaker, I thought of our late and distinguished colleague, our beloved friend from Ohio, the late Clarence Brown, who spoke almost in prophetic terms about this program as we opened the debate back in 1964, at a time, incidentally, when it carried a price tag of only \$962 million, and not the \$2 billion-plus we have today. In referring to this legislation he said:

In my 46 years during which I have served in public life I have never seen a piece of legislation so loosely drawn, so poorly prepared, so poorly written, and so badly drawn.

Mr. Speaker, he said that in 1964.

We heard, of course, when we had the so-called Economic Opportunity Amendments of 1966 pending before us some of the same apologies, some of the same excuses that were offered previously, that after all, we were plowing new ground, and that this was an experimental area and, therefore, we had to expect many mistakes.

Of course, Mr. Speaker, the Members of Congress are getting letters currently from their constituent-taxpayers back home, constituents who object to the tax-load and who are a little bit hard pressed. When they are told they must overlook these mistakes for just another year they get upset.

One constituent writes to the effect that he realizes that we are harassed because he says he wonders what Moses would have done with the Ten Commandments if he had to get them through the legislative process? What does it take to accomplish these objectives, even after the Committee on Education and Labor had held 26 days of hearings, and after all of these witnesses had come to testify before that committee in behalf of the bill which I still think represents much less than what we hope for and stands in very obvious need of improvement.

Mr. Speaker, it was back in March 1964 that the President declared a national war on poverty. The announced objective at that time, of course, was "total victory."

As of June 1967—and I do not have later figures than these—but as of June 1967 the total national expenditure under this program had been \$7.2 billion and now we are asked to authorize an additional \$2,060 million.

Certainly, Mr. Speaker, the results that have been achieved to date do very little to bear out the hope of "total victory," or the very optimistic prediction that was made by the Director a little while ago—or, maybe, it was a year ago now—that by 1976 when we celebrate the bicentennial anniversary of our national independence, we would also have been able to eliminate the scourge of poverty and would be able to celebrate the elimination of poverty. That scarcely seems likely, in view of the matters that were brought out at the hearings held on this particular bill.

For instance, Mr. Speaker, the question was asked in the Committee on Rules yesterday—while Members of Congress are certainly united in their belief that we ought to attack poverty and that we are trying to do something to eliminate the substandard conditions that do afflict many of the people in this country—why do we have to have all this controversy about this legislation?

I believe all the reasons will be brought out during the general debate we will have next week. But I believe, frankly, part of the difficulty lies in simply the very poor administration of the legislation.

Back in February of this year, 1967, I had a letter from the community action director of my own community, in which he had something to say about the regional office in the State of Illinois which is charged with the overall supervision of the program. Here are some of the complaints that he made:

Lack of communication and direction within the policy group of the regional office; unreasonable control held by the staff of the regional office over the local communities; shifting of staff within the regional office until it has become a musical chair game, and makes it impossible for the local community to function. We spend most of our time having to re-document, reiterate, retrain personnel about the peculiarities and basic background of our community and program.

I took the trouble at that time to call the Director of the Poverty Office, Mr. Shriver, to ask for a conference to try to meet these problems of administration

in my own State and my own area. Mr. Shriver did not come, but he sent a representative, and we had a long talk about the failings of the northeast regional office, and one might have been hopeful that as a result of this some improvement would be forthcoming, I believe it is obvious that that has not taken place. Just a little more than a month ago I received a copy of a letter from the clerk from our county in Illinois, which he was writing to the director of the regional office in which he said:

I have been instructed by a unanimous vote of the executive committee of the Springfield and Sangamon County Community Action, Inc., taken on September 12, 1967, to write this letter to you in re the approved budget for the fiscal year ending July 31, 1968.

Then he went on to say:

The committee as a whole is unable to comprehend how people located 200 miles from Springfield can better determine our needs than a hard-working volunteer group and professional staff on the spot. This is especially true when the staff of the district office in Chicago has not made a survey of our community.

Or even considered what their needs were.

That problem of administration certainly continues to exist, at least, within the regional office that is responsible for the programs in my own State of Illinois. I believe, furthermore, that some of the trouble that the OEO office has can be laid at their own door because of the overly optimistic predictions they have made, and some of the propaganda they have indulged in to describe the vast successes they claim under this program.

I note that last year Mr. Shriver in the hearings on the program said that more than 3 million poor people had been reached and more than 5,000 who were residents of the areas were serving on these community action boards.

I believe maybe the ultimate in this propaganda campaign was reached the other day when COPE sent me a pronouncement in which they very ecstatically proclaimed "Breakthrough on 50-State Front, 7 Million People Aided."

Of course, that is not very precise language.

What do they mean about aiding people? What do they mean when they say they have reached 3 million people, that they have involved 5,000 members on these boards?

The difficulty that I find with this report, and with the hearings, is that when we get right down to it there is not the data, there is not the information or criteria by which we can back up some of the highly optimistic things that have been said by the OEO about itself.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman spoke of the hearings; does the gentleman have, or has he been able to obtain, all of the committee hearings in connection with this bill?

Mr. ANDERSON of Illinois. I have received in my office three volumes of hearings.

Mr. GROSS. Yes.

Mr. ANDERSON of Illinois. I note that the report speaks of four volumes.

Mr. GROSS. There are actually five volumes.

I am surprised that this bill is even up today for consideration, even of the rule, without the hearings being available—all the hearings being available to the Members of the House. There are two volumes that cannot be obtained as of noon today.

Also, there is information that was supplied to the committee, and the Members of the House who were not on the committee are advised to go to the still unattainable volumes of the hearings in order to get the information that was supplied in answer to questions.

I say again, I am surprised that this bill would come to the floor of the House without the hearings being printed.

Mr. ANDERSON of Illinois. Mr. Speaker, I think the gentleman makes a very pertinent point. I might add that one witness in testifying before the Committee on Rules voiced the objection that all too often in trying to ascertain the facts about this program from the OEO there is a great tendency to conceal, until at least a very late date, some of the pertinent information that ought to be made available, particularly to members of the Committee on Education and Labor which has direct oversight of this program.

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

Mr. ANDERSON of Illinois. I yield to the gentleman.

Mr. MIZE. Does the gentleman know whether or not anybody from the Salvation Army was asked in to appear as a witness?

Mr. ANDERSON of Illinois. I cannot answer the gentleman's question. A great many witnesses were called, but whether there was anyone from that particular group, I am not sure.

Basically, it gets down to this, that as the minority views in the report state, what this program needs is a fundamental redirection, and that is not obtained in the kind of cosmetic job that has been done on the OEO in this bill.

They have tried to change the idea of perhaps turning community action programs to local government units, and said that they shall be a community action agency unless they do not wish to do it themselves.

The committee made some changes as to the Job Corps, providing for nonresidential centers as well as residential centers and lowering the direct operating costs of the enrollee to \$6,500.

They have done a few other things in an effort, I think, to dress up this legislation, but certainly as I read the report, and as I listened to the chairman of the committee yesterday when he testified before the Committee on Rules, I could not get away from the feeling that along with the increased money being called for, we were not getting the kind of redirection and fundamental change in the program that most people believe is needed.

You know, we hear over and over again that all that is being asked for in many of these administration grants and programs called for here is a little seed



money. That is the favorite expression. It reminds me of the old story the late Fred Allen used to tell about some Christians being people who go out and sow their wild oats 6 days a week and then go to church on Sunday and pray for a crop failure. It seems to me we are almost in the position of praying for a crop failure in some of these demonstration programs where a complete jungle has grown up of administrative overgrowth, and very little in the way of tangible accomplishment can be seen through the jungle.

I would hope as we proceed through the general debate and read the bill under the 5-minute rule, that we could do some of the things here on the floor that, unfortunately, were not accomplished during the time that this bill was considered in committee.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman.

Mr. STEIGER of Wisconsin. The gentleman indicated that the committee bill did propose what he called redirection in the community action programs.

May I inquire whether you do not agree that—to require community action agencies to be dominated by city hall, and further to require that 10 percent of the amount which will be required for local community action efforts to be made in cash rather than in kind—will that not, in many cases, do very serious damage to the concept of independent community action agencies?

Mr. ANDERSON of Illinois. Certainly, in answer to the gentleman's question, the effect of the amendment that he described could be to place a community action program under the domination of city hall; I would agree. This would not be the kind of fundamental redirection that we need to really involve the poor and to have the kind of program needed to solve the problem of poverty.

Mr. STEIGER of Wisconsin. I concur completely. I think this is a significant point which the House will have to consider as it begins general debate next week and considers various amendments. That is the question of how we can meaningfully involve both those who are to be served and those units of our Federal, local, and State governments, which must have a role to play in the war against poverty.

My fear is, as I would understand from what the gentleman has said, unless we can move in such a direction we will have lost the initiative and we will foreclose really creative participation of the poor themselves by the amendments which were adopted by the committee and which I hope will be overturned on the floor of the House.

Mr. ANDERSON of Illinois. I thank the gentleman. I will be pleased to yield to those who are on their feet, but before my time is up, I have one question that I must ask, if I may have the attention of the chairman of the committee, the gentleman from Kentucky. This question was raised, you will recall, Mr. PERKINS, in the Rules Committee yesterday. Great concern has been expressed about sec-

tion 406 of title IV, which would seem to read the Small Business Administration out of the picture as far as its Office of Procurement Assistance is concerned. It is an office now, as I understand, that administers a number of programs that are designed to funnel contracts into distressed areas.

The fear has been expressed by small business that the SBA is going to find itself in competition with the EDA, the Commerce Department, and the ADO, to the point where it can no longer function effectively in procurement assistance. I understood the gentleman to say that he would accept an amendment to section 406 of title IV which would make clear that the SBA would continue to play its role in these programs.

I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, I would be delighted to answer the gentleman from Illinois. First, let me state that the gentleman from Wisconsin [Mr. STEIGER] offered the amendment which provided the terminology using "Secretary of Commerce" instead of "SBA." I stated yesterday, and I certainly intend to adhere to that statement, that I will accept an amendment insofar as I am concerned, but I am in the process now of trying to work the amendment out with the gentleman from Wisconsin [Mr. STEIGER]. I told him yesterday that he and I would get together, and we intend to get together this afternoon. I do not see any reason why the language should not be changed. We need the Small Business Administration involved, and that, I believe, will be the intent of the committee. At least that would be my intent.

Mr. ANDERSON of Illinois. I thank the gentleman for that assurance.

I yield to the gentleman from Florida.

Mr. GIBBONS. Mr. Speaker, I appreciate the gentleman yielding. I have always admired the gentleman from Illinois. I can remember the very studious way that he has discussed this bill before. My little discussion with you now is an attempt to help point out the inconsistency in what you just said. First, you said the program was too loose. There were too many things going on. Then Mr. STEIGER rose and said, "Don't you think the Green amendment went too far?"

Mr. ANDERSON of Illinois. Will the gentleman suffer an interruption at that point?

Mr. GIBBONS. What you are trying to do, Mr. ANDERSON, is unclear. There are many of us who think that the program needs tightening. I am the author of the 10-percent cash requirement amendment. That provision is in there for the purpose of making sure that we do not have programs unless someone in the local community is responsible enough to put up some money, some cash, to help those programs along. If a program is so wishy-washy that the local people cannot raise any cash, then I do not think there should be a program in that locality.

Mr. ANDERSON of Illinois. Will the gentleman suspend for a moment? In answering the gentleman from Wiscon-

sin [Mr. STEIGER], I addressed myself to answering only that part of his question which related to the amendment making the local political subdivision the local community action agent. I did not comment on the 10-percent cash payment amendment. You may have a perfectly good case for the added cash contribution. But let me say this: I also qualified my answer and said that if the real purport of the other amendment—and I do not know whether you offered it or someone else did; I think it was Mrs. GREEN, perhaps, who offered the amendment—I said that if the real effect or purport of that amendment was to put these programs under the thumb of city hall, then certainly I would be opposed to it.

If, on the other hand, you can establish, as I hope you may be able to do during debate on this bill, that the effect will be to tighten up the program and to make it a better program, you do not have to be afraid about my support.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield at that point?

Mr. ANDERSON of Illinois. I yield to the gentleman from Florida.

Mr. GIBBONS. We attempted to tighten up the program as many people on your side have asked us to do. The amendment was adopted in open committee hearings and on a bipartisan vote. I am talking about the Green amendment and my amendment.

I thank the Members on the other side of the aisle who joined some of us on the Democratic side, who helped to adopt the Green amendment, because I think it was a real major bipartisan step forward.

I do not think this puts the program under the domination of city hall. The Green amendment sets up a series of options allowing the State to act, allowing the counties and cities to act, and if they fail to act or if they fail to comply with the criteria that all other community action programs have to carry out, then there is a possibility for these private nonprofit so-called community action agencies to come in, and it provides an orderly transition.

I believe when we get to that part of the debate, that all responsible Members on the floor, regardless of their party affiliation, will agree this is a step forward in helping to bring this program more into the mainstream of responsible America. I thank the gentlewoman from Oregon, and all other members of the committee who voted to adopt this, for having taken a sound constructive step forward.

Mr. ANDERSON of Illinois. Mr. Speaker, before I yield further, may I have some assurance from the gentleman from Indiana that he will yield me some time, because I have some requests for time on my side, and before I yield further, I would like to know I will have some time to keep my promise to yield to these people.

Mr. MADDEN. Yes; I will yield the gentleman some time.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from New York.

Mr. CAREY. Mr. Speaker, I say to the gentleman in the well I am pleased that

in the amendment as it is reported here, it is not contemplated it will simply place programs under the domination of local officials for their own gain. Of course, we would all be opposed to that. But I think, as expressed by the gentleman from Wisconsin, we are now delivering, in effect, the program to the local politicians.

In the report the gentleman will notice I am quoted by the minority, in the person of Mr. ASHBROOK and Mr. GARDNER, because I stated that in deference to my concern for the poor and their benefits under this program, I would not take the lid off things I knew would redound to the disfavor of the entire program, and they said they respectfully disagreed with me and considered it was my obligation to make these things known, because they would reflect on the politicians.

I am going to be convinced by them, and I am in the debate next week going to take the lid off things that have been generated in the city of New York where public officials in New York have not been involved. And, in fact, the only politician involved has been the young mayor, a young politician of great virtue, but he has run the program according to his own ideas. I will take the lid off, line by line, item by item, as to the kind of operations being conducted without participation of local public officials and maximum participation of the local poor.

Mr. ANDERSON of Illinois. I thank the gentleman for his contribution.

I do want to say, of course, it ought not to go unnoticed in passing that I think a very fundamental reason why some in the minority have felt that it is a mistake to make the local political subdivision the community action agency is the very real danger that, for obvious purposes of political patronage, the local agency may become the refuge for a lot of political hacks and people who are owed political favors and who simply are looking for a job, rather than being in a position to contribute creatively to the solution of a difficult problem. So there is some argument on the other side that we ought at least to throw out.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I thank the gentleman from Illinois for yielding.

I would like to return to House Resolution 966, specifically to two things, on page 1, line 8, and page 3, line 2. The Committee on Rules in its wisdom has apparently seen fit to offer the House a rule waiving points of order, in the first instance against the bill, and in the second instance against the committee amendment as a substitute.

This will get us into the same legislative situation we have been in quite often recently, if the Committee in its wisdom sitting on this—that is, the Committee of the Whole House on the State of the Union—accepts this amendment and separate amendments when we go back into the full House. Why is it necessary, in view of the content of the bill and the report submitted, to waive any points of order?

Mr. ANDERSON of Illinois. There is a provision under title I that certain

funds that are made available under part B—and title I, of course, deals with the Job Corps, the Neighborhood Youth Corps, work-training programs, and manpower programs in general—that there can be a reprogramming authority given to the Director of the poverty program with respect to funds that are allocated under part B of title I.

He can reprogram them and use them under another part of that title. This was the reason that was given to the committee for waiving points of order on the bill.

Mr. HALL. Is there any reason why the legislative body should not work its will on reprogramming by line item, as we do, for example, in the Committee on Armed Services when reprogramming questions come up? There is a real objection on the part of some of the individually elected legislators to a committee of the House superimposed over it taking away the right to waive points of order.

I would ask again the usual question, if the gentleman will yield further: Was this done at the behest of the committee, as submitted by the Parliamentarian, or in the wisdom of the Rules Committee?

Mr. ANDERSON of Illinois. It was done at the request of the chairman of the Committee on Education and Labor. The language requiring the waiver, he said, was language appearing on pages 146 and 147 of the bill. That deals with funds available for certain programs under part B of title I of the act.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Missouri.

Mr. HUNGATE. I am disturbed by the conversation about city hall, as though this is an unfortunate way to administer programs. What better way do we have to appoint the people who administer these programs than through our regularly elected officers, in the duly elective process we customarily use? Is there a better system to get people to administer the program?

Mr. ANDERSON of Illinois. There are those who feel that the maximum participation of the poor is not always achieved under situations where city hall dominates the program. The proposition probably is arguable.

Mr. HUNGATE. Would this be an argument that the elected Representatives are not representative of the people?

Mr. ANDERSON of Illinois. Ultimately one would have to come to that conclusion.

Mr. HUNGATE. I understand, under the present state of the bill, if there is a wish for the program to be continued they will have to put up \$1 to get \$9?

Mr. ANDERSON of Illinois. I believe that is the formula which is used.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Illinois.

Mr. FINDLEY. I hear the argument advanced that this is a fairly new program and should be given an opportunity to test its merit.

The gentleman was on the Rules Com-

mittee in 1964 when this program was first presented to the House. It was then known as the Landrum-Powell bill or the Powell-Landrum bill.

I hear counterarguments that this program is indeed far different from the bill which first came to the House in 1964.

Is this really a new bill? I wonder if the gentleman could shed some light on that.

Mr. ANDERSON of Illinois. In my opinion, as I said, I do not feel it is, I believe, basically, it is the Economic Opportunity Act of 1964 with a little cosmetic treatment here and there to dress it up. There is a fundamental change, perhaps, with respect to community action programs, and some fairly minor changes with regard to the Job Corps. Basically, I believe it represents the same approach we adopted initially in 1964.

Mr. Speaker, I now yield 1 minute to the gentleman from New York [Mr. REID].

Mr. REID of New York. Mr. Speaker, I rise in support of House Resolution 966 and I urge its prompt adoption.

The subject before us today is poverty. Not alone the poverty that afflicts 30 million Americans in our apparently affluent Nation but as well the poverty that afflicts this House. For in recent weeks I have heard Members of this body speak words that reflect the poverty of our commitment, the emptiness of our promise to the ghetto dwellers, to the rural poor, principally to the young people of this Nation.

Some have protested the cost. Others have proclaimed its ineffectiveness. But the question is not whether the poverty program has failed us, but rather whether we have failed it.

None would say the bill is perfect. None would argue that there should not be amendments—certainly not I.

But this House, I believe, will gravely misread the country if we fail to raise our sights to meet the expectations of the American people.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield the gentleman from New York 1 additional minute.

Mr. MADDEN. I yield the gentleman 3 minutes.

Mr. REID of New York. I thank both gentlemen.

The SPEAKER. The gentleman from New York is recognized for 4 additional minutes.

Mr. REID of New York. Mr. Speaker, to repeat, I believe that this House will gravely misread the country if we fail to raise our sights to meet the expectations of the American people. Just as the American people abhor crime and violence so do they reject facile and simplistic answers to problems that clearly cry out for difficult and complex solutions which indeed may not easily be obtained.

Let us recognize the \$2.06 billion authorization in this bill for what it is. Less than what we spend in Vietnam in 1 month and not nearly enough, even under present economic conditions, to do what is essential for those Americans still living in poverty—not out of fear of violence and riots but because it is right—and long overdue. It is clear that



many Americans have not had the opportunities that our democracy and our national purpose, and the commitment they imply, in fact guarantee.

If in the days ahead we emasculate this program, if we renege on our pledge, if we cut the heart of creativity out of this endeavor in the name of efficiency or political pragmatism, then we will have borne witness not to our courage, conviction, and principles but, rather, to the poverty of this body. Our national purpose is not to enshrine the status quo but to forge a new life for all Americans—and in this generation.

Certainly I, for one, believe that we need to strengthen the job orientation of this program. There is no question, in my judgment, but what this House must stand back of the model cities and education and other programs that are as basic to our cities as is the legislation we are about to consider. I would remind this House that the city of New York, as an example, needs at the very minimum \$50 billion in the next 10 years to address itself to the basic needs of its population.

So I deeply hope that the sights of this body will be raised and that we will not dash the hopes of those who have little to live on but faith. I think it is within our power to write a bill that will improve this program and thereby their lives, that will meet the problems of education and housing and job training and, I hope, that will make real the promise of America and the commitment of our Nation to all.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. REID of New York. I will be happy to yield to the gentleman.

The SPEAKER. All the time of the gentleman from Illinois [Mr. ANDERSON] has expired. The gentleman from Indiana [Mr. MADDEN] has 17 minutes remaining.

Mr. MADDEN. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. HUNGATE].

Mr. HUNGATE. Mr. Speaker, I agree with our colleague the gentleman from New York [Mr. REID], who has just spoken. As I believe the poet John Ciardi once put it, a fool is a man with short answers to long questions. I oppose the rule and I oppose the bill not because we cannot afford to do something about poverty. I think we can afford better education, and I have so voted. I think we can afford better housing, and I have so voted. I think we can afford better wages, and I have so voted. I think we can afford better farm prices, and I have so voted. I think that the problem that we face here is not that we are not working to solve poverty, but this is not the way we are going to solve the problem. It reminds me, you know, of the story they tell about Casey Stengel in his playing days when he was beginning the game. He was on the bench and the outfielder in left field dropped the ball when they hit one to him. They hit another one out there, and he let it go between his legs. The manager then called for Casey and put him in left field. The first batter up hit one out there and Casey stood out there in the sun and lost the ball and it hit him on the shoulder.

When the inning was over he ran back to the dugout and he said, "You know, that son-of-a-gun has left field so screwed up nobody can play it."

Mr. Speaker, I think his program is in that condition. I think we need to look thoroughly into this problem, but look at it in another manner.

Mr. Speaker, I am told that people used to wear asafetida bags to ward off illness. Also, there used to be the practice of bleeding a patient in the treatment of the disease with which he was afflicted. However, we learned that these processes did not do the job.

Mr. Speaker, it is my opinion that this is one of the problems we have here. I am hoping that those on the other side of the aisle, who support economy in Government will see this opportunity for what it is. I hope those on either side who say they believe in efficiency and the need for economy in our governmental programs, will see this as an opportunity to move in that direction. I say there are certain programs under which we can move to bring about economies. I hope they will recognize this program as an opportunity to accomplish the job.

Mr. Speaker, I think we can move on with the same money and build Dickey-Lincoln, and with the same money we can bring our farmers their fair share of our national prosperity while at the same time reducing poverty. We can build certain other public works with the same money we find in this program and accomplish desired results, creating real wealth and real jobs.

Therefore, Mr. Speaker, I hope we can take action in this direction. It is for this reason that I oppose the bill and the rule on the bill.

Mr. Speaker, I say to those who are calling for economy but who upon occasion vote the other way, those who call for efficiency and sound business management in Government that the time for this type of vote is now. In other words, those who are for economy and those on the other side of the aisle who unanimously voted along that line on the continuing resolution the other day, I hope you will not miss this opportunity to vote for economy.

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

Mr. HUNGATE. I yield to the gentleman from Ohio for just a moment.

Mr. HAYS. I noticed this economy vote to which the gentleman referred. I just heard a speaker over there speak about the sum of \$50 billion which is needed for New York in the next 10 years alone. I hate to embarrass the gentleman because he is a great Congressman and a great advocate of the needs of the State of New York, but I do not think the temper of the Congress is to the effect they could expect to get \$50 billion or \$1.5 billion for the great State of New York at this time, or in the next 10 years.

I just wonder how the gentleman from Missouri feels about that.

Mr. HUNGATE. I think New York could use a good bit of funds, but I am not sure this Congress is the place to come for them.

Now we are going to hear a great debate and some eloquent oratory and the proponents of the bill will undoubtedly

have the best of the argument. But when the debate is over and you go back home, you will still find the program is inefficient, unpopular, and obsolete.

Mr. Speaker, the story is told about Abraham Lincoln when he posed the question—"How many legs does a dog have?" A fellow standing by said, "Four." And, Lincoln says, "What if you call the tail a leg?" The guy said, "Five." Lincoln says, "You are wrong. Calling the tail a leg does not make it a leg. He still has four legs."

Calling this an antipoverty bill does not make it an effective one and therefore I urge opposition to it.

Mr. MADDEN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. PUCINSKI].

Mr. PUCINSKI. Mr. Speaker, I rise in support of the resolution. The committee has adopted certain significant amendments, which in my opinion strengthen the bill and remove some of the sources which have brought the greatest criticism of the program. It is my further opinion that after they are thoroughly understood by the Members of this body the House will support them.

Mr. Speaker, what we have undertaken to do is to close up certain loopholes in areas where there has been the greatest degree of criticism of this program.

There are some who say that this is an amendment for the big cities. I really do not believe the big cities are concerned as to whether this amendment is adopted or not. When I say this I am referring to the big cities like New York, Los Angeles, San Francisco, Chicago, and Detroit. All of these cities are moving along. They have their own programs and the elected officials are thoroughly involved in their operation. But, I am concerned about the small communities of America where elected officials have been completely ostracized from the antipoverty programs in their community.

Mr. Speaker, my good and distinguished colleague, the gentleman from Illinois [Mr. ANDERSON], talked about this matter of involving elected officials in the program. This summer we had a riot in Aurora, Ill. I called the mayor out there and discussed this with him.

He said that he thought some of the people in the poverty program had created some of the atmosphere for this problem.

I said to him "Why don't you recommend to the community action board to get rid of these and get a good program going?"

He said "I am not even on the community action board."

I said, "You are not even on the community action board? You are the mayor of this city, and you are not on the board?"

He said "No, because the nominating committee closed the nominations and refused to nominate me and put me on the board."

We had testimony before our committee on a community action board in New Jersey where a rump group bodily took over the community action board and excluded everybody from the community from the board. The Office of Economic Opportunity could not withhold any



money from this self-appointed community board simply because they had a contract which OEO said it had to fulfill.

We are talking here about millions upon millions of taxpayers' money. What we have done in this bill is provide that all money must be funneled through the responsible elected officials of the community who periodically have to account for their stewardship to the voters.

It would seem to me that for someone to quarrel with the safeguards is really running against the whole philosophy of government in this country.

We provide that a community action agency, which must be either a State, county or municipal body, will have to appoint a community action board.

And here we provide that one-third of the board must be people from the area to be served, the poor people, and one-third must be the elected officials so they have a responsibility, and one-third shall be other interested parties.

So I say to you that we have strengthened this bill. We put in another amendment, and I hope you will fully consider this companion amendment which prohibits the Office of Economic Opportunity here in Washington to fund directly and bypass the Community Action Board, and fund directly to fly-by-night organizations with all sorts of programs that have been subjected to so much criticism since this program started.

I say to the Members this is a good amendment, and I hope the Members over the weekend will study the amendment, because this has been an area in which we have had the greatest criticism. We have not had criticism of this program in those communities of America where they have been run in cooperation with the local public officials. There they have a good program going. The criticism has come of those programs funded by some bureaucrat here in Washington deciding to ignore the community action board and ignoring the recommendations of the poor people, and everything else, and just went ahead and funded some program out of Washington in the community. This is where the criticism has come from, and where the programs are in trouble. That is why they are in trouble, and we have closed that gap in the committee bill. So I say to you we have strengthened the bill.

The gentleman from Illinois [Mr. ANDERSON] was correct when he quoted from Mr. BROWN's statement in 1964 where Mr. BROWN said that this was a loosely written bill. I agree with him. I believe what we have done in the committee is tighten this up. I hope the House will support us in our efforts to make this a workable program.

Mr. MADDEN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. HAYS].

Mr. HAYS. Mr. Speaker, there is one of the amendments the committee has written in that gives me concern to a degree, and that is the 10-percent contribution by local subdivisions.

I propose to offer an amendment to this when the bill comes on the floor to exempt Headstart from this particular requirement. I believe it is a good re-

quirement generally, with a lot of the programs. I agree that if the community itself does not want to put up 10 percent, then they might not want the program. But I have communities in my district that cannot afford kindergartens. I know from personal knowledge that if you start a child in school who does not have the background, the vocabulary and the ability that the other children in first grade do, that that child will be handicapped not only through school in the grades, but right on into and through high school.

I know in my community Headstarts have been most successful programs. We have had a great many contributions in kind not in cash, and by that I mean interested people who are willing to volunteer their services as teachers' aids and so on in these Headstart programs.

I think it would be a shame to take it away from the already deprived communities, Headstart, that they would only have because they can get it on a basis of personal contributions and not cash.

I sincerely hope that this amendment will be considered.

I have no objection to the amendment involving the local political subdivision. As a matter of fact, I fought against the amendment on the legislation a year ago which said that a majority of the people on those boards should be from a poverty area, and I pointed out then and I think now that the House will agree with me, that it would be just as logical to say that you have to have 51 percent of the directors of a bank being people who are failures and had been bankrupt in business.

You have to have some people obviously who are in the area of the poor being served, but you also have to have some people who know how to run a program. I think we will see to it that this is done in that way.

Mr. MADDEN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. ERLNBORN].

Mr. ERLNBORN. Mr. Speaker, as we begin the debate on the future role of the Office of Economic Opportunity, I believe that my colleagues from both sides of the aisle will be interested in the authenticity of the material contained in a 50-volume report the Office of Economic Opportunity released in January 1967.

Sargent Shriver, Director of the Office of Economic Opportunity, announced the forthcoming "Summary of Federal Social and Economic Programs" on November 22, 1966, at a press conference. He was most enthusiastic. He hailed the summary as a great aid to local government.

As I mentioned the summary was divided into 50 parts with a volume of statistics for each of the 50 States. The individual State reports were further divided by counties.

When Director Shriver sent each Congressman a copy of the summary for the Congressman's State, the Director noted that:

You will probably be able to find a few gaps. You might even find a mistake or two.

Recognizing that this was a new program, like many of the Office of Eco-

nomnic Opportunity directed experiments, I accepted the Director's explanation that a few mistakes might be detected in the material I had received.

In January I released the OEO report of a "Summary of Social and Economic Programs" to the newspapers in the Illinois 14th Congressional District. I distributed copies of the OEO county reports for both Du Page and Will Counties, Ill., and I forwarded the OEO summaries to nearly 200 local governments in my district. I accepted Director Shriver's statement that this material would aid local government.

The news media published the material on January 24, 1967. By January 26, 1967, I received notice of the first error in the tabulation for Du Page County, Ill.

Du Page County had been credited with a \$44,674 TB project. My staff spent February and most of March tracing down this error.

We discovered that the \$44,674 had not been funded to a Du Page TB project, but instead to a school district research program in adjoining Cook County, Ill.

The confusion did not end there. When other local governing agencies questioned other aspects of the OEO summary, I assigned a member of my staff with the task of contacting the Congressional Relations Office of the Office of Economic Opportunity in Washington to recheck the validity of the report.

Several telephone inquiries failed to bring any response from the Office of Economic Opportunity. On April 4, 1967, a member of my staff made an appointment with a staff member at the OEO Washington office. My staff member requested a copy of the original November 1966 press release and the Federal aid listing for Illinois counties that apparently was released that day.

We requested this initial information because newspaper stories published in December 1966, we discovered, reported a different total amount of Federal aid for Du Page County than had been included in the summary I received in January 1967. The original newsstories indicated the summary would include a tabulation of war on poverty aid, Federal grants and loans to individuals and communities, and fundings listed as available in Federal aid guide published by OEO the previous year.

I was, of course, surprised to learn that the fourth wealthiest county in the Nation received more than \$30 million in 1 year for this kind of aid.

Later I discovered the total reported for Du Page included more than \$28 million in social security payments.

The Office of Economic Opportunity supplied my staff member with a two-page report describing the "Federal information system," three pages of notes Director Shriver reportedly distributed to the news media on November 22, 1966, excluding any State or county summary, and a news release dated December 22, 1966, announcing that John Johnson had been named Director of the OEO Information Center.

Since I was not receiving the information I had requested from the Office of Economic Opportunity, I decided to direct my inquiries to the seven depart-



ments or agencies whose purported fundings for fiscal year 1966 had been included in the OEO summary for Du Page County, Ill.

On April 4, 1967, I sent letters requesting verification of the OEO summary to the Department of Agriculture, the Department of Housing and Urban Development, the Department of Interior, the General Services Administration, the Office of Economic Opportunity, and the Small Business Administration.

Director Shriver's few possible mistakes mushroomed into at least one error in every section of the Du Page County summary. Not one department or agency, including, as it turned out, OEO itself, was able to completely verify the information contained in the Du Page County summary.

The errors uncovered ran into the millions of dollars and included not only errors for Du Page County, Ill., but at least one common error found in every one of the 50 volumes of the report for every State and every county in the Nation.

Yes, in the case of Du Page County, Ill., OEO was wrong seven times in seven department and agency funding summaries.

The direct reports I received, and I should add promptly received from the departments and agencies involved, uncovered more than \$6.8 million in OEO errors. Program fundings were credited to Du Page County in error. Other program fundings were omitted.

Let me briefly recount the extent of these errors with a by-the-Department report:

First, OEO reported fundings totaling \$3,290 for the Department of Agriculture. Omitted from the tabulation were a \$880 rural loan, \$326,826.05 county stabilization and conservation service aid, \$239,226.90 for milk to schools, and \$74,078.58 for school lunch programs, for a one-department error of \$641,011.53.

Second, OEO reported that the General Services Administration donated surplus property valued at \$6,619 to Du Page institutions. GSA did not start to participate in the OEO information service program until the 1967 fiscal year.

GSA told me:

We are unable to identify the source of the information reported by OEO for donations of surplus property to Du Page County, Illinois, as of June 30, 1966, since our first statistical report was made to OEO for the month of July 1966.

All summaries for GSA in all 50 volumes are in error. OEO later admitted this nationwide reporting mistake of more than \$4.7 million.

Third, OEO reported a Department of Health, Education, and Welfare funding total of \$29,328,734. The correct total is \$31,098,267. In addition to omitting \$1.8 million in construction grants and loans to colleges, OEO reported incorrect figures for two other HEW programs and by error a Cook County school funding was listed as a Du Page County TB project.

Fourth, OEO's total for Department of Housing and Urban Development fundings was \$540,000. The correct figure is \$388,560.

Fifth, OEO reported Department of Interior expenditures of \$5,266 in Du Page. To be consistent with methodology used in other parts of the report this should have been credited to the State of Illinois because the water study grant was made to the State, not the county.

Sixth, OEO reported OEO expenditures of \$11,550 and included a loan acquired from the Department of Agriculture. Again, to be consistent with methodology the loan should not have been included in OEO fundings. The correct OEO total is \$10,670.

Seventh, OEO incorrectly reported Small Business Administration fundings totaling \$397,300. SBA reported that the correct total is \$228,000.

The total error I uncovered for just one county was \$2,111,039.32. OEO reported a Du Page County total of \$30,312,759. The separate departments and agencies informed me the correct total for these Federal fundings is \$32,423,798.32.

This is an example of the efficiency and accuracy of the Office of Economic Opportunity. It staggers my imagination to think of the total dollar error that would be uncovered if all Congressmen sought verification of the OEO summary of so-called statistics for each county in their congressional districts.

The Office of Economic Opportunity is a bureaucrats' haven for make-work experiments. OEO is inefficient and expensive. OEO must win the award for the world's worst bookkeeper.

OEO later regretted that the computerized listing confused me. Confused—I was dazed. The OEO Information Center was telling me that more than \$31.8 million in war on poverty moneys had been spent in one of the wealthiest congressional districts in the Nation during the first 10 months of the 1967 fiscal year.

The Information Center at OEO is responsible for the publication of tons of sheer mishmash. Its computer's products remind me of that well-known saying among computer experts "Garbage in; garbage out."

Although OEO continues to grind out all sorts of wondrous alleged statistics, anyone utilizing them without checking and double checking runs the risk of being labeled both a "fool" and a "purveyor of untruths." I have learned that you cannot believe reports issued by the Office of Economic Opportunity.

The Office of Economic Opportunity has not lived up to the expectations of its sponsors. It serves little useful purpose. It has caused a gross waste of the taxpayers' moneys. It administers little more than constant confusion, and most of the programs it administers should be transferred to old-line departments and agencies.

Mr. MADDEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 262, nays 39, answered "present" 1, not voting 130, as follows:

[Roll No. 361]

YEAS—262

Addabbo	Giulmo	O'Konski
Albert	Gibbons	Olsen
Anderson, Ill.	Gilbert	O'Neill, Mass.
Anderson,	Gonzalez	Patman
Tenn.	Goodell	Patten
Andrews,	Goodling	Pelly
N. Dak.	Gray	Perkins
Annunzio	Green, Oreg.	Pike
Arends	Green, Pa.	Pirnie
Ayres	Griffiths	Poff
Bates	Grover	Pollock
Battin	Gude	Price, Ill.
Belcher	Hamilton	Price, Tex.
Bell	Hanley	Pucinski
Bennett	Hanna	Purcell
Betts	Hansen, Idaho	Quie
Blester	Hansen, Wash.	Rallsback
Blanton	Harrison	Randall
Blatnik	Harsha	Rees
Boland	Hathaway	Reid, Ill.
Bolling	Hawkins	Reid, N.Y.
Bolton	Hays	Reifel
Bow	Hechler, W. Va.	Reinecke
Brademas	Heckler, Mass.	Reuss
Brasco	Hicks	Rhodes, Ariz.
Brock	Hollifield	Rhodes, Pa.
Brooks	Holland	Riegler
Brotzman	Hosmer	Roberts
Brown, Calif.	Howard	Robison
Brown, Mich.	Hunt	Rodino
Broyhill, N.C.	Hutchinson	Rogers, Colo.
Buchanan	Irwin	Rogers, Fla.
Burke, Mass.	Jacobs	Roman
Burton, Calif.	Joelson	Rooney, N.Y.
Burton, Utah	Johnson, Calif.	Rosenthal
Bush	Johnson, Pa.	Roth
Byrne, Pa.	Jonas	Roush
Byrnes, Wis.	Jones, Ala.	Roybal
Cabell	Karsten	Rumsfeld
Cahill	Kastenmeyer	Ryan
Carey	Kazen	Saylor
Carter	Kee	Schadberg
Cederberg	Keith	Scherle
Chamberlain	Kelly	Scheuer
Clausen,	King, Calif.	Schneebell
Don H.	Kirwan	Schweiker
Clawson, Del.	Kleppe	Schwengel
Cleveland	Kupferman	Shipley
Cohelan	Kyl	Shriver
Conte	Kyros	Sisk
Corbett	Laird	Skubitz
Daddario	Landrum	Slack
Daniels	Leggett	Smith, Calif.
Davis, Ga.	Lipscomb	Smith, Okla.
Davis, Wis.	Long, Md.	Stafford
de la Garza	McCarthy	Staggers
Delaney	McClure	Stanton
Dellenback	McCulloch	Steiger, Ariz.
Dent	McDade	Steiger, Wis.
Devine	McDonald,	Stratton
Dingell	Mich.	Stubblefield
Dole	Mich.	Sullivan
Donohue	McFall	Talcott
Dorn	Macdonald,	Teague, Calif.
Dow	Mass.	Tenzer
Duncan	Machen	Thompson, Ga.
Dwyer	Madden	Thompson, Wis.
Eckhardt	Mahon	Tunney
Edmondson	Mailliard	Udall
Edwards, Calif.	Marsh	Ullman
Edwards, La.	Matsunaga	Van Derlin
Eilberg	May	Vander Jagt
Erlenborn	Mayne	Vanik
Evans, Colo.	Miller, Ohio	Vigorito
Evins, Tenn.	Mills	Wampler
Fallon	Minish	Whalen
Fascell	Mink	Whalley
Feighan	Minshall	White
Findley	Mize	Widnall
Flood	Monagan	Wolff
Foley	Moore	Wright
Ford, Gerald R.	Moorhead	Wyatt
Fraser	Morton	Wyllie
Frelinghuysen	Moss	Wyman
Friedel	Murphy, Ill.	Yates
Fulton, Pa.	Natcher	Young
Galifianakis	Nedzi	Zablocki
Gallagher	O'Hara, Ill.	Zion
Garmatz	O'Hara, Mich.	Zwach

NAYS—39

Abernethy	Edwards, Ala.	Jones, N.C.
Ashbrook	Flynt	Kornegay
Ashmore	Gathings	Langen
Baring	Gettys	Latta
Bevill	Gross	Lennon
Brinkley	Hagan	Martin
Clancy	Hall	Montgomery
Colmer	Hébert	Nichols
Cramer	Henderson	O'Neal, Ga.
Dickinson	Hungate	Quillen
Dowdy	Jarman	Rivers

Satterfield      Stuckey      Whitener  
Scott              Tuck              Whitten

## ANSWERED "PRESENT"—1

Collier

## NOT VOTING—130

Abbitt	Gardner	Philbin
Adair	Gubser	Pickle
Adams	Gurney	Poage
Andrews, Ala.	Haley	Pool
Ashley	Halleck	Pryor
Aspinall	Halpern	Rarick
Barrett	Hammer-	Resnick
Berry	schmidt	Rooney, Pa.
Bingham	Hardy	Rostenkowski
Blackburn	Harvey	Roudebush
Boggs	Helstoski	Ruppe
Bray	Herlong	St Germain
Broomfield	Horton	St. Onge
Brown, Ohio	Hull	Sandman
Broyhill, Va.	Ichord	Selden
Burke, Fla.	Jones, Mo.	Sikes
Burleson	Karth	Smith, Iowa
Button	King, N.Y.	Smith, N.Y.
Casey	Kluczynski	Snyder
Celler	Kuykendall	Springer
Clark	Lloyd	Steed
Conable	Long, La.	Stephens
Conyers	Lukens	Taft
Corman	McEwen	Taylor
Cowger	McMillan	Teague, Tex.
Culver	MacGregor	Thompson, N.J.
Cunningham	Mathias, Calif.	Thernan
Curtis	Mathias, Md.	Utt
Dawson	Meeds	Waggonner
Denney	Meskill	Waldie
Derwinski	Michel	Walker
Diggs	Miller, Calif.	Watkins
Downing	Morgan	Watson
Dulski	Morris, N. Mex.	Watts
Esch	Morse, Mass.	Wiggins
Eshleman	Mosher	Williams, Miss.
Everett	Multer	Williams, Pa.
Farbstein	Murphy, N.Y.	Willis
Fino	Myers	Wilson, Bob
Fisher	Nelsen	Wilson,
Ford,	Nix	Charles H.
William D.	Ottinger	Winn
Fountain	Passman	Wydler
Fulton, Tenn.	Pepper	
Fuqua	Pettis	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Rostenkowski for, with Mr. Collier against.

Mr. Cowger for, with Mr. Fisher against.

Mr. Morse of Massachusetts for, with Mr. Selden against.

Mr. Boggs for, with Mr. Teague of Texas against.

Mr. Horton for, with Mr. Taylor against.

Mr. Button for, with Mr. Fountain against.

Mr. St. Onge for, with Mr. Williams of Mississippi against.

Mr. Miller of California for, with Mr. Fino against.

Mr. Ashley for, with Mr. Snyder against.

Mr. Karth for, with Mr. Pettis against.

Mr. Kluczynski for, with Mr. Watson against.

Mr. Steed for, with Mr. Passman against.

Mr. Celler for, with Mr. Haley against.

Mr. Philbin for, with Mr. Waggonner against.

Until further notice:

Mr. Farbstein with Mr. Hammerschmidt.

Mr. Aspinall with Mr. Broomfield.

Mr. Morgan with Mr. Bray.

Mr. Fulton of Tennessee with Mr. Meskill.

Mr. Hardy with Mr. King of New York.

Mr. Charles H. Wilson with Mr. Williams of Pennsylvania.

Mr. Andrews with Mr. Halleck.

Mr. Corman with Mr. Bob Wilson.

Mr. Thernan with Mr. Roudebush.

Mr. Downing with Mr. Sandman.

Mr. Everett with Mr. Halpern.

Mr. Hull with Mr. Mosher.

Mr. Thompson of New Jersey with Mr. Eshleman.

Mr. Walker with Mr. Adair.

Mr. Bingham with Mr. Esch.

Mr. McMillan with Mr. Mathias of Maryland.

Mr. Willis with Mr. Berry.  
Mr. Pepper with Mr. Conable.  
Mr. Herlong with Mr. Ruppe.  
Mr. Meeds with Mr. Mathias of California.  
Mr. Waldie with Mr. Harvey.  
Mr. Ichord with Mr. Brown of Ohio.  
Mr. Abbitt with Mr. McEwen.  
Mr. Casey with Mr. Cunningham.  
Mr. Fuqua with Mr. Blackburn.  
Mr. Clark with Mr. Taft.  
Mr. Long of Louisiana with Mr. Utt.  
Mr. Burleson with Mr. Broyhill of Virginia.  
Mr. Rooney of Pennsylvania with Mr. Watkins.

Mr. Adams with Mr. Burke of Florida.

Mr. Pryor with Mr. Michel.

Mr. Culver with Mr. Wyder.

Mr. Stephens with Mr. Curtis.

Mr. Murphy of New York with Mr. Mac-

Sikes.

Mr. Sikes with Mr. Gurney.

Mr. Multer with Mr. Gubser.

Mr. Poage with Mr. Winn.

Mr. Morris of New Mexico with Mr. Springer.

Mr. Dawson with Mr. Wiggins.

Mr. Barrett with Mr. Nelsen.

Mr. Dulski with Mr. Kuykendall.

Mr. Nix with Mr. Smith of New York.

Mr. St Germain with Mr. Myers.

Mr. Pickle with Mr. Lloyd.

Mr. Smith of Iowa with Mr. Derwinski.

Mr. Pool with Mr. Lukens.

Mr. Rarick with Mr. Gardner.

Mr. William D. Ford with Mr. Denney.

Mr. Conyers with Mr. Helstoski.

Mr. Resnick with Mr. Diggs.

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

Mr. COLLIER. Mr. Speaker, I have a live pair with the gentleman from Illinois [Mr. ROSTENKOWSKI]. If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PROGRAM FOR THE BALANCE OF THIS WEEK AND FOR NEXT WEEK

Mr. RHODES of Arizona. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. RHODES of Arizona. Mr. Speaker, I have requested this time for the purpose of asking the distinguished majority leader as to the program for the balance of this week and for next week.

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman from Arizona yield?

Mr. RHODES of Arizona. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished gentleman from Arizona, we have finished the legislative business for this week.

For Monday and the balance of the week the program is as follows:

Monday is Consent Calendar day. Also, there are 12 suspensions to be considered which are as follows:

H.R. 11565, to provide for transfer of peanut acreage allotments;

Senate Joint Resolution 33, to establish a National Commission on Product Safety;

H.R. 3639, Animal Drug Amendments of 1967;

H.R. 3982, to provide for transportation of house trailers of members of the uniformed services;

H.R. 1341, to authorize additional accumulation of leave in certain foreign areas;

H.R. 8547, to simplify laws relating to members of the Army, Navy, Air Force, and Marine Corps;

Senate Joint Resolution 114, to extend the duration of copyright protection in certain cases;

H.R. 13669, to amend title 10, United States Code, relating to military claims;

H.R. 13165, to provide Secret Service protection for a widow and minor children of a former President;

H.R. 2138, to permit naturalization of certain employees of U.S. nonprofit organizations;

S. 1552, to amend the Highway Safety Act of 1966; and

S. 423, to authorize certain construction at Manele Bay, Lanai, Hawaii.

Also scheduled for the consideration of the House on Monday is S. 2388, the Economic Opportunity Amendments of 1967. It will be considered under an open rule, with 6 hours of debate, waiving points of order, and making in order the committee substitute now in the bill as an original bill for purposes of amendment. I might say we hope to consider the bill under general debate on Monday and on Tuesday, but we do not plan to go any further than general debate on Tuesday.

Tuesday is Private Calendar Day, and of course we will continue on Tuesday with the Economic Opportunity Amendments, and continue through the balance of the week on that bill, or until the bill is concluded.

Mr. RHODES of Arizona. Mr. Speaker, Saturday, November 11, is Veterans Day, and I am sure that some Members of the House have plans for observing that day. Will it be the purpose of the majority leader to have a session on Friday if it is necessary to finish the bill?

Mr. ALBERT. We feel because of the urgency of disposing of this legislation, for many, many reasons, that if we have not disposed of the bill by that time we will have to consider it on Friday.

May I add further that this announcement is made subject to the usual reservations that conference reports may be brought up at any time, and that any further program may be announced later.

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

Mr. RHODES of Arizona. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I would like to ask the distinguished majority leader when it is contemplated the fund-giveaway conference report may be brought up?

Mr. ALBERT. In reply to the gentleman's inquiry, I will say that we are not in a position as yet to make that announcement. My understanding is that it is not ready as yet. We certainly would not bring it up on Monday or Tuesday.

Mr. GROSS. It will be brought up Monday or Tuesday of next week?



Mr. ALBERT. No. I said we would not bring it up on Monday or Tuesday.

Mr. GROSS. It will not be brought up on Monday or Tuesday?

Mr. ALBERT. That is correct. The reason we would not bring it up on Monday or Tuesday is that Tuesday is a general election day. I believe some 37 States are having elections on Tuesday. While we would not put votes over on primary elections, we would not put any votes over that come on Monday, I would certainly be disposed—and I believe the House would be—to take up any matter requiring a record vote and certainly any matter as important as a conference report on Wednesday or later in the week.

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

Mr. RHODES of Arizona. I yield further.

Mr. GROSS. Mr. Speaker, I assume Members of the House will be safe now in buying a Christmas tree to be used in Washington, D.C., rather than in their home district?

Mr. ALBERT. I believe they would be safe in buying one in Washington, D.C., if they wish.

Mr. GROSS. They would not have to cart it out to their respective districts, would they?

Mr. ALBERT. That would depend on where they want to spend Christmas, either here or there.

Mr. GROSS. Does the gentleman believe that this Congress can be adjourned by December 20?

Mr. ALBERT. The gentleman is calling on me for speculation. I do not like to indulge in answers to hypothetical questions. My judgment is that we will be adjourned by then.

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

#### ADJOURNMENT TO MONDAY, NOVEMBER 6, 1967

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

There was no objection.

#### CALENDAR WEDNESDAY BUSINESS DISPENSED WITH ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that any business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

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

There was no objection.

#### JACKY BAYNE DAY

Mr. GETTYS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there

objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. GETTYS. Mr. Speaker, tomorrow, November 4, has been proclaimed Jacky Bayne Day in Fort Mill, S.C., by Mayor Cleve Lytle.

I am sure that many of my colleagues learned yesterday through the news media of the tragedy that befell this brave South Carolinian as he served his Nation in Vietnam. Specialist Bayne was critically wounded by a Vietcong landmine and had been given up for dead by everyone except Jacky Bayne, and when life was detected, the long road to recovery began.

Jacky Bayne is now at Walter Reed General Hospital where his mother and father, Mr. and Mrs. Eb L. Bayne, have stood bravely by his side since he arrived there on August 4.

They are proud of Jacky and rightfully so. He is a youth who never burned a draft card, never stormed the steps of the Pentagon to decry the policies of his Government, never participated in a protest march, never joined in an act of civil disobedience. He did his duty gladly. His sacrifice should put to shame those who strive to undermine our efforts to protect freedom and liberty.

And so, Mr. Speaker, I think it is commendable that tomorrow has been proclaimed "Jacky Bayne Day" in his hometown. I know every Member of this House joins with me in saluting courageous Jacky Bayne and his splendid family. He serves his country and he serves it well.

It is my fervent hope that a kind providence will in time bless Jacky Bayne with full restoration to good health.

#### COMMISSIONING OF THE "GREENLING," NUCLEAR SUBMARINE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD and include an address by Hon. GEORGE W. ANDREWS of Alabama.

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

There was no objection.

Mr. PRICE of Illinois. Mr. Speaker, today is the commissioning of our 29th nuclear attack submarine, the *Greenling*, at Groton, Conn.

The gentleman from Alabama, the Honorable GEORGE W. ANDREWS, is delivering the commissioning speech. He, too, is calling for the rapid development of the nuclear side of our surface Navy. His remarks are cogent and important. I insert them in the RECORD at this point:

REMARKS BY CONGRESSMAN GEORGE W. ANDREWS, AT THE COMMISSIONING OF U.S.S. "GREENLING," NOVEMBER 3, 1967

For the past thirty years, I have had great interest in and, I might say, love for the United States Navy. In 1944 while serving as a Naval Lieutenant at Pearl Harbor, I was elected in absentia to the 78th Congress. Immediately, I was assigned to the Naval Subcommittee of the Appropriations Committee. I have seen our Navy grow both in size and in quality.

In my opinion, the United States Navy today is in the best hands in her history with

the Honorable Paul Ignatius serving as Secretary and Admiral Tom Moorer serving as Chief of Naval Operations. I was most pleased to learn recently that the tour of duty of Admiral Rickover has been extended for another two years. The Admiral has made the greatest contributions to the U.S. Navy of any man in history and is recognized as the father of our great Polaris system.

So, it is a real great personal pleasure for me to be here today and take part in the commissioning of our Country's newest nuclear attack submarine—the *Greenling*.

The submarine we are commissioning today is the second United States submarine to bear the name *Greenling*. The first *Greenling* was commissioned on 21 January 1942. She made 12 patrols during World War II, sinking 15 Japanese ships for a total of 59,000 tons. She won 10 battle stars as well as the Presidential Unit Citation. After the war, she was used to train naval reservists until stricken from the Naval Register in 1960.

The new *Greenling* joins the growing United States nuclear fleet which now numbers 74 submarines, an aircraft carrier, a cruiser, and two frigates in operation. These ships have steamed a total of about ten million miles. In addition we have under construction or authorized another aircraft carrier, three guided missile frigates, 32 attack type submarines, and a small submarine capable of exploring the ocean bottom. Congress has appropriated funds for the procurement of long leadtime items for yet another nuclear aircraft carrier; the Secretary of Defense has stated he will request the funds to complete this ship in next year's shipbuilding program.

The development of nuclear propulsion for our naval warships stands out as one of the most important technological achievements of this century. In my position as a member of the Defense Subcommittee of the Appropriations Committee of the House of Representatives, I am thoroughly aware of the importance of naval nuclear propulsion to our Nation's security through its application to our Polaris submarines, our attack submarines, and our surface warships. Further, the naval nuclear propulsion program has supplied the basic nuclear technology on which our growing civilian nuclear power program is based. There is a strong conviction among the members of the House Appropriations Committee that we must continue to strengthen and advance our nuclear submarine fleet and that we must provide nuclear propulsion for our new major surface warships. I am proud of the role the House Appropriations Committee and the Congress have played in this effort so vital to our Country's defense.

Today our fleet of 41 nuclear powered Polaris submarines is complete. These ships with their awesome weapons stand their watchful guard hidden under the oceans of the world. There is no doubt that the Polaris submarine represents our most formidable deterrent to an all-out war.

The nuclear powered submarines, including the *Greenling*, likewise have an important job in our Country's defense. Our ability to control the seas in future conflicts will be greatly dependent on our capability to overcome the enemy's submarine threat. Clearly our nuclear powered attack submarines provide our Navy with indispensable anti-submarine warfare capability.

Today our pre-eminence in nuclear submarines is being challenged from abroad. The great skills and capabilities which have produced our nuclear submarine fleet will be quickly dissipated if we slacken our efforts in advancing naval nuclear propulsion. I do not expect Congress to yield to pressures and arguments to stop building nuclear submarines. In the months and years ahead, I am confident that Congress will continue to provide the impetus and guidance to en-

sure that our nuclear submarine fleet stays second to none.

Concerning our submarine program, the objective is clear—we must introduce improved nuclear submarine designs into the fleet as rapidly as feasible. But this is only one aspect of the continuing fight for American naval supremacy—we must have new major surface warships to replace our aging fleet that is rapidly approaching obsolescence, warships with the important military advantages of nuclear propulsion.

The nuclear powered aircraft carrier *Enterprise* has set record after record since she joined the fleet six years ago. This summer she returned with her escort, the nuclear powered frigate *Bainbridge*, from their second deployment in action off Vietnam. The *Enterprise* has proven so effective in battle in Vietnam that the Secretary of Defense requested a new nuclear powered attack carrier in last year's defense bill and has assured Congress that he will ask for one more next year and another in a future year. I am encouraged to see that the Department of Defense has finally recognized the importance of nuclear power for aircraft carriers after long urging by the Congress.

The United States is now committed to a nuclear powered aircraft carrier building program with a total of at least four nuclear carriers planned to be in the fleet of the mid-1970's. The aircraft carrier continues to be one of our prime naval weapons. It provides a movable platform from which to launch airplanes wherever they may be needed. It is a floating airbase complete with maintenance and repair facilities, ready for immediate use. It has proved to be a vital asset in support of our military activities in Vietnam.

The importance to the future strength of the Nation of providing nuclear propulsion in our major surface warships has been studied and debated at length for over six years. Even before our first nuclear powered surface warships, the cruiser *USS Long Beach* went to sea in July 1961. Congress took action to change the frigate *USS Truxtun* from conventional propulsion to nuclear propulsion. This summer the *Long Beach* returned from her first combat tour during which she performed a vital mission in the Gulf of Tonkin. Also this summer the recently completed *Truxtun* reported for duty with the Pacific Fleet.

At least four major fleet escort ships—destroyers or frigates—are assigned to each aircraft carrier to make up a carrier task group. These escorts are designed to operate against enemy targets on independent missions or as a part of a coordinated protective screen to destroy enemy aircraft, missiles, submarines, and surface ships that attack the carrier task group.

To exploit the full potential of the carrier task group, everything possible must be done to minimize the logistic support required to sustain the ships in a combat environment. Elimination of the requirement for a continuous supply of ship propulsion fuel makes nuclear powered warships far superior to their conventional counterparts. The outstanding performance demonstrated by the *Enterprise*, *Long Beach*, *Bainbridge*, and *Truxtun* during one million miles of steaming throughout the world, unfettered by the umbilical cord of a propulsion fuel distribution system required by conventional ships, has made the requirement for nuclear propulsion in our new warships obvious. The recent Middle East crisis has once again demonstrated that the need for fuel oil is the Achilles Heel of conventional warships.

The issue put before the Congress last year and this year is whether the new major fleet escorts the United States builds for our future naval striking forces—warships that will be operating into the 21st century—will have nuclear propulsion. The Department of Defense recommended conventional major fleet

escorts both last year and this year. But Congress disagreed and decided to provide these ships with nuclear propulsion.

Congress has decided the time has come for the United States to make the inevitable decision to modernize our Navy by taking the next step from sail to coal, to oil, to nuclear power for propulsion of naval surface warships. This decision is in accordance with the Constitutional responsibility of Congress to provide and maintain a Navy . . . I assure you, Congress will continue its role of leadership in bringing about the development and application of nuclear propulsion to the U.S. Navy—as we have in the past—first for submarines, then for aircraft carriers, and now for major fleet escorts.

You who comprise the crew of this new *Greenling* we commission today still do not see a world at peace. Once again the world is beset by war. World War II saw us fighting to maintain our freedom; now we are fighting to protect the freedom of the peace lovers everywhere. Once again the courage and perseverance exhibited by the earlier *Greenling* are required by all of our Armed Forces.

May the courage and strength of character which the crew of the first *Greenling* demonstrated, and which forms but a small part of the great tradition of American submarines, serve as an inspiration to you of the new *Greenling*. Our entire nation is supremely proud of the valor and the gallantry that have made the American fighting forces the finest in the world. I know that your skill, devotion to duty and spirit of self-sacrifice will help make the *Greenling* the proud ship she deserves to be.

Officers and crew of the *Greenling*, you face unparalleled challenges and opportunities. I am confident that you will carry out your responsibilities in a manner which befits the tradition of the Navy's submarine service. May I wish you Godspeed and smooth sailing.

#### U.S. ECONOMY CONTINUES TO EXPAND

Mr. DORN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. DORN. Mr. Speaker, a few days ago this country entered the 81st consecutive month of economic expansion—the longest period of steady economic growth in our history.

To insure a continuation of this expansion—to keep our economy on an even keel—the President has asked the Congress to pass his tax surcharge proposal. In 1962, 1964, and 1965 we lowered taxes to stimulate the economy. Now we must raise them to slow the economy to a more moderate and maintainable pace.

In this regard, I commend to you a well-reasoned analysis of the issues involved in the current tax debate by Herbert Stein, a noted economist of the Brookings Institution. Mr. Stein's analysis appeared in a recent issue of the Reporter magazine, and is a comprehensive and excellent discussion of the issues involved.

Mr. Speaker, under unanimous consent I place Mr. Stein's entire article in the RECORD, as follows:

#### THE CASE FOR THE TAX SURCHARGE

(By Herbert Stein)

The new economics and the old Puritan ethic have converged this fall to recommend

a tax increase. The New Economics says that when inflation is forecast, taxes should be raised, and inflation is now commonly forecast. The Puritan ethic holds that when the Federal budget is going to be in deficit, taxes should be raised to balance it, and this year the Federal budget is going to be in substantial deficit. Even so, the President's proposal to levy a ten per cent surcharge on individual and corporate income taxes is in trouble. The odds are that there will be a tax increase, but that it will come later than the President wished, be smaller than he asked and require him to pay more in expenditure cuts than he would like.

The difficulties that the President's tax proposal have encountered should have been no surprise. Increases of the Federal income tax are very rare. Except for the special case of 1932, there have been general increases only during the two World Wars and the Korean War. Relative to the Federal budget and the national income, even the Korean War was much larger than the current conflict. And in all three of those wars the Presidents had to settle for smaller increases than they wanted. The plain fact was and is that people do not like to have their taxes raised.

The modern standard view of fiscal history does not prepare us for the difficulties in the way of the tax increase. This view teaches that before 1963 the country was dominated by the idea that the budget should be balanced—if not always, at least almost always. But in 1963 we were converted by the New Economists to the view that taxes should be reduced when expert analysis and prognosis indicate a deficiency of total demand and should be raised in the contrary circumstances. This conversion led to the tax reduction of 1964. If the conversion had lasted, there would be no problem about raising taxes now when the economists warn of inflation. And even if the country or Congress has retrogressed to the budget-balancing idea, that should be an equally powerful force for raising taxes in 1967.

But this view of the history greatly exaggerates both the force of budget balancing as a guide to policy before 1963 and the extent of the conversion to the notion that the economics profession could tell us reliably how to manipulate taxes to produce high employment, price stability, and steady growth.

The 1963-1964 tax fight was not a contest between budget balancing and the flexible use of taxation as a stabilizer. The fight was over expenditures. Before the House of Representatives voted on the tax cut, President Kennedy sent up a letter promising a tight budget for the next fiscal year. Then Wilbur D. Mills, chairman of the House Ways and Means Committee, delivered a powerful speech to persuade the House that in voting for tax reduction it would be voting for restraints on expenditures that would make possible more tax cuts later. The Senate would not act on the tax cut until it saw the budget for the following year. When President Johnson sent up a surprisingly small budget in January, 1964, he promptly got the tax cut.

This is the background against which the tax increase is being considered. It is a background of little confidence in expert advice, only marginal devotion to the principle of the balanced budget, a general reluctance to raise taxes, and a feeling of disappointment and resentment that Congress is faced with this choice after the expectations created during the discussion of the 1964 tax cut. Presidents can sometimes override these difficulties, but Mr. Johnson's leadership is less powerful than it once was. A war would ordinarily be sufficient to assure some increase in taxes, but the Vietnam War is special, and its influence works against as well as for the proposal. Therefore, Congress is in a mood and position to bargain hard before granting the President a tax increase.



## ADMINISTRATION ARGUMENTS

The case for raising taxes, as presented by the administration, rests on three points:

**Inflation.** During the latter part of 1965 and most of 1966, the U.S. economy was under strong inflationary pressure. Rising expenditures for the Vietnam War, added to the vigorous upswing already in progress, caused the total demand for output to rise faster than could be matched by the supply, even though production rose substantially. The average rate of price increase, which had been running around one to 1.5 per cent a year, rose to three or 3.5 per cent.

In the first half of 1967 the economy entered a period of lull. This was mainly due to a drastic decline in the rate at which businesses were building up inventories. The slow-down was also due to tight monetary conditions, caused in part by the Federal Reserve's efforts to curb the inflation. Probably to a smaller degree, the government's action in suspending the tax credit for business investment also contributed to the pause in the economy.

The pause is expected to be temporary, and indeed may already have ended. The decline in the rate of inventory investment, which was the main element in the pause, can hardly go much further and will probably turn into a rise. The relaxation of credit conditions has produced the beginnings of an increase in residential construction. Meanwhile government spending, defense and non-defense, state and local as well as Federal, continues to grow. By 1968, recovery of the economy will give a boost to investment spending by business. And the increased income resulting from increases in all these lines of activity will accelerate consumer spending. So by the end of 1967 the growth of total demand will again exceed the growth of production and prices will rise more rapidly.

People complain about being asked to pay higher taxes on top of high and rising prices. But the taxes will not be in addition to higher prices; they will be a substitute for higher prices. Failure to raise taxes would leave more money in our pockets, but the larger amount of money would not buy more. Real consumption and investment, the administration insists, must and will be held down to real production in some way, and if that is not done by higher taxes it will be done by higher prices. The tax route is fairer, or can be made so, because we can decide who pays the taxes. The inflation route imposes the sacrifices mainly on the weak.

**Tight Money.** Advocates of a tax increase recognize that the predicted inflation could be checked by a tight-money policy, but they argue that this would simply make for higher interest rates, which in turn chiefly penalize small business, state and local governments, and, most severely, purchasers of houses, builders, and construction workers. Such an allocation of the sacrifice would be unfair and economically disruptive.

To this argument some add another which is, or sounds, even more ominous, namely, a recurrence of the financial "crunch" of 1966. The rise of interest rates in money markets, including rates on Federal securities, led many individuals holding savings and loan association shares, and corporations holding time deposits at banks, to take their money out and invest it directly. There was a danger that the financial institutions would be unable to meet the drain of funds if it continued, or at least be unable to meet the drain without liquidating assets at a loss. Financial markets in 1966 were, it is said, as near panic as at any time since the Second World War. However, the Federal Reserve and other financial agencies of the government came to the rescue and relieved the situation. Some advocates of a tax increase fear that without it the "crunch" would be repeated, but this time if the Federal Reserve is fighting a

strong inflation it would be unable to relieve the financial markets as well.

## THE BUDGET DEFICIT

Economists who argue for the tax increase are likely first to swear that they haven't the slightest concern about the budget deficit "as such," and that the deficit is relevant only as, together with a lot of other conditions, it throws light on the problem of inflation and interest rates. However, President Johnson is not bucking for appointment to the Harvard Economics Department. He has not hesitated to appeal to what is left of the Puritan ethic in this country and invoke the size of the prospective deficit as an independent reason for raising taxes. In fact, he and his aides have presented the deficit picture in the most dramatic possible light.

There are several ways of defining and measuring the Federal budget, and these different ways show different surpluses or deficits. In his January Budget Message the President made a point of emphasizing what is called the National Income Accounts Budget, which is generally recognized to have much greater economic significance than the traditional Administrative Budget and usually has a smaller deficit. But in the argument for the tax increase this summer and fall, the President and his officials have talked almost exclusively in terms of the Administrative Budget. This has enabled them to talk about a deficit of \$25 to \$29 billion, rather than the \$15 to \$18 billion apparently in prospect in the National Income Accounts Budget if there is no tax increase.

## GROUNDS FOR DOUBT

The Congressmen who express reluctance to raise taxes don't deny what the supporters say; they only complain that the administration has not made its case. In particular, they express reservations about the administration's forecasts and about forecasting in general.

The economic case the supporters have to make is indeed a hard one. They must show not only that the economy will be rising but also that the rise will exceed some critical rate that causes serious inflation. If the forecast is wrong by a significant amount, so is their recommendation. There is little margin for error.

The forecasting basis of the 1963-1964 tax-cut proposal was quite different. Then the economy was running about \$30 to \$40 billion below its potential annual output, and had been doing so most of the time for five years. The tax cut was justified not by the forecast of a change but by the forecast of no change in the economy. Furthermore, it was expected to close only part of the gap between desired and actual output, so that there was some margin for error before the tax cut would overshoot the mark and cause inflation. And it was to take effect gradually, over a period of a year and a half as originally proposed, so that there would be opportunity to correct for errors in the forecast if they became apparent.

Plenty of reasons can be found for skepticism about the ability of economists to make such a precise forecast reliably. As Congressman Mills has reminded expert witnesses before his committee, the experts told Congress in the summer of 1957 that it was not a good time for a tax reduction. This was about one month before the 1957-1958 recession began, and in retrospect it looks as if a tax cut would have been most opportune. Economists made a similar error in 1960. To come much closer to the present, we may recall that after mid-1965 inadequate information on the pace of the Vietnam buildup led to a serious underestimate of its inflationary impact. Also, the administration's request for suspension of the investment credit in September, 1966, followed by a request for restoration of the credit within a few months, did not suggest that policy was guided by a very clear view of the future.

The administration's current recommendation that taxes should be raised to prevent inflation rests not only on the proposition that there would be inflation if taxes were not raised. It also rests on the proposition that the tax increase would stop—or substantially reduce—the inflation. On this proposition also there is skepticism in Congress, with eminent, although not widespread, support in the economics profession. What is at issue is whether a tax increase that is expected to be temporary will cause the taxpayers to reduce their spending or to reduce their saving. In the latter event there would be no anti-inflationary effect. The increase would simply reduce the government deficit and equally reduce the private saving that would have been invested in the government debt; everything else would remain unchanged. As for the effect on spending, some economists, notably Professor Milton Friedman of the University of Chicago, interpret the available evidence as showing that people adjust their spending to what they expect their income will be on the average in the long run, and that they respond to variations of income which they expect to be temporary by changing the amount they save. If this is true, it casts a great deal of doubt on the anti-inflation argument for a tax increase.

The tight-money argument for raising taxes depends upon the inflationary aspect of the case. If the forces in the economy do not add up to inflation in the absence of a tax increase, there will be no need for monetary tightness or higher interest rates. And if a tax increase will not restrain inflation, because it reduces private saving rather than spending, then a tax increase will not prevent tight money either. But there are other reasons for doubt about the tight-money argument. During the spring and summer of 1967, interest rates rose substantially in anticipation of government and private borrowing expected to come later. Present interest rates many be already adjusted to the conditions that would exist if there were no tax increase, so that there would be no further rise if the tax proposal were rejected. If so, a repetition of the "crunch" is unlikely. Anyway, a "crunch" is not the inevitable consequence of high or rising interest rates; it results from lack of preparation by private financial institutions and by governmental financial policy. To ask the American people to pay \$8 or \$9 billion in taxes to avoid this seems extreme to some economists.

As for the effect of tight money in restraining private investment, notably residential construction, this diversion of resources may be the best way to meet the expense of the Vietnam War, opponents of the tax increase say. It may be more sensible to defer part of the addition to our stock of capital, which can be made up later and which has little effect on current living standards, than to curtail consumption at once.

To complete the list of doubts, the size of the prospective deficit carries little weight as an independent reason for raising taxes. Even when we were much more devoted to balancing the budget than we are today, we did not expect to balance it during a war. And while the figures for the deficit are impressively large, so are all other dollar figures in the American economy. So goes the argument against the administration's proposal.

## THE EXPENDITURE ARGUMENT

Still, the probabilities are on the side of the administration's short-run argument. The evidence that we would face serious inflation if taxes were not raised may not be overwhelming, but it is stronger than the evidence that we would have a recession if we did raise taxes. Moreover, after the inflationary episode of 1965-1966 it is probably time for us to lean in the direction of stopping inflation, even at some risk of slowing down the rise of production and employment. And



one does not have to share the common fear of or bias against high interest rates to believe that it would be better to restrain the rise in the affluent level of American private consumption by raising taxes than to repress private investment by tight money. Moreover, if the argument is correct that a temporary tax increase does little to hold down private spending, it also means that the temporary tax increase can do little harm.

The point is not the absence of a case for raising taxes on grounds of short-run economic effects. It is rather that the arguments are not strong enough to compel the decision to be made in terms of short-run economic effects alone. Hence other consequences must also be considered and may dominate the decision.

The most important of these have to do with Federal expenditures and the future of Federal taxes, and are believed to flow from two laws—one political and one economic. The political law is that the higher taxes are, the higher expenditures will be. The economic law is that even though higher expenditures do not necessarily require higher taxes in the short run and may not require higher taxes in 1967–1968, in the long run and on the average, the higher expenditures are, the higher taxes have to be. Therefore, the decision about taxes now is also a decision about expenditures and future taxes, and should be influenced by preferences about them.

Basically, the Congressmen are saying that they want expenditures to be lower, not only this year but also over the longer term. Representative Mills wants to fulfill the promise and prophecy of a downward trend of taxes that he made in advocating the tax cut in 1963. Congress fears that if it gives the President the tax increase he asks now, spending will be higher than otherwise, not only now but also later. Indeed, Congressmen are highly skeptical of the idea that the proposed tax increase would in fact be temporary. They remember that many of the taxes that were supposed to expire automatically after the end of the Korean War were extended step by step for a decade, under the seemingly inexorable pressure of rising expenditures. They can foresee something like that happening again after the Vietnam War. They feel that the only sure way to make a tax increase temporary is not to enact it.

Congress is not terribly impressed with the risk of inflation if it doesn't raise taxes, and is impressed with the risk that expenditures and taxes will be permanently higher if it does. Because it evaluates the risks in this way, it is able to make a credible threat of refusing to raise taxes unless the President cuts expenditures. And because the threat is credible, and because the President wants some tax increase very much, he will make a strenuous effort to meet their demands. This would be a close parallel to events of 1963–1964 when Congress forced the President to cut expenditure by threatening not to enact the tax reduction.

The ranks of the perennial Congressional "economizers" will probably be joined today by some who are usually "spenders" but who now object violently to one particular expenditure—that for the war in Vietnam. They will oppose the tax increase to show their intense opposition to the war and also to make prosecution of the war more unpopular by preventing it from being financed in the best way. In either terms, the tactics seem unlikely to be very effective. Those who oppose the tax increase because they are against the war will hardly be visible in the crowd of people who oppose it for other reasons.

Whether refusal to raise taxes would increase the real cost of the war, by causing inflation or other adverse economic consequences, is a question we have already discussed and answered: "Probably yes, although probably not much." For the anti-war peo-

ple the more significant question is whether the public and the President will *think* the cost of the war is higher if taxes are not raised than if they are. For the public the answer is probably "No." For the President the answer is affirmative, but not so strongly as to influence his policy toward the war.

Then there are those who support the tax increase because they are all for the other war—the war on poverty, including even some who normally favor lower government spending. They may not regard the tax increase as the best of all possible alternatives. Some would prefer to hold down certain expenditures (agriculture, highways, the space program, and the supersonic transport are the common list), to manage the welfare programs more efficiently, and to rely on monetary restraint as necessary to prevent inflation. But this is a world in which we seldom get the best of all possible alternatives. Politics, prejudice, ignorance, and inertia in the budgetary process make niggardliness in the urban-poverty programs the more probable consequence of a failure to raise taxes.

This case for a tax increase is not an argument for throwing money around. It does not imply that spending money will cure all our social ills, or even avoid the necessity for making hard decisions. It does say that time cannot be stopped in America because a war is going on in Vietnam. At this point in time, it would be both unwise and dangerous to force extremely difficult decisions to be made within the confines of an unnecessarily stringent budget, through refusing to raise taxes or threatening to do so. In my opinion, this is the compelling reason for a tax increase.

#### VIETNAM

Mr. RYAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

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

There was no objection.

Mr. RYAN. Mr. Speaker, yesterday, appearing before the Senate Foreign Relations Committee, Ambassador Goldberg indicated what I take to be an important change in the administration's negotiating position on Vietnam. The United States is now on record as being prepared to vote for participation by the National Liberation Front in any Security Council talks. And, more important, the United States is now willing to accept its full participation in a reconvened Geneva Conference.

For several years many of us in Congress have argued that such a policy was a necessary precondition for any serious discussions for a settlement in Vietnam. As recently as last Tuesday, October 31, a number of us met privately with the Secretary of State to reaffirm that position.

The administration's decision to make clear its willingness to talk directly to the NLF, therefore, represents an important step forward in the search for peace in Vietnam.

That decision, of course, does not in itself guarantee that talks will occur. The administration must be prepared not merely to talk to the National Liberation Front, but to talk realistically. Realistic talks would acknowledge its considerable power in South Vietnam. And realistic talks would acknowledge that the NLF would be able to have representation in

any future government of South Vietnam.

From our conversations last Tuesday with Secretary of State Rusk, I doubt that the administration is yet prepared to accept the logical consequence of a decision to talk directly with the NLF. Nevertheless, I welcome Ambassador Goldberg's statement as an important first step in defining a diplomatic position which has some possibility of bringing about a negotiated settlement.

#### OBSTRUCTION OF AND AID TO ENEMY PENALTIES FOR ARMED FORCES, VIETNAM

Mr. COLMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. COLMER. Mr. Speaker, I was out of the Chamber when the program was announced. I had intended to ask the majority leader about a particular bill, H.R. 8, sometimes referred to as the Pool bill, and which has to do with the obstruction of our Armed Forces and aid to the enemy.

This bill was reported out of the Committee on Un-American Activities on May 31. A rule was sought thereon and on June 13 the resolution was reported out of the Committee on Rules. But the bill has not been programed, and I want to ask the distinguished majority leader when he proposes to program it because if it is not, of course, I would feel obligated to exercise the privilege of calling it up, as a privileged matter under the rules of the House.

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

Mr. COLMER. I yield to the gentleman.

Mr. ALBERT. In response to the inquiry of the distinguished chairman of the Committee on Rules, as he has indicated the rule was granted some time ago. Of course, more than 7 legislative days have passed, and under the rules any member of the Committee on Rules may call the bill up as a matter of privilege.

Of course, the leadership respects that and will respect the request of the gentleman that the matter be programed at an appropriate time if, and when, the gentleman will advise us as to his desires.

Mr. COLMER. Mr. Speaker, I am advising the majority leader now that I would like to have this bill programed at a very early date because it has been some time since the resolution was reported out.

Mr. ALBERT. I will be very glad to consult with the gentleman. The matter is privileged and we will honor the request of the gentleman.

Mr. COLMER. I thank the distinguished majority leader.

#### RESOLUTION TO HAVE U.N. TAKE UP MATTER OF VIETNAM

Mr. COLLIER. Mr. Speaker, I ask unanimous consent to address the House



for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. COLLIER. Mr. Speaker, during the past week or 10 days 24 Members of this House and 55 Members of the other body have introduced "sense of Congress" resolutions, one urging the President to request and the other urging the President to consider—and I repeat "consider"—taking the Vietnam issue to the U.N. Security Council.

I was under the impression that every Member of this body and the Senate knew that as long ago as February 2, 1966, such a request was made by Ambassador Goldberg, and that request has been and is still pending before the United Nations.

I cannot understand, therefore, why some of my colleagues would now, at this late date, introduce a resolution asking the President to do something that has already been done. What is the sense of such an obviously useless action at this time?

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

Mr. COLLIER. I am delighted to yield to the distinguished Speaker.

Mr. McCORMACK. Mr. Speaker, the gentleman is absolutely correct. Not only once, but at least on two occasions—and within the past 24 hours—the President has instructed our representative to the United Nations to try to bring the matter to the attention of the United Nations. We all know the difficulties in connection with that. The gentleman's statement is absolutely correct.

Mr. COLLIER. I thank the Speaker. I feel very deeply that this type of resolution, which I was asked to introduce on an issue in which we are all deeply interested, would be misleading to the American people, because such a resolution at this stage could leave the misimpression that the President has not already taken this vital action.

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

Mr. COLLIER. I yield to my colleague, the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, my colleague from Illinois makes an excellent point. Of course, we all want the day when the United Nations will take up this very difficult problem.

Would my colleague agree with me that these people, as well as those who demonstrated against the Pentagon the other day, ought to take those complaints and those petitions to the Soviet Embassy? Is that not where the bottleneck is? Is it not the Soviet Union which has said repeatedly it is going to use its veto on any effort to bring this whole question of Vietnam into the United Nations?

It astounds me when all these many well-meaning friends and colleagues in America can blame their own Government but never say a word against the Soviet Union, when the real problem is with the Soviet Union.

Mr. COLLIER. I think that is a very valid point. I merely took this time because I feel a very erroneous conclusion could develop from this type of resolu-

tion, and it should be straightened out for the RECORD.

The SPEAKER pro tempore. The time of the gentleman has expired.

#### LOS ANGELES POLICE CHIEF REDDIN ADDRESSES FBI NATIONAL ACADEMY GRADUATION

Mr. DEVINE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? There was no objection.

Mr. DEVINE. Mr. Speaker, one of the great law-enforcement officers of this Nation, Thomas Reddin, chief of the Los Angeles Police Department, addressed the graduating class of the Federal Bureau of Investigation National Academy on November 1, 1967. Lt. Frank Peterfy, a highly respected officer from the Columbus, Ohio, Police Department was among the graduates.

Chief Reddin's remarks are so outstanding, all Members of Congress should read them carefully, and keep them in mind while considering future legislation in the field of law enforcement, crime and justice.

In addressing the 99 graduates of the 80th session of the National Academy, Chief Reddin emphasized that society has not failed the lawless, but to the contrary, they have failed society. And further that law officers must by necessity make instantaneous decisions; that down a darkened alley in the early morning hours, confronting an armed suspect, policemen do not have the time to sit, en banc, like the Supreme Court, and decide, 5 to 4, what their course of action should be.

It is high time the "good guys" be given some consideration—policemen—who do not have the benefit of instant replay like TV football, on critical decisions under extremely hazardous situations.

Chief Reddin, a National Academy graduate of 17 years ago, should be commended for his exceptionally fine address:

It was with a great amount of pleasure that I received Director Hoover's invitation to speak at this graduation exercise of the 80th Session of the FBI National Academy. I am flattered and proud that a man whom I have greatly respected and admired over the years would honor me with such an invitation. I also feel like a graduate returning to his alma mater as I was privileged to be a member of the 43rd Session of this National Academy. Upon reflection over the years since that graduation, I cannot help but feel that there is a direct relationship between my attendance at the National Academy and the good fortune that has come to me through my law enforcement career including my present position. I know that success for graduates is not unique and that each of you over the years will greatly benefit in your chosen profession from such invaluable training. Before law enforcement can lay claim to professionalism, it is essential that all Americans must trust the man with the badge—not merely because he wears it, but because he wears it with honor.

No other person has brought the dream of professionalism closer to reality than John Edgar Hoover. The road to trust and respect by the American people is the road of police

professionalism. And it is only through professionalism that the badge can be worn with honor.

The true birth of professional law enforcement took place on May 10, 1924. It was on that date Mr. Hoover was appointed Director of the FBI. On that date the Federal Bureau of Investigation emerged as a symbol of professionalism which the police of this Nation could follow. On that date law enforcement in America began to emerge from the dark ages primarily through the efforts of one man and by the example set by the organization he built. The establishment of the FBI National Academy as the "West Point" of law enforcement is another manifestation of the imagination, foresight, and creative genius of Mr. Hoover. That he established it when he did, over 32 years ago, as a place of learning for law enforcement officers, undoubtedly labeled him as a visionary at that time.

One might ask what change can be wrought by visionaries? From this man's thought and vision, we have seen the development of the professional law enforcement officer of America.

The ancient Greek philosophers all agree that the only constant thing in the universe is constant change. Today, change is one of the greatest problems on the law enforcement scene. We are living in an age of discontent and discord. We see rapid—almost daily—changes in social and economic values. Sociologically speaking, change is due to the desire of society to find a course of conduct that is most acceptable to the group. I think it is safe to observe that as a Nation we are having a bit of a problem deciding what group and which philosophy are going to prevail for the 200 million people in this country.

As it stands today, almost every legal and social and governmental philosophy has recently changed, is in the process of change, or is being attacked and questioned by some group.

Orderly change is constructive and a natural state of affairs. However, the turmoil surrounding rapid social change has become a problem of great dimension for the police.

One example is in the disturbing growth of mass group action under various guises. It is not too significant to society if individuals have a variance in their ethical or philosophical beliefs regarding "freedom of conduct." In fact, it makes for unendingly interesting cocktail party conversation. We also have a sort of American tradition surrounding polite controversy. "Diversity of opinion" makes for good horse races, and that sort of thing. But the spectacles we are currently witnessing, such as a recent incident in Los Angeles which necessitated the use of 1,200 officers to protect the President of the United States, are not police controversy. Many "love-ins," "be-ins," "sit-ins," and demonstrations have gradually degenerated into riots and exhibitions of rampant anarchy masquerading under the guise of peaceful protest.

While thousands of people are indulging themselves in a frenzy of freedom, many more thousands of our citizens are losing some of their freedom due to the inconveniences caused by the protesters.

It does not take any great clairvoyance to see that militant speakers, exhorting their audiences to kill the President and burn and pillage our cities, are not advocating peaceful social change, but revolution and anarchy.

It is no longer sufficient for a complacent society to diffidently pass off to the police the responsibility for ameliorating problems arising from political and social change. The police can enforce the law, but the leaders of our country must set a course on what the limits of protest are going to be. For, as in no other level of society, all the sliding scales of ethics, behavior, and views come into a "real world" focus at the scene of a police incident.

The drawing room flavor of polite intel-



lectual exercise is suddenly lost at the point where a 21-year-old policeman faces a 21-year-old "protector" or "activist" or "delinquent," or whatever euphemism you choose, at some legal crossroad. At this juncture it is too late to adjust philosophical postures. It is a confrontation at which the law must prevail.

It is not possible to administer law enforcement agencies and enforce the law according to the beliefs and leanings of individual officers. The police, as citizen-soldiers, enforce the laws dictated by the will of the people. But the rules and guidelines within which we operate are becoming more vague and shadowy.

To be effective, we must know what the people and the courts want from us. If we are to believe some of our critics, we must become hidebound traditionalists who are 50 years behind the times and have failed to change with the times—an anachronism—or sort of a "blue-uniformed appendix" whose usefulness disappeared in the evolution of change.

There are moments, I confess, when I do feel as though I have lost track of things. Twenty years ago, if a person stepped before a public forum and seriously advocated disobedience to any law with which he was in philosophical disagreement, we would have been hard put to save him from the mob.

Today, the same pronouncement will attract a large and loyal following. I think the essence of the law enforcement position today is that we are caught in the middle of what you might term a "behavior gap."

The police enforce statutory laws. Statutory laws have no true meaning unto themselves. They are rules that are put into writing as ideas for behavior and form our society's direction and goals. With man's imperfect development to date, it is generally recognized that the moral code of many does not recognize a "common good" or the "golden rule." Accordingly, freedom of conduct, based upon their own personal concept of behavior, is an acceptable mode of conduct to a great many. It thus becomes necessary to have laws or rules to promote compatible living. They constitute "moral traffic signals" designed to prevent social traffic jams.

Change came about in a more leisurely and orderly manner in years past; but, with the faster pace of life today, too many social gears are changing at different speeds. So the "behavior gap" of which I speak is the product of society, individuals, the courts legislatures and subcultures and ethnic groups making demands for change too rapidly for society at large to readily assimilate. Social value systems should form slowly and change only after mature and searching inquiry.

By "behavior gap" I also mean there is an increasingly sharp differential in what individuals, groups, and the body of law consider to be acceptable behavior.

There has been a great rush, particularly in the field of criminal law, to summarily change laws, values, and precedents built up through several centuries.

There is a large gap between what many segments of society say the rules are, what they think the rules are, and what actual behavior results in a given situation. And into this gap the police must step and attempt to regulate behavior on behalf of society. King Solomon might even feel a bit queasy in making decisions in such times.

Never in the history of law enforcement have the pressures, duties, and demands been greater on those charged with the responsibility for enforcing the law. Staggering increases in crime, civil disorders, and other police problems have inexorably stretched police resources to the breaking point. Law enforcement is attempting to cope with problems far beyond what was ever conceived to be its area of responsibility.

In the beginning, the mandate to the po-

lice was relatively simple: "Prevent crime and apprehend criminals." But the law of continual change has broadened this concept.

Meeting these demands has wrought great changes in police training. Sociological training and human relations training occupy a large part of any police academy program. The abilities, training, and understanding required of today's police are beyond anything conceived twenty-five years ago.

The police do not operate in a vacuum, neither are they raised in an alien environment on a distant planet and shipped here for the explicit purpose of policing. They are ordinary citizen-soldiers who are hired by society to perform those functions which society finds distasteful or which society does not have time to do for itself on an individual basis.

Today, defiance of the law receives encouragement from many sources. Further, some who do not openly encourage, at least condone unlawful behavior through inaction or lack of open disapproval. Thus in some areas disrespect for law and order has taken on an aura of respectability.

Too many segments and groups of society are imbued with the concept that is it perfectly fitting and proper to disobey any law with which they disagree. The police cannot subscribe to that belief. Neither should society so subscribe. The result of such action can only be disorder, anarchy, insurrection, and riot.

Although many of the problems are not susceptible to solution by law enforcement, many other problems can and are being attacked with vigor.

Too much crime has been condoned in this country on the flimsy excuse that a poor childhood and "society's failure" cause crime and somehow constitute a license to rob and riot.

I do not believe that society causes crime. People cause crime. And if having a poor childhood were an automatic road to ruin, then many in the audience would be in jail rather than here.

We believe that a hard line must be taken with the lawless. We do not believe that society has failed them, but that they have failed society. We believe that they should be castigated and punished and that society can survive only by rejecting them as anything other than self-willed criminals.

I believe that this is a pivotal time for the Nation's municipal police. This is the year that will determine whether we will be classified as an anachronism that no longer serves society's needs, or whether we will be regarded as the "anchor" holding local government steady against the extreme tides of civil unrest and crime.

The vast change that has visited the law enforcement scene is also beginning to show signs of helpful change for the police. I believe that the winds of change are at last blowing in law enforcement's favor.

Change is bringing many items of interest. For the first time in history, crime and law enforcement are of national interest. It is stylish to talk about them; it's stylish to do something about them; and this presents an age of opportunity for us. The President's Crime Commission deliberated eighteen months and produced some ten documents. We do not necessarily agree with everything in those documents, but they contain an indicated course of action for law enforcement in the years ahead.

Before Congress at the moment we have the Safe Streets and Crime Control Act. In this Act, millions of dollars are proposed to be expended in the current fiscal year toward the solution of law enforcement problems through federal grants to local agencies. We will have the opportunity to create, innovate, and experiment in police procedures, police administration, and training. We will be able to further our educations and determine

ways to apply science and technology to the solution of police problems. We will, in short, have the greatest opportunity of our lives to improve the effectiveness of law enforcement.

I recently attended a meeting in Washington where the speaker stated that in the early 1970's the Federal government would be spending \$1 billion per year for the benefit of local law enforcement.

Change has brought us to new technological thresholds. At the present time, through the progressive thinking and farsightedness of J. Edgar Hoover and the FBI, the complex electronics information system known as the National Crime Information Center came into existence in January of this year after much study and planning. The goal is to place at law enforcement's almost instant disposal a computerized information center, national in scope, to complement the development of similar systems at local and state levels. This will ultimately enable the law enforcement officer to have at his ready command pertinent data concerning criminals and criminal information that has been submitted by various law enforcement agencies throughout the Nation.

Ten years from now the officer in his radio car will have a query device on his dashboard with which he can question a computer hundreds of miles away and get an immediate answer in voice, printed form, or on a cathode-ray tube device such as a television tube. He will be equipped with devices to allow him to see better at night, to make it possible for him to search suspects without touching them, to stop fleeing cars without having to engage in high-speed chases or resort to gunfire, to search large, open areas and locate concealed suspects. He will have a wristwatch radio weighing no more than ten ounces, including batteries. He will have all these, because they are presently within the capabilities of the scientists in our country.

Colleges and universities throughout the United States are displaying great interest in the formation of degree programs in law enforcement.

Obviously, the need for well-trained, well-educated officers has never been greater. In our daily decisions we deal with human liberty. The decisions are often instantaneous. Down a darkened alley in the early morning hours, confronting an armed suspect, we do not have time to sit en banc like the Supreme Court and decide, five to four, what our course of action should be.

Unconsciously in past years we have been nurturing a self-pity syndrome. We have been saying that nobody likes policemen, being a policeman is a lousy job, the Supreme Court is against you, the legislature is against you, and civilization is going to crumble and fall because of the weakness of its inhabitants. It's almost as if we have been accepting defeat as inevitable. We really don't believe all this, or we would not be in police work. It's time we took the initiative and engaged in positive programs to provide cures. One thing we must do is take an aggressive, positive approach to the problem.

As we examine law enforcement in our changing society, we find that:

Never has there been such interest in authority.

Never has there been such resistance to authority.

Never have those who would damage effective law enforcement been more active, and

Never have there been more and varied challenges facing law enforcement.

But at the same time:

Never has there been such interest in, and overwhelming support for, law enforcement; and

Never have science and technology held out such promise of help in the battle against crime and



Never has there been such a challenge to law enforcement to take the initiative and engage in creative, innovative programs; and Never has there been such a need for positive, aggressive police leadership.

You can provide that leadership if you will apply the knowledge you have gained here at the "West Point" of law enforcement.

The National Academy has given you the finest law enforcement training available any place in the Nation. Do not waste a single iota of that training. Return to your departments and put into practice this additional knowledge and skills that you have received here. By diligent application of your newly acquired expertise, you will upgrade law enforcement in general and your departments in particular. Each of you should enjoy even greater success in your chosen profession. You should take particular pride in the fact that you have been hand-picked by Mr. Hoover and his associates for attendance at his Academy. As President of the National Academy Associates, I welcome each of you and congratulate you upon your attaining membership in this most select and esteemed Association.

#### LET DEMONSTRATORS PAY THEIR WAY

Mr. DEVINE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? There was no objection.

Mr. DEVINE. Mr. Speaker, in God's name should the taxpayers be required to pay for outrageous acts of anarchy, and self-indulgence by a comparative handful of advocates of hate, violence, and lawlessness?

This question was repeated many times after the October 21 mass protest rally at the Pentagon, ostensibly against U.S. Vietnam policy. The American people began demanding positive answers when it was revealed the cost was over \$1 million, and the cleanup restoration over \$12,000 alone.

Although many participants were sincerely seeking solutions for peace, and others merely curious onlookers, this abortive invasion was led by those revealed on pages 29869 and 29870 of the October 24, 1967, CONGRESSIONAL RECORD as follows:

Mr. CRAMER. Mr. Speaker, over the weekend, this Nation witnessed, and the world watched, an attack on the Pentagon itself, the spitting in the faces of our soldiers, the throwing of bottles and debris at Federal uniformed officials.

The Communist countries headlined this massive effort at disruption of the operation of Government in the United States.

The undisputed organizers included the W. E. B. DuBois Clubs of America, a Communist-front organization; the Progressive Labor Party, who support Communist China; the Student Non-violent Coordinating Committee, followers of Stokely Carmichael who preaches rebellion and anarchy from Communist countries; and joined by the New Left, an activist ultraliberal group preaching violent civil disturbance and mouthing support for the Vietcong and the National Liberation Front against which American men are fighting in the swamps and jungles of South Vietnam.

The march on the Pentagon last weekend gave the Communist enemies in South Vietnam and around the world more aid and com-

fort by making it falsely appear that many in America are not really behind our fighting men in Vietnam—than any major victory on the battlefield could provide.

My bill would put not only Stokely Carmichael and Rap Brown out of business, but would end the Communist-oriented activities of those who organized the march on the Pentagon, such as Dave Dellinger, a supporter of Red China who visited North Vietnam and Communist China late last year, with Ho Chi Minh early this year and who went to Cuba in 1964; such as Jerry Rubin, a leader of the free speech movement at Berkeley, who disrupted the HUAC meeting in August 1966, and was an observer at the 1966 convention of the Communist Party USA and visited Cuba illegally in 1964; such as Ivanhoe Donaldson, director of SNCC in New York and an observer at the 1966 Communist Party USA convention; and such as Mrs. Dagmar Wilson who traveled to North Vietnam.

We are all mindful of the vocal and self-appointed guardians of the first amendment of the Constitution and their continuous bleats for free speech and assembly, but we are also equally aware of the Supreme Court decision in 1965 wherein then Justice Goldberg said:

The rights of free speech and assembly, while fundamental in our democratic society, still do not mean that everyone with opinions or beliefs may address a group at any public place and at anytime. The Constitutional guarantee of liberty implies that existence of an organized society maintaining public order, without which liberty itself would be lost in the excesses of anarchy.

The public is entitled to be indemnified against irresponsible conduct and being required to finance these orgies, against their will and without their sanction. I have therefore introduced a bill today, Mr. Speaker, that would require the pre-posting of a bond by any applicant for a permit to hold a demonstration, parade, march, or vigil on property of the United States or in the District of Columbia.

The bill provides no permit shall be issued unless the applicant posts bond not less than 10 days prior to the proposed "protest," plus criminal penalties for failure to pay for any excesses within 30 days following the spectacle.

It is time to blow the whistle and let those that want to dance, to also pay the fiddler.

#### IMPOSSIBLE PERSONNEL POLICIES IN THE STATE DEPARTMENT

Mr. GROSS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous material.

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

There was no objection.

Mr. GROSS. Mr. Speaker, I call the attention of the House to three recent newspaper stories dealing with the impossible personnel policies in the State Department.

Astonishing as it is, there is no formal appeals system in our Foreign Service corps which could, if one existed, serve to break up the all too prevalent "buddy system" and "old school tie-ism" that has reportedly resulted in the promotion of many unqualified individuals simply because they happened to be well-connected, and brought about the dismissal

or demotion of others who dared to criticize abuses in the State Department.

This buddy system in the ranks of the Foggy Bottom establishment has allegedly resulted now in the promotion of an admitted homosexual to a \$24,000 a year post in Western Europe.

Mr. Speaker, it is past time for a full and complete investigation of the State Department to correct a system that allows such things as this to happen.

[From the Des Moines Register]

#### FOREIGN JOB, PROMOTION TO HOMOSEXUAL—A STATE DEPARTMENT SECURITY QUESTION

(By Clark Mollenhoff)

WASHINGTON, D.C.—An admitted homosexual has been promoted in the U.S. Foreign Service to a \$24,000-a-year post in Western Europe.

The man involved is a 42-year-old former Kentucky resident. His promotion came in May.

#### TWO INCIDENTS

A State Department promotion list of several hundred names was sent to the Senate earlier this year containing the recommendation for promotion to Foreign Service officer, class one, of the man who had admitted engaging in two homosexual incidents since he became a State Department employe in 1946.

The admissions of the homosexual acts were made to security officers.

The man also was examined by a State Department medical team. With no knowledge of the admissions, the doctors concluded that he was at least a "latent homosexual" who should not be placed in any position where sensitive security matters are handled.

Despite the admissions and the medical judgment, the man was cleared by higher level Foreign Service officers.

The promotion was approved by the Senate Foreign Relations Committee. There was no notification to the committee that the case presented any special problem.

#### COMPLAINT LODGED

After the promotion was approved by the committee, a complaint was lodged.

Carl Marcy, staff director for the Foreign Relations Committee, asked the State Department to report on allegations that one man on the list was a homosexual.

William Macomber, assistant secretary of state in charge of congressional relations, replied that one man on the list had been in "some trouble."

The letter stated that the list had been referred to the State Department security office, and that the man had "a valid clearance, and is not currently under investigation."

There was no further investigation by the Foreign Relations Committee \* \* \*

The subcommittee said it did not hold Rusk personally responsible for many practices that probably had not come to his attention.

The subcommittee and Otepka had registered concern over what they called a broad range of carelessness, favoritism and laxity.

Laxity in the British security system has been revealed recently in connection with the operations of Harold (Kim) Philby, the high-ranking British intelligence officer who was a spy for the Soviet Union.

Philby was a part of a three-man Soviet ring that included two British diplomats, Guy Burgess and Donald Maclean, both homosexuals.

#### INCREASING CONCERN

Members of the subcommittee reportedly have become increasingly concerned recently as a result of continued efforts to fire Otepka, and because of what they believe is continued laxity.

The State Department seeks to fire Otepka

for alleged insubordination because he told the subcommittee about what he considered to be security laxity.

He contends that it was necessary to give documents to the subcommittee to prove he was telling the truth about what he called the condoning of homosexual activity and other laxity.

The State Department contends there was no laxity that warranted Otepka's failing to clear documents with his superiors before delivering them to the subcommittee.

The documents showed that Otepka's superiors had given false and inaccurate testimony about some security cases.

In a recent hearing on State Department efforts to fire Otepka, he set out at least 18 cases in which there was alleged laxity. The State Department contends the cases are not important and there is no reason for concern.

In light of recent furor in England there is increasing pressure in the Senate for further investigations by the Internal Security subcommittee.

The case of the admitted homosexual seems certain to be discussed in connection with alleged laxity.

[From the Philadelphia (Pa.) Sunday Bulletin, Oct. 8, 1967]

#### FOREIGN SERVICE PROMOTIONS—POLICY OF SELECTION OUT IS CRITICIZED

(By Edith Kermit Roosevelt)

WASHINGTON.—The effectiveness with which the United States is able to respond to crises in foreign affairs is directly related to its Foreign Service personnel system. Information gathered by the lower echelons must be accurately sifted and passed to the top, even when it indicates that policy is incorrect. Here is where the system most often breaks down.

The lack of a formal appeals system within the U.S. Foreign Service is directly connected to this. John F. Griner, president of the American Federation of Government Employees (AFL-CIO), testified recently before a Senate Foreign Relations subcommittee:

"Several studies of the Foreign Service Corps (including those by veteran diplomat W. Averell Harriman and Yale Professor Chris Argyris) have indicated that in all probability the fear of disapproval and 'selection out' is one of the most serious factors threatening professional standards. This 'climate of fear' results in facile agreement with superiors in the hope of good assignments and good efficiency reports. Many officers appear to believe that independence of thought and professional integrity may lead to bad efficiency reports and to the threat of being fired through 'selection out.'"

#### PELL HEARINGS

Griner's testimony was given before an ad hoc subcommittee chaired by Senator Claiborne Pell (D-R.I.) which is considering bills to establish a permanent career service for U.S. Information Agency officers. This would be done by incorporating them into the U.S. Foreign Service.

In addition to the union group, State Department personnel policies have been sharply attacked by the Veterans of Foreign Wars and the American Civil Liberties Union. These very different and powerful organizations all told Pell's subcommittee that while they did not oppose the bills concerning the U.S. Information Agency, they objected to the State Department's lack of appeals procedures. If USIA officials were brought into a single Foreign Service personnel system, they would be subject to the same lack of due process and checks and balances which exist in our Foreign Service.

#### ELECTION OF TURKS

Meanwhile, concern over the professional integrity of the Foreign Service was reflected in the recent unexpected election of a group

of "Young Turk" foreign service career officers to the board of the American Foreign Service Association.

Lannon Walker, the association's new board chairman, told reporters on Sept. 28, "Our decision to run for offices was to give ourselves a more powerful position from which to take independent positions so that foreign affairs professionals would, for the first time, have a say in what their careers should be and how the foreign affairs community should be organized."

#### APPRAISAL REPORTS

A serious factor threatening professional standards for Foreign Service officers is the so-called "development appraisal report." Following stories about this secretive personnel procedure by this writer, the State Department modified the practice on June 5 of this year. The agency now makes these development appraisal reports available to Foreign Service officers on written request when they are in Washington, D.C.

Thus, under present conditions, officers serving in Washington are able to review these reports shortly after they are written. However, because the reviews are in the personnel office, no confrontation with the writer of the reports is possible.

Officers in the field may not be able to see such reports for years after they are written. By that time, the authors may be thousands of miles away, or even retired or dead. For this reason, the American Federation of Government employees has urged that legislation be passed forbidding any material to be entered into the file of a Foreign Service officer that he has not previously read.

The union has conducted an exhaustive study of the composition and the methods used by State Department selection boards which give efficiency ratings to officers for "selection out" as well as promotion. Its findings reveal why actual performance on the job by a Foreign Service officer is no automatic guarantee for a good rating.

#### HOW IT WORKS

1. The boards are primarily composed of Foreign Service officers whose own future assignments and promotions may well depend on their performance on these selection panels.

2. The rating officers are often the direct competitors of the men they rate, being often in the same "class."

3. Foreign Service regulations deny officers the right of any formal appeal against the findings of these selection boards or the inclusion of improper material in their efficiency records. As a result, Foreign Service officers sometimes resort to informal and devious methods to correct their efficiency records and reverse their "selection out." This opens the door to the obsession with "political protection" that has begun to demoralize the Foreign Service corps.

#### OUR "OLD SCHOOL TIE"

(By Edith Kermit Roosevelt)

WASHINGTON, D.C.—The "old school tie" that enabled Harold (Kim) Philby to operate against the United States since 1933 as a Moscow agent in the British Foreign Service has its counterpart in this country. This is the "institution loyalty" which Otto F. Otepka resisted. Otepka's difficulties with the State Department emerge from this and is one of the main reasons he is being penalized.

The English have an appropriate term for the tribal confidence and mutual backscratching that is said to exist among the graduates of exclusive private boarding schools and universities that traditionally supply a large percentage of British public-service officials. It is called the "old-boy network." In writing about the role "the old-boy network" played in protecting Philby's treasonable activities, the *London Sunday Times* commented just recently: "The whole system of trust was based on the supposedly

foolproof set of loyalties developed on the playing field and out of the camaraderie of class."

A factor that was overlooked was that warm friendships developed not only on the playing fields and in the clubs but in the excited, crusading spirit that developed between those who were attracted in the 1930s by the seemingly new fashionable Marxism. The situation is identical whether we are discussing such British universities as Oxford and Cambridge or our own East Coast Ivy League universities such as Harvard or Princeton. Here lasting friendships were formed not only in the fraternities but in the classrooms where Red and Fabian Socialist professors manipulated the open, unsuspecting minds of our youthful intelligentsia.

According to the *London Sunday Times*, for many years Philby's record did not catch up with him because he was able to play on "the contempt for McCarthyism" that characterizes "the British Establishment" which runs their Foreign Service. Otto F. Otepka, a devoted and conscientious security officer, encountered this same attitude in the United States. Otepka had collected a list of cases giving names and details that demonstrated a pattern of laxity concerning security matters in the State Department. On June 27th, 1963, his files were impounded while he was working on cases of State Department employees suspected of being possible Soviet agents.

In a brief filed in an effort to save his career Civil Service job, Otepka reveals how "the old school tie" network operates to protect certain officials and to penalize others who violate the principle of "institution loyalty." Some Foreign Service officers are especially pliable when it comes to conforming to their service's loyalty code since they are subject to "selection out"—a euphemism for being fired—or being transferred to "hardship posts." Astounding as it seems, there is simply no regularly constituted appeals system in our Foreign Service. As a result, Foreign Service officers tend to follow orders which can include signing their own names to security clearances even in those instances where previously they had advised or recommended against granting them.

Otepka's two-thousand-page transcript reveals a long list of infractions of regulations and other misconduct approved or condoned by the State Department. Among the more than eighteen cases of laxity described is the case of John Stewart Service. A Foreign Service officer, he admitted furnishing eighteen documents, some of them classified "secret," to Philip Jaffe, the publisher of *Amerasia* magazine, a person on whom there was a considerable record of Communist activities and affiliations. Service was permitted to take an honorable retirement and pension. In fact, according to the hearings entitled "State Department Security" by the Senate Internal Security subcommittee (parts six and sixteen), the State Department's Bureau of Intelligence and Research recently played a role in Service's appointment as "librarian" for the Center for Chinese Studies at the University of California at Berkeley. In the same way, "Kim" Philby's old friends in the British Foreign Service stood by him after his discharge from an open Government job. They discreetly recommended him as a correspondent to the British newspaper, *The Observer*, where he continued to have Government links.

The Otepka brief reveals that Harlan Cleveland, then Assistant Secretary of State for International Organization Affairs and now Ambassador to the North Atlantic Treaty Organization, wanted our security programs relaxed. Otepka's review of Cleveland's file disclosed that in his senior-class year book at Princeton, Cleveland recorded his political association as "socialist." The file also revealed that Cleveland had been active in



recommending changes in Government security programs which would make it easier for persons dismissed as security risks to get back into government without adequate background investigations. According to the brief, Cleveland recommended a professor to a position in the State Department although he had been dismissed as a security risk by the Mutual Security Agency. The professor got the job.

Important leads developed by Otepka reveal that the American public is still uninformed regarding the great depth of infiltration of the U.S. Embassy in Warsaw of which the notorious Scarbeck case was simply a detail and a decoy. In this connection, it is important to note that Stephen A. Koczak, a veteran Foreign Service officer in Berlin, was "selected out" after referring to these scandals in Warsaw as well as warning about Communist intentions to build the Berlin Wall. Koczak made his reports in Berlin to Howard Trivers, now Consul General in Zurich, and to Career Minister E. Allen Lightner Jr., now Deputy Commandant at the National War College. Lightner and Trivers were classmates at Princeton and graduated together in 1930. Another Princeton graduate of the year before, class of '29, was the Ambassador in Poland during the time of the Warsaw sex and spy scandals and the building of the Berlin Wall. He was Jacob E. Beam, now Ambassador to Czechoslovakia.

A trained security officer is well aware that cliques develop in government agencies and that these are singled out as targets by enemy networks. That is why the British Government is investigating all those who came from the generation penetrated by the Communists in the 1930s who are of an age to hold top civil-service jobs.

The American Establishment, too, must face up to the fact that its representatives in the State Department, like the British "old-boy network," have been unable to cope with modern penetration techniques developed by the Communists. Only a vigorous reform of State Department personnel practices and the creation of a strong independent security program can cope with foreign espionage.

#### SBA SHOULD RETAIN ITS POVERTY JURISDICTION

Mr. BUSH. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CONTE. Mr. Speaker, since 1953 the Small Business Administration has been developing an expertise in business lending and business counseling that can be a great asset to us in dealing with poverty problems in urban centers.

From handling tens of thousands of cases, SBA has developed a highly efficient system and trained personnel. It has continuously refined its techniques to provide the maximum possible help with a minimum of redtape and delay in serving the small business community.

With this ever self-critical approach SBA has also been able to develop programs covering every stratum of our society involved in the economic life of the Nation. SBA now has loan programs which range from nominal amounts up to \$350,000. SBA has established excellent criteria to judge whether a person on a subsistence level is worthy of risk capital

or whether a veteran businessman needs only additional instruction in the new technology affecting his business, or a large loan.

The agency's success in these endeavors is unchallenged. Congress has recognized it again and again by its almost uninterrupted acceptance of both SBA's budget requests and its legislative recommendations.

Praise has been showered on SBA not only by both Houses of the Congress, but from both sides of the aisle.

Now, unexpectedly, the Senate has seen fit to dilute the authority of SBA and transfer some of its functions to the large business oriented Department of Commerce. Mr. Speaker, in view of the fact that both Houses of Congress, with strong support from both sides of the aisle, have repeatedly defeated attempts to transfer SBA to the Commerce Department, I fail to see any sense in section 406 of title IV of the poverty bill which effects this changeover from SBA to Commerce.

As a matter of fact, it seems strange to me that such a move would even be seriously contemplated, especially when we consider the costs such a move would entail.

I venture to say that I am not alone in my opinion of this matter, for during the past week, several of my colleagues from both parties have spoken out in protest.

So far as fighting poverty, Mr. Speaker, I see small business as one of our best weapons in this war.

To make the most of it, I think we have to use the people that have the greatest experience in helping small business. This means channeling programs for small business through SBA. To do otherwise is to risk confusion and waste, as well as possible injury to the vital small business cause.

Therefore, I urge that the Members of the House amend section 406 so as to keep the necessary authority and functions where they can best be utilized, and that is right within the Small Business Administration.

#### THE "50TH'S" AND A SPECIAL COMMITTEE ON THE CAPTIVE NATIONS

Mr. BUSH. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. DERWINSKI. Mr. Speaker, since the 1967 Captive Nations Week observance last July, in all sections of our country the basic distinction between our American Revolution and the Russian Bolshevik revolution has been pointed out to our people. The 50th anniversary of the Russian Bolshevik revolution is a birthday celebrating the advances of Soviet Russian imperio colonialism, empire-building, internal totalitarianism, tyranny, and continual aggression against the still free peoples of the world. Beyond November 7, the day of mourning and tragedy for mankind, are the "50th's" of

the captive non-Russian nations in the U.S.S.R.

#### THE PATRIOTIC "50TH'S" AND THE AMERICAN REVOLUTION

The 50th anniversaries of the independence of Ukraine, Lithuania, Byelorussia, Armenia, and many others stand as a sharp antithesis to the Russian Bolshevik "50th." Partaking of the same essence as our American Revolution, these "50th's" will be celebrations of national independence, freedom constitutional democratic government, and a peaceful community of nations. On this significant occasion we have a golden opportunity to encourage, in behalf of our own national interest and world freedom, the freedom aspirations of all the captive nations in the U.S.S.R.—this by establishing a Special Committee on the Captive Nations. Such a Committee would explore an area that has never really been explored in any thorough sense by the Congress.

The drive for this achievement was again expressed by the highly successful Captive Nations Week last July. For further exemplifications of the success of the 1967 week, I include the following items at this point in the RECORD; First a resolution by the Illinois House of Representatives; second, a China Post report of September 29 and resolutions of the First Conference of the World Anti-Communist League in the October 26 America; third, reports on the week's observance in Boston and Cleveland, and fourth, a McKees Rocks Gazette editorial "Captive Nations Week" and news items in the Pittsburgh Post-Gazette, Narodna Volya, and the Pittsburgh Press on the Pittsburgh observance:

#### STATE OF ILLINOIS, 75TH GENERAL ASSEMBLY, HOUSE OF REPRESENTATIVES

##### HOUSE JOINT RESOLUTION NO. 58

The House proceeding on the order of general resolutions, Messrs. J. J. Wolf, P. W. Collins, Course, Stolle, Savickas, Geisler, McDermott, McDevitt, Houde, Barr, Washburn, Granata, Capuzi, Janczak, Burditt, Wiktorowski, Tipsword, Thompson, Merlo, Juckett, R. E. Anderson, J. B. Hill, C. L. Klein, Philip, Morgan, Elward, Klosak, Sevelk, Fary, Sandquist, Telcer, Copeland, Svalina, DeMichaels, Matjevich, Schlickman, Murphy, and W. J. Cunningham offered the following resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption.

Whereas, The greatness of the United States is in large part attributable to its having been able, through the democratic process, to achieve a harmonious national unity of its people, even though they stem from the most diverse of racial, religious, and ethnic backgrounds; and

Whereas, This harmonious unification of the diverse elements of our free society has led the people of the United States to possess a warm understanding and sympathy for the aspirations of peoples everywhere and to recognize the natural interdependency of the peoples and nations of the world; and

Whereas, The enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful coexistence between nations and constitutes a detriment to the natural bonds of understanding between the people of the United States and other peoples; and

Whereas, Since 1918 the imperialistic and aggressive policies of Russian Communism and recently Chinese Communism have resulted in the creation of a vast empire which

poses a dire threat to the security of the United States and of all the free peoples of the world; and

Whereas, The imperialistic policies of communist Russia and communist China have led, through direct and indirect aggression, to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkistan, North Viet-Nam, Serbia, Slovenia, Slovakia, Croatia and others; and

Whereas, It is vital to the national security of the United States that the desire for liberty and independence on the part of the peoples of these conquered nations should be steadfastly kept alive; and

Whereas, Since 1959 and every year thereafter, the President of the United States has been authorized by Congress to designate the third week in July as "Captive Nations Week" to be observed with appropriate ceremonies and activities; therefore, be it

Resolved, By the House of Representatives of the Seventy-fifth General Assembly of the State of Illinois, the Senate concurring herein, that the Governor is memorialized to initiate and place into execution such exercises, and ceremonies he may deem appropriate in observance of the third week of July, 1967, and each year thereafter as "Captive Nations Week"; and be it further

Resolved, That a suitable copy of this Resolution be delivered to the office of the Governor of the State of Illinois.

Adopted by the House, April 12, 1967.

Concurred in by the Senate, April 18, 1967.

[From the China Post, Sept. 29, 1967]

#### UNITED STATES BEGINS TO FAVOR ROC'S COUNTERATTACK

Dr. Lev E. Dobrianski and Walter H. Judd, two outstanding American civic body leaders, said here yesterday that public opinion in the United States is becoming more and more favorable to the Republic of China's long-heralded counterattack against the mainland.

Judd told the China Post that he has seen a marked change in the American people's feeling about the question.

"Many of those who said 'we must not let the free Chinese attack the mainland' years ago are now urging the (U.S.) government to support such an attack," Judd said.

The former U.S. Congressman pointed out that many Americans in influential posts were against a Taiwan-launched counterattack years ago for fear that the attack might "drag" the United States into a war.

But they have changed their mind by now simply because the United States is already in the war, he said. They also have realized that there is no reason to stop "others" from hitting the Chinese Communists at a time when the Chinese Communists are killing the Americans through supporting North Vietnam's aggression against the South, Judd said.

#### ALL-OUT SUPPORT

Judd voiced his conviction that the time will come when the United States extends to this country its all-out support for a decisive blow on the Peiping regime.

And it will come rather soon, he added.

Judd urged the Chinese government and people to adopt what he called a "watchful waiting" policy with regard to the counter-attack and prepare the best they can militarily and politically for the hour of action.

Dr. Dobrianski also shared Judd's views.

The disintegration of the Chinese Communists' ruling hierarchy has already signalled the beginning of a new era in the Republic of China's anti-Communist struggle, Dobrianski said.

He said the opportune moment for a counter-attack will be the time when the Commu-

nist military leaders split among themselves to become "warlords" of the 1930's and fight each other.

#### MAINLINE TURMOIL

And the political turmoils on the mainland resulting from the "cultural revolution," the "Red Guard" movement and the power struggle are just pointing at that direction, Dr. Dobrianski said.

He strongly believed that the United States will give this country logistic support it needs in the counterattack when the time is ripe.

Both Judd and Dobrianski are participating in the first conference of the World Anti-Communist League (WACL) now being held in Taipei.

Dr. Dobrianski, who is an active promoter of the "Captive Nations Week" which has been observed in the free world for the past nine years, also called upon the WACL participants to pay due attention to the danger of the Soviet Union as they do to that of the Peiping regime.

#### WACL MEETING

Noting that the current WACL meeting has said little about the Russian Communists, Dr. Dobrianski said the free world must not forget that the SAMs and the heavy weapons being used in North Vietnam to kill the allied forces are supplied by the Russians.

The situation was exactly the same in North Korea during the Korean War, he said.

The Chinese Communists would not have been able to make so much trouble for the world had it not been for the support they had received from the Russians before, he added.

Dobrianski also regretted that the world has almost neglected that while the Russians are accusing the West of "imperialism and colonialism," they have achieved perfection in doing these evil things.

#### RUSSIAN DOMINATION

Nominally, he said, such countries as Armenia, Azerbaijan, Byelorussia, Cossackia, Georgia, Idel-Ural, North Caucasia, Ukraine, and Far Eastern Republic are still members of the "U.S.S.R." But in fact the Russian domination of these countries has been so strong that they have lost their national identities ever since they were conquered by the Russians in the late 1920's, he said.

This has become Moscow's "tender spot" when the Peiping regime started to attack it for practicing "imperialism and colonialism" during Khrushchev's time.

Dobrianski said he does not see the reason why the free world should not attack Moscow today for the practice.

He warned that, no less than Peiping, Moscow is still the root of danger to the freedom of all mankind.

[From the America, Philadelphia, Pa., Oct. 26, 1967]

#### RESOLUTIONS OF THE FIRST CONFERENCE OF THE WORLD ANTI-COMMUNIST LEAGUE (Submitted by Dr. Lev E. Dobrianski)

##### ON CAPTIVE NATIONS WEEK

The World Anti-Communist League:

Recalling that, since 1959, when the United States Congress passed the Captive Nations Week Resolution and President Dwight D. Eisenhower signed it into Public Law 86-90, all communist capitals have bitterly denounced this document as being inimical to their fundamental interests; and

Considering that, to the increasing consternation of Moscow, Peiping, Pyonyang, Havana and others, the Captive Nations Week movement has steadily grown in the United States, and every President in this decade has issued a proclamation in behalf of the independence and freedom of every captive nation in Central Europe, the Soviet Union, Asia, and Cuba; and

Believing that the movement to support the aspiration to free and liberate all the

captive nations has taken hold in many countries of the Free World, as witness Captive Nations Week observances in the Republics of China and Korea, in Argentina and Australia, in Germany and Great Britain, and a number of other countries; and

Believing that for the security of the Free World and for Cold War victory over the deadly forces of Communism and Sino-Soviet Russian imperio-colonialism, it is indispensable for all free men regularly to make known their determination never to acquiesce to the permanent captivity of the twenty-seven nations in the Red Empire;

Resolves at its First Conference that:

The League and its members and associated groups exert every effort to make the Tenth Observance of Captive Nations Week in July 15-21, 1968, the most successful yet by

(1) Urging each Head of State to issue a Captive Nations Week Proclamation patterned after that of the President of the United States;

(2) Conducting observances of the Week in member countries and utilizing all media so that our combined message will be conveyed to the captive nations; and

(3) Dispatching the published results of this event to the National Captive Nations Committee in Washington, D.C. for their appropriate transmission to the United States Congress and the President of the United States.

##### ON OPPRESSED NATIONS

The World Anti-Communist League:

Considering that the Soviet-Russian empire has been maintained by force through the oppression of other peoples who previously enjoyed their own independence, and by forcing on them the Communist system, which they did not want to have;

Considering also that all Communist dictators even outside the Russian sphere of power owe their rise and continuance only to Soviet Russia, which never ceases to pursue its plans of world conquest;

Resolves at its First Conference that:

(1) The League support the reestablishment of the national independence and freedom of all nations subjugated by Russian imperialism and Communism, and declare its solidarity with the national liberation movements in their own countries;

(2) The League urge that every assistance be given these subjugated peoples who are fighting both inside and outside their ethnographic boundaries to cast off Russian colonial rule and to break up other artificially created states;

(3) The League declare its support for the reunification in freedom of all countries divided by force and the establishment of a universal world order, based on freedom, national sovereignty, human dignity and social justice, and for peaceful and harmonious cooperation between all nations on the basis of equality and mutual respect.

##### ON SUPPRESSION OF FREE THOUGHT

Resolution on liberation of enslaved peoples, sponsored by Ceylon, India and China. Approved by Committee I and adopted by the Thirtieth Conference of the Asian People's Anti-Communist League.

The 13th APACL Conference:

Recalling resolutions adopted at previous conferences supporting the struggle for liberation by peoples enslaved by Russian imperialism and Communism;

Resolves that:

The League reaffirms its stand in support of national liberation struggles of all peoples subjugated by Russian imperialism and Communism, and in their aspirations for national independence and basic human liberties.

##### ON THE 50TH ANNIVERSARY OF THE BOLSHEVIK REVOLUTION

The World Anti-Communist League:

Recalling that the Russian Bolshevik Revolution was the source and incubator of



Soviet Russian imperio-colonialism, enslaving over a dozen non-Russian nations in 1918-22 and thus laying the groundwork for further conquests in the 40's and constituting a formidable threat to the rest of the world in the 50's and 60's;

Recalling that the tragic revolution produced another fraud in Lenin's promise of "land, bread, and peace," which in the course of 50 years has not been realized according to civilized standards either for the 115 million Russians or the 120 million non-Russians held captive in the Soviet Union;

Considering that the fraudulent revolution also conjured up Lenin's "peaceful co-existence" policy with immediate reference to the neighboring and newly independent non-Russian states, such as Armenia, Georgia, Ukraine, Byelorussia and others, a deceptive policy of indirect aggression that led to the captivity of these countries and is now being applied by imperio-colonialist Moscow to the West; and

Considering that the sinister forces of that revolution have over these past fifty years led to the creation of an unprecedented Red Empire, extending from the Danube to the Pacific and into Cuba, and created ultimately by the imperio-colonialist power of the USSR and Red China; therefore,

Resolves at its First Conference that:

1. Each of the League member organizations and observer groups devote its energies in the weeks ahead, up to and even beyond November 7, to exposing the myths and frauds of the Russian Bolshevik revolution and to directing world attention to the ravages and threats of Soviet Russian imperio-colonialism, within the Soviet Union itself and elsewhere; and 2. On the occasion of the Communist commemoration, the League should issue a manifesto directed to the youth and workers of the whole world as follows:

"We want to set the record straight regarding the past 50 years of Communism.

"1. Since 1917, 85 million innocent non-combatants lost their lives at the hands of Communism's minions, often after atrocious tortures in Nazi-type concentration camps. This is 25 times higher than the death toll of both World Wars I and II combined.

"2. While the most extreme excesses of the Stalinist era have been eliminated—although they still survive in Red China—the freedom and dignity of the individual remain crushed by a totalitarian dictatorship working through an almighty secret police. The absolute and exclusive supremacy of a single party, monolithically directed from a self-perpetuating top, does not give us even the semblance of a hint that democracy in public life exists in Communist countries. Culture and justice remain choked and degraded by strict subservience to party orthodoxy. All religious faiths are severely persecuted.

"3. All the peoples that have been ensnared by Communism are cut off from the outer world by an iron curtain, never seen before in human history and a tight censorship and persistent radio jamming.

"4. Heavy and armament industries have been greatly developed, but light industry and agriculture continue to trail in chronic crises, plunging the people in a state of permanent scarcity of food and consumer goods. Whatever industrial progress has been achieved was at the sacrifice of unprecedented stress, want and submission imposed on the masses.

"5. The factors of production have not been given to the workers but appropriated collectively by a new ruling and privileged class of bureaucrats and demagogues who have dominated workers' unions, forbidden strikes under the death penalty and reduced peasants to the condition of proletarians in open-sky factories.

"6. Since its inception, Communism has plagued the globe with trouble and violence, in search of a global hegemony which it can-

not renounce because if it does not destroy freedom outside, freedom will destroy it inside.

"7. Apart from the yoke it imposes on its own peoples inside the USSR and Red China, Communism has subjugated and maintains in bondage against the sacred right of self-determination, 27 formerly independent countries covering 3 million square miles and populated by 250 million inhabitants.

"8. The international Communist movement, which had promised to advance only through the enhancement of political consciousness, was turned into a sheer but colossal apparatus to conduct fraudulent political warfare, run by 500,000 overt or covert professional activists, spending 5 billion dollars per year.

"To sum up, the political movement which had claimed the boldest aims ever set to human progress, has generated the darkest mixture ever seen of oppression, inefficiency and deceit. Its failure is therefore total and entirely gloomy.

"We invite all free men to hold November 7th as a day of mourning for the victims of Communism and the fiftieth anniversary of the Communist revolution and to unite, above all, divisions of races, nations, parties, and creeds to prevent the evil already done from spreading further."

#### CAPTIVE NATIONS WEEK IN BOSTON

BOSTON, MASS.—This year's Captive Nations Week was observed here by informing the public, through newspapers and radio, about the captive nations. Governor John A. Volpe and Mayor John F. Collins of Boston issued proclamations designating the week of July 16-22 as "Captive Nations Week" in Massachusetts and Boston respectively.

The official signing of proclamations was witnessed by delegations representing the New England Committee for Captive Nations and include representatives of American Armenian, Ukrainian, Latvian, Lithuanian and Hungarian organizations.

The Boston Herald of July 6, 1967, carried an interesting article written by Ted Lewis. The nationally syndicated columnist, citing an interview with Prof. Lev E. Dobriansky, chairman of the National Captive Nations Committee, chided the administration for paying only a "lip service to the cause of freedom" in captive countries. The article was entitled, "Captive Nations Get Lip Service."

The New England Committee for Captive Nations sponsored this year's observance, in cooperation with several other civic organizations. The Committee is headed by Dr. James H. Tashjian as Chairman and Orest Szczudluk as executive secretary.

#### FOUR THOUSAND CLEVELANDERS MARCH TO MARK CAPTIVE NATIONS WEEK

CLEVELAND, OHIO.—Four thousand Clevelanders marched in a Captive Nations parade in Public Square here on Monday, July 17. The parade and ceremonies drew 30,000 persons who watched the orderly demonstration for the freedom and self determination of the Captive Nations.

The marchers, representing 19 nationality groups, gathered in the Public Square to hear speeches by civic and religious leaders. Addressing the marchers were: Cleveland Mayor Ralph S. Locher; Thomas R. Guthrie, assistant to the publisher of the Cleveland Plain Dealer; County Auditor Ralph J. Perk, chairman of the Nationalities Movement of Cuyahoga County; Dr. Michael S. Pap, director of the Institute for Soviet and Eastern European Studies at John Carroll University; Bishop Clarence C. Isenmann of the Cleveland Catholic Diocese, and mayors of several Cleveland suburbs.

Dr. Pap read a resolution of the Captive Nations Committee, which urges President Johnson to take up the cause of the Captive Nations "until all these nations are free and

independent again." The resolution was adopted at the rally.

Taking part in the parade were 800 Ukrainians, who were led by large groups from the Ukrainian youth organizations Plast and SUMA.

Members of the Ukrainian Committee for Captive Nations Week, which is headed by Dr. M. Pap, are Michael Bihun, Dr. Zenon Wynytsky, Taras Shmagala and Bohdan Futey.

[From the McKees Rocks (Pa.) Gazette, July 20, 1967]

#### CAPTIVE NATIONS WEEK

It isn't very often that the Congress of the United States is unanimous on an issue. We haven't stopped to make a precise count, but we're certain that the unanimous votes in Congress in the past decade can be counted on the fingers of one hand.

Eight years ago, in 1959, there was a unanimous vote. Congress resolved that the third week in July should be observed as Captive Nations week. And it proceeded to name 21 "captive nations," whose freedom fighters deserved US support. The language of the resolve was bitingly clear. It opposed any "peaceful coexistence" with Moscow unless and until the Captive Nations recovered "their freedom and independence."

It must make members of the Congress a little ill to observe the contempt with which the Kremlin and the residents at the White House have treated this mighty resolve. Three consecutive Presidents have given the annual observation flip lip service. And the Kremlin can scarcely conceal its amusement at the spectacle of the resolute Congress, less than a decade later, tolerating the shipment of even armament accessories to the jailers of the Captive Nation.

Twenty-one nations were named in the original 1959 resolution; namely Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, East Germany, Bulgaria, Red China, Armenia, Azerbaijan, Soviet Georgia, Albania, Edel-Ural, Tibet, Cossakia, Turkestan, North Korea and North Vietnam.

Not one has been freed. One nation has been added. It was a favorite vacation spot for many members of the 1959 Congress: Cuba, Moscow added this 22nd nation 90 miles from our shores, and in 1967 the President of the United States could make a State of the Union address to the Congress without even mentioning Cuba.

One of the originally named 21 Captive Nations was North Vietnam. How long has it been since you read or heard any reference to the tragic plight of the 17 million North Vietnamese held "captive" by their Communist oppressors? Hanoi already has won more in the war than it dared dream. It has a commitment from the President of the United States that our war aims are to curb aggression in the South. There is not even a mention of the 17 million captive of Communism in the North.

And do not for a minute think that this fact is lost on the heads of State in Asia. Or Hanoi, or Peking. Both poke fun at Uncle Sam's resolve. Eight years isn't a very long time in history.

[From the Pittsburgh (Pa.) Post-Gazette, July 13, 1967]

#### EX-HUNGARIAN MINISTER TO TALK

Dr. Nicholas Nyaradi, former Hungarian minister of finance, will be the principal speaker at the Captive Nations Week luncheon in the Pick-Roosevelt Hotel on Monday.

Currently director of international studies at Bradley University, Dr. Nyaradi will discuss "Were We Sold Down the River?" Also attending the luncheon will be Gen. Arthur Trudeau, former chief of Army Intelligence.

Captive Nations Week is designed to call attention to the plight of countries taken

over by the Soviet Union. Luncheon reservations may be made by phoning Michael Komichak, secretary of the Pittsburgh committee, at 281-1900.

[From the Norodna Volya, Scranton, Pa., Aug. 3, 1967]

#### CAPTIVE NATIONS WEEK PROCLAMATION

Joseph M. Barr, mayor of the city of Pittsburgh, signs Captive Nations Week proclamation in presence of a delegation from the Captive Nations Committee of Pittsburgh. Standing, left to right, are Paul Kazimir (Slovak), Sandor Karpthy (Hungarian), and Wence Dolegowski (Polish). Seated beside Mayor Barr is Michael Komichak, director of the Ukrainian Radio Program and secretary of the Captive Nations Committee in Pittsburgh. [Photo not printed in RECORD.]

Pittsburghers observed Captive Nations Week at a luncheon held at the Roosevelt Hotel on July 17. The principal speaker was Dr. Nicholas Nyaradi, former Hungarian minister of finance. Others who spoke were Col. W. F. Rockwell, Justice Michael A. Mussmanno of the Penna. State Supreme Court, and former state senator Leonard C. Staisey.

The observance was well attended by civic, fraternal, labor, and political leaders, as well as by Ukrainian, Hungarian, Polish, Slovak, Lithuanian, Latvian and Czech groups. The event was covered by press, radio and television.

The invocation was given by Father Russell Danylchuck, dean of the Ukrainian Catholic parishes in Western Pennsylvania. The colors were presented by a color guard of the U.S. Marine Corps. Michael Komichak (UWA Br. 228 McKees Rocks) was master of ceremonies.

[From the Pittsburgh Press, July 12, 1967]

#### CAPTIVE NATIONS WEEK SET HERE

Dr. Nicholas Nyaradi, former Hungarian minister of finance now with Bradley University, will speak at a Captive Nations Week program Monday at 12:15 p.m. at the Pick-Roosevelt Hotel.

The Pittsburgh Captive Nations Week Committee will discuss topics ranging from Vietnam to the Middle East.

Dr. Nyaradi is currently director of the school of international studies at Bradley University in Peoria, Ill.

Luncheon reservations can be made by contacting Michael Komichak, secretary of the Pittsburgh Captive Nations Committee, at the hotel.

[From the Pittsburgh Press, July 18, 1967]

#### UNITED STATES CREDITED WITH HELPING STALIN WIN—GAVE RUSSIA \$21 BILLION, HUNGARIAN CLAIMS

The United States has been feeding "the Russian Bear" for 50 years and the "Bear has been biting our hand," the former finance minister of Hungary charged here.

Speaking at the 9th Annual Captive Nations Luncheon yesterday, Dr. Nicholas Nyaradi cataloged the aid which the U.S. has been giving Soviet Russia over the years.

This aid has helped Russia to expand, said Dr. Nyaradi, and has "taken Russia off the hook" whenever she was in danger of losing one of her "captive nations."

Dr. Nyaradi, who fled from Hungary in 1949, is now dean of International Studies at Bradley University in Peoria, Ill.

Citing as an example of U.S. aid to Russia, Dr. Nyaradi noted the massive military and economic aid, totaling 21 billion dollars given the Soviets during World War II.

#### SUCCESS TO STALIN

This enabled the Russians to increase their steel production by 20 per cent and—coupled with the technical know-how of American engineers—brought success to Stalin's "five-year plans" said Dr. Nyaradi.

He also declared the U.S. should have intervened in Eastern European revolutions in

the 1950s, noting that "one spark (from the U.S.) could have set off at least eight revolutions in the various 'captive nations'."

He especially objected to America's handling of the 1956 revolution, citing a telegram sent by the Federation Government to Marshal Tito of Yugoslavia.

#### SINO-SOVIET SPLIT

The telegram said the U.S. did not look with favor on the establishment of an anti-Communist government on the borders of Russia, Dr. Nyaradi said.

Dr. Nyaradi spoke of the Sino-Soviet split and noted "the only way the Russians and Chinese differ is on how to slice our throats."

He predicted the split will be resolved with the death of Red Chinese leader Mao-Tse-tung.

[From the Pittsburgh Press, July 16, 1967]

#### HUNGARY EX-AIDE SETS SELLOUT TALK—SPEECH HIGHLIGHTS CAPTIVE LANDS WEEK

Dr. Nicholas Nyaradi, former finance minister of Hungary, will speak on "Were We Sold Down the River?" at 12:15 p.m. tomorrow at the Pick-Roosevelt Hotel as part of the Captive Nations Week ceremony.

Dr. Nyaradi, who is now director of the school of international studies at Bradley University, spent seven months in Moscow negotiating a Russian reparation claim against Hungary.

Captive Nations Week, held annually at this time, is commemorated all over the country.

The purpose of the week is to emphasize the plight of the nations under communism.

[From the Pittsburgh Press, July 18, 1967]

#### REDS BITING U.S. HAND, VISITOR SAYS

The United States has been feeding "the Russian Bear" for 50 years and the "Bear has been biting our hand," the former finance minister of Hungary charged here.

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[From the Pittsburgh Post-Gazette, July 18, 1967]

#### KOSYGIN RANKS LOW, EX-DIPLOMAT CLAIMS—SOVIET LEADER PLACED FIFTH TO TENTH

Premier Alexei Kosygin ranks only fifth to tenth in the Soviet Union's hierarchy, a former Hungarian diplomat claimed here yesterday.

"If he is the top political power in Russia, then I'm the Grand Mufti of Jerusalem or the Greek Orthodox patriarch," Dr. Nicholas Nyaradi told a Captive Nations Week luncheon in the Pick-Roosevelt Hotel.

Dr. Nyaradi, minister of finance in post-war Hungary's coalition government, said he knew Kosygin when the latter held a similar position in the Soviet Union. Dr. Nyaradi, a representative of the anti-Communist Small Landholder's Party in the coalition government, fled Hungary with his wife in 1948 as a result of Communist pressure.

He warned that the Soviet Union has steadily expanded its control over non-Russians while other colonial powers have been shedding their holdings.

"Few people in the free world realize that only a little more than half the residents of the Soviet Union live in so-called Greater Russia." Dr. Nyaradi said, "The rest are formerly free people swallowed up by Russian imperialism."

Dr. Nyaradi was a member of the anti-Nazi underground during World War II. Hungarians were dismayed when they learned they were to be "liberalized" by Russians, he said. "The barbarians from the East came, looting, burning, murdering and raping," he told his audience.

Dr. Nyaradi told his listeners, most of Eastern European ancestry, that they cannot ask their fellow Americans to go to war to free captive nations such as Poland, Lithuania, Estonia and Czechoslovakia.

"It is our duty to warn and remind them that it must never happen here," he said.

[From the Pittsburgh Post-Gazette, July 21, 1967]

8:00 p.m. (WPIT AM—730; FM—101.5) Captive Nations Week. Congressman Derwinski discusses trade with the Communist countries of Eastern Europe.

[From the Pittsburgh Post-Gazette, July 20, 1967]

8:00 p.m. (WPIT AM—730; FM—101.5) Captive Nations Week. Commentator Melvin Munn gives a roll call on the Captive Nations and discusses the fate that has befallen them.

[From the Pittsburgh Press, July 20, 1967]

8 p.m.—Captive Nations Week, 1967. Melvin Munn discusses the fate of the Captive Nations, WPIT, AM-FM.

[From the Pittsburgh Press, July 18, 1967]

8 p.m.—"Captive Nations Week, 1967." Rumanian Princess Caradja talks of freedom and captive Rumania. WPIT, AM-FM.

[From the Pittsburgh Post-Gazette, July 18, 1967]

8:00 p.m. (WPIT AM—730; FM—101.5) Captive Nations Week. Rumanian Princess Caradja talks of freedom and captive Rumania.

[From the Pittsburgh Post-Gazette, July 19, 1967]

8:00 p.m. (WPIT AM—730; FM—101.5) Captive Nations Week. Commentator Melvin Munn discusses Captive Poland.

#### EDUCATION AND THE FEDERAL BUDGET

Mr. BUSH. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. GUDE] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. GUDE. Mr. Speaker, I want to urge that in light of the present deficit and the need to establish priorities in Federal spending, the House Committee on Appropriations give full consideration in future supplemental appropriations to the educational needs of our Nation. Education should always receive top priority in our Federal budget. It is essential for the social and economic progress of our Nation that our young people receive the finest preparation possible for their role in the future of our democracy.

For this reason I have given full support for education programs and have



been concerned about reductions in this area—an example being the \$33.8 million for jurisdictions with federally connected schoolchildren which was removed from Public Law 874. It is my hope that full consideration will be given to the restoration of these funds in a future supplemental appropriation bill.

### NOISE POLLUTION

Mr. BUSH. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. KUPFERMAN] may extend his remarks at this point in the Record and include extraneous matter.

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

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, the problem of noise pollution continues to attract the attention of scholars, concerned citizens, and the general public.

Ever since the introduction of my bill—H.R. 14602 on April 21, 1966, in the 89th Congress, in this session H.R. 2819—to establish an Office of Noise Control in the Office of the Surgeon General of the United States, at which time I called for action to attack this problem before it got out of hand, I have found more and more interest and study of the problem, and I have been pleased to bring various items on the subject to the attention of my colleagues.

Frederick W. Parkhurst, Jr., associate professor of economics at Guilford College at Greensboro, N.C., has done a fine study on noise, jets, and the sonic boom, and his letter and thesis follow:

GUILFORD COLLEGE,  
Greensboro, N.C., Oct. 19, 1967.

HON. THEODORE R. KUPFERMAN,  
Member of Congress,  
U.S. House of Representatives,  
Washington, D.C.

DEAR REPRESENTATIVE KUPFERMAN: During the summer, while I was at N.Y.U. Graduate School of Law, you were kind enough to supply me with much-appreciated information from the Congressional Record on the subject of noise. The materials you furnished were extremely helpful and contributed greatly toward completion of my research.

I am enclosing the results for your files and call your attention to references to your work in Congress at pages 13 and 49 of the enclosed study. If you decide to have this report on "Noise, Jets, and the Sonic Boom" included in the Congressional Record, I would be most grateful to receive a copy/reprint.

Thank you again for your generous assistance and your efforts concerning the problem of noise.

Sincerely,

FREDERICK W. PARKHURST, JR.,  
Associate Professor of Economics.

### NOISE, JETS, AND THE SONIC BOOM

(By Frederick W. Parkhurst Jr., Guilford College, Greensboro, N.C., August 11, 1967)

"To furnish the citizens with full and correct information is a matter of the highest importance. If we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion by education."

—THOMAS JEFFERSON.

### INTRODUCTION

#### Aims of this paper

This paper seeks to examine scientific information as to the effects of noise upon

man and his environment, to review the legal remedies which have been available in the past, and to explore some of the new problems presented by recent technological changes. Simply stated, noise is unwanted sound. As a form of energy, sound is capable of inflicting physical injury: It can result in pain, suffering, discomfort, inconvenience, and financial loss. Sound can cause accidents, a decline in productive efficiency, the death of animals, structural damage to buildings, and adverse psychological consequences, including general detriment to persons, to the quality of life, and to property values.<sup>1</sup>

#### Value judgments

In discussing this problem, particularly as to contemporary developments in science and technology, the writer wishes to warn the reader with regard to value judgment assumptions. The writer believes that the requirements of academic freedom, civil liberties, and our democratic society all demand the protection of scientific inquiry from restriction, censorship, or penalty. But the writer also believes that any technological applications of scientific inquiry must always be subject to social control. To paraphrase the words of Jesus about the Sabbath, technology is made for man and not man for technology. In the enjoyment of our heritage of the natural environment, man's moral obligation toward God and his fellow men means there cannot be any legal right to pollute the earth.

#### Past remedies

Pollution has many dimensions, including pollution of the air. Atmospheric pollution involves injury to humans and the natural environment, to plant and animal life, as well as economic costs, from smoke, dirt, dust, toxic gases, malodorous fumes, various effluent chemical wastes, and radiation poisoning.<sup>2</sup> Noise, jets, and the sonic boom also represent three distinct aspects of atmospheric pollution.<sup>3</sup> As part of the natural background of our human environment, noise varies from one part of our planet to another, as does individual susceptibility to its harmful effects.<sup>4</sup> While a minimum

<sup>1</sup> *Griggs v. Allegheny County*, 369 U.S. 84 (1962); *United States v. Causby*, 328 U.S. 256 (1946); *A. J. Hodges Industries, Inc. v. United States*, 355 F.2d 592 (1966); *Ackerman v. Port of Seattle*, 55 Wash.2d 400, 348 P.2d 664, 77 A.L.R.2d 1344 (1960); *City of Jacksonville v. Schumann*, 167 So.2d 95 (Florida, 1964); *Firemen's Ins. Co. v. Alexander*, 328 S.W.2d 350, Anno. 74 A.L.R.2d 755 (Texas, 1959); *Jackson Municipal Airport Authority v. Evans*, 191 So.2d 126 (Mississippi, 1966); *Loma Portal Civic Club v. California Airlines, Inc.*, 61 Cal.2d 582, 39 Cal.Repr. 708, 394 P.2d 548 (1964); *Martin v. Port of Seattle*, 64 Wash.2d 309, 391 P.2d 540 (1964); *Thornburg v. Port of Portland*, 223 Ore. 178, 376 P.2d 100 (1962); and see also: *Thornburg v. Port of Portland*, — Ore. —, 415 P.2d 750 (1966).

<sup>2</sup> Ronald G. Ridker, *Economic Costs of Air Pollution: Studies in Measurement*, New York: Frederick A. Praeger, 1966; "Air Pollution Around John F. Kennedy Airport," a 77-page community survey by Melvin Nolan, Technical Assistance Branch, Division of Air Pollution, Public Health Service, United States Department of Health, Education, and Welfare, June, 1966; and the AFL-CIO *American Federationist*, June 1967, pp. 17-22, George Taylor, *The Fight for Clear Air*.

<sup>3</sup> *Time*, August 19, 1966, "When Noise Annoys;" *Harper's Bazaar*, August 1966, Natalie Gittelson, "Noise Pollution—A Growing Scandal;" and *Saturday Review*, May 27, 1967, pp. 17-19, Millicent Brower, "Noise Pollution: A Growing Menace."

<sup>4</sup> *Scientific American*, December 1966, Leo L. Beranek; "Noise."

amount of noise is considered normal and even desirable as a warning device against dangers, beyond this minimum any increase in the level or frequency of noise pollutes the atmosphere by making the human environment that much less livable.<sup>5</sup> At least to some extent, the more technologically advanced man becomes the more noise he tends to generate. In the past, most of this noise has been caused by private persons and private enterprise, and private legal actions have been reasonably effective in reaching remedies.<sup>6</sup> Thus, the torts of trespass, assault, and nuisance have offered either injunctions or compensation for excessive amounts of noise.<sup>7</sup> Also, there has been some legislation, including zoning, to meet the problem of noise.<sup>8</sup>

#### Present problems

However, these private, local, and state remedies (including eminent domain by inverse condemnation) often prove inadequate once the federal government pre-empts the regulation of aviation and then, in fact, engages in deliberate subsidization of the jet industry.<sup>9</sup> Now the market place is no longer the decision-maker. Instead, the growth of jet aviation is being artificially stimulated by the national administration.<sup>10</sup> Unfortunately, Congress has failed to legislate standards, safeguards, or effective criteria.<sup>11</sup> It has abdicated its rule-making functions to so-called "regulatory" agencies which seem much more interested in promoting the jet industry than in protecting the public.<sup>12</sup> Thus we find a governmentally-sponsored amplification of the problem of noise by a legalized nuisance, the jet.<sup>13</sup> Worse, billions

<sup>5</sup> *New England Journal of Medicine*, Vol. 275, October 6, 1966, pp. 759-765, Dr. John D. Dougherty, M.D., and Dr. Oliver L. Welsh, Ph.D., "Environmental Noise and Hearing Loss."

<sup>6</sup> *Matteson v. Eustis*, 140 Fla. 591, 190 So. 558 (1939); *New Orleans v. Fargot*, 116 La. 369, 40 So. 735 (1906); *Ritz v. The Women's Club of Charleston*, 114 W.Va. 675, 173 S.E. 564, 182 S.E. 92 (1934); *Snyder v. Cabell*, 29 W.Va. 48, 1 S.E. 241 (1886); and *State v. Cantienny*, 34 Minn. 1, 24 N.W. 458 (1885).

<sup>7</sup> Jacob H. Beuscher, "Judicial Zoning Through Recent Nuisance Cases," 1955 *Wisconsin Law Review* 440; G. A. Spater, "Noise and the Law," 63 *Michigan Law Review* 1373 (1965); and F. I. Michelman, "Property, Utility, and Fairness: Comments on the Ethical Foundations of Just Compensation Law," 80 *Harvard Law Review* 1165 (1967).

<sup>8</sup> Strunck, "Airport Zoning and Its Future," 50 *American Bar Association Journal* 216 (March, 1958); *Waring v. Peterson*, 137 So. 2d 268 (Florida, 1962); and *Baggett v. City of Montgomery*, 160 So. 2d 6 (Alabama, 1963).

<sup>9</sup> *Northwest Airlines v. Minnesota*, 322 U.S. 292 (1944); *City of Newark v. Eastern Airlines*, 159 F.Supp. 750 (D.C. N.J. 1958); *Allegheny Airlines Inc. v. Village of Cedarhurst*, 132 F.Supp. 871 (E.D. N.Y. 1955), *aff'd* 238 F.2d 812 (2d Cir. 1956); *Batten v. United States*, 306 F.2d 580 (10th Cir. 1962); and *Soldinger v. United States*, 247 F.Supp. 559 (D.C. Va. 1965).

<sup>10</sup> *Newsweek*, June 26, 1967, pp. 66-67, "Supperplane or Megafolly?"

<sup>11</sup> 4th *International Congress for Noise Abatement*, Baden-Baden, Germany, May 1966, Bo Lundberg, Director General of the Aeronautical Research Institution of Sweden, "The Menace of the Sonic Boom to Society and Civil Aviation."

<sup>12</sup> *American Economic Review*, Vol. LVII, Number 2, May 1967, Papers and Proceedings, Cost-Benefit Analysis for Government Decisions, pp. 71-108, Stephen Enke, "Government-Industry Development of a Commercial Supersonic Transport."

<sup>13</sup> *Batten v. United States*, 306 F. 2d 580 (10th Cir. 1962).

of the taxpayer's dollars are being spent to build a new and greater noise-maker, the supersonic jet.<sup>14</sup> Unlike subsonic jets, supersonic jets are characterized by the sonic boom.<sup>15</sup> As we shall discover, the sonic boom is a 760-mile-per-hour mass of compressed energy which can cause destruction in its path equivalent to the force of an atomic explosion at ground zero.<sup>16</sup> It is obviously, then, a serious menace to persons and property.

#### The failure of Congress

The failure of Congress to represent the public interest should be considered a national scandal.<sup>17</sup> The democratic process is subverted when great portions of the population are to be exposed to sonic shocks injuring the human system and causing property damage, without legal safeguards.<sup>18</sup> When government finances the jet industry and at the same time fails to set standards, the customary time-span in technological development is shortened, the normal market place mechanisms including product liability do not operate, and the human environment is polluted without consideration for consequences.<sup>19</sup> In a "public-be-damned" attitude, the administrative agency involved (the Federal Aviation Agency) has established regulations favorable to the jet industry.<sup>20</sup> As we shall see, these officials have not hesitated to deliberately falsify scientific information, to release these dishonest materials for publication, and to conceal facts from and deceive both Congress and the public.<sup>21</sup> Thus, the Air Force, the Federal Aviation Agency (F.A.A.), and spokesmen for the jet industry, all have denied the dangers of the sonic boom<sup>22</sup> which was euphemistically

<sup>14</sup> The Washington Star, June 5, 1967, editorial: "Flying Brontosaurus"; The New York Times, Sunday, June 18, 1967, "League Against Sonic Boom Works to Stop Building of High Speed Jets," and the New York Post, Monday, July 17, 1967, page 28, editorial: "The Big Boom Business."

<sup>15</sup> "Sonic Boom," 12 American Jurisprudence Proof of Facts 593 (1962), and current supplements with annotations.

<sup>16</sup> Ibid., p. 598.

<sup>17</sup> Harper's Bazaar, August 1966, Natalie Gittelson, "Noise Pollution—A Growing Scandal."

<sup>18</sup> It is understood that three pending 1967 suits have all been decided in favor of the government-sponsored jet industry: American Airlines et al, Port of New York Authority et al v. Hempstead (D.C.E.D. N.Y. 63 Civ. 1280); Port of New York Authority v. Hempstead (D.C.E.D. N.Y. 64 Civ. 45); and Sylvane v. Port of New York Authority (D.C.E.D. N.Y. 64 Civ. 950), decided during June-July, 1967.

<sup>19</sup> Professor Harold P. Green, Science and the Legal Process Seminar, Special Summer Program for Law Teachers, Graduate School of Law, New York University, July 1967.

<sup>20</sup> The New York Times, Friday, June 16, 1967, page 28, one-half page advertisement sponsored by the Citizens League Against the Sonic Boom, "The Threat of the SST and its Shattering Sonic Boom." See also, Newsletters and other scholarly materials published by Dr. William A. Shurcliff, physicist, Harvard University, Director of the Citizens League Against the Sonic Boom, 19 Appleton Street, Cambridge, Massachusetts 02138. This writer was so impressed that he lost his academic objectivity and joined the League.

<sup>21</sup> Stratton Hammon, "More on Sonic Booms: Litigation is Showing Their Propensities," 47 American Bar Association Journal 1096 (November, 1961).

<sup>22</sup> Louis D. Apothaker, "The Air Force, the Navy and Sonic Boom," 46 American Bar Association Journal 987 (September, 1960). This article was attacked by Stratton Hammon (footnote 21) as basically dishonest. Dr. William A. Shurcliff (footnote 20) has fascinating collection of quotations which falsely deny the dangers of sonic boom.

referred to by then-Senator Barry Goldwater (himself a jet pilot, air force officer, and jet industry propagandist) as the "sound of progress."<sup>23</sup>

#### Loss of legal rights

There was little or no mention that the sonic boom may smash windows, knock-down plaster, crack walls, waken people, frighten children, kill animals, and even capsize buildings.<sup>24</sup> It adds to the normal background noise an additional physical and psychological health hazard,<sup>25</sup> increasing nervous tension,<sup>26</sup> plus depreciation of property values,<sup>27</sup> but common law principles of injunction or compensation for these injuries no longer apply where federal statutes give the F.A.A. the authority to establish flight regulations.<sup>28</sup> The issue of safety standards is taken away from the courts and the individual citizen has lost his legal rights.<sup>29</sup> This transfer of legal authority to the F.A.A. is an even greater loss to the individual when we observe the F.A.A.'s apparent indifference and lack of concern as to the disastrous effects of sonic boom on the population and property.<sup>30</sup> What tests and information we do have clearly indicates that the sonic boom is not tolerable.<sup>31</sup> Yet very little attention has been given to a weighing of all the interests involved, of a careful consideration of the total social costs versus the potential benefits to be derived, and whether there are alternatives.<sup>32</sup>

#### Tax-supported pollution

Furthermore, why should the American taxpayer finance the jet industry? Is the

<sup>23</sup> Allen J. Roth, "Sonic Boom: A New Legal Problem," 44 American Bar Association Journal 216 (March, 1958). Roth discloses that then-Senator Barry H. Goldwater was the author of an undated pamphlet titled planes published by the Aircraft Industries Association of America, in which he refers to the sonic boom as the "sound of air power progress." There is no discussion of conflict of interest.

<sup>24</sup> "Sonic Boom," 12 American Jurisprudence Proof of Facts 593 (1962), and current supplements with annotations.

<sup>25</sup> Scientific American, January 1962, p. 36, H. Wilson, "Sonic Boom," Scientific American, December 1966, Leo L. Beranek, "Noise," and World Health Organization, United Nations, Geneva, Public Health Papers No. 30, 1966, Alan Bell, "Noise—An Occupational Hazard and Public Nuisance."

<sup>26</sup> "Health Hazards of Noise," Dr. Samuel Rosen, M.D., published by Citizens For A Quieter City, Inc., 27 West 53rd Street, New York City, New York 10019.

<sup>27</sup> Avery v. United States, 165 Ct. Cl. 357, 330 F. 2d 640 (1964).

<sup>28</sup> Chesko v. Port of Seattle, 55 Wash. 2d 416, 348 P. 2d 673 (1960).

<sup>29</sup> Allegheny Airlines, Inc. v. Village of Cedarhurst, 132 F.Supp. 871 (E.D. N.Y. 1955), aff'd 238 F. 2d 812 (2d Cir. 1956).

<sup>30</sup> The New York Times, Sunday, July 16, 1967, page 35, Evert Clark, "Low-Boom Plane Is Studied by U.S.—Domestic Flights May Call for Smaller Superjets."

<sup>31</sup> C. W. Nixon and H. H. Hubbard, "Results of USAF-NASA-FAA Flight Program to Study Community Responses to Sonic Booms in the Greater St. Louis Area," NASA TN-D-1705, May 1965; D. A. Hilton, V. Huckel, and D. J. Maglieri, "Sonic-Boom Measurements During Bomber Training Operations in the Chicago Area," NASA TN-D-3655, October 1966; "Final Program Summary—Oklahoma City Sonic Boom Study," FAA Report, SST-65-3, March 17, 1965; The New York Times, Friday, June 23, 1967, Richard D. Lyons, "Excessive Noise Termed Unsuspected Health Peril;" and The New York Times, March 13, 1966, Edward Hudson, "Jet Noises Linked to Psychotic Ills—Interrupt Dreams Vital to Health, Experts Say."

<sup>32</sup> American Economic Review, op. cit., footnote 12.

promotion of civilian jets a function of government? What is the hurry? To the contrary, shouldn't government be more interested in protecting the public from harm by regulating (perhaps prohibiting) supersonic transport? In addition, why do we need to travel faster than the speed of sound—760 miles per hour? Even if there were no sonic boom, such speeds may be exceedingly dangerous.<sup>33</sup> It will also be argued that economically the time "saved" by supersonic speeds could be lost in post-flight transit delays (airports being even further out from cities), and that the subsonic jet is a more profitable enterprise.<sup>34</sup> Another alternative which might prove to be a much better investment is the development of underground vacuum-reduced pressure tubes for rail travel at speeds of at least 150-300 miles per hour.<sup>35</sup> Thus, this writer intends to demonstrate that the harmful effects of sonic boom to persons and property, and to the natural environment generally, are so overwhelming compared to any potential gains, there ought to be strict liability for damages caused by military supersonic flights and an outright ban upon any civilian supersonic jets.<sup>36</sup>

#### Lack of consent

The American public has not consented to being subjected to the sonic booms. If a government-financed injury can be imposed upon the electorate, if this can happen in the United States, without prior consideration, active public participation, and representative decision-making, then both legal due process and the legislative process of a democratic society becomes a mockery. Certainly, at this time there is no necessity for any rush to voluntarily inflict upon ourselves the sonic boom. Hopefully, human reason shall never be so corrupted as to find it possible to willingly so pollute our environment by government action. Instead, government action ought to be providing the public with the opportunity to be heard, to protest, and to prevent private profit-seekers from exploiting the public airways at the expense of the rest of us.

#### Allocating social costs

This writer recommends that the social costs of private enterprise be paid by those polluting industries, individual firms, and business enterprisers causing these social costs.<sup>37</sup> It is further urged that both the

<sup>33</sup> Punch, May 3, 1967, pp. 640-641, Mary Goldring, "Ho's For Concorde?"

<sup>34</sup> The Rotarian, November 1966, Bo Lundberg and A. E. Russell, debate, "Supersonic Boom," American Economic Review op. cit., footnote 12; and 4th International Congress for Noise Abatement, op. cit., footnote 11.

<sup>35</sup> It is understood that experimental surface monorails in Japan, the United States, and other countries, now reach 150 miles per hour. Underground vacuum-reduced pressure tubes would permit much greater, and safer, speeds. And, of course, there would be no problem of any sonic boom.

<sup>36</sup> The Oklahoma Journal, Thursday, June 1, 1967, "Jet Boom Claim Paid." (Federal jury awarded \$10,000.)

<sup>37</sup> This is a principle of social welfare economics. John A. Hobson, Work and Wealth—A Human Valuation, London: Macmillan, 1914; Arthur C. Pigou, The Economics of Welfare, fourth edition, London: Macmillan, 1932; John R. Commons, Institutional Economics, New York: Macmillan, 1934; K. William Kapp, The Social Costs of Private Enterprise, Cambridge, Massachusetts: Harvard University Press, 1950; Raymond T. Bye, Social Economy and the Price Systems An Essay in Welfare Economics, New York: Macmillan, 1950; Raymond T. Bye and William W. Hewett, The Economic Process: Its Principles and Problems, second edition, New York: Appleton-Century-Crofts, 1963; and Harold



legal process and the legislative process operate so as to provide not only full compensation for any harm inflicted but also, insofar as can be achieved, the initial prevention of injury to persons, property, and the environment. Finally, it is suggested that this principle of allocating costs, compensating victims, and preventing harm, employ such social controls as legal liability for any injuries, including treble damages as under anti-trust legislation, anti-noise injunctions, vigorous enforcement of taxation penalties against atmospheric pollution, withdrawal of government financing, energetic employment of police power regulations, and a conscientious dedication to a public policy favoring the quality of the human environment.

#### Legislative responsibility

These decisions must include the assumption of legislative responsibility to establish clear statutory standards for the guidance of administrative agencies, to guarantee the appointment of committed personnel, to provide appropriations sufficient to fulfill public purposes, to exercise a continuing oversight of governmental functions, and to assure the public a real voice in the decision-making process. Above all, it requires a serious determination to meet the menace of noise, jets, and the sonic boom—that man is more important than the machine, and that private profit is always secondary to the public interest.

#### NOISE

##### The noiseless Mabaans

Of all the places on earth inhabited by man, scientists recently discovered what appears to be the most peacefully quiet region of this planet. It is the White Nile jungle of the primitive Mabaan Tribe in the southeast Sudan. Undisturbed by modern civilization until 1956, the Mabaans live in a stage of cultural development characterized as late Stone Age.<sup>38</sup> Except for the wind in the palms, a clap of thunder, the bleat of a goat, the cry of a child, or the sounds of human conversation, the Mabaan natives enjoy a remarkably noise-free environment. Both peak and background noise are at an extremely low sound level. They do not use drums, nor do they shout or sing except at festivals held only a few times during the year. Until the Mabaans were first systematically studied in 1960 and 1961, medical experts had assumed that hearing loss was primarily a function of aging. However, the Mabaans maintain a consistently high degree of hearing sensitivity throughout their entire lifespan, so that even seventy-year old natives often have a much keener sense of sound than young men and women in the United States. In fact, the Mabaans have superior hearing to any other group of humans ever tested anywhere. Interestingly, when natives occasionally leave the tribe to live in a noisy city such as Khartoum, they become subject to hypertension, coronary heart disease, and hypercholesterolemia.

##### Noise-free health

The outstanding medical discovery in examining the Mabaans was the apparent con-

M. Groves, *Financing Government*, sixth edition, New York: Holt-Rinehart-Winston, 1964.

<sup>38</sup> The sources for the comparative information about the Mabaans in this paragraph and following are the *Congressional Record—House*, volume 112, part 7, pages 8745 through 8768 and volume 112, part 14, pages 18233 to 18257; John D. Dougherty, M.D., and Oliver L. Welsh, Ed.D., "Environmental Hazards: Community Noise and Hearing Loss," special article reprinted from the *New England Journal of Medicine*, Vol. 275, pp. 759-765, October 6, 1966; and Millicent Brower, "Noise Pollution: A Growing Menace," *Saturday Review*, pp. 17-19, May 27, 1967.

nection between health and noise. There is an inter-relationship of physical, psychological, and community well-being with the amount of noise to which man is subjected. Thus, unlike "civilized" inhabitants of complex mechanized urban societies, the Mabaans in their tensionless noise-free natural environment enjoy a total lack of the following health problems: (1) obesity, (2) hypertension, (3) coronary thrombosis, (4) ulcerative colitis, (5) acute appendicitis, (6) duodenal ulcer, (7) high blood-pressure, (8) hearing loss, (9) cardiovascular illness, and (10) arteriosclerotic heart disease. Whereas blood-pressure in Americans "normally" increases progressively with age, Mabaans whether ten-years-old or ninety-years-old have exactly the same constant blood-pressure. Also, while American men usually have higher blood-pressure than women, Mabaan men have lower blood-pressure. In addition, there is very little incidence of caries, minimal venereal disease, low cholesterol levels, no varicose veins and no bronchial asthma. On the other hand, the Mabaans do suffer from the usual childhood diseases and also get malaria, dysentery, pneumonia, pulmonary tuberculosis, and yellow fever. None of these sicknesses, however, are related to the physical impact of and the nervous tension associated with noise.<sup>39</sup>

#### Measuring sound intensity

The Mabaan environment measures from 34 to 40 decibels. Named after Alexander Graham Bell, a decibel represents the logarithmic value of the physical level of sound recorded by a sound-pressure meter. The base was initially established at 1 unit for the minimum audibility of the human ear, or the threshold sound discernible by the average young adult with good hearing. Because the decibel is a logarithmic measure of sound-pressure, this means that a sound-pressure intensity of 150 decibels is analyzed by the ear 10<sup>15</sup> times as great as the threshold level. This is illustrated by the following table:<sup>40</sup>

#### Relation of the sound decibel to sound intensity in logarithmic units

Decibels:	Units
150	1, 000, 000, 000, 000, 000
100	10, 000, 000, 000
50	100, 000
40	10, 000
30	1, 000
20	100
10	10
0	1

Thus, a change in decibels from 10 to 20 is not merely a doubling of sound. The actual pressure has gone up from 10 units to 100 units. Rather than an adding of sound-pressure, there is a multiplication. This is even more dramatic when we observe a movement from 20 decibels to 40 decibels. This decibel-doubling actually represents a 100-fold increase in sound-pressure from 100 to 10,000. Likewise, when the decibel measurement doubles from 50 to 100, this means sound-pressure has gone up fantastically from 100,000 to 10,000,000,000.

#### Sound sources in decibels

Because of this multiplication process, it should be kept in mind that ten 70-decibel

<sup>39</sup> In July, 1963, the Committee on the Problem of Noise reported to the English Parliament that "Since health is defined as a state of complete physical, mental, and social well-being and not merely absence of disease and infirmity there is no doubt that noise affects health." Quoted in the *Congressional Record—House*, volume 112, part 7, pages 8745 through 8768.

<sup>40</sup> John D. Dougherty, M.D., and Oliver L. Welsh, Ed.D., "Environmental Hazards: Community Noise and Hearing Loss," special article reprinted from the *New England Journal of Medicine*, Vol. 275, pp. 759-765, October 6, 1966, at p. 760.

sources of sound would add up to "only" 80 decibels. At 150 decibels (db), sound-pressures are 1,000,000,000,000,000 times the threshold level. Exposures at such high intensities are never voluntarily accepted, for these sound-pressures are physically painful. But even much lower db levels, although accepted, are definitely injurious to the ear.<sup>41</sup> The following table offers some common examples of noise expressed in decibels:<sup>42</sup>

Source of sound:	Decibels
Jet rocket launching	175
Jet plane at takeoff	150
Pneumatic rocket drill, or machine gun	130
Diesel engine room	125
Threshold of pain	120
Jet airplane passenger ramp	117
Loud motor cycle	111
Boiler factory	107
Riveter	105
Loud outboard engine	102
Electric power station	95
Pneumatic jackhammer	94
Electric food blender	93
Noisy factory	90
Rush-hour traffic, Grand Central Station	81
Industrial exposure with known noise-induced hearing loss	80
Printing press	80
Stenographic room	75
Quiet typewriter	65
Conversational speech	60
Average private business office	50
Quiet office, or average residence	40
Broadcasting studio (speech)	30
Whisper	20
Breathing	10

#### The significance of decibels

It will now be enlightening to compare our two charts to note the relative sound levels of a jet plane at takeoff as compared with exposure to sound in the average residence:

#### [Sound intensity in logarithmic units]

Source of sound, sound decibels:	Units
Jet plane at takeoff, 150	1, 000, 000, 000, 000, 000
Average residence, 50	100, 000

The three-fold increase in decibels really represents an increase in sound-pressure of tremendous dimensions, so that unless one fully appreciates the meaning of decibels, the difference expressed in decibels may prove to be very misleading. This has been explained as follows:<sup>43</sup>

"For example, one jet engine test stand creating a local noise level of 80 db might also be accompanied in the community by 3 cement plants, each having a 70-db level at the same reference point. In such a situation, the total of the one 80-db source and 3 70-db sources would be only about 81 db, whereas the average citizen might hold all noise sources equally responsible. Certainly, few people would realize that elimination of the 3 70-db sources would drop the level only from 81 to 80, whereas elimination of the 80-db source would lower the level to less than 75."

A study in the Boston area showed a 78 db for the city school playground because of traffic noise, whereas a suburban school showed 58 db. The difference in these two readings means that the city school children

<sup>41</sup> "Fortunately, for the understanding of noise-induced injury, there is a clear relation between the anatomy, physiology and pathology of the ear in response to severe noise trauma." *Ibid.*, page 761.

<sup>42</sup> *Ibid.*: Millicent Brower, *op. cit.*, page 18; and *Congressional Record—House*, volume 112, part 7, pages 8745 through 8768, and volume 112, part 14, pages 18233 to 18257.

<sup>43</sup> John D. Dougherty, M.D., *op. cit.*, page 760.

were exposed to about 100 times the sound intensity of the suburban school children.<sup>44</sup> This needs to be kept in mind when we reach our analysis of jet plane noise and the sonic boom, as standards stated in differences of only a few decibels become crucially significant.

#### Somatic effects of noise

In their environment (only 34-40 decibels) the Mabaans have no noise problem. But when these natives are exposed to the same levels of noise to which we in modern societies are subjected, they begin to suffer much the same symptoms. Loud noises in the 95 to 110 decibel range during a five-minute period caused definite constriction of the tiny blood vessel arterioles. This vasoconstriction lasted for twenty-five minutes after the noise ceased, diminishing cardiac output and causing bradycardia in which the heart slows down to gain momentum for a big push of blood through the system. The over-all effect of continuous noise is to alter the supply of blood throughout the nervous system, causing both hearing loss and elevation of the blood pressure. This helps explain why the United States has the highest incidence of arteriosclerotic heart disease in the world.<sup>45</sup> An experiment conducted by the French Army submitted soldiers to a loud noise for fifteen minutes. Tests showed they were color blind for over one hour.<sup>46</sup> Another experiment in Germany found that excessive, continuous noise resulted in stomach inflammation and abdominal hemorrhaging.<sup>47</sup> Research has shown that noise inhibits the normal development of infants, has adverse effects upon individual health (the susceptibility varies, some persons being more sensitive to noise than others, but all are affected), contributes to accidents and loss of output, is a serious detriment to morale, and interferes with economic efficiency.<sup>48</sup>

#### Health and dreams

In addition to disturbing every bodily function, noise also aggravates personal stress, can significantly affect mental well-being, and has important anti-euphoric psychic consequences.<sup>49</sup> Sleep studies have discovered that whether or not a person can remember his dreams, every human being must have at least five separate dreams each night. This normal dream cycle, one dream approximately every 1½ hours, is easily demonstrated by the electrical impulses or brain waves characteristic of mental activity, and if an individual is awakened at the beginning of one of these brain patterns he will be able to report his dream. Trained personnel under expert supervision at university medical schools, hospitals, and clinics have conducted experiments on volunteers fitted with the necessary apparatus attached to recording equipment.<sup>50</sup> Tested

<sup>44</sup> *Ibid.*

<sup>45</sup> Millicent Brower, *ibid.*

<sup>46</sup> *Congressional Record—House*, volume 112, part 20, pages 27803 to 27824.

<sup>47</sup> *Congressional Record—House*, volume 112, part 7, pages 8745 through 8768.

<sup>48</sup> *Congressional Record—House*, volume 112, part 20, pages 27803 to 27824.

<sup>49</sup> The psychiatric information in this and the next paragraph is based on evidence given by Dr. Zhivko D. Angelusheff, Dr. Howard H. Bogard, Dr. Julius Buchwald, Dr. Lee E. Farr, and Dr. Samuel Rosen, as reported in the *Congressional Record—House*, volume 112, part 7, pages 8745 through 8768; volume 112, part 14, pages 18233 to 18257; Millicent Brower, *ibid.*; The New York *Times*, Friday, June 23, 1967, Richard D. Lyons, "Excessive Noise Termed Unsuspected Health Perils;" and in personal correspondence with Dr. Samuel Rosen, his undated letter postmarked June 26, 1967.

<sup>50</sup> Some of this material the writer remembers from a special television news program specifically on the subject.

under laboratory conditions with all the standard scientific controls, and subject to qualified interpretation, these studies have established certain definite findings of fact as verified conclusions. When dreams are consistently interrupted, so that the individual is prevented from dreaming, at first he will begin to suffer only mild and then progressively severe psychotic symptoms, paranoid delusions, hallucinations, nightmarish memories, psychoses, suicidal tendencies, and even homicidal impulses.

#### Psychic effects of noise

Considering the biological limits of the human ear and the human nervous system, our modern mechanized civilization exposes us to excessive noise. To offer just a few examples, everyday experience with noises involves all the many machines within the home (such as the vacuum cleaner), our occupational activities and other noises from manufacturing, jet aircraft and the varieties of motor vehicle traffic noises, the "banshee siren" often used by police, transistor radios played in public places, demolition of buildings, housing construction work and street repairs employing the pneumatic rock drill and jackhammer. Because tolerance to noise decreases rather than increases with time, chronic exposure to these noises during the day may build up enough emotional response and frustration to make a person feel tense, nervous, ill-at-ease, irritable, and anxious. This interference with solitude, peace, quiet, comfort, and relaxation may prevent proper rest at night. Sleep which is insufficient, erratic, and deprived of dreaming may have the results already indicated, including headaches and head noises, nausea, vertigo, outbursts of rage, somatic manifestations (e.g., stomach problems), ulcers, and the triggering of allergies such as hives. At worst, the noise-subjected individual can be driven over the brink into insanity. At best, subjection to noise deprives the individual of repose and the fullest potential qualities of a tranquil life.<sup>51</sup>

#### Legal remedies

Of course, it does not require psychiatric evidence to witness to the health hazards of excessive noise. The common law, based upon accumulated human experience, has long been aware of such problems and has recognized the need for legal remedies. Thus, the appropriate rules of tort law and equity may be invoked against assault, battery, intentionally causing mental disturbance or emotional distress (in some states), negligence, nuisance, trespass, and invasion of privacy.<sup>52</sup> Noise is any unreasonable sound that disturbs the community,<sup>53</sup> and is subject to

<sup>51</sup> For sources of the information in this paragraph see footnote 49. Another illustration of the problem of noise is the complaint of twenty-four home owners who are awakened each morning at 4:30 by about 10,000 birds who congregate nightly in the forty maple trees on the block. The New York *Times*, Friday, July 21, 1967, page L-29, "Idyllic Chirp-Chirp Enrages Residents on Queens Street."

<sup>52</sup> Invasion of privacy is a relatively new tort. Despite the vigorous dissent of Justice Douglas in *Public Utilities Commission v. Pollak*, 343 U.S. 451 (1952), the majority held that the D.C. Transit could broadcast news, music, and commercials in buses and trolleys. However, in *Griswold v. Connecticut*, 381 U.S. 479 (1965), the Supreme Court did recognize the right of privacy. In a more recent case, decided June 12, 1967, Justice Stewart concurring, the U.S. Supreme Court unanimously voided state anti-miscegenation laws prohibiting inter-racial marriage. *Loving v. Virginia*, 387 U.S. —, 87 S. Ct. 1817 (1967), seems to combine elements of equal protection, due process, and the right of privacy.

<sup>53</sup> *State v. Canteny*, 34 Minn. 1, 24 N.W. 458 (1885).

summary abatement,<sup>54</sup> injunction,<sup>55</sup> judicial regulation,<sup>56</sup> compensatory damages,<sup>57</sup> and punitive damages.<sup>58</sup> It is even possible to sue for an injunction to stop nuisances originating outside the territorial boundaries of the affected municipality.<sup>59</sup> Further, states possess the powers of eminent domain, taxation, and the police powers. Under the police powers a community may adopt regulations "that will promote the health, safety, convenience, morals, or welfare of the inhabitants of the town," including zoning to protect the advantages of quiet and beauty, to avoid congestion, secure safety, light, air and sunshine, freedom from noise, and a better opportunity for rest and relaxation.<sup>60</sup> Generally, with the exception of new problems created by federal preemption of state authority as to regulation of aircraft noise, the police powers are able to prevent disturbing noises.<sup>61</sup> The primary exception is the uncon-

<sup>54</sup> While the means by which the abatement is enforced is open to judicial scrutiny for reasonableness, the U.S. Supreme Court has upheld summary abatement of nuisances by destruction of the offending property. *Lawton v. Steele*, 152 U.S. 133 (1894). Thus, smoke, fumes, and dust are public nuisances subject not only to an injunction but also to summary abatement. *Northwestern Laundry v. City of Des Moines*, 239 U.S. 486 (1916).

<sup>55</sup> Because the music, activities, and other noise was an interference with homes, a skating rink was enjoined as a noise nuisance. *Snyder v. Cabell*, 29 W.Va. 48, 1 S.E. 241 (1886).

<sup>56</sup> In *Ritz v. The Woman's Club of Charlestown*, 114 W.Va. 675, 173 S.E. 564, 182 S.E. 92 (1934), the court ordered that dances at a club must end at 9 P.M. See also, Jacob H. Beuscher, "Judicial Zoning Through Recent Nuisance Cases," 1955 *Wisconsin Law Review* 440.

<sup>57</sup> Air pollution can be both a trespass and a nuisance for which compensation is payable for injury to crops, livestock, and other economic losses. *Guttinger v. Calaveras Cement Co.*, 105 Cal. App. 2d 914 (1951); *Kornoff v. Kingsbury Cotton Oil Co.*, 45 Cal. App. 2d 265, 288 P. 2d 507 (1955), and *Reynolds Metals Co. v. Lampert*, 324 F. 2d 465 (9th Cir. 1963).

<sup>58</sup> Like nuisance, trespass imparts strict liability without proof of negligence, plus punitive damages for willful pollution. *Reynolds Metals Co. v. Lampert*, 324 F. 2d 465 (9th Cir. 1963).

<sup>59</sup> *Borough of Crafton v. City of Pittsburgh*, 113 P.L.J. 293 (Pa. C.P. 1965); *City of Rochester v. Charlotte Docks Co.*, 114 N.Y.S. 2d 37 (1952); and *Georgia v. Tennessee Copper Co.*, 206 U.S. 230 (1907).

<sup>60</sup> *Simon v. Needham*, 311 Mass., 560, 42 N.E. 2d 515 (1943). It can be seen that the power of government to protect and promote the public (1) health, (2) safety, (3) convenience, (4) morals, or (5) welfare, is exceedingly broad. However, states may differ in their interpretation of the scope of the police powers. Zoning to regulate aircraft was not legitimate if not related to safety in *Banks v. Fayette County Board of Airport Zoning Appeals*, 313 S.W. 2d 416 (Ct. App. Ky. 1958), but was held to be legitimate in *Baggett v. City of Montgomery*, 160 So. 2d 6 (Sup. Ct. Ala. 1963). See also, Bolt, Beranek, and Newman, Inc., *Land Use Planning Relating to Airport Noise*, Research Organization Manual, Cambridge, Massachusetts, 1964.

<sup>61</sup> *Matteson v. Eustis*, 140 Fla. 591, 190 So. 558 (1939), upheld a conviction for disturbing the peace resulting from the operation of a backyard rip-saw. Also, noise in selling merchandise on the streets may be prohibited as a traffic regulation: *Goodrich v. Busse*, 247 Ill. 366, 93 N.E. 292 (1910); a city may condition the use of its streets to prevent private business advertising: *Maupin v. Louisville*, 284 Ky. 195, 144 S.W. 2d 237 (1940); and noise in connection with street



stitutionality of any noise-abatement attempt which unreasonably interferes with freedom of religion, freedom of speech, or freedom of assembly.<sup>62</sup>

#### Legislation

States are now beginning to adopt more comprehensive anti-airpollution statutes which establish air quality standards,<sup>63</sup> offer tax incentives for air pollution control,<sup>64</sup> and promote both intra-state control districts<sup>65</sup> and inter-state compacts.<sup>66</sup> But legislation concerning noise pollution is of both older and more recent origin. Thus, in the past state legislation dealt with occupational loss of hearing by the Workmen's Compensation statutes. Only South Dakota offers no recovery for traumatic or accidental deafness, but twenty states deny compensation for the

sales is prohibitable to preserve peace and suppress nuisances: *New Orleans v. Fargot*, 116 La. 369, 40 S. 735 (1906).

<sup>62</sup> Thus, a city ordinance which restricts the use of a religious sound truck by delegating the exercise of discretion to the Chief of Police with no prescribed standards for his guidance was held to be invalid in a case involving the Jehovah's Witnesses. *Saia v. People of the State of New York*, 334 U.S. 558, 68 Sup. Ct. 1148, 92 L. ed. 1574 (1948). Also, ordinances may not require the approval of the City Manager for the distribution of literature: *Lovell v. Griffin*, 303 U.S. 666 (1938); freedom of speech is not subject to prior conditions: *Cantwell v. Connecticut*, 310 U.S. 900 (1940); and the use of the streets may not be unreasonably restricted: *Hague v. C.I.O.*, 307 U.S. 954 (1939). See also, *Congressional Record—House*, April 21, 1966, vol. 112, pt. 7, pp. 8745 through 8768.

<sup>63</sup> The *New York Air Pollution Control Act*, New York Public Health Law, secs. 1294–1295 (McKinney Supp. 1967), enumerates air quality standards, source emission standards, and provides for telltale devices to pin-point polluters. In the absence of federal preemption standards which conflict, these state statutes are enforceable. Regulations prohibiting dense smoke, or smoke darker than number 2 on the Ringleman Scale, have been sustained as a reasonable exercise of the police powers. See *Board of Health v. New York Central R.R.*, 10 N.J. 294, 90 A. 2d 729 (1952); *City of Rochester v. McCauley-Fien Milling Co.*, 199 N.Y. 207, 92 N.E. 641 (1910); and *People v. International Steel Corp.*, 102 Cal. App. 2d Supp. 266 P. 2d 587 (L.A. Super. Ct., App. Dep't 1951).

<sup>64</sup> The *New York Real Property Tax Law*, sec. 481 McKinney 1966), and the *New York Tax Law*, secs. 208, 616, 683, 708, 1083 (McKinney Supp. 1967), make available exemptions and deductions from property and income taxes for the cost of air pollution control facilities and devices.

<sup>65</sup> The California Health and Safety Code, secs. 24346.2–24370.2 (West Supp. 1967), combines several counties into a *Bay Area Air Pollution Control District* for an integrated program to enforce state legislative authority at the local level under combined state standards and local control. Polluters challenging the California anti-air pollution laws, which are perhaps the strongest of all the states, have had no success. See *Lees v. Bay Area Air Pollution Control District*, 48 Cal.Rptr. 295 (Cal.App. 1965).

<sup>66</sup> New York and New Jersey (also inviting Delaware, Connecticut, and Pennsylvania to join) have formed a *Middle States Air Pollution Control Compact* which provides for the coordinated establishment and enforcement of air quality standards to regulate the emission of air pollutants. See New York Public Health Law, sec. 1299m, added by cc. 475–476, Laws of 1967, legislature of the State of New York.

gradual noise-induced loss of hearing.<sup>67</sup> Workers most injured by noise are employed in the aircraft industry (mostly maintenance men), boilermaking, forging, weaving, punch-press operating, tunnelling, foundry work, blasting, shipbuilding, timber-milling, papermaking, combine-harvester driving, well-drilling, shooting (military personnel are particularly affected), and in the use of certain automated office equipment.<sup>68</sup> Only a few states—California, Oregon, and Washington—have moved beyond compensation to actively prevent noise-induced injuries.<sup>69</sup> European countries have been very much interested. Britain, Germany, the Netherlands, Sweden, and the U.S.S.R., have well-developed acoustical building codes.<sup>70</sup> In the United States Congress, New York Representative Theodore R. Kupferman has been especially concerned with the problem of noise (including jet aircraft) and has introduced proposed legislation to establish an Office of Noise Control.<sup>71</sup>

#### JETS

##### Who owns the air?

At one time it was believed by lawyers schooled in the preflight era that the land owner had possession of his property from the surface area down to the center of the earth, and that his legal rights extended into the air to the periphery of the universe: *Cujus est solum ejus est usque ad caelum* (whose is the soil, his is up to the sky).<sup>72</sup> "But that doctrine has no place in the modern world."<sup>73</sup> Beginning as early as 1926 with the Air Commerce Act and continuing today under the provisions of the 1958 Federal Aviation Act, Congress has declared airspace as part of the public domain when used for the navigation of aircraft, including take-off and landing.<sup>74</sup> The Supreme Court early upheld this taking of the airspace.<sup>75</sup> While some jurists and scholars feel it unfair that no compensation was provided by Congress

<sup>67</sup> The twenty states refusing to recognize gradual noise-induced hearing loss compensation are Alabama, Arizona, Colorado, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Montana, Nebraska, New Hampshire, New Jersey, North Carolina, Oklahoma, South Carolina, South Dakota, Texas, Vermont, and Wyoming. For a complete chart listing the fifty states and Canada, compensable injuries, compensation schedules in weeks, maximum medical and weekly benefits with totals payable, and whether the employee must leave work to file a claim, see the *Congressional Record—House*, August 4, 1966, vol. 112, pt. 14, pp. 18233 to 18257.

<sup>68</sup> *Congressional Record—House*, August 4, 1966, vol. 112, pt. 14, pp. 18233 to 18257.

<sup>69</sup> *Congressional Record—House*, October 19, 1966, vol. 112, pt. 20, pp. 27803 to 27824.

<sup>70</sup> *Congressional Record—House*, January 18, 1967, pp. 788 to 810. See also, *Congressional Record—House*, August 4, 1966, vol. 112, pt. 14, pp. 18233 to 18257 for additional examples, including illustrative legislation in Australia, Austria, Brazil, Czechoslovakia, Denmark, Finland, France, Italy, Japan, and New Zealand.

<sup>71</sup> Mr. Theodore R. Kupferman (Rep., N.Y.), "A BILL To provide for a comprehensive program for the control of noise," 90th Cong., 1st Sess., H.R. 2819, January 18, 1967. See the *Congressional Record—House*, January 18, 1967, pp. 788 to 810.

<sup>72</sup> James D. Hill, "Liability For Aircraft Noise—The Aftermath of *Causby* and *Griggs*," 19 *University of Miami Law Review* 1–32 (Fall, 1964).

<sup>73</sup> *United States v. Causby*, 328 U.S. 256, 90 L. ed. 1206, 66 S.Ct. 1062 (1946).

<sup>74</sup> *Federal Aviation Act of 1958*, 49 U.S.C. secs. 1301 (24), 1304.

<sup>75</sup> *Northwest Airlines v. Minnesota*, 322 U.S. 292, 88 L. ed. 1283, 64 S.Ct. 950 (1944).

for the property owners,<sup>76</sup> in two famous decisions the U.S. Supreme Court did grant compensation where the flights were so low, loud, and frequent as to substantially prevent the landowner from enjoying or making use of his property.

#### Inverse condemnation

The first of these cases, *United States v. Causby*, 328 U.S. 256 (1946), ruled that "The landowner owns at least as much space above the ground as he can occupy or use in connection with the land." Where government-authorized aircraft flights result in "an intrusion so immediate and direct as to subtract from the owner's full enjoyment of the property" then he is entitled to compensation for this taking.<sup>77</sup> *Griggs v. Allegheny County*, 369 U.S. 84 (1962), held that the aircraft noise and vibration, causing plaster to fall and preventing sleep, had amounted to the taking of a navigation easement.<sup>78</sup> The *Causby* case involved the Greensboro-High Point Municipal Airport Authority used during the Second World War to train military pilots. Where these flights cause such noise, smoke, dust, fumes, and fright that the landowner cannot sleep, talk, or conduct his business, then his property is being used as a public highway and there is what has come to be called "inverse condemnation."<sup>79</sup>

#### Pre-jet piston-powered noise

It should be remembered that *Causby* arose at the time of piston-powered airplanes, before the present jet age. "Jet aircraft were first used in regularly scheduled passenger service in this country in October of 1958."<sup>80</sup> While piston-powered airplanes generated a great amount of annoyance, jet aircraft noise is far more annoying and it is only with the jet age that such noise becomes a major

<sup>76</sup> This view was expressed by the dissent in *Griggs v. Allegheny County*, 402 Pa. 411, 168 A.2d 123 (1961), 369 U.S. 84, 7 L. ed.2d 585, 82 S.Ct. 531 (1962), and is suggested by F. I. Michelman, "Property, Utility, and Fairness: Comments on the Ethical Foundations of Just Compensation Laws," 80 *Harvard Law Review* 1165 (1967). See also, "Airplane Noise, Property Rights, and the Constitution," 65 *Columbia Law Review* 1428 (1965), at pp. 1444 and 1447.

<sup>77</sup> *United States v. Causby*, 328 U.S. 256, at 264, 90 L. ed. 1206, 66 S.Ct. 1062 (1946).

<sup>78</sup> The Pennsylvania Supreme Court in *Griggs v. Allegheny County*, 402 Pa. 411, 168 A.2d 123 (1961), had found only the air carrier liable, but the U.S. Supreme Court held that the county as owner of the airport had taken the air easement. *Griggs v. Allegheny County*, 369 U.S. 84, 7 L. ed.2d 585, 82 S.Ct. 531 (1962).

<sup>79</sup> See James D. Hill, *ibid.*, footnote 72. Inverse condemnation is the government acting as if it had exercised the power of eminent domain, for which the landowner can collect. However, the *Causby* court said "Flights over private land are not a taking, unless they are so low and so frequent as to be a direct and immediate interference with the enjoyment and use of the land." The difficulty with many "inverse condemnation" decisions is that overflight is often necessary to establish a "taking" and this rule is unsatisfactory to stop, or to compensate for, objectionable noise. "Airplane Noise, Property Rights, and the Constitution," 65 *Columbia Law Review* 1428 (1965) at pages 1444 and 1447.

<sup>80</sup> Statement of John Stephen, General Counsel of the Air Transport Association of America, pp. 1145–1147, at page 1146, "Clean Air," Hearings before a Special Subcommittee on Air and Water Pollution of the Committee on Public Works, United States Senate, 88th Cong., 2d Sess., Part 2, pp. 1139–1157 (June 24, 25, 30; July 1, 2, 1964).

problem.<sup>83</sup> Rather than the smoke emissions, particularly during jet take-offs, persistent ground-level odors, soiling of homes, automobiles, and laundry by oil droplets, carbon particles that settle or impinge on private property beneath flight paths, today "Noise is the chief complaint."<sup>82</sup> Spokesmen for the airlines industry concede that the majority of complaints are focused on noise disturbance.<sup>83</sup> But the industry finds an ally in the F.A.A. which dismisses the noise problem and public concern as "this is something that they are going to have to live with..."<sup>84</sup> What else can we expect from the F.A.A. when its director of the supersonic transport project (to be discussed by this writer in connection with the sonic boom), Brig. Gen. Jewell C. Maxwell, believes that transportation progress requires exposing the population to explosive noise, personal injuries, and property losses?<sup>85</sup>

#### The Batten rule

A significant difficulty with inverse condemnation as a remedy is that on the basis of *Batten v. United States*, 306 F. 2d 580 (10th Cir. 1962), often courts have refused to compensate where there has been no direct overflight.<sup>86</sup> Although there was a strong dissent in *Batten*, there can be no recovery unless adjacent operations render the property uninhabitable. What "uninhabitable" may require can be seen from the evidence that decibel levels were between 90-117 and air base personnel were required to wear earplugs. In addition to noise, there was vibration, smoke, and stench. Yet because there was no direct overflight, the court held there was no actual physical invasion of the landowner's airspace and damages were denied.

#### Jet noise

The *Batten* rule was followed in *Avery v. United States*, 33 F.2d 640 (1964). The *Avery* case involved two claims. One group of landowners had been previously compensated for aviation interference, but now were being subjected to an increased easement. These landowners did recover additional damages, but those whose property lay outside the flight path were refused recovery. Yet the *Avery* facts are much more frightening than in *Batten*. The invasion of sound and shock waves caused houses to shake, fruit to fall off trees, disrupted television reception, the inhabitants were unable to sleep, and could not carry on a conversation. Noxious fumes and objectionable odors flowed into the homes, and the jets stirred up dust so thick that there was very poor to no visibility. All of this would appear to be physical enough to justify calling it a "taking" whether or not there is a direct overflight, but the *Batten*

rule seems to be firmly entrenched in the federal courts.<sup>87</sup>

Thus, where there is an overflight which amounts to a taking the landowner may recover compensation,<sup>88</sup> but the overflight must interfere substantially<sup>89</sup> with the use and enjoyment of land.<sup>90</sup> Noise alone, even causing fright and aggravation to a coronary condition, is not enough to show a "taking" in the absence of evidence as to loss of property value.<sup>91</sup> However, where such evidence is introduced, the plaintiff may recover his losses. As early as 1958 it was held that jet aircraft are much worse than piston-powered airplanes, so that now such flights can constitute a "taking."<sup>92</sup> An airport from which piston-powered airplanes have flown for many years may incur a new liability on the date that jet aircraft commence to operate.<sup>93</sup> Decided in 1966, the *Hodges* case is a good illustration.<sup>94</sup> Because of the injury caused by piston-powered airplanes, the landowner had been previously paid \$81,891.25 for an aviation easement. Now the introduction of B-52 jets caused the cattle to stampede, pecans to fall off the trees, and forced workmen to stop their labor to hold their ears as protection against the noise. The court held there was a new taking and awarded additional damages of \$61,100.

#### Legalized nuisance

Although in the *Hodges* case the landowner did prove a taking, in addition to the direct overflight requirement an additional unfortunate aspect of attempting to rely upon inverse condemnation is that the doctrine does not compensate for injuries less than a complete taking. Where the disturbance is authorized by government but is less than a complete taking, even though such disturbance would otherwise be actionable as a nuisance against private persons, such a government-authorized disturbance now becomes what is called by the courts a "legalized nuisance" for which a plaintiff can no longer collect compensation.<sup>95</sup> This view assumed prominence beginning in the days of government-sponsored development of the railroads, when even though the noise, smoke, and fumes would have otherwise imposed legal liability, both state<sup>96</sup> and federal<sup>97</sup> courts granted the railroads immunity from nuisance suits. While *Richards v. Wash-*

*ington Terminal Co.*, 233 U.S. 546 (1914), is often cited for the "legalized nuisance" principle, the court in that case actually held that the facts went beyond a government-authorized nuisance and the railroad had to pay on the inverse condemnation theory.

#### Preemptive federal control

At least the Air Commerce Act of 1926, which was held to give the federal government pre-emptive authority over any state or local jurisdiction,<sup>98</sup> this judicially-approved legalized nuisance principle has been applied to the aviation industry.<sup>99</sup> Thus, it is now not possible to recover in nuisance against a public airport.<sup>100</sup> It is still possible, of course, to recover in a nuisance action against a private corporation whose aircraft causing the noise are not operating under federal regulations.<sup>101</sup> Also, the legalized nuisance principle does not excuse liability for a physical trespass, which even though a public activity can be enjoined.<sup>102</sup> But where airspace has been declared public domain when used for navigation by aircraft flights, including take-off and landing,<sup>103</sup> and by statute the Federal Aviation Agency is instructed to formulate air traffic rules and regulations for the protection of persons and property on the ground,<sup>104</sup> then localities no longer have any air regulation powers.<sup>105</sup> This is true even if the F.A.A. fails to formulate rules and regulations for the protection of persons and property on the ground!

Thus, in 1955 a local ordinance requiring an overflight minimum of 1000-feet was invalidated even though well over 100-decibel levels were recorded.<sup>106</sup> In 1958 injunctions seeking a change in flight patterns were denied despite safety problems and oppressive noise levels,<sup>107</sup> and in 1967 a series of cases were decided against municipal regulations which sought to control the decibel levels of aircraft noise, establishing a maximum of 92 decibels.<sup>108</sup> It will be recalled in discussing noise that exposure to 80 decibels is known to result in hearing loss, that 81 decibels is the rush-hour traffic noise at Grand Central Station, and that 94 decibels is the noise from a pneumatic jackhammer. It can be seen, then, that even where the F.A.A. prefers the aircraft industry over the population, any local attempt to regulate aircraft noise from government-authorized

<sup>87</sup> "Airplane Noise, Property Rights, and the Constitution," 65 *Columbia Law Review* 1428 (1965); "Eminent Domain—The Taking of Property Without Just Compensation by the Operation and Maintenance of an Airfield," 8 *St. Louis University Law Journal* 137; and F. I. Michelman, "Property, Utility, and Fairness: Comments on the Ethical Foundations of Just Compensation Law," 80 *Harvard Law Review* 1165 (1967).

<sup>88</sup> *Aaron v. United States*, 311 F. 2d 798 (1963).

<sup>89</sup> *Jensen v. United States*, 305 F. 2d 444 (1962).

<sup>90</sup> *Mid-States Fats & Oils Corp. v. United States*, (F) 159 Ct. Cl. 301 (1962).

<sup>91</sup> *Soldinger v. United States*, (D.C. Va.) 247 F. Supp. 559 (1965).

<sup>92</sup> *Highland Park v. United States*, 142 Ct. Cl. 269, 161 F. Supp. 597 (1958).

<sup>93</sup> *Davis v. United States*, 164 Ct. Cl. 612, 295 F. 2d 931 (1961). See also, *Bacon v. United States*, 295 F. 2d 936 (1961), and *A. J. Hodges Industries, Inc., v. United States*, 355 F. 2d 592 (1966).

<sup>94</sup> *A. J. Hodges Industries, Inc. v. United States*, 355 F. 2d 592 (1966).

<sup>95</sup> *Ball v. New York Central R.R. Co.*, 229 N.Y. 33 (1920).

<sup>96</sup> *Beseman v. Pennsylvania R.R. Co.*, 50 N.J.L. 235 (Sup. Ct. 1888), *aff'd* on the opinion below, 52 N.J.L. 221 (E. & A. 1889).

<sup>97</sup> *Roman Catholic Church v. Pennsylvania R.R. Co.*, 207 Fed. 897 (3 Cir. 1913), *app. dismissed*, 237 U.S. 575 (1915).

<sup>98</sup> *Northwest Airlines v. Minnesota*, 322 U.S. 292, 88 L.ed. 1283, 64 S. Ct. 950 (1944).

<sup>99</sup> *Federal Aviation Act of 1958*, 49 U.S.C. secs 1301 (24), 1304.

<sup>100</sup> *Chesko v. Port of Seattle*, 55 Wash. 2d 416, 348 P. 2d 673 (1960).

<sup>101</sup> *Anderson v. Lockheed Aircraft Corp.*, 155 U.S. & Can. Av. 182 (Cal. Super. Ct., L.A. County 1955).

<sup>102</sup> *Shearing v. City of Rochester*, 273 N.Y. 2d. 464 (Sup. Ct. 1966).

<sup>103</sup> *Federal Aviation Act of 1958*, *ibid.* footnote 99.

<sup>104</sup> *Ibid.*, sec. 1348 (c).

<sup>105</sup> "Opinion of the Los Angeles County Counsel," 26 *Journal of Air Law and Commerce* 353 (1959).

<sup>106</sup> *Allegheny Airlines, Inc. v. Village of Cedarhurst*, 132 G. Supp. 871 (E.D.N.Y. 1955), *aff'd* 238 F. 2d 812 (2d Cir. 1956).

<sup>107</sup> *City of Newark v. Eastern Airlines*, 159 F. Supp. 750 (D.C. N.J. 1958).

<sup>108</sup> This writer has been informed that the following cases pending in 1967 have all been determined on the basis that any local ordinance attempting to regulate aircraft noise from government-authorized flights invades the exclusive, pre-emptive federal control of aircraft movements *American Airlines et al. Port of New York Authority, et al v. Hempstead*, (D.C.E.D. N.Y. 63 Civ. 1280, 64 Civ 45—1967); *Port of New York Authority v. Hempstead*, (D.C.E.D. N.Y. 64 Civ. 45—1967); and *Sylvane v. Port of New York Authority* (D.C.E.D. N.Y. 64 Civ. 950—1967).

<sup>83</sup> James D. Hill, *op. cit.*, footnote 72, at page 25, quoting Chairman Oren Harris, F.A.A. Hearings.

<sup>82</sup> Statement by Vernon G. MacKenzie, Chief Division of Air Pollution, Public Health Service, Department of Health, Education, and Welfare, pp. 1141-1145, at page 1141, "Clean Air," Hearings, *op. cit.*, footnote 80.

<sup>83</sup> Statement of John Stephen, *ibid.*, footnote 80.

<sup>84</sup> Mr. George S. Moore, Director, Flight Standards Service, Federal Aviation Agency, at page 1157, "Clean Air," Hearings, *op. cit.*, footnote 80.

<sup>85</sup> "People in time will come to accept the sonic boom as they have the rather unpleasant side effects which have accompanied other advances in transportation." *Congressional Record*, vol. 112, pt. 14, pp. 18233 to 18257.

<sup>86</sup> *Levell v. United States*, 234 F. Supp. 734 (E.D.S.C. 1964); *Bellamy v. United States*, 235 F. Supp. 139 (E.D.S.C. 1964); and *Nichols v. United States*, 236 F. Supp. 241 (S.D. Cal. 1964).



flights invades the exclusive, pre-emptive federal control of aircraft movements.<sup>109</sup> The reasonableness of the local regulations is irrelevant. Land use planning, zoning, and control is recognized as a police power of the states not yet federally preempted, so that localities are frequently urged to exercise their authority to zone airports far enough out to keep the noise away from people.<sup>110</sup> However, airport zoning has met mixed judicial scrutiny, and has been as much involved with zoning to protect the aircraft from obstructions as to protect people from the aircraft.<sup>111</sup>

#### Lateral noise impact

In the opinion of this writer, the zoning approach offers very little hope as to jet noise, and no hope when we start discussing the supersonic transport. As a practical matter, it is simply not feasible to schedule flight paths or to zone airports far enough away from people and still expect to operate with economic efficiency.<sup>112</sup> More hope can be seen in the sympathetic attitude of state courts which in local inverse condemnation cases are not following the restrictive *Batten* rule, but instead are awarding compensation—whether or not there is direct over-

<sup>109</sup> *Ibid.*, footnote 108. Also see, "Opinion of the Los Angeles County Counsel," *op. cit.*, footnote 105; and L. M. Tondel, "Noise Litigation at Public Airports," 32 *Journal of Air Law and Commerce* 387 (1966).

<sup>110</sup> James E. Strunck, "Airport Zoning and Its Future," 50 *American Bar Association Journal* 345 (April, 1964).

<sup>111</sup> Zoning not related to safety was held illegitimate in *Banks v. Fayette County Board of Airport Zoning Appeals*, 313 S.W. 2d 416 (Ct. App. Ky. 1958). But safety alone may not be enough. The City of Newark restricted landowners from building high structures near the airport so as to protect the planes, but *Yara Engineering Corp. v. City of Newark*, 132 N.J.L. 370, 40 A. 2d 559 (Sup. Ct. N.J. 1945), held that unless there exists a specific Airport Zoning Enabling Act, local airport ordinances are illegal. Even with enabling legislation, *Jankovich v. Indiana Toll Road Commission*, 193 N.E. 2d 237 (1963), held that the benefit to the public is too small to justify height limitations on buildings, so that the zoning may be stricken as an eminent domain taking of private property in the guise of a police power regulation. Also, where a municipal ordinance zoned non-economic scrub land as a flight glide path and the municipality sought to enforce the zoning by an injunction to require the owner of this land to remove or cut trees so that they would not protrude into the airspace, *Jackson Municipal Airport Authority v. Evans*, 191 So. 2d 126 (Mississippi, 1966), held that the local government's action was a taking of the land (not just the trees) for which compensation must be paid. Likewise, in *Roark v. City of Caldwell*, 87 Idaho 557, 394 P. 2d 641 (1964), a zoning height restriction for land adjacent to an airport that confined such property to agricultural uses or for single dwellings, so as to protect the aircraft, is a "taking" requiring compensation. On the other hand, the opposite view was expressed in *Waring v. Peterson*, 137 So. 2d 268 (Florida, 1962), which held such zoning to be a reasonable exercise of the police power, and again in *Baggett v. City of Montgomery*, 160 So. 2d 6 (Sup. Ct. Ala. 1963), where the court said that the entire community benefits from air safety and zoning for such a public purpose is therefore a legitimate police power function.

<sup>112</sup> References cited in footnote 34; "Supersonic or Megafolly?," pp. 66-67, *Newsweek*, June 26, 1967; and Mary Goldring, "Who's For Concorde?," p. 640-641, *Punch*, May 3, 1967. Mary Goldring is Air Correspondent and Business Editor of "The Economist."

flight—for any substantial interference with the landowner's use and enjoyment of his property.<sup>113</sup> This is seen in *Martin v. Port of Seattle*, 64 Wash. 2d 309, 391 P.2d 540 (1964), *cert. den.* 379 U.S. 989 (1965), where the *Batten* rule was rejected. The facts in the *Martin* case were described as follows:<sup>114</sup>

"The plaintiffs claim that, when jet aircraft pass over or in close proximity, conversation is halted, radio and television reception is halted, and the sound obliterated. The jets cause vibrations in the houses and of their contents, rendering it necessary to hammer the nails back into the siding of the homes at about six-month intervals, and to tighten light fixtures periodically. Sleep is disrupted, outdoor entertainment almost impossible, and the noise painful to many. The noise also causes fear, particularly in small children. It is asserted that the respondents cannot sell their homes, and that the property values are substantially reduced."

As there was no overflight of the property, which was located about one mile from the jet runway, the *Martin* rule favoring recovery for lateral noise impact is especially strong in its protection of the plaintiff.

Similarly, even though there was no overflight, lateral noise impact was sufficient to establish a "taking" in *City of Jacksonville v. Schumann*, 167 So.2d 95 (Florida, 1964), where the homeowners relied upon an official F.A.A. guide recommending non-residential zoning in the airport area.<sup>115</sup> Another lateral taking was found in *Loma Portal Civic Club v. American Airlines, Inc.*, 61 Cal.2d 582, 39 Cal.Rptr. 708, 394 P.2d 548 (1964), when jets<sup>116</sup> "cause deafening, disturbing and frightening noises and vibrations, disrupt and interrupt sleep and repose and the use of telephone, television, and radio; disrupt, interrupt, and prevent normal conversation and communication; create fear, nervousness and apprehension for personal safety; injuriously affect the health, habits and material comforts of plaintiffs, and prevent the normal use and reasonable enjoyment of their homes."

Again, this time in a 4-3 decision, *State ex rel Royal v. City of Columbus*, 3 Ohio St.2d 154, 32 Ohio Ops 2d 149, 209 N.E.2d 405, *cert. den.* 383 U.S. 925, 15 L.ed.2d 845, 86 S.Ct. 928 (1965), held that, without any overflight, lateral noise impact is enough for a "taking" in a constitutional sense of private property for public use where the evidence showed airflights so low and so frequent as to be a direct and immediate interference with enjoyment and use of the land. Here, the jets disturbed sleep, loosened plaster on the walls, jarred dishes and other objects from shelves, damaged windows and window frames, as well as causing damage to a fireplace.

#### The Thornburg principle

Our final look at subsonic jet flight (where there is no sonic boom) will be *Thornburg*

<sup>113</sup> *George Ackerman v. Port of Seattle*, 55 Wash. 2d 400, 348 P. 2d 664, 77 A.L.R. 2d 1344 (1960), held that the noise and intense vibration from jet aircraft was a "taking" where the landowner's property is used as an approach to the landing field. The remaining cases to be discussed in this chapter do not require overflight for recovery.

<sup>114</sup> *Martin v. Port of Seattle*, 391 P. 2d 540 (1964), at 543.

<sup>115</sup> According to S. T. Brewer, at page 28 in his paper (see Bibliography, Scholarly Publications, first item), "The F.A.A. now keeps tight rein on these guides" so as to minimize suits. Apparently, these F.A.A. guides are copies of the Research Organization Manual, *Land Use Planning Relating to Airport Noise*, a technical publication of Bolt, Beranek, and Newman, Inc., Cambridge, Massachusetts, to be employed by airports in planning for noise problems.

<sup>116</sup> *Loma Portal Civic Club v. American Airlines, Inc.*, 394 P. 2d 548 (1964), at pp. 550-551.

*v. Port of Portland*, 233 Ore. 178, 376 P.2d 100 (1962), which has been criticized for applying nuisance law to establish a taking.<sup>117</sup> It is true that *Thornburg* represents a remarkable break-through in that the majority no longer felt at all inhibited in recognizing the harm caused by noise and in requiring compensation for injuries. Not only was there no overflight, but it is no longer necessary to show a complete taking in an eminent domain sense. The *Thornburg* court permits the plaintiff to keep his property and still collect damages, by permitting partial inverse condemnation under nuisance rules. Even more remarkable is the ruling in *Thornburg v. Port of Portland* — Ore. —, 415 P.2d 750 (1966), where the court permits the plaintiff, but not the defendant, to use nuisance rules. On the basis of the first *Thornburg* decision, the trial court had allowed the jury to hear evidence as to the social utility of the airport. Under regular nuisance rules, this is part of the balancing of interests involved, and the trial judge offered eight instructions which repeatedly called the jury's attention to this tort principle.

#### Legal implications

However, the Oregon Supreme Court in its second *Thornburg* decision, on appeal from an adverse verdict, held that such evidence was prejudicial and the instructions were erroneous, and a new trial was ordered because there should be no balancing of interests.<sup>118</sup>

"If the jury finds an interference with the plaintiff's use and enjoyment of his land, substantial enough to result in a loss of market value, there is a taking. If the jury determines that there has been a taking, its only concern thereafter is to fix the monetary compensation therefore."

Thus, according to *Thornburg* rules, in an eminent domain-type proceeding where "inverse condemnation" is claimed for partial loss of property value—even if the rules of nuisance law have been applied to discover an injury and even if damages are sought under tort law principles—there is no tort law balancing of the interests involved. The only test is a determination as to the reduction in the fair market value of the property, the plaintiff collects his damages, and if he so desires he may keep his property. The legal implications of the *Thornburg* principle are truly revolutionary in view of its possible current application only as to subsonic jets. The harm caused by subsonic jets is insignificant compared to the potential injuries if we are ever subjected to the supersonic jet with its sonic boom.

#### THE SONIC BOOM

##### What is a sonic boom?

Sonic boom is a natural physical phenomenon associated with speeds faster than sound.<sup>119</sup> At sea level, the speed of sound is

<sup>117</sup> G. A. Spater, "Noise and the Law," 63 *Michigan Law Review* 1373 (1965), at page 1405.

<sup>118</sup> *Thornburg v. Port of Portland*, 415 P. 2d 750 (1966), at 752-753.

<sup>119</sup> The scientific information as to sonic boom in this paragraph is from the following sources: Allen J. Roth, "Sonic Boom: A New Legal Problem," March 1958, 44 *American Bar Association Journal*, pp. 216-220; *Alexander v. Firemen's Insurance Company*, 317 S.W. 2d 752 (Texas, 1958), which was reaffirmed on appeal, *Firemen's Insurance Company v. Alexander*, 328 S.W. 2d 350, Anno. 74 A.L.R. 2d 755 (Texas, 1959), where J. E. Alexander was able to collect his "loss by aircraft" insurance because of sonic boom injuries to his property; Stratton Hammon, "More on Sonic Booms: Litigation is Showing Their Propensities," November 1961, 47 *American Bar Association Journal*, pp. 1096-1099; H. Wilson, "Sonic Boom," January 1962, *Scientific American*, at page 36; "Sonic Boom," 12 *American Jurisprudence Proof of*

approximately 760 miles per hour.<sup>120</sup> It was only with the development of air flight technology that such man-made speeds become significant. Since mechanized speeds of this magnitude are relatively recent in human experience, the sonic boom—compressed shock waves causing explosive sound pressure ten times that of thunder and throughout its path continuously releasing energy culminating in an impact which can shatter glass, break plaster ceilings, crack walls, destroy wooden buildings, and even twist and knock brick and steel buildings off their cement foundations—is still unknown to most of us. It was not until the 1940's that aircraft approached the speed of sound. Prior to that time, all flight was subsonic (all civilian jets are still subsonic, only military jets flying at supersonic speeds) and there was no problem of sonic boom. Certainly, the noise from the subsonic jets with which we are familiar today cannot compare with the wide-spread damage which will be caused by supersonic jets. Simply stated, this is so because air is sufficiently elastic to be easily pushed aside by flights at subsonic speeds. But sonic boom occurs at flights exceeding the speed of sound because at such supersonic speeds the air is no longer sufficiently elastic to permit the aircraft to push the air aside. Instead, as the speed of sound is approached, there are pressure changes gradually building up toward an explosive force.

The reason that an airplane or a jet moving at subsonic speed does not produce a sonic boom is that the pressure disturbances created are moving faster than the aircraft itself, whereas in supersonic flight the aircraft "collides" with the air, compressing it, and throwing it off in the form of shock waves of intense energy and sound pressure vibrations (noise) that spread out from the aircraft in a cone-shaped configuration.<sup>121</sup> The speed of sound is referred to as "Mach 1" and beyond this speed an aircraft produces two sonic booms, often heard only as a single boom, one from the nose and the other from the tail of the aircraft. These sonic booms are continuous, not just a single explosion, with the flight of the aircraft at supersonic speeds (it is convenient to think of the sonic boom as a flowing mass of energy hurled out by the aircraft), and will be experienced on the ground between twenty to thirty miles on each side of the flight path. Thus the exposed area will be from forty to sixty miles wide, and the intensity of the shock wave exposure will depend upon the height, size, and speed of the aircraft. The greater the speed, the proportionately greater will be the pressure, so that the sonic boom at "Mach 2" contains double the pressure of an aircraft traveling slightly beyond Mach 1. Likewise, the sonic boom at Mach 3 contains three times the pressure of Mach 1. However, even if the aircraft is traveling at Mach 3, the sonic boom itself travels at Mach 1, the

speed of sound, and may reach the ground only long after the aircraft itself has completely disappeared from sight.

#### Military sonic booms

It is possible that the first sonic boom was generated in the 1940's by Second World War fighter planes during deep dives, by divebombing missions, or by German V-2 rockets fired on London. If so, these were but isolated instances involving subsonic airplanes (or remote-control jets), supersonic speeds could not be achieved under standard operating conditions, and such speed was regarded as unusually dangerous. It was not until the 1950's that military jet aircraft could be, and began to be, flown at supersonic speeds.<sup>122</sup> In 1953, test pilot dives at Palmdale, California, created enough pressures to break windows and crack door-frame beams on the administration building of the Palmdale Airport.<sup>123</sup> At the Oklahoma City National Air Show, in September, 1956, a "sound wave shock resulting from aircraft passing through the sonic barrier"<sup>124</sup> did \$500,000 damage at the Will Rogers Airfield over which the sonic boom occurred,<sup>125</sup> the terminal building lost almost all of its plate glass windows,<sup>127</sup> and over 300 property owners filed claims<sup>128</sup> seeking damages from \$3,973 to less than \$25.<sup>129</sup> On another occasion, a sonic boom shattered windows in virtually every building and damaged door frames and floors at the Air Force base over which the jet was flying.<sup>130</sup> A "secret" flight in 1958 was no longer a secret, having left a trail of broken windows and cracked 4" x 4" frames all the way from Seattle to Chicago.<sup>131</sup>

#### "Loss by aircraft"

In Montgomery, Alabama, on May 18, 1958, a contractor was building a control tower at Dannelly Field when a United States military jet exceeded the speed of sound and the almost-completed tower was totally destroyed. "This was not a temporary structure but a well constructed building of reinforced concrete, steel, and massive aluminum vertical ribs."<sup>132</sup> Also, a metal building on the

<sup>120</sup> *Ibid.*, page 218.

<sup>121</sup> *Ibid.*

<sup>122</sup> *Lloyds' London v. Blair*, 262 F. 2d 211 (10th Cir. 1958). It should be noted that the court's description of the sonic boom as the aircraft "passing through" the sonic barrier is not strictly accurate. The sonic boom does not occur just and only at the very moment that the aircraft exceeds the speed of sound. Rather, the sonic boom is a continuous force flung out by the aircraft at all times it is traveling faster than the speed of sound. Beyond 760 miles per hour at sea level, or 660 miles per hour at altitudes of 40,000 feet, the sonic boom becomes a physical phenomenon, and flows along much the same as the ever-spreading ripples in a pond.

<sup>123</sup> "Sonic Boom," 12 *American Jurisprudence Proof of Facts* 593-610 (1962), at page 598.

<sup>124</sup> Stratton Hammon, "More on Sonic Booms: Litigation Is Showing Their Propensities," 47 *American Bar Association Journal* 1096 (November 1961), at page 1097.

<sup>125</sup> *Ibid.*

<sup>126</sup> *Lloyds' London v. Blair*, 262 F. 2d 211 (10th Cir. 1958). This case was decided on a procedural point of improper joinder of tort and contract actions. The Federal Tort Claims Act requires the plaintiff to offer proof of negligence against the defendant (here, the military activities of the United States), but this is not in issue as against the insurer (*Lloyds' London*).

<sup>127</sup> "Sonic Boom," *ibid.*, footnote 126.

<sup>128</sup> Stratton Hammon, *op. cit.*, footnote 127, at page 1099.

<sup>129</sup> This quotation and the information in this paragraph as to the Dannelly Field incident is from Stratton Hammon, *ibid.*, at page 1098.

field burst apart and collapsed. Not only was window glass blown out by the sonic boom, but heavy metal girders were twisted out of shape and the aluminum spandrels were ripped off, bolts and all. Again in 1958, this time in Texas, a well-constructed warehouse only two years old, built of metal and frame and containing three caseloads of lumber, was subjected to the sonic boom caused by a jet flying at supersonic speed and "the force and pressure of such air disturbance, created by the aircraft, unseated the girders beneath the building and capsized it."<sup>133</sup> This relatively new building suffered total destruction and the owner sued on an insurance policy covering "loss by aircraft." The Texas Supreme Court interpreted the policy to favor the plaintiff, so that according to *Firemen's Insurance Company v. Alexander*, 328 S.W. 2d 350 (1959), such a clause in an insurance contract includes the collapse of a well-built structure from sonic boom.

#### Characteristics and consequences

On April 7, 1959, thousands of San Francisco residents were frightened by earthquake-type damage caused by sonic boom, shaking tall buildings, shattering windows, knocking down plaster, cracking walls, and blowing up sprinkler systems, in a 75-mile strip.<sup>134</sup> Early in 1962, a B-52 flew at supersonic speeds from Los Angeles to New York at altitudes of from 30,000 to 50,000 feet for most of the flight, during which it created a 40-mile wide transcontinental sonic boom cracking windows from coast to coast.<sup>135</sup> While some writers believe there may be difficulty in prosecuting sonic boom cases,<sup>136</sup>

<sup>133</sup> *Ibid.*; *Alexander v. Fireman's Insurance Company*, 317 S.W. 2d 752 (Texas, 1958); and *Firemen's Insurance Company v. Alexander*, 328 S.W. 2d 350, Anno. 74 A.L.R. 2d 750 (Texas, 1959). Also see "Sonic Boom," *ibid.*, footnote 126, and James D. Hill, *ibid.*, footnote 72.

<sup>134</sup> Stratton Hammon, *op. cit.*, footnote 127, at page 1099.

<sup>135</sup> "Sonic Boom," *op. cit.*, footnote 126, at pp. 597-598.

<sup>136</sup> Allen J. Roth, "Sonic Boom: A New Legal Problem," 44 *American Bar Association Journal* 216 (March, 1958); Stratton Hammon, "An Old and a New Legal Problem: Defining 'Explosion' and 'Sonic Boom,'" 45 *American Bar Association Journal* 696 (July, 1959); and Louis D. Apothaker, "The Air Force, the Navy and Sonic Boom," 46 *American Bar Association Journal* 987 (September, 1960).

Roth's definition of "Sonic Boom" makes it an explosion, whereas Hammon considers it as mechanical pressure waves, while Apothaker disagrees with Roth and Hammon, arguing that there is no real physical damage to property or personal injury from sonic boom. Apothaker assumes the role of military spokesman and perhaps his views can be dismissed somewhat *at hominem*. Any attempt to argue lack of harm flies in the face of the facts.

In comparing these three articles, it may be noted that Roth devotes particular attention to the problems of proof. At page 220 he mentions (1) the probable lack of eyewitnesses because the jet moves out of sight before the boom hits, including (2) that highly technical physical sciences are involved, such as aerodynamics, meteorology and navigation, principles of radar electronics and jet propulsion, and the theory of engineering structure and building stress, together with (3) a shortage of available expert witnesses since many of these will be employed by the jet industry, by the military, or by the government, (4) evidence may be classified information, public officials may have an interest against the plaintiffs, and flight records are usually under the defendant's control, (5) foreign law will often be an issue in these cases, (6) the costs of case preparation may be very high if it becomes

*Facts* (1962), pp. 593-610; and the *Congressional Record—House*, April 21, 1966, vol. 112, pt. 7, pp. 8745 through 8768; *daily Record*, May 16, 1966, pp. A 2629-2930; vol. 112, pt. 14, pp. 18233 to 18257; vol. 112, pt. 20, pp. 27803 to 27824; and pp. 788 to 810. Also see, "Jet Boom Claim Paid," *The Oklahoma Journal*, Thursday, June 1, 1967.

<sup>120</sup> The speed of sound varies with altitude, temperature, and barometric pressure. Thus, while it is about 760 miles per hour at sea level, it is approximately 660 miles per hour at 40,000 feet. This means the higher the altitude, the easier it will be for a jet to reach the speed of sound. Supersonic jets flying at 1,800 miles per hour will be traveling at speeds three times the speed of sound, and will generate sonic boom times 3.

<sup>121</sup> Footnote 119, *ibid.*

<sup>122</sup> *Ibid.*, Allen J. Roth, page 217.



there seem to be peculiar characteristics attached to sonic boom damage which enable experts to distinguish it from other causes of injuries.<sup>137</sup> Scientific research indicates that, flying just a few feet above the ground only slightly above the speed of sound, a jet could create pressure along its flight path which would approach that at ground zero during an atomic explosion.<sup>137</sup> At 25,000 feet a sonic boom can seriously damage buildings.<sup>138</sup> Window glass will suffer first, followed by cracks in the plaster, and a collapse in the surface, then by damage to door frames, partitions, and walls, and finally by damage to other more substantial parts of the structure.<sup>139</sup>

Starting with an examination of the window damage, it is possible to tell in what direction the aircraft was traveling.<sup>140</sup> Also, there are distinguishing features of the initial glass breakage which occurs from sonic boom that make this damage different from other types of glass breakage. Thus, the sonic boom sets up shearing forces causing cracks to spread out in a series of conchoidal (shell-shaped) fractures which leave characteristic striations along the edges of the broken glass.<sup>141</sup> Likewise, plaster damage from sonic boom has certain characteristics.<sup>142</sup> However, moving up from 25,000 feet to 45,000 feet, the damage from sonic boom will be primarily fright and the consequences of fright, psychological and physiological injury to personal health, ear damage and noise-induced hearing loss.<sup>143</sup> As we have seen, as with the Mabaan environment, the sounds of nature may be regarded as normal background noise and this ordinarily offers no problem. It can even be shown that some background noise is positively desirable, so that the low hum of an air conditioner or the pleasant sounds of subdued music can introduce a soothing effect, to muffle or mask objectionable sounds, and screen out other noises, acting much like perfume does as to undesirable odors.<sup>144</sup> How-

necessary to take depositions all over the country, and to obtain and study many exhibits and documents, and (7) it is likely that the trial will be lengthy, time-consuming, and expensive thus discouraging potential plaintiffs from pursuing their legal rights.

<sup>137</sup> "Sonic Boom," *op. cit.*, footnote 126.

<sup>138</sup> *Ibid.*

<sup>139</sup> *Ibid.*, pp. 598-599.

<sup>140</sup> "Those windows that are facing the direction toward which the aircraft is traveling are more likely to be damaged than those that face the oncoming aircraft." *Ibid.*, page 598.

<sup>141</sup> *Ibid.* "These striations along the edges of a piece of broken glass indicate the direction of the break, the path of the break always being across and toward the convex side of the striations. From examination, it can be determined on which side of the glass rupture first occurred, and the direction of the break from point to point along the glass. This will in turn indicate the direction of the force that caused the break, since the glass will always break first on the side opposite that from the force. Thus, it can be determined whether glass was broken from a force applied from outside or inside a window." *Ibid.*, pp. 598-599.

<sup>142</sup> "The next structural element that may suffer damage from a sonic boom is plaster. The cracks in plaster damaged in this manner will form an X, with the arms pointing to the corners of the surface in which the cracks appear, unless, of course, the boom is of sufficient force to collapse the surface entirely." *Ibid.*, page 599.

<sup>143</sup> However, at 60,000 feet such damage will be minimized and should not occur. *Ibid.*, page 598.

<sup>144</sup> Leo L. Beranek, "Noise," in the December, 1966, *Scientific American*, and in the *Congressional Record*—House, January 18, 1967, pp. 788 to 810. Sound engineers refer to

ever, any sudden loud sound, especially the psychic shock produced by the sonic boom, easily triggers the natural "fear reaction" response to noise which remains with man as a warning signal indicating danger.<sup>145</sup>

The difference between sonic boom and other loud noises is that it comes without notice, there is no gradual build-up of sound as is true with an approaching train, or even subsonic aircraft, so that the sonic boom produces greater anxiety, agitation, and damage to health.<sup>146</sup> Just as sudden temperature changes have an adverse effect upon the body, so also sudden noise-pressure changes upon the person have injurious physiological and psychological consequences. Thus,<sup>147</sup> "When a sonic boom goes off—ten times louder than a peal of thunder—some people become angry, others become frightened, and most of them startled. Frightened people sometimes do dangerous things, and of course, if they are ill, physical damage can result from severe fright."

Aside from the dubious ethics of treating the unconsenting public as human guinea pigs, this judgment as to injurious consequences is confirmed by at least eleven different studies and field trials conducted by the United States government subjecting portions of the population to sonic boom tests.<sup>148</sup> Almost all of these tests of public reaction to sonic boom confirm that explosive noise, fear reaction, and property loss will infringe upon personal rights to peace and quiet, private undisturbed meditation, and protection of individual financial security from sonic boom damage.<sup>149</sup>

this acoustical perfume as "white noise" and use it to blanket distracting sounds, to maintain a feeling of euphoria, or to protect privacy. For example, to preserve the secrets of confessionals, "white noise" was engineered for a too-silent Roman Catholic Church in Massachusetts. *Congressional Record*—House, October 19, 1966, vol. 112, pt. 20, pp. 27803 to 27824.

<sup>145</sup> *Congressional Record*—House, April 21, 1966, vol. 112, pt. 7, pp. 8745 through 8768; October 19, 1966, vol. 112, pt. 20, pp. 27803 to 27824.

<sup>146</sup> "As between clicks and whirrs, drips and hums, bangs and roars, the intermittent sounds seem psychologically the worst." *Congressional Record*—House, October 19, 1966, vol. 112, pt. 20, pp. 27803 to 27824. "A sudden noise causes a number of reactions in the human body. In addition to the psychic shock, one winces, turns the head, holds the breath, closes the eyes for a short time. The breathing is accelerated, and other characteristic manners of behavior are induced by the noise." *Congressional Record*—House, April 21, 1966, vol. 112, pt. 7, pp. 8745 through 8768. This is explained by Dr. John Anthony Parr, in the *Congressional Record*—House, April 21, 1966, vol. 112, pt. 7, pp. 8745 through 8768.

"Why should noise upset our health? Well, its all due to an inborn alarm system that we have. A sudden loud noise spells danger and we react. In fact we automatically get ready either to defend ourselves or for flight. Our muscles tense and we jerk, our abdominal blood vessels contract to drive extra blood to our muscles and this produces that feeling of the stomach turning over, and in an instant the liver releases stores of glucose to provide fuel for the muscles which may have to fight or run. This internal upheaval if repeated again and again is exhausting physically and mentally, and ultimately can cause a nervous breakdown, and then it is but a step to contracting one of the stress diseases."

<sup>147</sup> Allen J. Roth, *op. cit.*, footnote 119, at page 219, quoting from an official Air Force journal of 1957.

<sup>148</sup> CONGRESSIONAL RECORD, vol. 112, pt. 14, 18241.

<sup>149</sup> *Ibid.*

### Sonic boom tests

So far, the three major series of sonic boom tests that have been conducted in the United States have occurred over the greater St. Louis area<sup>150</sup> from July 1961 through May 1962, over Oklahoma City<sup>151</sup> from February through July of 1964, and over the Chicago area<sup>152</sup> from February through March of 1965. Citizens of the St. Louis area exposed to 150 supersonic flights filed 1,624 claims to recover for property damage and made about 5,000 formal complaints against the terrifying sonic boom blasts.<sup>153</sup> Annoyance is higher in the summer than in the winter, rising to a peak in June, July, and August when windows are open due to the summer heat, and the tests further indicate that sonic boom heard indoors are more disturbing than when heard outdoors.<sup>154</sup> The 6-month Oklahoma City exposure to 1,253 supersonic overflights under F.A.A. sponsorship resulted in more than 4,000 property damage claims,<sup>155</sup> including one submitted to recover financial loss when a single family house was split in two. This claim has recently been determined in favor of the plaintiff. A June 1, 1967 news item reports that a federal court jury awarded \$10,000 to Mr. and Mrs. Bailey Smith.<sup>156</sup> Not only were there over 4,000 property damage claims, but 15,000 persons complained to authorities concerning disturbance of sleep, rest, and relaxation.<sup>157</sup> A public opinion poll showed that more than 40 percent of the people interviewed in Oklahoma City believed their homes had been damaged by sonic booms, most of the people living within eight miles of the center line of a boom path were disturbed by the sonic booms, and 25 percent of all the people interviewed said they could never learn to tolerate sonic booms.<sup>158</sup>

The Oklahoma City sonic booms were not only unacceptable to human beings, but also could not be tolerated by plant or animal life. On the basis of these tests, Dr. Zhivko D. Angelusheff reports scientific evidence that supersonic sound can not only cause damage to the auditory nervous system but also can destroy the submolecular life of living cells. Exposed to supersonic sound, ocean plankton undergoes profound changes in only five to ten seconds, and in five minutes chloroplasts lose color and die.<sup>159</sup> In Oklahoma City, rats became sterile and ten thousand chickens exposed to the sonic boom twice a day for six months sustained some or all of these effects: disorientation neurosis, the rupture of reproductive organs, the

<sup>150</sup> C. W. Nixon and H. H. Hubbard, "Results of USAF-NASA-FAA Flight Program to Study Community Responses to Sonic Booms in the Greater St. Louis Area," NASA TN-D-2705, May 1965.

<sup>151</sup> "Final Program Summary—Oklahoma City Sonic Boom Study," FAA Report, SST-65-3, March 17, 1965.

<sup>152</sup> D. A. Hilton, V. Huckel, and D. J. Maglieri, "Sonic-Boom Measurements During Bomber Training Operations in the Chicago Area," NASA TN-D-3655, October 1966.

<sup>153</sup> See footnote 150.

<sup>154</sup> CONGRESSIONAL RECORD, vol. 112, pt. 7, pp. 8761, 8766, 8767.

<sup>155</sup> See footnote 151.

<sup>156</sup> "Jet Boom Claim Paid," *The Oklahoma Journal*, Thursday, June 1, 1967.

<sup>157</sup> See footnote 151. Also see CONGRESSIONAL RECORD, vol. 112, pt. 20, p. 27813.

<sup>158</sup> Leo J. Beranek, "Noise," in the December, 1966, *Scientific American*, and in the *Congressional Record*—House, January 18, 1967, page 799. These findings are consistent with noise studies generally. See *Alleviation of Jet Aircraft Noise Near Airports*, K. D. Kryter, "Evaluation of Psychological Reactions of People to Aircraft Noise," Report of the Jet Aircraft Noise Panel, Office of Science and Technology, Executive Office of the President, March 1966.

<sup>159</sup> CONGRESSIONAL RECORD, vol. 112, pt. 14, p. 18243.



stoppage of egg-laying, loss of feathers, internal bleeding, hernia, and death.<sup>160</sup> Only 4,000 of the original 10,000 chickens remained alive at the end of the six-months two-booms-a-day test period.<sup>161</sup> The sonic boom tests over the Chicago area subjected the population to a total of only 49 supersonic flights, resulting in 7,116 formal complaints and 2,964 property damage claims of which 1,442 have received \$114,763 compensation.<sup>162</sup> In January of 1967, the National Park Service reported to Secretary of the Interior Udall that sonic booms from military aircraft have caused damage to what are regarded as "outstanding examples" of prehistoric cliff dwellings at Mesa Verde in Colorado, and also damage to geological formations in Bryce Canyon, Utah, considered to be "masterpieces of nature."<sup>163</sup> On August 3, 1967, a New York Times item indicated that a sonic boom over the village of Maunon in France caused the collapse of a farm house and three persons inside were killed.<sup>164</sup>

#### The FAA attitude

In the face of such overwhelming evidence demonstrating beyond reasonable doubt the adverse consequences to persons and property of noise, and specifically the sonic boom, what has been the attitude of the jet industry, the scientific experts, and of public officials? While the disregard of the public interest displayed by government-promoted so-called "private enterprisers" and their expert employees is understandable,<sup>165</sup> as is the familiar contempt of military men toward the rights of civilians,<sup>166</sup> it seems in-

<sup>160</sup> *Ibid.*, Natalie Gittelson, "Noise Pollution—A Growing Scandal," *Harper's Bazaar*, August 1966, comments: "The dangers to humans is striking home. When the human chicken begins to lose his hair and his wife experiences unwanted abortions and sterility, we will see headlines on supersonics."

Also see the CONGRESSIONAL RECORD, vol. 112, pt. 20, p. 27807: "In the long run, nature may provide an ecological solution to the problems of noise; a current study by Professor Bernhard Zondek of Jerusalem's Hadassah Medical School finds that rats exposed to loud noise exhibit a marked decline in the pregnancy rate, although they copulate as zestfully as ever."

<sup>161</sup> See footnote 159.

<sup>162</sup> See footnote 152.

<sup>163</sup> *Congressional Record—House*, January 18, 1967, page 800. Secretary Udall expressed concern but said that air space is considered to be the province of the F.A.A.

<sup>164</sup> John L. Hess, "French Investigate Deaths of 3 Linked to Superjet's Boom," page 24-L, *New York Times*, Thursday, August 3, 1967. The report notes that since 1963 at least eight other deaths have been attributed to sonic booms. Four of these resulted from heart attacks, two from runaway horses, and two from the collapse of a well. In 1965 alone there were 1,763 complaints of damages from sonic booms and 907 of these were paid \$255,000 compensation.

<sup>165</sup> Dr. Leo L. Beranek, whose general acoustical firm (Bolt, Beranek, and Newman, Inc.) does work both for the jet industry and the F.A.A., talks in terms of "tolerable levels" of noise "acceptability" and "permissible limits of noise exposure," so defined that there will not be "substantial" damage from sonic booms. All this is on the assumption that "The coming of supersonic travel is inevitable . . . It is important, therefore, that the Federal Government prepare for the arrival of supersonic travel by establishing tolerable limits for sonic booms . . ." Thus, for example, "homes will not be seriously damaged within specified limits of exposure . . ." *Congressional Record—House*, January 18, 1967, pp. 796-798.

<sup>166</sup> Construction of the supersonic air transport, "the greatest noise-making device

credible that those agencies charged with regulatory responsibility for public protection should adopt an attitude similar to the military, the jet industry, and their paid hands.<sup>167</sup> Instead of regulating restraint, there has been F.A.A. promotion of the jet industry.<sup>168</sup> This, of course, is the by-now familiar story of combining into one agency a built-in conflict of interest, to both regulate and to develop an inherently dangerous industry.<sup>169</sup> As a practical matter, this duality of purpose tends to be a corrupting influence and has been so in the example of the supersonic transport project.<sup>170</sup> Thus, in its eager-

ness to promote the supersonic transport, the F.A.A. has not hesitated to falsify the facts about sonic boom.<sup>171</sup> As we have seen, the government development of nuclear power through private industry involving inherent risks to the health and safety of the public (there is always the temptation to relax on safety to make atomic power economically competitive), as compared with other alternatives such as private development assuming the risks and under public regulation, or monopolistic governmental development of nuclear power as a public utility.

Thus, with atomic power development, "We have reached the present point, however, without any real consideration of the implications of either policy, and without any conscious and deliberate policy decisions within the framework of American democratic processes." Harold P. Green, *ibid.*, page 152. This comment is applicable to the supersonic transport project, as is the observation, *ibid.*, page 161: "Expediency, rather than principle, has been the watchword of the nation's program for development of nuclear technology."

<sup>171</sup> On July 7, 1967, Dr. William A. Shurcliff, Director, Citizens League Against the Sonic Boom, 19 Appleton Street, Cambridge, Massachusetts 02138, released a number of statements containing misleading information which were issued by the F.A.A. and its spokesmen concerning the proposed supersonic transport and its sonic boom, together with an analysis factually and scientifically refuting these false statements.

For example, Mr. A. H. Skaggs, Chief of the F.A.A.'s SST Economics Section, declared in a speech delivered on March 15, 1967, and this speech was released for publication by the F.A.A., that "It takes a boom of well over 5 pounds per square foot to do property damage, such as cracking plaster." In fact, however, the Oklahoma sonic booms were about 1.2 pounds per square foot.

Also, the F.A.A. wrote in a letter to Massachusetts Senator Edward W. Brooke, April 18, 1967, that the SST will have design features to "minimize its sonic boom" whereas in fact "even when the plane is at 65,000 feet" (over 12 miles high) the SST will inflict a sonic boom with "almost twice the intensity of the Oklahoma booms" which resulted in widespread damage.

Again, on June 22, the Director of the F.A.A. Project wrote to Congressman William H. Bates of Massachusetts that "sonic boom is not an uncontrollable phenomenon." However, the sonic boom is a fact of nature, like gravity, and there is no way to eliminate it even remotely known to aerodynamics experts who have spent years of research on the sonic boom.

Further, Congressman Bates was told by the F.A.A. that the SST "has excellent sonic boom characteristics for an aircraft of its size and weight." But because the severity of sonic boom is partly a function of the weight of the aircraft, and because the SST is to be the heaviest supersonic transport in existence, the SST will produce a sonic boom more intense than any other jet flying at similar altitude and speed.

Finally, the F.A.A. told Congressman Bates that "the SST is not expected to produce sonic boom which would adversely affect people and property on the ground." On the contrary, even at 65,000 feet, it will be twice as intense as the Oklahoma booms. "In particular, the boom from the Boeing SST will be more severe than that produced by existing military planes and more severe than that produced by the Anglo-French Concorde."

Dr. Shurcliff is a physicist and professor at Harvard. The Deputy Director of the League is a biochemist. Other disciplines represented on the National Committee include history, architecture, bacteriology, mechanical engineering, law, surgery, psychiatry,

will "create a bigger disturbance than any force short of a hurricane or tornado," yet when interviewed Brig. Gen. Jewell C. Maxwell said: "People in time will come to accept the sonic boom as they have the rather unpleasant side effects which have accompanied other advances in transportation." CONGRESSIONAL RECORD, vol. 112, pt. 14, p. 18241.

<sup>167</sup> A spokesman for the F.A.A. is quoted in the CONGRESSIONAL RECORD, vol. 112, pt. 14, p. 18242, with regard to problems of jet noise: "This is something which is going to get worse, not better. The public will have to learn to live with it . . ." That the public may not learn to live with it is observed by a medical expert who wrote: "It is not an exaggeration to say that quite a few cases of insanity are caused by nervous systems that cannot adjust to the constant bombardment of noise." *Ibid.*, page 17438.

<sup>168</sup> Most doctors agree that any noise above 60 decibels is harmful to human beings. CONGRESSIONAL RECORD, vol. 112, pt. 14, p. 18244. (The World Health Organization puts the figure even lower. See, Alan Bell, "Noise—An Occupational Hazard and Public Nuisance," *Public Health Papers* No. 30, World Health Organization, United Nations, Geneva, 1966.) In any event, we know that exposure in industry at 80 decibels results in noise-induced hearing loss. (See footnotes 40, 41, and 42.)

But the F.A.A. recommends 105 decibels three miles from jet takeoff, a decibel level "which would interfere with normal activities such as conversation and phoning." See, Millicent Brower, "Noise Pollution: A Growing Menace," *Saturday Review*, May 27, 1967, at page 19. At Kennedy International Airport, which is "regulated" by the F.A.A., "Jet noise is so aggravating that residents have more than once blocked the runways in protest, and one woman threatened to blow up the Kennedy control tower to free herself and her family from the plague of intolerable noise." CONGRESSIONAL RECORD, vol. 112, pt. 114, p. 18244.

<sup>169</sup> Harold P. Green, "Nuclear Technology and the Fabric of Government," 33 *George Washington Law Review* 121 (1964), at page 150, notes that the Atomic Energy Commission's dual role is the original example. The A.E.C.'s "responsibility for development of nuclear power, especially by private enterprise, was squarely in conflict with its responsibilities as a licensing and regulatory body."

<sup>170</sup> According to Science Editor John Lear, "What Has Science to say to Man?," *Saturday Review*, July 1, 1967, at page 38: "The proposed supersonic passenger plane (SST) is an ideal example of how to do an experiment backwards and waste millions in the process. Instead of beginning by asking social scientists to determine whether people could tolerate sonic boom, and then deciding for or against building the SST, the Washington politicians ordered the SST despite widespread protest and are now finding that social scientists resent attempts to employ their professional skills to manipulate seeming acceptance of an intolerable noise and nervous shock."

This evaluation of the supersonic transport problem is confirmed by experience with



record of the F.A.A. with regard to noise regulation of subsonic jets must be marked a failure, and no confidence can be expressed that its record will be any better as to the supersonic jet. In fact, the F.A.A. has undertaken the positive assignment to subsidize its development and the federal government is contemplating the expenditure of two billion dollars (\$2,000,000,000) for this purpose.<sup>172</sup> The goal is a supersonic transport by the mid-1970's which will travel 1,800 miles per hour (at high altitudes, nearly three times the speed of sound), and capable of carrying 300 passengers.<sup>173</sup>

#### Why the SST?

Why? There are five possible explanations, all beginning with "p": (1) progress, (2) power, (3) prestige, (4) pyramid-building, and (5) profit. An official government publication notes that in 1945 there was no passenger jet industry in the United States, and boasts that spending taxpayer's money for "developing a supersonic transport that will circumnavigate the globe in less than a day" represents the employment of science and technology for mankind's "progress."<sup>174</sup> This writer does not believe that the general public will accept the sonic boom as the sound of "progress."<sup>175</sup> There is nothing "progressive" about injury to health, property damage, and the misallocation of resources.<sup>176</sup> Military

conservation, chemistry, Christian ethics, aerospace medicine research, and teaching. In addition to these professions, there are writers, artists, and housewives.

<sup>172</sup> To date, the federal government has already spent \$300,000,000. Richard Hellman, "The Supersonic Transport—Not All Smooth Flying," *Challenge*, July/August, 1967, pp. 34-37, at page 36. Hellman was economist to the SST Study Group during 1964-1965.

<sup>173</sup> *Ibid.* The current Super Sabers have a rated speed of 822 miles per hour, and apparently there are military jets that reach 2,000 miles per hour (three times the speed of sound) CONGRESSIONAL RECORD, vol. 112, pt. 20, p. 27813. The TFX, now designated the F-111 operates at 1,650 miles per hour. "Superplane or Megafolly," *Newsweek*, June 26, 1967, pp. 66-67.

<sup>174</sup> "Science and Technology for Mankind's Progress," a 46-page booklet prepared by the U.S. Department of Commerce, 1966, at page 11, 14, and 19. This official (and, to this reader, somewhat frightening) publication also boasts, at page 6, that the government is going to modify the environment to induce rainfall and control hurricanes.

<sup>175</sup> Bo Lundberg, Director General of the Aeronautical Research Institution of Sweden, concludes there is "overwhelming evidence that the general public will not willingly accept the sonic boom," which will be especially intolerable to light sleepers, the sick, nervous persons, aged people, and small children. *Congressional Record—House*, January 18, 1967, page 800.

<sup>176</sup> Evidence of injury to health and property damage need not be repeated here, but as to misallocation of resources Bo Lundberg warns prospective investors of the probable uneconomic operation of the SST in competition with future "Jumbo Jets" and the risk of losing all or most of their investments when over-land supersonic flight prohibitions are imposed by governments interested in protecting their populations from sonic boom. Another aspect of resource misallocation appears in spending billions of taxpayer's dollars to develop the SST for test purposes when existing knowledge is sufficient to support a judgment that the sonic boom is intolerable. Also, there is a serious danger that any policy of investing billions to develop the SST for "test" purposes "would have the effect of a trap" because then "it would be even more difficult than today to prevent the SSTs from being introduced into civil aviation regardless of how severe the booms will be." *Ibid.*, pp. 799-800.

power does not require the development of civilian supersonics, so that this "reason" may be eliminated.<sup>177</sup> Apparently, the "prestige" explanation means keeping up with the British and the French who are building a supersonic transport of their own.<sup>178</sup> The Concorde could be in commercial operation by about 1972-1973, earlier than the SST, but will fly at "only" 1,400 miles per hour (compared to the SST's 1,800 or more), will carry 150 passengers (compared to the SST's 300), and will have a shorter nonstop distance than the SST.<sup>179</sup> However, there is no guarantee that the governments concerned will permit the Concorde to go into over-land operation,<sup>180</sup> and whereas "prestige" involves "psychic income" the sonic boom involves "social dis-utility."<sup>181</sup> The hostile reactions likely to be created by the sonic boom all over the world should not be expected to enhance the "prestige" of the United States.<sup>182</sup>

#### Superiority of the "Jumbo Jet"

As for pyramid-building, surely no detrimental activity can be justified on the policy that it contributes to the gross national product when there are more urgent priorities which will contribute to solving human problems.<sup>183</sup> Likewise, the "profit" explanation does not survive close examination. Development of the SST is being financed more than 90% by the federal government and less than 10% by the jet industry.<sup>184</sup> This is a clear "free market" indication that private entrepreneurs do not regard the SST as a worthwhile investment, the economic risks outweigh the profit potentialities, and whether the SST will ever "pay off" is very questionable.<sup>185</sup> Even if the supersonic transport is permitted some over-land flights, the prospective profit of the subsonic (no sonic boom) "Jumbo Jet" is so superior to the SST that the jet industry itself is paying for the development costs with no "billion-dollar reach into the taxpayer's pocket."<sup>186</sup> Compared with the SST, the "Jumbo Jet" (1) will hold 400 to 1,000 passengers (up to three times the SST); (2) can fly 6,000 miles non-stop (50% farther than the SST); (3) will offer fares well below the SST charges (between 26%-50% less than the SST); (4) is free to fly anywhere because of no sonic boom; and (5) it is anticipated that the "Jumbo Jet" will be in routine operation by 1971, about four years

<sup>177</sup> See footnote 10.

<sup>178</sup> "Boom or Bust?" *Newsweek*, July 17, 1967, page 61.

<sup>179</sup> Richard Hellman, *ibid.*, footnote 172.

<sup>180</sup> See footnote 178.

<sup>181</sup> See footnote 175.

<sup>182</sup> *Ibid.*

<sup>183</sup> The writer is suggesting here that rather than spending billions of dollars on a gigantic supersonic "boomdoggle," a more enlightened allocation of resources would devote public attention toward eliminating poverty and its causes, establishing human dignity and equality of opportunity, providing high quality education and recreation, promoting health and recognizing the need for population control, helping cities solve problems of urban development, conservation programs and the prevention of all forms of pollution, and the utilization of technology for man's benefit while maintaining his civil rights as an individual.

<sup>184</sup> Richard Hellman, *ibid.*, footnote 172.

<sup>185</sup> Economist Hellman is against the government subsidy because he thinks the SST will eventually pay off and the jet aircraft industry ought to get together to pool the financing of the test project. *Ibid.* Economist Stephen Enke is against the government subsidy because he thinks the SST will never pay off and the test project ought to be abandoned. See footnote 12.

<sup>186</sup> "The Threat of the SST and Its Shattering Sonic Boom," one-half page advertisement sponsored by the Citizens League Against the Sonic Boom, *The New York Times*, Friday, June 16, 1967, page 28.

before the SST.<sup>187</sup> The only theoretical advantage of the SST is flight speed, and this difference may not be significant.<sup>188</sup>

#### Noise and the public interest

Any balancing of the interests of the few who are so fascinated by supersonic speeds compared to the millions of people and property owners who will be exposed to sonic booms will require legislation to protect the public from supersonic noise pollution.<sup>189</sup> No more than a very small handful can possibly benefit from the supersonic transport,<sup>190</sup> while most of the population is being threatened.<sup>191</sup> Health, safety, and welfare have been traditional functions of democratic government, but Congress has failed to provide standards and the F.A.A.'s "regulations" mark it as an arm of the jet industry.<sup>192</sup> Rather than discussing whether the public is to be exposed to "big-boom" or "low-boom" the policy ought to be "no-boom" and this includes the rights of people on ships, so that there will be no supersonic flight over either land or the oceans.<sup>193</sup> Any supersonic authorization is an attack on the population by the government itself.<sup>194</sup> There are some

<sup>187</sup> *Ibid.*

<sup>188</sup> There is a tendency for the economic principle known as the law of diminishing returns to begin to remove any gains from faster and faster speeds. Bo Lundberg observes that "there is no great need for the further time gain by the SSTs because the time spent onboard near-sonic jets is already usually conveniently short and often efficiently usable for a meal or resting (this implies that the flight time is no longer a 'loss' to the passenger, a misconception that seems to be a cornerstone in the motivation for SSTs)." *Congressional Record—House*, January 18, 1967, page 799.

<sup>189</sup> *The New York Post*, Monday, July 17, 1967, page 28, editorial, "The Big Boom Business;" *The Washington Star*, June 5, 1967, editorial, "Flying Brontosaurus;" and *The New York Times*, Thursday, August 3, 1967, page 32-L, editorial, "Supersonic Noise Pollution."

<sup>190</sup> "About 85 percent of U.S. residents have never flown, those who do fly do not always take long-haul flights, and perhaps less than 5 percent of all Americans will ever fly SST's at their higher fares." *American Economic Review*, op. cit., pp. 78-79. See footnote 12.

<sup>191</sup> "... the growth of technology frequently poses problems of social, political, or economic order, and, in some instances, real threats to the health, safety, and security of the public." Thus, "For the first time, perhaps, there may be a necessity for imposing stringent federal control and regulation over technology at the moment a new development comes into being, if not even earlier." Harold P. Green, op. cit., at pp. 121 and 123. See footnote 169.

<sup>192</sup> The 1966 report on *Alleviation of Jet Aircraft Noise Near Airports*, op. cit., at page 165 (see footnote 158), notes that F.A.A. specifications for supersonic transports will require no more than 109 decibels at ground level one mile from touchdown and no more than 105 decibels at ground level three miles from the start of take-off. Noise of such magnitudes has already produced bitter community resentment. See *Allegheny Airlines, Inc. v. Village of Cedarhurst*, 132 F. Supp. 871 (E.D. N.Y. 1955), *aff'd* 238 F. Supp. 812 (2d Cir. 1956).

<sup>193</sup> This is the editorial attitude of the newspapers cited in footnote 189.

<sup>194</sup> See "Investigation and Study of Aircraft Noise Problems," Special Subcommittee on Regulatory Agencies of the House Committee on Interstate and Foreign Commerce, H.R. Rep. No. 36, 88th Cong., 1st Sess. 25 (1963), page 3: "It is natural to view aircraft noise as just another form of environmental deterioration falling into the same general category as problems relating to air and water pollution problems which are now

personal and public defenses against the lesser problems of general community noise. Thus, individual measures for protection against noise<sup>195</sup> include injunctive relief and/or damages for assault, battery, trespass, negligence, nuisance, and invasion of privacy.<sup>196</sup> Public action can exercise the police powers to regulate noise sources,<sup>197</sup> to tax the social costs of noise pollution<sup>198</sup> or to zone out offenders.<sup>199</sup>

#### Jet policy: subsonic and supersonic

However, as we have discovered, jet noises are much more difficult to deal with. Because of federal pre-emption of aviation, it is illegal for communities to attempt to minimize jet harassment.<sup>200</sup> Even so, where police power purposes include land use planning and control, airport zoning and building codes may offer local authorities some hope for noise-abatement.<sup>201</sup> Most important, jet aircraft operations are inher-

ently becoming matters of national concern. However, the Federal Government may be more directly accountable for aircraft noise than for other types of environmental deterioration inasmuch as it has assumed responsibility for the regulation of most aspects of air carrier operations including the certification of aircraft and establishment of, and control over, air traffic rules, regulations, and flight patterns.<sup>202</sup>

Personal defenses may range all the way from the occupational use of ear plugs in industry, or for noiseless sleeping at night, to purchasing a home in a peaceful residential area, to the installation of sound-absorbing materials. Machinery may be designed, located, and operated so as to dampen the impact of noise. For examples, see the various methods of noise control noted in the CONGRESSIONAL RECORD, vol. 112, pt. 14, pp. 18238-18240, and pp. 18250-18255.

<sup>195</sup> See footnotes 52 through 58.

<sup>196</sup> See footnotes 54, 58, 59, 61, 63, 65, 70, and 71. For some, timid recommendations for research into "the effect of sonic booms," to establish levels of tolerance for noise, hints that noise will be a problem "tomorrow" unless something is done today, a tentative feeling that noise deserves more study, and that the Department should develop "suggested" standards for noise control codes, see "A Strategy For A Livable Environment," A Report to the Secretary of Health, Education, and Welfare by the Task Force on Environmental Health and Related Problems, Washington, D.C.: Department of Health, Education, and Welfare (June 1967), at pp. xi, xvi, 10, 18, and 19.

<sup>197</sup> See footnotes 37, 64, and 67. Of course, public ignorance of social costs will result in too low a level of noise pollution control. See, Ronald G. Ridker, *Economic Costs of Air Pollution: Studies in Measurement*, New York: Frederick A. Praeger, Publishers (1966), at page 159. Also, the following quotation from Ridker applies to noise pollution: "Economists have long recognized the need for public regulation of economic activities that result in unwanted side effects. These effects—called 'external diseconomies' in the language of economics—may arise whenever market forces alone are insufficient to make an individual bear all the costs resulting from his actions. Air pollution, which results from using air as a waste disposal medium, is an excellent example of an external diseconomy, since there are clearly no market forces that compel the user to consider the costs he imposes on others. Without regulation, therefore, the air is used as if no such costs were present and air pollution rises to a level that is socially undesirable." *Ibid.*, page 1.

<sup>198</sup> See footnotes 8, 60, and 111.

<sup>199</sup> See footnotes 74, 75, 86, 87, 91, 100, 105, 106, 107, and 108.

<sup>200</sup> See footnotes 60, 110, 111. Anti-noise building codes could require insulation mate-

rials, isolation of machinery, and other sound-reduction features. New York is the only city in the United States to adopt standards for the construction of new apartments limiting the perceivable decibel levels inside the building from outside noise sources. *Congressional Record*, op. cit., see footnote 195.

<sup>201</sup> *Luthringer v. Moore*, 31 Cal.2d 489, 190 P.2d 1 (1938).

<sup>202</sup> *Thornburg v. Port of Portland*, 233 Ore. 178, 376 P.2d 100 (1962), and *Thornburg v. Port of Portland*, — Ore. —, 415 P.2d 750 (1966). These two *Thornburg* decisions are good illustrations of judicial law-making in the face of new legal problems not yet met by the legislature.

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#### Correspondence

Mr. Harrison D. Bergin, June 27, 1967. Mr. Bergin is the Director, Town-Village Aircraft Safety and Noise Abatement Committee, 606 Rockaway Turnpike, Lawrence, New York 11559.

Dr. Howard N. Bogard, Ph.D., June 21, 1967. Dr. Bogard is Chief Psychologist, Department of Psychiatry, Hillside Hospital, Queens Hospital Center Affiliation, 82-68 164th Street, Jamaica, New York 11432.

Dr. Lee H. Farr, M.D., June 29, 1967. Dr. Farr is Professor of Nuclear and Environmental Medicine, Texas Medical Center, The University of Texas, Houston, Texas 77025.

Dr. William A. Shurcliff, physicist, Harvard University, Cambridge, Massachusetts, June 21, July 1, 1967. Dr. Shurcliff is Director, Citizens League Against the Sonic Boom, 19 Appleton Street, Cambridge, Massachusetts 02138.

New York State Assemblyman Leonard E. Yoswein, 11 Park Place, New York City, New York 10007, July 5, 1967. Assemblyman Yoswein is Chairman, Committee on Mental Hygiene, The Assembly, State of New York, Albany, New York.

#### UNITED STATES SHOULD RAISE TARIFF ON SOVIET VEGETABLE OIL

Mr. BUSH. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. FINDLEY. Mr. Speaker, today I have asked Secretary Freeman to reconsider his October 30 decision on Soviet imports of vegetable oil. In a wire today I stated that an official of Hunt-Wesson Co., which is expected to unload 20 million pounds of Soviet oil this weekend at New Orleans, frankly admitted last August that the purpose of the purchase was to drive down vegetable oil prices in the United States. These prices, in my opinion, were then so low as to cause trouble for commodity programs for soybeans and cotton.

Yesterday I asked Secretary of Defense McNamara to suspend contracts under which Hunt-Wesson is supplying vegetable oil to U.S. forces in Vietnam until the origin of the raw materials can be carefully identified. I said it would be a gargantuan irony if American taxpayers, in effect, supply Soviet food oils to U.S. soldiers wounded in Vietnam by Soviet weapons.

Text of my wire to Secretary Freeman:

I respectfully request that you reconsider your decision of October 30, 1967, in which you decided against recommending that the President use Section XXII Authority to raise tariffs on imports of Soviet vegetable oil by the Hunt-Wesson Foods Company, Fullerton, California—manufacturers of Wesson oil. The firm is expected to unload 20 million pounds of Soviet oil this weekend in New Orleans.

In reply to my initial request for action on September 5 and September 22, 1967, Under Secretary Schnittker said that "there is not a strong enough case" for using Section XXII Authority to restrict imports which tend to interfere with or render materially ineffective the program or operations of the Department of Agriculture.

His contention was that these imports of Soviet vegetable oil are not "having any significant effect on soybean prices." How can your Department justify such a statement in the face of vegetable oil export donation programs which unquestionably demonstrate the existence of vegetable oils surplus in the United States? Also pertinent is that since a year ago domestic vegetable oil prices have fallen drastically—cottonseed oil down 2½ cents; soybean oil down 2½ cents; corn oil down 2 cents. Cash grain prices have also declined markedly—corn down 19¼ cents; soybeans down 37¾ cents. Also, this year we will see the largest soybean surplus in the history of American agriculture.

How low must prices sink before you take action to prevent imports from damaging domestic farm commodity programs?

I also request that you investigate immediately the attempt by the Hunt-Wesson Company to manipulate the U.S. vegetable oil market through the import of Soviet oil. The commodities manager of the Hunt-Wesson Company, Mr. John Stollsteimer, is reported reliably to have informed a group of those attending the August 7-8, 1967 meeting of the National Soybean Processors Association that the purpose of the Hunt-Wesson purchase of Soviet vegetable oil was a deliberate effort to cause a reduction in the U.S. prices of vegetable oil. This statement, made at the Boyne Falls, Michigan meeting, came at a time when the prices of cottonseed and soybean oils were down substantially from a year earlier. This deliberate attempt to drive down prices is certainly pertinent to Section XXII Authority because of adverse impact on our cotton and soybean programs.

#### MORE EVIDENCE OF MOVE TO WRECK HEADSTART

Mr. BUSH. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. STEIGER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. STEIGER of Wisconsin. Mr. Speaker, evidence continues to point out that the antipoverty legislation—S. 2388, as amended—reported by the Committee on Education and Labor will wreck the most successful program in the war on poverty—Headstart.

The problem is, of course, in the committee amendment which calls for the contribution by local communities of 10 percent in cash rather than "in kind" services. In order to save this important program it is essential that we remove that requirement and allow more flexibility at the local level.



I include for the information of my colleagues copies of nine letters I have received pointing up this problem:

WHITEWATER, WIS.,  
October 28, 1967.

DEAR MR. STEIGER: Please do what you can to see that Headstart will continue. The reports back from schools who have last year's "starters" enrolled are encouraging. Right now I'm applying through CESA 18 for a Walworth County grant. It will be possible to get the nonfederal 20% in contributions of space and time. If we had to get that contribution in cash as some amendment suggests it would seem an impossible task.

Last year I worked with Headstart in Dane County and I feel that not only does the program help these children get more out of school but it helps the family enrich its life through the parents' weekly meetings, it upgrades the whole district, and it gives the community volunteers a picture of the variety of life patterns in our culture. Oh yes, and as these families become more aware they are more likely to vote!

Sincerely,

EMILY SAUNDERS.

MADISON, WIS.,  
October 30, 1967.

DEAR SIR: I have three children in Project Head Start. To say it has helped my children would indeed be an understatement. Head Start is very important to my children as well as my husband and myself. We have learned a great deal in the proper way of handling our children.

I have been informed that Congress is likely to amend our CAP program—which would affect Head Start. The amendment before the House would require in part, for our staff to spend a great deal of their valuable time in fund-raising for 10% of our expenses. In all probability we would fail to obtain the required amount and therefore be forced to end our Head Start Schools. This would indeed be a great tragedy.

Please help us to keep things as they are. Sincerely,

Mrs. GERARD J. DOIRON.

BLUE MOUNDS, WIS.,  
October 30, 1967.

CONGRESSMAN STEIGER: We have recently been informed that there is a bill before the House regarding CAP programs, etc. We understand that 10% of costs of the programs in cash may be required of the local community.

It is almost positive that such a requirement would seriously damage the existing programs and possibly destroy them.

To be sure there will be a time when the entire costs should be taken over by the local area. However there are very few if any communities which are now ready to "shoulder" the financial responsibility.

The programs are much too important to society in general to have them damaged or done away with.

Thank you.

Mr. and Mrs. CLIFFORD RAMSBY.

MADISON, WIS.,  
October 30, 1967.

HON. WILLIAM A. STEIGER,  
Washington, D.C.

DEAR CONGRESSMAN: I am prompted to write on two related issues. First, on the new Poverty Bill adopted by the Education and Labor Committee on which I understand you serve; second on the President's proposed tax increase.

On the Poverty Bill, I would be pleased if you could use your influence in the Congress to work for a more generous Bill. In particular the 10% local cash contribution seems harsh. The feeling of several people here in Madison who are associated with

the Headstart program feel that a 20% in-kind contribution would be manageable but the cash outlay would be an onerous burden.

Sincerely yours,

PETER KARPOFF.  
Mrs. PETER KARPOFF.

MADISON, WIS.,  
October 30, 1967.

CONGRESSMAN WILLIAM STEIGER,  
Washington, D.C.

DEAR SIR: Head Start is in serious jeopardy. The bill you drew up which comes to a vote Tuesday, Nov. 7th, will destroy the very heart, purpose and meaning of Head Start if the proviso of 10 per cent in cash required by the local community is kept in. How could abject poverty people ever come up with this kind of money? It makes good sense for 10 or 20 or so per cent in kind (service, etc.), but not cash. This is exactly what the poor in the South could never raise either among themselves or from the greater community. Even middle-class communities will be handicapped with this 10 per cent in cash, because the local Head Start administration will have to spend their time as fund raisers rather than fulfilling their present job analysis. At present the administrators are over-extended and border on crossing that line of diminishing returns. This 10 per cent "Smells of a revenge strategy of racists and bigots," and no one wants that kind of a label in the current difficulties.

If this 10 per cent in cash goes through, Head Start will be cut off from poverty, become an upper-middle class charity, and give another justification for the poor to either riot or organize for a revolution, because they will have been betrayed by the Republican-Democratic political establishment. Why give them that alternative? Why encourage this sort of behavior by playing into their hands and into the hands of insensitive reactionaries?

The survival of humane values in the present keeps alive and viable humane alternatives for posterity. How will we be remembered?

Seriously concerned,

DAVID K. RUNYON.

EXECUTIVE COUNCIL  
OF THE EPISCOPAL CHURCH,  
New York, N.Y., November 1, 1967.

HON. WILLIAM STEIGER,  
House of Representatives,  
Washington, D.C.

DEAR MR. STEIGER: The 62nd General Convention of the Episcopal Church recently held in Seattle took action related to the Economic Opportunity Act which will shortly be on the floor. We are specifically concerned that Community Action Programs be strengthened, and that they have freedom to develop their goals and programs in co-operation with but not dominated by governmental officials. The Convention further requests that funds be made available for community action programs without the reductions imposed by additional required National Emphasis Programs.

It has come to our attention that the Committee Bill requires 20% local financial involvement. Our experience indicates that this high level of involvement, and the 10% cash requirement would preclude local community groups for participating in Community Action Programs. Therefore, we would hope that this provision not be adopted and the present requirement allowing 10% in kind be retained.

We feel that the crisis in our cities demands first attention and commitment of the Church and of the Nation. Accordingly, we voted \$2,000,000, or 14% of our church budget, to this end. We trust that you will accept as high priority efforts designed to help the poor, and work for creative policy

that will help them to break the cycle of poverty.

Sincerely yours,  
Rev. EVERETT W. FRANCIS,  
Public Affairs Officer, Department of  
Christian Social Relations.

MADISON, WIS.,  
October 31, 1967.

HON. WILLIAM STEIGER,  
House Office Building,  
Washington, D.C.

DEAR MR. STEIGER: It has come to my attention that an amendment is being introduced before the House that would require communities to provide at least 10% matching funds in programs such as Headstart. I do not believe that this is a wise policy to introduce into the program since many communities cannot afford the cash, although they can manage the 20% in kind matching. Such an amendment would defeat the program, and it should not be allowed to be passed.

Sincerely yours,

JAMES C. STALKER.

NATIONAL CONGRESS OF PARENTS  
AND TEACHERS,  
Chicago, Ill., November 1, 1967  
Members of the House of Representatives,  
U.S. Congress:

The National PTA earnestly asks your help in respect to certain provisions of Title II of the Economic Opportunity Amendments of 1967 which will be offered for your consideration in a few days' time. A large proportion of the millions of children affected by the programs contemplated under this Act are children of our own eleven million members, but we ask your help on behalf of all disadvantaged children: their future is important to all of us.

May we say, first of all, that we are pleased and grateful for the proposed continuation of Head Start and Follow Through, and with the provisions for parent participation, for health and social as well as educational programs.

We approve the four new programs offered under this Title, and particularly the proposal of comprehensive Day Care Services, which will fill a very critical need for young low-income families if they are to become self-supporting.

We are greatly disturbed, however, by the proposal that local contributions to the OEO programs shall be doubled, retroactive to June 30, 1967, and that they may no longer be met by more than one-half "in kind" participation. We believe it will be most difficult, in many cases probably impossible, for school systems or other operating agencies in low-income areas to find the necessary funds for the 10 percent cash contribution for Head Start programs already months under way. It can only result in the elimination of Head Start programs in those communities where it is most needed. We hope very much that this provision, stated in the last line of Sec. 223(c), may be stricken from the bill.

Respectfully yours,

Mrs. EDWARD F. RYAN,  
National Chairman for Legislation.

MADISON, WIS.,  
November 1, 1967.

DEAR CONGRESSMAN STEIGER: I feel that the bill coming before the House of Representatives November 7, 1967, would be detrimental to the Headstart program, indeed, it would probably cause the closing of our Headstart program here in Dane County. This bill demands 20% of the costs of the program to be raised by the community—one half of which must be in cash—this is more than could be raised in order to keep the program in operation.

Sincerely,

MARY SILBERNAGEL.

## GET MAD AND STAY MAD

Mr. BUSH. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. WYMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. WYMAN. Mr. Speaker, until and unless Americans get mad and stay mad at those who represent them here yet by continued overspending are cheating them left and right, I see nothing but trouble ahead for America.

It is not responsible Government to overspend year after year, yet this is what the Johnson administration and its membership in this body have been doing ever since the Great Society took over. Republican attempts to limit the reckless rate of Federal expenditures are consistently opposed by a great majority of Democrat Members of Congress.

We simply must devise some additional means of raising Federal revenue. Until this is done to protect our people we must cut back drastically on Federal spending to a point where expenditures come close to matching revenue. I say "come close" because with the tremendous cost of the unfortunate war in Vietnam running some \$2 billion a month it is unlikely that a balanced budget will be possible until this tragic war is ended.

Cutting back on spending will hurt but not anywhere near as much as the pain of devaluation of the American dollar. It is one or the other—for sure—and American voters should demand prudent fiscal policies now, and in the election next year.

In this connection, I commend the reading of the following editorial by the noted publisher and columnist of U.S. News & World Report, Mr. David Lawrence, in the issue of November 6, 1967:

## ECONOMIC CRISIS, PLEASE GO AWAY!

(By David Lawrence)

We are facing a serious economic crisis in America. It could lead to a depression.

Warning signs have been apparent for some time.

Remedial measures are long overdue.

Both the Administration and Congress, however, have been reluctant to take positive measures and have wishfully hoped that the crisis would cure itself and just go away. But—

Will the Government year after year keep on spending more than it takes in?

Will the Government continue to stand aloof while labor unions demand higher and higher wages and threaten big strikes?

Will the Government remain indifferent to the fact that, when wages are raised, prices must go up correspondingly unless output per manhour is increased?

Will the Government—having watched the cost of living rise nearly 19 per cent in ten years—still refuse to take steps to curb the growing inflation?

The American people have been misled by the argument that the high expense of the Vietnam war is primarily responsible for our current fiscal situation. Actually, the federal deficits were sizable and chronic even before the Vietnam war was expanded. Government funds are being provided at present for a spending spree unparalleled in American history. Granted that many of the objectives are meritorious and that sociological improvement is a necessity, can it be persuasively argued that all this has to be done immediately even at the risk of a breakdown of the economy?

For if the economy is disrupted, unemployment will be widespread, and the hardships on the low-income groups will be intolerable.

Month after month the official statistics have been telling a significant story. Within the last few days, the Bureau of Labor Statistics has revealed that a family consisting of a mother and father and two children can maintain only a moderate standard of living on approximately \$9,000 a year. Due to price rises alone, 40 per cent more income is needed for family consumption than in 1951, and 16 per cent more than was required only eight years ago.

While the expenses of an average family vary from city to city, even in the lowest-cost area a family of four needs at least \$8,000 per year.

Food costs keep going up, and so do taxes and the costs of housing, transportation, clothing and personal care, medical care, and other goods and services.

Interest rates are high. Persons who want to buy homes with the aid of mortgages find it more expensive to borrow than it was only a few years ago. The U.S. Treasury is having to pay the highest long-term interest rates in 46 years. Without a tax increase or substantial reductions in expenditures, the Government will have to borrow between \$20 and \$22 billion from the public during the fiscal year which ends June 30, 1968.

All this is impairing the market value of bonds and securities previously issued at lower interest rates.

If the Government would reduce its spending, this would lessen the pressure on interest rates, and there would be a supply of money to meet the growing need for capital to modernize plants and cut production costs.

During every major war crisis in the past we have enacted wage and price controls. Nobody likes such restraints, but the Government is face to face with a condition and not a theory. Something drastic has to be done to stop the inflation and prevent it from causing a collapse of the national economy.

The truth is the Government should have acted at least two years ago, and the country now is suffering from the ill effects of the delay.

Recently there has been talk of a "surcharge" tax of 10 per cent. Such a measure, while desirable, will not by itself, however, be of much help in stopping inflation. As a substitute plan, members of Congress have demanded that the federal budget be cut substantially, but the debate is largely on the question of whether the deficit shall be \$29 billion or \$20 billion. Since when is \$20 billion an innocuous deficit?

For a long time, the politicians have been behaving as if they thought that, by some magic device, inflation could be readily overcome and the economic crisis would just fade away of its own accord. But the handwriting on the wall is plain. The economic crisis will not go away unless something is done by the Federal Government to curb spending.

Congress as well as the President will have to join in a drastic cut in expenditures or the people will be faced with the necessity of electing in November 1968 a new majority in the Senate and House and a new President. This would mean a hiatus in Government—possible stagnation for two and a half months. During a war, it could be hazardous. We need action now—courage in both parties to face up to the economic facts of 1967.

## PRESCRIPTION FOR PARALYSIS

Mr. BUSH. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his

remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ASHBROOK. Mr. Speaker, the Tax Foundation has issued a study, entitled "Growth Trends of New Federal Programs: 1955-68," which should be of interest to all taxpayers, especially around April 15. The foundation has tolled up the cost of new Federal projects in a 13-year period and estimates that the cumulative cost of the 112 new programs will total \$84.8 billion by the end of the current 1968 fiscal year. In addition, the study again confirms a long-established charge that—

New Federal Government activities, once underway, traditionally increase in scope and cost. Few are ever reduced in cost, and even fewer disappear.

The Wall Street Journal of November 1 referred to the Tax Foundation's findings in its editorial, "Prescription for Paralysis," which I offer for insertion in the RECORD at this point:

## PRESCRIPTION FOR PARALYSIS

Although everyone realizes that the activities of the Federal Government are mushrooming, relatively little attention is paid to the nature and meaning of the growth—partly because it's all so fast and helter-skelter that it inhibits analysis.

Now the Tax Foundation has taken a crack at penetrating the maze. In a useful little pamphlet called "Growth Trends of New Federal Programs: 1955-1968," it comes up with findings that ought to interest and alarm the citizenry.

First, for an idea of the scope of the activity: "In the past seven years 78 new programs have been initiated, and 16 others were proposed in the budget message for fiscal 1968 submitted to the Congress in January 1967. The large majority have been put into operation in the period beginning in fiscal year 1965." That doesn't count the numerous and substantial expansions of earlier programs.

"In the corresponding period of the 1950s," the study continues, "only about one-third as many new Federal activities were initiated."

What are some of these burgeoning undertakings? In addition to the big, fresh forays into health, education and welfare, they pretty much cover the waterfront. Everything from the Asian Development Bank to the Packers and Stockyards Act, from Great Plains conservation to supersonic-transport development, from rural renewal to the Chamizal Memorial Highway. You name it.

Obviously certain ones are vastly more expensive than others, but none, from the viewpoint of the ordinary taxpayer, is exactly cheap. The Tax Foundation estimates the fiscal 1968 cost of just those new programs enacted in the past seven years at \$9 billion. If we take the full 13-year span surveyed in the report, the cumulative cost of 112 new programs will total \$84.8 billion by the end of the current 1968 fiscal year.

The enterprises almost unfailingly cost more as time goes by; initial figures are usually no guide at all to future outlays. For example, the Food for Freedom program, started in fiscal 1956 at about \$121 million, is budgeted at \$1.8 billion in fiscal 1968. And the National Aeronautics and Space Administration spent \$89 million in its first year, 1958; it will spend some \$5 billion this year.

The Foundation study even discerns a general pattern characterizing the growth of new programs: "Sharp increases in the first two years as the programs get into fuller opera-



tion, relatively modest increases in the third and fourth years, followed by a steep jump of the sort depicting major expansion or legislative extension of the program."

Small wonder the Tax Foundation observes that the "expenditure history of the new Federal programs set up in the period of this study supports the familiar thesis that new Federal Government activities, once under way, traditionally increase in scope and cost. Few are ever reduced in cost, and even fewer disappear."

Small wonder, too, that administrative chaos prevails. The projects are casually tossed on top of older ones, with scarcely any effort to examine the relationships among them or the effectiveness of any of them. Duplication, waste, gross inefficiency and mismanagement are inevitable—so much so that a number of liberals, heretofore devout believers in Federal omniscience, are decrying the trend.

Many comments could, indeed, be made about this scandalous condition. It is, for one, a fraud on the public, to which the Administration adds the insult of demanding higher taxes without evidencing any intention of cleaning up the disorder which it perpetuates and intensifies.

But for the moment we will merely remark that the Government is bogging down. The people are not getting good Government; they are getting a Government that threatens to paralyze them in the grip of its own indiscriminate growth.

#### U.N. MEMBERSHIP FOR MAO?

Mr. BUSH. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ASHBROOK. Mr. Speaker, again the United Nations General Assembly will consider seating Communist China in the U.N. And again a plethora of questions and accusations will be raised against those of us who will work to counter this seating. It is important that the American people continue, as they have in past years, opposing admission of Mao's regime. And it is important that the reasons be known.

I submit for those who receive and read the CONGRESSIONAL RECORD a compilation of issues and answers on this question which were prepared by the permanent mission of the Republic of China to the United Nations. They are timely and well presented and significant examples of why the final answer to the question of admission of Red China should be a resounding "No."

The material follows:

#### U.N. MEMBERSHIP FOR MAO? ISSUES AND ANSWERS

At the request of Albania, Algeria, Cambodia, Congo (Brazzaville), Cuba, Guinea, Mali, Romania and Syria, the General Assembly of the United Nations at its 21st session will again consider the question of the representation of China.

In making the request, the nine aforementioned States submitted an Explanatory Memorandum, which was circulated on 30 August 1966 as General Assembly document A/6391. The Memorandum summarizes the arguments which have been advanced in favor of the admission to the United Nations of the Chinese Communist regime in Peiping to replace the legitimate Government of China.

Most of the issues raised in the Memorandum are effectively and illuminately answered by none other than the Chinese Communist regime itself in its recent statements.

Answers to some of the issues are also supplied by friends or erstwhile friends of the Chinese Communist regime, including the Prime Minister of Cuba which is one of the States making the request for the consideration of the question of the representation of China.

Other issues in the Memorandum find their answers in the provisions of the Charter of the United Nations and in the statements made by representatives of States Members in the General Assembly who spoke from the experience of their own Government and peoples.

For the convenience of the representatives of the States Members attending the General Assembly and others interested in this question, the issues and answers are printed here in a compact form:

#### ISSUE

"The People's Republic of China . . . the authentic and worthy representative of a great people which is heir to a remarkable civilization and which has, resolutely, courageously and in an irreversible manner, chosen the path of progress." (Paragraphs 1 and 2)

#### Answers

"In the great proletarian cultural revolution, which was personally started and is being personally led by Chairman Mao, the Red Guards have resolutely carried out courageous and stubborn struggles against those in power. In accordance with Chairman Mao's teachings, they have won brilliant results in the struggle to eradicate the old thinking, culture, customs, and habits. . . . It is indeed a great honor for the Red Guards to be attacked wildly by the class enemies at home and abroad.

"Young fanatics!" Invariably the enemies of revolution are extremely hostile to the revolutionary enthusiasm of the masses, and they execrate it as 'fanatical.' And we love precisely what the enemy hates. . . .

"Violating human dignity!" So they shout: 'This violates human dignity.' Frankly speaking, we should not only violate their 'dignity' but knock them down so that they can never rise up again.

"Destroying social traditions!" You are right." ("The revolutionary initiative of the Red Guards has shaken the whole world," *People's Daily*, 19 September 1966.)

#### ISSUE

"One of the essential principles of our Organization, namely, that of universality." (Paragraph 2.)

#### Answers

"Article 4: Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

"Article 5: A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council.

"Article 6: A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by

\* In mainland China, all newspapers, journals and news agencies are owned and operated by the Chinese Communist Party and serve as its mouthpiece. The New China News Agency, the *People's Daily* and the *Red Flag* are directly under the CCP Central Committee. All passages quoted from the New China News Agency, the *People's Daily* and the *Red Flag* are in original English.

the General Assembly upon the recommendation of the Security Council." (Charter of the United Nations.)

(NOTE.—Article 4 of the Charter provides conditions for membership; Article 5 cites conditions and procedures for suspension from the organization; Article 6 provides for expulsion from membership. The existence of these articles indicates that the United Nations, from its inception, was organized on a principle of selectivity rather than universality.)

#### ISSUE

"A founding member of the United Nations and a permanent member of the Security Council." (Paragraph 3.)

#### Answer

"Article 23: 1. The Security Council shall consist of eleven Members of the United Nations. *The Republic of China*, France, the United Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council." (Charter of the United Nations.)

#### ISSUE

"China, . . . has since 1949, . . . been refused the right to occupy the seat which legally has always belonged to it, and hence the right to play fully in international life the role which it is recognized as possessing and to which it is entitled, and to make what would unquestionably be a valuable contribution." (Paragraph 3.)

#### Answers

"The United Nations must rectify its mistakes and undergo a thorough reorganization and reform. It must admit and correct all its past mistakes. Among other things, it should cancel its resolution condemning China and the Democratic People's Republic of Korea as aggressors and adopt a resolution condemning the United States as the aggressor; the U.N. Charter must be reviewed and revised jointly by all countries, big and small; all independent states should be included in the United Nations; and all imperialist puppets should be expelled." (Statement by Peiping's Foreign Minister Chen Yi, 29 September 1965.)

"The United Nations has always been a United States tool for aggression. Today it has become also a stock exchange for political dealings between the United States and the Soviet Union.

"China may as well stay out of a United Nations like this." (*People's Daily*, 19 November 1965.)

"From their own experience, the revolutionary peoples of the world have come to understand that the United Nations, under the manipulation of U.S. imperialism, has committed every kind of evil deed and that no one should entertain any illusions about it. There is only one way out for the United Nations, and that is to thoroughly smash the U.S. control and completely reorganize the United Nations. . . .

"The Vietnam problem will be a main facet of U.S.-Soviet collaboration in the current U.N. session. In order to make use of the U.N. to push through its 'peace' plot, the U.S. has also called out all its lackeys, including U.N. Secretary-General U Thant." (*New China News Agency*, 21 September 1966.)

#### ISSUE

"In the field of international relations, it should be recalled that the Government of the People's Republic of China has always followed a policy aimed at settling by peaceful means disputes which may exist or arise between independent States." (Paragraph 4.)

#### Answers

"Political power comes out of a barrel of a gun." (*Mao Tse-tung*.)

"The seizure of power by armed forces, the settlement of the issue by war, is the central task and the highest form of revolution. This

Marxist-Leninist principle of revolution holds good universally for China and for all other countries." (*Mao Tse-tung.*)

"We are the Red Guards of Chairman Mao. We hold high the great red banner of Mao Tse-tung's thought.

"We are critics of and rebels against the old world. Imperialism, modern revisionism, and all reactionaries, without exception, are targets of our rebellion. We Red Guards are not only staging an all-out rebellion on the domestic scene, but are ready to step into the international arena to fight to the end and engage in thorough-going rebellions together with the oppressed peoples and nations of the whole world.

"U.S. imperialism and the Soviet revisionist leading group have committed monstrous, unpardonable crimes and should be punished and executed by the revolutionary people of the whole world.

"Since we are fighters, we are ready to fight a war at any time." (*"Smash the Old World and Establish the New," People's Daily, 1 September 1966.*)

"In the present excellent international situation, the Chinese people, holding high the great red banner of Mao Tse-tung's thoughts, are the mainstay of the revolution of the world's people. They are regarded by the world's revolutionary people as their most powerful supporters and most reliable friends. New China has become the center which all revolutionary people look up to. It is popularly accepted among the revolutionary people of various countries that, of all the assistance that China has given them, valuable is the invincible Mao Tse-tung's thought.

"The brilliance of the great thought of Mao Tse-tung is shining over the whole world, illuminating the road of liberation for the peoples. With each passing day, Mao Tse-tung's thought is becoming the most powerful and sharpest ideological weapon of the world's revolutionary people to combat imperialism, reaction, and modern revisionism. It greatly inspires the revolutionary struggles of the people throughout the world.

"As Mao Tse-tung's thought is being disseminated ever more widely and being grasped by the revolutionary people, the revolutionary ranks of Marxism-Leninism in the whole world continue to swell and the revolutionary movement of the peoples, and particularly that of the Asian, African, and Latin American peoples, is developing vigorously. The revolutionary people of more than 20 countries or regions in this vast area have already taken up or are taking up arms to wage a life-and-death struggle." (*"Current Status of World Revolution," New China News Agency, 29 September 1966.*)

"U.S. imperialism and the Soviet revisionist leading group have become more unashamedly outspoken in their collusion to market their 'peace talks' conspiracy on the Vietnam question, with the current U.N. General Assembly session as the center of their intrigues.

"Comrade Mao Tse-tung pointed out the impossibility of persuading the imperialists to show kindness of heart and turn from their evil ways. The only course is to organize forces and struggle against them." (*New China News Agency, 10 October 1966.*)

#### ISSUE

"It may be pointed out that China, as a signatory, has always scrupulously respected the Geneva Agreements of 1954 on Indo-China and those of 1962 on Laos." (*Paragraph 4.*)

#### Answer

"Since you have torn the 1954 Geneva agreements to shreds, the Chinese government and people have naturally ceased to be bound by the Geneva agreements in supporting the Vietnamese people's struggle against U.S. aggression and for national salvation." (*Speech by Liu Shao-chi, Peiping's*

*"Chief of State," at a Peiping rally. New China News Agency, 22 July 1966.*)

#### ISSUE

"The facts prove beyond doubt that China earnestly desires peace and peaceful coexistence with all countries, standing aloof from all threats and on a basis of equality and mutual respect . . . Our Governments . . . maintain friendly relations with China. . . . In this connexion, it should be noted that the People's Republic of China has always displayed full respect for the independence and dignity of other countries." (*Paragraphs 5 and 6.*)

#### Answers

"The C.C.P. leadership completely ignores the extreme diversity of the conditions in the countries of Asia, Africa and Latin America. It addresses all nations of these countries with the appeal for armed revolt." (*Letter of the Soviet Communist Party to other Communist parties, 23 March 1966.*)

"The Chinese Government increased massive distribution of materials of propaganda to our country, directly from China as well as through the Chinese representatives in Cuba.

"On innumerable occasions, the Chinese representatives tried to get into direct contact with the Cuban officers and in some cases tried to approach Cuban officers in apparently personal endeavors in order to achieve purposes of proselytism as well as to gather information.

"A type of massive distribution of propaganda, similar to that reported by our Minister of Armed Forces, has also been directed to many civil officials of our country, though somewhat less intensively. . . .

"Such extraordinary practice is indeed an action which no sovereign state, nor government that is respected to be one, can possibly tolerate. It is a flagrant violation of the norms of the most basic respect that must exist between countries, be they socialist or non-socialist. Our revolutionary State cannot permit such pretension to infiltrate our military and administrative organs through such acts that constitute a betrayal of our confidence, our friendship and the brotherhood with which our country receives the representatives of any socialist state. . . . We consider such action of the representatives of the Chinese Government an open violation of the sovereignty of our country and injures the prerogatives that exclusively belong to our Government within our borders. Our Government could not tolerate such activities.

"After extensive exposure of these points in energetic arguments, we expressed our protest against the mischievous campaign that, against the Cuban revolution, was also carried out in other parts of the world closely linked with the Chinese Government." (*English translation of a statement of Fidel Castro published by Granma, official organ of the Communist Party of Cuba, 6 February 1966.*)

"The plenary session points out that proletarian internationalism is the supreme principle guiding China's foreign policy. The session warmly supports the just struggle of the Asian, African and Latin American peoples. . . .

"The eleventh plenary session of the Eighth Central Committee holds that the present situation as regards the struggle of Marxist-Leninists and revolutionary people throughout the world against imperialism, reaction and modern revisionism is excellent. We are now in a new era of world revolution. All political forces are undergoing a process of great upheaval, and great reorganization, the revolutionary movement of the people in all countries, and particularly in Asia, Africa and Latin America, is surging vigorously forward." (*Communiqué adopted by the 11th plenary session of the 8th Central Committee of the Chinese Communist Party on 12 Au-*

*gust 1966, as released by New China News Agency at Peiping the next day.*)

"The extremely violent, extremely acute, and extremely complicated class struggle at home and in the international field in the past four years has further proved that Mao Tse-tung's thought is the great truth of our era and that Comrade Mao Tse-tung is the greatest proletarian revolutionist of our era. Each and every victory in our cause means a great victory for Mao Tse-tung's thought." (*Red Flag, 11th issue of 1966 Editorial: "March Triumphant on the Path of Mao Tse-tung's Thought."*)

"Revolutionary new generations in Asia, Africa, and Latin America and revolutionary new generations throughout the world, rise in rebellion! Overthrow all the imperialists, colonialists, modern revisionists, and reactionaries who have subjected you to oppression and enslavement. We are not afraid of the guns and butchers' knives of the imperialists and reactionaries, nor shall we listen to any sugar-coated words from the enemy. We want to make rebellion! Rebellion! Rebellion!" (*The People's Daily, Peiping, 1 September 1966.*)

"The blazing fires of anti-imperialist armed struggle are raging over wide areas of Africa. The brilliant thesis of Chairman Mao that 'political power grows out of the barrel of a gun' and that imperialism can be defeated through people's war is blazing the path of the oppressed African people toward victory. This year, Africa has witnessed new fires of armed struggle sparked off by the peoples. . . .

"The Latin American people have drawn experiences and lessons from their struggle against U.S. imperialism and against the counter-revolutionary conspiracies carried out by U.S. imperialism working hand in glove with Soviet modern revisionism. They have come to understand more clearly than ever before that armed struggle is the only way for real independence and liberation. The people in some Latin American countries are persisting in the armed struggles which they have started during recent years, while others are reorganizing their struggles so as to conduct them better and on a new basis. The patriotic guerrillas in Venezuela, Colombia, Peru, and Guatemala have all registered new advances since the beginning of this year."

"Through their practice in armed struggle, the Latin American revolutionaries have gradually realized that armed struggle must be carried out under the firm leadership of a Marxist-Leninist party, and that people's war must be waged with guerrilla bases set up in the rural areas, including rural areas encircling the cities. The political resolution of the Chilean Revolutionary Communist Party founded last May points out that the people's war there will be under the firm direction of the party of the proletariat and that the people's war to seize power will be a protracted one. It will be fundamentally decided in the countryside, although it has at the same time the powerful support of struggles in the urban areas. . . .

"Chairman Mao has given the call, 'People all over the world, be courageous, dare to fight, defy difficulties, and advance wave upon wave. Then the whole world will belong to the people. Monsters of all kinds shall be destroyed.' By following Chairman Mao's teachings, grasping and applying Mao Tse-tung's thought, and remaining united in struggle, the revolutionary people the world over will certainly gain the entire world.—(*New China News Agency, 29 September 1966.*)

#### ISSUE

"No important international problem can be solved without the participation of China. This fact has been confirmed—if any further confirmation is needed—by the accession of China to the rank of a nuclear Power." (*Paragraph 7.*)



## Answers

"All sorts of Chinese [Communist] delegations sent abroad are actively used for disruptive purposes." (*Letter of the Soviet Communist Party to other Communist parties, 23 March 1966.*)

"And what should one think, for example, of the statement of Chen Yi: 'With the help of the atom bomb one may destroy one or two generations of people. But the third generation will rise to offer resistance. And peace will be restored.' Such a disparaging approach to the life of millions of people, to the fate of the entire nations."—(*Letter of the Soviet Communist Party to other Communist parties, 23 March 1966.*)

"China will determinedly continue to develop nuclear weapons and will definitely not attend any world disarmament conference at the United Nations or outside." (*People's Daily, 20 June 1966.*)

"Just what is this tripartite nuclear test ban treaty? It is a criminal concoction of the two nuclear overlords—the United States and the Soviet Union—of combined exertion to consolidate their nuclear monopoly, to bind the peace-loving countries hand and foot, and to hoodwink the people of the world. . . . The Chinese Government was the first to oppose the treaty and opposes it most firmly. At no time and in no circumstances shall we subscribe to it." (*People's Daily, 20 June 1966.*)

"The United States and the Soviet Union are frenziedly trying to strike a big bargain over nuclear non-proliferation by means of which they hope to perpetuate their nuclear monopoly. The Chinese test is a fatal blow to this scheme.

"We want to answer you with the earth-shaking noise of a nuclear explosion." (*People's Daily, 3 November 1966.*)

## ISSUE

"The reality of the existence of the People's Republic of China." (*Paragraph 8.*)

## Answers

"Decision of the CCP Central Committee on the great proletarian cultural revolution, adopted 8 August 1966:

"At the 10th plenary session of the Eighth CCP Central Committee, Chairman Mao said: To overthrow a state power, it is always necessary, first of all, to create public opinion and to do ideological work. The revolutionary class does it; so does the counterrevolutionary class. Practice has borne out that this proposition of Chairman Mao's is absolutely correct.

"The bourgeoisie has been toppled, but it attempts to make use of the old ideology, old culture, old customs, and old habits of the exploiting classes to corrupt the masses and to win their hearts so as to achieve its restoration. The proletariat does just the contrary. It must take up and deal heavy blows against all the challenges of the bourgeoisie in the realm of ideology and make use of its own new ideology, new culture, new customs, and new habits to change the moral outlook of the whole society. At present our aim is to topple those who are in power. . . .

"Since the cultural revolution is a form of revolution, it will inevitably meet with resistance. This resistance mainly comes from those who wormed their way into the party and rose to power, but followed the capitalist road. It also comes from the habitual influences of the old society. At present this resistance remains strong and stubborn.

"Because this resistance is comparatively large, ups and downs in the struggle are expected. These may even occur many times. . . .

"At present there are four kinds of leadership of the cultural revolution by the party organizations at various levels:

"A—Leading members of many units can stand at the forefront of the movement and dare to organize the masses with a free hand. They stress the spirit of "daring." They are undaunted Communist fighters and good

students of Chairman Mao. They advocate the use of big-character posters and great debates and encourage the masses to lay bare all monsters and demons while encouraging the masses to criticize their own shortcomings and mistakes. This correct leadership is due to the fact that they put proletarian politics first and let Mao Tse-tung's thought take command.

"B—Leading members of a number of units have put themselves in a weak position because they do not understand well the leadership of the great struggle. They are not conscientious and reliable. They are afraid. They adhere to old ways. They are unwilling to break with established measures. They lack initiative. They cannot adjust to the mass revolutionary new order quickly, so that their leadership lags behind the situation and the masses.

"C—Some leading members who have committed mistakes of various kinds are more afraid. They fear they will be exposed by the masses.

"D—Some units are controlled by people in power who take the bourgeois road and who have wormed their way into the party. These people are extremely afraid of being exposed by the masses. Therefore, they have sought all kinds of pretexts to suppress mass movements. . . .

"This movement stresses purging the ruling elements within the party.

"Taking advantage of certain shortcomings and mistakes of the mass movement, certain people with seriously erroneous ideas, as well as certain anti-party, anti-socialist right elements, spread rumors, instigate and deliberately induce the masses into becoming "counterrevolutionaries."

"The proletarian struggle against the old ideology, old culture, old customs, and old habits established by all the exploiting classes for the past thousands of years will take a very long time. Therefore, cultural revolution teams, cultural revolution committees, and cultural revolution congresses should not be temporary organizations, but should be long-term, permanent mass organizations." (*New China News Agency, 9 August 1966.*)

"The Red Guards are the shock force of the great proletarian cultural revolution. Their revolutionary actions have roused revolutionary fervor among the masses, bringing about a vigorous mass movement on a still greater scale. Such a sweeping revolutionary mass movement has engulfed the handful of people in power who have wormed their way into the party and have taken the capitalist road in the vast sea of the revolutionary masses. Without such a large-scale mass movement, it would be impossible to destroy the social basis on which the handful of bourgeois rightists rests and carry through the great proletarian cultural revolution thoroughly and in depth. . . .

"In accordance with the directions of Chairman Mao and the party Central Committee, the young Red Guard fighters are concentrating all forces to strike at the handful of bourgeois rightists, and their main target is those in power within the party." (*People's Daily, 19 September 1966.*)

## ISSUE

"Our governments are convinced that the restoration to the People's Republic of China of its lawful rights in the United Nations and in all its subsidiary bodies, and the recognition of the representatives of the Government of the People's Republic of China as the sole legitimate representatives of China in the United Nations, is absolutely necessary in order to strengthen the authority and prestige of the Organization. This implies the immediate expulsion of the representatives of Chiang Kai-shek's clique from the seat which they illegally occupy in the United Nations and in all the bodies affiliated to it." (*Paragraphs 9 and 10.*)

## Answers

"The following passages are culled from the General Debate speeches of representatives to the XXI Session of the General Assembly:

"Australia regards the Charter of the United Nations as a treaty to which all Members have become parties. Peking has made it plain that it does not accept the terms of that treaty. If it enters the Organization at all, it will, it says, do so on its own terms. It has denounced the United Nations in its present form." (*The Rt. Hon. Paul Hasluck, Minister of External Affairs of Australia, 27 September 1966, pp. 48-50, A/PV.1418.*)

"The Powers of the East and West are making a praiseworthy effort in order to overcome it and institute a more positive policy of peaceful coexistence, the coexistence of the two regimes. Only the People's Republic of China refuses to adhere to this coexistence; it wages against all, communist, capitalist, non-aligned, an underhanded war, which is very often noisy, installing everywhere, in Africa and elsewhere, subversion on behalf of some kind of international revolution.

"That is also why our position on the question of the People's Republic of China has not changed. We hope that it will understand that its stubbornness has caused much disorder in the world and has done serious harm to the small African countries which need an atmosphere of peace and fraternity in order to catch up on their lag in development." (*H. E. M. Assouan Arsène Usher, Minister of Foreign Affairs of Ivory Coast, 27 September 1966, pp. 7 and 8-10, A/PV.1418.*)

"The well-drilled chorus of martial singers seem to be bent upon pursuing to the end their war path and have repeatedly spurned various suggestions to divert from the escalating trend of war into a more peaceful approach. In appearance at least, they seem to be fortifying themselves with the belief that by rejecting every peaceful suggestion they are more likely to attain their war objectives. That is why, even though the call for peace and reason may have come from fellow Asians, they contemptuously brushed aside the genuine yearnings for peace of Asian nations and have retorted with their arrogant intransigence, which is in no way tempered by the accompanying abuse of the lowest sort. Such a display of uncultured and un-Asian behaviour conceals not an inherent strength but rather fundamental weakness which has come to the surface and, covered with a misnomer, is euphemistically called the 'Great Proletarian Cultural Revolution.'" (*H. E. Thanat Khoman, Minister of Foreign Affairs of Thailand, 27 September 1966, pp. 18 and 22, A/PV. 1418.*)

"We cannot today think of any possibility of the admission of a State that not only has shown that it is not peace-loving—a condition required by Article 4 of the Charter—but that has denied, and that publicly denies, the very purposes and principles of the Organization. So long as continental China shows no desire to fulfil, loyally and in good faith, the international duties required of it by the Charter, its admission is ruled out, whatever the juridical formula under which the problems may appear in our agenda.

"To clarify the situation, it is, moreover, relevant to point out that the Government of Peking has submitted to the United Nations for its consideration no expression of any desire for admission, and that in keeping with the applicable juridical principles it is questionable whether the United Nations has the competence, on its own initiative, to decide the situation with regard to the legitimate representation of China in the Organization." (*H. E. Dr. Vidal Zaglio, Minister for Foreign Affairs at Uruguay, 28 September 1966, p. 26, A/PV, 1421.*)

"In the case of the problem of China, the Government of Rwanda supports the principle of a single nation, of a single people,

and of a single China. Some wonder which is the Government competent to represent the great Chinese people. I shall recall first of all that the question of the representation of China in the United Nations has been raised and considered in all its aspects during the last few years by this Assembly, which has always taken a decision that the question is an important question, and that if it is to be examined it is necessary to adhere to the principle of the majority of two thirds of the Members present and voting, in accordance with the terms of Article 18 of the Charter. The Government of Rwanda will support that position and my delegation will categorically oppose any manoeuvre seeking to change it.

"Also, my Government maintains friendly relations with the Government of the Republic of China, which for a long time has provided its population with harmonious development and stability. In spite of all kinds of difficulties, that country nevertheless manages to take part in development of projects in a certain number of developing countries. The Government of Rwanda regrets however, for its part too, that a part of the great Chinese people is unable to contribute to peace and to international security, which are the principal goals of our Organization.

"We have stressed on numerous occasions from this high rostrum that the *leitmotiv* of our foreign policy is international peace and co-operation. Since our independence, our Government and people have opted in favour of a policy of peaceful co-existence with all countries, even if they do not share our political opinions. That is why we would wish it to be noted that the fact that People's China represent one quarter of the population of the world does not give it the right to preach any alleged revolution in developing countries, or to support subversion in our countries by military training and arming of rebels." (*H.E.M. Thaddée Bagaragaza, Minister of International Cooperation and Plan of Rwanda, 4 October 1966, pp. 12 and 13, A/PV. 1428.*)

"During his triumphant foreign tour in July of last year, Colonel Bokassa, President of the Central African Republic, addressing himself to the Press, stated:

"On 1 January 1966 we had at the head of the country a corrupt and dispirited administration and a régime which was no longer more than a caricature of democracy. The State was represented only by a disillusioned President. Moreover, the establishment of an embassy of the People's Republic of China was a factor of subversion which made possible the setting up of certain leaders and the formation of a people's army. It was in these circumstances that the army took power. . . ."

"We in the Central African Republic agree with the idea of preserving the universal character of the United Nations. But, in our humble opinion, a country should not enter the Organization until it has furnished proof of its will to respect the sacred principle of peaceful coexistence and, above all, of non-intervention in the internal affairs of other States. The People's Republic of China does not seem to fulfill these fundamental conditions. That is why the Central African Republic opposes its admission to the United Nations. My country bases its opposition on its own experience and on facts which only serve to discredit this giant China, which is so ambitious for hegemony and world subversion." (*H.E.M. Antoine Guimali, Minister for Foreign Affairs of the Central African Republic, 13 October 1966, pp. 62-65 and 81, A/PV. 1441.*)

"During 1964 and 1965, a rebellion—with which all the world is familiar—had particularly tragic repercussions on our country; it cost thousands of Congolese lives and reduced to rubble a part of our infrastructure. These events have established an unequivocal and direct intervention on the part of the People's Republic of China. Now, one of the sacred principles of international relations is

that of non-intervention in the internal affairs of other States. The Democratic Republic of the Congo has the legitimate right to live in tranquillity, free from foreign intervention. Hence, if the People's Republic of China does not respect this right, it is not possible—however much we may dislike this—to respond favourably this year to the right, if there is a right, of this country to be admitted to membership of the United Nations. (*H.E.M. Justin Bomboko, Minister for Foreign Affairs of the Democratic Republic of Congo, 17 October 1966, p. 46, A/PV. 1445.*)

#### TRIBUTE TO FORMER REPRESENTATIVE JOSEPH W. MARTIN, JR., OF MASSACHUSETTS

Mr. BUSH. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. GERALD R. FORD] may extend his remarks at this point in the Record and include extraneous matter.

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

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, today we mark the 83d birthday of one of the finest men ever to serve in the U.S. House of Representatives—the Honorable Joseph W. Martin, Jr., of Massachusetts.

The title of "honorable" fits well in front of Joe Martin's name because it really belongs there. As all House Members who ever served with Joe Martin know, he is a man of the highest integrity, a man ever deserving of confidence and trust.

I feel especially close to Joe Martin, not only because I served with him in this House from 1949 through 1966 but because I now occupy the office of Republican leader which he held in the 76th through 85th Congresses, except for the 80th and 83d when he served as Speaker.

Today I was reminded how the suite of rooms I and my staff occupy in the Capitol came to be those of the minority leader.

The suite which now is that of the minority leader formerly was the Speaker's office, by tradition. When the Republican Party won control of the House in the congressional elections of 1946, the late Sam Rayburn had to move out of the Speaker's office and turn it over to Joe Martin. After the next election, Joe Martin moved out and Sam Rayburn moved back in. When the Republicans recaptured control of the House in the 1952 elections, Rayburn again had to give up his office to Joe Martin. With a resumption of Democratic control after the 1954 elections, Rayburn threw up his hands at the thought of all the shuffling around and said, "Joe, you can have that suite of offices. I'm not going to move again."

I would only add that if fortune and the voters smile on the Republican Party in 1968, I will be very happy to move out of the minority leaders' suite, comfortable as it is, and to wish the Democratic leader a long stay there.

Joe Martin once said that the position of minority leader of the House of Representatives is "the most thankless job in Washington." On that I have no comment, except that I am hoping to turn that job over to a Democratic successor after the next election.

Joe Martin served in the House for 42 years. He served his country and his party with honor and distinction. In 1938 he was elected chairman of the National Republican Congressional Committee and in 1939 he was named Republican leader of the House.

In 1940 Joe Martin was viewed as a dark horse candidate for the Republican presidential nomination. He was so highly regarded that the great Kansas editor, William Allen White, said of him:

He will make . . . if the dice roll right. . . . a liberty-loving President.

Wendell Willkie won the 1940 Republican presidential nomination and immediately asked Joe Martin to serve as chairman of the Republican National Committee. Exhibiting the devotion to party which marked his entire life in politics, Joe Martin agreed.

By the time he was elected Speaker in 1947, Joe Martin had become a symbol of the Republican Party, and the famous cowlick that hung down on his forehead had become his trademark.

The story goes that his personal secretary helped Joe spruce up for an appearance as Speaker at a joint session of the Congress. She straightened his tie, brushed his suit coat and insisted that he comb back his hair. As soon as he left the office, Joe was seen to pause in the corridor and flick his cowlick back down. To a friend, he said, grinning, "Nobody would know me otherwise."

This was the warm, human Joe Martin that I came to know when I first took my seat in the House. He was a kind, gentle man and a master of diplomacy in his role as a legislative leader. It was perhaps Joe Martin's greatest strength as a leader in the House that he could bring party factions together and weld them into a unified force.

It seems a bit fantastic to us young fellows but Joe Martin got his start in politics when he marched in a torchlight parade for William McKinley in 1896. At the time, a family friend told Joe's father, "Don't let your son go into politics. He's too good a boy!"

Joe never took that advice, despite being blessed with a lot of commonsense. First he won election to the Massachusetts House of Representatives at the tender age of 27, then to the Massachusetts State Senate—and in 1924, to the Congress of the United States.

Today, Joe holds a record unsurpassed in either major political party. He was five times the permanent chairman of a presidential nominating convention.

But Joe Martin is more than a great Republican. He served this country with great skill and was instrumental in implementing some of the great decisions of our times.

For instance, during World War II General Marshall came to Joe and asked him to get approval for a congressional appropriation of \$1.6 billion to build this Nation's first atomic bomb. Joe had to get these funds from Congress largely on faith—because the greatest secrecy had to be maintained. Thus it was that Joe Martin helped initiate the program which shortened World War II and saved thousands of American lives.

Joe Martin has received many honors



during his lifetime, among them six honorary degrees. Today he enjoys still another honor that of knowing that he has the love and respect of all Americans as we join in wishing him a happy birthday and expressing the gratitude we all feel toward a great public servant.

#### TELEGRAM ON PROPOSED TAX INCREASE

Mr. BUSH. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WIDNALL] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. WIDNALL. Mr. Speaker, today I received a telegram, which, in a nutshell, sums up the views of constituents living in my district as to the proposed tax increase. I am sure all in the House will be interested. The telegram follows:

Our leader says that we should let you know—  
We want your vote to guarantee our income tax will grow—  
Well, I must say such tactics bring from me a worried frown.  
The only way I want to see my taxes go is down.

EVELYN HALLER.

#### ACCEPTED ETIQUETTE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. ROONEY] is recognized for 5 minutes.

Mr. ROONEY of New York. Mr. Speaker, in the CONGRESSIONAL RECORD of Wednesday, November 1, 1967, there appears on page 30779 certain remarks by one of the distinguished gentlemen from the State of New Jersey. In these remarks, reference was made to "accepted etiquette."

One of the fundamental principles of accepted etiquette insofar as the House of Representatives is concerned, as most Members of this body who have been here for over 30 days are fully aware, is that if you plan to take exception with a fellow Member on the floor, you afford that Member the courtesy of placing him on notice by advising him of the time such remarks are to be made in the House.

The gentleman who referred to accepted etiquette did not even follow this basic elementary courtesy. I assure you that I have done so.

I would also like to assure the gentleman from New Jersey that if his purpose is to hunt for an "out" or an alibi or an excuse as to certain of his votes, I do not propose to be of much aid. Neither innuendo nor flattery will influence me to join any so-called hunt club or expedition.

The distinguished gentleman from New Jersey [Mr. HUNT] referred to his support of responsible efforts that would strengthen the merchant marine industry.

If giving lip service to an appropriation for the merchant marine on the one hand and then voting to deny them the right to expend part of that on the other

hand is responsible, then the gentleman qualifies.

As another New Yorker used to say, "Let us look at the record."

When the Departments of State, Justice, Commerce, the judiciary, and related agencies appropriation bill was before the House on May 31 last, the gentleman from New Jersey on rollcall No. 111 voted for the motion to recommit that bill with instructions to drastically cut expenditures.

What does the Department of Commerce and the Maritime Administration have to say as to the effect on the Maritime Administration if such a limitation were to be enacted into law?

Here is their statement as submitted to the other body as it appears on page 798 of the other body's printed hearings on the State, Justice, Commerce, and judiciary appropriations bill:

A 5% reduction in the budget expenditures for Maritime Administration would be \$15.3 million. Additional reductions would be necessary to offset continued operation of the Savannah. Also, the most recent estimate of expenditures in fiscal year 1968 for ship construction subsidies indicate an increase of \$37.0 million over the estimates shown in the budget. On the basis of these three factors, Section 704 would restrict Maritime Administration expenditures by approximately \$54.3 million. Such a restriction would force a slow down in the ship construction program and would require holding up payments to ship operators for operating-differential subsidies committed under prior contract authority. There is a high probability that this would result in forcing us to adopt uneconomic contracting procedures for ship construction, as well as delaying the modernization of the merchant marine.

Does that sound like responsible support of the maritime and shipbuilding industries? I, for one, do not think so.

Mr. Speaker, unless the distinguished gentleman from New Jersey would like me to yield to him, I yield back the remainder of my time.

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

Mr. ROONEY of New York. I gladly yield.

Mr. HUNT. I take this opportunity to compliment the gentleman for embellishing my record.

Mr. ROONEY of New York. What was that word, sir, I may ask?

Mr. HUNT. The word, sir, was "embellishing."

Mr. ROONEY of New York. "Embellishing"?

Mr. HUNT. That is right.

Mr. ROONEY of New York. I do not believe that would be a correct word in this situation.

Mr. HUNT. I believe you yielded. If you do not mind, only one should speak at a time.

Mr. ROONEY of New York. I yielded for a question, not a speech. The gentleman can get all the time he wants when I sit down.

Mr. HUNT. I merely want to compliment you, as I did.

I believe you and I met back in World War II when you were a Member of this House, when you visited me when I was serving with the Armed Forces in Italy. Then today you attack me on the floor after I had voted on a bill. You did not

at any time tell me you were going to do it.

Mr. ROONEY of New York. I did not attack the gentleman at all. I merely pointed out the inconsistency of his voting.

Mr. HUNT. I merely ask you—

Mr. ROONEY of New York. Just a minute, please. I merely pointed out how inconsistent he was; on the one hand voting to drastically cut appropriations for the merchant marine, and on the other hand announcing that his heart bled for the merchant marine. But the gentleman was only one of a number of Republicans, including the minority leader, the gentleman from Michigan [Mr. GERALD D. FORD], whom I included in the same list.

Mr. HUNT. That is a matter of opinion, and my opinion is as good as yours any time.

#### PROPOSED SOLICITATION OF ELECTION FUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. FOLEY] is recognized for 10 minutes.

Mr. FOLEY. Mr. Speaker, yesterday morning the Des Moines Register, the Washington Post, the New York Times, and other newspapers carried a story that previous to the consideration of the Meat Inspection Act, amendments, debated and passed by the House on Tuesday, a producer organization, the Western Independent Meat Packers Association, was involved through its president, Mr. Liljenquist, in the solicitation of funds under the most questionable circumstances for "the election and reelection of Members of the House of Representatives and the Senate of the United States."

As a result of these public disclosures there has also come to public notice the praiseworthy action taken by the distinguished and able chairman of the Committee on Agriculture, the gentleman from Texas [Mr. POAGE], and the distinguished and able chairman of the Subcommittee on Livestock and Grains, the gentleman from Texas [Mr. PURCELL], in ending abruptly this improper and obvious attempt to influence the course of national legislation.

I think the House should note the promptness and clarity and diligence with which the chairman of the Committee on Agriculture, the gentleman from Texas [Mr. POAGE], and the chairman of the Subcommittee on Livestock and Grains, the gentleman from Texas [Mr. PURCELL], took action to see that this shoddy effort ended immediately. The gentlemen from Texas [Mr. POAGE and Mr. PURCELL], on one hand, and the gentleman from Iowa [Mr. SMITH], and I on the other, differ on the bill, but we do not differ in our reaction against any attempt to either induce or intimidate Members of Congress. I would like to say, the episode, however, establishes again publicly and conclusively the reputation for responsibility and integrity which those two distinguished members of the Texas delegation and the Committee on Agriculture so justly bear.

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

Mr. FOLEY. I yield to the gentleman from Texas.

Mr. PURCELL. Mr. Speaker, I want to take this opportunity to express my personal appreciation to the gentleman for the comments he has made and verify the facts that he has related. I would like to add the fact that not only did our distinguished chairman of the committee, the gentleman from Texas [Mr. POAGE], take what we all, I think, considered to be very appropriate action when he was made aware of an unfortunate occurrence as far as the activities of Mr. Liljenquist were concerned; but I want to point out that at the same time the gentleman from Texas, [Mr. POAGE] took this action he was cooperating, and in coordination with the ranking minority member on the Committee on Agriculture, Mr. PAGE BELCHER, of Oklahoma, and the ranking minority member of the Livestock and Grains Subcommittee, the distinguished gentlewoman from Washington [Mrs. MAY], who both exercised the highest standards of conduct in this matter.

In my judgment, as well as that of the gentleman from Washington [Mr. FOLEY], the chairman took absolutely appropriate and decisive action which prevented any possibility of embarrassment or misunderstanding on the part of any Member of Congress. I would like to add my appreciation for the cooperativeness and gentlemanly behavior by the gentleman from Iowa [Mr. SMITH] and the gentleman from Washington [Mr. FOLEY]. Both of these gentlemen opposed my stand on H.R. 12144, but certainly conducted themselves in the highest order of congressional behavior; their actions in this matter can only serve to further the reputation of this House.

I feel it is important for the American public, as well as all of those who have been mentioned in the press reports, that the complete record of this whole situation be made public. This should prevent any misconceptions or misunderstandings about what took place between September 28, when this began, and October 11, when it was finally concluded.

First, Mr. Speaker, I would like to place in the RECORD a statement from our distinguished colleague, the Honorable W. R. POAGE, chairman of the House Committee on Agriculture, describing in chronological order the events connected with this matter:

NOVEMBER 2, 1967.

The solicitation of funds by Mr. L. Blaine Liljenquist first came to my attention late in the afternoon of October 5, 1967, when I was furnished with copy of a letter dated September 28, 1967, signed by Mr. Liljenquist as Treasurer, Congressional Campaign Fund. A copy of that letter is attached hereto and is marked #1.

I immediately conferred with Honorable Graham Purcell, Chairman of the Livestock and Grain Subcommittee, and with Representative Catherine May, ranking Minority member of that Subcommittee. We agreed that I should write not only to Mr. Liljenquist but to the heads of each of the three meat packing associations, advising them that until the proposed solicitation campaign had been rescinded and all monies which had been collected thereunder had been returned,

that we would not proceed with further consideration of the meat bill. Copies of my letter to Mr. Liljenquist, marked #2, and my letter to Mr. Abe Guss, Chairman of the Western States Meat Packers Association, marked #3, are attached hereto.

A letter identical to the one sent to Mr. Guss was sent to Mr. Gray, Chairman of the Board of the American Meat Institute, and to Mr. James A. Beaver, Jr., President of the National Independent Meat Packers Association. Copies of these letters are not attached but they are identical to the letter sent to Mr. Guss.

Identical letters were also sent to Mr. Herrell Degraff, President of the American Meat Institute; Aled P. Davies, Vice President of the American Meat Institute; to Wade Parker, Douglas N. Allan and Paul Blackman, all three of whom are Directors of the Western States Meat Packers Association.

The same letter was sent to Mr. John Killick, Executive Secretary of the National Independent Meat Packers Association.

All of these letters were mailed on October 6, 1967. On the same day I visited with Hon. W. M. Colmer, Chairman of the House Committee on Rules, and discussed the situation with him, and advised that even though we had requested a rule on the meat inspection bill, H.R. 12144, that I would appreciate it if he would withhold any action until we knew Mr. Liljenquist had withdrawn his solicitation. I confirmed that conversation by letter dated the same day. Copy of that letter is enclosed, marked #4.

On October 9th I received wires from Mr. James A. Beaver, Jr. and Mr. R. F. Gray, both repudiating the position taken by Mr. Liljenquist and disclaiming any connection therewith.

The next day I received letters from Mr. Herrell DeGraff, Mr. Aled P. Davies and Mr. James A. Beaver, Jr., likewise disassociating themselves from any connection with the solicitation.

On October 14th I received a letter from Mr. Abe Guss, stating that "steps are being taken by Mr. Liljenquist to terminate the solicitation . . . Also in accordance with your suggestions Mr. Liljenquist has advised me that any funds currently collected will be immediately returned to the donors."

On October 17th I received a similar letter from Mr. Paul Blackman.

On October 12th I received a letter from Mr. L. Blaine Liljenquist, signed as President and General Manager of the Western States Meat Packers Association, copy of which letter is marked #5 and is attached hereto.

Only after receiving Mr. Liljenquist's categorical commitment to abandon his fundraising campaign and to return the monies secured this year did I request Mr. Colmer to proceed with the granting of a rule. This was done and I heard nothing further of this solicitation campaign until I was called out of bed last night by a newspaper reporter advising that he was writing an article on this matter.

L. BLAINE LILJENQUIST,  
Washington, D.C., September 28, 1967.

This letter is to invite you to mail me one of your personal checks in an amount ranging from \$25 up to a maximum of \$99, made out to the order of L. B. Liljenquist, Trustee, Congressional Campaign Fund.

You will have an opportunity to make a similar contribution each year. The funds collected will be used to help elect or reelect members of the House of Representatives and the Senate, of both political parties, who are conscientiously working to accomplish the following goals:

1) To preserve our free enterprise system, which has enabled the United States, with 6% of the world's people and 7% of the world's land, to produce 50% of the world's wealth;

2) To maintain a balanced budget and to

produce the burden of federal taxes as rapidly as possible;

3) To encourage a political climate where-in business enterprises will continue to grow and prosper.

As Trustee for the "Congressional Campaign Fund," I will distribute the amounts collected to the campaign funds of U. S. Senators and Representatives who support the objectives listed above. The disbursements will range from \$50 to \$300 each. I will report annually to a three-man committee consisting of:

Douglas N. Allan, James Allan & Sons, 1599 Evans Avenue, San Francisco 24, California.

Paul Blackman, Acme Meat Company, Inc., 4366 So. Alcoa Avenue, Los Angeles, 58, California.

Wade Parker, Pacific Meat Company, Inc., Box 5636 Kenton Station, Portland 17, Oregon.

Will you participate in this worthy program? Remember, your contribution must be personal, and it is not deductible for federal income tax purposes.

If your company is incorporated, you can make personal contributions to a political campaign fund even though the company in which you are an officer and stockholder has contracts with one or more agencies of the Federal Government. If your company is unincorporated, you should contribute to the fund only if your firm is neither negotiating nor performing a contract with any agency of the federal government at the time of your contribution.

Yours for better government.

Best regards,

L. BLAINE LILJENQUIST,  
Trustee, Congressional Campaign Fund.

Mr. L. BLAINE LILJENQUIST,  
Washington, D.C.

DEAR BLAINE: Attached is my check made payable to L. B. Liljenquist, Trustee, Congressional Campaign Fund. I have checked the following applicable paragraph:

My company is incorporated. I am making this contribution personally, with the understanding that it is not deductible for federal income tax purposes. □

My company is a partnership or sole proprietorship, but it is not negotiating for or performing any contracts with any agency of the Federal Government at this time. I am making this contribution personally, with the understanding that it is not deductible for federal income tax purposes. □

Sincerely yours,

(Name)

(Date)

My mailing address is:

OCTOBER 6, 1967.

Mr. L. BLAINE LILJENQUIST,  
President and General Manager, Western States Meat Packers Association, Inc., Washington, D.C.

DEAR MR. LILJENQUIST: Enclosed is a copy of a letter that I have just written to Mr. Guss, Chairman of the Board of the Western State Meat Packers Association. This is not done with any intention of embarrassing you but for the purpose of protecting a great number of innocent by-standers who, it seems to me, are in serious danger of being irreparably injured by the solicitations which you have initiated. The letter is self-explanatory.



I think that when you have considered it you will recognize how this action could be misinterpreted in the hands of any self-appointed critic. It is not my purpose to try to suggest how you should run your association or what political connections you should make but when it comes to the operations of the Agriculture Committee, we feel that we would like to be like Caesar's wife and we know of no way in which needed and desirable legislation can be passed as long as its passage would give those who wanted to discredit the Committee the opportunity to allege that funds were being collected to buy votes of the Committee at the very time a highly controversial bill is before us. This bill, of course, affects your interest and the interest of every meat packer in the United States.

You will, of course, note that I have suggested to the officials of each of the major packer associations that this solicitation necessarily involves the reputation of all packers. Since you are the only one who can correct the erroneous impression, I would hope that you would do so without any delay and it would be most helpful in expediting the passage of legislation if you would furnish us with a copy of your correspondence with your members.

With all good wishes, I am,  
Sincerely yours,

W. R. POAGE,  
Chairman.

COMMITTEE ON AGRICULTURE,  
Washington, D.C., October 6, 1967.

Mr. ABE GUSS,  
Chairman of the Board, Western State Meat  
Packers Association, Granite Meat Co.,  
Murray, Utah.

DEAR MR. GUSS: Enclosed herewith is a copy of a letter signed by Mr. L. Blaine Liljenquist. The letter is self-explanatory.

To say that I was shocked by the contents of this letter at this time is indeed an understatement. Without raising any question of the propriety of any association to engage in legitimate political activities, I must point out that the wide circulation of such a letter, no matter how well meant, obviously endangers the standing of the whole meat packing industry. Furthermore, I am sure you can see that no matter how innocent this solicitation may have been intended, it is absolutely impossible to disassociate it from the pending meat inspection legislation. It could prove to be deeply embarrassing to all Member of Congress who are trying to deal honestly and objectively with the problems of the meat industry in the United States.

Following the receipt of this letter I conferred privately with the Chairman of the Livestock and Feed Grain Subcommittee, Honorable Graham Purcell, and the Ranking Minority Member, Honorable Catherine C. May. It is our opinion that this project should be abandoned immediately. I am today asking Mr. Liljenquist if he will not cooperate by writing to all who received his letter rescinding his proposal and refunding any monies heretofore received. I can only hope that this project has not gone so far as to bring possible discussion of the subject to your embarrassment and to the embarrassment of Members of Congress. Frankly, I am going to insist that our Committee take no action on legislation affecting the packing industry so long as this solicitation remains outstanding.

A similar letter is going to the officials of each of the three meat packers associations as I think that all of you are directly involved. I would, of course, have been happy had the circumstances permitted a general meeting of the representatives of the industry but since that is impractical I am communicating directly with Mr. L. Blaine Liljenquist of the Western State Meat Packers Association, Mr. Aled Davies of the

American Meat Institute, and Mr. John A. Killick of the National Independent Meat Packers Association, all of whom are in Washington, in the hope that we can remove all of the possible points of criticism of either the Congress or the industry. I feel, however, that I should have a letter direct from you, as a responsible official of your organization, categorically repudiating any fund raising campaign such as is envisioned in Mr. Liljenquist's letter.

May I hear from you at your earliest convenience. Thanking you, I am,  
Sincerely yours,

W. R. POAGE,  
Chairman.

P.S.—I have just communicated by telephone with the ranking Minority Member of the Committee, the Honorable Page Belcher, and he authorizes me to advise you that he has read this letter and concurs in its contents.

W. R. P.

OCTOBER 6, 1967.

HON. WILLIAM M. COLMER,  
Chairman, House Committee on Rules,  
Washington, D.C.

DEAR BILL: For the reasons discussed in our conversation this morning, I would appreciate it if you would hold H.R. 12144, the Meat Inspection Act, without action in the Rules Committee until we have had an opportunity to know that the threat of public misunderstanding, occasioned by the solicitations we discussed, has been removed.

Thanking you, I am  
Sincerely yours,

W. R. POAGE,  
Chairman.

WESTERN STATES  
MEAT PACKERS ASSOCIATION, INC.,  
October 11, 1967.

HON. W. R. POAGE,  
U.S. House of Representatives,  
Washington, D.C.

DEAR MR. POAGE: As you know, labor unions and businessmen have solicited funds for expressing their interest in the election of members of Congress.

While the labor unions have been the most active in this activity, it is just as important that businessmen become equally concerned about the way our country is governed.

You will note from the attached copy of the letter I have been using in soliciting funds that we are dedicated to the election of House and Senate members who conscientiously work to accomplish the following goals:

1. To preserve our free enterprise system.
2. To maintain a balanced budget and to reduce the burden of federal taxes as rapidly as possible.
3. To encourage a political climate where-in business enterprise will continue to grow and prosper.

These objectives are sound and important to all Americans. We feel it is important that every segment of our society become and remain active in the Government of our country.

The Congressional Campaign Fund, of which I serve as Trustee, came into existence in 1964. The funds have been used to help elect a few members of the House and Senate who are striving to balance the budget, stop inflation and serve the best interests of our nation.

I have received and studied your letter of October 6 addressed to me and your letter of the same date addressed to the Chairman of the Board of the Western States Meat Packers Association, Mr. Abe Guss.

Because of my respect for you and other members of the House Agriculture Committee, and after discussing the questions raised by you with others in the meat industry who might be adversely affected by any misinterpretation of our objectives, we have

decided to stop the solicitation of funds for this project. In addition, because of the pending legislation on meat inspection, the funds collected thus far this year will be returned to the donors.

By this action, we are showing that although our purpose in collecting the fund is proper, due to the circumstances now existing we are going the extra mile to remove any possibility of any misinterpretation of our intentions by any persons who might attempt to discredit either the meat industry or the House Agriculture Committee by making erroneous charges.

In June of this year after conferring with members of the Campaign Fund Committee, it was decided to renew our solicitation in preparation for the 1968 elections. There was not any thought of relating the fund in any way to the meat inspection legislation, and no effort has ever been made, or would ever be made, to influence a vote on any measure before the Congress. We were raising funds at this time only because our 1964 fund was depleted.

The Congressional Campaign Fund is not an Association program. As Trustee, I administer the project and all expenses must be paid by the fund.

At no time has any sizeable amount of funds been collected or distributed under this plan. In 1964 about \$1800 was collected from individuals contributing small amounts. This year the sum collected to date totals less than \$500.

Because your letter calls attention to possible misinterpretation of our purpose, we are terminating the project in accordance with your suggestion.

Sincerely yours,

L. BLAINE LILJENQUIST,  
President and General Manager.

Mr. Speaker, I regret that this unfortunate incident took place. I was made aware of it as Chairman POAGE indicated in his memorandum on the evening of October 5. I wholeheartedly concurred with the suggestion by our distinguished chairman that he should express our concern and request that this fundraising effort be terminated.

I must commend the course of action which was taken in this matter by my colleagues to insure the complete integrity of the committee's consideration and action on this important legislation. It is also my purpose to make sure that the complete record on this matter is available to any who wish to see it.

#### MARKET-MINDED PRIEST

Mr. PURCELL. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. ROSENTHAL] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ROSENTHAL. Mr. Speaker, many of us who advocate the formation of a Department of Consumer Affairs do so out of the very pragmatic belief that only such a formal organization can truly protect American consumers. The issue of consumer protection has moral overtones, however, and these tend to get overlooked as we concentrate our efforts on specific pieces of consumer legislation. I am most grateful that the moral case for consumer protection continues to be made, and I am particularly pleased to note the articulate and persuasive stance

taken by the Reverend Robert Joseph McEwen, S.J.

Father McEwen currently serves on the President's Consumer Advisory Council, and lectures on business social responsibility among other topics as head at the economics department at Boston College. His notable effort to consolidate our scattered consumer protection agencies is highlighted in this morning's New York Times.

I include this provocative article in the RECORD:

**MARKET-MINDED PRIEST: ROBERT JOSEPH MCEWEN**

WASHINGTON, November 2.—St. Thomas Aquinas posed an ethical question to a 13th-century audience on whether it was morally right knowingly to sell someone a horse with a hidden defect.

Seven centuries later, the Rev. Robert Joseph McEwen cites St. Thomas's moral interest in economics as a historical precedent for his deep involvement in the secular business of consumer protection.

"There's a long historical line of writing centering on what is a just price," Father McEwen explains.

"I am writing in the context of moral right and wrong for buyers and sellers. My work has been in dealing with the context of what's fair for buyers and sellers to do to each other."

Father McEwen, whose many appearances before Congressional investigating committees have made him a familiar figure in Washington, was here to attend Consumer Assembly '67, a two-day gathering of national, state and local consumer organizations. He put forward proposals for consolidating numerous consumer protection agencies under the leadership of a Central Consumer Federation of America.

**ACTIVE IN CONSUMER AFFAIRS**

The soft-spoken Jesuit describes his activity in consumer affairs as a "concrete example of the church's attempt to make its doctrine relevant to the problems of the world today."

One colleague, who welcomes Father McEwen's participation in traditionally secular politics as "action, not just words from the pulpit," aptly rejects any suggestion that a priest in politician's clothing might cause some professional resentment.

"General Motors makes cars; Father McEwen and I have people as our product," said Evelyn Dubrow, legislative representative of the International Ladies Garment Workers Union.

Father McEwen notes that it has taken some time to gain this acceptance.

"About 10 or 12 years ago," he said, "there was a great deal of opposition to the clergy's involvement in secular affairs coming from Catholics, non-Catholics, clergy and the general public."

"I used to run constantly into politicians who would say: 'The priest has no business telling us anything about this field.'"

**RECALLS DEPRESSION**

Father McEwen, whose eyeglasses, sparse black hair and perpetual shadow of a beard suit his scholarly demeanor, traces his interest in both the priesthood and economics back to the depression.

He was born in Dorchester, Mass., in 1916. He recalls reading of the Wall Street crash while in high school.

"The depression made an indelible impression on me. All through high school I questioned my father on the gold standard and other economic matters. I wondered why he couldn't answer me.

"When I had decided to enter the priesthood, during my sophomore year at Boston College, I felt I should take my teaching con-

centration [at the Jesuit Theological College located in Weston, Mass.] in economics."

Father McEwen has since received a master's degree in economics from Fordham University and a Ph. D. in economics from Boston College, where he is now head of the economics department.

His interest in consumer problems began in 1957, when he became involved with researching fair trade laws in conjunction with his doctoral thesis.

He now includes several courses on business social responsibility in his teaching curriculum at Boston College and serves on the President's Consumer Advisory Council.

**NATIONAL UNICEF DAY**

Mr. PURCELL. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. RODINO] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. RODINO. Mr. Speaker, for some years October 31 has been a special holiday to many of us, for on our traditional Halloween night we have also honored the United Nations Children's Fund. On this evening, children throughout the country have made this more than an occasion for merriment and reward for "tricks" foregone. They have converted it into a constructive effort to seek contributions to UNICEF, and thus they dedicate an evening from their busy, affluent American lives to the less fortunate children of the world who suffer from poverty, hunger, and disease. As a sponsor of legislation to designate October 31 as National UNICEF Day, I was most gratified that President Johnson issued a proclamation to this effect for this year and for each subsequent October 31. Mr. Speaker, one of the outstanding organizations which support UNICEF is the Nutley Jaycees, of Nutley, N.J., and I insert a fine letter written by this organization's president, Mr. Walter A. Smith, to be printed in the RECORD. It was addressed to the editor of the Nutley Sun and appeared in the November 2, 1967, issue:

**CHILDREN SHOULD BE ENCOURAGED TO SUPPORT UNICEF ACTIVITIES**

To the Editor,  
*The Nutley Sun:*

How old must one be to share in the honors of the Nobel Peace Prize? Just old enough and tall enough, it would seem, to be able to reach for a doorbell and ring it on Halloween.

Provided, of course, it is under the auspices of the United Nations Children's Fund, which was granted the lofty award just two years ago for saving children's lives ever since its foundation, on December 11, 1946.

Millions of American boys and girls, here in Nutley and in over 13,000 other communities from coast to coast, are getting ready to celebrate UNICEF's twenty first anniversary by showing greater enthusiasm than ever before in collecting Halloween "treats" of pennies, nickels and dimes. In months to come, these will be transformed into vital supplies, equipment, medicines and vaccines for more than 100 underdeveloped countries around the world.

Locally sponsored by the Nutley Committee for United Nations Week, the Trick or Treat for UNICEF program has features to please people of all minds.

In the words of President Johnson, "In

keeping with our traditional spirit of goodwill and generosity, each American can help UNICEF to continue its vital work by participating in the Trick or Treat program at Halloween."

For the youngsters themselves it is a fine opportunity to combine their traditional fun with a constructive, rewarding activity all their own—the world's greatest effort by children to help children."

Educators appreciate the program's period most of all, when their students are stimulated into showing greatest interest for, and better understanding of, other children's living conditions overseas.

Police, firemen and other civic authorities appreciate the fact that wherever a well organized UNICEF program prevails, they can worry less about vandalism and senseless pranks.

Last but not least, for ministers, priests and rabbis, the motto "Share rather than Scare" takes Halloween away from some of its least desirable connotations. When young people devote their energy and leisure time to helping others, it can well be said that they are taking part in a constructive beneficial endeavor.

Some idea of what our boys and girls will accomplish, with our community's generous cooperation, may be found in the fact that every day UNICEF'S jeeps, trucks and other vehicles travel roughly the distance of 30 times around the world, or four times the distance from the earth to the moon. Placed end on end, the midwife kits shipped by UNICEF would form a pile four times as high as Mount Everest. If they held hands at the Equator, the children and mothers helped by UNICEF each year would circle the world. The dried milk shipped by UNICEF would fill the U.N. Building more than 25 times.

The Nutley Committee for United Nations Week, the organizers of the local Trick or Treat for UNICEF program, most certainly deserve their selfless and efficient efforts should meet with unqualified success.

WALTER A. SMITH,  
*President, Nutley Jaycees.*

**THE FAA IS RUNNING OUT OF TIME**

Mr. PURCELL. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OTTINGER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. OTTINGER. Mr. Speaker, I have repeatedly pointed out to my colleagues, to the Department of Transportation and the Federal Aviation Administration, and to the aviation industry the urgent need for a positive policy on aircraft arresting equipment at U.S. airports. I have warned on several occasions that unless the FAA moves soon to certificate such equipment and require its installation at major airports, it will be held accountable for the horrendous toll in lives lost and equipment destroyed that will inevitably result.

This week, in the space of about 36 hours, aircraft overran runways at two of the largest and busiest airports in the Nation—Logan Airport in Boston and Kennedy Airport in New York. Fortunately, no lives were lost; but in the Boston incident, the plane stopped just 50 feet from Boston Harbor. And at Kennedy Airport, the crash put a runway instrument landing system out of commission for hours and incoming flights



had to be diverted to airfields as far away as Montreal, Canada.

October 19 I wrote to the Secretary of Transportation urging him to reverse the FAA's negative stand on aircraft arresting gear. I have again written to Secretary Boyd, warning him that as far as this aspect of aviation safety is concerned, time is fast running out. I present for inclusion in the RECORD a copy of my letter to Secretary Boyd and the New York Times account of the crash at Kennedy Airport:

NOVEMBER 3, 1967.

HON. ALAN S. BOYD,  
Secretary of Transportation,  
Department of Transportation,  
Washington, D.C.

DEAR ALAN: Incidents at Logan Airport in Boston and Kennedy Airport in New York in the last two days demonstrate that if the United States does not take positive action soon on the question of aircraft arresting equipment, we will be faced with a series of tragedies.

I'm sure you are aware that at Logan Airport Wednesday night an airliner came within fifty feet of Boston Harbor after over-running the runway. In my view, fifty feet is simply not the kind of margin this nation's aviation safety program should be relying upon. And at Kennedy Airport yesterday, a cargo jet skidded off the end of a runway and crashed into the monitoring unit for the electronic landing assistance system. According to news accounts, the pilot encountered fog on the runway after touching down and could not see the runway's end.

Both incidents could have been prevented by aircraft arresting gear of the type now being tested by the Government of France. Yet, the FAA, which is responsible for air safety in our country, persists with a totally negative attitude toward such equipment.

Are we going to do something about air safety only in the wake of tragedy? How many lives have to be needlessly lost before we throw off the short-sightedness and bureaucratic rigidity which has characterized air safety in the United States over the years?

Since you have not yet replied to my letter of October 19th on this issue, I assume you have the matter under active consideration. I strongly urge you to do all you possibly can to reverse FAA's negative attitude toward aircraft arresting gear.

Sincerely,

RICHARD L. OTTINGER,  
Member of Congress.

#### EIGHTY-TWO FLIGHTS TO KENNEDY DIVERTED AFTER CRASH

(By William E. Burrows)

Thousands of passengers bound for Kennedy International Airport, one of whom was King Hussein of Jordan, had to land at other airports yesterday after a jet cargo plane had struck a vital navigational instrument.

No one was injured, and damage to the plane was described as slight.

However, other planes approaching the airport had to be diverted to Philadelphia, Albany, Boston, Newark and other cities, according to Louis Cardinali, assistant deputy director for the Eastern region of the Federal Aviation Administration.

Some flights were diverted to Montreal, a control tower operator at Kennedy said.

The crash occurred at 10:02 A.M. and landings were resumed shortly before 2 P.M.

Airline officials said that there were no large numbers of people waiting for the incoming flights because the four-hour period during which no planes were landing occurred between the peak morning and afternoon rush hours.

Every delay announcement in the Ken-

neddy terminal was received in silence as passengers and persons waiting for arriving flights listened for word on the delays. No one seemed angry, ticket sales people said later, but instead waited patiently.

#### SKIDDED OFF RUNWAY

In the accident a four-engined Seaboard World Airlines cargo jet, which had made a normal landing on the airport's south-bound instrument runway, skidded off the end of it and struck a monitoring unit that automatically detects trouble in the runway's electronic landing aid system.

The landing aid, called a localizer, sends signals to pilots flying in poor weather so they may accurately line their planes up with the runway's center line. The localizer sends its signals with an antenna, and, in addition to wrecking the system's monitoring box, the plane also came to rest so close to the antenna that its signals were interrupted.

As a result of the crash, and also because of poor visibility around Kennedy, 82 flights were diverted to other cities, and a number of flights scheduled to take off from Kennedy were canceled.

Trans World Airlines reported that 10 flights, seven of them originating at Kennedy, were canceled because of the crash, and eight incoming flights were diverted to Newark, Philadelphia and Hartford. The diverted flights were delayed an average of an hour and a half, a TWA spokesman said, after which their passengers were put on buses for Kennedy.

#### KING'S PLANE DIVERTED

An American Airlines spokesman said that eight canceled flights had occurred because of the accident and that there were six diversions to Albany, Newark, Boston, and Washington.

Pan American World Airways reported that one of its planes, carrying King Hussein to New York for meetings at the United Nations, was sent to Dulles Airport, which is 27 miles out of Washington.

Many of the flights were canceled because of the weather, Mr. Cardinali said, which was sporadically poor throughout the day. A second instrument runway, laid out at a right angle to the one involved in the crash, could not be used until shortly before 2 P.M. because the wind was blowing the wrong way, he said.

Planes landed regularly throughout the rest of the day on the second instrument runway and, according to the F.A.A., experienced delays averaging about an hour.

An F.A.A. spokesman said the cargo jet would be towed out of the sand within a few hours and the localizer monitoring box quickly repaired.

A Seaboard spokesman, Raymond Chanaud, said the accident happened because the plane's pilot, Richard O. King, had not seen the end of the 8,400-foot-long runway after he set his plane down on it.

"He continued landing, when the end of the runway appeared out of the fog," Mr. Chanaud said, "he didn't realize he'd proceeded that far."

Mr. King has flown for Seaboard for 18 years, Mr. Chanaud said, and has made numerous landings at Kennedy without an accident. There were three other members of the cargo jet's crew; a co-pilot, navigator, and a flight engineer. They, like Mr. King, were not hurt in the crash.

Mr. Chanaud said Mr. King would be grounded for three days so that he might be available to answer questions by the F.A.A., Port Authority, and National Transportation Safety Board investigators, all of whom immediately began investigations.

The plane, a DC-8, carried 46,000 pounds of cargo, including machinery and textiles, and had taken off from Shannon, Ireland, after several stops in continental Europe, Mr. Chanaud said.

#### NATIONAL VISITORS CENTER

Mr. PURCELL. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PICKLE] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. PICKLE. Mr. Speaker, I am delighted to see before us a plan by which the visitors in our Nation's Capital will no longer be subjected to the kind of confusion and anxiety that has prevailed in the past.

The National Visitors Center Facilities Act of 1967, H.R. 12603, at last proposes a system to take care of our visitors and, at the same time, to cut drastically the disruption caused on the surrounding Government offices and businesses.

With more than 15 million American and foreign visitors coming to Washington this year, and with that total to increase to 30 million by 1980, I believe we can ignore the problem no longer. As a member of the National Visitors Center Study Commission, I met with my colleagues many times in the past year to review the problems. The plan set out in the National Visitors Center Facilities Act is good both for the Government and for the tourist, and I am glad to have sponsored a companion bill, H.R. 12693.

The proposal calls for the present Union Station, which is located only a few blocks north of the Capitol, to be converted to a reception center where tourists can park, receive briefings, and see movies on the nearby tourist attractions, and on area hotels, restaurants, and other accommodations. The new train station will adjoin the Visitors Center and scheduled helicopter service will be available from the roof of the parking garage which is to be constructed. Five-minute local bus service is to be available to all points on the Mall, and for those who wish to see the major points of interest, the Visitors Center would provide a one-stop means of doing just that.

On the question of the location of the central visitors center for the entire city, I personally prefer a location between 14th Street and the Washington Monument. This was recommended by some of the prominent architectural firms, and it was a point I raised in my testimony on H.R. 12603 before the House Subcommittee on Public Buildings and Grounds. Still, I must be realistic, and in light of our current financial problems, I know that we cannot undertake to build an entirely new facility involving large sums of money. I still maintain, however, that a major facility is needed in the location I mentioned, since that area is in fact and in truth the hub of tourists' Washington. It is within easy walking distance not only of all major points along the Mall, but also of the White House.

The Union Station proposal is the best possible alternative at this time. It will satisfy a need that has been growing steadily over the past year. Many times I have visitors from my own district com-

plain that the parking, traffic, and congestion is so bad around the Capitol and Mall that they were unable to see nearly all that is offered. I think this denial to our citizens is a disgrace, and I say we must act quickly. It is for this reason that I endorse the bill before us.

As I have said, the Union Station proposal will be an aid to the tourist. But it is also good from the Government's point of view. The present owners of Union Station have agreed to make all improvements necessary to convert it to the proposed center, and the rents to be paid by the Government will almost entirely be recouped from parking fees, and sales and services provided in the center.

Many people have worked hard on this project. But I believe a special word of commendation is due to some who have been particularly imaginative. Representative KEN GRAY, the leader of the House delegation to the Study Commission, and the chairman of the House Subcommittee on Public Buildings and Grounds, has been especially effective in securing the consensus needed to secure the endorsement of the Commission. Also, Representative FRED D. SCHWENGL served on the Commission, and on the subcommittee, and was another moving force behind the bill.

Secretary of the Interior Stewart Udall, and the Administrator of the General Services Administration, Mr. Lawson B. Knott, Jr., are to be commended for their success in obtaining agreement to the proposed lease on the renovated Union Station, on terms which are fair and workable both for the Government and for the station owners.

Mr. Speaker, I believe my voice was one of the first raised on the Hill for better tourist facilities. When I first came to Congress, I was amazed and shocked at the inadequate facilities offered in the Capitol Building itself, and I made several speeches to my colleagues and other groups on the deplorable situation. I would like to see some kind of visitors center in the Capitol Building itself, since it is the single largest attraction, and since it now offers virtually nothing in the way of restrooms, water fountains, and restaurants.

Even if the bill before us is passed, I believe the problems in the Capitol are the most urgent we face. With the Visitors Center well on its way, I would hope that this will be the next item for consideration. And when a visitors center at the Capitol is undertaken, surely the Congress will do something to correct the disgraceful condition of the west front.

#### PRESIDENT JOHNSON, PRIVATE INVESTMENT, AND THE FUTURE OF URBAN AMERICA

Mr. PURCELL. Mr. Speaker, I ask unanimous consent that the gentleman from Hawaii [Mrs. MINK] may extend her remarks at this point in the Record and include extraneous matter.

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

There was no objection.

Mrs. MINK. Mr. Speaker, President Johnson's effort to stimulate private in-

vestment in America's slums has paid another rewarding dividend to the Nation's cities.

Four of the Nation's most prestigious insurance companies have decided to invest between \$15 and \$20 million in 1,000 units of low-cost, privately built housing units in Harlem.

This investment fulfills part of the \$1 billion pledge made by the Nation's insurance firms to President Johnson and the Nation.

The Johnson administration has launched the greatest innovations in low-cost housing since the New Deal. The rent supplement program, extension of the turnkey approach to public housing, and freeing of surplus Government funds for housing development will also increase the number of low-cost housing units available.

But the Government alone cannot meet the crushing demand for housing. Lack of adequate low-cost housing festers at the fabric of our Nation. Its removal will require the combined energies of both the public and private sectors.

President Johnson has committed his administration to harness the genius of private industry and the experience of Government into a joint enterprise for urban excellence.

The investment which these four insurance companies will make in one of our Nation's worst slums is, to be sure, only a first step in this enterprise.

But it is an important step which will light the way for enlightened capitalism to help rebuild our cities into the gems of America.

#### SUCCESS OF HAWAII JOB CORPS

Mr. PURCELL. Mr. Speaker, I ask unanimous consent that the gentleman from Hawaii [Mrs. MINK] may extend her remarks at this point in the Record and include extraneous matter.

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

There was no objection.

Mrs. MINK. Mr. Speaker, I was most gratified to read in the October 1967 edition of Hawaii Business & Industry an article detailing the fine work being done in rehabilitating young men at the Kokee Job Corps Center on the island of Kauai.

One of three centers in my State, the Kokee project is fulfilling admirably the purposes for which it was created, and I am proud of the community acceptance and cooperation that all the Job Corps centers have received in Hawaii. As we move closer to consideration of this year's economic opportunity amendments, I would like to share this account with my colleagues as one more justification for continuing the Job Corps in full operation so that we do not withdraw the promise held out to so many young men like these at Kokee who are being given a second chance to lead productive lives.

Under unanimous consent I insert the article at this point in the Record:

#### JOB CORPS DOES GOOD JOB ON KAUI

Along the road up to the Kokee State Park on Kauai, there is a scenic lookout

under construction. A sign tells you that this is a project of the Job Corps, but the energetic crew manning the dump trucks, cutting down trees, grading the land, and building the buildings, tells the story much better. When the job is finished, a plaque will be erected with the names of the boys who worked on the project, and as one young Job Corps worker puts it, "One day I want to be able to bring my kids up here and show them what I did."

By the time he is married and has children old enough to understand, the lookout will probably have a lot less meaning to him. But today, for he and the others working on the job, it is a pretty significant thing. In most cases, it is probably the first time in these youngsters' lives that they have ever had any responsibility and succeeded in doing something really meaningful.

For the Job Corps is made up of high school dropouts, kids for whom the last nine or ten years in school was meaningless. The schools are for average kids, and these boys are hardly average. Wherever it was they dropped out of school, they have an average reading ability of a fifth grader. Many could not pass the Army entrance exams. Plunged into the working world, they have no skills and little chance for a job.

The assignment of the Job Corps is to bring them back into the world by providing them with schooling, some basic skills, and an incentive to continue learning. How well the program is doing has been questioned and will continue to be examined, but for the boys working up at Kokee, there seems little doubt of its success.

#### ONE OF THREE CENTERS

Kokee is one of three Job Corps locations in Hawaii; the others are at Koko Head on Oahu and Kilauea on the Big Island. The Kokee Corps is housed in an old Civilian Conservation Corps barracks adjoining the Park headquarters, and there ten staffers run a combination school and work program that has met with good results both for the Corpsmen and the community.

A little over a year old, the Kokee operation combines remedial schooling with a program of projects designed to give the boys a start in learning a trade. Unlike the old CCC camps, whose facility they are using, the Job Corps projects are not make-work programs, but rather State projects turned over to the Job Corps to do.

From a list of possible projects, the camp director selects those that offer the best training values within the skills they want to teach. At Kokee this takes in heavy equipment, welding, automotive, carpentry, masonry, and culinary work. The culinary end is covered within the camp, where Corpsmen work in the kitchen with the staff and learn cooking on the job. For heavy equipment training, the Corps has a number of its own vehicles, including two dump trucks, a backhoe, and a grader. These plus the buses and other vehicles owned by the Corps provides a base also for automotive training. The various projects are chosen with the other needs in mind, and generally a Corpsman can choose the type of work he wants and largely specialize in that field.

Construction of the lookout at Puu Hinahina is a good example of how the jobs are selected, and how they serve the needs of the Job Corpsmen. The lookout involves the use of heavy equipment to clear and grade the site, the construction of two lookouts and a public restroom, and landscaping the area. In terms of skills, it offers an introduction to heavy equipment, carpentry, masonry, and landscaping. Whatever area the youngster feels he wants to try, he is actually doing the work himself under a skilled craftsman.

While the jobs don't go as fast as they might otherwise, the results are satisfactory, and the Job Corps is more interested in ex-



posure than speed. With the many jobs available, the kids can switch around and find the area they are best in or that they like the best.

#### TEN-MAN STAFF

While the ten man staff generally encompasses knowledgeable people in each of the trades, where special skills are needed the Job Corps calls on people within the department for whom they are doing the work. On the Puu Hinahina project, for instance, the Parks Department has assigned certain men to the job to work with the boys. While the Corpsmen do not actually learn a trade, when they get out they are ready to start at the apprentice level. Generally the graduates go into the service, back to school, or into such an apprentice program for on-the-job training.

At Kokee the boys split their time between classwork and the various projects they have been assigned. The 60 boys are divided into two groups, one of which spends its week working on the job, the other in classes, or working at the various chores around the camp. The camp is self sufficient to the extent that the boys run their barracks under a chosen dorm leader, police the area, work in the kitchen, and inevitably—get stuck with KP duty.

Classwork follows a regular pattern, but is geared to each boy's own level. They get reading and math, two hours each daily, and lessons in what is called the World of Work—essentially a class on basic living. This includes how to manage money, write a check, driver education, how to apply for a job, and the other basics of getting along by themselves in the world.

#### SELF-TAUGHT CLASSES

The reading and math classes are essentially self-taught. The Corpsmen are given books based on the level at which they test out and then progress upwards at their own pace. An instructor is available for individual help, and to administer the tests when the boys feel they are ready for it. Most progress from a fifth to an eighth grade reading level in nine to twelve months, according to camp director Art Harrington, who is enthusiastic about the project.

Everything is based on an incentive plan designed to induce them onwards through the program, which can last for two years but averages about nine months. They get a basic pay of \$30 a month, which is increased upwards as they earn it. Figured on a point system, the pay is increased \$5 when they reach 30 points, another \$5 when they hit 44 points. The point system is based on passing certain levels in school, social development, and their work. The Kokee camp has seven Corpsmen leaders, boys who have done particularly well and can be given leadership positions within the program, and the pay goes up another notch when they attain that level. The boys are eventually switched through all the camps for some exposure in each area, and later can go to the Mainland to work in Job Corps programs there.

The Job Corps is financed by the Federal Government but operated by the State, which has a contract to put 250 men through the program. In addition to the 60 at Kokee, there are 40 at Kilauea and 150 at Koko Head. On Kauai, \$91,000 in Federal funds have been appropriated for projects, most of which, because of the camp's location, are for the State Parks Department.

In addition to the basic pay, the Government sets aside \$50 a month for each boy, so that when he gets out he will have some savings with which to get a car and live until he gets situated in a job. If he wants, he can send \$25 of this home to his family, and if he does, the Government will match it. Work clothes are furnished, and after 30 days in the program he gets a \$75 clothing allowance.

Recreation is a big part of the program,

and in addition to daily callisthenics, they play volleyball in the community league, and have various other activities available to them. Weekends they go as a group to various places for surfing or to the movies, although individuals can have a pass if someone in the community has invited them out.

#### COMMUNITY COUNCIL HELPS

One of the biggest needs is to bring the community into the Job Corps program, and on Kauai they have succeeded in large measure through a community council which has worked with the Corps. Boys are invited into the community for church activities or other programs—and in return have taken on community projects which they do in their spare time. On the dining room bulletin board, for instance, is a handwritten note from the classroom kids in the Head Start program, for whom they built some swings one weekend. Such efforts are not missed by the community, which at first was wary of the Job Corps, but now has apparently warmed up to the project considerably.

The Job Corps has had its critics, on Kauai as elsewhere, and often the criticism is deserved. It is an expensive answer to the problems these boys are faced with, but for most of them it is the only answer offered. In the final analysis, the program's success depends on community participation and the quality and dedication of the staff people. Looking at the program as it has developed on Kauai in little over a year, it would seem that at least on the Garden Island, the Job Corps has found a home.

#### LYNDON B. JOHNSON AND THE PROTECTION OF THE AMERICAN CONSUMER

Mr. PURCELL. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. HOWARD] may extend his remarks at this point in the Record and include extraneous matter.

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

There was no objection.

Mr. HOWARD. Mr. Speaker, if there was ever an administration which could be called a friend of the American consumer, it is the administration of President Johnson.

I have had the personal privilege of being associated with landmark consumer protection measures such as Truth in Packaging and Truth in Lending, as well as the Highway and Traffic Safety Acts which are already law.

These measures which protect the American public from fraud, from being deceived in making purchases, and from death and injury on the highway are a mark of the deep concern which President Johnson has shown for the consumer throughout his entire governmental career.

As President he has placed the voice of the consumers close to him in the highest councils of government in the person of his Special Assistant on Consumer Affairs.

He has pushed for stringent legislation such as truth in lending—which is even now before this body—control of flammable fabrics and the wholesome meat act which passed the House just a few days ago.

Yesterday the President went before the consumer assembly here in Washington and made another strong appeal for the passage of many consumer bills still

pending. There are a dozen major consumer protection measures still before the Congress, and the President made it clear that we should pass them because we owe it to the American public.

Under unanimous consent, I insert in the Record the President's consumer-protection remarks, and I take this opportunity to urge my colleagues, again, to support all these worthwhile measures:

#### TEXT OF REMARKS BY THE PRESIDENT AT THE CONSUMER ASSEMBLY

The idea that the consumer deserves protection is relatively new in America.

In the early days of our history, the only consumer law was "let the buyer beware." And a great many consumers were victimized by the fast-buck artists of the day. Our country was almost 100 years old before the first consumer protection law was passed. It prohibited the fraudulent use of the mails.

Some of the abuses that brought about that early legislation would insult our intelligence today. They were "American ingenuity"—at its worst.

There was the man who advertised that he would send you a steel engraving of George Washington if you sent him a dollar. When he got your dollar, he sent you a one-cent stamp.

Another fellow asked for a dollar in return for a sure-fire method of exterminating potato bugs. For your dollar, you received a slip of paper saying, "Catch the bug, put him between two boards, and mash him."

On the American frontier, the practice of medicine was haphazard at best. People bought cure-alls like "Kick-a-poo Indian Sagwa"—that promised you everything but the headache they produced.

At the turn of the century, there was no guarantee that the meat Americans ate was not diseased—or even that it came from the advertised animal. One newspaper wrapped up the problem in a short poem:

Mary had a little lamb,  
And when she saw it sicken,  
She shipped it off to Packing-town,  
And now it's labelled chicken.

Foods were filled with strange chemicals, whose effect nobody knew. It was 1909 before President Theodore Roosevelt could say that America had finally awakened to the fact that "no man may poison the people for his private profit."

We take it for granted, now, that such outrageous practices are forbidden by law.

But without the indignation and action of an aroused public—without the Federal Government's strong sense of responsibility to the consumer—the counters in our stores might still be filled with Kick-a-poo Indian Sagwa. Without the great milestones of consumer legislation, we would still be playing Russian roulette every time we dealt in the market place.

Our savings would be stolen by unscrupulous speculators.

Our bodies would carry burn scars from clothing which ignited without warning.

Our food would be tainted, our drugs unsafe.

Our children would be maimed by the toys we bought them.

Consumer legislation is a continuing process of serving changing needs. Technology daily makes our existing laws obsolete. Progress is not an unmixed blessing. It can bring countless unforeseen hazards.

Fortunately, these problems are usually resolved in our competitive market, by the energies of private enterprise.

But dangers must be predicted whenever possible. Standards must be set. Consumers must be safeguarded from unreasonable risk.

In the modern marketplace, there are still plenty of traps for the unwary—more subtle

than those our grandfathers knew, but no less dangerous. The difference is that the confidence men who brew them up now have college degrees.

Every year, Americans pay millions of dollars for parched and worthless land.

Every year, our citizens are lured, unsuspecting, into credit traps which drive them to desperation.

Every year Americans eat, on the average, 27 pounds of uninspected red meat—meat that may be mislabelled, tainted, or dangerously diseased.

Every year American families furnish their homes with fabrics that are dangerously flammable.

This is a consumer's Administration. I have sent three major messages to the Congress in the past four years—asking for strong laws to protect our people from those who would cheat them or expose them to unreasonable hazards in pursuit of an easy dollar.

The 89th Congress passed several major pieces of legislation which materially helped the consumer to a better life.

The Truth-In-Packaging Act, to tell the buyer just what he is buying, how much it weighs, and who made it. The days of the "jumbo quart" and the "giant economy quart" are over.

The Child Protection Act, to guard our children against hazardous toys. Now there is a law that protects a child from poisoning if he puts one of his toys in his mouth—that protects him from being burned by firecrackers that look like candy.

The Traffic and Highway Safety Acts, to protect our drivers from dangerous vehicles, and to train them to protect themselves from each other.

Still we have just begun our program for the consumer. There are currently twelve major actions before Congress. At a time when economy is the by-word of our nation, these should be among the first bills passed. The cost to the taxpayer is virtually nothing. The savings to the consumer are in untold grief and millions of dollars.

The Truth-In-Lending Bill would require the money leaders of our society to inform the citizen—to tell the parents who need to borrow for their children's education, or to pay medical bills, or to buy a car or a television set—just how much it will cost to borrow that money.

The lender knows to the penny how much interest he is charging. We don't think it is too much to ask that he tell the borrower.

We have proposed amendments to the Flammable Fabrics Act of 1953. As new materials are invented, new hazards occur. We don't want a repeat of the incident when young girls were incinerated by their sweat-ers.

We want to see minimum safety standards set for the movement of natural gas by pipeline. These pipes may run under your city streets. We don't want them to erupt and kill your townspeople.

As representatives of our 200 million consumers, these bills concern you directly. It has been said that the consumer lobby is the most widespread in our land, yet the least powerful. I disagree.

But you can only wield the power you have if you make yourselves heard. You have the interest, you have the organization, you have the numbers.

And we have made sure that you have access to the highest councils of government. The President's Committee on Consumer Interest, the Consumer Advisory Council, and my Special Assistant for Consumer Affairs, Betty Furness, are all available to you. They hear your ideas and complaints, and they pass them along to me.

Your Congressmen should hear from you, too—loud and often.

At this moment, there are two specific issues which demand your attention. They threaten our consumers and our country.

The first is inflation. By keeping a close watch on our economy, we have managed for the past six years to keep our consumer price rise lower than that of any other nation in the industrial West. We have kept the housewife's dollar secure. We have even been able to lower taxes.

But now there are pressures on the economy which demand that we ask for a portion of that tax cut back—in the form of a surcharge. We estimate that it would take one penny out of the average American's dollar.

I realize that it is hard for you to ask the people you represent to surrender more money in taxes. But let me give you two quick examples of what will happen if we don't get that surcharge.

A family of four with an income of \$5,000 would pay nothing under the surcharge plan. But the chances are very great that it would pay \$147 a year under the tax of inflation.

A family with an income of \$10,000 will pay \$285—or \$174 more than some economists estimate it would pay if the surcharge is passed.

The second issue you should know about is the threat of protectionism, which is rearing its head in the form of certain quota bills now before Congress.

Those proposed quotas would invite massive retaliation from our trading partners abroad. Prices would rise. Our world market would shrink. So would the range of goods from which American consumers choose what they buy.

These bills must not become law.

Again I urge you to make yourselves heard, to exercise your rights and fulfill your duties as citizens and consumers.

We have much to preserve, but far to progress. We have reaped the harvest of a vigorous prosperity—a record prosperity that has now lasted for 81 months. Our consumers now enjoy the highest standard of living ever known on this earth. Yet one in every seven of our citizens exists below the poverty line. And every citizen faces unreasonable risks in the modern marketplace.

When all Americans enjoy the bounties of this rich land, when all Americans can live in dignity and security—then we can say we have done the consumer justice. I hope you will not settle for less. I promise you that I will not settle for less.

#### THE PRESIDENT ASKS CONGRESS TO DO ITS DUTY

Mr. PURCELL. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Moss] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MOSS. Mr. Speaker, the House faces many critical domestic and foreign measures in the waning days of the first session of the 90th Congress.

There is much that we ought to approve of President Johnson's comprehensive legislative program—social security is not pinned down; the tax increase is still being considered; civil rights; gun control; foreign aid; consumer protection bills—all await final approval.

There are also proposals which many of us as individuals have introduced.

Therefore, when the President at his news conference implies that time is running out and action must be taken, he is only stressing the obvious.

The record of the 89th Congress was unparalleled in American history.

More useful and intelligent legislation to help the people and the country was adopted than at any previous time in our history.

Are we going to follow that record of accomplishment with a record of inaction in the 90th Congress?

Are we going to allow important measures for the economic and social improvement of our country to go by the wayside or be suspended in midair?

Are we going to permit uncertainty to be the mark of this Congress and thus project uncertainty into the country?

President Johnson was not insulting the Congress by asking it to do its constitutional duty.

He is not insulting us by asking us to vote up or down, cut or pare, pass or reject his fiscal measure, his fiscal year 1968 budget, or the rest of his important legislative recommendations.

We have little time left to act. Let us move programs forward. Let us release the economic opportunity program, for example. Let us show those who depend on us that we know what our duty is, and we intend to do it.

#### MEET T. E. EVANS

Mr. PURCELL. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. NICHOLS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. NICHOLS. Mr. Speaker, we hear and read a lot these days about Americans all over the country who demand more and more support from their Government, yet they are not willing to help themselves. It is unusual to find someone who wants to help himself and his family. The Wetumpka, Ala., Herald recently ran an article about such a person. Mr. T. E. Evans of Deatsville, Ala., lost his eyesight a few years ago. Mr. Evans could, if he wanted to, sit back and let the Government provide the only support for his family. But he is not willing to do this, so he is attending classes at the Alabama Institute for the Deaf and Blind at Talladega.

Mr. Speaker, under unanimous consent I place this article from the Wetumpka Herald in the RECORD:

#### MEET T. E. EVANS

He believes in God, in good people; and, though in lesser degree in himself.

Mr. T. E. Evans has been a resident of Elmore County for more than 40 years. He lives with his wife on Deatsville, Rt. 2. He has three children, all married, living in the Wetumpka-Prattville area. Before becoming totally blind, Mr. Evans was a farmer and worked as a guard for the State Prison System. He was forced to retire from his job as a guard in October, 1963. On being asked what he misses most because of blindness, Mr. Evans said, "I miss being able to make money". Now he is doing something about that.

With help from the State Vocational Rehabilitation Service, Mr. Evans entered the Adult Dept. for Blind and Deaf, in Talladega, early this month. This department is a division of the Alabama Institute for Deaf and



Blind. Mrs. Marguerite McKinnon is Mr. Evans' Rehabilitation counselor.

At the training center, in Talladega, Mr. Evans happily follows a vigorous training schedule. He is majoring in "small business operation" and is scheduled in other essential subjects, such as braille, typing, script writing and cane travel techniques.

"When I satisfactorily complete my training," says Mr. Evans "I want to return home and operate a vending stand in Wetumpka under the Business Enterprises Program for the Blind."

#### DEFEAT OF PROPOSED STRATEGIC GRAIN RESERVE

Mr. PURCELL. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. FOLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. FOLEY. Mr. Speaker, it is highly regrettable that a majority of the members of the Livestock and Feed Grains Subcommittee of the House Committee on Agriculture chose to defeat H.R. 12067, to establish a strategic grain reserve.

The bill, sponsored by Subcommittee Chairman GRAHAM PURCELL, of Texas, had the commendable objective of permitting the Commodity Credit Corporation to purchase grain during periods of bumper crops, such as the current year, thereby stabilizing prices to the farmer. The strategic reserve which would have been established would have protected consumers against possible short grain supply and at the same time would have permitted programs of acreage allotments and diversion.

The result would have been immediate increased prices for grain and soybean farmers.

It is lamentable, however, that the Republican membership of the subcommittee placed party politics above the best interests of the farmer in voting unanimously against the Purcell bill.

I predict that the complete disdain for the farmers' interests which was demonstrated by the Republicans on this vote will come back to haunt the Republican Party when grain prices continue to decline.

As an example, the wheat market suffered a sharp reverse immediately after the news was reported from Washington that the Purcell bill had been defeated in subcommittee by an 8-to-6 vote.

Because of the importance of this action, I am including at this point in the RECORD certain material relating to this issue. Following are the statement issued by Under Secretary of Agriculture John A. Schnitker following defeat of the legislation, stories which appeared in the New York Times and the Wall Street Journal of November 2, 1967, various wire service stories and a copy of Schnitker's testimony before the subcommittee on August 18:

[From the U.S. Department of Agriculture, Nov. 1, 1967]

I have a brief statement first, and then I'll answer any questions you have.

This morning's vote by the Agriculture Subcommittee on the Purcell Grain Reserve Bill clearly marks another attack by the Republicans on the farm program.

The votes of six Republicans—all of them from feed grain and/or wheat-producing areas—against the Purcell Grain Reserve Bill will cost grain and soybean producers many millions of dollars in lost income during 1967 and next year.

The Purcell Bill was a practical and prudent means of setting up a strategic reserve that would have insured consumers against shortages, facilitated the establishment of acreage allotments and diversion programs, resulted in higher prices for farmers *right now*.

During bumper crop years such as 1967, the CCC would have been able to buy grain, thereby firming up prices. Under present law we will acquire it anyway, after farmers have taken prices that are too low. In years when the weather was poor and production dropped below estimates, the government—under carefully controlled procedures—would have been able to sell.

The constant, assured grain reserve authorized in the Purcell Bill, would benefit both farmer and consumer. The danger of too much or too little, with consequent effects on prices, would have been moderated.

Unquestionably, the Purcell Bill would have produced higher farm incomes this year.

The unanimous opposition must mean that the minority on the Subcommittee decided to sacrifice the interests of their constituents in order to attack the present farm policy.

As you know, Secretary Freeman strongly supported the grain security reserves bill.

I'm sure all of you saw the story on this bill in yesterday's *Journal of Commerce*. Its headline read, "Skepticism on Reserves Bill Spurs Wheat Drop." The skepticism of traders was fully justified, and wheat, feed grain and soybean producers are the losers.

[From the New York Times, Nov. 2, 1967]  
WHEAT DECLINES DURING SESSION—GRAINS REGISTER DOWNTURN—SOYBEANS ALSO WEAK—SUGAR IS STAGNANT

(By Elizabeth M. Fowler)

Grain traders, who had edged up prices of grains on Tuesday jumped back yesterday as prices fell sharply. Early in the week, there had been hope that a bill providing a strategic grain reserve might get a nod from the Congress. Early yesterday, the news was that a House of Representatives agriculture subcommittee had voted against it, 8 to 6.

The reasoning advanced by proponents of the bill was that a grain reserve would withdraw some large supplies this year at a time when there have been record crops of wheat, corn and soybeans.

Wheat futures lost up to 2½ cents a bushel by the end of the day.

Soybeans were also caught up in the downturn and closed with losses as high as 1¼ cents a bushel.

In the case of corn, the story was a little different. Corn prices opened a little higher than the preceding day on news of rain in some of the harvest areas. These higher prices mitigated the impact of news about the legislation, with the result that at the end of the session corn ran only fractions of a cent lower than the day before.

The Chicago Board of Trade announced yesterday lower margin requirements for wheat and oats, a move that probably reflects slower trading and the low prices for these two grains.

[From the Wall Street Journal, Nov. 2, 1967]  
JOHNSON'S PROGRAM TO BOLSTER GRAIN PRICES THROUGH NEW STOCKPILE DIES IN HOUSE PANEL

WASHINGTON.—A House Agriculture subcommittee put the quietus on plans of the

Johnson Administration and farm state Democrats in Congress for propping up grain prices through creation of a new Government grain stockpile.

By an 8-to-6 vote, the House unit rejected a bill that would have authorized Government purchases of more than \$1 billion in wheat, feed grains, soybeans and rice for placement in a permanent "food reserve," ostensibly against the threat of war or famine. The subcommittee's six Republican members were joined by two conservative Southern Democrats, Reps. Rarick of Louisiana and Montgomery of Mississippi, in voting down the measure.

Its defeat unloosed a crossfire of partisan assignments of blame for this year's drop in farm prices which has pushed the Government's farm parity ratio down to 74, the lowest level since the 1930s. Under Secretary of Agriculture John Schnitker called a news conference to blast Republicans for thwarting "all our efforts to improve farm income." He spurned, as impractical, a GOP call for several administrative moves by the Agriculture Department that the Republicans contended would do more to help the farmer than the stockpiling bill.

The measure's high price tag in a time of budgetary squeeze contributed to its demise. But the prime factor was fears, voiced by grower groups and grain traders alike, that stocks accumulated in the process of bidding-up market prices now would be used to drive them down at some future point through dumping. Fortified by these arguments, grain state Republicans on the House unit felt safe in opposing what they saw as a move aimed primarily at building the Administration's political stock in farm areas rather than bolstering food stocks.

The bill's sponsor, Rep. Purcell (D., Texas), wangled tenaciously in an effort to blunt both the cost of dumping arguments against the bill. He argued, with Agriculture Department backing, that no more than \$100 million of the \$1 billion in buying authority would be spent in the fiscal year ending next June 30 to boost farm prices to the maximum purchase points set by the bill—\$1.44 a bushel for wheat, \$1.22 for corn. This outlay, he contended, might well be far exceeded by purchases under the Government's existing price-support programs if prices are allowed to languish near the support levels of \$1.25 a bushel for wheat and \$1.05 for corn. As a safeguard against dumping, Mr. Purcell's final draft also provided for a boost in the minimum price at which the Government could dispose of its holdings (at stockpile levels contemplated at least through next year) to 125% of the price-support level from 115% under present law.

This would have meant a minimum disposition price of \$1.56 a bushel for wheat and \$1.31 for corn. But Republican members of the Agriculture unit, who have urged just such an increase in prior years, raised the ante and insisted on barring Government selling at less than 100% of parity, or \$2.61 for wheat and \$1.76 for corn.

Wheat-state Democrats in the Senate, who had been poised to run with the Purcell bill if it cleared the House, may push for Senate action anyway in hopes it will spur a revival movement in the House. Sen. McGovern (D., S.D.) plans to introduce a bill providing comparable Government purchasing authority. Instead of placing control over the reserve stocks in the Agriculture Department, however, he would give growers the option of reclaiming—at the sale price—any grain they had sold for storage in the Government reserve. This option could be exercised whenever the department served notice of intent to put reserve stocks on the market. The aim is to dispel fears of Government dumping.

REPRESENTATIVE DOLE ON RESERVE BILL

KANSAS CITY, November 1.—Congressman BOB DOLE, Rep. Kans., following the de-

feat of the grain reserve bill by vote of 8-6 in the House Agricultural Subcommittee this morning told Commodity News Service the chances of any type of alternative measure to bolster grain prices being passed during this session were very slim.

A motion by Rep. Dole to instruct the USDA to take other action to boost grain prices was also defeated 8-6.

The wheat State Representative said the purpose of this bill had been a political effort by the administration to regain some farm votes before the election next November. The mechanics of the bill would have been too costly and the results too negative to permit any chance of the bill being passed by floor vote in the House. "This bill would have represented a cruel hoax on farmers if the subcommittee had approved it," he said.

Rep. Dole added that if the administration really wants to help farmers they should increase grain exports under the food-for-peace programs as they had promised. Also, they should try to enact some type of workable plan to help get the farm prices back to where they should be before the administration drove them down to the low present level.

Rep. Purcell said he was not familiar with legislation contemplated by Sen. George McGovern, Dem., N.D., which will be the center of an effort beginning in the Senate tomorrow to make a start on another, and substantially different, reserves bill this year.

McGovern aides said today that the Senator will introduce a "farmer control" reserves bill tomorrow, in hopes of getting Senate approval of it before adjournment this month or next.

There seems no chance that the McGovern bill would get through both the Senate and House this year and even Senate passage would be difficult because of the short period of time left in the session.

"There is no question that we are operating under a severe time handicap," a McGovern aide said, explaining that the bill had been held back and not pushed at USDA while the fate of the Purcell measure was still uncertain.

"Now that the Purcell bill is down in the House, we are going to make a try on the Senate side," he explained.

WASHINGTON.—Two Southern Democrats joined a solid bloc of Republicans today to defeat a hotly controversial grain reserves bill in a House livestock and grains subcommittee.

The bill, backed by the Johnson administration which said it would boost farm income while protecting consumers against future shortages, was beaten by an 8-6 vote.

Opponents said it could have led to Government "dumping" of grain stocks in later years and each side accused the other of playing politics with the interests of farmers who have seen prices drop this year because of bumper grain crops.

Reps. G. V. Montgomery, D., Miss., and John R. Rarick, D., La., joined all six subcommittee Republicans in voting down the bill. Backing the measure were its sponsors, Subcommittee Chairman Graham Purcell, D., Tex., and five other Democrats.

Following the vote, the committee rejected on a straight 8-6 party line vote a resolution by Rep. Robert Dole, R., Kans., which would have urged the Agriculture Department to attempt to boost grain prices by a series of administrative moves including increases in price support loan rates and acreage diversion payments to farmers.

Each side in the dispute over Purcell's bill charged the other with playing politics over the measure which would have established Government-owned reserves of wheat, feed grains, soybeans and rice.

The bill would have authorized the Government to purchase stocks for the reserve

from the open market. Critics had said its main defect was that provisions restricting future resale of the Government stocks were not strong enough to protect farmers against potential price-depressing effects of the later sales.

Purcell told newsmen he was "sorry to say that for the first time in recent years party politics were given higher priority than a genuine effort to do the only available thing to strengthen farm prices and protect the public by establishing a reserve."

Purcell added he was willing to consider any other possible proposals to create a reserve, but saw little chance for action on any other similar measures.

Dole countered in a statement that the administration's bill was beaten because it "was not in fact a reserve bill, but simply a device to further stabilize and manipulate the price farmers receive for their commodities."

[From the U.S. Department of Agriculture]  
STATEMENT OF JOHN A. SCHNITTKER, UNDER SECRETARY OF AGRICULTURE

Mr. Chairman and members of the committee, I am glad to testify in support of a measure of great importance to the public and to farmers.

The goal of the Agriculture Act of 1965 was to strengthen the farm economy and to reduce agricultural surpluses. We have made some progress toward those goals, and we are still working toward them. Now HR 12067 and other bills propose measures to provide for adequate reserve carryovers, and would also help assure further progress in the farm economy.

The bill under consideration would authorize the Commodity Credit Corporation to establish and to acquire a national security reserve of agricultural commodities. This would fill an important gap in existing legislation. We have talked for a long time about a commodity reserve, just as we have the weather, but we have done very little about it. The need for such a policy has long been overshadowed by concern with excessive supplies of agricultural products.

Last year we reached the point where further reductions in the inventories of key food and feed commodities presented real risks to the nation. We must have enough to meet our domestic needs, and our cash export and Food for Freedom commitments, and still have a buffer against unforeseeable increases in demand from unforeseen emergencies, or reductions in supply resulting from unusually bad weather.

Production of wheat, feed grains and soybeans was increased this year to provide for current needs and to augment the total carryover of these commodities.

But it is not enough, however, to have an adequate carryover of key commodities. It is also important that a part of that carryover be held as a public reserve against national emergencies such as severe drought or armed conflict. The Commodity Credit Corporation need not carry all the reserve stocks, since stocks held by farmers, merchants, and processors are also available to be used in an emergency. But CCC needs to hold a sizable share of the reserve to assure its ready availability in the national interest as well as to stabilize prices.

Under present law the Commodity Credit Corporation can acquire commodities to add to the reserve only when producers forfeit a commodity which has been offered as collateral for a price-support loan. This is neither an efficient nor a desirable method of acquiring a security reserve. It means that prices for an entire crop must fall to the loan level for all or most of a marketing season before reserve stocks can be augmented.

Also, under present law, CCC is under a mandate to dispose of its stocks as rapidly as possible consistent with the price support program and orderly marketing. This

is not compatible with the clear need in today's world to have a reserve of key commodities.

Such a reserve is not a new idea. The basic principle of the ever normal granary idea in 1933 was that when supplies exceed needs, we should set aside a reserve for periods of unusual demand or a short crop. Fifteen years ago, a Congressional report was issued entitled "Reserve Levels for Storable Farm Products." A major reserve bill was sent to the Congress in 1966 but was not acted upon. National farm leaders, including advisory boards, have favored the principle of a commodity reserve. Most recently the President's Food and Fiber Commission recommended the creation of such a reserve.

Pending bills would establish for the first time a definite national reserve of agricultural commodities. They would provide authority to purchase limited quantities of grain and soybeans specifically for the reserve at prices up to specified percentages of support levels, and would prescribe conditions under which reserve stocks could be used. Reserve stocks would be isolated from the market. HR 12067 provides that reserve stocks would not be sold at less than 135 percent of the current price support loan rate, or used except under specified emergency conditions. The bill also requires that CCC stocks be sold at not more than 100 percent of parity prices with an adjustment in the case of wheat for the value of the certificate.

The proposed level of reserve stocks in HR 12067 appears reasonable, although this is largely an uncharted area. The minimum resale price when carryover stocks are fairly adequate is not changed from present CCC policy, which is to offer our stocks of grain for domestic use or export at not less than 115 percent of loan rates plus carrying charges, or the market price if higher, except in very special circumstances when CCC grain may be needed in world markets, or to meet urgent food needs.

The more stringent conditions in the bill governing use of CCC stocks when total carryovers are less adequate will insulate the reserve from the market and will help insure supplies in times of emergency.

The provisions of the pending bills would improve materially on present law in regard to acquisitions by CCC, and would give us clear guidance on the question of CCC disposition. The Department of Agriculture supports the principle embodied in the pending bills. We welcome the opportunity provided by these hearings to record the views of interested groups on the question of reserve stocks. We have some amendments to suggest after the record is complete, and will be pleased to cooperate with the Subcommittee in further action on the bill.

#### LET US MOVE THE 1967 ECONOMIC OPPORTUNITY ACT TO PASSAGE

Mr. PURCELL. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. THOMPSON] may extend his remarks at this point in the Record and include extraneous matter.

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

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, as we address ourselves to the antipoverty bill today, we owe it to the Nation to put aside partisan considerations and begin thinking in terms of human values—of the men, women and children whose futures are at stake.

The hour is very late. The antipoverty program is in grave danger in New Jersey and in my home city of Trenton. Yesterday I received word that funds are



running out for our Green Thumb program. This means 20 elderly men must be told that their Government no longer cares or will support their part-time employment. It means that 250 youngsters from the Neighborhood Youth Corps in-school program must be told that their Government will no longer support their part-time jobs that help them stay in school. Mr. Speaker, it means that on the 27th of this month our city's on-the-job training program will end. I consider this a disgrace.

There are those who claim that they will improve the economic opportunity program. We hear voices saying economic opportunity will be enhanced if we "spin off" Headstart, if we eliminate the Job Corps, if we move the Neighborhood Youth Corps to another agency, if we do away with community action.

I want to know how a crucial social and economic program can be "improved" if it is cut to shreds. I want to know who these people represent when they talk about a phony "opportunity crusade." They do not represent the poor. They do not speak for the Governors who support the economic opportunity program. They do not speak for the mayors of this country—not even for Republican Mayors who have antipoverty programs operating successfully in their cities.

Listen to what a group of 21 Republican mayors wrote about the antipoverty program just a few weeks ago as they appealed to their own party members to support the economic opportunity bill of 1967:

It is our considered opinion that the programs are a positive force in lessening social tensions in our cities. All of us are confident they will continue to improve and are so meaningful as to give our less fortunate citizens a new hope in life.

This is what Republican mayors of major cities across the country think of the antipoverty program. They want it to continue and they want it strengthened. A mayor of a city knows the worth of the antipoverty program. And so should we. Let us not tear down what so many have labored so hard to build up. Let us move the 1967 Economic Opportunity Act to passage.

#### OPEN LETTER TO SERVICEMEN

Mr. PURCELL. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. SHIPLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. SHIPLEY. Mr. Speaker, an open letter to our servicemen, written by Warren J. Petersen, commander, Morrisonville Leslie Reddick Post No. 721, American Legion, Morrisonville, Ill., which was carried in the Morrisonville Times of October 26, 1967, was today brought to my attention.

I thought this letter very appropriate and to the point. We need many more people like Commander Petersen and I commend him for his attitude and courage. The article follows:

#### AN OPEN LETTER TO OUR SERVICEMEN

This letter is to let you know that most of us are with you 100%.

It is a little disconcerting to you fellows who are ducking bullets to hear that some of your "Fellow Americans" are trying to foul up things back home. These people make up a small minority.

The rest of us have not forgotten you. You are in our thoughts every day. We are those silent millions of non-demonstrators who are backing you with concern and prayerful pride.

Some of our misguided minority are presenting a rather distorted view of our America. Some are hiding under the banner of rightful dissent to spread violence, vandalism, and sabotage.

Many of us will admit that our country has shortcomings, but we appreciate the opportunity of living in a great country. We are grateful to men like you who carry out your responsibility to our country. You are builders for a united people, not destroyers. You have an unpleasant job to do, and you are doing it.

You know, as we know, that appeasement has not worked and I doubt that it ever will. The price is great for freedom, but as long as men like you are ready to give that last full measure of devotion, our country will endure.

Thank God—you are asking what you can do for your country rather than what your country can do for you.

WARREN J. PETERSEN,  
Commander, Morrisonville Leslie Reddick  
Post No. 721, American Legion.

#### NEGOTIATION IN VIETNAM

Mr. PURCELL. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BINGHAM] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BINGHAM. Mr. Speaker, I rise to express strong approval for the statements made by Ambassador Arthur Goldberg before the Senate Foreign Relations Committee, as reported this morning in the New York Times. Justice Goldberg, and of course President Johnson and the Secretary of State, are to be commended for making clear what has heretofore only been implied, that the U.S. Government would have no objection to the representatives of the National Liberation Front appearing and participating in discussions at the United Nations or at a reconvened Geneva Conference. Hopefully the same policy would be followed if direct negotiations were to take place between the Government in Saigon and the United States, on the one hand, and the Government in Hanoi and the National Liberation Front on the other.

Taken together with the President's statement at San Antonio about his willingness to stop the bombing in North Vietnam if prompt and productive discussions were to follow, this latest step by the United States deserves some equivalent response from the other side. As one who favors an unconditional and indefinite cessation of our bombing of North Vietnam, I want to make clear that such a cessation would surely be facilitated and hastened if Hanoi and

the NLF would make some move or statement in response to, and in recognition of, these recent U.S. moves in the direction of moderation and realism.

#### FOREIGN EXCESS FOR THE HOME FOLKS

Mr. PURCELL. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. MONAGAN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MONAGAN. Mr. Speaker, the Committee on Government Operations recently issued House Report No. 865, entitled "Control and Use of Excess Property and Related Foreign Assistance Problems Following U.S. Military Exclusion From France, 1966-67." It is the result of a study by the Special Subcommittee on Donable Property, on which I serve as chairman. One of the findings in our report is that much U.S. personal property overseas declared excess to any Federal need is the kind that would be useful to groups in the United States eligible to receive domestic surplus property under the Federal donable property program. These are organizations having educational, public health, or civil defense purposes.

At present, this excess property overseas is for the most part sold competitively, often at extremely low prices. Yet, title IV of the Federal Property Act provides that foreign excess property may be donated if found to be without commercial value or if care and handling costs of the property would exceed estimated proceeds from its sale. The committee, therefore, recommended a study of the practical possibilities and opportunities for making at least some of our foreign excess property available to U.S. donees. The Departments of Defense and Health, Education, and Welfare, as well as the General Services Administration, would make the study jointly in consultation with appropriate non-Federal organizations like the National Association of State Agencies for Surplus Property. The committee requested the results of this study be reported to it before March 31, 1968.

Mr. Speaker, I recently received some interesting data on prices of donable-type property sold by the United States in France. The information comes via the General Accounting Office and shows selective disposals made between April 1966 and August 1967 by the Foreign Excess Sales Office, now part of our Military Liquidation Section in Paris. The original acquisition cost of the property sold was \$3.2 million and the total sales proceeds were \$139,000. This is a percentage realization of 4.4. However, these figures include two lots of laundry and drycleaning equipment costing \$504,000, which yielded \$44,600, or a percentage realization of 8.2. So, if we exclude that equipment, the average percentage realization for the remaining sales drops to 3.6.

Many items on the list furnished by

the GAO indicate a virtually insignificant rate of return. For example, a lot containing medical and dental equipment in used but fair condition costing \$15,000 brought \$110. A lot comprising miscellaneous laboratory, medical, and dental equipment in good, unused condition costing \$20,000 yielded \$149. Five 115-volt generators in good, unused condition costing \$21,000 brought \$102. A lot described as miscellaneous electric generators in good, unused condition costing \$20,500 gleaned \$57.

Other lots brought somewhat more. Surgical, dental, and hospital equipment in used, fair condition costing \$15,000 yielded \$510. Hand and shop tools in good, unused condition which cost \$20,000 brought \$616. Miscellaneous tools and equipment in good, unused condition costing \$64,000 accounted for \$2,200. This by no means exhausts the lists, which consists of 46 line items.

I believe, Mr. Speaker, that the data from GAO accentuate the seriousness of the question raised in our committee's report that public sale is being used to dispose of types of foreign excess property which would actually be eligible for donation because of the low expected return. I believe they add urgency to the committee's recommendation for the interagency study, which could lead to feasible procedures and mechanisms for making significant amounts of foreign excess property available to entities in the United States, which are now furthering the national interest by putting domestic surplus property to use under the Federal donable property program.

The data furnished by the GAO are as follows:

COMPTROLLER GENERAL  
OF THE UNITED STATES,

Washington, D.C., October 31, 1967.

HON. JOHN S. MONAGAN,  
Chairman, Special Subcommittee on Donable Property, Committee on Government Operations, House of Representatives.

DEAR MR. CHAIRMAN: During a recent visit by you and members of your Subcommittee to Europe, Mr. Miles Q. Romney orally requested that our office accumulate certain data concerning excess property of the Department of Defense. In particular, he expressed interest in donable-type property being disposed of and the percentage of return being obtained.

In July and August 1967, we visited the Foreign Excess Sales Office, Paris, France, which is responsible for the sale of all Department of Defense excess property disposed of in France, and reviewed all Sales Office catalogs for donable-type property sold during the period April 1, 1966, through August 10, 1967. During this period, certain items having acquisition costs totaling \$3,164,189 were sold for \$139,344, or about 4.4 percent of the total acquisition cost. All such property was sold under competitive-bid procedures. Enclosed for your information is a schedule showing the bid number, condition of the property, description of the property sold, total acquisition cost, total sales proceeds, and the percent of acquisition cost realized.

In general, our examination showed that excess property was reviewed in the European theater against firm retention criteria and then screened by the various military inventory control points in the United States against known requirements, including those of the military assistance programs. Items not required by the inventory control points were screened by the Defense Logistics Serv-

ices Center, Battle Creek, Michigan, for requirements of the Department of Defense. It is our understanding that, prior to the disposal of the items by the Foreign Excess Sales Office, the Agency for International Development had the opportunity to screen the items for its requirements. We have been advised by the Defense Logistics Services Center that information regarding excess property located overseas is not made available to State or local governments or to organizations eligible to receive property under the donable property program.

We have not obtained the comments of the

various military departments on the matters discussed in this letter. We plan to make no further distribution of this letter unless copies are specifically requested, and then we will make such distribution only after your approval has been obtained or public announcement has been made by you concerning the contents of the letter.

Please advise us if we can be of further assistance.

Sincerely yours,  
FRANK H. WEITZEL,  
Assistant Comptroller General of the United States.

SELECTIVE DISPOSALS BY FOREIGN EXCESS SALES OFFICE, PARIS, FRANCE APR. 1, 1966, THROUGH AUG. 10, 1967

Bid No.	Condition	Description of property sold	Total acquisition cost	Total sales proceeds	Percentage realization
PROPERTY LOTS COSTING \$15,000 OR MORE					
68-3	Good, unused	Miscellaneous engineer hardware	\$308,950	\$16,744	-----
67-33	do	Miscellaneous repair parts for general-purpose vehicles	112,248	3,076	-----
67-13	do	Miscellaneous electrical and signal equipment	108,421	3,000	-----
67-85	do	Signal parts	102,039	3,400	-----
67-6	do	Miscellaneous parts for engineer equipment	88,561	3,349	-----
67-106	Good, used	Signal parts	82,091	604	-----
67-132	Good, unused	25,680 metal pins	64,200	801	-----
67-13	do	Miscellaneous tools and equipment	63,533	2,167	-----
67-62	do	Miscellaneous repair parts for general-purpose vehicles	61,708	1,619	-----
67-22	do	Signal parts	58,782	1,250	-----
67-46	do	Miscellaneous hardware and tools	58,678	218	-----
67-74	do	Miscellaneous engineer parts	56,401	3,490	-----
67-106	do	Miscellaneous parts for signal equipment	53,199	391	-----
67-68	do	Miscellaneous parts for general-purpose vehicles	49,717	1,759	-----
67-37	do	Standard hardware	45,980	982	-----
66-105	do	Miscellaneous hardware	41,482	544	-----
67-106	Good, used	Miscellaneous parts for general-purpose vehicles	38,280	282	-----
67-22	Good, unused	Miscellaneous standard hardware	37,964	540	-----
67-43	do	Miscellaneous parts for signal equipment	33,709	449	-----
67-106	Poor, used	Medical and dental equipment	31,109	229	-----
67-62	Good, unused	Miscellaneous hardware and tools	29,805	420	-----
67-43	do	Signal parts	29,637	23	-----
67-72	do	Miscellaneous hardware and parts	25,533	1,020	-----
67-13	do	Miscellaneous automotive spare parts	25,493	612	-----
67-106	do	49,702 protective flaps	25,348	187	-----
67-13	do	Miscellaneous automotive spare parts	24,906	624	-----
67-68	do	Miscellaneous parts for general-purpose vehicles	23,666	475	-----
67-26	do	Bearings, rollers, and cones and pipes, tubes, and hoses	23,443	1,000	-----
67-22	do	Signal parts	21,690	1,000	-----
67-62	do	5 generators, 115 volt	21,155	102	-----
67-5	do	Rubber seals, various sizes	21,016	151	-----
67-5	do	Miscellaneous electric generators	20,515	57	-----
67-13	do	Miscellaneous hand and shop tools	20,310	616	-----
67-106	do	Miscellaneous laboratory, medical, and dental equipment	20,220	149	-----
67-66	Fair, used	Dental and medical equipment	18,447	215	-----
67-22	Good, unused	Miscellaneous ordnance repair parts	18,191	1,000	-----
67-7	do	Miscellaneous plumbing fixtures and parts	16,455	316	-----
66-105	Good, used	Electric wire and power-distribution equipment	15,860	424	-----
67-78	do	Miscellaneous repair parts for general-purpose vehicles	15,489	497	-----
67-75	Fair, used	Medical and dental equipment	15,434	110	-----
67-5	do	Miscellaneous surgical, dental, and hospital equipment	15,116	510	-----
67-35	do	Cloud height set	15,100	212	-----
67-72	Good, unused	Miscellaneous electrical equipment	15,058	137	-----

PROPERTY LOTS COSTING LESS THAN \$15,000 INVOLVING 146 LOTS

Various	Poor to good	Various	\$647,011	\$39,984	-----
			Subtotal	2,621,950	94,735
			Percent of sales proceeds to acquisition cost	-----	3.6

LAUNDRY AND DRYCLEANING EQUIPMENT

67-77	Fair to good	Various types	\$376,577	\$20,935	-----
68-7	do	do	165,662	23,674	-----
			Total laundry and drycleaning equipment	542,239	44,609
			Percent of sales proceeds to acquisition cost for laundry and drycleaning equipment	-----	8.2
			Total	3,164,189	139,344
			Percent of sales proceeds to acquisition costs for all lots and laundry and drycleaning equipment	-----	4.4

PRESIDENT NGUYEN VAN THIEU OF THE REPUBLIC OF VIETNAM MAKES SIMPLE BUT ELOQUENT POINTS THAT BEAR REPEATING

Mr. PURCELL. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. ALBERT] may extend his remarks at this point in the Record and include extraneous matter.

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

There was no objection.  
Mr. ALBERT. Mr. Speaker, in his inaugural address October 31, President Nguyen Van Thieu of the Republic of Vietnam made some simple but eloquent points that bear repeating. As our involvement in Vietnam continues and we



discuss the merits and fine points of this or that particular course of action we may lose sight of some of the primary issues. For example, all that the people of South Vietnam seek in this struggle is peace with freedom and the right to be left alone free from outside aggression. President Thieu said:

Many times we have made it clear that we want nothing more than the withdrawal of the North Vietnam aggressor troops and an end to their subversion and terrorism in South Vietnam. Peace will then be restored immediately.

Mr. Thieu pledged himself ready to sit down at the conference table in order that the governments of the south and north can directly seek together ways and means to end the war; but he also noted that thus far the enemy has always insisted on surrender before any negotiations can start.

Mr. Speaker, the Communists preach to the world that the new Government of Vietnam is a corrupt, cowardly, militarist dictatorship. I suggest we take a moment to listen to the Chief Executive of that Government pledge an increasing quest for peace with honor and to his call on all his countrymen for even more sacrifices to that noble end.

The speech follows:

ADDRESS TO THE NATION BY THE PRESIDENT OF THE REPUBLIC OF VIETNAM AT THE PRESIDENTIAL INAUGURATION CEREMONY, OCTOBER 31, 1967

My fellow countrymen, three months ago, in order to continue to serve the ideals of freedom and democracy, and restore peace and prosperity to all of you, we stood for election, with a program consisting of three main objectives: to set up democratic institutions, to find a solution to the war and to improve social conditions.

On September 3rd, you placed your confidence in us through a free, democratic, fair, and honest election and gave us the great and heavy responsibilities of leading the country at this extremely critical time.

Today in taking office, amidst this sacred atmosphere, in communion with our ancestors, and our heroes, before the entire nation I solemnly pledge to: Safeguard the fatherland, respect the constitution, serve the interests of the nation and the people, and do my utmost to fulfill the responsibilities of President of the Republic of Vietnam. These pledges I consider as tenets to strictly guide all of my thoughts and actions, and those of the entire executive machine which you have entrusted to me.

Today, we are entering the 5th year since the 1963 revolution. During this time, the country has experienced many difficulties and changes, which have consumed a great deal of energy; nevertheless, these four long years full of challenges in fighting and building have been useful to us in choosing a path to progress on which we definitely must move forward, and begin a new phase filled with greatness and promise. By greatness and promise, I mean the glories and the difficulties which await us. I think that today is not only the first day of an ordinary executive term, moreover this does not mark a victory by an individual or a group of individuals in order to consolidate their political ambitions. To achieve this day, our armed forces and people have made many sacrifices; and our allies have contributed a great deal of efforts.

Thus, today must be a day commemorating the ideology of freedom; today marks the fruits of the efforts towards democracy, it also symbolizes the solid alliance among allied countries working for common security and progress for the entire world.

My fellow countrymen, amidst these great and hallowed ideas I have just mentioned, on the basis of the mandate which you have given to me, may I voice the firm resolve of our entire nation to realize a national policy which includes the three following guidelines: Democracy building. Peace restoration. Social improvement.

With such a policy, we are determined to defeat these three enemies: Totalitarianism, war, injustice, and backwardness; in order to make our country democratic, peaceful, and progressive.

In the present heroic struggle for self-defense, our Republic of Viet-Nam has always shown itself to be a freedom and peace loving nation. Our policy is to be ready to have friendly relations on the basis of equality with every country which respects Vietnam's sovereignty and territorial integrity.

We are grateful to all nations which give us material and moral support in our difficult struggle for self-defense and in our efforts to rebuild the country.

Our policy toward our neighboring countries is to have a good relationship, to respect their sovereignty and territorial integrity and to solve every problem through understanding, and reciprocal assistance and mutual respect.

We are ready to cooperate with all friendly nations so that the peace and security of every nation can be guaranteed. On the other hand we are ready to contribute, according to our capabilities to the well-being and prosperity to the world.

After more than 20 years of sufferings, mournings, and destruction caused by war, our people, more than anyone else, long for an early restoration of peace.

To realize this legitimate aspiration, our Government has always sincerely welcomed and favorably responded to all peace proposals regardless of their sources. Moreover, we ourselves have put forth many proposals aimed at solving the Vietnamese problem in a peaceful manner.

Today, entrusted by the entire people with the important responsibility of leading the Nation, once again, I confirm that I will make a direct proposal to the North Vietnamese Government to sit down at the conference table in order that the government of the south and the north can directly seek together ways and means to end the war. I will widely open the door of peace and leave it wide open to the North Vietnamese authorities in order to seek a peaceful solution to end the war which has caused sufferings to the entire Vietnamese people. This will be only achieved when the North Vietnamese Government realizes that their aggressive war no longer pays off.

Many times, we have made it clear that we want nothing more than the withdrawal of the North Vietnamese aggressive troops and an end to their subversion and terrorism in South Vietnam. Then peace will be restored immediately.

Concerning the "National Liberation Front," its recognition should not be a preliminary condition to peace talks, as in the 1954 regroupment following the Geneva Conference, elements of the "front" now can make a choice: those who believe in Marxism can freely return to the north, and those who share our ideals of freedom and democracy can remain in the south and cooperate with us.

Up to now, we have welcomed more than seventy thousand returnees who have recognized that the present war is not a struggle for independence as alleged by the Communists and who have decided to return to the national community so as to serve the people and rebuild the homeland. They have been treated as equals, and have been given positions suitable to their abilities. They enjoy the same rights as any other citizens in the framework of the "national reconciliation policy" which we are carrying out, and which will certainly succeed.

However, as you know, thus far peace has been only a frail and remote hope, because the North Vietnamese regime has obstinately refused every peace settlement. In their aggressive ambition, they conceive that peace can only be realized by our surrender. For this reason I want to make clear to the North Vietnamese government and its tools in the south, that we are firmly determined to safeguard freedom and democracy. I want them to understand that they cannot use military strength to destroy these ideals, and that they will not win this war. I sincerely hope that I might meet them at a conference table in order to seek a common solution to end this war, to terminate the sufferings and mournings of the peoples of both North and South Vietnam, which are due to the ambitions of these few North Vietnamese Communist leaders who obey a foreign ideology by implementing ruthless dictatorial measures.

We are not alone in our just struggle for self-defense, nearly 40 friendly countries are actively helping us. At the same time as the American Government and people provide us their powerful assistance, the governments and peoples of the Republic of Korea, Australia, New Zealand, Thailand and the Philippines also contribute their resources. The sacrifices of their servicemen who are fighting side by side with the Vietnamese servicemen on the battlefields bring many important military successes, improve more and more the situation, and dissipate the Communists' aggressive ambitions.

Our Government and people will always remain grateful to the friendly countries which have helped us to resist aggression, to safeguard our freedom and to reconstruct our country.

As for our Armed Forces, cadres, and civil servants, of every branch and level, they are also fighting the enemy on the battlefield or in other areas of endeavor valiantly and efficiently.

During the past 2 years, our Armed Forces killed over 149,000 enemy by body count, captured more than 23,000 prisoners, and seized over 54,000 weapons of various types. In 2 years, 5,000 Viet-Cong rallied to our Government.

You have certainly heard of the glorious victories of the combined operations in the First Corps area, at Plei-Me in the Second Corps area, at Phuoc-Qua in the Third Corps area, and operation "Cuu-Long Dan Chi" in the Fourth Corps area. At the same time as these efforts to destroy the enemy, noteworthy efforts were made in revolutionary development and rural reconstruction. During the past 2 years 1,978 hamlets were built and consolidated gathering 3,498,000 people, 4,777 classrooms, 46 maternities, 1,200 km of roads, 169 bridges, 127 water-wells, 401 kms of canals, and 101 dikes were built in rural areas. Electric systems were installed in 20 localities and 42,000 peasants were trained in farming and animal husbandry to increase production.

You have seen that our military administrative and civic cadres have made great efforts and sacrifices. Those undeniable sacrifices and efforts have made and are making history and have given us this day the promise of a better future.

Dear fellow countrymen, the assistance of friendly countries is necessary and valuable, but we should not forget that the present struggle is above all our own struggle. Therefore, we must mobilize our entire people for the common struggle of the nation to safeguard freedom and the national sovereignty. In the present phase of the war, both the Army and people must be conscious of the necessity of contributing their blood and sweat in the common struggle. All of us must further increase our efforts in order to take initiative in the task of deciding the nation's future. We cannot entirely depend on outside assistance.

The increase of our entire people's efforts in

this struggle will undoubtedly shorten the way to peace, a genuine, lasting peace, that can ensure the territorial integrity and sovereignty of Viet-Nam in independence, freedom and democracy. You would certainly agree with me that if the enemy is still strong it is because we are not yet stronger than him, and peace cannot yet be attained for the same reason. A peace that the weaker party is forced to accept is a surrender.

I am determined not to accept a surrender. Therefore to find a solution to the war, the first condition is to be strong in every respect. The goals of our war of self-defense and that of the Communists' aggression cannot be reconciled unless we prove to the aggressors that they cannot realize their ambition.

Our all-out defense efforts do not mean that we like war and intend to destroy the population on the other side of the demarcation line. On the contrary, these efforts are made not only to restore peace in Viet-Nam but also to check the danger of Communist aggression, maintain stability in southeast Asia and build a durable peace for Asia and the world.

If I require from you greater efforts for defense, it is not because I advocate a military solution as the only way to defeat the Communists, and overlook political, economic, cultural and social weapons. However, military strength is the preliminary condition for us to safeguard and strengthen all efforts in the above mentioned fields that we are realizing and will achieve successfully.

Only by understanding the situation in this way shall we be able to have an idea of what we have to do in the future and the part that everyone has to contribute towards victory. As you know, what I want to do is to settle the war which is the cause of sufferings and which has been ravaging our beloved country. At the same time, I shall try to improve the democratic regime through the participation of the entire population in national affairs. I will also try to carry out social reforms aiming at liberating the human being and bringing the nation on the road to progress.

As I have said to you on an earlier occasion we will have to push forward to the utmost every effort in the field of military and political activities. Thus the entire population will have to accept more sacrifices and make additional efforts. Since this is a struggle for the existence of the nation, we cannot entirely rely on the assistance from our friendly nations. First we must do our best in the spirit of national unity.

First, the armed forces must constantly be improved and reinforced.

This improvement must be realized in the morale of the troops and in their material lives, in the troops behavior, organization leadership and technical skills, in order to increase potential for defense, pacification, and revolutionary development activities.

This task has been intensively pushed forward since early this year and has scored much encouraging progress.

In regard to the reinforcement of the armed forces, the recent partial mobilization is only one of the measures intended to increase the armed forces strength, hold the initiative on the battlefield, insure security, intensify revolutionary development activities and destroy enemy substructures more efficiently.

However, a strong and vallant army on the battlefield and in rural areas needs the people's moral support and a strong people's organization in the rear and in the cities. I mean that, in the rear, we must not only understand but also share the great sacrifices of the combatants and the conditions of rural people so that they will not be aggrieved and feel that wartime hardships only prevail on the front and in rural areas.

I appeal to all those who are living in well-being and prosperity not to forget our war-torn country, to restrict their luxurious

lives and contribute to the relief of suffering peoples.

A strong rear force must be organized to protect cities, relieve the heavy duties of the combatants and, at the same time, to adequately cope with the wartime situation.

In brief, to meet the war situation's requirements, to associate the rear and front lines in the efforts of a people engaged in a total war, to avoid the repetition of shocking contrast between the rural and urban areas, we cannot require of the rural areas more hardships, greater sacrifices. The rural people are sharing the heaviest war burden with regard to resources and manpower.

This is the reason why people in the capital and other cities should make greater effort and sacrifices.

The firmer the situation in the rural area and the frontline—the more stable the situation will be in the cities and the rear.

Thus, although under different circumstances, the efforts and sacrifices of all the people throughout the nation will be made on an even and national basis.

In return for the efforts and the sacrifices which I ask from you, my fellow countrymen, I am determined to achieve what the government has the duty to do for the people, so that we can go forward from initial confidence and enthusiasm to a close cooperation between the people and the government, a voluntary acceptance of efforts and sacrifices, and complete participation in the national struggle.

I believe that this is the indispensable condition to defeat the enemy, and we must honestly recognize that this has not been done sufficiently.

It is my determination to build democracy and reform society and I have had expressed to you my views on this question on a previous occasion.

In the task of building democracy, although we have made great progress and established democratic institutions from the highest national level to the villages and hamlets, we have to make even greater efforts to complete the formation of the constitutional institutions in the shortest time possible.

As for reforming society, the establishment of a new order based on social justice, in order to raise the standard of living as well as the educational level of the population, is the preliminary condition to the realization of a progressive society and to bring the country out of its present underdeveloped condition.

The national policy of rural development which is being carried out with vigor, and a plan for industrial development, are the backbone of this vast undertaking.

The two tasks require a short term and a long term plan, whose details will be presented to you when I introduce to you the new Cabinet.

However, right now, I think that a number of urgent measures to start the execution of national policy need to be taken immediately.

I am referring to a number of tasks whose necessity all of us have recognized, and which a large number of our citizens of good will have mentioned, but which have not yet been accomplished:

(1) On the diplomatic front, we shall intensify our efforts to make clear to the world our positions, and obtain the support of international public opinion for our cause.

(2) In the social field, we must protect more efficiently the morals of our people. All forms of depravation must be ended. Security and public utilities for the city dwellers, and especially for the population of the capital must be guaranteed and improved.

(3) In the economic field, we shall strive to protect the standard of living of the population, control inflation and regulate supplies. These tasks will not be easy because of Communist subversion and sabotage, and

maneuvers of profiteers, but the Government, with the cooperation of the population, will make all efforts to obtain tangible results.

(4) Nationwide, order and discipline should be strengthened. The law should be strictly obeyed. At schools, discipline should be enforced.

Every citizen must understand the necessity of law and order and must do his best to cooperate with the Government to that end.

(5) Alongside a preparatory military training program, the Government will create favorable conditions for the students and civil servants to participate efficiently in social works and devote all their capabilities to the service of the country.

(6) An austerity program will be promoted to reduce the glaring differences between the dangers and privations on the front line as well as in the countryside and the blatant luxury in the cities.

(7) Finally, as I have mentioned to you on an earlier occasion, in our broad aims to reform society, the major preoccupation of the Government having high priority in the first months is the eradication of corruption in the governmental machinery, and in the Armed Forces. This has to be carried out with justice, impartiality, and in broad daylight.

We have also to improve the workings of the governmental machinery, its organization, its procedures and its spirit of service to the people.

The urgent measures which I have just mentioned to you must have your cooperation. Although they are only the first steps and relatively minor tasks in comparison with our overall program, they are the beginning of a journey into a promising future.

Fellow countrymen, from the moment I take the oath of office, I belong to you.

My preoccupations are your preoccupations. My determination to carry out my tasks should have also your determined support.

In leading the nation, I shall ask for advice from the men of talent, and the revolutionaries who have struggled for the country. I shall learn the good things from abroad, without forgetting the essence of national wisdom.

At the helm of the executive, I shall accept the control of the people through the intermediary of the legislature. I shall welcome all contributions of ideas wherever they may come from. I shall be also ready to accept all responsible and constructive criticisms.

I shall not use demagoguery to lead the people into error, and I shall be close to the people to know the people's real aspirations.

I shall rely on your eyes to see more clearly, and on your concerns to gain better knowledge.

In brief, I need the help of all of the people, and I consider national affairs to be the affairs of common concern to all the population. Successes will be also those of the whole nation.

Fellow countrymen, at the dawn of a new era today, a new page of history has just been opened. I earnestly hope and I have confidence that the forthcoming pages of history will inscribe the glorious achievements of our country.

History never belongs to one man, or to a group of men; it belongs to the whole nation. Accordingly, the historical achievements cannot be accomplished by one man or a group of men, but by all the nation.

Therefore, I invite you all to stand up, to contribute your share to the national struggle and reconstruction, in a spirit of full cooperation between the government and the people.

Our future is decided by ourselves. Each of us has to show himself worthy of being a citizen of heroic and immortal Viet-Nam. Differences always exist among men in society, but if we know how to harmonize our-



selves, all the differences could be satisfactorily resolved.

If we know how to unite, to accept responsibilities and sacrifices, we will succeed in all our undertakings.

I fervently ask all the citizens to harmonize and unite. Let all of us pray for peace and prosperity to come soon to our beloved Viet-Nam.

#### KENNETH A. ROBERTS

Mr. PURCELL. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. VAN DEERLIN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. VAN DEERLIN. Mr. Speaker, with the passage of the Air Quality Act, it is timely, I think, to recall the great contributions of our former colleague, Ken Roberts, in the fight against smog.

As chairman of the Public Health subcommittee of the Committee on Interstate and Foreign Commerce, Ken helped write the first clean air legislation. We can literally breathe easier today because of his pioneering work.

In his 14 years of service in this body, Ken laid the groundwork for meaningful Federal action in the field of air pollution control. The culmination of the work he began was the unanimous approval given by the House yesterday to a \$428 million authorization for air pollution programs.

#### PROJECT HEADSTART

Mr. PURCELL. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. BLATNIK] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BLATNIK. Mr. Speaker, the Headstart program is one of the most successful programs of the Office of Economic Opportunity. In fact, Headstart, in my opinion, is one of the most remarkably successful programs ever undertaken by a Federal agency.

Federal, State, and local governments have made a number of investments in education. Land-grant colleges, the GI bill, the National Defense Education Act—these and other investments are examples in the faith we have that one of the wisest decisions a country can make is to stimulate and encourage the quest for knowledge.

Who would have forecast, Mr. Speaker, that the war on poverty would produce for us not only a number of programs whose immediate impact has been to reduce poverty and increase self-sufficiency among the poor, but that it would give life to an educational program which has in many ways revolutionized education?

For some time now we have been told by experts that attitudes and values undergo the most pronounced shaping process in the preschool and early school years. Thus creative officials of the Office of Economic Opportunity reasoned that it would be tremendously important to

reach preschool youngsters from low-income families. Their objective was to instill in these children an appreciation for achievement and opportunities for accomplishment that would otherwise have been denied them. They fashioned Headstart to be more than an educational program. The other, collateral disadvantages of poor children were likewise attacked. Medical and dental care, a variety of different cultural experiences, the encouragement of self-expression, education to proper nutrition—these became part of the curriculum of Headstart classes.

Mr. Speaker, the giant strides made by Headstart have been recognized by educators and pediatricians the country over. Preschool education has been given a new and exciting dimension.

Another feature of Headstart is that it is not limited in its impact to the preschoolers it serves directly. The OEO has found that parental interest in child welfare is greatly stimulated by the Headstart program, and the OEO has developed a number of ways to involve the parents as participants in the overall program. Thus, not only do parents gain an insight into schooling but an appreciation of it as well. And, frequently, parental exposure to this facet of the war on poverty encourages them to become informed and involved with other aspects of the antipoverty effort. For example, an older child may learn of opportunities for Job Corps training or upward bound. A sick and destitute relative may learn about health services, or a beleaguered friend about legal services. Here, as in so many areas, children serve to bring their parents into contact with new events and information.

I am happy to say that my State of Minnesota has been an active participant in this marvelous program. In fact, since the inception of the program more than 16,000 Minnesota children from low-income families have participated in summer Headstart programs alone. During the summer of 1967 there were more than 500 separate Headstart centers operating in Minnesota. The benefits to my State, both short and long term, will be very great indeed.

Mr. Speaker, I extend every good wish to the OEO for continued success of this program. I, for one, pledge to do all in my power to prevent this unique and proven program from the fate planned for it by opponents of the war on poverty. Headstart should not be cut back or turned over to the Department of Health, Education, and Welfare. It belongs, fully funded, with the agency which gave it life—the OEO—where it remains a vital part of the overall effort to help the poor toward self-sufficiency.

#### PRESIDENTS' ACTION PROGRAM

Mr. PURCELL. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. DE LA GARZA] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. DE LA GARZA. Mr. Speaker, agree-

ment on goals of far-reaching importance to the people of the 15th Congressional District of Texas was reached between President Lyndon Johnson and President Diaz Ordaz of Mexico when the two heads of state met recently in Washington.

I have been informed by the White House about details regarding the Presidents' action program as agreed upon by the Chief Executives of the United States and Mexico. It is a program of vital concern to south Texas.

President Johnson and President Diaz Ordaz instructed the International Boundary and Water Commission to complete as soon as practicable its studies of the recent record flood on the lower Rio Grande. The Commission was told to recommend to the two Governments such modifications of the international flood control project in the area as may be necessary to control and contain floodwaters of this unexpected magnitude.

The Presidents also reviewed the work of the United States-Mexico Commission for Border Development and Friendship, created in April 1966 to study cooperatively the improvement in the standard of living of communities along the border. Plans are being made for beautification projects and increased tourism, joint city planning between adjoining cities, increased job opportunities on both sides of the border, cultural centers open to nationals of both countries, health and vocational educational facilities, and other programs designed to permit the neighboring communities to work together to accelerate their progress. The Presidents instructed the Commission that it should give priority attention to a program of social and economic rehabilitation of the lower Rio Grande Valley.

The two Presidents expressed common interest in considering the establishment of parallel parks on the international border. The first location to be considered is the reservoir to be formed by the international Amistad Dam.

United States-Mexico cooperation in the development of water resources was reviewed at the meeting. Attention was given to the continuing efforts to control salinity in the two great international rivers shared by the country. The Presidents reaffirmed the agreement reached by them in April 1966 concerning the need for prior consultation before either Government undertakes any projects that might adversely affect the other. They also reiterated their intention of continuing to keep pace with modern science and techniques in the collaboration between the two countries for the development of their respective water resources.

The Presidents agreed in principle that the present barrier in northern Mexico to control and eventually eliminate the screw-worm fly should be extended to the narrow Isthmus of Tehauntepec. An agreement to this effect would materially benefit large areas of Mexico not now protected against this pest and would reduce the danger of its reappearance in the United States.

Agreement was reached that a new cultural interchange program should be

created. Next year Mexico will host the 19th Olympiad, and a world exposition, HemisFair, will be held in San Antonio, Tex. Presidents Johnson and Diaz Ordaz view these events as important incentives to continued high levels of tourism, furthering personal and friendly relations between the peoples of their two countries.

They agreed that the International Coffee Agreement should be extended to provide conditions of stability in the coffee trade at price levels both remunerative to producers and fair to consumers. The extension should be accompanied by such amendments as may be necessary to improve enforcement procedures, to bring production into line with consumer requirements, and to insure equitable trading conditions.

The Presidents agreed to explore possible methods of controlling the unauthorized movement of articles of archeological significance and historical value between the United States and Mexico.

They also noted with satisfaction the continued cooperative efforts between enforcement agencies of both countries in the field of controlling international traffic in narcotics and other dangerous drugs. They pledged that this cooperation will be continued.

A prior decision to encourage expansion of legitimate border trade was reaffirmed. The Presidents gave instructions that studies in this area should be concluded as soon as possible so that further trade-boosting action may be initiated.

This action program agreed upon by the Chief Executives of the neighboring Republics will be viewed with deep satisfaction by south Texans. The relationship between the United States and Mexico has never been at a higher peak—a cause for deep gratification to us who live along the border that joins rather than separates the two countries.

#### THE BALFOUR DECLARATION

Mr. PURCELL. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. CELLER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CELLER. Mr. Speaker, November 2, 1967, marked the 50th anniversary of the Balfour Declaration, a document which, in spirit at least, proved to be the great enabling act for the creation of the State of Israel. At this particular season when Soviet communism celebrates the 50th anniversary of its inglorious birth, at this time when the commissars of Moscow continue in their ruthless persecution of Russian Jewry and in their lethal designs against Israel's very nationhood, it is especially appropriate that we in the United States, as citizens of the free world, rededicate ourselves to the liberal and humane principles, if not to the prophetic vision underlying the Balfour Declaration.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. ROSTENKOWSKI, for 1 day, on account of death in the family.

#### 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. ROONEY of New York, for 5 minutes, and to revise and extend his remarks.

Mr. FOLEY, for 10 minutes, today; and to revise and extend his remarks.

#### EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. ROYBAL.  
(The following Members (at the request of Mr. PURCELL) and to include extraneous matter:)

Mr. LONG of Maryland.

Mr. MURPHY of New York.

Mr. MONTGOMERY.

#### ADJOURNMENT

Mr. PURCELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until Monday, November 6, 1967, at 12 o'clock noon.

#### REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. KELLY: Committee on Foreign Affairs. H.R. 9063. A bill to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals, and for other purposes; with amendment (Rept. No. 888). Referred to the Committee of the Whole House on the State of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DOWDY: Committee on the Judiciary. H.R. 8476. A bill to confer U.S. citizenship posthumously upon Pfc. Alfred Sevanski. (Rept. No. 887). Referred to the Committee of the Whole House.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

Mr. DEVINE:  
H.R. 13869. A bill to require an applicant for a permit to hold a demonstration, parade, march or vigil on Federal property or in the

District of Columbia to post a bond to cover certain costs of such demonstration, parade, march or vigil; to the Committee on Public Works.

Mr. FEIGHAN:

H.R. 13870. A bill to promote and foster the development of a modern merchant marine by encouraging the orderly replacement and modernization of merchant vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FOLEY:

H.R. 13871. A bill to amend title 10, United States Code, with respect to crediting certain service of females sworn in as members of telephone operating units, Signal Corps; to the Committee on Armed Services.

H.R. 13872. A bill to amend the Immigration and Nationality Act, as amended, to permit the free entry of citizens of the Trust Territory of the Pacific Islands into the United States; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 13873. A bill to clarify and otherwise amend the Meat Inspection Act, to provide for cooperation with appropriate State agencies with respect to State meat inspection programs, and for other purposes; to the Committee on Agriculture.

By Mr. GALLAGHER:

H.R. 13874. A bill to guarantee productive employment opportunities for those who are unemployed or underemployed; to the Committee on Education and Labor.

H.R. 13875. A bill to amend the Internal Revenue Code of 1954 to provide that certain awards in recognition of outstanding achievement in the field of sports shall be excluded from gross income; to the Committee on Ways and Means.

By Mr. McDADE:

H.R. 13876. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

By Mr. STUCKEY:

H.R. 13877. A bill to amend the Internal Revenue Code of 1954 to authorize a tax credit for certain educational expenses; to the Committee on Ways and Means.

By Mr. WHALLEY:

H.R. 13878. A bill to amend title 18 of the United States Code to make it unlawful to assault or kill any member of the armed services engaged in the performance of his official duties while on duty under orders of the President under chapter 15 of title 10 of the United States Code or paragraphs (2) and (3) of section 3500 of title 10 of the United States Code; to the Committee on the Judiciary.

By Mr. NICHOLS:

H.J. Res. 919. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. TENZER (for himself, Mr. BRASCO, Mr. DIGGS, Mr. DINGELL, Mr. DOW, Mr. GIBBONS, Mr. KARTH, and Mr. OTTINGER):

H. Con. Res. 571. Concurrent resolution providing that it is the sense of the Congress that the President should submit a resolution to the United Nations for final and binding improvement of peace in Southeast Asia in accordance with the appropriate article of the United Nations Charter; to the Committee on Foreign Affairs.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DADDARIO:

H.R. 13879. A bill for the relief of Rocco and Lucia Poccetti; to the Committee on the Judiciary.



## EXTENSIONS OF REMARKS

Speech by the Honorable John J. Rooney  
of New York

EXTENSION OF REMARKS  
OF

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 1967

Mr. MURPHY of New York. Mr. Speaker, under leave to extend my remarks in the RECORD, I am including the text of a recent address by the Honorable JOHN J. ROONEY, of New York, before the Smolenski and White Eagle Democratic Clubs. As chairman of the Subcommittee on Appropriations for the Department of State, Department of Justice, and Department of Commerce, JOHN ROONEY has proved to be a trustworthy guardian of the public trust; he is one of the most respected Representatives in Congress, and his example is an inspiration to all of the Members. It is a pleasure to put the text of his speech in the RECORD for the benefit of all of the Members:

It is a real pleasure for me to join with you tonight and with members and friends of the Smolenski and White Eagle Democratic clubs to share in paying tribute to those great American heroes of Polish birth who did so much for our country.

I have taken genuine satisfaction over the many years in calling the attention of my colleagues in Congress as well as the American public to the immortal General Casimir Pulaski and the magnificent service he rendered to our forebears—a service ending with his making the supreme sacrifice of giving his life to the cause of our freedom.

I have long considered it not only a real pleasure but a duty to call the attention of my fellow Americans to the splendid contribution of another heroic Pole, General Tadeusz Kosciuszko, who although not dying for us, lived every moment of his fateful sojourn in this country in completely dedicated service to us and to our founding fathers.

Like Pulaski, Kosciuszko was a brilliant and well-trained officer.

Also like Pulaski, he was dedicated to the principle that fullest freedom is the God given heritage of every man.

Kosciuszko became so intrigued with the American fight for independence, he sailed to Philadelphia to volunteer for military service. Americans can never forget the way he plunged into our war effort. We can never forget his brilliant plans for fortification of the Delaware River and his personal supervision of the stupendous task of making West Point an impregnable fortress. Nor can we forget the courage and valor which he demonstrated on the front lines of the battle of Charleston, South Carolina.

Youthful Tadeusz Kosciuszko was rapidly promoted from colonel of engineers to brigadier general. With this country making fullest use of his engineering and leadership talents, he planned to dedicate his life to this, his adopted country. But the ties of blood and the love of fatherland caused Kosciuszko to respond to the call of help from his own people in their struggle for freedom. Wounded on the field of battle at Maciejowice, he was taken prisoner and imprisoned in Russia. Subsequently, he was exiled to Switzerland.

It is truly fitting that the sesquicentennial

of his death on October 22, 1817, be observed in this country for which he did so much. It is equally fitting that the 192-year-old house in Philadelphia which he occupied the last months of his stay in America he dedicated as a shrine. It is gratifying that historical societies recognized this building as a landmark of great historical importance. His death truly was a tragic loss not only to Poland and the U.S. but to freedom-loving people all over the world.

No American-born hero made a greater contribution to this struggling nation than that brilliant strategist, planner, fighter and Polish patriot.

No American-born patriot ever made a more significant contribution to the cause of civil liberties in this country than Kosciuszko when he executed his last will and testament authorizing his good friend Thomas Jefferson to dispose of all his property and use the funds to purchase slaves owned by Jefferson and others and give them freedom and essential training to become independent citizens.

No man among the Host of legendary heroes guiding our war of independence is more deserving of our homage than General Tadeusz Kosciuszko.

I commend you and all the fine Polish-American societies for taking the leadership in organizing the ceremonies which give Americans everywhere the opportunity to reflect upon the gallantry and heroism of these great Polish American statesmen and soldiers.

But I am even more pleased that you assume responsibility for reminding not only your fellow Americans, but the peoples of the world of the greatness of others who contribute to the life and welfare of mankind.

It is important for all America to join you in the honor which you are paying to Madame Marie Sklodowska-Curie in observing her 100th birthday this year. Her discovery of radium, her magnificent research in the field of X-ray opened a whole new era of scientific development. Her gift to the world has been a boon to the hundreds and hundreds of thousands of cancer sufferers who have been cured or relieved by the magic of X-ray treatments.

Your honoring of these great sons and daughters of Poland is a constant reminder of how close the bonds are between the people of Poland and the people of this country. Your activities help us to maintain a fuller realization of the debt which Americans owe to those of your heritage for their bountiful gifts of music, art, and other forms of culture, for the gifts of science, medicine and the healing arts.

It is also gratifying that you honor another great Pole, Marshall Jozef Pilsudski, with appropriate centennial memorial ceremonies. The world can never forget his valiant fight for country, for fellowmen, and for liberty during the bloody Bolshevik invasion of Poland.

Your celebration this past year of the Polish millennium made the world more aware of the steadfastness and integrity which has been manifested by generation after generation of Polish citizens and their descendants who are now the citizens of many other countries.

I am proud to have shared in those celebrations and I rejoice that because of them we are more determined than ever to see that fullest freedom and self determination for the liberty-loving people of Poland will be achieved at the earliest possible date. In the wake of the millennium celebrations, you have a commendable program for stressing the Kosciuszko sesquicentennial and the centennial memorials for Marie Selodowska-Curie and Jozef Pilsudski. Your efforts in

behalf of these three significant occasions will be of great importance to all American citizens.

Grateful as all of us are for your superb job of reminding America of the contributions of Polish patriots and heroes, we appreciate even more the day by day contributions which Polonia is making throughout America. Your community service programs and your cultural enterprises are most beneficial to Americans of all ethnic backgrounds and of all races, color and creeds.

My friends, I have only touched briefly on a few of the reasons which make me so happy to be with you and so proud to be invited by you.

Mississippi Freedom Democratic Party

EXTENSION OF REMARKS

OF

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 1967

Mr. MONTGOMERY. Mr. Speaker, I would like to bring a matter of grave concern to me and the people of Mississippi to the attention of my colleagues, and in particular to my Democratic colleagues.

For some time in the State of Mississippi a group of people known as the Freedom Democratic Party has attempted to represent itself as the official arm of the Democratic Party. A few of their more spectacular activities have included the contesting of the seating of the Mississippi delegation at the last National Democratic Convention and the protesting of the seating of the Mississippi congressional delegation to the Congress in 1964.

Because this group has attempted to influence action with the courts and the Democratic Party on their behalf, I believe the information which I will present will be helpful in exposing the Freedom Democratic Party for what it actually is.

To this end, I would like to bring to your attention excerpts from the Mississippi Newsletter, No. 31, published at Tougaloo, Miss., on September 22, 1967. In this newsletter a full-page replica of instructions on how to make a molotov cocktail appeared. The original picture and instructions were published in the Hinds County Freedom Democratic Party News. The molotov cocktail is captioned "New Politics."

In addition to the above, this same pamphlet included under the caption "Black Power Is Fire Power" the following statement:

GUNS THE ONLY WAY

We must learn what the White Man learned in 1776. There can be no peace or freedom for any oppressed people until that people is ready to pick up guns.

Adjacent to that statement were the words "Burn, baby, burn!"

I do not believe the responsible people of Mississippi, colored or white, support

the policies of the Freedom Democratic Party; and, I do not believe the Members of this House approve of the type of politics advocated by this militant organization which is trying to take control of the State of Mississippi.

This group has given notice that they will again challenge the Mississippi delegation at the 1968 Democratic National Convention. To give the group the slightest recognition in the councils of the Democratic Party would serve to condone the politics of molotov cocktails and "Burn, baby, burn!"

In my opinion, a political organization that publicly instructs its members in the construction and use of molotov cocktails and that calls on its supporters to be ready to pick up guns cannot be accorded recognition by any responsible group in this country. In fact, the Freedom Democratic Party should be recognized and branded by responsible conservatives and liberals alike as a vicious advocate of race hatred and revolution.

### Representative Charles H. Wilson Makes Some Observations on the Middle East

#### EXTENSION OF REMARKS

OF

#### HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 1967

Mr. ROYBAL. Mr. Speaker, on Thursday, November 2, 1967, my good friend and colleague from the congressional district adjacent to my own, the gentleman from California [Mr. CHARLES H. WILSON], spoke before the Biological, Chemical, and Nuclear Division of the American Ordnance Association, at a conference held at Andrews Air Force Base, Md.

The speech was well received as a thought-provoking statement of Mr. WILSON's views on this vital subject.

I include the text of Mr. Wilson's remarks in the RECORD at this point:

#### SOME OBSERVATIONS ON THE MIDDLE EAST

(Speech of Hon. CHARLES H. WILSON before the American Ordnance Association, Andrews Air Force Base, November 2, 1967)

I'm very pleased and honored for the opportunity to speak to you this evening. If I may I'd like to discuss my recent trip to the Middle East and perhaps raise some larger foreign policy questions.

As members of the American Ordnance Association—an organization dedicated to military preparedness—you probably share my interest in United States foreign policy. Military preparedness must continue to be one of the main pillars of our foreign policy, and to deny that the two are intimately related is just about as ridiculous as denying that the armament industry is today an integral part of our Nation's economy.

I suppose you've heard the joke that claims the only reason the Israelis didn't capture Cairo and Damascus is because they were renting their tanks by the day and by the mile. Actually Israel's victory was right out of a military science textbook. Her classic pincer movements into Sinai and her superb application of air power have drastically altered the balance of power in this region so vital to our national security.

With the advantage of hindsight, President Nasser's blockade of the Gulf of Aqaba was a daring attempt to reassert his leadership over the badly fractured Arab world. When Nasser sealed off the gulf, one prominent commentator, Joseph C. Harsh of the *Christian Science Monitor*, remarked that "seldom in the history of diplomacy has one man chosen his moment for revenge so skillfully." In one respect Mr. Harsh was correct: the United States was in no position to intervene militarily. But what Mr. Harsh did not and could not know was that at that very same moment the Israeli general staff, alarmed more by the massing of Egyptian troops in Sinai than by the naval blockade, was planning a massive, preemptive strike against the U.A.R. Nasser's rhetoric was soon replaced by the thunder of Israel's fighter-bombers. In retrospect, then, Gamal Abdel Nasser overplayed his hand. He sought a modest political victory, but wound up suffering a total military defeat.

As a member of the House Armed Services Committee, I was one of the first Members of Congress to visit Israel after the war. Arriving in Tel Aviv during the first week of September, I conferred with Israeli and American officials and toured the battle areas, including the Golon Heights the Syrian outpost of Kuneitra, the Gaza Strip, and Israeli-occupied Jordan. If I were asked to recall one central, lasting impression of my trip, I would say that it is the remarkable spirit of the Israeli people. It is hard for Americans, protected as we are by the vast oceans and flanked only by friendly and cooperative neighbors, to imagine a situation in which one's homeland is faced with the prospect of extinction. Yet this was precisely what the Jews were confronted with: A choice between survival and death.

I'd like to make some personal observations on what I saw in Israel and in those areas she now occupies.

At an Army salvage base near Tel Aviv, I inspected captured trucks, tanks, and other materiel. Surprisingly, the instruction booklets for these weapons were in Russian, Czech, or Polish rather than in Arabic, as you would expect. Perhaps this is one of the reasons why the Arabs could not really operate the sophisticated weaponry supplied by the Soviet Union and other Communist countries. In this connection, Alfred Friendly of the *Washington Post* reported that during the battle for the Golon Heights in Syria, he overheard the artillery fire-control officer giving orders in Russian.

The Israeli salvage base commander showed me a Czech-made Arab truck called the "Tazra" which he described as a valuable heavy-duty transport vehicle. The truck was made in Czechoslovakia, but I was shocked to learn that the air filters over each of the front wheels were manufactured by an American company. It would serve no useful purpose to identify the firm, but I have privately expressed my concern about this matter to the State Department.

The Israelis told me that this was only one of many such salvage camps. If the one I saw was fairly typical, they must have captured an enormous quantity of Russian-made weapons. This particular camp had acres and acres of vehicles and guns. One Israeli colonel told me that the Arabs apparently abandoned much of their modern equipment because of a lack of proper maintenance. Many of the vehicles, including the tanks, were captured with only about 500 miles on them, which indicated that as soon as the first minor maintenance was required, they were abandoned. The Israelis put most of the equipment into running condition and covered the necessary parts with cosmoline to preserve them.

The roads throughout Israel, including those in what was formerly Syrian and Jordanian territory, were in remarkably good

condition. It appeared that Israel's first task after the war was the resumption of normal transportation and communication. In addition to repairing blown bridges and the like, the Israelis were quickly resurfacing and laying new hard-surface roads throughout Israel and into Jordan and Syria.

The attitude of the Israelis throughout the country, and particularly in the *kibbutzim*, their collective farms, was one of determination to rebuild and, at the same time, one of vigilance.

I suppose that Israeli sacrifices during and after the recent war are relatively minor when viewed against the tragic mural of Jewish suffering in Europe. For these Jews, many of whom are survivors of Nazi death camps, Israel means everything. Yet despite the constant Arab threat, the Israelis remain cheerful and confident of their ability to endure and flourish.

But the most disturbing aspect of the Arab-Israeli war is that American weapons were used against Israel, our only true friend in the Middle East. It can be argued, I think, that our State Department's policy of supplying vast quantities of military aid to the Arabs—while restricting arms sales to Israel—contributed to the outbreak of hostilities.

In my view, we have been suckered into providing massive military aid to Jordan. According to the *New York Times*, American dollars have permitted King Hussein—who just three weeks ago was in Moscow soliciting Soviet aid—to increase his army from 4,000 men in 1948 to some 55,000 today. Thanks to American largesse, Hussein now has a \$56 million defense budget and before the war had eleven infantry brigades five fighter squadrons and approximately 300 modern tanks (250 of which were American-made Patton T-48's).

Our policy of giving military aid to Jordan was based on the naive belief that we could woo Hussein away from the Arab orbit and away from the Soviet Union. This line of reasoning so dearly held in foggy bottom, collapsed during the war. When the chips were down, Jordan declared war on Israel and severed diplomatic relations with us. Americans had to watch the spectacle of Jordan, armed to the teeth with American weapons, waging war against our only ally in the Middle East. Jordan's Patton tanks went up in flames, and so did U.S. foreign policy.

Our Middle East policy turned out to be little more than a State Department pipe-dream. But what worries me is not our Middle East policy per se, but rather the assumptions, the philosophy, and the strategy upon which that abortive policy was based. I am beginning to wonder whether our policy toward the Arab States isn't just a symptom of a more general and more dangerous illness which, if left unchecked, may sap our Nation's vitality at home and diminish our influence abroad.

The British historian, Sir Denis Brogan, has called this illness "the illusion of American omnipotence." By this he means that we Americans believe that if we put our minds to it, we can do almost anything we want internationally. Our agonizing experience in Vietnam has already put that notion to rest. The inescapable fact is that the United States, the most powerful nation on this planet, wields very little political influence in Southeast Asia despite our unlimited military capability. Our political leverage in Saigon, let alone in Hanoi, is very, very limited.

Perhaps a better word for this illness I am trying to diagnose is "globalism." By this I mean the doctrine, best enunciated by the late Secretary of State, John Foster Dulles, and the present Secretary of State, Dean Rusk, that says the United States must intervene every time the virtue of any non-Communist country is threatened by revolution or aggression. According to the "Rusk doctrine," as one columnist has called it, the



United States must unilaterally stop aggression and revolution wherever they occur.

I do not pretend to be a foreign policy expert, but it seems to me that Mr. Rusk's globalism of the 1960's is as dangerous as the isolationism of the 1930's, and that indiscriminate internationalism is as foolish as indiscriminate withdrawal into a "fortress America."

There are, I think, some obvious similarities between globalism and isolationism. Both deny the existence of priorities in foreign policy which are derived from a hierarchy of interests and the availability of resources to support them. For both extremes, it is either all or nothing, either total involvement or total abstention. Isolationists used to say, "America will be corrupted by foreign affairs;" globalists are now saying, "American must intervene whenever there is revolution or aggression anywhere." Whereas the isolationists used to say, "we don't need to have anything to do with the world." The globalists are saying, "we shall take on the whole world." You might say, as one historian has, that "isolationism is a kind of inverted globalism, and globalism is a kind of isolationism turned inside out." In other words, Dean Rusk is as far off base as were Colonel Charles Lindbergh and the American fliers.

Both of these world views are blind to reality and contrary to America's best interests. Both are based on moral crusades; the isolationists wanted to protect America's virginity, while the globalists are obsessed with communism.

I would hope that we Americans are not so unsophisticated that we would build our whole foreign policy on anti-communism. Yet this is exactly what we have done and seem bent on continuing. At one time this approach made good sense. During the Truman administration communism was monolithic in nature and was, in Dean Acheson's phrase, "The spearhead of Russian imperialism."

But today there are as many different brands of communism as there are people in this room. Communism today is riddled with internal arguments and even open conflicts. The titanic struggle between Communist China and the Soviet Union proves, I think, that national interest is more important than ideology in foreign relations. To paraphrase an old song title, today's Communist might say that "nationalism is breaking up that old gang of mine." Although national communism is far from dead, international communism probably is dead.

Knee-jerk anti-communism yields few returns and is often counter-productive. John Foster Dulles' brainchildren, the Bagdad Pact and the Southeast Asia Treaty Organization, have proved to be utterly worthless pieces of paper. And blind anti-communism can also be somewhat embarrassing to a nation that claims to stand for such things as freedom, self-determination, and social justice. How do we square these lofty pronouncements with our support for the Diems, the Francos, and the Batistas? Or do the Greek fascists now in power in Athens deserve our support simply because they are anti-Communist?

During the Kennedy Administration there was a recognition that we should be more selective in our foreign relations. John Foster Dulles' crusade was replaced by a more discerning and more flexible assessment of our vital interests.

Yet today Secretary Rusk and other administration spokesmen are riding and spreading the alarm about something they call "Asian Communism," as if there were a single, all-consuming dragon which threatens to engulf Asia as nazism engulfed Europe. However I, for one, am not quite sure whether Mr. Rusk is referring to Vietnamese communism, Japanese communism, Indian communism, Chinese communism, Indonesian communism,

North Korean communism, or the other varieties of communism in that part of the world. Is Mr. Rusk saying that it is America's responsibility to save Asia from a fate Asian nations themselves are not alarmed about?

I have generally supported our policy in Vietnam and will continue to do so. But Secretary Rusk would be well advised, I think, not to raise the spectre of Asian communism or to commit this Nation to a larger war. In this regard I fully agree with Senator Hartke of Indiana, who last week warned that we should not embark on such a crusade unless there is more of a consensus on our policy toward Asia.

A foreign policy which is based primarily on anti-communism confuses the moral crusade with national interest. And more often than not, such a policy is self-defeating. A foreign policy which would oppose revolution throughout the world violates the traditional criteria of national interest and available power. It also violates three basic axioms of foreign policy.

*First, the human and material resources of even the most powerful nation are limited.* Perhaps we could intervene in two or three small countries simultaneously. But military estimates that we may have to send as many as one million American boys to Vietnam vividly illustrates my point. No nation can afford globalism and unlimited commitments.

*Second, trying to suppress revolution in this poverty-ridden world of ours is like trying to suppress waves in the ocean.* You crush communism in Vietnam and it raises its head, say, in Thailand; you stop it in the Dominican Republic and its raises its head in Bolivia; and so on. *Putting down a revolution in one part of the world does not prevent revolutions from occurring in other parts of the world.* Assuming that the conditions for revolution are there. No one would deny that the Chinese and the Russians try to seize control of revolutionary movements, but the United States cannot afford to oppose revolutions simply because there are Communists in them. Lest we forget, America was born of revolution. And ours was a violent revolution.

*Third, suppressing a revolution in one part of the world is bound to affect one's relations with the rest of the world.* Our policy in Southeast Asia has not only damaged our relations with our adversaries, but with neutralist countries and our allies as well. In many ways our intervention in Vietnam—and this is not to say that we should not have intervened there—has isolated the United States internationally. I sincerely hope that when historians look back upon the Vietnam war they will conclude that the gains far outweighed the sacrifices in treasure and blood.

I am neither a hawk nor a dove. I am neither a militarist nor a pacifist. My concern is that our foreign policy be grounded not on the shifting sands of emotion, but rather on the hard bedrock of national interest, and that our foreign policy *strengthen* America, not weaken us at home and disgrace us abroad.

I think that there is, however, a middle course between globalism and isolationism. I think we must be much more selective in pledging our support to other countries. Let me return to the Middle East problem to illustrate what I mean.

Even though the Arab-Israeli war demonstrated the utter bankruptcy of our Middle East policy, the State Department has quietly resumed arms shipments to the Arabs. It's amusing that Secretary Rusk, whose favorite word these days is "aggression," hasn't said anything about Arab aggression against Israel. His department still seems to think that if we pour enough money into the Arab countries we can lure them away from Moscow.

I would suggest that if we don't wake up

to the simple fact that Israel is our only friend in the Middle East, we soon won't have any friends there at all. Our "one-foot-in-each-boat" policy can only end in disaster for the United States.

In addition to being more selective in committing our power and prestige, I think we must revise our attitude toward revolution.

I believe that rather than opposing revolutions we should *compete* with the Russians and the Chinese for the control of these revolutions. As I have already explained, revolution is a fact of life. Suppressing revolutions by force creates more problems than it solves. By sending American troops to Lower Slobovia to put down a revolution we smother the flames of revolution but we do not extinguish the causes of the fire. And then when the fire breaks out again with even greater ingenuity, our policy leaves us with only one alternative: sending more troops.

Military intervention, although it is sometimes absolutely necessary, is a poor substitute for foreign policy. What is worse, it leaves us wide open to Communist charges that we are counter-revolutionary and that we support the status quo. Now the status quo might sound pretty good to you and me, but maybe we should ask the Bolivian peasant or the Nigerian farmer or the Indian factory worker what the status quo means to them, and how they feel about those countries that support the status quo. After all, these people and hundreds of millions like them are going to have a lot to say about the future of the underdeveloped world.

What I have tried to do here this evening is give you my views on the Middle East and discuss some general questions which have been on my mind. Like most of us here in Washington, I have too many questions and too few answers. However, the questions I've raised here tonight are fundamental. They will have to be resolved if we are to have real national unity. And the best way to achieve that unity is the American way: free and open debate and let the chips fall where they may.

Before I sit down I'd like to put in a plug for some legislation I've introduced which might interest you. My bill, H.R. 13693, would set up an international aeronautical exposition here in the United States in 1970 and every two years thereafter. Patterned after the Paris air show, which I recently had the privilege of attending, this exposition would seek to encourage worldwide interest in American aviation.

Thank you very much.

Capt. Alden R. Sanborn, Jr.

EXTENSION OF REMARKS

OF

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 1967

Mr. LONG of Maryland. Mr. Speaker, an Air Force officer from Maryland has been awarded one of the highest honors given by the Republic of Vietnam. Capt. Alden R. Sanborn, Jr., son of Mr. and Mrs. Alden R. Sanborn, of Annapolis, was awarded the Vietnamese Medal of Honor at a ceremony at Bien Hoa Air Base. Captain Sanborn was cited for his outstanding work with the Vietnamese Armed Forces in combating the Communists in the war. I commend Captain Sanborn on his courage and service to his country.