

Col. Samuel Lafayette Reid, [REDACTED], U.S. Army.  
 Col. Robert Creel Marshall, [REDACTED], U.S. Army.  
 Col. James William Gunn, [REDACTED], U.S. Army.  
 Col. James Joseph Ursano, [REDACTED], Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Donald Volney Rattan, [REDACTED], Army of the United States (lieutenant colonel, U.S. Army).  
 Col. John Howard Elder, Jr., [REDACTED], U.S. Army.  
 Col. John Charles Bennett, [REDACTED], Army of the United States (lieutenant colonel, U.S. Army).  
 Col. George Washington Putnam, Jr., [REDACTED], U.S. Army.  
 Col. Emmett Robinson Reynolds, [REDACTED], U.S. Army.  
 Col. George Monroe Bush, [REDACTED], Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Dennis Philip McAuliffe, [REDACTED], Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Sidney Michael Marks, [REDACTED], U.S. Army.  
 Col. George Gordon Cantlay, [REDACTED], U.S. Army.  
 Col. Arthur Hamilton Sweeney, Jr., [REDACTED], U.S. Army.  
 Col. George Murrell Snead, Jr., [REDACTED], Army of the United States (lieutenant colonel, U.S. Army).  
 Col. James Clifton Smith, [REDACTED], Army of the United States (lieutenant colonel, U.S. Army).  
 Col. William Ross Bond, [REDACTED], U.S. Army.  
 Col. Bertram Kall Gorwitz, [REDACTED], Army of the United States (lieutenant colonel, U.S. Army).  
 Col. John Kirk Singlaub, [REDACTED], Army of the United States (lieutenant colonel, U.S. Army).  
 Col. John Woodland Morris, [REDACTED], U.S. Army.  
 Col. Harold Arthur Kissinger, [REDACTED], Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Claude Monroe McQuarrie, Jr., [REDACTED], Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Joseph Edward Pieklik, [REDACTED], U.S. Army.  
 Col. Henry John Schroeder, Jr., [REDACTED], U.S. Army.  
 Col. Thomas Fuller McCord, [REDACTED], U.S. Army Reserve.

Col. Edward Michael Dooley, [REDACTED], Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Hubert Summers Cunningham, [REDACTED], Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Wallace Clifton Magathan, Jr., [REDACTED], U.S. Army.  
 Col. Jack MacFarlane, [REDACTED], Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Maurice Wesley Kendall, [REDACTED], U.S. Army.  
 Col. Harold Robert Parfitt, [REDACTED], U.S. Army.  
 Col. Richard Hulbert Groves, [REDACTED], Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Richard Harold Johnson, [REDACTED], Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Stewart Canfield Meyer, [REDACTED], U.S. Army.  
 Col. Edwin Bradstreet Owen, [REDACTED], U.S. Army.  
 Col. Michael Edward Leeper, [REDACTED], U.S. Army.  
 Col. David Ewing Ott, [REDACTED], Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Clarke Tileston Baldwin, Jr., [REDACTED], U.S. Army.  
 Col. Jack Alvin Albright, [REDACTED], U.S. Army.  
 Col. Hugh Richard Higgins, [REDACTED], U.S. Army.  
 Col. Charles Morton Young, Jr., [REDACTED], U.S. Army.  
 Col. Bert Alison David, [REDACTED], Army of the United States (lieutenant colonel, U.S. Army).  
 Col. Sam Sims Walker, [REDACTED], Army of the United States (lieutenant colonel, U.S. Army).  
 Col. William Burns Caldwell III, [REDACTED], Army of the United States (major, U.S. Army).

## POSTMASTERS

The following named persons to be postmasters:

## GEORGIA

Carlton T. Warmack, Fairmount, Ga., in place of D. D. Warmack, deceased.  
 Charlotte D. Bridges, Pineview, Ga., in place of D. T. Clements, retired.

## ILLINOIS

Linda T. Wilson, Robbins, Ill., in place of N. F. McCrary, retired.

## MICHIGAN

Alice S. Schyllander, Erie, Mich., in place of W. C. Uckele, retired.  
 James E. Robb, Imlay City, Mich., in place of E. E. Secor, retired.

## NEBRASKA

R. Bruce Sweeney, Nemaha, Nebr., in place of E. B. Sweeney, retired.

## NEW HAMPSHIRE

Marion E. Boyce, Hill, N.H., in place of Nelson Liden, retired.

## NEW YORK

John E. Deegan, Amsterdam, N.Y., in place of T. J. Tighe, Jr., deceased.

## NORTH DAKOTA

Leona M. Schwab, Rogers, N. Dak., in place of A. C. Kelly, retired.

## OKLAHOMA

Lee T. Goodwin, Concho, Okla., in place of L. G. Wyrick, retired.

## PENNSYLVANIA

Henry A. Bauman, Chalfont, Pa., in place of W. I. Wolfinger, retired.  
 Francis A. Solla, Freeport, Pa., in place of W. M. Kerr, retired.  
 Myrtle E. Keuling, Tafton, Pa., in place of Elizabeth Robinson, deceased.  
 Stanford L. McFarland, Walnutport, Pa., in place of C. N. Jarinko, deceased.

## SOUTH CAROLINA

Woodrow W. Williams, Springfield, S.C., in place of H. T. Fanning, retired.

## TENNESSEE

Jack O. Lambert, Alamo, Tenn., in place of R. J. Thomas, retired.  
 Margaret M. Toomey, Delano, Tenn., in place of M. C. Pack, retired.  
 Lena M. Shannon, Green Brier, Tenn., in place of E. A. Williams, retired.

## TEXAS

Ralph H. Walton, Grapeland, Tex., in place of A. S. Clewis, retired.  
 Allen E. Mieth, New Ulm, Tex., in place of D. F. Arndt, transferred.  
 Herbert M. Nichols, Winters, Tex., in place of G. R. Pace, retired.

## WITHDRAWAL

Executive nomination withdrawn from the Senate July 11, 1968:

Francis W. Whitmore to be postmaster at East Setauket in the State of New York.

## EXTENSIONS OF REMARKS

## LIEUTENANT SPRAYBERRY'S HEROICS GAIN HIM THE SILVER STAR

## HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1968

Mr. NICHOLS. Mr. Speaker, we hear and read much today about the juvenile delinquents, the draft dodgers, peaceniks, and others who claim to be dissenters to the many of our American traditions and ways of life. Very little is heard about the young Americans who are not trying to be noticed because of their differences and their defiance.

Today, I would like to share with you the story of a young American and a young Alabamian who staged another type of defiance, this time on the treacherous battlefield of Vietnam. A native of my hometown of Sylacauga, 1st Lt.

James M. Sprayberry, has just been awarded the Silver Star for bravery. Lieutenant Sprayberry is the son of Mr. and Mrs. O. H. Sprayberry of Sylacauga, and is married to the former Nancy Herd. They have one son. Lieutenant Sprayberry is also a graduate of B. B. Comer High School in Sylacauga.

I, at this point, insert in the RECORD an article from the Tuesday, July 9, edition of the Birmingham News which describes Lieutenant Sprayberry's action which earned him the coveted Silver Star:

IN VIET ACTION: LIEUTENANT SPRAYBERRY'S HEROICS GAIN HIM THE SILVER STAR

It sounds like the script of a John Wayne movie, but the Silver Star-winning efforts of 1st Lt. James M. Sprayberry would better be called just another day in the war life of the Sylacauga native.

It all began late one afternoon when a platoon in the 21-year-old soldier's company started down a thickly vegetated mountain

in the northwestern part of Vietnam's Tinh Thua Thien Province.

The platoon, according to Army reports, had almost reached a major enemy supply route when an ambush unfolded on two sides. Several GIs were killed immediately, and the others took cover and radioed for help.

Sprayberry, executive officer of the 5th Battalion, 7th Cavalry Co., quickly sent another of his platoons forward to relieve the trapped soldiers.

Murderous enemy fire drove the rescuers back.

So Sprayberry—like in the movies—decided to wait until dark.

By 8 p.m. the young lieutenant was ready—loaded down with as many fragmentation grenades as he could carry. He asked his men for volunteers. No one, he said, would be ordered to go with him. Several quickly volunteered.

They set out, walking slowly along the almost trail-like road, keeping low and trying to avoid twigs and stems that might break noisily if stepped on.

Then, barely out of sight of the base, in a

thicket so dark it was hard to tell friend from foe, a sudden rat-tat-tat exploded from a bunker beside the road and bullets zipped through the dust at Sprayberry's feet.

He dived forward flat on his face, not looking up until the burst of fire was over.

His volunteers were all safe. "Stay still," he told them. He had seen where the flashes came from and he was going after their source.

He crawled toward the bunker, and praying as he moved closer that he wouldn't be spotted. He wasn't, and, when less than 15 yards away, he quietly unsnapped one of his grenades, pulled the pin, tossed it and ducked.

Yells. An explosion. Darkness.

Jumping up, the young lieutenant ran toward the site of the explosion, saw the enemy dead, then returned to lead his volunteer patrol silently on toward the pinned-down platoon.

Into every bunker they found along the route, Sprayberry tossed another grenade.

Before Sprayberry had found the beleaguered platoon and led it back to safety, a dozen enemy had been killed, and two machine gun positions and countless bunkers eliminated.

In presenting the lieutenant with the Silver Star last week, Maj. Gen. John J. Tolvon, 1st Air Cavalry commanding general, called Sprayberry's act "the bravest single act that I have heard of during the time that I have commanded the 'First Team'."

#### A COMMONSENSE VIEW

### HON. ROBERT C. BYRD

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, July 11, 1968

Mr. BYRD of West Virginia. Mr. President, an editorial that takes a very commonsense view of the gun-control proposals pending in the Congress appeared in the Washington Daily News for July 10.

Entitled "Gun-Control Compromise," it points out that it is more important at this point to get the ban on mail-order sales of guns than it is to attempt to compel all gun owners to register their weapons—something the criminal element is not likely to do, law or no law.

I ask unanimous consent that the editorial from the Daily News be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### GUN-CONTROL COMPROMISE

In Capitol Hill the hottest dispute of the summer has to do with so-called gun-control legislation.

The war chiefly is between two extremes—those who want no gun legislation at all, and those who favor what they call tight controls.

In the recent anti-crime law, Congress already has clapped a ban on mail-order sales of handguns. Now, it appears, this will be extended to "long" guns—rifles and shotguns.

To get this much, there has been a "compromise" on the House side—key members have said they would oppose for the time being a bill to compel registration of all gun-owners if the proposal for a mail-order ban on long guns were released for a House vote.

This is a reasonable arrangement.

Altho handguns are the principal weapons in crime, there is just as much reason to outlaw mail-order purchase of long guns

as pistols. This imposes no real hardship on anybody, and will make it tougher for misfits to acquire weapons.

The sweeping bill to compel the registration of all firearms is another question. It is encumbered with reams of red tape. And there is a valid argument in the contention that it would affect only the legitimate gun-owners while the criminal element, which would ignore the law, still could acquire weapons.

Moreover, as it stands the bill would not be wholly effective for more than two years anyway. Even then, it would apply only in those states which failed to enact gun-control laws deemed "adequate" by the Secretary of the Treasury, who also would be given wide discretion in concocting rules and regulations.

So, if there is no hasty action by Congress now, not much would be lost, if anything, other than a political issue. And Congress meanwhile, by hearings and investigation, might be able to determine whether a registration law would be as effective in curbing crime as Attorney General Clark, for instance, says.

More to the point would be stricter enforcement of laws against carrying concealed weapons, and tougher penalties for violators. And tougher penalties for using weapons in any type of crime.

Finally, it is more useful to get the ban on mail-order sales than not to get it; and in this the compromisers at least are taking a constructive step.

"YOUR POLICE NEED HELP"—ADDRESS BY QUINN TAMM, EXECUTIVE DIRECTOR, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, TO THE CAR AND TRUCK RENTING AND LEASING ASSOCIATION

### HON. JOSEPH D. TYDINGS

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Thursday, July 11, 1968

Mr. TYDINGS. Mr. President, we are devoting an increasing amount of time to the crime problem. We know that our best hope for reducing crime is changing the environment which breeds it.

But we also know that our first and most urgent need is to improve the criminal justice system which apprehends suspects, judges them, and attempts to rehabilitate them.

At the forefront of the system is, of course, the policeman. A man like the rest of us—with a family, friends, a mortgage, auto payments, and the rest. A man like the rest of us except that he is required to practice medicine and law while acting as a counselor of children and married couples. Like the rest of us except for thing: Every day, he puts his life on the line.

The policeman needs help. He is underpaid, overworked, and underequipped. He is also poorly trained, and is all too frequently regarded as a semiskilled worker, not the professional we say we want him to be.

Along with a growing number of citizens, I am concerned that our police departments are not what they ought to be. Title I of the Omnibus Crime Control and Safe Streets Act will help. The growth of vigorous State and local interest in law enforcement will help. And the involvement of private citizens, through their organizations, will help.

One of these organizations is the Car and Truck Renting and Leasing Association. At its annual meeting in Las Vegas on February 8, CATRALA heard an address by Mr. Quinn Tamm, executive director of the International Association of Chiefs of Police and one of the Nation's foremost experts on the police.

I ask unanimous consent that Mr. Tamm's address, followed by the introduction of Mr. Tamm by Mr. John Hovington, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

#### YOUR POLICE DEPARTMENT NEEDS HELP

(By Quinn Tamm)

Next to Viet Nam, crime is our most serious national problem. I am here today to tell you what the police are doing about it, and what you as businessmen can do to help them in what appears to be a losing battle, although I steadfastly refuse to accept this premise.

#### THE RISING TIDE OF CRIME

As you and I confer here today, the police of our nation are making extensive preparations to prevent another "long, hot summer" of civil disorder. In addition to girding for this threat, they are stretching their capabilities to the breaking point every hour of every day in attempts to stem the rising tide of crime that intimidates many of our law-abiding citizens, making them hostages in their own homes—afraid to venture into some areas of our cities at any time—afraid to leave their homes after dark to shop, visit friends or seek recreation.

It is not easy to accept such facts in our nation which prides itself on being "the land of the free and the home of the brave." But is any man free when he is being blackmailed out of four percent of his income by the forces of crime? And is it bravery or foolhardiness to venture out on the streets when the chances are one in 50 that you will be the victim of a serious crime?

Am I exaggerating? Let's look at the facts.

According to the estimate of the President's Commission on Law Enforcement and Administration of Justice, the cost of crime in our nation in 1965 was some \$21 billion. This is slightly more than four percent of our annual personal income. Last year, nearly two out of every 100 inhabitants were victims of a serious crime.

In the period 1960 through 1966, the number of criminal offenses per 100,000 population rose 48 percent. The first nine months of 1967 showed a 16 percent increase over the same period in 1966. Can we hope that this is a relatively short-time phenomenon? The President's Commission on Law Enforcement and Administration of Justice doesn't think so. The Commission has declared that the crime rate will continue to rise even if the U.S. adopts every proposal of the Crime Commission.

#### CRIMES' CRIPPLING EFFECTS

What we also have to keep in mind are the intangible losses from a sociological standpoint. We know for an historical certainty that a nation that lacks social ethics is ripe for decay; and we must hope that this does not happen in our country.

We cannot measure in statistics or figures the crippling effects of crime to communities, whose citizens fear to talk to one another, much less to strangers, and who will not walk the streets of their own neighborhoods. There is no way to measure our loss when we lose trust in our fellow citizens and feel insecure even within the boundaries of our own local community. To tolerate such blows to our spirit is to lose faith in the philosophy of personal freedom and security which brought our forefathers to these American shores.

When we talk about fighting crime, we are



not discussing only the need to preserve our own property and safety, we are speaking also of preserving our character and our American heritage.

When we talk about fighting crime, we are also talking about action. It must be action impelled by informed citizens and propelled by their support and participation in the police efforts of our local governments. A concerned community must first inform itself, to find the programs which best answer its own dilemmas, and then build the kind of police department it needs to carry these programs into action.

#### YEAR OF THE POLICEMAN

At this very moment, the International Association of Chiefs of Police and the U.S. Department of Justice are jointly conducting a series of seminars for police officials. Their emphasis is on riot prevention, not just control, and on community relations programs.

Attorney General Ramsey Clark calls 1968 "the year of the policeman." On the balance between the policeman's courage and self-restraint depend our hopes of a peaceful summer.

Never before in our history have the police been so closely observed, criticized (whether rightly or wrongly), nor have they encountered court decisions that questioned certain police practices. As a result, the law enforcement officer has in many instances found himself incapable of readjustment because of the very nature of this social and legal upheaval.

Even while we are afraid to walk our streets, the citizens of our enlightened society are more aware today than ever before of the dignity of man and the guarantees given to him under the constitution. This awakening has in turn brought about great changes in the attitudes and physical operations of law enforcement agencies all across this country.

Most policemen know that fear and hatred are bad for their profession and for your business, but it exists, and ways must be found to adapt to it, to protect against it, and finally to overcome it.

Every government, local, state or national, is charged with the responsibility for the health and welfare of its citizens. The personal safety of the individual is, however, government's highest responsibility. That safety, within the nation, depends most upon the qualifications and capabilities of your local police officer.

#### CRIME IS A LOCAL PROBLEM

Law enforcement, as has been repeatedly stressed by President Johnson, is a local responsibility. I can't imagine that any of us would prefer the alternative of a Federal police force. It was to escape from such an authoritarian status that our forefathers of all ethnic derivations came to America and built our nation to its present preeminence.

The problem of crime is a local problem. It's a problem that affects each and every one of your communities. It's a problem that you, as a businessman, should be concerned about in your local communities. It's a problem that you should try to do something about in your local community. You can't blame it on the Federal government. You will have to look around at home and blame it on somebody else, because it is a local problem. We don't want a national police force. We are not constituted that way in this country.

How well equipped are you to fight crime in your local community? Are you using modern methods to fight modern crime or is your support simply a slogan? Have you taken a look at your own police operation and tried to understand what's going on and what's happening?

#### THE MAN IN THE MIDDLE

First, let us clearly understand what the police officer's position is in our nation. As an element of the executive branch of local government, it is his sworn trust to enforce the law—not some of the laws some of the

time, but all of the laws all of the time. It is not within his purview to establish these laws; it is not within his purview to adjudicate them. The policeman is not responsible for initiating or thwarting social changes. It is his mandate in a government of laws to maintain social order for the protection of lives, liberties and properties of all citizens, and I repeat—all citizens—black or white, young or old, rich or poor.

The social revolution that is presently taking place in our country has made the policeman the man in the middle. It is he, the symbol of the force of law in a distinctive uniform, who is blamed by those who would hasten the due processes of law on one hand, and those who would maintain the status quo; regardless of the social changes taking place in our nation. Law and order must prevail, and this is the ultimate responsibility of the policeman.

From my vantage point as the Executive Director of an international association comprised of over 7,000 law enforcement executives, I can say to you with the deepest conviction that your policeman has not failed his trust despite inadequate resources, low prestige and financial compensation at the lower end of our economic scale.

#### POLICE ARE HANDICAPPED

But, we must face the facts: Police resources are grossly inadequate. I know of no major police agency in our nation today that is manned to its authorized strength. Despite every conceivable attempt to enlist qualified personnel, they continue to be undermanned.

This is not difficult to understand when we compare their job and its requirements and compensations with others of like responsibilities. In the first place, the median salary for a patrolman in our nation today is something less than \$6,000 a year, the lowest for any professional occupation.

Secondly, the police are handicapped by inadequate material resources. They are attempting to cope with 20th century problems with the tools of the frontier days. The police are still operating in large part with the weapons of the 19th century—the gun and the nightstick. Our nation spent some \$18 billion on research and development last year but practically none of it was expended in law enforcement.

I wonder how many of you have ever visited the police department or precinct station in your own community. Have you looked at the basement rooms they occupy, usually in City Hall? How many of you have ever smelled a police station? Many are at least 150 years old and some are older. The Chief of Police is usually relegated to something resembling a mop closet. Hundreds of precinct stations are sweat holes without air-conditioning, and many without fans to keep the air circulating.

Yes, I know that every year now we have a "be kind to your policeman" week when we tell him he is a great guy, and award him a plaque for pulling children out of a flaming building or for facing a gunman in a dark alley and apprehending him.

This adulation is appreciated. But, that plaque doesn't buy many groceries. It doesn't add anything to the three hundred dollar take-home pay the officer receives by moonlighting industriously eight and ten hours beyond his police shift. It doesn't help much in supporting two children and a wife.

The businessmen of a community, who best understand these processes, are the ones, most of all, who should take a look at the local police department. Find out what's going on; find out what you are paying your men, what is their educational background, and what type of equipment they have. Then, make recommendations for improvement to your local politicians.

Face the fact that your policeman is still carrying a billy club and that a club doesn't reach very far in a space age. This is your responsibility.

#### POLICE WORK SHOULD BE BY PROFESSIONALS

I rode part way to Las Vegas with the Commissioner of one of our major cities. He complained that 900 members of his police force of some 3,000 members had an 8th grade education or less. He was concerned about their reactions in these times of stress. He should be.

Our association is trying to raise the standards of law enforcement. Some encouraging progress has been made in the training and education field. But, not enough. Today, as in the past, most departments require only a high school education as the academic qualification for a recruit. If the police of our nation are to attain truly professional status, this qualification must be raised.

The move to professionalize through licensing has been extended to many fields. Licensing is a method of control for the benefit of society. The several states have enacted licensing legislation to protect the health, safety and morals of their citizens from those who might adversely affect them.

As any population expands, living becomes more complex. Safeguards are needed not only to protect society from the outright criminal activity of individuals, but also from the less apparent unskilled and untrained individual, whose services can affect the people.

Doesn't it seem strange to you that this control by states of professions has not been extended to the one group which must make life and death decisions, decisions where a citizen's life, liberty and property may be arrested—the law enforcement officers (the police) of the United States?

The development of professions in the United States, and indeed in the rest of the world, has been based upon (1) a careful selection of individuals to make certain they have the basic qualifications needed to perform, and (2) an established and tested body of knowledge that the practitioners must master and use in performing their tasks.

You, who are the businessmen of your community, should demand and expect that your policeman be an expert in his field. You should assent by giving to your state representatives the authority through legislation to determine and regulate, on a statewide basis, whether individuals holding themselves out as experts in the police profession are indeed qualified.

The International Association of Chiefs of Police has promulgated the "Model Police Standards Council Act" as a guide to the states to provide minimal training standards. This legislation, among other things, calls for an ultimate requirement of a Bachelor's degree for entrance into police service.

We need to attract and recruit skilled, educated men who look on police work as professional labor, rewarded and honored as such.

#### IMPROVEMENTS IN PERSONNEL AND EQUIPMENT NEEDED

Hundreds of businessmen throughout these United States devote vast amounts of energy and money to attracting baseball, basketball and football stars for their local teams. If only a fraction of the same amount of attention was given to scouting out and recruiting for the local police department, what a difference it would make.

In addition to the need to increase educational facilities for policemen there is a great need to enhance on-the-job career development opportunities for police officers. Nothing is so stultifying to a young recruit than to know that the only growth he can achieve in 30 years of police work will be on the toes of his flattened feet. Training programs and materials are available from the IACP. They need to be used to the benefit of several thousand individual police officers. The demand for them must be made at the local level.

As I previously mentioned one of the major deficiencies in police service is in the research and development area. We have

been particularly active in this area. We maintain a facility unique in the police service, a Center for Law Enforcement Research Information. A steady flow of material from individuals and departments comes into this center and is disseminated throughout our membership. Progressive methods developed by one department should be utilized by other departments. You, as businessmen, should know better than anyone else the advantages of research and development. You should insist that progressive methods be tried and used in your local departments.

#### BUSINESS SHOULD GET INVOLVED

The support of businessmen is not enough. We also require your participation. You cannot escape responsibility simply by hiring policemen and locking your doors.

To be effective in building better police departments, you must be active. Support cannot be given by a slogan. You should exchange ideas; debate and help police as members of a local business-police support group. Police practice that has the "active" support of the business community will be far more effective, and welcome, than that imposed by a remote authority.

If modern crime is to be fought with modern methods there must be a willingness to spend local tax dollars. Business support will mean a willingness to spend money so that policemen can make law enforcement a full-time professional career. Active support means obtaining money so that police departments can modernize their equipment for crime detection and the gathering of intelligence.

The police departments of our nation are undermanned, underpaid, poorly equipped and poorly financed. The businessmen of our country have the qualifications necessary to lead in this struggle against crime and I'm asking that you and your colleagues in your association get involved.

No one knows better the importance of good management than the businessmen of a community. Our Association provides a managerial consultant service. We have a permanent cadre of some 10 veteran police executives with academic training through the Master's degree level in our Field Operations Division. At the request of a community executive, local crime commission and/or police chief, this division conducts a detailed analysis of the department's administration and operations. Based on this analysis, explicit recommendations are made to increase its efficiency. This service is provided on an at-cost basis and has been utilized by over 100 law enforcement agencies throughout the nation. We have a continuing backlog of requests for this service. Cities like New York, Chicago, Dallas, Baltimore, Boston have utilized it to the betterment of their police departments and you can, too, by obtaining a local resolution for payment, and by getting into the line up for the service.

#### A NEW "CRIME CHECK" PROGRAM

In speaking of the work of our Association I would now like to make public for the first time another program that is in the developmental state—and on which we need your help.

The police service badly needs broad-scale information programs that apprise the individual citizen of the conditions that exist and enlist his active support in alleviating them. In some major cities these programs have been developed either through police initiative, civic initiative, or a combination of the two. Two excellent examples of programs developed through police initiative are the "Crime Stop" program in Chicago, and the "Crime Alert" program in Kansas City, Missouri. In these programs every possible communications medium was utilized to inform the citizens of their responsibilities and how they can fulfill them. In both cases citizens rallied behind their police and became working partners with their

police by reporting crimes and suspicious circumstances. In Indianapolis, a woman's organization conceived such a program, and with the enthusiastic cooperation of the police department has achieved astonishing results in reducing crime.

While resources and technical expertise have been available in the larger cities for such programs, this is not normally the case in the smaller communities. To provide such programs for these communities is the purpose of our IACP "Crime Check" program. Our information specialists are borrowing liberally from the experience gained in existing programs and, through the use of mass production techniques, will develop timely brochures, posters, radio and television announcements, speech outlines, visual aids, movies, portable display units, etc., for these smaller and medium-sized communities.

We hope to accomplish on a national basis what has proved so successful on an isolated, large-city basis. A dramatic enlistment of citizens in the fight against crime on a national basis is the goal. Most citizens want to help, and police chiefs want that help. The problem is how to meld these desires into an action program. We are developing detailed guidelines to establish this essential partnership, since no such plan can succeed without total citizen involvement.

We require about \$100,000 to get this national program underway and thereafter it will be self-sustaining, since materials will be provided to communities on a virtual cost basis. We would welcome the sponsorship of CATRALA, or you as individuals in this vital program.

At this moment, we do not have a single dollar for this effort at bringing tranquillity to our streets, but I assure you that we will not flag in bringing this citizen-police partnership plan to life.

That a requirement for such program exists was overwhelmingly demonstrated by our preliminary survey. We canvassed some 2,000 police chiefs, and within a week following our canvass, over a thousand replies were received indicating an interest in utilizing our capabilities to provide such an information program.

If you will accept my professional assurance that the quality of law enforcement in our nation today is the highest I have seen in my thirty years of experience, the question then is: what remains to be done? Gentlemen, that answer lies with you and businessmen like you. With the freedoms we inherit as Americans are corollary responsibilities, and two of the most vital are respect for the law and support of law enforcement. Effective law enforcement cannot prevail solely from police actions. It can only result from total community involvement. The indifference of one citizen handicaps law enforcement and contributes to the rising rates of crime and civil disorder.

#### CONTRIBUTIONS BUSINESS CAN MAKE

Certainly no group of citizens has a greater stake in rectifying this situation than does the business community. Our free enterprise system can only function within the framework of law and order that insures equal justice for all. It lies dormant under an authoritarian form of government, and it vanishes in a climate of anarchy.

How, then, can you as citizens and businessmen contribute to achieving respect for the law and support of law enforcement?

You can take active and continuing steps to correct or eliminate the causes of crime in your own community—and I suggest the first man to see about this is the chief of police in your city. No one knows better where the breeding grounds of crime are in your city than he does. No one knows better where the root-causes of crime are buried than he does. No one knows better where the pockets of poverty and ignorance are than he does, and what needs to be done in getting jobs for the disadvantaged or pro-

viding hope for those who feel there is no hope.

Another contribution within every businessman's capability is to increase his own security capabilities. Every time a policeman has to investigate a crime that could have been avoided by proper industrial security measures, he is being diverted from furnishing protection to the citizen on the street and in the home. Conversely, every time a businessman fails to prosecute a criminal employee, every time he condones a criminal action or a lowering of business ethics, he contributes to disrespect for the law and the disintegration of law enforcement.

The potential contribution that business leaders can make in the political arena is incalculable. Individually, and in aggregate, your influence probably outweighs by a hundredfold that of the pseudo-intellectuals, the militant dissidents, and self-proclaimed messiahs. I am confident that if every businessman who has suffered from a criminal action had written his Senator and Congressman urging enactment of the Safe Streets and Crime Control bill, that legislation would have been on the books for many months now, and police services and resources would have been improved immeasurably. In your own community, I have no doubt that your support of a local ordinance requiring each motorist to lock his car and remove the key would reduce auto theft, and thereby juvenile criminality, by 50 percent in a month's time.

It is possible for the leaders of business to provide general financial support to enhance the capabilities of law enforcement. You cannot, of course as a private individual or company, contribute financially to your local police department. However, you can contribute to non-profit, tax-exempt professional associations such as the one I represent.

Our Association derives only about 10 percent of its operating revenue from membership dues. The bulk of our operational revenues comes from the many at-cost services we provide. Also many of our services are funded through grants-in-aid from such foundations as the Ford Foundation and such governmental agencies as the Department of Justice and the Department of Health, Education and Welfare.

We are also pleased that many industrial organizations feel that our work is worthy of their support. Some of our major contributors in industry include American Airlines, Hertz, TWA, Eastman Kodak, Bristol-Myers, Du Pont, AT&T and its affiliates, Prudential Life Insurance Company, Reynolds Metals, American Trucking Association, General Telephone and Electronics Foundation, and the Insurance Institute for Highway Safety. These contributions are, of course, tax-deductible. I am not here to "shake the tambourine" but there are many anti-crime plans in our arsenal which cannot be brought to bear because of the absence of financial ammunition.

Gentlemen, I am not a pessimist, but, having served in law enforcement since graduating from college, I am a realist. As such, I have tried to make it clear that we are rapidly approaching a point of no return as far as law enforcement in our nation is concerned. Civil disorders and conventional crimes are growing threats to the economic and social well-being of our country. This rapidly escalating trend can be reversed only by total involvement of all resources of the nation. While the police are willing and prepared to accept their responsibilities, they alone cannot stem this growing menace. Their dedicated service must be augmented by support from every segment of our society.

#### HOW TO BUILD BETTER POLICE DEPARTMENTS

You, the businessmen of our nation have all the qualifications necessary to lead in this struggle. You are trained and experienced leaders, your influence is far-reach-



ing, you command much of the nation's personnel and material resources, and, finally, yours is the major stake in maintaining a free enterprise democracy that can function only within the framework of law and order.

Gentlemen, the police of our nation are facing the challenge of crime in our free society with unswerving dedication and perseverance. They will continue to do so with all the resources at their command.

You can improve those resources and you can build better police departments. In summary, you can:

1. get to know and understand your police chief and give him and his precinct station leaders up-to-date efficient facilities for more effective work;
2. help determine the policing requirements of your community through a business-police support group which exchanges ideas and advice with local law enforcement officials;
3. obtain IACP managerial consulting services for a detailed analysis of the administration and operations of your local department;
4. work with your local police department through the budget and legislative process, back its request for legitimate fund increases and lobby them through your local political offices;
5. inform your neighbors and obtain their assent for police improvements;
6. speak to your local and state officials about introducing and passing resolutions in favor of and legislation for the IACP developed "Model Police Standards Council Act";
7. scout out and recruit the best of men for your local police department; and
8. make police work a challenging career by—

Equipping your officers with the most up-to-date crime prevention and fighting tools,  
 Paying a professional wage,  
 Developing on-the-job training programs,  
 Endowing scholarships for local police service degree candidates, and  
 Providing realistic promotional opportunities

These are a few of the things you can do. Most of all you can refuse to tolerate lawlessness, in any form. Without your help, this spreading criminal effort will never end. Its roots are everywhere. They are in business, labor and government. They are not restricted to the slums of our cities. No place is more vulnerable than the small suburban community.

Support for your police is an elementary task of citizenship and I know I speak for them in hoping that they will not stand alone. I would also hope that in the forefront of citizen support will be those who can contribute so importantly—the business leaders of our nation.

INTRODUCTION OF QUINN TAMM BY JOHN HOVING, EXECUTIVE DIRECTOR, CAR AND TRUCK RENTING AND LEASING ASSOCIATION, WASHINGTON, D.C.

Our grandfathers knew the West as a lawless and wild country where every man packed a gun. Our children learn of the West by watching TV. They also know the West as a land where Indians and cowboys rioted all over the place.

What really tamed the West and made it a land where our migrating pioneers could finally live in personal freedom and security? Our children tell us it was tamed by pistol packing marshals who stood at high-noon in the streets of Tombstone, Arizona and Kansas City, Kansas and gunned down the meanest men that came to town.

What really happened is this—the businessmen of the community realized they could not conduct normal profitable enterprises while lawlessness prevailed. They insisted that their town leaders hire the best law enforcement officials available to protect their property, police their streets, and otherwise maintain law and order. It wasn't until

the "police" came and tamed the town that businessmen could safely foresee that their enterprises would become permanent institutions with profitable possibilities for expansion.

It was the businessmen who took the lead in bringing police personnel to town, built the jails and offices to keep the disorderly and violent off the streets, and financed the payroll, many times through personal contributions, and later through taxes.

If there were no police, the car and truck renting and leasing industry could not operate. Joy riders could wreck the vehicles which they rent and lease, and criminals could steal them with impunity.

It is for his own profit and protection that the businessman needs to support his local police department. Never since the days of the Wild West has this need been so apparent as it is today.

Quinn Tamm has eloquently outlined the need, and has given local businessmen direction on what to do individually and collectively to provide law and order in our communities and to build better police departments.

Tamm is one of the most aggressive and progressive crime fighters our Nation has known. But not one man, or a small group of men, are enough to do the job. All of us must aid our men in blue and especially if each is to be the "Officer Friendly" we want our children to love and to respect. It is now up to the businessmen of America to respond to Quinn Tamm's challenge by assuming the responsibilities of community leadership which he has so frankly and forthrightly defined for us.

#### HAMNER COBBS—ONE OF THE MOST FORCEFUL EDITORS IN THE HISTORY OF ALABAMA JOURNALISM

HON. ARMISTEAD I. SELDEN, JR.  
 OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1968

Mr. SELDEN. Mr. Speaker, recently, Alabama lost by death one of its most prominent citizens, Hamner Cobbs. Editor of my hometown newspaper—the Greensboro Watchman—Hamner was not only my kinsman, but he was also a close personal friend and adviser. He will be greatly missed by me personally.

Hamner Cobbs also will be sadly missed by all Alabamians who recognized him as one of the most forceful editors in the history of Alabama journalism.

His journalistic career in Alabama spanned four decades, and he was known as a fighting weekly editor. He was a stylist, a wit.

Ed Dannelly, editor of the Andalusia Star-News, expressed the view of most of Hamner's journalistic colleagues when he wrote:

The editorial page of the Heavenly Weekly will bristle with some sparkling opinions and observations now that Hamner Cobbs has taken his pen to a higher world.

Mr. Speaker, almost every leading daily newspaper in Alabama carried editorials following the death of Hamner Cobbs. The two that follow are examples of the esteem in which he was held by the members of his profession and the people of his State:

[From the Selma (Ala.) Times-Journal, June 28, 1968]

HAMNER COBBS, EDITOR

There is a sadness beyond expression here today.

The eloquent editorial voice of Hamner Cobbs, editor of the Greensboro Watchman, has been stilled. And through his untimely death yesterday morning, the state has lost a brilliant thinker, a facile writer and a champion of good government and common sense. The loss to this newspaper and to Alabama journalism is great; one that creates a devastating and tragic vacancy in the ranks of the Fourth Estate which the Times-Journal doubts can ever again be filled with talents comparable to those possessed by the remarkably gifted Cobbs.

Hamner Cobbs was a veteran of the newspaper profession; a vibrant and exciting editor of the old school who wrote forcefully in the tradition inherent to journalism's greatest days. He spoke courageously and with conviction at all times, yet throughout his distinguished career he was never unjust in his summaries nor did he persecute in his attacks.

His unquestioned leadership was consistently constructive and never destructive. He held, through his work, as well as his personal relationships, the respect and esteem of his acquaintances and colleagues and the love of his friends. His enemies—if, indeed, there were any—were those he felt violated the principles of honor and decency. They, in turn, were always aware of his courage and his strength.

The Greensboro Watchman, under his capable direction, established a reputation of fearlessness and honesty which gained widespread admiration throughout the state. Those of the newspaper profession who knew him so well will feel his loss most keenly. A kindly and patient counselor, he was ever willing to share his experience and abundant knowledge, yet he was unobtrusive and tolerant at all times. In his work, Hamner maintained a sharp incisiveness that drove straight to the point. His reasoning was direct and clear and his decisions were unequivocal. Both friends and foes will attest to the force of his character and the straightforward direction of his efforts.

But the uncommonly gifted Cobbs was more than an exceptionally talented journalist and superb editor. He was a churchman. His devotion and service to the Episcopal Church, which he loved, is well known and never was it confined simply to the church he attended in Greensboro. His rare stewardship spanned years of distinguished activity as a truly dedicated layman in the Diocese of Alabama and throughout the South. His church will mourn his passing and sorely miss his devoted stewardship.

And in another field he will also be missed. The Alabama Historical Association, in which he was a dynamic force and to which he enthusiastically contributed his vast knowledge of Alabama lore and historical data, has been deprived of one of the stalwart rocks upon which it was founded.

Yes, The State of Alabama and the South suffer a grievous bereavement through the death of Hamner Cobbs. And here at the Times-Journal we have lost a great and lovable colleague who we respected and admired far beyond these mere words which we know are inadequate to express our true sorrow.

[From the Birmingham (Ala.) News, June 28, 1968]

HAMNER COBBS

The Greensboro Watchman's late Hamner Cobbs was a man of firm convictions who held a willingness to express them. He enjoyed having a place from which he could observe the joys, the frailties and the triumphs of his people and, occasionally, inject humor or issue admonitions in the process.

He enjoyed being part of life, good conversation and companionship. To many he was truly the "conscience of the Black Belt" and a devoted citizen of Greensboro which sits in the heart of it.

He never turned away from the task of

speaking for the right as he saw it no matter how strong the tide of public emotion ran to the contrary.

He was a devoted member of the Episcopal Church, a stout supporter of the University of the South of which he was an alumnus and a long-time servant of both.

Hamner Cobbs was what a legion of newspaper people either openly or secretly long to be—an effective and respected editor and publisher of a weekly newspaper who looked at the world around him and let the chips fall.

## HOW DO YOU GET A FEDERAL GRANT?

### HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Thursday, July 11, 1968

Mr. BOGGS. Mr. President, the proposed Program Information Act of 1968 which was originated by my colleague from Delaware, the Honorable WILLIAM V. ROTH, Jr., has been getting a considerable amount of favorable recognition in the press. I was happy to sponsor the same proposal in the Senate.

The Christian Science Monitor of July 9 carried a front page article, by Lyn Shepard, on "How Do You Get a Federal Grant?"

In the interest of giving this excellent article greater circulation, I ask unanimous consent that it be included at this point in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### How Do You Get a Federal Grant?

(By Lyn Shepard)

WASHINGTON.—For a long time the game of "grantsmanship" has been confined to an elite set of expert players who know the ways and wiles of Washington firsthand.

But now—thanks to the zeal of a little-known freshman congressman—every small-town official in the nation may soon master the knack.

That, in a nutshell, is the intent of a House bill titled the "Program Information Act of 1968" which Rep. William V. Roth (R) of Delaware filed a few weeks ago.

It requires the president to issue an annual catalogue of federal grant programs and to update it monthly. The president would also be expected to report to Congress each year on his progress in unifying the myriad of aid programs.

#### SUSPICIONS SUPPORTED

The measure resulted from an eight-month study by Mr. Roth's staff which confirmed what many congressmen strongly suspected, namely, as the Delaware lawmaker told his colleagues:

"We found that no one, anywhere, knows exactly how many federal programs there are.

"We found that nowhere is there a central, comprehensive repository where meaningful information on all operating programs can be found.

"We found that more than \$20 billion a year is being spent on such programs, yet only with long and great effort can one begin to find meaningful information about all of them.

"We found that there is no common denomination—that is, widely used definition, of just what a 'program' is.

"We found that only the largest cities and states and universities have the necessary money and staff required just to keep

abreast of the programs from which they might benefit."

A number of House members—Democrats and Republicans—have stepped forward to laud Mr. Roth's research effort and his bill.

One of these, Rep. Florence P. Dwyer of New Jersey, is the ranking GOP member of the House Committee on Government Operations, where the Roth bill is under study. If her party wins the House in November, Mrs. Dwyer will become the panel's new chairman.

"As a congressman seeking to help local officials utilize federal programs," Mrs. Dwyer charged, "I have seen frustration, delay, and disappointment."

The influential congresswoman recalled memories distressingly familiar to her colleagues: "The numberless telephone calls where only one should do; the endless round of meetings and conferences that produce nothing; the volumes of information and reams of paperwork that hinder instead of help."

Another congresswoman, Rep. Margaret M. Heckler (R) of Massachusetts, told of the groups of officials in her district who come to Washington seeking aid for sewer systems or other public-service projects.

"Just as often," Mrs. Heckler said, "they return home both empty handed and just as bewildered as when they came."

Mr. Roth has also enlisted strong Democratic allies in the House. These include senior members like Reps. Wilbur D. Mills of Arkansas, Henry S. Reuss of Wisconsin, and Dante B. Fascell of Florida.

Messrs. Reuss and Fascell expect the Roth bill to win broad bipartisan support in Congress.

"I've heard only one argument against it," Mr. Roth says. "This is that it will increase demand for more federal spending."

#### PROGRAMS LISTED, 1,090

The congressman, a conservative on fiscal issues, counters that spending won't increase but its dispersion will be fairer and more clearly based on need.

As things stand, he maintains, a "fourth establishment" has sprung up amid all the grants programs "responsible to no one, self-perpetuating in nature, and too often duplicative in effort."

The Roth study found that 1,090 grant programs exist today, although the most complete federal catalog (compiled by the Office of Economic Opportunity) lists only 530. The differing figures are traced largely to the confusing issue: What is a program?

Mr. Roth feels that the Bureau of the Budget should prepare an annual compendium to unify all such programs governmentwide.

Only one federal department refused to answer the Roth questionnaire on grant programs. But this one, the Department of Health, Education, and Welfare, handles nearly half the total programs.

When Mr. Roth sent 478 questionnaires to HEW "program administrators," the department contended that it would take 1,600 man-hours to complete them. That's too much time to be spent for a single congressman, the HEW officials said.

## WHAT CAN I DO TO HELP?

### HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, July 11, 1968

Mr. SCOTT. Mr. President, when the question, "What can I do to help?" is asked it is a good yardstick with which sincerity can be measured. If indeed a long journey begins with a single step

forward, then so does positive nationwide progress begin in the individual hearts of our citizenry as each asks himself what can he do to help eliminate such disasters as the recent riots which dotted our Nation.

Henry T. Reath, a fellow Philadelphian, feels that help begins with understanding and recommends that concerned people read the U.S. Riot Commission Report. This recommendation is contained in a letter Mr. Reath recently forwarded to me and I ask unanimous consent that it be printed in the RECORD. Although I do not necessarily concur with every line of Mr. Reath's letter, I do think it can be shared with those who have not yet found a satisfactory answer to "What can I do to help?"

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

#### WHAT CAN I DO TO HELP?

(By Henry T. Reath, CHCA board member)

The tragic events of Dr. Martin King's death, followed by the riots and racism of last week have prompted many people to ask: "What can I as an individual person do to help solve the dreadful racial conflict that continues to divide and despoil our nation?"

The short answer is: "Lots!"

First and foremost, one can become truly informed and concerned about the problem, its causes and solutions. Secondly, one can express his or her concern to others and motivate them to the same degree of concern and dedication. Finally, there is much that all of us can do in living our daily lives to demonstrate through deeds, as well as words, our compassion and respect for the human worth and dignity of all persons, regardless of the color of their skin.

Specifically here are a few concrete suggestions:

#### 1. BECOME INFORMED AND CONCERNED

For one of the most timely, comprehensive and readable books on our current racial problems, get and read a copy of the U.S. Riot Commission Report—(Report of the National Advisory Commission on Civil Disorders) Bantam Books—QZ4273. In paperback—\$1.25.

Tom Wicker's excellent introduction should pique your interest to read on. Likewise the Official Summary (pages 1-34) is excellent, as are Chapters 8-13, 16 and 17 for one who wishes to scan the report for its most significant portions.

Make no mistake, the Riot Report is no "pie in the sky" program by fuzzy-headed liberals bent only on adding to the national debt. Many of their recommendations costing little or no money apply to "community response," as well as to specific actions to be taken by municipal and state governments, (See Chapter 10-12). Others costing no money at all apply to all of us—matters such as prejudices, attitudes, and state of mind.

#### 2. TELL OTHERS OF YOUR CONCERN

It takes well informed, concerned, and articulate people to get things done.

Take every opportunity you get to tell others about the problems, solutions and your view of priorities on the use of your tax monies to help solve the underlying social and economic problems. (See Chapter 16 of the Riot Report, "The Future of the Cities.")

Exhort all employers to actively seek, and participate in programs to train and employ unskilled negroes for meaningful jobs.

#### 3. SHOW YOUR CONCERN AND PERSONAL COMMITMENTS BY DEEDS AS WELL AS WORDS

Resolve that you will never permit an act or word of racial prejudice to go unanswered.

Resolve that by your every word and deed you will respect the human worth and dig-



nity of every person, white or black, you meet.

Follow through with all, or one or more, of the specific suggestions for individual action described below.

#### 4. ACT NOW!

Specific Suggestions For Action And Inducing Others To Act Regarding Racial Problems In Our Country.

A. Make copies of this material and distribute them among your own business associates, friends, and family and ask them to do likewise.

B. Write personal letters to your duly elected representatives in local and state government, as well as your representative in Congress and your U.S. Senators—and ask them honestly: Have they read the Report of the National Advisory Commission on Civil Disorders?—and if not, will they?—and then, will they tell you where they stand on the major recommendations for priorities and action in the Report?

C. Visit personally or write to the publishers, editors, or managers of your local newspapers and other news media and suggest that they run a series of articles or stories highlighting some of the Commission's major recommendations for local and state action, accompanied by a continuing box score record comparing performance to announced policies regarding the Commission's very specific recommendations for action contained in Chapters 10, 11, 12 and 17.

D. Write to the Presidents of Corporations in which you own stock inquiring as to what your companies' policy and performance is with regard to hiring and training of unskilled negroes from urban ghetto areas—and enclose a copy of this material suggesting distribution among the officers and employees.

E. Form a local citizen's "Watch Dog" Committee to publicly report from time to time on the progress, or lack of same, by public officials on the implementation of the Commission's very specific recommendations affecting elected officials and local and state government action.

#### PROPHETIC WORDS OF CPL. BERNARD T. HANSEN

#### HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1968

Mr. O'KONSKI. Mr. Speaker, Mrs. David Goossen, sister of Cpl. Bernard T. Hansen, has sent me a copy of a poem written on May 9 by Corporal Hansen while serving with the Marine Corps in Vietnam.

The poem, "My Prophecy," is most aptly titled as just 1 month later, on June 9, Cpl. Bernard T. Hansen was killed in battle.

Mrs. Goossen wrote me as follows:

My brother was proud of his uniform and his country. He gave his life for it. Now, I think the least we can do is see that Bernie receives recognition for his description of the thoughts that must surely run through the minds of all of our young men in Vietnam. I surely can't see how anyone can read that poem without an emotional reaction.

I agree with the dead marine's sister that reading Corporal Hansen's prophetic words is a deeply emotional experience. So that we may pay full tribute to the young man who gave his life for his country, I am placing his poem in

the RECORD. The poem, "My Prophecy," by Cpl. Bernard T. Hansen, follows:

#### MY PROPHECY

I have this feeling I can't shake, God I know not why.  
But I know I will never live to see this year end pass me by.  
I may be wrong inside my head, yet this I know is so.  
That I will die a thousand deaths with one tremendous blow.  
I fear not death for death itself is nothing short of life.  
But the agonies of dying are my greatest mental strife.  
I play my game of cheating death with an almost passionate drive.  
And steal from death the air I breathe each day that I'm alive.  
I'll live my life from day to day as well may be my last.  
Though I know not when or where or why, I know the die is cast.

CAPT. DEAN L. HOAR, OF IDANA, KANS., ONE OF THE RECIPIENTS OF THE MACKEY TROPHY FOR 1967

#### HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1968

Mr. MIZE. Mr. Speaker, at 10:30 this morning, the Department of the Air Force honored the officers and crew of a KC-135 aircraft with the presentation of the MacKay Trophy for 1967. This is an award which has been made each year since 1911 to the person or persons who make the most meritorious flight of the year. The MacKay Trophy for 1967 has been awarded to Maj. John H. Casteel, Capt. Dean L. Hoar, Capt. Richard L. Trail, and M. Sgt. Nathan C. Campbell, of the Strategic Air Command.

This award is of special importance to the State of Kansas and to me as the Representative of the Second District because Capt. Dean L. Hoar, the navigator of this crew, is a native of Kansas and regards Idana, Kans., as his home. All of us are proud of the recognition which has come to Captain Hoar because of the contribution he made during the flight, which has been cited as the most meritorious during the year of 1967.

Under leave to extend my remarks, I direct the attention of my colleagues to the MacKay Trophy citation and to the citation of Captain Hoar's role in the flight. I am sure that all of us will agree with the Air Force in designating this flight as the most meritorious of 1967 and thus worthy of the MacKay Trophy. The citations and a brief biographical sketch of Captain Hoar follow:

THE MACKEY TROPHY FOR THE YEAR 1967  
(AWARDED TO MAJ. JOHN H. CASTEEL, CAPT. DEAN L. HOAR, CAPT. RICHARD L. TRAIL, M. SGT. NATHAN C. CAMPBELL, STRATEGIC AIR COMMAND)

For the most meritorious flight of the year as the crew of a KC-135 aircraft on May 31, 1967. On this date, the aircraft commanded by Major Casteel departed a Southeast Asia base on a scheduled tactical refueling mission. This crew distinguished themselves by extraordinary achievement during this flight when they were suddenly called upon to per-

form the first multiple air refueling between a KC-135 aircraft and an A-3 Navy Tanker which simultaneously refueled a Navy F-8 aircraft, under emergency fuel shortages and combat conditions. Along with this historic refueling feat, the exactness and professional competence of this crew resulted in the saving of six Navy aircraft and their crews. Their outstanding aerial and navigational skill, devotion to duty, and humanitarian interest in their fellow servicemen reflect the highest credit upon themselves and the United States Air Force.

Chief of Staff, U.S. Air Force.

#### CAPTAIN HOAR'S ROLE

On 31 May 1967, Captain Dean L. Hoar was the navigator aboard a KC-135 aircraft that departed a Southeast Asia base on a scheduled tactical refueling mission. With completion of the first scheduled refueling, a request was received from the U.S. Navy to proceed northward for a possible emergency air refueling. The just refueled F-104s escorted the KC-135. The Navy vectored the KC-135 to a rendezvous with two A-3 Skywarrior tankers. The A-3s' fuel condition was so critical that the KC-135 had to descend to a very low altitude to effect the hook-up. The A-3 tanker reported three minutes of fuel remaining at refueling contact. After a small offload, the number two A-3 was refueled. During this operation, the entire flight made rendezvous with two F-8 Crusaders, also at a critically low fuel state. The F-8s elected to hook-up and refuel with the A-3 tanker while still in contact onloading fuel from the KC-135. The F-8s estimated only 300 pounds of fuel remaining at the time. The Navy aircraft received enough fuel to return to their carriers. Another emergency call was received from two Navy F-4B Phantoms. After rendezvous, the first F-4 made his initial contact with only 800 pounds of fuel. The two F-4s were refueled and returned to their carriers. By this time, the KC-135 was in a low fuel state and diverted to the nearest suitable base for recovery.

Captain Hoar distinguished himself by extraordinary achievement during this flight when he was suddenly diverted to effect rendezvous with new types of aircraft while under combat conditions. He rapidly adjusted known techniques and methods to accomplish the rendezvous and air refueling of the Navy aircraft in the flight. The exactness and professional competence of Captain Hoar were responsible for saving six aircraft and their crews. Captain Hoar displayed outstanding navigational skill, devotion to duty and a humanitarian interest for his fellow servicemen.

#### CAPT. DEAN L. HOAR

Captain Dean L. Hoar was born in Horton, Kansas, 10 April 1938. He graduated from Clay County Community High School, Clay County, Kansas in 1956. Captain Hoar received his navigator wings upon graduation from James Connally Air Force Base, Texas in 1961.

Captain Hoar attended KC-97 transition school at Randolph Air Force Base, Texas and was assigned to Forbes Air Force Base, Kansas. Captain Hoar attended KC-135 transition schools at Castle Air Force Base, California and Walker Air Force Base, New Mexico, prior to reporting to the 902nd Air Refueling Squadron, Clinton-Sherman Air Force, Oklahoma in June 1963.

Captain Hoar has flown forty-seven combat missions in Southeast Asia and was awarded the Distinguished Flying Cross and the Air Medal.

Captain Hoar resides on Clinton-Sherman Air Force Base with his wife, the former Darlene Johnson of Idana, Kansas, and their three children.

# MONETARY POLICY OF THE FEDERAL RESERVE SYSTEM

## HON. JOHN G. TOWER

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Thursday, July 11, 1968

Mr. TOWER. Mr. President, last week, the Banking and Currency Committee reported a bill containing an amendment which could sabotage monetary policy of the Federal Reserve System. The amendment was unanimously opposed by the minority members of the committee despite our desire to assist housing and the mortgage market in periods of monetary restraint.

This is an issue of such importance that all Members of this body should become acquainted with its ramifications before they are called upon to support or reject it.

I ask unanimous consent that an article on this subject by Dr. Paul S. Nadler, associate professor of finance, New York University, which appeared in the American Banker, be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### FORCED FED SUPPORT OF MORTGAGES COULD SABOTAGE MONETARY POLICY (By Dr. Paul S. Nadler)

The recent action of the Senate Banking and Currency Committee, directing the Federal Reserve Board to take a more active role in the mortgage market, is only the latest in a long series of efforts to direct a steady stream of money into housing, no matter what the state of the economy and the credit markets. The present attempt, however, appears to be the most dangerous from the viewpoint of effective monetary policy, at least in this observer's eyes.

Two years ago, the Federal Reserve was given the authority to purchase obligations of the Federal National Mortgage Association and the Federal Home Loan Bank Board as part of its regular open market operations. Now, since this authority has not been used by the Fed, the Senate Committee wants to change the law so that the Fed is directed to take a more active role in the mortgage market through this route. If the law passes, then the entire concept of open market operations and of monetary policy's role in the economy should be altered markedly.

There is good economic reason why the proponents of continuous growth in the housing industry should want some new drastic step to channel money into the mortgage market at the present time.

At present, with money extremely tight, the Treasury still gets all the funds it needs, since it must have the money and is willing to pay going rates. Similarly, many business firms find that interest cost is of little concern to them and they too will pay what they must in order to get the funds they need for expansion and continued operations.

Consumer credit is not greatly affected by tight money, as consumer loan rates are generally so far above market rates on other borrowings that money always is made available for personal loans no matter the state of the credit markets. It is largely mortgage finance and state and local government borrowings that are interest rate sensitive and suffer when credit conditions are tight. And right now, obtaining a mortgage loan in most areas of the nation is a difficult task indeed.

A number of programs have been suggested to gain more funds for the mortgage market in times when credit is tight, some of which

have been effective and some of which have not. But the latest idea—forcing the Fed to buy obligations backed by mortgage—appears to be the most direct effort to rechannel capital market flows and obtain more mortgage money. For basically the Senate Committee is saying that if mortgage guarantee programs and other efforts to make the mortgage more attractive as an investment form when money is tight do not work, we simply can force the Fed to accept them and solve our problem by developing a captive buyer of home loan paper.

The problem with this approach is that it completely distorts the role of open market operations. Up to now the Federal Reserve has looked at open market operations as a way of providing funds to the economy or taking them away in a completely impersonal manner, letting the market place decide where the impact of the restraint would fall.

Were the Fed forced to buy mortgages as a way of helping the mortgage market, where would such a precedent stop? Next it might be forced to buy state and local paper, then small business paper, then urban renewal paper, and finally it would cease to be a controller of credit and would become simply the garbage can for all securities that no free market buyer wanted, but that Congress felt should have a market.

The end product of this might be complete impotence for the Federal Reserve. Its powers could be as minimal as they were before 1951 when it had to buy all Government securities sold to it at pegged prices.

Or else it might be that the Federal Reserve eventually would have to help out so many groups in its open market operations that unless it gives up the ghost and buys everything (despite the inflationary result), no group will gain many benefits.

In any event, it would certainly make the Federal Reserve such an important buyer in all the credit markets that other buyers would become wary. And the capital market would again return to conditions such as those of the early 1950's, when the Government security markets were extremely thin because of the continual wonder of what the "Big Buyer"—the Fed—would do.

Making the Fed eat mortgages when no one else wants them would definitely hamper effective monetary policy. And its advantage to the housing market would be bought at the price of either greater inflation to the nation, or unfair restraints on the availability of money to other areas that in a free market economy would be more deserving of credit accommodation than mortgages.

With such the case, one can wonder why housing deserves such favored treatment. Already home ownership is subsidized greatly in our nation in a number of ways. For not only are home mortgages guaranteed by the government—placing them ahead of other, more worth-while borrowers in the line waiting for credit accommodation, but in addition our whole tax structure favors the home owner. A renter of an apartment can not deduct the mortgage interest cost or the real estate tax portion of his rent from his Federal taxes. The home owner can. This is a decided advantage to home ownership. Why should it gain even more subsidies?

What must be remembered is that the real reason why the mortgage market does not get more money in periods of credit stringency is simply that, at least until recently, the home buyer and builder have not been willing to pay going rates for money in many cases. They want ready credit accommodation, but unlike the Treasury and most corporate borrowers, they want their credit at interest rate levels that no longer exist in this nation.

What must be remembered is that housing is not that important in the preference at the expense of the rest of the economy. For

it is not our whole housing stock of 65,000,000 units that is affected by preferential legislation, but rather the 500,000 or so extra new houses that might be built each year were money readily available. And the owners of the 65,000,000 have little reason to worry about the 500,000 who would like new homes but can't have them, in the same way that a man whose children have all been accepted in college usually loses interest in the problem of how to get more college seats so that more children can be accepted.

The nation has a lot of priorities far more important at the present than finding more money for traditional housing. And when efforts to get more money for housing now also involve seriously harming the effectiveness of the major economic stabilization weapon of the nation—Federal Reserve open market operations—then the efforts to obtain more housing money not only are unjustified but also damaging to our overall economic strength.

The secret of finding more housing money in a period of high interest rates is for the home buyer and builder to pay going rates and for the states to get rid of interest ceilings that don't provide cheaper money but merely prevent lenders from channeling money into mortgages.

This is the secret of success in the mortgage market. Not turning the Federal Reserve into the garbage can that has to take whatever securities no one else wants.

### THE NEW WOMEN'S RIGHTS MOVEMENT

## HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1968

Mrs. GRIFFITHS. Mr. Speaker, the people of this country in the past 15 years have been in the midst of a great revolution in the laws, practices, and attitudes affecting the civil rights of racial minorities. The press, radio, television, and other media of information are constantly informing the people about the fight to eliminate discrimination based on race, color, religion, and national origin.

However, very few people are aware that in the midst of, and parallel with, these great developments in civil rights relating to racial and ethnic minorities there is a growing revolution in the fight to expand equal employment opportunities for women.

During the past 5 years, there has been greater demonstration of concern for the legal status of women than at any time since the adoption of the 19th amendment which, in 1920, gave women the right to vote. President Kennedy and President Johnson issued Executive orders expanding employment opportunities for women in Government and by companies holding Government contracts. Congress enacted several laws, including the Equal Pay Act of 1963 and title VII of the Civil Rights Act of 1964, which have broadened the employment rights of women. Thirteen States now have laws which prohibit employment discrimination on the basis of sex. All over the country, organizations and persons are becoming increasingly involved in this struggle to end sex discrimination in employment.



But this struggle is still largely unnoticed by the public at large. Most newspapers throughout the country have still not yet begun to give adequate coverage to these efforts, or when they do mention them, it is on the segregated women's pages, where the story will be found, as the noted writer Marya Mannes has pointed out, right next to the recipe for "shrimp marinara."

Women now comprise a majority of the people of the United States. They had 10 percent of all households, and 23 percent of all nonwhite households, three-fourths of which live in dire poverty. These stark facts demonstrate that the fight against sex discrimination in employment is a matter which vitally affects all of us, and it deserves recognition far beyond the traditionally limited areas of the women's pages.

Miss Sonia Pressman, an outstanding lawyer who is senior attorney with the Equal Opportunity Commission, recently delivered a speech at the Iota Alpha Pi Sorority convention held on June 22, 1968, in Washington, D.C., concerning the current developments relating to sex discrimination in employment. Miss Pressman's speech contains much information and perceptive insights on this subject which will be very useful to Members of Congress and the general public. I am therefore glad to insert the text of her speech at this point in the RECORD, as follows:

#### THE NEW WOMEN'S RIGHTS MOVEMENT

(By Sonia Pressman, senior attorney, office of the General Counsel, Equal Employment Opportunity Commission, Panhellenic Luncheon, Iota Alpha Pi Sorority convention, Washington, D.C., June 2, 1968)

Good afternoon. It's wonderful to be with you today, although I still can't believe I've been invited to address a Panhellenic Conference. Someone once said, if you wait long enough, all things come to you. I needed this invitation 20 years ago when I was a freshman at Cornell. Then, I was a hick kid my first time away from home, complete with braces on my teeth, horn-rims covering my eyes, and a lack of poise matched only by my anxiety. You didn't want me then—and I'm afraid I didn't want you either. Sororities at that time struck me as organizations devoted to the pursuit of frivolity. I think we've both grown up since then.

When Jackie was kind enough to invite me to be your speaker, several possible topics suggested themselves. My first idea was to discuss Title VII of the Civil Rights Act, which my agency administers, and the special area of my interest—the developing law in the area of employment discrimination based on sex. I could have discussed with you our problems and rulings in areas such as separate jobs and seniority lines for men and women; separate union locals based on sex; classified advertising which seeks men or women only or which is placed in sex-segregated columns; the problems we have with state laws which restrict the jobs women may do, the hours they may work, and the weight they may lift; the issues raised by the cases involving airline stewardesses; and the problems of different retirement age and pension benefits based on sex. While our work in these areas is interesting and meaningful, I thought it would be preferable to discuss something of more immediate significance to you.

My next impulse was to tell you the story of my life since I was where you now are—in the hope that you might find therein some insights for your own futures. While the

opportunity to talk about myself is one I rarely resist—I decided to resist it today for several reasons. Firstly, I couldn't possibly do justice to the subject in the short time allotted to me. And, more importantly, when I sought my way in my own early floundering days, I never found it in the lives of others. We are all doomed to live our own lives—to do "our own thing", as it were—and the paths trod by others are never the ones upon which we find ourselves. And so, instead of talking to you about what the Commission is doing—and what I have done—I decided to talk to you about what women such as yourselves are doing in the new movement for women's rights, and the part you can play in that struggle if you so choose.

What I'm talking about is the sexual revolution, and in particular one phase of it—the struggle for equality of employment opportunity for women in this country. Like all struggles, the struggle for women's rights has been going on since the beginning of time. And also like all struggles, it begins anew for each generation. For me, the new sexual revolution began in 1961, when President Kennedy, by Executive Order,<sup>1</sup> established the President's Commission on the Status of Women, to review the status of women and make recommendations for improvement. The Commission, with Eleanor Roosevelt as Chairman and Esther Peterson as Executive Vice President, submitted its report, *American Women*, to the President in 1963. That year, President Kennedy established the Interdepartmental Committee and Citizens Advisory Council on the Status of Women to facilitate carrying out the recommendations of the President's Commission.<sup>2</sup> The Interdepartmental Committee, which consists of 10 cabinet officers and heads of federal agencies whose work is of a particular interest to women,<sup>3</sup> is currently chaired by Secretary of Labor W. Willard Wirtz. The Citizens Advisory Council, which consists of private citizens selected by the President, is currently chaired by Senator Maurine B. Neuberger. Also in 1963, Congress passed the Equal Pay for Equal Work Act<sup>4</sup>—incredibly enough, the first piece of federal legislation prohibiting discrimination based on sex. The following year, the Congress enacted Title VII of the Civil Rights Act of 1964, and established the Equal Employment Opportunity Commission to administer it, beginning on July 2, 1965. Among other things, that Act prohibits discrimination in employment based on sex. It is, however, broader than the Equal Pay Act in that it prohibits such discrimination not only with regard to pay but with regard to all terms and conditions of employment and union membership—classified advertising, referral for employment, hire, job classifications and seniority lines, insurance and pension benefits, transfers, promotions, layoff, discharge, retirement age, physical facilities, and the like.

Prior to 1965, only two states had fair employment practice statutes which prohibited employment discrimination based on sex—Wisconsin, whose law became effective in 1961, and Hawaii, whose law became effective in 1964. Beginning in 1965, eleven other states and the District of Columbia have

enacted such prohibitions. That, of course, still leaves 35 other states where it is lawful to discriminate in employment on the basis of sex.

The states have also been active recently in other respects. Each of the 50 states now has a Governor's Commission on the Status of Women. This very day, these State Commissions and the Canadian Commission are concluding their Fourth National Conference here in Washington. Since the passage of Title VII, the states have also taken a second look at their legislation restricting the employment of women with regard to hours, jobs, weight, etc. and have amended or repealed their statutes so as to broaden opportunities for women.

On October 13, 1967, President Johnson issued Executive Order 11375, amending Executive Order 11246, so as to provide for a new two-pronged attack on sex discrimination. One part of the Executive Order, which went into effect on November 12, 1967, prohibits discrimination in the executive branch of the Federal Government, and is administered by the Civil Service Commission.

In implementation of the Order, that Commission in September 1967, established the Federal Women's Program and in March of this year issued a survey on white-collar employment by sex in the federal government as of October 31, 1966.

The survey revealed that while at that time women occupied 1/3 of all full-time white-collar government positions, they represented over 62% of white-collar employees in each of the four lowest grades (where the initial rates then were all below \$5,000) and 2.4% and below in each of the four highest grades (where the initial rates were from about \$18,000 to \$26,000). The survey also gives some interesting background on the role of women in the federal government. It points out that the first woman appointed to a civil service position made the highest score on the first civil service examination given in Washington in 1883, and, as fate would have it, received the second appointment.

It reminds us that the last legal barrier to equality for women in the federal service was not removed until 1962. Prior to that time, an 1870 statute was interpreted so as to permit agency heads to request men only for appointments, promotions, and other personnel actions. A 1962 ruling by the then Attorney General Robert F. Kennedy invalidated this interpretation, and, in 1965, the law itself was repealed.

I mentioned that Executive Order 11375 had two prongs. The other aspect of the Order, which will become effective October 13, 1968, prohibits discrimination based on sex by Federal government contractors and subcontractors and under Federally-assisted construction contracts. It will be administered by the Office of Federal Contract Compliance in the Department of Labor, which has authority to require employers to develop and implement written affirmative action programs to eliminate sex discrimination, and to cancel government contracts and debar employers from receiving such contracts for noncompliance.

Another recent statute, which went into effect 10 days ago, will also have a significant effect on women's job opportunities, although it is not directed at discrimination based on sex. This is the Age Discrimination in Employment Act of 1967<sup>5</sup>, administered by the Department of Labor, which prohibits discrimination based on age where the individual involved is between the ages of 40 to 65. Recently, before the effective date of this statute, I received a telephone call from a woman mathematician, which demonstrated the need for such legislation. She had decided to reenter the job market at the age

<sup>1</sup> Exec. Order No. 10980, 26 Fed. Reg. 12059 (1961).

<sup>2</sup> Exec. Order No. 11126, 28 Fed. Reg. 11717 (1963), as amended by Exec. Order No. 11221, 30 Fed. Reg. 6427 (1965).

<sup>3</sup> Secretary of State, Secretary of Defense, the Attorney General, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor, Secretary of Health, Education and Welfare, Chairman of the Civil Service Commission, Director of the Office of Economic Opportunity, and the Chairman of the Equal Employment Opportunity Commission.

<sup>4</sup> 77 Stat. 56 (1963), 29 U.S.C. Sec. 206(d) (1964).

<sup>5</sup> P.L. 90-202, 81 Stat 602, enacted December 15, 1967, effective June 12, 1968.

of 40, and found the search for employment fruitless and frustrating. One employer told her that it wouldn't hire her because she was a woman and 40, and that her college diploma was "worthless" because it was received 20 years ago.

While at that time, this woman had a right to file a charge of sex discrimination, she now also has a right to file a charge of age discrimination.

These are just some of the major federal and state legislative changes which have occurred in the past few years. However, much of the impetus for progress has come from many other individuals and organizations, some of which have recently entered the struggle while others have been involved for a long, long time. In the latter class is the National Woman's Party, whose history is a microcosm of the struggle for equality without regard to sex.

The organization began in 1913 as part of the National American Women's Suffrage Association, in order to continue and conclude the campaign for woman's suffrage. After suffrage was achieved in 1920, the National American Suffrage Association went on to become the League of Women Voters, and the National Woman's Party went on to campaign against other forms of discrimination based on sex. Since 1923, it has sought to secure passage in the Congress of the Equal Rights Amendment to the Constitution which provides that "equality of rights under the law shall not be abridged by the United States or any State on account of sex". Its honorary chairman today, Miss Alice Paul, has been with the organization in its efforts since 1913.

Since 1920, the Woman's Bureau in the Department of Labor has been engaged in efforts to enhance the status of working women; its activities and publications have made a significant contribution.

In 1966, the Federal Woman's Award Study Group on Careers for Women was established by President Johnson. This is an organization of women who since 1960 have received the Federal Woman's Award for outstanding contribution to the federal service, and who now strive to enhance the status of all women in the government, and to stimulate the recruitment of able women for government service.

In October 1966, the National Organization for Women—NOW—was formed "to take action to bring women into full participation in the mainstream of American society NOW, exercising all the privileges and responsibilities thereof in truly equal partnership with men". Under its president, Betty Friedan, author of "The Feminine Mystique", the organization is involved in a multitude of endeavors to promote the status of women—from employment, to divorce and alimony proceedings, to abortion reform, to media coverage of women's activities, to assistance for women living in poverty. Along with the National Federation of Business and Professional Women's Clubs, Inc. and a new organization named Quid Pro Quo, NOW has been active in representing women in the many lawsuits currently pending across the country challenging employment discrimination under the Equal Pay Act, Title VII, and on constitutional grounds.

Various labor organizations are also engaged in the struggle for women's rights. Among those that immediately come to mind are the Women's Department of the United Auto Workers, and the International Chemical Workers Union, AFL-CIO, both of which are engaged in a lawsuit challenging the right of a company to refuse to employ women on jobs requiring the lifting or carrying of over 35 pounds;<sup>6</sup> and the International

Union of Electrical, Radio, and Machine Workers, AFL-CIO, which recently held a Women's Conference.

On the Hill, an outstanding exponent of women's employment rights is Congresswoman Martha Griffiths, who frequently speaks on this issue on the floor of the House.

Here in Washington, and across the country, other individuals—male and female—are increasingly concerning themselves with this issue. More and more, books, and magazine, newspaper and law review articles are dealing with the subject. In this connection, I commend to you two recent law review articles written by Professor Leo Kanowitz of the University of New Mexico in the St. Louis Law Journal detailing how our entire system of civil and criminal law is permeated with second-class treatment for women.<sup>7</sup> You may also be interested in a book by Caroline Bird, to be published next week, entitled *Born Female: The High Cost of Keeping Women Down*.

This is what the federal and state governments and various individuals and organizations have been doing to promote equality for women in recent years. What have you been doing, what should you be doing, and what can you do?

I suppose before we address ourselves to those questions, we ought to consider whether you want to become involved in this struggle at all. After all, there are hazards to entering the fight for women's rights, just as there are to entering any struggle to change the structure of our society. Recent events have surely demonstrated that.

What are some of these hazards? Firstly, if you join the fight for women's rights, you will be embarking on a struggle that is opposed by most men and many women. Men, unless they are secure in themselves—and few people today are—oppose equality for women on the job because the competition poses a threat to them. Their independence has already been diminished by the advent of big government, big business and big unions. Now the small domain left to them on the job is also being invaded—and by the only adult group they may still dominate—women. Women, too, oppose equality. They know it is a double-edged sword, and brings with it not only additional opportunity but additional responsibility. Moreover, they fear the loss of special privileges to which they have become accustomed.

If you enter the fight for women's rights, you will not only incur the wrath of these men and women, but perhaps also of those closest to you—family, friends, business associates—all of whom may fear change and question your involvement in it. And far worse than wrath—you will encounter ridicule. For as Barbara Bates Gunderson, former U.S. Civil Service Commissioner has observed, the weapon which has traditionally been used to keep women from engaging in the struggle to secure equal rights is "the weapon of ridicule".<sup>8</sup> Furthermore, both men and women wonder whether the sexual revolution will result in chaos, or a better social order. Men are already wearing cosmetics, jewelry and clothes they shunned a short while ago, and are demonstrating other characteristics previously considered exclusively feminine. Some fear that we are heading towards a de-sexed society, while others claim that the de-emphasis of sex in areas where it is not relevant is a wholesome approach.

And yet, in the midst of all this, I ask you

<sup>6</sup> Kanowitz, *Sex-Based Discrimination in American Law, I. Law and the Single Girl*, 11 St. Louis Univ. L.J. 293 (1967); and *II, Law and the Married Woman*, 12 St. Louis Univ. L.J. 3 (1967).

<sup>8</sup> Gunderson, *The Implication of Rivalry in The Potential of Woman* 165, 174-175 (1963).

to involve yourselves in the struggle for women's rights. Why should you do so? Firstly, because you are women.

Women through the ages have been in the forefront of efforts to improve the quality of life—the human condition. Too rarely, however, have we fought to improve our own lot. In this respect, we must take a leaf from the book of the civil rights movement which has demonstrated that a people only achieve their rights when they themselves stand up and fight for them. Secondly, it has been my experience that life is only meaningful when one is committed to a cause which is larger than one's own existence—and the struggle for women's rights is such a cause. It is one of today's struggles. Nor is it a frivolous struggle, as some would have you believe. We are not talking about the mythical man who wants to be a Playboy bunny. We are talking about the women who head 1/10 of the families in this country. We are talking about the women who head 23% of the non-white families, nearly three-quarters which live in poverty.

You should be involved in this struggle because women are intellectually, emotionally and physically at least the equal of men, except with regard to sheer brawn—which is becoming increasingly irrelevant—and it is, therefore, immoral to relegate them to second-class status.

You should become involved in this struggle because our current double standard of expectations places an impossible burden on both males and females. Not all females are adept at cooking, sewing, and childrearing; not all men are inclined to athletic prowess, business acumen, or political leadership. By equalizing opportunities and expectations regardless of sex, we will permit both men and women to pursue meaningful lives attuned to their own abilities and inclinations.

And, lastly, you should become involved in the struggle to eliminate sex discrimination so that you, your husband, and your children may have opportunities bounded only by your desires and abilities.

What then can you do to play a part in the women's rights movement? Firstly, you can speak up for women's rights whenever the situation presents itself—not with stridency or fanaticism—but as an article of faith and with a sense of humor about the human predicament.

You may decide that you yourself wish to work—either on a paid or volunteer basis—and that you want to pursue a career only, or to combine that career with marriage, if you are so inclined.

If you have children, raise them to participate equally in the cooperation and competition of the world around them. Let them know—whether they are male or female—that you expect them to develop their unique potential.

You may want to join organizations engaged in this struggle, or promote activities in this area by organizations you are already in. Make sure that such organizations do not themselves discriminate, and relegate women to less-meaningful endeavors.

Become familiar with the laws of your municipality and state, and with those of the federal government in this area, and let your legislators know of your interests and concerns. Keep in touch with the federal and state agencies in the area of sex discrimination, and with their pronouncements.

Advise political candidates of your views on women's rights, and solicit their support in your endeavors.

In short—become involved.

All this was said many years ago, before the birth of Christ, by a Jewish sage, Rabbi Hillel—and I should like to close my remarks by quoting him: "If I am not for myself, who will be for me? If I am only for myself, what am I? And if not now—when?"

<sup>6</sup> *Bowe v. Colgate-Palmolive Company* 56 LC para. 9069 (S.D., Ind., New Albany Div., June 30, 1967).



## HIGH SCHOOL ORIENTATION PROGRAM

**HON. WILLIAM B. SPONG, JR.**

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, July 11, 1968

Mr. SPONG. Mr. President, education is unquestionably one of our Nation's most important endeavors.

It is the key to enabling each individual to compete for the affluence which our Nation has to offer and to make rational decisions for his future.

It is also the key to strength and progress in our Nation. The United States can be only as enlightened as its individual citizens. It can develop only as far as its people have the capacity and training to carry it. It can be only as wealthy as the sum of the goods and services its individuals produce.

Our country's economic development, cultural attainments, and general standard of living ultimately depend on each of our citizens. Such a circumstance places a great responsibility on higher education. It also places a great responsibility on all our citizens.

To help meet this responsibility, the Virginia Association of Student Governments is currently preparing a high school orientation program to encourage secondary students to seek additional education. The program, which will be presented at Virginia colleges and universities this fall, will acquaint high school students with the many benefits of higher education. It is being organized and will be presented by college students themselves—by young people who are close contemporaries of those who must soon make decisions as to their post-secondary activities.

The purpose of the program is a commendable one. The efforts of the college and university students in Virginia who are working diligently on this project are also commendable.

In order to inform the Senate and students from other States of this worthwhile project, I include in the RECORD an outline of the high school orientation program.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

### HIGH SCHOOL ORIENTATION PROGRAM

#### I. BACKGROUND INFORMATION

The Virginia Association of Student Governments, an organization which includes over eighty percent of the colleges in the Commonwealth, has been in existence since May of 1967. When the Association was originally formed a committee was established to study the possibilities of encouraging more of Virginia's youth to continue in some form of higher education past the secondary level. The committee, known as the High School Orientation Committee, began by first studying the Governor's report of 1967. The report showed Virginia to be third from the bottom in the South in terms of the percentage of college age students who were enrolled in an institution of higher learning. Virginia, according to the latest statistics, sends only thirty percent of all high school graduates to college in comparison to the national average of fifty percent, and the Southern average of thirty-seven percent.

#### II. DEVELOPMENT OF THE PROGRAM

The committee began investigating the feasibility of the program by discussing the idea with distinguished educators and leaders throughout the state. The idea was applauded and encouraged by state leaders. The committee began to take positive action; students from numerous colleges across the state took a strong interest in the program. An Advisory Committee was established and the open exchange of information and ideas which occurred between college students and educators resulted in the development of the program.

The overall idea of the program is to transport high school students to the college nearest to their high school. At this time, they will take part in a program which will show them that they can benefit from a higher education. The program will be presented during the week of October 13-19, 1968. It will last for approximately an hour and a half. The Committee agreed that a general format for the program was necessary to provide for uniformity throughout the state, but that each of the participating colleges could use a certain degree of discretion in the presentation of the program.

#### III. THEORY BEHIND THE PROGRAM

The program is totally unique in its approach since it will be completely carried out by students. The reasoning used in developing the program is that college students will be able to attack the problem on the level of a peer group contact rather than as a program of advice from "older and wiser" sources. It is the feeling of the committee that high school students will be more relaxed in an environment that includes people closer in age to themselves. Before the program can be effective, rapport must be established between the two elements. It is the obligation of those students who carry out the program to establish this rapport. The main ideas of the program, which will be discussed later, will be repeated several times so that the high school students will understand the program completely. Repetition will clarify and emphasize.

#### IV. THE PROGRAM ITSELF

The program itself is divided into several parts:

A. To begin the program, the Student Government Association president of the host institution will deliver a welcoming address. His address will explain the purpose of the program. It is essential that the president's speech touch on all the major issues to be discussed in the total presentation. Points to be introduced by the president include the economic and social values of a college education, opportunities in the state for continuing education on a college level, and the availability of scholarships and loans. Emphasized also will be the idea that anyone who successfully finishes high school should be able to complete college. Finally, the president will introduce the guest speaker. This speaker will be one of three individuals: a student enrolled in a community college or a vocational school; an individual who did not go to college immediately after high school but has since enrolled in colleges or wishes to be enrolled; or an individual from the specific locality who did not go to college and regrets not having attended. This speaker, perhaps more convincingly than any other, will reach many of the students on their own level; he will be able to establish the communication link that is basic to the success of the program. He will be able to express many of the same doubts, handicaps, and fears of those students who have rejected the possibility of a college education because of a lack of funds, confidence, information, or interest.

B. Following the guest speaker, a short film will be shown. The film will stress three main points:

1. The economic and social benefits of a college education i.e., the increased earning power and the higher standard of living.

2. The existence of community colleges which not only provide a good education but do so cheaply. The convenience of community colleges will be stressed as well as the opportunity they provide for a well-rounded social life. The dignity of the community college will be emphasized as well as the fact that upon graduation from a community college, one is able to continue his education in a four-year institution.

3. The other institutes of higher learning that have the same educational, social, and economic benefits as the community colleges.

Discussion of the film will bring out several good points. Most importantly, the film will emphasize that there is a place somewhere for every student who wants to go to college. The students will be shown that it is not necessary to be wealthy or exceptionally intelligent to attend college. It will be stressed that thousands of dollars in scholarships and loans go unfilled in Virginia each year because of a lack of applications. These points will help to counteract the fear on the part of students that they will not be able to afford to go to college.

A short break will follow the film at which time pencils and paper will be handed out to the students. The students will have the opportunity to write down any questions they might have, and the questions will be discussed in the forthcoming question and answer period.

C. The next section of the program will be a panel discussion. The suggested composition of this panel is students from state colleges other than the host institution. The purpose of the panel will be to bring out new points on the subject of colleges and a college education and to recapitulate the important points that have already been made. In this discussion no one college will be emphasized, and although emphasis will be placed on the colleges in Virginia, out-of-state colleges will also be considered. It has been suggested that a more effective panel would be one composed of students outside of the student government. A student who is in college and has gone to high school in the area, or a high school student from one of the underprivileged high schools who has decided to go to college are two of the suggestions for representation on the panel.

D. Following the panel discussion, there will be a question and answer period. A number of prepared questions—important questions that should be asked—and questions chosen from those submitted by students in the audience will be answered by the panel.

E. Finally, a booklet will be handed out to each student as he leaves.

The booklet will contain the following information:

1. Where a student can write to obtain information on applications.

2. A discussion of Virginia's community colleges.

3. A brief discussion of each of the colleges in the state with specific distinguishing information about each school. There will also be information about the enrollment of the college, the social life, and the types of studies offered.

4. Statistics on the amount of scholarships and loans that are available and specific addresses where further information may be obtained.

5. A restatement of the basic economic and social benefits of a college education.

#### V. WORK COMPLETED ON THE PROGRAM THUS FAR

The following items have occurred as of July 1, 1968:

1. Five students are working full time in Richmond this summer to develop the program and work out the details of its implementation.

2. Mr. Herman H. Fevler, President of the

Norfolk and Western Railway Company, is working to raise \$25,000 to finance the work this summer and next fall. Mr. Fevier is calling upon businessmen across the state to support the program.

3. Tas Schultz, chairman of the Committee, addressed the Virginia Association of Secondary School Principals in Roanoke in early June. The group voted unanimously in favor of a resolution commending the program and offered their support.

4. Twenty-six of the thirty-two member schools of the VASG have agreed to hold the program on their campuses next fall; the remaining six member schools as well as non-member schools have been asked to participate in the program.

5. It has been agreed that the title "Educational Opportunity Week" fully represents the intent of the program. A letter has been sent to Governor Mills E. Godwin, Jr. requesting him to declare the week of October 13-19, 1968 as "Educational Opportunity Week" throughout the state.

6. John Van Landingham is in charge of the twenty-minute movie. He has received a film from Mr. Richard Poff, a member of the United States House of Representatives. The possibility of splicing together sections of several films has been considered. On June 24, several members of the committee traveled to Washington for a meeting with Senator William B. Spong, Jr. In offering his full assistance, Senator Spong directed the group to several organizations which would be helpful in obtaining a film. These organizations include the National Education Association, the Council on Higher Education and the Ford Foundation. In addition, it was suggested that the Committee contact educational television networks about films.

7. Bruce Oliver is in charge of formulating a booklet. He has contacted Mr. Harry Smith from the State Department of Education for information. Mr. Smith estimated that a standard size, 36-page booklet would cost approximately \$12,000. Mr. Smith also provided the names of several Richmond printers. It has been suggested that the booklet could be produced less expensively if it were done using the multilith method. This possibility is being investigated. Dr. John Logan, president of Hollins College, is contacting several Virginia corporations to help finance the booklet.

8. Isabelle Claxton is in charge of transportation arrangements. She has contacted Mr. Richard Gillis from the Virginia State Chamber of Commerce for information on the state bus systems and the possibilities of either free or reduced rates for chartered buses. It has been suggested that many high schools could afford to pay for their own transportation costs.

9. A large wall map of Virginia has been acquired and all of the high schools and colleges in the state have been located. A preliminary estimate of which high schools will attend which college has been completed.

10. Letters have been sent to the district superintendents and the high school principals asking for their advice and support.

# WORK OF THE PASSPORT OFFICE

**HON. FRANCES P. BOLTON**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1968

Mrs. BOLTON. Mr. Speaker, today's mail brought me a most illuminating and exciting letter from the Director of our Passport Office. We hear so little of the work of that Office and are so apt to criticize if we get half a chance.

Miss Knight enclosed a copy of her an-

nual letter to her staff, which I have cleared with her for insertion here. It is such a delightful relief from deficits everywhere that I want the Members to share it with me. Some might even want to thank her.

The letter follows:

DEPARTMENT OF STATE,  
Washington, D.C., July 9, 1968.

DEAR COLLEAGUE: At the end of each fiscal year, June 30, I try to prepare a comprehensive report to the entire Passport Office staff taking cognizance of our combined efforts to enhance productivity, efficiency and general well-being.

We have made such phenomenal progress, thanks to each one of you, that it is getting increasingly difficult to reach new highs. But each year we manage to show substantial improvement. For instance, in 1955 the number of passports issued per man years of employment was 1,404. In 1960 this rose to 2,164 and in 1964 it increased to 2,469. In 1967 the figure hit 3,078 and in 1968 it reached 3,190.

We have made some notable strides in bringing about management and administrative improvements as a result of working smarter, rather than harder; thinking forward rather than backward and examining carefully operational details in our constant search for more economy.

Since all of us are involved in maintaining and enhancing the efficiency of the Passport Office and at the same time giving the best possible service to the public, you will be interested in a review of how we have progressed in the past year. You will remember that in 1966 we adopted the Passport Improvement Program, known as PIP, designed to reach new highs in every phase of our operation. A modest annual savings goal was established at \$25,000. To help meet this goal 89 Passport Office employees, at all levels, were given ten weeks of methods engineering indoctrination. This training was programmed so as not to interfere with our daily operation. As a consequence, there was widespread employee participation in the program with the result that 15 projects for operational improvements were adopted for action in 1966 saving a total of \$25,275.17 for that year. In 1967, nineteen projects were adopted which resulted in a savings of \$34,931.71 for the year. These projects were related to man hours of work, utilization of equipment, economy in the use of office supplies and improved methods of work. Subsequently all of these projects have become part of our routine administrative practices.

But this is not all we saved. We have reduced the cost of issuing a passport from \$3.47 per book in 1955 to a current figure of \$2.77 per book, despite the increased cost of paper, printing and salaries.

We thought we had reached a peak of efficiency in the past few years when we speeded up our searching techniques so that we could give one or two days service on the name clearances required by our ten Passport Agencies. But we realized that the supersonic transport age was just around the corner and while we were fast and accurate, we were sure that the 1970's would require action in minutes instead of hours.

Our office in Washington received 82,000 telephone calls last year compared with 49,000 in 1959. As a result of this increase in telephone traffic, we have had to enlarge our switchboards and related facilities. We have recently installed modern telecommunications equipment which clears our name checks by computer in a matter of seconds. In this respect we are ready for the impact of speed in the 1970's. A side issue of this advanced planning and programming which should not be overlooked is the \$90,000 we turned back to the Department of State by a reduction of 19 employees during fiscal year 1968.

The Passport Office estimates that from fiscal year 1959 through fiscal year 1968, it saved over \$13,000,000 for the United States Taxpayer. During this ten year period 11,440,000 passports were issued and renewed, and the fees collected therefrom, totaling in excess of \$86,000,000, were deposited into the United States Treasury.

These figures may seem puny to some people, but we are a small office in comparison to other establishments within the Federal Government. I think we can be proud of these savings and I want to take this opportunity to thank each one of you who has contributed to the making of such a fine record. I have a hunch that if the taxpayers knew of our efforts on their behalf, we would get a loud "thank you" from virtually every corner of the country. When you talk to your family and friends about your work, don't hesitate to mention your contribution to good government. It is worth talking about.

Sincerely,

FRANCES G. KNIGHT,  
Director, Passport Office.

## PIONEER AIRMAIL SERVICE

**HON. HERMAN E. TALMADGE**

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Thursday, July 11, 1968

Mr. TALMADGE. Mr. President, this year marks the 50th anniversary of airmail postal service in the United States. I invite the attention of the Senate to an article of historical importance, not only to Atlanta and the Southeast, but to the Nation as well. The article, written by J. K. Ottley, Jr., appeared in 1929 in the first edition of Dixie Business magazine, whose editor and founder is Hubert F. Lee, of Decatur, Ga. I ask unanimous consent that this article be printed in the Extensions of Remarks.

Mr. Lee wrote an article, while he was a reporter for the Atlanta Constitution, concerning efforts by the Army Air Service to locate a suitable field for an airmail route. The article was published in the August 3, 1921, edition of the Constitution. I ask unanimous consent that it also be printed in the RECORD.

Forty years ago, in 1928, two now outstanding transportation firms were started—the Georgia Highway Express, Inc., by H. Dillon Winship, and Pitcairn Aviation, Inc., now Eastern Air Lines.

Here is a report on aviation from the first issue of Dixie Business in November 1929—39 years ago—by J. K. Ottley, Jr., whose father was president of Atlanta's First National Bank at that time.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

### AVIATION FORGES AHEAD

(By J. K. Ottley, Jr., Atlanta Manager, Pitcairn Aviation, Inc.)

In spite of the wonderful advantages of mild climate, splendid labor conditions, the availability of many raw materials, and other facilities which gave the South the impetus for the development that has taken place in the last ten years, one great barrier has been a handicap in the competition with northern manufacturing and other northern businesses. This handicap has been time. Southern industries were hours, even days, from the center of the nation's business.



On the first of May, 1928, correspondence grew wings when the Atlanta-New York and the Atlanta-New Orleans Air Mail routes were inaugurated, the first routes coming into the South to aid in wiping out this barrier of time. Mail began to travel overnight between the South and the northern business centers. No business time was lost in transit.

Before the advent of Air Mail service, the selling agent in New York city, requiring data upon which to proceed in closing a deal with his buyer, was ordinarily delayed as much as a week in correspondence with his mill in the South. Under the new method of procedure, correspondence of any nature may be mailed by Air Mail at one end in the evening at the close of business and the reply expected the second morning following.

A specific incident of this, which has been brought to the writer's attention within the last two weeks, might better illustrate what air mail is doing for the South. The selling office in New York called by telephone the manufacturing plant of a hosiery mill in a North Georgia city explaining that there was a possibility of selling a style of hose just becoming popular in New York. The manufacturer finding it impossible to understand just what colors, designs, etc., were wanted suggested that specific instructions and sketches be sent from New York by air mail. This letter was written and mailed Friday afternoon, and received by the manufacturing plant the following, Saturday, morning. The proper machines were set up with samples being gotten out some time Saturday night, and forwarded by air mail to New York Sunday. The southern office received a wire before noon on Monday to start work on an order of \$27,000 worth of the goods sampled.

In the case above mentioned, as in others between the South and the East, two days were saved in the exchange of the correspondence, giving the southern manufacturer an equal opportunity to compete with the eastern manufacturer. It might also be added that the southern manufacturer had no direct air connection with New York, but an air-rail connection.

Banks are regular patrons of the air mail and are consistently increasing their use of the service. It is hard to estimate the yearly saving that is being effected for the southern banks by the elimination of a day's "float" interest on their checks. A conservative estimate made by Atlanta bankers set the saving to banks in that city, in a year's use of the air mail at \$92,000. The figure for the Atlanta banks would indicate \$500,000 as a reasonable estimate of the saving effected for all southern banks.

Feeling their way very carefully when air mail was first inaugurated, banks first dispatched only a few checks, and these of large denominations. Now several banks are sending all checks and drafts by air mail, and practically all banks are sending checks for \$100 and over.

Anything that helps Florida's large number of wealth bringing tourists to keep in closer touch with their businesses in New York or other cities in the East, is, obviously, certain to be a boon to the Florida cities. And that is precisely what air mail is doing for those winter tourists in Florida, who like to maintain a constant and close touch with the interests back home. Thanks to air mail, the distance between Florida and these offices in New York, Boston, or Philadelphia, is a matter of relatively few hours.

A fairly definite conception of what this means to the State of Florida, in aiding them with the tourist business, is gained when one realizes that last season the tourists brought into the state some five times as much money as was received from the sale of the fruit

crop, the state's second greatest money maker.

The splendid growth of the air mail in the South in the last year and a half, as illustrated by using the figures of one line alone, is profoundly interesting and something to gratify those interested in southern progress. During the first month of operation, May 1928, the Atlanta-New York line carried 8,622 pounds of mail, while in August 1929, the same line handled well over the 34,000 pound mark, according to figures given out by the Post Office Department. In the first year of its operation the total figures for mail carried over the Atlanta-New York run was an amount of almost 100 tons, representing according to the weight of the average letter, some 78,000,000 pieces. This probably bespeaks better than a multiplicity of words the value of air mail to the South.

Today the South has direct connections to some 6,200 miles of air mail operations throughout the United States and also connecting to foreign countries. Pitcairn Aviation Incorporated is operating a line from New York city to Miami, through Atlanta, connecting at the southern terminus with Pan-American Airways to Cuba, Central America, and South America. Interstate Airlines, Inc., is operating a line from Chicago to Atlanta, while Southern Air Transport is carrying mail from Atlanta, through New Orleans to Dallas, Fort Worth, Houston, and Brownsville, Texas, at the last mentioned, making connections to Mexico City and other foreign points.

All of the air lines handling air mail throughout the South are fast making plans to start a net work of passenger airways as complete as their present operation. There is a proposed line from Chicago to New Orleans, handling both mail and passengers between those points, and serving cities along the route.

Airports are being built or improved all over the South, and with the southern people becoming more air-minded each day the time is fast approaching when it will be the common thing for one to go as nonchalantly by air as it is today by train. The airlines will have passenger waiting rooms, ticket offices, and service much the same as the railways have now, but with speed that will give the traveler more time at his point of destination for business or pleasure.

[From the Atlanta (Ga.) Constitution, Aug. 3, 1921]

#### ARMY AIR SERVICE FLYER IS COMING TO SURVEY FIELDS (By Hubert F. Lee)

Charles E. Robertson, secretary of the Atlanta Chamber of Commerce, has received announcement from the Washington air director that an army air service officer will be here in the near future to survey Atlanta's possibilities as a trans-continental air route station, on the Washington-to-San Diego, Cal., route. Approval has been expressed by local army officers for the use of the Camp Gordon parade grounds for that purpose. Consent of higher authorities is being sought to this plan.

The Aerial Transport corporation of New York has asked the chamber of commerce what are the possibilities of Atlanta as a commercial center.

The chamber has for the past year investigated the surrounding territory with the view of selecting just a site as is now sought by the army officers and the New York aerial concern. The parade ground, according to Mr. Robertson, is the best place that has been found.

A temporary landing field, marked so that it can be seen by the survey officer when he arrives, is also requested of the chamber by the office of the director of air service. Conference with local citizens will be held by

the surveying officer, who will also fly over the surrounding country seeking possible locations.

#### AUTOMATION EXPANDING JOB OPPORTUNITIES

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1968

Mr. CURTIS. Mr. Speaker, I have long argued that automation or cybernation are massively expanding meaningful, productive employment opportunities at all skill levels and that the appropriate Federal response would enable and encourage all our citizens to avail themselves of these opportunities. At the same time, dissenting analysts have persistently banded the supposition that technological advance threatens to render large segments of the labor force economically impotent. The important issues involved here merit keen analysis, not this vacuous speculation. For this reason I have repeatedly emphasized the need for realistically and comprehensively anticipating future labor demands and making our education, training, and development programs sensitive to these expectations.

An incisive study in this area is "The Labor Market Framework of Job Development: Some Problems and Prospects," by R. A. Nixon, director of institutes and curriculum development at the Center for the Study of Unemployed Youth at New York University. On pages 29 to 33 of this booklet, Mr. Nixon evaluates and rejects the "prevalent myth" that "technological advance and changes in our economy are largely eliminating job openings for workers with no special skills and for blue-collar jobs" and the corollary that—

Only specially trained and qualified workers can have realistic expectations for secure jobs, that the disadvantaged person with relative limits on his skills cannot expect to be anything more than a transient, marginal worker.

Mr. Nixon writes:

It is true, that the trained and skilled person has an advantage in the labor market, but current and anticipated facts of the labor market make clear:

1. Factory employment is and will continue to provide about one third of all civilian nongovernmental jobs in the economy. Such jobs will increase in number to about 20 million in 1975.

2. About one-third of all employed persons are now and will be in 1975 "blue-collar" workers. In 1975, it is anticipated that—while a somewhat lesser proportion of the total labor force than now—"operative" or semi-skilled workers—will increase in number to 15 million. Even non-farm and non-mine laborers will be as numerous in 1975 as now.

3. There is no confirmed evidence that there has been any major increase in the general skill, training, or personal qualifications required to work productively in our economy. It is true that simple "strong back, weak mind" labor has decreased in importance and that high premiums are paid

both in opportunity and income for the specially skilled craftsman and technician. But the most careful and complete study on this subject conducted by the Bureau of Labor Statistics for the National Commission on Technology, Automation and Economic Progress reported: "The major conclusion of this study, which takes into account every technological change in American industry that can be identified and makes a careful appraisal of its potential effect on employment, is that the overall demand for less-skilled workers will not decrease over this 11-year period (1964-1975), although it will decline somewhat as a percentage of the total."

Mr. Nixon's study also refers to C. A. Pierce, director of research and statistics, of the New York State Department of Labor, who states:

Misinterpretation concerning future skill needs can easily result not only from poor projections but also—as happens too often—from publicizing projections without benefit of the kind of realistic interpretation that the manpower statistician or economist can give the data.

An example of inadequate reading of the data is found in assertions that automation, space-age technology, and so on, are rapidly carrying us into a situation where high-school education will no longer suffice as preparation for a job; that practically everyone will need some sort of post-secondary education or else specialized, protracted job training.

One cannot talk with an assurance about the situation 50 or even 25 years from now, but insofar as we can glimpse the picture of the next ten years, this view is not realistic.

Actually, we figure that jobs of higher skill did not account for much more than one-third of the employed labor force in New York in 1964, and probably won't amount to over 38 percent or so in 1975. I include here professional, technical, and craftsman jobs. The situation in the nation as a whole probably is not much different. The lower-skill jobs such as those of clerical workers, sales people, operatives, service workers, laborers, and farm workers—jobs that for the most part do not require post-high school education or protracted job training (there are exceptions, of course)—will continue to be the vast bulk of all jobs. We figure that, including both replacement and expansion needs, up to two-thirds of all jobs to be filled during the next decade will be in this lower-skill category. . . .

Our recently completed New York State survey of technicians and technical specialists shows them to be only about 2.5 percent of the total employed labor force. Even when professional engineers and scientists are added to the technicians, their combined number does not come to over 5 percent of the total. Despite the large growth that is expected to take place (over 50 percent in the case of technicians and technical specialists, somewhat less in the case of engineers and scientists), at the end of the ten years total employment in these technical fields will fall considerably short of 10 percent of employment in all fields.

Further research of this nature and scope is paramount. Only when we fully understand the overall industrial impact of automation and delineate its specific effect on particular businesses can we effectively grapple with unemployment and its kindred effects. As I stressed in "87 Million Jobs," which I wrote in 1962, full employment at low skill levels depends significantly on job escalation at higher skill levels. And both escalation and employment, integral as they are to

our human development and economic progress, must be rooted in lucid, comprehensive analyses of our manpower prospects.

#### HELP FOR URBAN AREAS

### HON. THEODORE R. KUPFERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1968

Mr. KUPFERMAN. Mr. Speaker, in the first session of the 90th Congress, along with a number of my colleagues, on August 10, 1967, I introduced House Resolution 886 to establish a House Committee on Urban Affairs. Ever since 1961 when then Congressman John V. Lindsay, my predecessor introduced this proposal in the 87th Congress, this has been a Republican initiative later carried on under the leadership of Congressman F. BRADFORD MORSE of Massachusetts.

Earlier this year with Congressman LESTER L. WOLFF, Democrat, of New York, I called for a bipartisan metropolitan coalition to work together on problems of the cities and suburban areas.

City Club Comments—the publication of the City Club of New York, the oldest civic organization in New York City, of which organization I am a past president—in its issue of June 18, mentions the need for congressional action on the special problems of the cities.

I know that these comments will be of interest to my colleagues and especially those from urban areas.

The excerpt follows:

#### THE NATIONAL ELECTION AND THE CITIES

The 1968 election may mark the end of effective anticity hostility in the U.S. The national candidates of both parties will to some extent at least acknowledge the problems of the cities and pledge themselves to solve them. But actual results will depend on how the Congress reacts. The Congress has had a powerful farm bloc obtaining enormous subventions for agriculture long after American agriculture has been thoroughly industrialized and reduced to a relatively small number of enterprises. Congress sheds tears for the farmers. Nearing the end of the 20th century, a thoroughly urbanized nation still has no organized bloc in the Congress representing the interests of the cities.

The crisis of the cities should be almost instantly amenable to the expenditure of reasonable amounts of money, but the cities go begging while the Congress and Administration waste our wealth on foreign adventures and weapons of destruction.

The big political task for the cities is to help organize the Congress, directing it toward the solution of the problems of our age. There is as yet no really effective spokesman for the cities in the House or Senate, no one who has been able to capture the imagination of the American people on behalf of the cities. No Congressman has effectively challenged the work as opposed to the promises and pretensions of the Johnson administration in the domestic field. No Congressman has called upon the President to journey to every large city with trouble and there urge the people to rally behind an effective domestic program.

There are many components to an effective national program for the cities. These include Federal assumption of responsibility for housing, welfare, air and water pollution

control, for health standards and care, and adequate mass rapid transit transportation systems as well as highways.

But until the Congress is organized behind city programs, it is not likely that adequate legislation will be passed. And even if passed, it will take the threat of Congressional follow-through to get administrators to do their work.

If there were a strong big city bloc in Congress reflecting the needs of the cities and getting the necessary appropriations, the Representatives and Senators who comprise it would also find themselves with vastly increased power in their home communities. Local politicians and administrators would lose some of their present ability to delay programs willfully or by reason of their own inadequacy.

#### INTERNATIONAL FEDERATION OF SPORTS, INC.

### HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1968

Mr. DAVIS of Wisconsin. Mr. Speaker, I take this opportunity to bring to the attention of my colleagues and to other civic-minded citizens who will be taking note of this issue of the CONGRESSIONAL RECORD, the incorporation, a few months ago in the State of Wisconsin, of a non-profit corporation named International Federation of Sports, Inc. The purpose of this organization, as set forth in the articles of incorporation are as follows:

To actively promote international good will and understanding by encouraging and facilitating the personal contact of sports-minded individuals, teams, or clubs who are interested in meeting and/or competing with their domestic or foreign counterparts;

To promote interest and participation in and disseminate information concerning local, interregional and international sports and sporting events;

To promote sportsmanship at all levels of athletic competition;

To engage in any lawful activity or affiliation to promote and protect any legitimate common interests of the members.

For the benefit of those who find themselves interested in contacting the federation, its registered agent is Robert E. Kuelthau, 324 East Wisconsin Avenue, Milwaukee, Wis., 53202.

The interesting prospects for the individual and the tremendous potential for international good will are apparent. Unique in the world as to purpose, it will act as a clearinghouse year round in arranging sports competition of any type, between teams of various nationalities, including viewing of the event by team adherents who otherwise might never have the opportunity to enjoy such an occasion. This will be made possible in various nations by resident representatives of the International Federation of Sports. Travel will be arranged on a group basis and costs will be minimized by arranging for members of the organization to house visitors. Plans already are underway to initiate the program by



bringing rugby teams from England to this country to compete against American teams. Membership is open to all and arrangements are now being readied for enrollments in Switzerland, Italy, Austria, Sweden, Denmark, Germany, England, and the United States with other foreign nations to be added as rapidly as possible. The ultimate goal is several hundred thousand members.

As an example of the scope of planning, let us assume that a Milwaukee area amateur baseball team wanted to match its skills with those of teams in Japan. As members of the federation they would notify the offices at 324 E. Wisconsin Avenue in Milwaukee of their interest and the agent of the federation in Japan would arrange a schedule of games with similar amateur teams in that nation and, probably, ultimately would work out a home and home schedule. The same might apply to groups interested in football, soccer, basketball, curling, skating, swimming, golfing, skiing, or any other sport.

Obviously when average individuals of different nations, bound by a common interest in sports, meet together on such a basis, international understanding and appreciation of the dignity of humans everywhere will benefit. Who can tell?—stranger things have happened—the ultimate contribution to international good will may be greater than governments have been able to achieve through cooperation in much more skilled competition such as the Olympic games.

#### NEW JERSEY POSTAL CLERKS DAYS

### HON. CHARLES S. JOELSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1968

Mr. JOELSON. Mr. Speaker, Gov. Richard J. Hughes recently declared June 28-30 as Postal Clerks Days in New Jersey. During this period of time the New Jersey Federation of Postal Clerks held its convention and endorsed its State president, John R. Napurano, for the position of national executive vice president.

Because of my high admiration for the New Jersey postal clerks, I am pleased to insert in the record the following resolution by Governor Hughes:

Whereas, the postal clerk of the United States postal service, performs various duties for the public, requiring the employment of skilled personnel; and whereas, the postal clerk, a skilled technician, as a representative of the postal service, when called upon, maintains pleasant and effective public relations with patrons and others requiring a general familiarity with postal laws, regulations and procedures commonly used; and whereas, postal clerks, by their devotion, loyalty and integrity for the postal service, have earned the respect and admiration of all citizens of New Jersey; and whereas the New Jersey Federation of Postal Clerks, AFL-CIO, Affiliated with the United States Federation of Postal Clerks, Washington, D.C. has served postal clerks in the State for 46 years, will hold their convention at Asbury Park, June 28-30, 1968; Now, therefore, I, Richard J. Hughes, Governor of the State of New Jersey do hereby proclaim June 28-30, 1968 as New Jersey Postal Clerks Days in New Jersey.

#### THE PROBLEMS WITH PRESIDENTIAL COMMISSIONS

### HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1968

Mr. CURTIS. Mr. Speaker, a recent, July 9, 1968, article in the Wall Street Journal once again cogently points out why Presidentially appointed commissions tend to accomplish nothing. The article by Amitai Etzioni, professor of sociology at Columbia University, is entitled "Why Task-Force Studies Go Wrong."

Whenever the United States has faced a crisis in recent years, the President has appointed a commission to study the problem. But the persons typically chosen to be members of the commission are not experts in the field to be studied. Rather they are selected for their civic status or political standing. They normally also have other full-time jobs and can devote little time to the work of the commission.

Not knowing anything and spending little time on the work of the commission, the members appoint a staff. But the staff is normally composed of lawyers as they are normally available. They are not trained in the subject matter though.

Not knowing much is bad enough but then the commissions also are always in a hurry—in such a hurry that often members and staff don't even read what goes in the final report.

The only thing commissions do is get the President off the hook. After all, he is doing something, although nothing material or good will ever result.

Commissions could be useful, Professor Etzioni concludes, but only if: First, they are composed of experts; second, they include representatives of those Federal agencies, corporations, or universities that would have to implement the recommendations, and, third, some politicians and other citizens to represent the public at large.

I would add a fourth suggestion: That the appropriate congressional committees then hold public hearings on the commission's report and backup studies.

This type of commission would not solve all our problems, but it might make our thinking more expert and hard-headed.

The article follows:

#### WHY TASK-FORCE STUDIES GO WRONG

(By Amitai Etzioni)

If a major corporation faced a sharp and continuing drop in the demand for its products or a prolonged crisis in its labor relations, it might well appoint a high-level, inter-divisionary task force to study the problem and suggest new policies. If the issue involved highly technical matters, experts would likely be appointed to the task force.

When the nation faces riots, political assassinations and a crime wave, the President appoints a commission too. But the members of these national task forces are neither part of his Executive agencies, nor are they experts. Commissions' recommendations are frequently criticized by specialists, opposed by the government agencies that must participate in their implementation, or simply disregarded.

The report of the National Commission of

Technology, Automation and Economic Progress, for instance, was carefully filed away. The McCone Report (following the Watts riots) was dismembered by Berkeley sociologist Robert Blauner, and its conclusions contradicted by a U.C.L.A. study. The Kerner Report was received with studied indifference by President Johnson, who himself had appointed the Kerner Commission. The numerous unplugged loopholes of the Warren report encouraged speculation about conspiracy in the assassination of President Kennedy, instead of abating these suspicions, one of its major purposes.

#### NO EXCEPTION

The membership, staff and mode of operation of the newest commission—appointed after the murder of Senator Robert F. Kennedy—are so far typical of earlier ones; unless changes are introduced, and soon, one can hardly feel sanguine about the quality of its expected work.

The new National Commission on the Causes and Prevention of Violence is to provide, in the President's words:

"First, an understanding and insight into the levels of violent aberrations which have struck down public figures and private citizens alike. . . . Second (it is) to uncover the causes of disrespect for law and order. . . . Third, (suggest) sensible and practical actions to control or prevent these outbreaks of violence."

The commission typically includes eminent citizens chosen not because of their expert knowledge but because of their civic stature or political standing. And these are citizens most of whom already have full time "jobs" and scores of other civic commitments. See, for example, Archbishop Terence J. Cooke, who recently took over the guidance of one of the biggest, most affluent and complex Catholic dioceses in the world. He cannot be expected to drop his pressing duties to study the causes of prevention of violence any more than Mayor Lindsay—an active member of the Kerner Commission—could drop his mayoral duties to study riots.

The Eisenhower Commission—the short name derives from that of its chairman, Milton Eisenhower—like its predecessors includes four Congressmen: A Democrat and a Republican from each of the Senate and the House. Commissions now tend to include one or two members of minority groups. Roy Wilkins was the Negro on the Kerner Commission. Former Ambassador Patricia Harris, a member of the newest commission, "represents" two power-structure minority groups at once: The ladies and the Negroes.

Experts are usually not appointed to national commissions dealing with social issues; the most nearly a social scientist on this one is President Johnson's admiral, longshoreman and popular philosopher Eric Hoffer. Commenting on the Kerner Commission's lack of social scientists, Prof. G. Marx of Harvard wrote, "This is a little like setting up a National Commission to study cancer and then excluding doctors from it."

Since the members have neither the qualifications nor the time to study such a complex matter as the causes and cures of mass violence, they appoint a staff to deal with the matter. As were those of the Kerner Commission and others before it, however, the first three staff appointments of the Eisenhower Commission are men of legal training and background. The executive director of the Eisenhower Commission is a Washington lawyer, Lloyd N. Cutler.

There are many reasons why lawyers play such a central role in staffing commissions; none of them are good reasons. More politicians come from a legal background than from any other profession; it is lawyers they understand best and know most. Lawyers are available on short order; few outstanding social scientists, criminologists or other experts could or would drop their research, consulting or teaching jobs on short order to work for a temporary commission. For a lawyer,

such an appointment is considered part of his career; getting to know people is likely to make him valuable. For a social scientist a rush job on a Government commission is more likely to retard his career than to advance it. The facilities and methods under which commissions work would have to be modified if social scientists were to effectively supplement lawyers.

While commissions have no prescribed procedures, most of them are set up to investigate (in the legislative tradition) and build consensus (in typical committee work), but not to conduct research. They hold hearings, collect documents, occasionally visit in "the field" (e.g. Watts). They have no computers or libraries, and rely on short-order consultants, a minuscule research staff, and some farming out of research contracts to universities and private advisory corporations (the Kerner Commission asked the University of Michigan to conduct a survey on Negro attitudes).

Since commissions cannot be expected to set up serious research facilities of their own the latter procedure might be a second best. But such methods of obtaining data are rendered ineffectual because usually the lawyer staff-directors have little of the background needed to work with social scientists, and above all because everybody is in a rush. More than anything else, commissions are part of government by fire-brigade. The Kerner Commission was given a year in which to study the problem, but its report was handed in seven months after its initiation; its writing staff did not even have a chance to read significant parts of what the farmed-out research was turning up.

The Eisenhower Commission was also given a year but has already been asked by the President to report within a few months. The average social science research project lasts about two to three years. It is not that social science data cannot be used if less time is available for their collection, but the output will be less professional the more rushed the job. While a competent job might be delivered in a year, little fresh research can be conducted in a few months. To plan a study for a year and demand a report after several months seems even less effective. If the time is short, heavy reliance on specialists already well familiar with existing data, issues and analysis of available information is called for, rather than rush collection of new data.

#### RESULTS OF A SORT

The Eisenhower Commission, like its predecessors, was appointed at the height of a crisis. Such commissions, it has been said, are not meant to come up with new understandings and policies; they are to treat the "politics of the situation rather than the situation." Their very appointment gets results—it gets the national leadership off the hook. Nobody can say that nothing was done in the face of a crisis, yet action is postponed by the implication that unless you wish to act in panic and hysteria, you should wait for the finding of the commission.

Actually, those who follow this line of analysis admit that we often know quite well what to do, but that for various economic and political reasons are unwilling or unable to act. Thus, there is very little new in the recommendations of the Kerner Commission (e.g. more jobs, education, houses and welfare for Negroes). Nor need we await the Eisenhower Commission's report to know the close connection between domestic disarmament and the level of serious crimes, between alienation of Negroes and youth and rebellions, between education and respect for authority, law and order.

Others see commissions as not really in the business of national study of causes and cures but rather in that of consensus-building. The President, speaking to the Eisenhower Commission, himself emphasized this. "You come here from the church, the

universities, the Senate and the House, the judiciary, the ranks of the working man, the professions," he said, as if to stress the broad social base of the commission rather than its expertise. If 10 wise men drawn from such a cross-section of the nation support a set of conclusions, the country is more likely to go along with them than if these conclusions are advocated by 10 experts.

Consensus-building is a perfectly legitimate function, essential for a democracy. Actually, one major reason we have so much violence is that we have acted too often without adequate consensus-building or have disregarded the consensus that has emerged. But the question remains: Around which recommendations will consensus be built and on the basis of whose analysis of the situation?

#### SOME RECOMMENDATIONS

As I see it, commissions should include three sub-divisions:

—Expert bodies composed of the most outstanding specialists and men of experience the country can draw upon: When the subject is violence, it should include criminologists, psychiatrists, sociologists, etc. They should be in charge of whatever research is carried out.

—An administrative task force composed of high-ranking representatives of the Federal agencies, universities, corporations and whatever other Executive agencies will have to be involved in implementing the recommendations. How can one study cures for violence without conferring with some representatives of the Justice Department, the F.B.I., city police departments and educational systems?

—Politicians and eminent citizens to represent the sentiments and interests of the public at large.

The expert and administrative task-forces should do their work in confidence, as they do in Britain and Sweden, reporting to the political wing. The political wing should set the specific targets for investigation and meet regularly with the expert and administrative sub-commissions to keep them from becoming utopian (as the Kerner staff became in recommending a hundred-billion-dollar-a-year program without any suggestion as to how it would be paid for). At the same time, the political subcommission should face as equals the experts, who command the most recent relevant information, and the administrators, who are familiar with the limitations of the organizations with which most new programs must cope.

This would not solve all our problems, but it might make our national thinking, to the extent that it is carried out by commissions, more expert and hard-headed; after all, what is consensus for if that which is agreed upon is less professional and less realistic than the nation's experts and administrators can put forth?

#### ONE-HUNDREDTH BIRTHDAY

### HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1968

Mr. GROSS. Mr. Speaker, on July 18, 1968, a resident of the Third Congressional District of Iowa, Dr. Dora N. Newman, will celebrate her 100th birthday and I take this means of congratulating and paying tribute to her.

Dr. Newman was born Dora Nell Ode-kirk on July 18, 1868, at Fayette, Iowa. She received her elementary education at West Union, Iowa. She attended a girl's academy at Osage, Iowa, and re-

ceived a degree from Upper Iowa University at Fayette.

Thereafter she was a teacher in the Indian Service in Montana, Idaho, Nebraska, and the Oklahoma Territory. It was during the years as a teacher in the Indian schools that she met and married an officer in the Indian medical service, Dr. Horace W. Newman.

In 1915, Dr. Dora Newman began the study of chiropody and practised that profession in Chicago until her retirement in 1953. She is now a resident of Hillcrest Rest Home in Sumner, Iowa.

Mr. Speaker, it is not given to many of the human family to know the joys and the disappointments of 100 summers and winters of life and to be mentally active and concerned.

Again I salute and congratulate Dr. Newman and wish for her an abundance of good health as she continues to travel the western slope of life.

#### GUARANTEED ANNUAL INCOME HEARINGS

### HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1968

Mrs. GRIFFITHS. Mr. Speaker, recently I had the privilege of holding hearings through the Joint Economic Committee on guaranteed annual income. The Honorable WILLIAM F. RYAN, from New York, appeared before my subcommittee explaining his own bill. His testimony goes into the specifics of the cost of the guaranteed annual income and how it would work and where savings would be instituted. I commend to all of you the reading of Congressman RYAN's lucid and interesting testimony, as follows:

STATEMENT OF HON. WILLIAM F. RYAN BEFORE THE SUBCOMMITTEE ON FISCAL POLICY OF THE JOINT ECONOMIC COMMITTEE, JUNE 26, 1968

I wish to express my appreciation for this opportunity to testify before the Subcommittee on Fiscal Policy of the Joint Economic Committee on the question of income maintenance. And especially, I want to commend the Chairman for her foresight in scheduling these hearings. I can think of no idea in recent times which has moved from the wilderness of theoretical speculation into the arena of serious policy discussion with the rapidity of the guaranteed income concept. These hearings constitute an important forum for discussion.

It has been widely recognized that income supplementation, which is presently carried out largely through public assistance, is a national problem, and, as such, should be dealt with nationally. Standards should be national, and the burden of costs should be distributed nationally.

The present total national expenditure for public assistance is \$5.1 billion annually.

The average AFDC benefit ranges from about \$8 per month per person in Mississippi to about \$51 per month per person in New York, Wisconsin, and Minnesota. Surely, this disparity is not reflective of the differences in the relative cost of living in these States. The result is that one state is being forced to pay for the social outcasts of other states, who are, of course, indicative of a national social problem.



New York City's welfare load in FY 1969 will cost \$1.346 billion, of which \$516 million is paid by the Federal Government. The remainder is the burden of the City and State governments. (City—\$399 million; State—\$431 million).

In preference to the present welfare system, therefore, there should be national welfare standards, with a much larger share paid by the Federal Government. This was the conclusion of the Report of the National Advisory Council on Public Welfare, issued in June 1966, now two years old.

However, I believe that ideally there must be a shift entirely from conventional welfare programs to a Federal income maintenance or "guaranteed income" approach. There are several basic reasons for this approach. In the first place, under an income maintenance system the only criterion for assistance would be need. There would be no artificial requirements. Secondly, the income supplement function would be divorced from social services. Thirdly, income maintenance would provide income supplements to the working poor, families below the poverty line who are now excluded from welfare benefits. Fourth, the application process would be greatly simplified and dignified, and administration would be improved. Fifth, there would be a much greater incentive to work.

Some of these advantages might accrue from a greatly modified national welfare system. However, the achievement of all of them could only be obtained under a guaranteed income plan.

Recent guaranteed income proposals derive from two rather different philosophical underpinnings.

The first, represented by Robert Theobald, who testified yesterday, suggests that the "work ethic" is an anachronism in a society as wealthy as ours and that persons should be guaranteed the necessities of life, so that they can dedicate themselves to higher pursuits. Then work will be done only because it is personally satisfying.

The second approach believes guaranteed income is less destructive of the work ethic. It contains financial incentives for the recipient to work which the present welfare system lacks. It is further appealing because it can operate more efficiently and economically than welfare, and because it greatly reduces violations of personal liberties, which are now all too characteristic of the present welfare system. My own sympathies are with the latter position.

As the sponsor of the first, and thus far the only, bill to have been introduced in Congress to provide a system of income maintenance (H.R. 17331), I have a great interest in seeing this discussion move forward. Let me summarize H.R. 17331 briefly for the purposes of the discussion this morning:

H.R. 17331 establishes a maximum annual payment based on approximately two-thirds of the personal exemption plus minimum standard deduction for each member of the family. Translated into dollars and cents per month, this equals \$50 for the head of the family plus \$39 for each dependent. A family of four with no other income whatever could expect \$2004 per year. Additional payments will not be made beyond the sixth dependent, so the maximum payment for a family of seven or larger is \$3408.

My bill proposed a 50% "tax" on work earnings. Benefits are reduced by fifty cents for each dollar of work earnings. A higher tax, as now exists under most public assistance programs, destroys the financial incentive to work. A lower "tax"—for example the 33% which has been proposed in some guaranteed income plans, would either necessitate lower base benefits, or would permit persons well above the poverty line to receive benefits and greatly increase the cost of the program.

The system would be administered through a Bureau of Income Maintenance located in the Treasury Department. Persons wishing

to apply for benefits would make application by submitting quarterly income statements. They would receive monthly maintenance payments based on the deficiency of their earnings. Since there would be a reasonable time lag for administration, the May check might be based on income during the January-February-March quarter.

The administrative procedure for checking the accuracy and honesty of applications would be similar to the Internal Revenue system now in force for checking positive tax returns. All applications would be scrutinized for internal inconsistencies, errors, and suspicious claims. But only a small fraction—perhaps one in fifteen or twenty—would be subject to full investigations on a random sample basis. This spot-check system would prevent most willful cheating and would replace the present demeaning practice of routine intrusions into the private lives of all welfare recipients.

The level of benefits proposed in my bill—a guaranteed minimum income of approximately \$2000 for a family of four—is still below the poverty line. However, they are above the AFDC average benefits in all but twelve states.

At this level of benefits the gross cost would be \$8.1 billion to the Federal Government. However, since this program would replace about 80% of the existing \$5.1 billion welfare costs, there would be a saving of approximately \$4 billion in total federal and state welfare costs. Since the Federal Government pays some 60% of the welfare costs, the federal saving will be about \$2.4 billion, and the states will save \$1.6. On balance, therefore, the program will cost the Federal government some \$5.7 billion (\$8.1 billion minus \$2.4 billion) and save the states \$1.6 billion in existing welfare costs. Thus, the net cost will be \$4.1 billion.

At this level the income position of nearly 80% of present welfare recipients will be improved. More significantly, nearly all of the twenty-two million Americans, who now live in poverty but do not receive public assistance, will get some income supplementation.

Ideally, the poverty gap should be closed entirely. However, to close it solely by means of a guaranteed income system would cost in the neighborhood of \$25 billion yearly. The principal reason for the geometrically increasing cost is the problem of "leakage" to the non-poor. If the maximum benefit for a family of four is \$2000, as my bill proposes, and work earnings are "taxed" at the fifty per cent rate, then all benefits will cease when total income reaches \$4000 per year. However, if the maximum benefit for a family of four is placed at \$3000, then every family of four with income of less than \$6000 will be eligible for some benefits; and there will be a great deal of "leakage." Even to increase the maximum benefit from \$2000 to \$2400 for a family of four will double the cost of the program.

One difficulty with a base benefit of \$2000 is that twelve states now have higher average AFDC benefits. The assumption of my bill is that in these states the Federal income maintenance benefit would pay the first \$2000, and the welfare program would make up the difference between that and whatever level it is now paying. So that if a welfare standard for a family of four in a given state is \$2400 a year, the Federal income maintenance program would pay the basic \$2000, and the welfare program would pay the last \$400. The recipient in those few states would be no worse off. And, of course, in the majority of states, where welfare benefits are below the standards of H.R. 17331, the recipients would be considerably better off. Where the Federal income maintenance benefit is supplemented through welfare, Section 1604 of my bill provides that, as earnings increase, welfare benefits are to be reduced by two-thirds of earnings, until welfare benefits are eliminated. Further earnings reduce income maintenance benefits by two-thirds of earnings,

until the position of the recipient is identical to that of a recipient who was never receiving welfare, at which point income maintenance benefits are reduced by fifty per cent of further earnings. This formula is necessary to harmonize the income maintenance system with supplementary welfare in those states where it will continue.

Let me mention several significant advantages of the income maintenance system envisioned in H.R. 17331, as compared with the existing welfare system.

Perhaps the most important is the establishment of a national standard of assistance based on the sole criterion of need. This would eliminate the confusion of diverse state criteria and levels of benefits. It would save those parts of the country which now have the heaviest welfare burdens the most money.

In New York City, with nearly one person in nine on welfare, a substantial portion of this welfare cost would be saved to the City and State, making it available for other needs.

A national income maintenance system would reduce the migration to the cities by rural residents ill-equipped for available city jobs.

It would remove the indignities and intrusions into personal matters which now characterize the welfare system.

It would provide an incentive to work for people receiving benefits.

It would free social workers to perform needed and wanted services and eliminate the welfare bureaucracy's police functions.

I think that it has been nearly universally agreed that the present public assistance system is not working. However, it should be clear that an income maintenance system or a guaranteed income—although it can improve upon the income supplementing functions of welfare—is not, and cannot be in and of itself, a solution to the poverty problem.

Let me take a few moments to describe what I believe income maintenance is, and what it is not:

It is, clearly, a system of income supplements for two groups—individuals and families with no income, and also the working poor. A family of four with no work income, under my bill, would receive \$2000 annually. A family of four with \$2000 work income would receive \$1000 in benefits for a total income of \$3000. Thus, work incentives are built into the system. It is important to keep in mind that this is a program for persons capable of working. Otherwise, it makes no sense to build in work incentives. For the aged, it makes much more sense to establish a higher basic benefit under a federalized Old Age Assistance program. The disabled would be offered an option to continue on Aid to the Totally and Permanently Disabled, or to shift to Income Maintenance.

This program is not a substitute for jobs; indeed, it cannot work unless expanded manpower programs are available so that those who want to work can find training and employment. Nor is it a substitute for unemployment compensation. A subsistence benefit is of marginal use to a regular wage earner who is suddenly thrown out of work for a temporary period. Increased unemployment benefits are necessary to take care of him.

Income maintenance is rather a residual program for the chronic low-income family, the under-employed, the mother with dependent children, and other categories of persons only able to work part-time or sporadically.

Let me make it clear that this is not a program "to pay people not to work." That label is much more applicable to the existing welfare system, which in most cases taxes work earnings at 100%. An income maintenance system, on the other hand, would have built in financial incentives for a recipient to better his total income position by working. That is why a parallel job program is

such an important complement to a workable income maintenance system.

There is in Section 1605 of my bill a provision designed to permit low-income seasonal workers to benefit from the income maintenance system without taking unfair advantage of it by deliberately not working part of the year. Section 1605 provides that, if total annual income exceeds 150% of exemptions plus minimum standard deduction, any benefits which were collected during any part of the year must be repaid at a 50% rate. In the case of a family of four, this is \$4500 yearly. Thus, if a migrant agricultural worker with three dependents earned \$3000 during the summer months, but was idle during the rest of the year, he could keep the \$500 income maintenance benefit. However, if a skilled worker with three dependents earned \$5000 during an eight-month period and collected benefits during the other four months, he would be required to pay back \$250.

Since I introduced H.R. 17331 on May 16, I have received the benefit of wide comment and analysis from interested parties. I'd like to share with the committee some suggestions which I am seriously considering incorporating into the next draft of the bill when I re-introduce it.

First, it has been suggested that the husband and wife should be entitled to \$50 monthly each, instead of \$50 for the head of the family and \$39 for each dependent. I agree that this would be more equitable.

Secondly, there should be a limit on assets. For example, benefits might be reduced by 10% of assets over \$10,000.

Third, full-time students should not be eligible for benefits.

Fourth, there should be deductions from stated income for medical care and exemptions of earnings by children under 16 and gifts up to \$100 yearly.

Fifth, there should be a statutory escalator provision adjusting the level of benefits upward according to a low low-income consumer price index which would be established in the Department of Labor.

Finally, let me raise for discussion one possibility of which I am not fully convinced but which might cast an income maintenance program in a different light. That is the question of a mandatory work program which would provide that any adult in a recipient family, which has received at least 75% of the maximum benefit for a period of nine months or more, may be required at the discretion of the Federal Government to accept employment in a public employment program, retraining program, or basic education program where such programs are available in the immediate geographic area. Otherwise, benefits would be reduced by 10% per month till they are exhausted. The work program would have to pay at least the minimum wage. Participants in the basic education program would continue to receive income maintenance benefit payments. Persons over sixty years of age, mothers with small children, and the disabled would be excluded.

In certain areas such as small towns with only a handful of beneficiaries, the Administrator might decide that it simply would not be worth the expense to establish a training program.

This kind of work training program puts the burden of establishing an acceptable job program or basic education program on the Federal Government before beneficiaries can be disqualified. Needless to say, regulations would have to be drawn very narrowly to prevent administrative abuse.

In summary, a Federal income maintenance program is a sound proposal which can be enacted in the near future. Few proposals have been received with such intense interest and discussion as this one. I believe that income maintenance is a key part of a multiple strategy for breaking the cycle of poverty. That strategy needs to include job creation and training; it needs to in-

clude higher benefits under social security for the elderly and the disabled; and it also requires expanded programs in areas such as intensive education and health and social services.

A system of income maintenance to replace the present inefficient and inadequate welfare system must, in my judgment, be a central part of that strategy.

#### SEX DISCRIMINATION: STATE PROTECTIVE LAWS VERSUS TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1968

Mrs. GRIFFITHS. Mr. Speaker, the gross discriminations inflicted upon women with respect to their employment opportunities under the guise of State laws which restrict women's hours and time of employment, or weights they may lift, are being increasingly recognized as detriments, rather than protection, to women.

Congress intended to eliminate sex discrimination in employment when it enacted title VII of the Civil Rights Act of 1964. But a substantial amount of sex discrimination continues because the Equal Employment Opportunity Commission had, until recently, taken the position that State restrictive laws on hours of employment and weight lifting by women qualify as "bona fide occupational qualifications" under title VII.

Certainly, I am glad that the Commission's recent ruling of February 21 retreating from that position evidences its intention to examine more closely the effect of such restrictive State laws upon the equality of employment opportunities which Congress intended to assure to all persons without sex discrimination.

Mr. Raymond P. Buschmann, who has just completed his second year at the University of Illinois College of Law, has written an excellent article showing that most, if not all, of the State laws which restrict women in employment ought to be invalidated either under the 14th amendment or title VII of the Civil Rights Act of 1964. His well-researched article should be very helpful to Member of Congress and others interested in the subject of sex discrimination and the State protective—or, as I prefer to call them, State restrictive—laws. His article, entitled "Sex Discrimination: State Protective Laws Versus Title VII of the Civil Rights Act of 1964," follows:

#### SEX DISCRIMINATION: STATE PROTECTIVE LAWS VERSUS TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

The Civil Rights Act of 1964 is primarily designed to end discrimination against the Negro in voting, employment, and the use of public accommodations and facilities.<sup>1</sup> Title VII of the Act prohibits discrimination in employment on the basis of race or color by employers, labor unions, employment agencies, and training programs.<sup>2</sup>

Aside from the central purpose of providing equal employment opportunities to the Negro, Title VII also seeks to provide American citizens with equal employment opportunities regardless of their sex.<sup>3</sup> This provision could have far reaching effects on the employment opportunities of females.

However, the prohibition of discrimination

based on sex has come into conflict with those laws of most states which "protect" women by denying them employment in certain jobs solely on the basis of their sex. As evidence of this conflict, several cases are now pending in federal courts in which certain state labor laws are alleged to be pre-empted by Title VII.<sup>4</sup>

In the near future, federal courts will most likely be confronted with an increased number of cases involving this issue. In the hope of serving a useful purpose for the judiciary, this Comment will examine the interaction between Title VII and such laws, and will explore some possible means of resolving the resultant conflict.<sup>5</sup>

Prior to the enactment of Title VIII, all but a few states had adopted laws purporting to protect women in employment. These protective laws may be divided primarily into two groups: those which prohibit the employment of women in certain capacities, and those which confer special benefits on women.<sup>6</sup> Most common to the first group are laws which prescribe maximum daily and weekly hours for women,<sup>7</sup> prohibit night-time employment of women,<sup>8</sup> limit the amount of weight to be lifted by women,<sup>9</sup> and prohibit the employment of women in certain occupations, such as bartending.<sup>10</sup> Special benefits are conferred on women by laws which require restroom facilities or extra break time for women.<sup>11</sup>

The state's special interest in enacting legislation for the protection of women in employment was recognized by the Supreme Court as early as 1908.<sup>12</sup> The Court stated "that her physical structure and a proper discharge of her maternal functions—having in view not merely her own health, but the well-being of the race—justify legislation to protect her from the greed as well as the passion of man."<sup>13</sup>

With protective legislation on the books of most states, Congress passed the Civil Rights Act of 1964. The Act became effective July 2, 1965, and by July 2, 1968, it will cover all employers of 25 or more employees engaged in commerce.<sup>14</sup> An employer covered by the Act commits an unlawful employment practice if he discriminatorily hires or fires individuals or if he discriminates against an individual with respect to the terms, conditions, or privileges of employment.<sup>15</sup> The Act also prohibits limiting, segregating, or classifying employees in a discriminatory manner.<sup>16</sup>

Title VII does, however, provide an exception for some discrimination based on sex:

"Notwithstanding any other provision of this subchapter, (1) it shall not be an unlawful employment practice for an employer to hire and employ employees . . . on the basis of his religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise. . . ."<sup>17</sup>

A job illustrative of this exception would be a masseuse for women; here the employer seems justified in limiting applicants to the female sex. But unless the discrimination is based on the bona fide occupational qualification exception, the Act prohibits unequal treatment in employment of a man or a woman based solely on that person's sex.

Title VII itself does not provide that the state protective laws are valid. Only in parts of section 706<sup>18</sup> and in section 708<sup>19</sup> of the Act are state laws mentioned, and these sections were intended to give effect to state fair employment practice statutes.<sup>20</sup> Section 708 further provides that any state law which would require or permit an unfair employment practice under Title VII is to be rendered inoperative. A state law which would deny job opportunities to an individual because of that person's sex, therefore, would apparently violate the Act.

The state protective laws currently in



existence frequently do prohibit the employment of any woman at certain jobs regardless of her individual merit. The only possible means of conforming such state protective laws to Title VII is to find that the employment practices required by them qualify for the bona fide occupational qualification exception.<sup>21</sup>

The task of determining the bona fides of occupational qualifications was left to the Equal Employment Opportunity Commission—the agency created to administer the Act.<sup>22</sup> However, the task is difficult due to the absence of precedent and of a clear statement of legislative intent.<sup>23</sup> The bill which passed through the congressional hearings did not include sex as a basis of impermissible discrimination.<sup>24</sup> Discussion on it began when Representative Smith of Virginia, with the intent of jeopardizing the 1964 Act,<sup>25</sup> introduced sex as the fifth basis for an unfair employment practice. But the analysis of its repercussions was short-lived, because the next time the House met, the amendment and the Civil Rights Bill were passed.<sup>26</sup>

During the brief House debate on the sex amendment, Representative Celler recognized the serious problems presented by it and pointed out that the amendment would have an adverse effect on the state laws.<sup>27</sup> Even though another representative felt that the states' protective laws would not be invalidated,<sup>28</sup> the other representatives, who expressed their views, both in opposition to and in favor of the bill, believed the amendment would implicitly repeal these state laws.<sup>29</sup> On the whole, they considered this invalidation not to be detrimental.<sup>30</sup>

Thus, when the EEOC adopted its "Guidelines on Discrimination Because of Sex,"<sup>31</sup> it did so with only an inference that the state protective laws would be overridden. The Commission decided to interpret the bona fide occupational qualification exception narrowly.<sup>32</sup> So interpreted, the exception does not include the "refusal to hire a woman because of her sex, based on assumptions of the comparative employment characteristics of women in general"<sup>33</sup> or the "refusal to hire an individual based on stereotyped characterizations of the sexes."<sup>34</sup>

However, the Commission realizes that most states have enacted protective laws affecting women in employment. Even though some of these laws can be criticized as being out-dated and unresponsive to the demands of equal employment opportunity,<sup>35</sup> the Commission originally expressed the policy that limitations or prohibitions imposed by state protective laws would qualify as a bona fide occupational qualification exception, except when the clear effect of the law is not to protect women but to subject them to discrimination.<sup>36</sup>

Recently the Commission has taken a more enlightened view<sup>37</sup> and has rescinded this policy statement. Instead, the Commission will proceed to decide whether state protective legislation is superseded by the Act where the effect of the state legislation appears to be discriminatory rather than protective.<sup>38</sup>

The first case to question the bona fides of an occupational qualification came before the courts in 1966.<sup>39</sup> A company policy, similar to the laws of several states which set weight-lifting limits for women, was challenged. Relying on Title VII, female employees of the Colgate-Palmolive Company alleged that they were discriminated against when they were laid off and men with less seniority were retained and assigned to tasks the women were capable of performing. The Equal Employment Opportunity Commission found probable cause that plaintiff's allegation was valid and in violation of Title VII.<sup>40</sup>

Unable to obtain Colgate's voluntary compliance with the Commission's finding of probable cause, the women sought money

damages and injunctive relief in the District Court.<sup>41</sup> Colgate relied on numerous authorities to justify its policy of limiting certain jobs requiring the lifting of weights over thirty-five pounds to men only. In particular, it pointed to the statutes and regulations of twelve or thirteen states in the United States which limit the maximum weight women may lift or carry.<sup>42</sup> It also relied upon the conclusion of the International Labor Organization Conference that the maximum permissible limits for women in employment should be between 33 and 41.1 pounds,<sup>43</sup> and a bulletin issued by the United States Secretary of Labor adopting the 33 to 41.1 pound standard and recommending it to employers.<sup>44</sup>

Thus, Colgate claimed that its policy was reasonable and designed to promote the health and safety of its female employees. The court agreed and found that this motive was complementary to the necessity of efficient operation of the plant because to deny the right to set this limit would make any reasonable operation of the plant impossible. Therefore, the weight limit was a bona fide occupational qualification under Title VII.<sup>45</sup>

In determining the legality of the weight limit as an exception under title VII, the court analyzed the meaning of "bona fide occupational qualification." It recognized three possible interpretations: a strict necessity test, a "traditional role" test, and an equal protection test.<sup>46</sup> The strict necessity test involves construing the exception narrowly and applying it only to those jobs which can be performed by only one sex. The "traditional roles" test permits the exclusion of females from jobs from which they have been traditionally excluded.<sup>47</sup> The court rejected these two tests and adopted the equal protection test.

The principle of equal protection permits a legislative classification, made pursuant to the police power of the State, to stand so long as it is rational.<sup>48</sup> The court applied this principle for the determination of a bona fide occupational qualification exception—indicating that a legislative classification based on sex qualifies if such classification is rational.<sup>49</sup> The principle was also held applicable to rules established by individual employers, although indicating that the rationality of the classification will be more closely examined in such cases since the interests asserted by employers may not be as paramount as the public objectives of the State.<sup>50</sup> "Still, the basic premise would be that employers may discriminate, but they must do so rationally."<sup>51</sup> Applying the equal protection test, the court found that the Company's policy was rational because it promoted safety and fostered efficient operation of the plant.

The court, in relying on the conclusion of the International Labor Organization Conference and the bulletin by the Secretary of Labor, failed to read these documents in their proper light. At the conference, the United States Government was opposed to any limitation of employment from being based on sex as far as the transporting of loads was concerned. Rather, the U.S. proposed an unsuccessful amendment in order that employment would be based on the physical capacity of the worker.<sup>52</sup> The Department of Labor neither adopted nor endorsed the conclusions of the conference. Instead, the policy of the Department is to replace rigid weight lifting limits by flexible regulations, applicable to both men and women.<sup>53</sup>

Nevertheless, the thirty-five pound weight-lifting limitation may certainly be deemed reasonable for the majority of women. However, in holding this classification to be rational, the court failed to recognize that women vary widely in their activities and as individuals.<sup>54</sup> Although there admittedly are women (just as there are men) who are unable to lift thirty-five pounds, many women could definitely lift this weight without strains.<sup>55</sup>

Thus, Colgate was allowed to refuse jobs

to plaintiffs because of their sex without assessing their particular physical capabilities. They were denied the job because of their class and not because of their individual merit. If this result is permissible under the equal protection test, it is submitted that the use of such test is inconsistent with the goals of Title VII.

To qualify for the exception to the Act's ban on sex discrimination, section 703(e) specifically provides that the normal operation of the particular business must *reasonably necessitate* an occupational restriction based on sex.<sup>56</sup> Thus, the criteria most consonant with the language of the statute would be a test of reasonable necessity. The strict necessity test is undesirable because of its rigidity and inability to encompass various individual abilities and types of employment situations. As has been noted, the equal protection test is little better.<sup>57</sup> The test of "traditional roles" seems certainly repugnant to Title VII since it would legalize the discrimination which gave rise to the Act.<sup>58</sup>

Under the reasonable necessity test, all jobs not reasonably requiring performance by one sex exclusively should be open to both male and female. It seems probable that most women, like men, would recognize their capabilities and would not apply for a job beyond their abilities. Even though most women may find that a certain job entails an excessive physical strain, some women may be capable of performing that very job.

If an individual woman desires the job, it should not be denied her merely because most females could not qualify. Her own individual merit and potential should be the determining factors. After consideration of these factors, the employer would be justified in denying the job to the individual if he reasonably believes that the applicant or worker is unable to fulfill the requirements due to personal inability or if another individual is more capable. If the applicant or worker disagrees with her employer, she may file a charge of discrimination before the EEOC, which would investigate and determine whether she was denied the job because of her sex, and if so, whether business operations reasonably necessitate a man for the job.

If the reasonable necessity test had been applied in *Bowe*, the court undoubtedly would have held in favor of the plaintiffs. Plaintiffs, who claimed to be capable of performing the job, were denied it simply because of their sex and without consideration of their abilities. Furthermore, no adverse effect on Colgate's normal business operation would conceivably have resulted had they been given the job. The normal operations of Colgate did not reasonably necessitate that a person of the male sex alone be allowed jobs requiring the lifting of weights greater than thirty-five pounds.<sup>59</sup> In fact, employing an across-the-board seniority system to both men and women as to promotion to add jobs would probably bolster the morale of the female employees, thus enhancing relations between Colgate and its employees.

The reasonable necessity test can be applied not only to company policies but also to state statutes which discriminate against women in employment. Congress explicitly provided that sex discrimination is prohibited unless the job reasonably necessitates performance by a particular sex. And Congress further provided that any state law must be considered invalid if it "purports to require or permit the doing of any act which would be an unlawful employment practice under [Title VII]."<sup>60</sup>

Furthermore, the general assumption is that state laws must yield to federal legislation when the latter is nationwide and when the federal program would be impaired if the state laws were to control.<sup>61</sup> Title VII does have nationwide application and the goal of ending job discrimination based on sex is impaired by the state protective laws.

Thus, the Equal Employment Opportunity Commission should interpret Title VII as pre-empting these state laws, since state laws which require behavior forbidden by federal laws are invalid under the supremacy clause.<sup>63</sup> If the charge alleging discrimination is true, the Commission should fulfill its legislative mandate by finding probable cause that Title VII was violated, despite the contrary language of the state protective laws.<sup>64</sup>

State protective legislation also is subject to attack as being unconstitutional under the Fourteenth Amendment's due process and equal protection clauses. An argument might be made that since the right to pursue lawful employment for a livelihood is a right protected by the due process clause,<sup>65</sup> a denial of this right by state laws which bear no reasonable relation to any proper governmental purpose is unconstitutional.<sup>66</sup>

A better constitutional argument can be made under the Equal Protection clause, which is violated by a state statute operating "unequally" upon all members of a group.<sup>67</sup> But even if the statute is applied to all women without exception, the statute may still be invalid if the classification does not bear a rational relationship to the purpose of the statute.<sup>68</sup>

Recent civil rights cases have defined what is reasonable in terms of the individual, and not in terms of the group.<sup>69</sup> A deprivation of an individual's constitutional rights cannot be based on a legislative determination that they belong to an inferior group. Rather, individual merit and abilities seem to be the relevant factors.

Nevertheless, the courts have been consistent in holding that the state classification of the sexes in employment is a valid and reasonable exercise of the police power.<sup>70</sup> The modern trend, however, is towards insuring equality and eliminating discrimination in employment.<sup>71</sup> In fact, a recent decision by a Los Angeles Municipal Court regarding a California law prohibiting female bartenders did indicate that the law might well be unconstitutional, though the court declined to so hold.<sup>72</sup>

In New York, an administrative regulation was interpreted by the administrator as prohibiting the promotion of any policewoman to the rank of sergeant—even though she could properly perform the command and administrative functions required. The court found that this construction was unwarranted, unreasonable, and archaic, and indicated that, were the administrator's interpretation the proper one, the regulation would constitute a violation of equal protection.<sup>73</sup>

Despite the possibility of conflict between state protective laws and the equal protection clause, the issue has likely been rendered secondary by the enactment of Title VII. Those state protective laws which have the effect of unreasonably and unnecessarily restricting the employment opportunities of qualified women should be considered pre-empted by the federal statute. Thus, for example, restricting women—without regard to individual ability—to certain occupations, to maximum hours of work, or to jobs that do not require physical exertion, should be invalidated.<sup>74</sup>

The court in *Bowe* wrongly construed the bona fide occupational qualification exception. The ban on sex discrimination is rendered valueless if any individual is to be allowed to liberally construe the Title VII exception to fit his personal desires, and meeting only the requirement that his regulations be rational as class regulations. Rather, standards of merit and individual quality should control unless reasonable necessity requires otherwise.

Our society has changed to such an extent that the classification of women in employment for protective purposes is, for the most

part, unnecessary. Women have taken a new and more forceful role in American society; they should no longer be stereotyped as a class to be pampered—and thereby prejudiced—in regard to employment.

## FOOTNOTES

<sup>1</sup> The major substantive provisions of the Civil Rights Act of 1964 are Title I (voting), 42 U.S.C. § 1971 (1964), Title II (public accommodations), 42 U.S.C. §§ 2000a to a-6 (1964), Title III (public facilities), 42 U.S.C. §§ 2000b to b-3 (1964), and Title VII (employment), 42 U.S.C. §§ 2000e to e-15 (1964).

<sup>2</sup> Civil Rights Act of 1964, 42 U.S.C. § 2000e-2 (1964).

<sup>3</sup> Id. Title VII also prohibits employment discrimination based on religion and national origin.

<sup>4</sup> *Weeks v. Southern Bell Telephone & Telegraph Co.*, 277 F. Supp. 117 (S.D. Ga. 1967), appeal docketed, No. 25725, 5th Cir. 1967 (Georgia regulation setting weight lifting limits); *Dixon v. AVCO*, No. 6660 (S.D. Ohio, filed Feb. 13, 1968) (Ohio law setting weight lifting limits); *Ward v. Luttrell*, Civil No. 67-1622 (E.D. La., filed Nov. 6, 1967) (Louisiana maximum hour law); *Rolg v. Southern Bell Telephone & Telegraph Co.*, Civil No. 67-574 (E.D. La., filed April 20, 1967) (Louisiana maximum hours law); *Megelkoch v. Industrial Welfare Comm.*, Civil No. 66-16-18-S (C.D. Calif., filed Oct. 10, 1966) (California maximum hours law) (3-judge court denied and suit dismissed, in two opinions by Judge Stephens, on May 10, 1968); *Reguini v. Rocketdyne*, No. 66-1445 P.H. (S.D. Calif., filed Sept. 7, 1966) (California law classifying jobs as "male only").

<sup>5</sup> This Comment will not examine the Equal Pay Act of 1963, 29 U.S.C. § 206(d) (1964), which forbids pay differential based solely on sex. No conflict exists between the Equal Pay Act and Title VII, for Title VII explicitly acknowledges sex differentiation authorized by the Equal Pay Act. Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(b) (1964). Nor is there a conflict between the state protective laws and the Equal Pay Act. 29 C.F.R. § 800.163 (1966). Although some states have minimum wage laws applicable only to women (see, e.g., Ark. Stat. Ann. § 81-613 (1960)), these minimum wages must also be paid to male employees doing the same work in order to satisfy the federal equal-pay requirement. CCH Lab. L. Rep. 25,980 (1967); accord, 29 C.F.R. § 800.161 (1966). The ramifications of the Equal Pay Act of 1963 are discussed in Comment, 1967 U. Ill. L. F. 202; the Act's lack of success is indicated by figures given in *Changing Times*, March 1968, at 5.

<sup>6</sup> Another type of law, which exists in more than half the states, is the fair employment practice act. These state acts will not be examined in this Comment since Title VII explicitly provides that this type of law remains valid and effective.

"Nothing in this subchapter shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be an unlawful employment practice under this subchapter." Civil Rights Act of 1964, 42 U.S.C. § 2000e-7 (1964).

<sup>7</sup> Forty-one states and the District of Columbia have such laws. See, e.g., ILL. REV. STAT. ch. 48 § 5 (1967). Alabama, Alaska, Delaware, Florida, Hawaii, Idaho, Indiana, Iowa, and West Virginia are the nine states, besides Puerto Rico, that do not have such laws. However, Alaska, Hawaii, Idaho, West Virginia, and Puerto Rico require premium payment for time worked over specified hours. WOMEN'S BUREAU, U.S. DEPT. OF LABOR, FEBRUARY 1967 SUMMARY OF STATE LABOR LAWS FOR WOMEN 8-9 (1967) [hereinafter cited as WOMEN'S BUREAU].

<sup>8</sup> Twenty states and Puerto Rico prohibit and/or regulate night-time employment of

women. These states are: California, Connecticut, Illinois, Kansas, Maryland, Massachusetts, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Washington, and Wisconsin. WOMEN'S BUREAU 11; see, e.g., Conn. Gen. Stat. Rev. § 31-19 (1962).

<sup>9</sup> Eleven states have such weight-lifting limits. They are: Alaska, California, Georgia, Maryland, Massachusetts, Minnesota, New York, Ohio, Oregon, Utah, and Washington. WOMEN'S BUREAU 17; see, e.g., Cal. Labor Code § 1251 (West 1955). A labor standard formerly printed by the Michigan Department of Labor purported to prescribe limits on weight-lifting by women, but it had no legal basis and was deleted. See Michigan Labor Department's Bulletin L 50 (Dec. 1966 Revision).

<sup>10</sup> Twenty-six states have such occupational limitations. See, e.g., Ohio Rev. Code Ann. § 4107.43 (Page 1965). Seventeen states which prohibit the employment of women in or about mines are: Alabama, Arizona, Arkansas, Colorado, Illinois, Indiana, Maryland, Missouri, New York, Ohio, Oklahoma, Pennsylvania, Utah, Virginia, Washington, Wisconsin, and Wyoming. Ten states which prohibit women from bartending are: Alaska, California, Connecticut, Illinois, Indiana, Kentucky, Ohio, Pennsylvania, Rhode Island, and Wyoming. WOMEN'S BUREAU 15-16.

<sup>11</sup> Rest periods for women workers are provided for by Puerto Rico and the following twelve states: Alaska, Arizona, California, Colorado, Kentucky, Nevada, New York, Oregon, Pennsylvania, Utah, Washington, and Wyoming. WOMEN'S BUREAU 10-11; see, e.g., Pa. Stat. Ann. tit. 43, § 107 (supp. 1967).

<sup>12</sup> *Muller v. Oregon*, 208 U.S. 412, 28 S. Ct. 324 (1908).

<sup>13</sup> Id. at 422, 28 S. Ct. at 327. State legislatures passed these various types of laws ostensibly in the public interest to protect the "weaker" sex in the world of business. The inherent physical and functional differences peculiar to the two sexes are used to vindicate the special care given to women. See, e.g., *Radice v. New York*, 264 U.S. 292, 44 S. Ct. 325 (1924), where the Court upheld the validity of a state statute prohibiting the employment of women in restaurants during nocturnal hours.

The state argued that the statute was passed because "night work of her kind prohibited so injuriously affects the physical condition of women, and so threatens to impair their peculiar and natural functions, and so exposes them to the dangers and menaces incident to night life in large cities, that a statute prohibiting such work falls within the police power of the state to preserve and promote the public health and welfare." Id. at 294, 44 S. Ct. at 326.

<sup>14</sup> Civil Rights Act of 1964, 42 U.S.C. § 2000e (b) (1964).

<sup>15</sup> Id. § 2000e-2(a)(1) (1964) states that it shall be unlawful employment practice for an employer to: "fail or refuse to hire or discharge any individual, or otherwise to discriminate against any individual, with respect to his compensation, terms, conditions, or privileges or [sic] employment, because of such individual's race, color, religion, sex, or national origin. . . ."

<sup>16</sup> Id. § 2000e-2(a)(2) states that it shall be an unlawful employment practice for an employer to: "limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin."

Once the Commission makes a finding that probable cause exists to believe that the employer committed an unlawful employment practice, a voluntary conciliation between the charging party and the employer is attempted. If conciliation fails, the charging party is advised of his right to institute a civil action in a federal district



court seeking damages and injunctive relief. *Id.* § 2000e-5(a) and (e).

<sup>17</sup> *Id.* § 2000e-2(e).

<sup>18</sup> *Id.* § 2000e-5(b) to (d).

<sup>19</sup> *Id.* § 2000e-7, quoted in note 6 *supra*.

<sup>20</sup> See Murray, *Jane Crow and the Law: Sex Discrimination and Title VII*, 34 GEO. WASH. L. REV. 232, 249 (1965).

<sup>21</sup> Cf. Waters, *Sex, State Protective Laws and the Civil Rights Act of 1964*, 533 INS. L. J. 341, 349 (1967).

<sup>22</sup> Civil Rights Act of 1964, 42 U.S.C. § 2000e-4 (1964).

<sup>23</sup> Note, *Classification on the Basis of Sex and the 1964 Civil Rights Act*, 50 IOWA L. REV. 778, 792 (1965). Only Hawaii, HAWAII REV. LAWS § 90A-1 (Supp. 1965), and Wisconsin, WIS. STAT. ANN. § 111.31-32(5) (Supp. 1967), had laws prohibiting discrimination based on sex in employment when the 1964 Civil Rights Act was passed, and their analysis of bona fide occupational qualification is hardly adequate. In order to qualify for the exception, Wisconsin requires valid reasons to exist in the nature of the working conditions, and Hawaii requires that members of one sex be unable to perform the task. Waters, *supra* note 21, at 346. Since the passage of the Civil Rights Act, ten other states have amended their laws so as to prohibit sex discrimination. These states are Arizona, Idaho, Maryland, Massachusetts, Missouri, Nebraska, Nevada, New York, Utah and Wyoming. Since 1890 the State of Washington has prohibited the disqualification of any person from employment on account of sex, but this prohibition is not connected with Washington's fair employment practice act, which prohibits discrimination in employment based on age, race, creed, color, or national origin.

<sup>24</sup> Representative Green commented that "there were no hearings by any committee of the House; not a single word of testimony was taken; and the full implications could not have been understood." 110 CONG. REC. 2720 (1964).

<sup>25</sup> Since Representative Smith was a principal opponent of the Civil Rights Bill, his obvious purpose in proposing the sex amendment was to elicit further opposition to the bill. See Miller, *Sex Discrimination and Title VII of the Civil Rights Act of 1964*, 51 MINN. L. REV. 877, 880 (1967). In the ensuing debate, which lasted less than two hours, it was alleged that this amendment placed an additional burden upon the proponents of the bill and jeopardized the bill's primary purpose. 110 CONG. REC. 2581, 2720 (1964) (remarks of Representative Green). After passage of the Act, Congresswoman Green commented informally that "I believed then, and I believe now, that the 'intent' of the sponsor of the [amendment] was to enlist additional opposition to Title VII of the Civil Rights Bill." Miller, *supra* at 883 n. 34.

<sup>26</sup> The sex amendment to the Civil Rights Bill was proposed on February 8, 1964. 110 CONG. REC. 2577 (1964). No session was held on Sunday, February 9, but when the House met on the following day, the sex amendment and the Civil Rights Bill were passed. *Id.* at 2804-05.

<sup>27</sup> Representative Celler stated: "In many States we have laws favorable to women. Are you going to strike those laws down? [The sex amendment] is the entering wedge..." *Id.* at 2577-78.

<sup>28</sup> *Id.* at 2582 (remarks of Representative Kelly).

<sup>29</sup> See Murray, *supra* note 20, at 248.

<sup>30</sup> Congresswoman Griffiths believed that most of the so-called protective legislation for women had actually been used to protect men's rights in better paying jobs. She further expressed the opinion that "when this bill is passed, some of these arbitrary classifications passed in State statutes will be tested again by colored women, and I have yet to find a lawyer on this floor who cares to state equivocally that the State law will

continue to prevail." 110 CONG. REC. 2580 (1964). Another Congresswoman, Representative St. George clearly favored pre-emption of the state protective laws. *Id.* at 2580-81. Some states have recognized the prejudicial effect of their "protective" laws. Thus, the Arizona Civil Rights Commission has stated: "Protective legislation [limiting the number of hours a woman may work] limits the employment opportunities of women mainly in three ways. First, it prevents women from obtaining employment in those positions which require working more than the specified maximum number of hours per day or week. Secondly, it prevents women from obtaining promotions to a higher paying job when that position calls for working more than the maximum number of hours permitted by law. Lastly, it prevents women from obtaining premium pay for overtime work. The effect then . . . is to keep women unemployed and in the lowest paying positions." Reynolds v. Mountain States Telephone & Telegraph Co., CCH EMPLOYMENT PRACTICES 8111 (Ariz. Civil Rights Comm., Case No. 17-12E, 1966).

<sup>31</sup> 29 C.F.R. § 1604 (1968).

<sup>32</sup> *Id.* § 1604.1(a). One writer lists three possible interpretations: necessity, traditional roles, and equal protection. That writer prefers the equal protection test, but the EEOC's interpretation seems to be closest to the necessity test. Note, *Classification on the Basis of Sex and the 1964 Civil Rights Act*, 50 IOWA L. REV. 778, 794-95 (1965). See note 47 and accompanying text *infra* for a brief explanation of the tests.

<sup>33</sup> 29 C.F.R. § 1604.1(a) (1) (i) (1968).

<sup>34</sup> *Id.* § 1604.1(a) (1) (ii).

<sup>35</sup> *Id.* § 1604.1(b).

<sup>36</sup> *Id.* § 1604.1(c).

<sup>37</sup> But see Miller, *supra* note 25, at 897, where the EEOC's prior position is praised as being flexible and sensible.

<sup>38</sup> 33 Fed. Reg. 3344 (1968).

<sup>39</sup> *Bowe v. Colgate-Palmolive Co.*, 272 F. Supp. 332 (S.D. Ind. 1967). An earlier case, *Ward v. Firestone Tire & Rubber Co.*, 260 F. Supp. 579 (W.D. Tenn. 1966), was disposed of by finding that the job sought by the plaintiff would not bring to him the tangible benefits that he desired. In that case, the court, in dictum, went on to say that even if the job sought had such benefits, he could be denied the job earmarked for women because it had a bona fide relation to occupational qualification. *Id.* at 581.

<sup>40</sup> *Bowe v. Colgate-Palmolive Co.*, 272 F. Supp. 332, 338 (S.D. Ind. 1967).

<sup>41</sup> *Id.* at 332.

<sup>42</sup> *Id.* at 354.

<sup>43</sup> *Id.* at 355.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at 365, where the court concluded that, "as a matter of law under the circumstances of this case . . . restrictions and limits on the weights that may be lifted by female employees may be imposed and enforced under the terms of Title VII of the Civil Rights Act of 1964 by Colgate as an employer, as a 'bona fide occupational qualification reasonably necessary to the normal operation of that [employer's] particular business or enterprise.'"

<sup>46</sup> Cf. *Ward v. Firestone Tire & Rubber Co.*, 260 F. Supp. 579 (W.D. Tenn. 1966) (dictum) (the earmarking of a job for women and men with physical disability had a bona fide relation to occupational qualification); Missouri Attorney General's Opinion, CCH EMPLOYMENT PRACTICES 8136 (1967) (women's overtime law of Missouri found to be a bona fide occupational qualification exception under Title VII). But cf. EEOC Opinion Letter of Jan. 18, 1966, CCH EMPLOYMENT PRACTICES 17,252.07 (1966), which held: "Absent a bona fide occupational qualification, an employer may not refuse to consider a male applicant for a position merely because it is highly routine in nature and traditionally staffed by females."

<sup>47</sup> *Bowe v. Colgate-Palmolive Co.*, 272 F. Supp. 332, 361-62 (S.D. Ind. 1967).

<sup>48</sup> See Note, *Classification on the Basis of Sex and the 1964 Civil Rights Act*, 50 IOWA L. REV. 778, 794-95 (1965), where examples of jobs qualifying under the necessity test are listed as restroom attendants and bridal gown models, and where the job of truck driver is given as an example of an occupation qualifying under the "traditional-role" test.

<sup>49</sup> See *Carrington v. Rash*, 380 U.S. 89, 85 S. Ct. 775 (1965).

<sup>50</sup> *Bowe v. Colgate-Palmolive Co.*, 272 F. Supp. 332, 362 (S.D. Ind. 1967).

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*; cf. *Cook v. Dixie Cup Div. of American Can Co.*, 274 F. Supp. 131 (W.D. Ark. 1967), where the test of reasonableness under the equal protection clause was held to be also applicable to classifications established by the employer.

<sup>53</sup> International Labour Conference, *Provisional Record*, p. iv (51st session, Geneva 1967).

<sup>54</sup> Letter from W. Willard Wirtz, Secretary of Labor, to Marguerite Rawalt, Attorney, Washington, D.C., Nov. 13, 1967.

<sup>55</sup> See Murray, *supra* note 20, at 238. In NATIONAL SAFETY COUNCIL, THE WOMAN ON THE JOB v (1954), the major premise "is that, with few exceptions, working conditions which are safe for men are likewise safe for women. The premise is amply borne out by the studies which have been made of various aspects of the subject, and by the experience of those who have been responsible for the welfare of women working in many kinds of jobs."

<sup>56</sup> See *Bowe v. Colgate-Palmolive Co.*, 272 F. Supp. 332, 356 (S.D. Ind. 1967), where plaintiffs alleged that they were able to perform the work required for the jobs sought without undue stress and strain. "There are probably no tasks that some where and at some time women have not done." NATIONAL SAFETY COUNCIL, *supra* note 54, at 1.

<sup>57</sup> Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(e) (1964).

<sup>58</sup> The equal protection test is also undesirable when the employer justifies his conduct on the basis of state laws discriminating between the sexes. The sex discrimination prohibition of Title VII would add nothing, for the state may not constitutionally classify persons without a rational purpose. See, e.g., *Morey v. Doud*, 354 U.S. 457, 77 S. Ct. 1344 (1957).

<sup>59</sup> Cf. Note, *Classification on the Basis of Sex and the 1964 Civil Rights Act*, 50 IOWA L. REV. 778, 795 (1965).

<sup>60</sup> It appears that Colgate never asserted that a disruption of the normal operation of the plant would result if females were employed at jobs requiring lifting of over 35 lbs. Colgate's sole reason for limiting females to certain jobs was to protect the health and v. *Colgate-Palmolive Co.*, 272 F. Supp. 332, 345-47, 354 (S.D. Ind. 1967). The case has been appealed. *Bowe v. Colgate-Palmolive Co.*, 272 F. Supp. 332 (S.D. Ind. 1967), appeal docketed, No. 16625, 16632, 16626, and 16624, 7th Cir., 1967.

<sup>61</sup> Civil Rights Act of 1964, 42 U.S.C. § 2000e-7 (1964). See also *id.* § 2000h-4, where no provision of the Act is to be construed as invalidating any provision of a state law, unless such provision is inconsistent with any of the purposes of this Act.

<sup>62</sup> See *Jerome v. United States*, 318 U.S. 101, 104, 63 S. Ct. 483, 485-86 (1943); *NLRB v. Hearst Publications, Inc.*, 322 U.S. 111, 64 S. Ct. 851 (1944); *Reynolds v. Mountain States Telephone & Telegraph Co.*, CCH EMPLOYMENT PRACTICES 8111 (Ariz. Civil Rights Comm., Case No. 17-12E, 1966); cf. *Campbell v. Hussey*, 368 U.S. 297, 82 S. Ct. 327 (1961), where the state regulation failed because it conflicted with the federal scheme.

<sup>63</sup> See *Gibbons v. Ogden*, 22 U.S. (9 Wheat.) 1, 211 (1824); cf. *Hill v. Florida*, 325 U.S. 538, 65 S. Ct. 1373 (1945) (a state statute was

held invalid because its requirements frustrated the purpose of the federal statute). See generally Comment, *The Impact of Preemption on Federal-State Cooperation*, 1967 U. ILL. L.F. 656.

<sup>63</sup> Civil Rights Act of 1964, 42 U.S.C. § 2000e-3(a). See EEOC Opinion Letter of July 28, 1966, CCH EMPLOYMENT PRACTICES 17,304.07 (1966) (the fact that most females lack the physical capabilities does not justify under Title VII a blanket exclusion of females from jobs with heavy physical demands); cf. EEOC Opinion Letter of Jan. 18, 1966, CCH EMPLOYMENT PRACTICES 17,252.07 (1966) (employers may not refuse to consider male applicants for a position merely because it is highly routine in nature and traditionally staffed by females).

<sup>64</sup> Colorado Anti-Discrimination Comm. v. Continental Air Lines, 372 U.S. 714, 721, 83 S. Ct. 1022, 1026 (1963).

<sup>65</sup> "If the laws passed are seen to have a reasonable relation to a proper legislative purpose, and are neither arbitrary nor discriminatory, the requirements of due process are satisfied, and judicial determination to that effect renders a court functus officio." *Nebbia v. New York*, 291 U.S. 502, 537, 54 S. Ct. 505, 516 (1934).

<sup>66</sup> See *Goesaert v. Cleary*, 335 U.S. 464, 69 S. Ct. 198 (1948) (dissenting opinion). The state statute, which was challenged as unconstitutional, prohibited all women, except owners' wives, from being employed as a bartender. The dissent noted that the statute permits some females to bartend without a man being present to keep order, while other females may not bartend under any circumstances, even when a man is present. The dissent concluded that the statute created an unreasonable classification which "belies the assumption that the statute was motivated by a legislative solicitude for the moral and physical well-being of women. . . ." *Id.* at 468, 69 S. Ct. at 201. Cf. *Metroplitan Cas. Ins. Co. v. Brownell*, 294 U.S. 580, 55 S. Ct. 538 (1935).

<sup>67</sup> See *Morey v. Doud*, 354 U.S. 457, 77 S. Ct. 1344 (1957); cf. *McLaughlin v. Florida*, 379 U.S. 184, 190, 85 S. Ct. 283, 287 (1964), where the Court stated: "Classification must always rest upon some difference which bears a reasonable and just relation to the act in respect to which the classification is proposed, and can never be made arbitrarily and without any such basis." Regarding bartending statutes, the rationality of the classification can be questioned since waitresses are employed in restaurants, lounges, and bars without anti-social results. These females work without protection even though they have closer contact with the clientele than female bartenders would have. Cf. *Kanowitz, Sex-Based Discrimination in American Law*, 11 *St. Louis Univ. L.J.* 293, 328 (1967).

<sup>68</sup> See *Stell v. Savannah-Chatham County Bd. of Educ.*, 333 F.2d 55 (5th Cir.), cert. denied, *Roberts v. Stell*, 379 U.S. 933, 85 S. Ct. 332 (1964); *Orleans Parish School Bd. v. Bush*, 242 F.2d 156 (5th Cir.), cert. denied, 354 U.S. 921, 77 S. Ct. 1380 (1957).

<sup>69</sup> See, e.g., *Muller v. Oregon*, 208 U.S. 412, 28 S. Ct. 324 (1908).

<sup>70</sup> Cf. E. FISCH & M. SCHMARTZ, *STATE LAWS ON THE EMPLOYMENT OF WOMEN* 5 (1953). In the Preface to their book listing state employment laws relating to women, the authors stated that discrimination based on race, color, national origin or sex is contrary to American principles. They continued: "It is hoped that the material found in this book will help legislators, lawyers and laymen to eliminate discrimination and permit women to contribute fully to the community without any restriction other than their ability and willingness to serve."

<sup>71</sup> *People v. Gardner*, CCH EMPLOYMENT PRACTICES 9015 (L.A. Mun. Ct. 1966).

<sup>72</sup> *Shpritzer v. Lang*, 17 App. Div. 2d 285, 290, 234 N.Y.S.2d 285, 290 (1962), *aff'd*, 13 N.Y.2d 744, 191 N.E.2d 919, 241 N.Y.S.2d 869

(1963), *modifying* 32 Misc.2d 693, 224 N.Y.S.2d 105 (Sup. Ct. 1961).

<sup>73</sup> To be distinguished from restrictive laws are the state laws which give employment benefits to women when sex does not reasonably necessitate such benefits. These laws can meet the requirements of Title VII if men are also required to be so treated. For example, a Pennsylvania statute requires at least thirty minutes for meal time for female employees. PA. STAT. ANN. tit. 43, § 107 (Supp. 1967). This statute, to be valid under Title VII, should also apply to male employees. Cf. EEOC Opinion Letter of March 10, 1966, CCH EMPLOYMENT PRACTICES 17,252.07 (1966).

#### EL SUENO IMPOSIBLE

### HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1968

Mr. BOLAND. Mr. Speaker, Dr. Wilbert E. Locklin, president of Springfield College in my home city of Springfield, Mass., on June 14 gave a moving baccalaureate address before the college's class of 1968.

Urging his students to look beyond the conventional middle-class goals of a good job and an ample income, Dr. Locklin said today's youth should embrace the visionary philosophy set forth in the song "The Impossible Dream" from the play "Man of La Mancha."

President Locklin said:

The greatest of visions is to see life as it should be, and not as it is.

With permission I would like to put the complete text of President Locklin's address in the RECORD at this point:

#### EL SUENO IMPOSIBLE

(Baccalaureate address to class of 1968 by Dr. Wilbert E. Locklin, president of Springfield College, June 14, 1968)

Members of the College Family: With this service tonight, we come to the first of the formal events of this year's Commencement, your Commencement. At times the President of the College invites a clergyman to give the Baccalaureate Address because it is looked upon as being within a religious framework; and, of course, it is given in a church.

But this year I have deliberately taken the responsibility upon myself. I think the real reason why I wanted to do this is that I have known you longer than the members of any other class at Springfield College. I have a warm spot in my heart for you and for the relationships we have had together. No man with sons and daughters like you could approach this opportunity with a greater desire than I have at this moment. And that desire is to say something worthwhile and meaningful; something you will remember long after you have forgotten who said it. That, you will agree, is a rather large responsibility.

The academic year we are now completing has been one of the most unusual and perhaps the most stimulating of all the years I have known since I have been associated with higher education. More questions have been asked; more questions have gone unanswered than in any time within the memory of man. And our misfortune seems to be that we have much more than our share of confusion on simple matters that we all thought had been settled long ago. Perhaps an explanation could be that, all too often, while we live forward, we must understand backward.

In a very few words I can express what I have to say to you tonight. In fact, I can put it all into two wishes. First, I wish for you that your life will be characterized by a search for, and the finding of, those aspects of this universe which, for lack of a better term, we call the spiritual. And second, I wish for you that in your life's work you will dream, and you will attempt, and you will accomplish the impossible. And all I mean by those statements is that I hope you have, or come by, a faith in God that will stand by you in adversity as well as in success, and that also in your daily life you dedicate yourself to doing what your College and humanity will thank you for having done.

You may wonder why I dare trespass upon your private realm of the spiritual. I think it is because I have found that many of our present ills, both public and private, and too many of our problems, have been caused by people with little belief in anything except their personal satisfaction. Sometimes it almost seems that your generation is being dominated by the self-centered concept expressed in the words, "I have a right to do anything I want to do so long as I think it does no harm to anyone else." As if any man can be an island unto himself!

Any man who has ever had the responsibility for others that affects their lives and welfare; any man who has ever ministered to the sick either of body or of mind; any man who has ever seen others die knows that merely mortal man can do very little in and of himself. It is only when man has the extra surge of spiritual power that he can dare attempt things beyond his own physical and mental strength.

"... a man's reach should exceed his grasp, or what's a heaven for?"

And the experience of probing, and perhaps discovering something of what otherwise might be unknown, can be done so simply—just by reasoning about it with one's intellect. Others have done it time and time again. For example, Rene Descartes said, "Let us assume nothing. Let us start without any 'givens.' Starting without any assumptions at all, what do I know? First of all, I know that I exist. I know, too, that I exist somewhere. And I know that I did not put myself here." And therefore, without any assumptions, I believe Descartes was able to establish, merely by reasoning, the existence of Man, the existence of the Cosmos, and the existence of God.

But you and I cannot stop there. We do not live in an abstract world of philosophical thinking. We live in a real world, a world of reality. We must translate or reduce concepts to modes of conduct and action. To do it, all we need do is to look about us to see how some people live and then make our choice. Shall we choose good or evil, honesty or dishonesty, loyalty or deception, wisdom or ignorance? It would seem to me that, for an educated man, the choice should be easy.

Thus by reasoning and choosing, the educated man can develop standards of spirituality that will stand by him for his entire life. It might even result in a code that could easily include such admonitions as:

"Fear God, for the fear of God is the beginning of wisdom."

Know thyself, the most difficult thing in the world.

Let virtue be the guide for your every action.

Choose honesty, justice, and truth so that you may have integrity."

Is it too much to ask that college graduates, educated men and women, furnish us with examples that other, less fortunate people might emulate? Would it be unreasonable for people to accept the prayer of Hippolytos who said, "Grant me to end life's race as I began." We start clean. Can we not end clean? Perhaps the best reason for my first



wish that you be known for your spirituality, or your integrity in daily living, can be found in the realization that the largest public debt is the one each of us owes to God. And perhaps that statement has been underwritten best by the fact that the true giants of human history have been inspired by spiritual values.

I have a second wish for you. It is that you combine your learning, your abilities, and your ambitions to dare to attempt the impossible. And I say it in spite of the reality of our world. Realism has its place in the scheme of things albeit ever-changing and transient. My message tonight is to urge you to touch your realism with faith in yourself and with the magic of dreams.

And there is nothing new about that. From the Book of Joel in the Old Testament we are reminded, in the scriptural passage you heard read a few minutes ago, that the Lord your God hath dealt wondrously with you and that you, our sons and daughters, shall prophesy and dream dreams and see visions. And you may well ask: What kinds of dreams? Are they needed? Why?

The answers are in the Judeo-Christian heritage. But they are also in my modern source which could hold for you the same electrifying experience it held for me. I refer to the Broadway presentation of *The Man of La Mancha* which is an adaptation of the life of the great Spanish writer, Miguel de Cervantes. As I watched that performance, which came close to being a religious experience for me, I thought of you students, and of the fact that you, like the central character of the play—Don Quixote, are going out into this turbulent world, perhaps as an accident about to happen. It was at that moment, sitting in that theatre, that I decide to deliver this Baccalaureate to you, and I knew what I would be compelled to say to you.

The man Cervantes was many men in his lifetime—soldier, actor, playwright, novelist, tax collector, and even an ex-convict. But, most of all, he was a great soul with the sentiments and sensitivities of an artist, and he had a grand compassion for the human spirit. As one man put it, "Using his native Spain as a microcosm for an imperfect world, Cervantes created in Don Quixote the incarnation of man's search for the ideal, the ultimate perfection in this life." He created a character that shines for all the world to see because he was primarily a monument to the human desire for a better world.

Many presumed Don Quixote to be mad because he believed himself to be a knight in shining armor hundreds of years after knights had ceased to exist; because he believed wayside inns to be castles; because he believed a kitchen maid to be a princess; because he believed windmills to be giants; and because he believed capital punishment, at its apex during the Spanish Inquisition of his time, to be wrong.

But it was his belief that made the innkeeper feel like the lord of a castle, and it was his belief that transformed the scullery maid into his lady fair. And reality emerged from what he thought and dared to dream.

And in his dreaming there poured forth a timeless philosophy that had its effect upon mankind. He it was who first pointed out the two kinds of families in the world: the Haves and the Have-nots. He it was who showed us that man can govern himself if only he is given an opportunity. He it was who pointed out that it is still the same old sin whether it is committed in the most priceless of silks and satins, or in the foulest of rags. And it was he who made all mankind realize that there is no adversity so great but that the human spirit can rise above it; for the greatest of visions is to see life as it *should be*, and not as it is. Like his enduring philosophy, his dreams were massive. And as some of them came to

realization, this common man (this UN-common man) was recognized for what he was, a master man, and the world became a richer and better place for generations yet unborn—all because he gave mankind the message of hope.

This, of course, is where you come in. For in addition to taking away from here the reality of your educational experience, I hope you will develop within yourselves the courage to dream—and those of you who will dream the most ambitious of dreams will accomplish the most.

Every success in the history of civilization began with an impossible dream. The very language you speak is but the manifestation of some primitive man's dream that he could communicate with his fellow man. This church in which you sit is but the manifestation of the dream of Jesus Christ. An Egyptian first dreamt of the paper you hold in your hand. Gutenberg first dreamt of the type upon it. Thomas Edison first dreamt of the light which enables you to read it. David Allen Reed first dreamt of the College from which you are being graduated. Perhaps it was your own parents who first dreamt you would earn the undergraduate or graduate degree you now have earned.

But most of you do not dream of inventing paper, movable type, or electric lights. You may even ask: "Are not such accomplishments reserved for a tiny representation in the totality of mankind? Why should the average man, the average woman, for that matter the average Springfield College graduate dream or even want to dream?" The answer is that because so few have the courage to dream these days, the moment one begins to dream he eases himself out ahead, above and beyond the average person. This becomes the mark of the leader. And I do not need to remind you that this world of ours desperately needs leaders, leaders, leaders—creative, inspired, and visionary.

In our current quantitative society, with its overwhelming numbers and impersonality, too many are content just to glide along with the flow of the current. Routine does we now have in abundance. But where are the dreamers—men and women with the dreamlike vision foretold in the Book of Joel: "Fear not, O land; be glad and rejoice; for the Lord will do great things. And it shall come to pass afterward that I will pour out my spirit upon all flesh; and your sons and daughters shall prophesy, your old men shall dream dreams, your young men shall see visions."

To you, the graduates of Springfield College in 1968, I have my own dream for you tonight. It is in the fervent wish that you shall find and serve God, and that you will have vision or what Cervantes would have called *El Sueño Imposible*, the Impossible Dream.

All I have tried to say tonight has been said exquisitely by lyricist Joseph Darion when he wrote the following in *The Man of La Mancha*:

"To dream the impossible dream,  
To fight the unbeatable foe,  
To bear with unbearable sorrow,  
To run where the brave dare not go.

To right the unrightable wrong,  
To be far better than you are,  
To try, when your arms are too weary,  
To reach the unreachable star.  
This is my Quest, to follow that star,

No matter how hopeless, no matter how far,  
To fight for the right, without question or pause,  
To be willing to march into hell for a heavenly cause!

And I know if I'll only be true to this glorious quest,  
That my heart will lie peaceful and calm  
when I'm laid to my rest.

And the world will be better for this,  
That one man, scorned and covered with scars,  
Still strove, with his last ounce of courage,  
To reach the unreachable stars!"

(The lyrics quoted and reproduced herein are from the song, "The Impossible Dream" (The Quest), from the musical play, *Man of La Mancha*, words by Joe Darion and music by Mitch Leigh. Copyright 1965 by Andrew Scott, Inc., Helena Music Corp., and Sam Fox Publishing Company, Inc. By Special permission of the Sam Fox Publishing Company, Inc., Sole Agents.)

## READERS POLL SHOWS SUPPORT OF VOLUNTARY MILITARY

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1968

Mr. CURTIS. Mr. Speaker, I have long urged the substitution of a volunteer army for our antiquated and inequitable process of procuring manpower for the military. In recent months and years, parents, students, educators, civil rights workers, veterans organizations, and Congressmen like myself have persistently challenged both the principle and practice of the draft.

A recent reflection of popular sentiment was the "Sound Off" poll reported in the St. Louis Globe Democrat on Tuesday, May 21. This survey, which does not claim scientific accuracy, recorded 44 percent of the respondents in favor of scrapping the present draft system and maintaining the volunteer force. Only 8.7 percent favored continuing present draft procedures.

The full article follows:

### GLOBE READERS FAVOR ELIMINATING DRAFT

A large percentage of Globe-Democrat readers favors eliminating the draft entirely, substituting for it well-paid, all-volunteer professional armed forces.

This was the result of the second Sound Off question submitted to readers.

Of the persons responding to the survey in the Globe-Democrat, 44.4 per cent favored scrapping the present draft system and maintaining the voluntary force.

### OFFERED 3 CHOICES

This reaction was nearly the same in each of three age groups. In the 16-25 age group, 43.4 per cent gave this response; in the 26-49 age group, 49 per cent; and in the 50-up age group, 40.6 per cent.

The ballot offered three other choices: Turn the draft into a nationwide lottery for which young men are eligible during their 18th year; leave draftboards as they are, but revise the entire deferment system; and continue present draft laws as they are.

The computer-tabulated results showed that only 16.5 percent of the St. Louis readers preferred the lottery. Each of the three age groups ran very close to this percentage.

The choice of obtaining the draft boards but revising the deferment system received 30.3 per cent of the St. Louis vote. The lower age group registered 21.7 per cent for this choice; the middle age group, 27.7 per cent; and the upper age group, 34.6 per cent.

### NATIONAL POLL SAME

There was little desire among the survey response in St. Louis to retain the present draft laws. Only 8.7 per cent (all ages) favored continuing present draft laws. In the lower age group, 15.7 per cent checked this

choice; in the middle age group, 8.1 per cent; and in the upper age group, 7.5 per cent.

Results of the local poll were close to those of the national poll. Nationally, 52.5 per cent favored eliminating the draft entirely, 15.9 per cent favored the lottery; 22.6 per cent favored revising the deferment system; and 9 per cent approved retention of the present draft laws.

One of the St. Louis area readers suggested that the armed forces be turned into "a kind of foreign legion, with small pay but lots of prestige for those who belong." This, he said, would eliminate all inequities that might exist under the current draft.

#### DISLIKE DEFERMENT

Independent of the ballot count, reader letters were slanted against deferments of college students, because, as one reader pointed out: "I have three sons, and all of them are now serving in the armed forces. If we had the money to send them to college, they might be spared . . ."

Sound Off ballots appear in the weekend and Wednesday editions of The Globe-Democrat and results are announced two weeks after the question appears.

#### ARTICLE BY CHAIRMAN WILBUR D. MILLS ENTITLED "WE MUST CONTROL FEDERAL SPENDING"

#### HON. JOHN C. WATTS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1968

Mr. WATTS. Mr. Speaker, under leave to extend my remarks I am placing in the RECORD a reprint of an article which appeared in the July 1968 Reader's Digest entitled "We Must Control Federal Spending," by the distinguished chairman of the Committee on Ways and Means, our esteemed colleague, the Honorable WILBUR D. MILLS.

This article is thought provoking, timely, and straight to the point. I commend it to the attention of the Members and others who are interested in an understanding of the serious fiscal situation which we face at this time.

The article follows:

#### WE MUST CONTROL FEDERAL SPENDING

(By Representative WILBUR D. MILLS)

Today, as the United States faces exceedingly serious fiscal problems, with both domestic and international implications, all of us must come to grips with a crucial question: *Can we put limitations on federal spending?*

I believe the answer must be Yes, if we are to keep our economy strong. I also know from long experience that the task will be difficult. The broad variety of demands that hit the Congress one day last winter is indicative of the problem confronting us.

On February 8, 1968, eleven Congressional committees met to consider numerous spending proposals—from about \$1.3 billion for the Colorado River Basin project to additional billions for aid to higher education. At noon, the President's \$3-billion foreign-aid message was presented to Congress. On the House floor that afternoon, two money bills were debated and passed: the \$5-million Fire Research Act, and the "Wetlands" conservation bill.

That same day, more than 70 new bills were introduced, calling for everything from a new \$60,444,000 federal building to a \$150-million-a-year scientific research program. Meanwhile, demands for still more money were being presented. The White House was requesting a \$1.2-billion supplemental ap-

propriation for welfare spending. Secretary of Interior Stewart Udall announced that funds were needed to make poet Carl Sandburg's North Carolina home a national shrine.

Even as this demand for new tax dollars mounted, the spending on old programs continued. During that 24-hour period, the government paid out \$474 million—\$54 million more than it took in.

#### NEED FOR RESTRAINT

With such complex, large and differing requests for funds, how can we determine which programs to adopt or continue, and which to reject, postpone or terminate? Many of my friends in Congress tell me privately that we can no longer control government spending. I disagree. Meritorious as many programs and services may be, and many of them are highly meritorious, we simply cannot continue expanding in all directions at once. We must set priorities.

The President advised us that his new \$186-billion budget was "tight" when he unveiled it in January. Yet it was \$10 billion higher than last year, \$28 billion higher than two years ago, and \$68 billion higher than the budget during fiscal 1965. A crucial point is that many of these increases were not requested to pay national-defense costs: non-defense spending and lending, including outlays for interest on the national debt and Social Security benefits, were set to climb \$7.1 billion while defense outlays were to increase by \$3.3 billion. Health, labor, welfare and education costs were set to go up \$31.5 billion from their 1962 level—\$2.7 billion more than the increase in defense costs.

The fact of the matter is that the budget has not set tough priorities. The United States is simultaneously battling communist aggression in Vietnam and trying to give help not only to the poverty-stricken but to many other groups as well. There are demands for help with education, air pollution, wildlife conservation, dams, supersonic transport planes, travel to the moon. Each of us can argue that we have a right to these things. *But what good will the expenditures do us if we endanger the position of the dollar in the process?*

For, make no mistake about it: our country is facing a serious economic crisis. Huge budget deficits and massive borrowing to pay federal bills have threatened to propel prices into an inflationary spiral that could rob all of us of our savings and earnings. This in turn leads foreigners to question the soundness of the dollar. A chronic imbalance of payments has led to a serious loss of our gold—some \$4-billion worth in the last three years.

Such emergency steps as the new two-tier price system for gold and restrictions on U.S. investments abroad, while helpful, have not solved the problem. Only tough, long-term curbs on federal spending will effectively ease the crisis and protect the dollar.

#### GROWTH AND DUPLICATION

Five years ago, after months of hearings and executive-session discussion, the House Ways and Means Committee led the way in reducing taxes in order to boost the private sector of the economy and ultimately bring about higher total tax revenues. At that time, we specifically called upon both the Executive Branch and Congress to restrain government expenditures so that this increase in revenues could reduce deficits and bring us closer to the goal of a balanced budget in a prosperous economy.

Initially, the Administration did hold the line on spending, and, as predicted, tax revenues increased greatly. The stimulus to the economy provided by the 1964 tax reduction helped to push revenues up \$4.1 billion in fiscal 1965 and another \$14 billion in fiscal 1966. But, beginning in late 1965, both spending and budget deficits began to increase rapidly.

Unfortunately, it seems that the traditional ways of restraining government have largely lost their effectiveness, while no new system of discipline has yet been evolved. Federal programs, once set in motion, almost invariably increase in scope and cost. "Few are ever reduced in cost, and even fewer disappear," says a recent Tax Foundation study which states that, during the last 13 years, no fewer than 112 new federal programs have been launched.

Together, these new programs cost \$3.6 billion in their respective first year. But, by fiscal 1968, their annual costs had risen to a \$16.5 billion total. The tiny Office of Coal Research, for example, had an average of five employees in its first year (1961), and spent \$47,000; by 1968 it had ballooned to 20 workers, and cost more than \$8 million. The Office of Economic Opportunity was started in fiscal 1965 with \$194 million and 608 workers; by fiscal 1968 it was expected to spend more than eight times that much and employ four times as many workers.

Most discouraging are the endless overlapping and duplication of programs and agencies. At present, 30 separate programs help with teacher training, 57 have been set up for job training, 35 for housing. More than 260 programs administered by 16 separate agencies and departments are included in the war on poverty.

Since last fall, when the Ways and Means Committee asked for spending controls before considering tax increases, letters of concern—often as many as 1500 a day—have poured into my office. One point is made again and again: someone must do something about excessive government spending.

#### POLICING THE PRIORITIES

One step toward sensible control is spelled out in a widely supported bill which I have introduced. It provides for a new Hoover-style commission—a 12-man, independent, bipartisan Government Program Evaluation Commission drawn from the top ranks of American leadership outside government—to be set up to go over federal programs periodically to determine whether our tax dollars are being well spent. In contrast to the original Hoover Commission, this body would study the substance rather than just the efficiency of each federal activity. Its report to Congress would recommend a set of hard priorities, downgrading some programs, suggesting fresh approaches to others.

This high-level study is needed for two reasons: First, it is difficult for the Executive Branch to look objectively at functions it has developed and worked with. Asking those who run the agencies to weed out their own programs is like asking a child to take away part of his own allowance. Second, we in Congress have our hands full merely keeping up with new legislation. We are not able to find as much time as is probably necessary to see whether the programs we've enacted in the past are performing as expected. In addition, Congress is specialized, with each of us serving on one or two committees and becoming really knowledgeable about only a few programs. Then, too, we who have originated programs may not always take an objective view of their operation.

The commission, on the other hand, should be in a better position to judge all programs, old and new, thoughtfully and in an objective manner. Such a commission should help pinpoint low-priority spending.

The program reforms recommended by a blue-ribbon, independent Evaluation Commission would carry great weight with Congress. I feel confident that with such a report in hand Congress, backed by an aroused public, could save much more than the millions saved by the first Hoover Commission.

#### THE ISSUE AHEAD

Those of us who do not favor an ever expanding role for the federal government must recognize the obstacles ahead, however.



Groups seeking government money beat a persistent path to almost every Congressional door. A survey reported to me indicates that, during 1967, the average Senator received 28,625 pro-spending letters. Certainly, I received a large number. Many of the some 4000 lobbyists who have bases in Washington add their weight to the constant push for specific projects. A review of the House Appropriations Committee hearings last year shows that 2122 spokesmen and technicians for the various executive departments appeared, to testify in behalf of agency budget requests. Consider also the departmental agents known as "legislative liaison" men who supply Congress with information and actively lobby for programs that the Executive Branch wants enacted. In this atmosphere, it's not surprising that saving federal tax dollars is difficult.

Clearly, the fight for sensible spending can be won only if the American people themselves become conscious of the need for establishing priorities. For, even if we could eliminate every obviously wasteful government project, the expansion in federal spending would still not be curbed. Unfortunately, under today's conditions, certain programs enjoying wide popular support—education, housing, job training—may have to be restrained, too, and better, less expensive ways to meet these pressing needs will have to be found. My proposal for an independent commission to study federal programs is only one step in the necessary direction. Other possibilities include expenditure ceilings and reductions in outstanding authority to spend federal funds.

There are no easy solutions, no panaceas for the fiscal crisis. There must be a national realization of our problem and a thorough, thought-provoking discussion of ways of regaining control over federal expenditures. More national self-discipline is urgently needed.

A real evaluation of spending programs, omitting no one, favoring no one, can be politically acceptable, even popular, when people grasp what the stakes are. This is the message I received, loud and clear, from the people of Conway, Ark., in my home district, when construction of their new post office was held up in a spending freeze last fall. "We don't mind doing without," they told me time after time, "if it helps get this government of ours under rein!"

#### GENOCIDE IN AFRICA

**HON. JOHN R. RARICK**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1968

Mr. RARICK. Mr. Speaker, I am in receipt of an appeal from the Biafra Women's Association protesting death and pestilence resulting from the war between Nigeria and Biafra.

The association charges the Nigerians with genocide by mass starvation of the Biafra refugees. The facts presented are serious enough to require investigation toward economic intervention in the name of humanity.

It is unbelievable that such a blight on the conscience of man can occur in Africa—during the U.N.'s Year of Human Rights, and yet those voices of the Red-black power bloc so quick to attack racism elsewhere are silent as to this atrocity.

The interesting question is: What is defunct Britain doing involved in the massacre?

The full text of the letter follows so

it can be brought to the attention of our State Department and Red Cross:

BIAFRA WOMEN'S ASSOCIATION,  
Brooklyn, N.Y., July 5, 1968.

DEAR SIR: A tragedy has befallen the Republic of Biafra. Since July, 1967, the Nigerian government has been waging a war designed not to preserve unity, but rather to annihilate entire groups of people from the former Eastern Region. This same government had failed to protect the lives and property of citizens of the Eastern Region. In fact, federal army and police officials participated in the Pogroms against Easterners. This government was obviously irresponsible and unable, or unwilling, to prevent lootings, atrocities and massacres.

In May, 1966, Northern Nigerians massacred over 3,000 Eastern Nigerians. Again in the Pogrom of September, 1966, 30,000 were killed and countless people were wounded and maimed. Over 2,000,000 people were forced to flee to the Eastern Region, returning as refugees in their own country. There was an attempt to reach a compromise at Aburi, Ghana, in January, 1967. Although the agreements were unanimous and independent observers were present, Nigeria's General Gowon repudiated the entire accord. Gowon then imposed an economic blockade on the Eastern Region.

It was under these punitive circumstances that the people of the Eastern Region, in order to obtain basic personal security, proclaimed themselves the sovereign and independent Republic of Biafra on May 30, 1967. No other alternative was available after being pushed out of the Federation of Nigeria. On July 6, 1967, the Federation of Nigeria declared a war of aggression on the peace loving people of Biafra.

An unprecedented refugee problem and death rate have been imposed on Biafra by the war of genocide which Britain and Nigeria are waging against Biafran people. Among the 5,000,000 refugees are people whose cases are absolutely miserable and helpless. 1,000,000 people are forced to live in improvised camps. They are dying by the thousands every week from starvation and malnutrition. Already the extended family system in Biafra has been stretched to the breaking point by being forced to absorb 4,000,000 displaced persons within the past year. One in every three Biafrans is now a refugee and faces inevitable death unless this war is brought to an immediate end.

We, the women of Biafra, plead with you to speak out strongly in public. Condemn this war of genocide. Insist on making massive relief aid available directly to Biafra's refugees. So long as responsible public officials ignore this massive international problem, children and widowed mothers will continue to starve to death and live in subhuman conditions. Demand a cease-fire. The real solution which removes poverty, hunger and disease is peace.

Sincerely yours,

Mrs. NWANYIAMAKA OKOYE,  
President.

Mrs. ROBERTA NWANKWO,  
Secretary.

#### ONE-SIDED DISARMAMENT IS FOLLY

**HON. STROM THURMOND**

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, July 11, 1968

Mr. THURMOND. Mr. President, in the July 6, 1968, edition of the Greenville News, Greenville, S.C., appears an interesting editorial entitled, "One-sided Disarmament Is Folly." Editor Wayne

Freeman holds out hope that perhaps some good may come from the forthcoming nuclear arms discussions by the United States and the Soviet Union. At the same time, he warns that straightforward negotiations should not lead to unilateral disarmament.

The editor cites the great advances made by the Soviet Union in increasing their strategic weapon delivery systems and in the deployment of antiballistic missiles around Leningrad and Moscow. He also points out that it would be sheer folly for the United States to begin a unilateral or one-sided deescalation. Here again we find an able editor of a large newspaper joining the large group of Americans who believe that we can negotiate with the Communists only from a position of strength.

Mr. President, I invite the attention of Senators to this editorial and request unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

#### ONE-SIDED DISARMAMENT IS FOLLY

Agreement by the United States and the Soviet Union to discuss halting the nuclear arms race is encouraging news. Maybe—but only maybe—some good will come of it.

Reaction of some Americans to the announcement, however, is not so encouraging. Senate Democratic Leader Mike Mansfield says the United States should not start work on a recently authorized missile defense system, known as Sentinel.

As pointed out in an editorial shortly before the agreement was reached, this could be exactly what the Soviet Union hopes to gain by at least pretending to talk about the arms race.

The USSR already has deployed a missile defense system and rapidly is closing the offensive missile gap. If the Kremlin could lure the United States into remaining almost totally defenseless against possible Soviet nuclear attack, while major Russian centers are at least partially protected, the balance of nuclear power would shift dangerously to the Red side next year.

It is possible, however, that the USSR wants to enter serious negotiations about limiting nuclear arms, both offensive and defensive.

The Soviet Union is troubled by unrest and a growing freedom movement in satellite countries of Europe. It fears Red China.

It has serious economic problems made more burdensome by the huge cost of developing and producing nuclear arms. The Russian people demand, now, the material benefits denied them because of military expenses.

Because all this may be true, because world peace would be closer to reality if nuclear arms could be limited or eliminated bilaterally, because the United States has the same problems of cost as the Russians, this country should make every effort to promote fruitful talks with the Kremlin.

It should be clear, however, that nuclear arms limitations must be bilateral. Each side must cut back on equal terms. Safeguards to guarantee compliance must be built into any treaty.

Senator Mansfield's idea is for a unilateral de-escalation of the arms race on the part of the United States, even before talks begin.

This would be sheer folly. In addition to exposing the United States to the possibility of attack or nuclear blackmail by the Soviet Union, it would seriously weaken American negotiators when the discussions get under way.

An American-Soviet discussion of nuclear armaments is the most important item on the world agenda in many a year. World peace could depend upon the outcome.

It is of paramount importance, therefore, that the USA be in position to negotiate on equal terms with the USSR. In the final analysis, the only thing that counts when dealing with Communists is comparative strength.

The problem of nuclear disarmament is complex, but this country's approach to the forthcoming discussions should be relatively simple:

Straightforward negotiations, yes; unilateral disarmament, no.

## RESULTS OF ZWACH QUESTIONNAIRE

### HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1968

Mr. ZWACH. Mr. Speaker, I have just completed analyzing and tabulating over 15,000 returns of the second annual questionnaire for the Sixth Congressional District of Minnesota. Even though some returns are still coming into my office, it was necessary that a cutoff be made in order to get the following tabulation.

In this questionnaire, 19 issue questions were placed before the citizens dealing with many of the multitude of problems facing this Congress and the Nation. Many of the questions provided for a multiple-choice answer so that in some cases the percentages given will not add to an even 100 percent, while in others, some respondents failed to reply to all questions.

In addition, several thousand took the time by additional comments to enlarge their particular views on these questions.

I am highly gratified with the overwhelming return, and I commend the high degree of interest in governmental affairs by the citizens of the Sixth District, as follows:

#### RESULTS OF ZWACH QUESTIONNAIRE, 1968

1. In effort to halt inflation, 85.7 percent favored reduced government spending, 22.6 percent favored voluntary restraint on wages and prices, 19.2 percent favored government wage and price controls, and 15.9 percent favored a general tax increase.

2. The Administration's proposed Travel Tax was favored by 48.4 percent and 39.4 percent were opposed.

3. If Federal spending is reduced, the Sixth District would cut programs in the following order: Foreign Aid, Space Program, Poverty Program, Urban Aid, Public Works, Defense, Farm Program, Health and Welfare, and Education.

4. The Administration's proposed 10-percent surtax on income tax was opposed by 65.6 percent and 28.4 percent favored it.

5. In regard to Foreign Aid, 67.8 percent favored decreasing expenditures, 20.3 percent were in favor of discontinuing it, 8.4 percent were in favor of maintaining at current level, and 1.2 percent were in favor of increasing expenditures.

6. 77 percent of those answering were opposed to the United States continuing trade with nations that are aiding North Vietnam, 17.2 percent approved.

7. In regard to the conflict in Vietnam, 35.4 percent favored issuing ultimatum to Southeast Asia to contribute troops or U.S. will pull out, 32.2 percent favored altering

our military strategy to achieve victory, 23.6 percent would turn entire problem over to United Nations, 16.4 percent would withdraw all U.S. Military forces, 15.6 percent favor increasing bombing of North Vietnam, 11.4 percent would halt bombing in hopes of negotiation, 6 percent favor present course of action, 5.6 percent want increased U.S. ground strength, and 2.8 percent want to give more economic assistance.

8. 67.2 percent did not believe the Pueblo incident was handled in the best interest of the nation and 19.7 percent approved the way it was handled.

9. 80.6 percent believe the Administration has not adequately stated and defined U.S. objectives in the Vietnam conflict while 18.5 percent believe it has.

10. Federal registration of all firearms was opposed by 54 percent, and 38.6 percent were in favor.

11. In order to improve farm income, 64.4 percent want to increase the farmers' bargaining power, 26.2 percent believe the farmer should work out his own future, and 10.8 percent were in favor of increased Federal support payments and programs.

12. 54 percent of the people favored the establishment of a Countryside Commission to study rural problems and 36.8 percent didn't think it would be a good idea.

13. Stricter import quotas to better protect American producers were favored by 78.5 percent and opposed by 15.7 percent.

14. To combat civil turmoil, 48.6 percent call for stricter enforcement of existing law, 27.2 percent would expand and improve training of law enforcement agencies, 20.2 percent would call out troops at first suggestion of trouble, 19.3 percent would increase programs of slum clearance, housing and recreation. A combination of the above solutions was favored by 56.4 percent.

15. 80.4 percent of those answering believe that recent Court decisions have overstressed the rights of the law-breaker at the expense of the victim, 12.4 percent believe they have had no particular effect on the increase in crime, and 5.7 percent believe the Court decisions have given the law-breaker his rights.

16. The Medicare Program was judged adequate by 69 percent, 19.6 percent view it as inadequate.

17. That the local units of government should be given a greater voice in the spending of federal aid funds was favored by 86.6 percent and 12.7 percent thought they should not.

18. 67.8 percent believed that the smaller communities are not getting their fair share of federal funds for community development, 21.8 percent believe they are.

19. The establishment of the Voyageurs National Park in Minnesota was favored by 65.6 percent and opposed by 22.9 percent.

Of those answering the Questionnaire, 30.6 percent are farmers, 25.2 percent are businessmen, 16.1 percent are professional, 14 percent are retired, and 13.4 percent classified themselves as "other".

## THE PROBLEM: VIOLENCE

### HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1968

Mr. COHELAN. Mr. Speaker, we have examined ourselves and our country intensively in the last month, attempting to find reasons for the seemingly commonplace violence that surrounds us. We have called it everything from a national disease or disaster to a national heritage arising out of our frontier past. This na-

tional soul searching, in many ways a uniquely American characteristic, has led us no closer to the correction of a very real and very terrible situation.

McCall's magazine, which reaches approximately 15 million women, recently sent a letter from the editors to all its readers. This letter dealt with the problem of violence and outlined a five-point program toward reduction of violence. The program is a good one. And although it is directed at the unique role of the American woman, it could be followed equally well by the other half of our population.

The letter stresses the need to reinforce the action of world law, specifically through the United Nations. It dwells, however, on the personal actions that may be taken in the home—letters to Congress supporting gun legislation; letters to executives protesting violence whether it be on television, in movies, in magazines, or in books; and a determined boycott of toys that foster violence.

Mr. Speaker, I include McCall magazine's positive suggestions for action to mobilize the protest against violence in the RECORD at this point:

#### A LETTER FROM THE EDITORS TO THE READERS OF MCCALL'S: WHAT WOMEN CAN DO TO END VIOLENCE IN AMERICA

Many years ago in London, a severe outbreak of cholera devastated the population. An English physician named John Snow had a hunch. He looked up the addresses of all the cholera victims and found that every one of them drew their drinking water from the same pump on Broad Street. Dr. Snow knew little of the nature of the cholera organism or how it transmitted the disease in the water. But he removed the handle of the Broad Street pump. And he stopped the epidemic.

American women may not know the precise reasons for the contagious violence and brutality of our times, where it comes from, what makes it flourish. But they do know some of the sources from which their children are drinking in this violence, and they know they have to turn it off before the poison gets beyond reach.

American women will turn it off because they are weary of the bomb-burst, the gunshot, the fistful hand. They have had enough of violence late and soon, and of the people and groups who use it for their own ends. They are sick with the collective havoc of the mindless crowd, and the individual savagery of those whose discontent has festered into rash destruction.

The bullet that killed Robert F. Kennedy has wounded us all. John F. Kennedy, Martin Luther King—each of these murders set off acute phases of our anxiety. There is a pervasive sense of fear, the feeling we are in the grip of terrible forces we cannot even name—within the borders of our country, within the setting of the entire world.

The sickness has been here a long time. It simmers and flares in the ghettos where people have felt its curse for years and would now pay it back in kind. It mows down our men—and theirs—in Vietnam. It erupts on the campuses of the nation, where some of our young men and women have turned against their own proclaimed abhorrence of violence and have disfigured not just their universities but their own lives. It stalks our cities, our parks and subways, and destroys the green and gentle calm of the countryside.

It rams its way into our homes, on the television screen that brings instant brutality and savagery, instructing children in the ease and casualness with which life can be humiliated, tormented, twisted. The need to respect the fragility and preciousness of life



is blotted out by the thousands of good-man-bad-man deaths that make up the daily television-tube feeding of children.

It weakens those precious arts of gentleness, of compassion, of moderation, of love that women alone can give to their families and the world.

McCall's believes that the violence in our land is not a shameful national flaw of character that must be regarded as inevitable.

Violence is not the accidental product of a few crazed assassins that can be cured by adding some Secret Service men. Nor is it simply a lapse in what is known as "law and order" that can be corrected just by a massive crackdown on youth or restless minorities.

The attack on violence must be basic. It must be knowledgeable. It must be thorough.

McCall's makes no rigid distinction between the breakdown of law and order in the nation and the breakdown of law and order in the world. Violence is airborne. Violence among nations cannot be separated from the violence within nations.

In a very real sense, Robert F. Kennedy paid with his life for the failure of the world's nations to develop an effective mechanism of world law. If the United Nations had been given the workable authority to resolve the crisis in the Middle East, Robert Kennedy might be alive today.

The Middle East is not the only area in the world on which an American President or a Presidential aspirant must take a position. Nor is the Middle East the only area in which passions are attached to triggers.

American women can see to it that the first order of business for American policy makers is to move mightily inside the United Nations in the effort to equip it with the responsible authority to substitute law for force in the affairs of nations.

Attacking the basic causes of violence in the world is inseparable from the need to eradicate it at home. Here, within the United States, there is much that women can do if only they are willing to use the power that is clearly theirs.

Approximately fifteen million women read McCall's magazine. We believe that these women, by acting together and acting promptly, can play a pivotal role in combating violence where it occurs.

Here is a five-point program that can make a difference if enough women get behind it:

1. Guns: The present gun-control legislation, existing or proposed, must be drastically strengthened. Millions of letters to Representatives could do it. Sit down today and write informed letters to your Congressmen and two Senators. Tell them it makes no sense to have a gun readily available, as Robert Kennedy pointed out, to every child, every insane persons, every criminal who wants one.

2. Television and movies: Women can stop the outpouring of violence and sordidness on our television screens and in the motion-picture theaters. Supposedly, television and the movie industry give the public what it wants; i.e., sexual brutality, depravity, sadism, and everything else that contributes to human desensitization and violence. If this is the case, American women should be loud and clear in letting television and movie executives know that such bilge is most certainly not what they want. Hold their top men responsible. Write to Julian Goodman, president of NBC, 30 Rockefeller Plaza; Frank Stanton, president of CBS, 51 West 52nd Street; and Leonard Goldenson, president of ABC, 1330 Avenue of the Americas, all in New York City. Let them feel the weight of millions of letters. There is a direct connection between the decisions these men make and the violence in the land. Hold them to account. Have you seen a picture lately that sickens you, pains you, makes you fear for your children? You can write to Jack Valenti, at the Motion Picture Association of America,

522 Fifth Avenue, in New York, and tell him so.

3. Toys: Mothers and grandmothers of this country can wage a determined boycott against toys that foster and glorify killing. No letters or telegrams are necessary. Just don't buy them, and tell the man in the toy store why you won't.

4. Books and magazines: This includes McCall's. If we or our colleagues have done something that you feel adds to the spread of violence, let us know. We can testify to the power of strong, reasoned letters. Keep us to the mark.

5. World law: As we said earlier, women must be heard on the most urgent question of our time—world law in time to prevent war. The long, dismal negotiations in Paris over Vietnam would seem to dramatize the need for a third party at the peace table. The United States cannot indefinitely act as world policeman. If we are to prevent future Vietnams, we will have to do it through a strengthened UN.

There is no point in trying to restore sanity and balance to life in America if the human race is going to be incinerated in a flash of nuclear violence. Both President Dwight D. Eisenhower and President John F. Kennedy called for world law inside the United Nations but did not receive the kind of response from the American people that would have enabled them to press forward in that direction.

This is an election year. Your letters to the Presidential candidates on all these questions couldn't be sent at a more opportune time. And don't forget that your ultimate power is the ballot box.

The women of this country have heard enough about black power, white power, student power, senior-citizen power. The greatest power of all for good is theirs—woman power. No force on earth can stand against it.

The Editors.

(NOTE.—This letter to McCall's readers was written after the rest of the issue went to press. The various articles containing references to Senator Robert F. Kennedy in this issue were already printed and bound before the tragedy occurred.)

## THE MANTLE OF RESPONSIBILITY

**HON. HAROLD T. JOHNSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1968

Mr. JOHNSON of California. Mr. Speaker, somehow it seems appropriate in this month that we observed Independence Day to talk about young Americans and their right to participate in self-government. It is time to take the action necessary to enfranchise our 18- to 21-year-old citizens.

These people reflect honor on our country. As America matured—so did our youth. Through the mass communications media they have been eyewitnesses to the making of history and the problems of this Nation. The wisdom of upgrading our school systems has been sustained by the higher intellectual ability of today's high school and college graduates. Military leaders tell us that modern service personnel are among the best the Nation has produced—more mature physically and mentally. They have brought esteem to the Peace Corps and demonstrated compassion by their work in VISTA and other domestic programs.

Through their own efforts they have become a power to be desired and a voice to be reckoned with on the political scene. By the thousands they have knocked on doors explaining issues and urging voters to exercise the right which youth is still denied.

I commend President Johnson for igniting the spark which caused the Congress and the Nation to reevaluate the ability of young Americans to more readily assume the mantle of responsibility. I support the President's recommendation and urge its immediate consideration.

## VIETNAM: A MILITARY APPRAISAL

**HON. STROM THURMOND**

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, July 11, 1968

Mr. THURMOND. Mr. President, on June 24, 1968, the Chairman of the Joint Chiefs of Staff, Gen. Earle Wheeler, spoke to the New York Society of Newspaper Editors at Long Island, N.Y., on the subject of "Vietnam: A Military Appraisal."

I find this illuminating talk by General Wheeler to be one of the clearest and most complete coverages of the status of the war in Vietnam. The Chairman of the Joint Chiefs of Staff is in an excellent position to view this conflict in its entirety, and to take a long range look at the future. He cites the splendid performance of our men on the battlefield, and the excellent support given them by the controlled use of massive air power. General Wheeler states that much hard fighting lies ahead, but he concludes his speech with an excellent analysis of our contribution to world peace and security through this great effort in Southeast Asia.

Mr. President, I ask unanimous consent that this speech be printed in the Extensions of Remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

## VIETNAM: A MILITARY APPRAISAL

(Address by Gen. Earle G. Wheeler, U.S. Army, Chairman, Joint Chiefs of Staff)

I am pleased to have the opportunity to reverse the day-to-day order of things and to hold captive, however briefly, executives of the newspaper profession. It occurs to me that your calling, and mine, have more things in common than might at first meet the eye.

Neither newspaper editor nor soldier lacks lay advice on how to run his business; letters-to-the-editor columns serve as one means of advising you gentlemen of your "transgressions." Editorial comments, not always on the editorial page, are prompt to point out mine and those of my colleagues. While personally we may all survive the querulous corrections of our would-be mentors, I do not believe that a balanced military appraisal of the course of events in Vietnam has even emerged, let alone survived.

Therefore, my purpose here tonight is expressed in the title of my remarks: "Vietnam: A Military Appraisal."

Let me state at the outset that I understand full well the complex character of the

war in Southeast Asia. Interacting forces are political, military, economic, psychological, and even ethnic in nature. However, I do not agree that this is the most complex war in which we have ever engaged; that pre-eminence I accord to the American Civil War—the most traumatic experience this Republic has endured. However, there is to my mind one major likeness between the two conflicts; that is the issue of slavery.

I wish to make clear that, while I recognize the many important forces at play, I am convinced that the military outcome in Southeast Asia is fundamental to the nature of the settlement which will someday be reached.

Let me define war as I understand it. War is a political act; it is the employment of military force to achieve a political objective. Put another way, war is violence organized and utilized to destroy the capability and will of a hostile state to pursue a course of action inimical to national interests.

The political objective established by our government to be gained in Southeast Asia is simple and limited—indeed, the most limited war objective of which I have knowledge. It is, as the President reminded us on the 31st of March, “to bring about a recognition in Hanoi that its objective—taking over the South by force—could not be achieved.”

Implicit in my definition of war is the thesis that war is not a passive act; it must be dynamic. That is, a war cannot be conducted defensively; strategically, it must be prosecuted offensively if the war effort is to be successful.

The two foregoing statements express in basic terms the problem with which the American military have been dealing. Our limited political objective has established the following policy guidelines.

- a. We seek to avoid widening the war.
- b. We have no intention of invading North Vietnam.
- c. We do not seek the overthrow of the Government of North Vietnam; and
- d. We are guided by the principles set forth in the Geneva Accords of 1954 and 1962.

In consonance with these guidelines, our war effort in South Vietnam is a strategic defensive, although it is conducted tactically in a major way by offensive operations. In contrast with our operations in South Vietnam, our air and naval campaign against North Vietnam is a strategic offensive. The difference is this: in South Vietnam the enemy can control—at a cost—the type and level of combat activity and, hence, the degree of destruction and number of casualties. The contrary is true in North Vietnam; there we have the strategic initiative, and it is we, not the enemy, who can control the combat situation.

Viewed against our own limited war objective—causing Hanoi to recognize they cannot take over the South by force—what are Hanoi's objectives? General Giap in September, and again in October of last year, spelled them out in major policy addresses. These objectives are:

- a. To protect NVN;
- b. To overthrow the present government of SVN and to seize its apparatus; and,
- c. To unite all of Vietnam under Communist control.

It is instructive, I believe, to contrast our limited, and essentially defensive, objective with Giap's last two goals. No one could argue, in the normal course of events, with his aim of protecting NVN. This is a central purpose of governments in all lands. The war, however, came to pass when our objective—causing Hanoi to recognize that they could not take over the South by force—was directly challenged by Hanoi's twin aims of overthrowing the government of SVN and uniting all of Vietnam under Communist control. Let us make no mistake on this score. As the *Economist* of London pointed out, however the war ends—and personally

I support our negotiators and hope for their success—there will be a “winner” and there will be a “loser.” The North Vietnamese Communists either will impose their control on the South, or they won't. This is the inescapable issue. . . .

Now, as Governor “Al” Smith used to say to the New Yorkers of his day, let's take a look at the record.

By late 1964, South Vietnam was under heavy and increasing assault from the VC who had moved from hit and run guerrilla tactics to mounting, often with relative impunity, company and battalion-sized attacks. Sensing the kill, North Vietnam dispatched regular units of the NVA to the south. By early February 1965, the total situation in the south was desperate. It was at this point that we began air action against the north and, later in the year, the initial commitment of US land power in South Vietnam in the form of the Marine Corps' logement near Da Nang.

There is no doubt in my mind that this conjoined application of the air campaign in the north and limited, yet bold, ground forays in the south, saved South Vietnam from collapse and forcible “reunification” with the north.

The US military performance during 1965, then, saved South Vietnam as a political entity. If this feat of arms was not fully appreciated here at home, make no mistake about the surge of new hope and confidence it gave to our Asian allies, as well many who choose, publicly, to sit on the fence.

The balance of 1965 and 1966 were spent in (1) building a logistical base to support extended military operations; (2) mounting, with daring, aggressiveness and unbroken success, offensive actions against an enemy never before challenged in many of his sanctuaries; and (3) extending in scope and power the air and naval campaigns against the north.

I should like to underscore the incomparable logistical performance our forces have demonstrated in carrying this war to an enemy 10,000 miles from our shores. Given the level of strategic and tactical mobility we have developed, we have clearly projected more usable combat power in, over, and off Vietnam than is possible for any combination of actual or potential enemies. We are then, in a real sense, “closer” to any point in SVN than are those who have made themselves our enemies. This is a strategic fact of unmistakable significance—and one, which I believe, is well understood in military circles around the globe. . . .

In 1967, the payoff began. In every objective area of military endeavor we made unmistakable progress. There is no doubt in my mind that the pattern of enemy actions in the opening months of 1968 arose because of Hanoi's growing awareness that they were losing the military conflict. Giap's objectives were becoming more remote. There is an analogy to a gaming situation here: *never* change a winning game; *always* change a losing effort. I credit Giap for seeing his situation clearly and changing his “game.” His response became known as the “TET offensive”; a psychologically-conceived assault on the government, the people, and the army of South Vietnam. As there still may be some residual doubt as to who won that fight, I should like to make a brief factual announcement: While the TET offensive did produce wide-spread disruption and time was needed to verify and appraise the results, the enemy offensive failed. Giap captured the headlines, but certainly not the cities. The ARVN and the government stood firm. The general uprising the enemy counted on never occurred. Pacification, whose demise was intoned immediately following TET, is on a steady recovery curve. I suggest that the bloody losses suffered by the enemy during TET, at Khe Sanh, in the A Shau Valley, and in many other less known actions, were, in

total, a major defeat which will affect the course of the war.

In fact, there is impressive evidence that planning by the communist for the TET offensive began as early as last September—that is before the President promulgated the “San Antonio Formula” on the 29th of that month in an attempt to induce negotiations. As you know, our enemies rejected the “San Antonio Formula” out of hand. They reckoned they were going to sweep the board militarily.

At the beginning of my remarks, I mentioned that editors and soldiers alike do not suffer from any lack of lay exhortation and advice. As a part of this military appraisal, let me cite two or three examples of exhortations and advice which have obscured the real war in Vietnam.

You will recall the hue and cry early on that “American boys” could never defeat the wily, elusive Viet Cong fighting on tough terrain and in tropical heat. What has the record been: not one, I repeat not one, defeat of any consequence in nearly three years of land warfare. I make this statement of fact in the form of an announcement because this unchallengeable portion of our military record in Vietnam has never clearly emerged.

The ineffectiveness of an ARVN, of course, has been played up by many people in many ways for a long time. This stream of “poor mouthing” may have had one happy effect. As a staff officer in Saigon speculated toward the end of the TET offensive, perhaps the Hanoi leadership had read and believed that derogatory material about ARVN and concluded that they wouldn't fight. In any event, the conduct of the South Vietnamese Army during and after TET gives clear evidence of an army which can and will fight.

An appraisal of the performance of the ARVN during TET was given to me by our newly designated commander, General Creighton Abrams, one of whose tasks was to work closely with our South Vietnamese allies. Following a personal verification of the performance during TET of the 149 combat battalions of the ARVN, he reported that (a) 42 battalions performed with distinction; (b) 99 battalions performed effectively; and (c) only eight battalions performed poorly. Every bit of evidence I have suggests that the Army of the new republic is on an improving course. The NVA/VC found this out the hard way.

I must confess that those who argue for an enclave strategy in Vietnam, which accepts an “enclosed” or “locked in” position as being sensible, confound me. I believe that the “enclave” concept is seriously deficient for the following reasons: (1) it would largely negate our clear superiority in mobility and firepower, and permit the enemy unhampered access to the very edges of centers of population; and (2) those who argue for some variants of an “enclave strategy” would have to accept the TET and more recent attacks against the cities, with all the attendant civilian suffering, as the normal mode of conflict rather than an all-out, short-run, psychologically-motivated pattern of actions.

I certainly wouldn't mention “enclave” around Hue. Those who survived the mass executions would have good cause to wonder about your common sense. In a like fashion, the civilian targets of the current rocket terror attacks in Saigon would produce some strong rejoinders to any “enclave” proponents. . . .

I turn to the recent victory at Khe Sanh with both pride in my fellow American soldiers and professional relief.

I believe a scenario, widely accepted by the public, went something like this:

- a. We were sucked into an indefensible position by Ho Chi Minh and his brilliant lieutenant, Giap;
- b. This foolish action was all the more inexcusable in light of the French defeat at Dien Bien Phu some 14 years ago; Q.E.D.:



c. Khe Sanh equals a current Dien Bien Phu where a crushing American defeat, brought about by wrong-headed US military advice, is inevitable. (This last point was registered in a rather widely reported letter to the editor decrying "the Agony of Khe Sanh.")

To this scenario was added the (to some) shocking information that the Commander-in-Chief sought military advice on this situation from his principal military advisors. To this latter revelation, I plead guilty. On the 29th of January, I advised the President on behalf of my JCS colleagues, of General Westmoreland's military measures at and near the Khe Sanh combat base and concluded that the "Joint Chiefs of Staff have reviewed the situation at Khe Sanh and concur with General Westmoreland's assessment of the situation. They recommended that we maintain our position at Khe Sanh."

Again in the "AI" Smith manner, take another look at the record.

Khe Sanh, a combat base about 3 kilometers long by 1 kilometer wide, was defended by some 5700 US Marines and 500 South Vietnamese soldiers. It had at the time tactical, strategic and psychological importance.

Now for a box score of the battle:

From 20 January until April 1st: KIA, US, 199; WIA, US, 1,600 (845 evacuated); KIA, Enemy, in excess of 10,000—or more than 50:1.

Enemy rounds "incoming" at Khe Sanh, 11,114, or about 150 rounds per day average. High was 1400 rounds on 23 February. Our "outgoing" artillery rounds 117,600, or more than 10:1.

BUT, the real punch was in the closely controlled use of massive airpower. We averaged 45 B-52 sorties and 300 tactical air sorties per day. An average day saw 1,800 tons of bombs used to destroy the enemy with radar bombing extending the fire support into night and foul weather. Moreover, Khe Sanh was resupplied by air every day—good weather (seldom had) and bad.

Three points are worthy of your attention: (1) General Westmoreland's Khe Sanh campaign plan, as he told me before the fact,

was to let the enemy commit himself and then beat him to death with air power;

(2) Two enemy divisions were tied down during TET by 6,000 allied troops and the enemy lost at least 50% of his 20-25,000 committed troops.

(3) One can speculate the outcome had these hostile forces been free to attack Quang Tri or Hue.

Not a US victory? Tell that to the Marines . . .

A footnote to Khe Sanh is the attempt by some to depict the enemy's retreat as a de-escalation in response to the President's 31 March speech. This accords Hanoi a pre-science of sibylline proportions since the 325C NVA division began withdrawing southward and westward into Laos nineteen days before the President spoke.

The situation today finds our enemy avoiding major contact while he resorts to attacks by fire, ambush, and harassment. Since early May, the indiscriminate rocket attacks on Saigon have made the capital city proper a critical point. Clearly the enemy's purposes are to sustain pressure on the capitol, to raise tension, create havoc, and to induce a sense of hopelessness and despair. (These means are used to achieve Giap's object #2—overthrowing the GVN and seizing its apparatus.) To date, civilian casualties total 515 killed and 4416 wounded for a total of 4931. Additionally 176,000 have been made homeless.

I agree with General Westmoreland that these attacks are militarily meaningless; they are, in a phrase, random murder. However, one cannot discount the effect over time on the targeted civilian population.

Now I should like to return to my central purpose and carry forward military appraisal of Vietnam. My thoughts are these:

(a) The US Armed Forces in South Vietnam remain unbeaten and unbeatable. The enemy has lost whatever chance he had of taking over South Vietnam by military force;

(b) Our forces have achieved an unbroken string of victories which, in the aggregate, is something new in our military history. They won while they were learning. There were no Bladensburgs or Bull Runs.

(c) The combat effectiveness of the ARVN has improved steadily over the past few years;

(d) Much hard fighting lies ahead. The NVA/VC will fight for your headlines, as much as for military purposes, during the months ahead. No one can have more reasons than the person occupying my position to want an honorable end to the fighting; but if our efforts toward a peaceful settlement are to succeed, we must continue to convince the enemy that they are not going to achieve their objectives by military force and its psychological by-products.

(e) Despite the torrents of words and pictures that have come from Vietnam, this war remains the least understood in our history. Americans, as they more fully understand the magnificent record of our armed forces in Vietnam, will accord these young men that full measure of respect and honor which is their due. I hope and trust you gentlemen will help in this regard.

In closing let me make this point:

Just as tigers breed tiger cubs, not lambs; so aggression begets aggression, not peace. From the vantage point of nearly 30 years, I have come to believe that World War II probably could have been averted if the capacity and will of the democratic nations to employ national power had been more clearly evidenced. There was nothing inevitable or irrepressible about the Panzers and Stukas of September 1939. If the policy makers of the day had foreseen the catastrophic results of inaction, certainly they would have acted rather than letting events run their course until World War II erupted.

Similarly, I am inclined to believe that, by acting when and how we did in Vietnam, we may well have averted a larger conflict at a later time. Many people have pointed out the price we are paying in Southeast Asia. I think we should also recall the cost to us of World War II—300,000 American dead and, to date, 400 billion dollars. In this context, our expenditures in blood and treasure in Vietnam are placed in better perspective.

If my thesis has any merit, an observation I heard attributed to General Dwight D. Eisenhower is apt:

"Hindsight is more accurate, but foresight is more valuable."

## SENATE—Friday, July 12, 1968

The Senate met at 12 noon, and was called to order by Hon. HERMAN E. TALMADGE, a Senator from the State of Georgia.

Rev. James Wilson, St. Paul's Episcopal Church, Lamar, Colo., offered the following prayer:

Almighty and most merciful God, look down with favor upon this great Nation. Where there is strife, give us peace. Where there is hatred, give us charity. Where there is division, give us unity. Where there is discord, give us harmony. Where there is despair, give us hope. Where there is oppression, give us the precious gift of liberty. Bind us by Thy power into one united people devoted to Thy will.

More especially we commend to Thine eternal care the Senate of the United States. Send down upon these representatives of the American people the spirit of wisdom. Help them to fashion for us just laws which will set forth Thy glory and establish peace among men of good will. By the grace of Thy holy spirit guide them in their decisions and bring their work to a happy end knowing that Thou art ever with them. All of this we

ask in the name of Thy son, Jesus Christ our Lord. Amen.

### DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., July 12, 1968.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HERMAN E. TALMADGE, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

CARL HAYDEN,  
President pro tempore.

Mr. TALMADGE thereupon took the chair as Acting President pro tempore.

### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, July 11, 1968, be dispensed with.

The ACTING PRESIDENT pro tempore. With objection, it is so ordered.

### MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on July 11, 1968, the President had approved and signed the following acts:

S. 102. An act to authorize the Secretary of the Interior to consider a petition for reinstatement of an oil and gas lease (Wyoming 0310090);

S. 203. An act to amend sections 13(b) of the act of October 3, 1962 (76 Stat. 698, 704), and for other purposes;

S. 443. An act to authorize the Secretary of the Interior to consider a petition for reinstatement of an oil and gas lease (Wyoming 0280122);

S. 823. An act to authorize the Secretary of the Interior to reinstate oil and gas lease (Las Cruces 063610);

S. 2047. An act to exempt certain vessels engaged in the fishing industry from the requirements of certain laws; and

S. 2837. An act to authorize the Secretary of Agriculture to establish the Cradle of Forestry in America in the Pisgah National Forest in North Carolina, and for other purposes.