

H.R. 19275. A bill for the relief of Jose Luis Gorostiza; to the Committee on the Judiciary.

H.R. 19276. A bill for the relief of Pedro Ueberuaga Guenechea; to the Committee on the Judiciary.

H.R. 19277. A bill for the relief of Vincente Barberia Huarte; to the Committee on the Judiciary.

H.R. 19278. A bill for the relief of Lucio Irazoqui; to the Committee on the Judiciary.

H.R. 19279. A bill for the relief of Julian Iturri; to the Committee on the Judiciary.

H.R. 19280. A bill for the relief of Gregorio Ocamica Jayo; to the Committee on the Judiciary.

H.R. 19281. A bill for the relief of Pablo Jayo; to the Committee on the Judiciary.

H.R. 19282. A bill for the relief of Jose Ararate Legarra; to the Committee on the Judiciary.

H.R. 19283. A bill for the relief of Severiano Malaxechevarria Lequericabeascoa; to the Committee on the Judiciary.

H.R. 19284. A bill for the relief of Pedro Batis Madariaga; to the Committee on the Judiciary.

H.R. 19285. A bill for the relief of Gregorio Sillonis Madarieta; to the Committee on the Judiciary.

H.R. 19286. A bill for the relief of Jose Maguregui; to the Committee on the Judiciary.

H.R. 19287. A bill for the relief of Marcelino Larracochea Meavebasterrechea; to the Committee on the Judiciary.

H.R. 19288. A bill for the relief of Tiburcio Tellechea; to the Committee on the Judiciary.

H.R. 19289. A bill for the relief of Andres

Elguezabal Uriarte; to the Committee on the Judiciary.

H.R. 19290. A bill for the relief of Raimundo Legarreta-Echevarria Uriarte; to the Committee on the Judiciary.

H.R. 19291. A bill for the relief of Mariano Basterrechea Zorrozuza; to the Committee on the Judiciary.

H.R. 19292. A bill for the relief of Juan Cruz Zubizarreta; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 19293. A bill for the relief of Domenico Stalteri; to the Committee on the Judiciary.

By Mrs. MAY:

H.R. 19294. A bill for the relief of Eulogio Lizarraga Eusa and others; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.R. 19295. A bill for the relief of Mr. and Mrs. Emerito Daganzo de la Cruz; to the Committee on the Judiciary.

By Mr. OLSEN:

H.R. 19296. A bill for the relief of Sulai Monhamma Toma; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 19297. A bill for the relief of Domingo Silverio Ferro; to the Committee on the Judiciary.

By Mr. PHILBIN:

H.R. 19298. A bill for the relief of Pietro Ratta; to the Committee on the Judiciary.

H.R. 19299. A bill for the relief of Guisepplina Rigoli; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 19300. A bill for the relief of Calogero Mendola; to the Committee on the Judiciary.

H.R. 19301. A bill for the relief of Antonio Monticciolo; to the Committee on the Judiciary.

H.R. 19302. A bill for the relief of Ines Altgracia Parra de Reynoso; to the Committee on the Judiciary.

H.R. 19303. A bill for the relief of Maria Pinazzl; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H.R. 19304. A bill for the relief of Leonardo Vitale; to the Committee on the Judiciary.

H.R. 19305. A bill for the relief of Santa Vitale and her minor children, Salvatore Vitale and Antonia Vitale; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 19306. A bill for the relief of certain members of the American Hull Insurance Syndicate; to the Committee on the Judiciary.

By Mr. RONAN:

H.R. 19307. A bill for the relief of Mr. Salvatore Vitale; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 19308. A bill for the relief of Pietra Cusumano, Margaret Cusumano, and Phillip Cusumano; to the Committee on the Judiciary.

H.R. 19309. A bill for the relief of Daniel Jen Wai Wong; to the Committee on the Judiciary.

By Mr. WILLIS:

H.R. 19310. A bill for the relief of Elena Martin Jimenez; to the Committee on the Judiciary.

By Mr. ADAIR:

H.R. 19311. A bill for the relief of Mrs. Enriqueta Gutierrez Taboy; to the Committee on the Judiciary.

## EXTENSIONS OF REMARKS

CLARKSBURG, W. VA., AEROSPACE-EDUCATIONAL SYMPOSIUM BANQUET ADDRESSED BY ASSISTANT SECRETARY OF COMMERCE LAWRENCE C. MCQUADE—REMARKS ARE COGENT AND CHALLENGING—12,000 HARRISON COUNTY SCHOOLCHILDREN PRESENT FOR EXHIBIT

### HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, August 1, 1968

Mr. RANDOLPH. Mr. President, it was my privilege to participate with Assistant Secretary of Commerce Lawrence C. McQuade at the aerospace-educational symposium banquet in Clarksburg, W. Va. This dinner climaxed a week-long space science fair, which was attended by over 12,000 Harrison County schoolchildren.

Secretary McQuade's remarks were significant and challenging. He spoke on technological and geographical changes, the constantly changing national economic mix, and the role of education.

Also, McQuade pointed out that—

We should recognize that one factor contributing to our critical urban problem is the existence of a rural problem. Unless we can slow down the influx of rural poor into the cities, unless the migrants into the cities are equipped to hold jobs, and unless jobs are available in the cities, the future of America's metropolitan areas looks dark indeed.

I have continually stressed that the cure for riots, crime, and filth in Ameri-

ca's cities may lie in making rural areas livable and attractive enough to reverse the current population surge to congested urban centers. I believe that given the necessities of the good life, rural residents will not only remain where they are but will encourage hundreds of thousands of others to migrate to the countryside, such as the State of West Virginia, which has an increasingly fine appeal for those persons in congested areas. To better create this good life, basically we need four components. They are water, education, roads, and jobs. We have already the spirit and cooperation to do the task.

I agree with Secretary McQuade that we must attract industry to smaller communities and give jobs to those who would otherwise seek urban meccas.

Mr. President, I ask unanimous consent that excerpts from Secretary McQuade's speech be printed in the RECORD.

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

#### THE PROMISES AND PERILS OF A CHANGING WORLD

"There is nothing permanent except change."—Heraclitus.

We live in a world of change. . . . Today's conditions—whatever they may be—are constantly crumbling. That is the essence of the world.

Internationally, the once monolithic Communist Bloc has been fractionalizing, and our relationships with the Eastern European countries and our allies evolving toward new patterns. Newer nations are struggling to create an identity, to combine human and

natural resources to their maximum advantage, to improve the standard of living of their peoples.

Within this country, we are striving to achieve a world peace compatible with other important values, to sustain a healthy, growing domestic economy, to deal with the problems of race, poverty, student disaffection, national unity and social progress within America.

On all fronts, then, there is ferment and change.

This process of change can hurt, but it also creates moments of opportunity for those with imagination.

The Clarksburg area well illustrates the promises and perils of a world of change. Your fortunes are directly affected by shifts in the national and international economic winds. Your concerns are the nation's concerns. And you face some special problems as well.

Your Space Sciences Fair and Educational Symposium this week undertakes to deal with today's changes through creative, imaginative, determination.

I propose to look at the promises and perils of a world of change in four areas of concern to you:

The changes that technology imposes.  
The geographical changes of the mobile American population.  
The constantly changing national economic mix.

The challenges education faces in preparing young people for changing work careers.

Let's begin with technological innovation—finding new ways to produce new and better products at less cost. There are two important aspects of this. First, technological advance has a price. Second, the price is usually worth paying.

In the last century, a technologically exploding America has transformed itself from

a predominantly rural to a predominantly urban society. The brilliant technological success of the United States has been in agriculture. Fewer people produce much more. Human resources have shifted away from the farm as the nation's agriculture adopts mechanization, better seeds, better fertilizers and better farming. Between 1947 and 1964 alone, agricultural employment dropped 42 percent, and 3.5 million agricultural jobs vanished. Yet production continues more bountiful than ever.

Another great example of the technological phenomenon changing America lies in the evolution of energy. Man, mule and canoe preceded water power, steam, electricity and petroleum. And now atomic power is adding to the energy resources available to the nation and to the world.

Today, fossil-fueled power plants still account for 75 percent of all electric power generated in the United States. But nuclear reactors will be replacing power boilers at an increasing rate of the generation of electricity for our homes and industry. Current forecasts indicate that 60 percent of all generating capacity to be installed in the 1970's will be nuclear powered, and by 1980 between 30 and 50 percent of all electricity generated will be from nuclear steam supply systems.

This does not mean that West Virginia's great natural resource—coal—will become irrelevant to the national economy. The coal industry is healthy today, and our wish in Washington is that much more could be done to produce enough coal to feed the willing export markets of Western Europe. These export dollars would help the balance of payments. But competition from home demand and higher freight rates for export destined coal have kept this kind of exporting below optimum.

It is true, however, that the proportions of national energy derived from coal will diminish. More important, mechanization of mining has displaced the old-fashioned miner, and employment has fallen off sharply. Marvelous achievements for the nation as a whole have troublesome, even tragic consequences for the individual, the business or the community which loses out.

A second aspect of the energy evolution consists of unplanned side-effects. For example, the increasingly critical problem of air pollution.

In 1966 the burning of conventional fuels by motor vehicles, industry, power plants, home heating plants, and refuse disposal facilities poured an estimated 142 million tons of pollutants into the atmosphere, heavily concentrated in urban areas. This hazard to the health and to other interests of the community have triggered an intensive effort to discover more effective pollution control devices, better fuel composition, new engines, new power sources, and alternate means of individual and mass transportation—all creating problems and opportunities for auto manufacturers, fuel producers and others.

The hazards also invite restrictions on the burning of high-sulfur coal and fuel oil—and may hurt the competitive position of coal and residual oil for electric power generation.

This capsule treatment of the evolution of energy and technology is intended to drive home the obvious but important point: Progress has a price.

One price may be job displacement or disappearance; another, health hazards to the community eliciting counteractions which force industry to still further adaptation.

On the brighter side, technological change creates more jobs for Americans than it wipes out. It vastly increases our ability to produce more goods in fewer hours. Technology spawns new industries and jobs—electronics, computers, television, chemicals, plastics, and optics. The new and still

infant aerospace industry employs almost 10 times more workers than coal mining.<sup>1</sup>

Today, almost 76 million persons are employed in our country—some 2 million more than were working a year ago. At the same time, our unemployment rate nationally is down to about 3.5 percent of the labor force.

This suggests a second point: The price of progress is usually worth paying.

We can cushion the unfortunate by-products of change and catch the wave of the future rather than hide in the lagoon of the past.

Technological change has an analogue in the great mobility of the American people. We do not tend to spend our lives in the same house or the same neighborhood or the same community. Every year, at least 20 percent of all Americans move to new address,<sup>2</sup> although most of the persons so moving move to a new residence within the same county.

Some 500,000 rural poor, many of them Negro Americans from the South, migrate

each year to metropolitan areas in search of jobs and better living conditions.

The country's population is increasingly concentrating in urban and metropolitan areas. By 1980, the Bureau of the Census projects that 75 percent of the 241 million Americans will live in urban areas.

Yet at the same time manufacturing plants, wholesale and retail businesses, and service businesses are moving to the suburbs and smaller cities.

Between 1960 and 1965, 62 percent of all new plant development, by value, took place outside the central cities where there is room for expansion, lower taxes and other costs, and living conditions attractive to skilled labor.

The result is an increasing mismatch between jobs and people in the central cities. Because of this two-way migration, it is forecast that the 25 largest metropolitan areas outside California will be faced with a shortage of nearly 3 million jobs by 1975.

Is it wise to concentrate our population in the urban centers? Or can we change the circumstances so that jobs will be more evenly distributed throughout the land?

We should recognize that one factor contributing to our critical urban problem is the existence of a rural problem. Unless we can slow down the influx of rural poor into the cities, unless the migrants into the cities are equipped to hold jobs, and unless jobs are available in the cities, the future of America's metropolitan areas looks dark indeed.

To stem the influx into the cities, we must attract industry to smaller communities and give jobs in these areas to those who will otherwise seek urban meccas. We should change the present tendency to move to the large urban centers by giving workers the skills to match job requirements in the places they now live—and creating job opportunities there.

This effort requires the cooperation of private enterprise and government at all levels. Among the Federal programs aimed at this objective are two of particular interest to you: the Appalachian Regional Commission and the Commerce Department's Economic Development Administration, both established in 1965.

The Appalachia program is a Federal-State effort for the economic development of a 13-state region, including West Virginia. Here in Harrison County its benefits are already flowing—the upgrading of U.S. Highway 50, the construction of a local access road to serve Salem College, a Federal grant to construct a new science building at Salem

College, and the proposed construction of a vocational education school in the County.

The Economic Development Administration—EDA—on the other hand, is national in scope, seeking to promote regional economic planning and programs in areas of substantial and persistent unemployment and underemployment. EDA combines local initiatives with Federal assistance to create new job opportunities by developing new and expanding existing facilities and resources.

Here in Harrison County EDA has made several grants to help stimulate industrial development. A feasibility study has been completed on the proposed Lost Creek industrial park South of Clarksburg, which could provide an estimated 600 jobs. A grant was made for the airport terminal building at Bridgeport. And grants were made for water systems at Bridgeport and Salem.

Through these and other government programs but mainly through local initiative and promotion, geographic change can be an opportunity for growth even for an area losing some of its traditional sources of economic strength.

The new Lockheed-Georgia plant in Harrison County indicates that era of electronics has already dawned here. Other space-age industries are looking for progressive communities in which to locate. This week's Symposium demonstrates that you're taking an initiative in the best American tradition.

These demographic and technological changes in our domestic economy have contributed to the *third major area of change*, the shifts in the economic mix of the country.

The first is the sheer size of the growth of the American economy. Between 1961 and 1967, the total output of goods and services of the United States (our Gross National Product) increased by 60 percent, of which 41 percent consisted of growth in real production, that is after adjusting to eliminate price rises. This growth alone, in real terms, exceeded the entire real output of the United States in 1938.

To accent this even more strongly, our growth alone during these seven years of expansion equaled: almost a sixth of the world's 1966 production of goods and services; around two-thirds of the entire 1966 production of goods and services in the USSR; and almost twice all of the 1966 production of goods and services of Great Britain and France.

In this period of expansion, the personal income of Americans rose \$236 billion, or 58 percent. This means an average increase in personal income of 44 percent, or almost \$1,000 for each man, woman and child in the United States, to a \$3,200 a year average.

The nation is rich and has been getting richer. Measured in terms of economic capability, our capacity—if not our will or skill—to deal with the problems of economic and social adjustment, including poverty, is very great indeed.

Second, the change in size of the economy has been accompanied by a change in the ways people tend to earn a living.

An equally spectacular change has been the fantastic employment increases in the service industries and in state and local government. Since 1950 each of these sources of employment has doubled. The service industries in that period moved from 12 percent of the work force to 15 percent and state and local government workers moved from 9 percent to 13.5 percent. At the same time the share of the work force in manufacturing and transportation, taken together, declined from about 43 percent to 36 percent.

The dynamics of the fast moving American economy shift—sometimes quite rapidly—the kinds of skills by which a man may earn his living. This, of course, focuses for both individuals and communities the need for

<sup>1</sup> On December 31, 1967, 144,200 persons were employed in coal mining and 1,407,000 persons in the aerospace industry.

<sup>2</sup> Census Bureau, *Current Population Survey*, Series P-20.

adjustment, and gives impetus to private and government efforts to retrain individuals and to revitalize industries, communities and regions.

A third example of the changing economic mix lies in international trade. As our economy has become more industrialized and our technology more advanced, finished manufactures—predominantly machinery and transport equipment—account for an increasing share of our exports.<sup>2</sup> Though wage rates are high in these industries, technological applications have made it possible to produce the products with relatively fewer workers and thus at competitive prices.

Until relatively recently, our stable unit labor costs gave us a stronger competitive position in these products relative to major foreign producers whose costs were rising. Since late 1965, the situation has reversed. Our prices have risen relatively faster than those of our foreign competitors. Price increases in the last four months have been the largest the nation has seen for many a year. They reflect in significant part rising wage costs. The rise in average compensation per man-hour for non-farm workers rose 6.8 percent in the first quarter of this year over the first quarter of 1967—the fastest rise in more than a decade.

The escape clause has been used to assist the sheet glass industry, which is an important part of the economy of the Clarksburg area. In 1962, the President imposed higher escape-action rates on sheet glass imports to meet the strong competition faced by domestic industry.

Last fall, the escape-clause tariff rates on medium-weight sheet glass were extended to January 1970, in recognition that most of the plants producing this type of glass are located in areas of relatively high unemployment. The President also appointed a task force of representatives of the Departments of Commerce and Labor and the Small Business Administration to study the possibilities of mobilizing public and private help for the industry and communities which might suffer without the special protection. This task force visited Clarksburg in May and talked with industry, labor and civic representatives to explore long-term solutions and to determine the adequacy of government assistance programs.

The higher tariff protection under the escape clause, which I fully supported, provides a breathing spell. I urge industry, labor and community leaders to take advantage of this respite and seek ways to move towards a more competitive situation in the same, some related, or even a different product line, for the benefits of an escape clause relief are not guaranteed forever.

Manpower Development and Training programs, as well as special adjustment assistance, are other examples of government efforts to ease the problems workers face from economic changes.

Finally, in discussing change in our society, one cannot omit the role of education in the processes of change.

It is self-evident that there is a need to look beyond today's problems in order to prepare today's children for tomorrow's world.

The theme of your week's observance recognizes this by its focus on education and the opportunities ahead, rather than the hazards.

I believe that it is hard to teach people exactly what they will need to know to be successful in life. The more valuable thing to teach is how to deal with problems.

A law school, for example, attempts to teach the lawyer how he can respond to his

client's problems—how he can find the answers for the myriad of situations which can never be fully foreseen. Versatility is the goal. And lawyers have demonstrated that versatility by participating in numerous other activities as well as in their chosen profession.

This same capability can, of course, be learned in many other disciplines. Even at early stages in school, I believe that more emphasis can usefully be placed upon analytical and imaginative dealing with problems. Those with these developed talents will, I believe, inevitably outstrip those with predominantly information-oriented minds.

The complexities of tomorrow require even higher levels of education and training. The exhibits at the Army which most of you—and some 12,000 Clarksburg area students—have seen this week makes this point dramatically.

In the past few decades, improved education has raised the average quality of our labor. This quality must continue to improve. And that means that youngsters must stay in school and spend more years in the classroom to compete successfully in the future.

Even today, of the Labor Department's list of 70 occupations for which there will be a steady national demand, only four do not require a high school education.

One of the best investments of our economic wealth would be to give our youth the necessary skills—and the breadth of understanding—to build their lives with wisdom and success. We must prevent deprived children from becoming deprived adults.

We cannot afford to have unemployables when jobs are going begging in many areas of the nation. We have created 12.5 million new jobs in the past seven years of steady economic growth. And, as President Johnson said in his State of the Union Message this year, we will add 1.5 million to 2 million jobs every year at our present rate of growth.

To fulfill the promise of people and jobs being ready for each other, our states and communities are, for the most part, striving to improve their educational systems to the best of their ability within the resources available to them. Yet far too many youngsters still leave public school without a diploma. A substantial number leave college without a degree. We have yet to master this problem.

While education adjusts to the tide of events, it also contributes to the process of change. Without doubt, education is of prime importance to your area's future. The existence of 7 or 8 colleges within the general area of Clarksburg demonstrates your consciousness of this fact. With trained manpower, you should be able to attract new and diversified industry, which will give your economy a wiser and more stable base. But the commitment, vision, and energetic effort must start with you, as indeed it has.

Change creates opportunity. Technology, mobility and the changing economic mix are creating a nation with a higher skilled, better paid work force. The communities and the individuals with imagination and adaptability can go far in this environment.

Change also creates stress and difficulty. Progress has a price. The process of adjusting to change often entails a mismatch between jobs and people—in the rural and small communities and in the big cities. Industries and the communities dependent upon them decline. Successful adaptation may be difficult indeed.

The negative features of change can be ameliorated by imaginative use of private and governmental initiatives. Appalachia and EDA and this Symposium are but three examples of such initiative at work in Clarksburg.

Over the long run, an education program which teaches people how to think—rather than what to think—offers the best hope for avoiding the perils and seizing the opportunities of change.

## THE NEW RACIALISM

### HON. DONALD RUMSFELD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1968

Mr. RUMSFELD. Mr. Speaker, in the Atlantic, August 1968, in an article entitled "The New Racialism," sociologist Daniel P. Moynihan comments on the turn-around in liberal thinking on the issues of centralized Government and ethnic quotas.

Distrust of Washington, once the sure giveaway of a conservative or reactionary mind, has become a characteristics stance of forward-looking young men. And now ethnic quotas have reappeared.

This is a most provocative article by a distinguished scholar, and I commend it to my colleagues.

But as we have learned that turning to the Federal Government does not produce satisfactory answers to all of our problems, particularly to the continuing problems of inequality of opportunity faced by our Negro citizens, let us not forget that neither is the city hall of yesterday perfect mechanism for dealing with many of these problems. As a comment on this side of the picture, I call attention to an interesting essay by Leon M. Despres, an independent alderman in Chicago, entitled "The Chicago the Delegates Won't See," which appears in the August 1968 issue of the Progressive.

[From Atlantic Monthly, August 1968]

#### THE NEW RACIALISM

(By Daniel P. Moynihan)

(Note:—The liberals have been confusing their vocabulary, talking of "racism" when they mean "racialism," and have been abandoning their traditional opposition to decentralized government and racial quotas. The results may be dangerous, observes Professor Moynihan, the buoyantly iconoclastic sociologist, author, and director of the Joint Center for Urban Studies of the Massachusetts Institute of Technology and Harvard University.)

The great enterprise on which the American nation was embarked when the Vietnam storm arose was the final inclusion of the Negro American in the larger American society. That the Negro was, and still in considerable measure is, excluded none will doubt. But it seems not less clear that this fact of exclusion has been the lot of a very considerable portion of the American people over the generations, and the process of inclusion, of "national integration," in Samuel H. Beer's term, a process "in which the community is being made more of a community," has been going on almost from the moment the fortunes of war and empire defined this hopelessly heterogeneous people as made up exclusively of General de Gaulle's "Anglo-Saxons." In fact, at midcentury only 35 percent of the American people were descendants of migrants from Great Britain and Northern Ireland. Most of the rest have known greater or lesser degrees of exclusion—and into the present. But none quite like that of the Negro, and final, palpable equality for him became the essential demand of our time, just as it became the demand of the American presidency; only to arouse among some elements of the society—in greater or lesser degree in all elements—a pervasive fear and deep resistance. Laws in the hundreds were passed, but changes were few. As the black masses for whatever reasons became increasingly violent, white re-

<sup>2</sup> Since 1961, the percentage, but not the value, of agricultural products in our total foreign shipments has fallen from 25 to 21 percent.

sistance became more stubborn, even as it assumed more respectable forms: "Law and order."

This resistance has produced something of a stalemate, and in consequence a crisis. The essential symbol, and in ways the central fact, of black exclusion in white America is that the Negro is not permitted to move about freely and live where he will. Increasingly he is confined to the slums of the central cities, with consequences at once appalling to him and disastrous to the cities. The laws do not require this exclusion; in fact, they forbid it. Now also does the Supreme Court. But it prevails because of a process of private nullification by whites.

More and more one hears that this situation is likely to persist so long as to require that it be treated as a permanent condition. And largely as a result of this conclusion, a marked reversal appears to be taking place in what are generally seen as liberal circles on the subject of decentralized government and racial quotas. For a good half century now—longer than that, in truth—liberal opinion has held quite strong views on these issues, and they are almost wholly negative. Nor have these views been in any sense marginal. Quite near to the core of the liberal agenda in the reform period that began at the turn of the century and continued almost to this moment we find two propositions.

The first is that local government is conservative or even reactionary. Such nostalgia as might have persisted about New England town meetings was seen as historically obsolete and ethnically inapplicable. Local government in New York, for example, was known to be run by Irishmen, who were bosses wielding vast but illegitimate power, placing unqualified men on public payrolls, consorting with criminals, and lowering the standards of public life. In the South, local government was in the hands of racists, who systematically excluded Negroes from participation in public affairs, and much else as well. The West was far away. Hence the great thrust of liberal/intellectual political effort, and central to liberal/intellectual political opinion, was the effort to raise the level at which governmental decisions were made above that of state and local government to that of the federal government. The great and confirming successes of that effort were, of course, the Administrations of Woodrow Wilson and Franklin D. Roosevelt. "States' rights" became a symbol of reaction. Distinguished public servants such as Paul Appleby developed the doctrine that those who insisted that this or that governmental activity was best carried out at the local level were in fact opposed to such activity, and confident that in actuality the local government would do nothing. E. E. Schattschneider explained the whole thrust of liberal politics in terms of the effort to raise the level at which the decisions were made. These views had consequence. Three years ago, for example, when the Johnson Administration was about to come forth with a proposal for revenue-sharing with state governments—the well-known Heller-Pechman plan—the proposal was vetoed by the labor movement on grounds that giving more resources to local powers could only strengthen the forces of conservatism and reaction.

The second general theme has to do with the whole issue of ethnic, racial (if one wishes to make a distinction between those two), and religious heterogeneity. These were matters which liberal opinion firmly held ought not to be subjects of public moment or acknowledgment. Rather as politics and women are proscribed as matters of conversation in a naval officers' mess, it was accepted that such categories existed, and given the doctrine of freedom of conscience, it was also accepted that religious diversity would persist, but in general, opinion looked forward to a time when such distinctions would make as little difference as possible. Opinion certainly aspired to the complete dis-

appearance of ethnic characteristics, which were felt to have little, if any, validity. Increasingly, the identification of persons by race or religion, especially in application forms of various sorts, was seen as a manifestation of racism, of unavoidably malign intent.

It is hard to judge which is the more extraordinary: that Americans could have thought they could eliminate such identities, or that so little comment was made about the effort. (Resistance, then as now, was largely silent and ashamed.) Andrew Greeley has recently speculated that the historians of, say, the twenty-third or twenty-fourth century looking back to this time will find that, apart from the great population increase in the world, and its Westernization and industrialization, quite the most extraordinary event was the fusing of cultures in the American republic:

"The historians of the future will find it hard to believe that it could have happened that English, Scotch, and Welsh, Irish, Germans, Italians, and Poles, Africans, Indians, both Eastern and Western, Frenchmen, Spaniards, Finns, Swedes, Lebanese, Danes, Armenians, Croatians, Slovenians, Greeks, and Luxembourgers, Chinese, Japanese, Philipinos, and Puerto Ricans would come together to form a nation that not only would survive but, all things considered, survive reasonably well. I further suggest that the historians of the future will be astonished that American sociologists, the product of this gathering in of the nations, could stand in the midst of such an astonishing social phenomenon and take it so for granted that they would not bother to study it."

I agree, largely as I feel that future historians, relieved of our nineteenth-century preoccupation with the appearance of industrialization and the issue of who would control the artifacts thereof, a preoccupation, in other words, with issues such as capitalism, socialism, and Communism, will also see that the turbulence of these times here and abroad has had far more to do with ethnic, racial, and religious affiliation than with these other issues. Nonetheless, beginning with the New Deal, federal legislation began prohibiting discrimination based on race and religion, and this movement increasingly took the form of forbidding acknowledgment even of the existence of such categories. In New York, for example, a prospective employer simply may not ask to know the religious or ethnic affiliation of an employee. A dean of admissions may not ask for a photograph of an applicant. The culmination of this movement, and given its insistence on absolute equality in competition, the high-water mark of social Darwinism in the United States was, of course, the Civil Rights Act of 1964.

Now, of a sudden, all this has changed. The demand for decentralization of government and local participation in decision-making about even the most global issues has become almost a leading issue with liberal thinkers and politicians. Distrust of Washington, once the sure giveaway of a conservative or reactionary mind, has become a characteristic stance of forward-looking young men. And now ethnic quotas have reappeared, although primarily in terms of racial quotas. That which was specifically forbidden by the Civil Rights Act is now explicitly (albeit covertly) required by the federal government. Employers are given quotas of the black employees they will hire, records of minority-group employment are diligently maintained, and censuses repeatedly taken. In universities in particular the cry has arisen for racial quotas, roughly representative of population proportions, in both university faculties and student bodies, and the proposal is most ardently supported by those who would have themselves considered most advanced in their social thinking. It would seem together to be expected that this process will continue, and come to be applied to all the most visible institutions of

the land, starting, of course, with those most sympathetic to social change, and therefore most vulnerable to such pressure, and gradually, grown more legitimate, extended to the more resistant centers.

What on earth happened? Taking these developments in the order that I listed them, one can perceive at least two sources of the thrust toward decentralization, both related to the racial stalemate and both of which can properly be described as the result of a learning process, and on that ground welcomed. The first is the discovery by liberal middle-class America that many of the institutions of urban working-class politics served important and legitimate purposes, and that the destruction of these institutions created a vacuum in which by and large Negroes now have to live. Having destroyed the power of the local bosses, we learn that the people feel powerless. Having put an end to patronage and established merit systems in civil service, we find that the poor and unqualified are without jobs. Having banished felons from public employment, we find that enormous numbers of men who need jobs have criminal records. Having cleaned up law enforcement, we find that crime is run by the Mafia (or whatever is the current term for slandering Italians), instead of the police, as was the case in the idyllic days of Lincoln Steffens' youth. Hence liberals now are urged to return to local organization with an enthusiasm ever so slightly tinged with the elitism of the middle-class liberal/radical who now as always is confident that he is capable of running anything better than anyone else, even a slum neighborhood. Middle-class radicals continue to insist the Negroes in Harlem are powerless, not least, one fears, because the one type who is never elected is the middle-class radical. (But to my knowledge there is hardly a single significant elected or appointed political, judicial, or administrative office in Harlem that is not held by a Negro.) Hence an ever increasing enthusiasm of liberal foundations and reform mayors for creating new "indigenous" community organizations and giving to them a measure of real or pretend power. Whether in fact outsiders can create an "indigenous" organization is problematic. (Would it not be good sport for the Landmarks Commission to assign to Mayor Lindsay's Little City Halls their traditional Tammany designations of Tuscorora Club, Iroquois Club, Onondaga Club?) But the effort is sincere, if withal tinged with a certain elitist impulse to manage the lives of the less fortunate.

On a different level, a movement toward decentralization has arisen largely from the emergence of what James O. Wilson has called the bureaucracy problem, the fact that "there are inherent limits to what can be accomplished by large, hierarchical organizations." Although Max Weber explained to us why large bureaucracies, once established, would work for themselves rather than the putative objects of their concern, it was not until the bureaucracies were established, and someone tried to do something with them, that any great number of persons came to see the point. Interestingly enough, this seems to have happened in the Soviet Union at about the same time as in the United States. For certain it is an endemic mood among men who went to Washington with John F. Kennedy. The problem involves not just the dynamics of large organizations, but also the ambitiousness of our society. As Wilson continues: "The supply of able, experienced executives is not increasing nearly as fast as the number of problems being addressed."

This is all to the good. It responds to reality; it reflects an openness to experience. Irving Kristol has remarked, echoing Sir William Harcourt at the turn of the century on the subject of socialism, "We are all decentralists now." The acknowledgement that race and ethnicity are persisting and consequential facts about individuals that ought in certain circumstances to be taken into

consideration is long overdue. (Several years ago to my ultimate grief, I tried to get the welfare establishment in Washington to abandon its "color-blind" policy which refused to record anything about the race of welfare recipients. Last year Southern committee chairmen brought about the enactment of vicious anti-Negro welfare legislation, which no one could effectively oppose because no one is supposed to "know" about such things.) But before lurching from one set of overstatements to another, is it not possible to hope that a measure of thought will intervene, and that the truth will be found, alas, somewhere in the middle?

The issues are intertwined, and tend to work against one another. Thus the fundamental source of equal rights for Negro Americans, for all Americans, is the Constitution. Where the federal writ runs, all men are given equal treatment. But this process is not directed by some invisible hand; it is the result of political decisions made year to year in Washington. "Local control" means a very different thing in Mississippi than it does in New York, and let us for God's sake summon the wit to see this before we enshrine the political principles of George C. Wallace in the temple of liberal rationalism. Paul Appleby knew what he was talking about. An aggressive federal insistence on equal treatment for all races is indispensable to the successful inclusion of the Negro American into the large society.

Further, to argue that all things cannot be run from Washington is not to assert that neither can they be run from city hall. Unfortunately, a good deal of decentralization talk is fundamentally antigovernment in spirit, and this can be a calamity in areas such as race relations. Giving a mayor enough untied federal funds to enable him to govern his city could release immensely creative energies. Forcing him to break up his administration into endlessly fractionating units will bring on anarchism at best and chaos at worst. Given the heterogeneous political community of most large cities, this potential for ethnic and racial chaos, Kristol remarks, is especially great.

School decentralization in New York seems to be encouraging just this. The problem is that now, as ever in the past, the lower classes of the city are ethnically quite distinct from what might be termed the bureaucratic classes, and neighborhoods tend to conform to those distinctions. The result is that conflict induced between the two groups gets ugly fast. Thus the New York Times reported that the militant picketing of I.S. 201 in east Harlem in 1967 was "flagrantly anti-Semitic." Similar tendencies have appeared in the Ocean Hill-Brownsville area where decentralization is being experimented with. A leaflet recently distributed there reads:

"If African-American History and Culture is to be taught to our Black Children it Must Be Done By African-Americans Who Identify With And Who Understand The Problem. It Is Impossible For The Middle East Murderers of Colored People to Possibly Bring To This Important Task The Insight, The Concern, The Exposing Of The Truth That is a Must If The Years of Brainwashing And Self-Hatred That Has Been Taught To Our Black Children By Those Bloodsucking Exploiters and Murderers Is To Be Overcome."

A pretty sentiment, to which, not surprisingly, there are Jews capable of responding in kind. Charles E. Silberman, the distinguished author of *Crisis in Black and White*, recently demanded of an American Jewish Committee meeting that it "face up to the raw, rank, anti-Negro prejudice that is within our own midst. We talk—endlessly—about Negro Anti-Semitism; we rarely talk about—let alone try to deal with—the Jewish Anti-Negroism that is in our midst and that is growing very rapidly."

All too familiar. And as Archbishop John

F. Dearden of Detroit, president of the National Conference of Catholic Bishops, observed last year, in other cities of the nation the Negro-white confrontation is becoming a Negro-Catholic (Protestant-Catholic) encounter. *Plus cu change . . .*

The danger is that we shall see the emergence of a new racialism. Not racism, a term—dreadfully misused by the Kerner Commission—that has as its indispensable central intent "the assumption that psychocultural traits and capacities are determined by biological race and that races differ decisively from one another" (Webster's *Third New International Dictionary*). There is a streak of the racist virus in the American bloodstream, and has been since the first "white" encounter with the "red" Indians. But it is now a distinctly minority position, and mainly that of old or marginal persons, with an occasional politician seeking to make use of what is left. Yet there is a strong, and persisting, phenomenon of racialism, defined as "racial prejudice or discrimination: race hatred." This is in no sense confined to "whites," much less "Wasps." (I use quotation marks. The geneticist Joshua Lederberg notes that it is scientifically absurd to call anyone in this country "black," and probably not accurate to speak of "whites" either.) Writing in a 1935 issue of *Race*, E. Franklin Frazier, for example, referred to W. E. B. DuBois's then current proposal that the Negro build a cooperative industrial system in America as "racialism." There is nothing mystical about racialism; it is simply a matter of one group not liking another group of evidently antagonistic interests. It is a profoundly different position from that of racism, with its logic of genocide and subordination. And it does no service whatever to this polity to identify as racist attitudes that are merely racialist and which will usually, on examination, be found to have essentially a social class basis. But our potential for this type of dissension is large and very likely growing. In the hands of ideologues (who often as not enjoy the chaos) or charlatans (who stand to benefit) or plain simpletons, many forms of decentralization in the modern city will give rise to racialism. Responsible persons should examine that prospect beforehand.

The question of quotas raises the same issues. As I am almost certain to be misunderstood—that appears to be an occupational hazard in this field (and I would seriously suggest that the training of any social scientist in years to come should include something equivalent to the processes by which psychiatrists are taught to anticipate and accept hostility)—let me offer a word or two by way of credentials. I believe it fair to say that I have been one of a smallish band of sociologists and political scientists who have insisted that race, ethnicity, and religion were and are relevant and functional categories in American life. I accept fully, as does Greeley, the Weberian analysis of E. K. Francis that the ethnic collectivity represents an attempt on the part of men to keep alive during their pilgrimage from *Gemeinschaft* to *Gesellschaft*, or as Greeley puts it, "from peasant commune to industrial metropolis," some of the diffuse, ascriptive, particularistic modes of behavior that were common to their past. I have argued in favor of the balanced political ticket; I have even been a member of one. I see the emergence of "black pride" as wholly a good thing. And so on. But at the same time, I would hope as we rush toward an ethnically, racially, and religiously conscious society that we try to keep our thinking just a bit ahead of events.

My concerns are twofold and come to this. First, I am worried that having so far been unable to assemble the political majority that would enable the nation to provide a free and equal place for the Negro in the larger society by what are essentially market strategies (full employment, income supplementation, housing construction, and such-

like), we will be driven to institutional strategies involving government-dictated outcomes directed against those institutions most vulnerable to government pressure. I don't like this mostly because I don't like that kind of government pressure. But I oppose it also because I fear the kind of rigidities that it can build into a society that obviously is most effective when it is most flexible.

Remember, the Negro middle class is on the move. A recent study at Columbia found that the proportion of Negroes with professional or technical occupations in New York City is distinctly higher than that of Irish or Italians.

If there is an ethnic balance "against" Negroes in many municipal bureaucracies today, there is likely to be one "for" them in the not distant future. These are for the most part truly integrated groups, which, much as do the Armed Forces, provide major opportunities for Negro advancement on purely equal terms involving neither discrimination nor preference. (When the Jewish principal at P.S. 201 resigned, his Negro deputy refused the job on grounds that she would not be appointed as a Negro. She had no need to be. Inspired or lethargic, brilliant or bright, she was on her way to a principalship on her own. That is what bureaucracy is like.)

My second concern is, to my mind, the greater. Once this process gets legitimated there is no stopping it, and without intending anything of the sort, I fear it will be contributing significantly to the already well-developed tendency to politicize (and racialize) more and more aspects of modern life. Thirty years ago Orwell wrote, "In our age there is no such thing as 'keeping out of politics.' All issues are political issues. . . ." I resist that. Not all issues. Not yet. Note that he added "and politics itself is a mass of lies, evasions, folly, hatred, and schizophrenia." Not all American politics. Not yet. But enough is, and we must therefore struggle against the efforts of government, in some large general interest, to dictate more and more of the small details. It is necessary to be more alert to Robert A. Nisbet's observation that democracy is, fundamentally, "a theory and structure of political power," but that liberalism is "historically a theory of immunity from power."

This, to my mind, is something more than a generalized concern. For centuries it has been obvious that property is not always evenly distributed, and it has been more or less legitimate to talk about it. In America, however, in the modern world generally, there have grown up new forms of property and influence, not so readily perceived, and the people who possess them have been wisely content to leave it at that. Success, as Norman Podhoretz wrote, and as he learned, is a dirty little secret in America, which those who are successful very much dislike to see discussed in public. A quality which makes for social stability at this time is that different groups in the population value different kinds of success, and tend to be best at those they most value. But government knows little of such variegations, and I very much fear that if we begin to become formal about quotas for this or that group, we will very quickly come to realize that these are instantly translated into quotas against. This is painfully true in the field of education and culture, which to a very considerable degree at this particular moment in our history is exceptionally influenced by American Jews. It was in a certain sense in an effort to resist the processes that brought about this partial hegemony that the "older American" institutions imposed quotas in the first place, and it was to abet the process that the quotas were abolished. Those were in fact quotas on success, imposed against a disproportionately successful group.

Let me be blunt. If ethnic quotas are to be imposed on American universities and

similarly quasipublic institutions, it is Jews who will be almost driven out. They are not 3 percent of the population. This would be a misfortune to them, but a disaster to the nation. And I very much fear that there is a whiff of anti-Semitism in many of these demands. I was interested that when demands for quotas were made at Harvard, the *Crimson* endorsed with some enthusiasm the idea of ethnic representation, if not exactly quotas, on the faculty, but the editors were not at all impressed with the advantages of extending the principle to the student body. I do not know what was on their mind, but I do know that if ethnic quotas ever should come to Harvard (surely they won't!), something like seven out of eight Jewish undergraduates would have to leave, and I would imagine it to be a higher proportion in the graduate schools. This, I repeat, would be a misfortune for them, but a disaster for a place like Harvard. And much the same exodus would be required of Japanese and Chinese Americans, especially in the graduate schools.

One assumes that America has known enough of anti-Semitism and anti-Oriental feeling to be wary of opening that box again. Especially now. Given the prominence of Jews in current American radical movements—the *Times* describes the student activists at Columbia as “typically very bright and predominantly Jewish”—and the hostage of Israel, Jews are at this moment perhaps especially exposed to conservative or reactionary pressures which could easily make an issue of “overrepresentation.” Recalling what we did to Japanese Americans in World War II, we surely should be careful about exposing Chinese Americans today to reactionary pressures simply on the basis that mainland China is our enemy.

It comes down to a matter of prudence: of recognizing our potential for racialism, and guarding against it, while responding to real and legitimate racial needs. Thus Negroes need preferential treatment in some areas, and deserve it. The good sense of the country in the past has been to do this kind of thing by informal arrangements—the balanced ticket. At the present time Israel, for example, seems to be having success with similar arrangements for its Eastern Jewish immigrants. Can we not do as much?

I hope I would not be interpreted as resisting a more open acknowledgment of these factors. To the contrary, I feel they should be more in our minds, but at a private and informal level of concern. I am acutely aware, for example, of the debilitating imbalance in the ethnic origins of American social scientists. I say debilitating because it is the nature of heterogeneous societies such as ours that analysis that could in any way be taken as criticism is routinely rejected when the analyst is of a distinctly different group. That is the plain truth of it. And it is a truth much in evidence with respect to Negro studies at this time. Thirty years ago in this country anyone seeking to learn more about Negroes would have had to read books written by Negroes: Frazier, Drake, Cayton, Johnson, and others. Somehow that tradition, nobly begun by DuBois, faltered. There was not, for example, a single Negro social scientist on the research staff of the President's Advisory Commission on Civil Disorders. Now, with only a few exceptions, social science studies of Negroes are carried out by whites, and we are not to wonder that more and more the cry goes out from the slums that they are tired of that white magic and will listen no more. But Negroes are only one case, and not a particularly special one. American social sciences desperately need to expand its ethnic, racial, and religious base, just as it has got to expand its interests in those areas.

Let me conclude with the words with which Nathan Glazer and I closed our own study of the city:

“Religion and race define the next phase in the evolution of the American peoples. But the American nationality is still forming: its processes are mysterious, and the final form, if there is ever to be a final form, is as yet unknown.”

[From the Progressive, August 1968]

THE CHICAGO THE DELEGATES WON'T SEE

(By Leon M. Despres)

(NOTE.—Leon M. Despres, a lawyer and lecturer on law, has served as a Fifth Ward alderman in Chicago since 1955. He has won national recognition as a critic of machine politics in Chicago and as a champion of open housing, civil rights, and city planning. He received the Chicago Newspaper Guild Page One Award for his “outstanding contribution to a better Chicago.”)

Most of the delegates to the Democratic National Convention will enter Chicago through the palatial gateway of O'Hare Field, “the busiest airport in the world.” They will travel by taxi or limousine at high speed over miles of the broad, brightly lighted John F. Kennedy Expressway through the northwest quadrant of the city to their sumptuous hotels downtown, in the “Loop.” Then for several days they will be whisked back and forth between the Loop and the convention hall, a few miles southwest of downtown, along special, well-guarded routes. They will be welcomed to Chicago by the mayor, Richard J. Daley, and they may fall to see in this warm, homespun man the tough and dominating city boss with the iron hand. They may go home impressed with what they have seen of Chicago and its mayor. Some may think they have seen the whole picture.

But there are many aspects of Chicago and its boss they will not see, aspects less glittering than O'Hare Field or the impressive new architecture in the Loop or the special treatment accorded visitors.

Chicago has to be lived in to be fully understood, but a visitor who leaves the central business area and visits the black ghetto, the gray neighborhoods, the suburban sprawl, and the wealthy dormitory towns can gain some insight into the city. Chicago is a great, modern industrial city, the second biggest in the nation (well, anyhow, third biggest), dominated by rich, successful business and financial interests and governed by the most efficient political machine of the past century.

The Chicago metropolitan area, with a population of about 8,000,000, has fantastic industrial, commercial, financial, scientific, and educational resources. The heart of the area is Cook County, with a population of 5,500,000, including the legal city of Chicago with 3,500,000, a million of whom are black. Residentially, Chicago is the most segregated American big city. In the City Council, when I quoted the U.S. Civil Rights Commission to confirm this distinction, one of my colleagues rose in defense and said that Cleveland is now more segregated residentially than Chicago. When you tour Chicago, however, you will think Chicago is still first.

Except for its 700,000 poor (income under \$3,000 for a family or \$1,000 for an individual), Chicago is a great place to make money, and lots of people are making lots of it. The city motto is “I will,” but no one has ever said what. In a representative poll, “I will make money” would probably win a majority. The Chicago Association of Commerce and Industry, after defining the Chicago metropolitan area to cover all the wealthy suburbs, flourishes figures to show that, even with its 700,000 poor, Chicago has the highest per capita income of any metropolitan area.

Chicago's most pampered neighborhood is the central business area, comprising downtown and the near north side along Lake Michigan. When visitors speak of Chicago's “dynamic, modern progress,” they usually

refer to the central business area. There you see bold new buildings, daytime vigor, and excellent city maintenance. New projects are always in the works. Speedy public transit converges on the area. Hundreds of millions of dollars in expressways pour people into the area by day and back to the suburbs at night. Get off the subway anywhere in the central business area and you won't find a broken city sidewalk. Get off the subway almost anywhere else, and you will. Between the central business area and the outskirts lie large, almost uninterrupted gray areas of urban dry rot. This is where most Chicagoans live.

The pampered central business area evidences the basis of Chicago politics, the unwritten compact between Chicago's Democratic political machine and the business and financial interests. Under this tacit agreement the business and financial interests receive luxurious support for the central business area, subsidies of valuable public works, indulgent business-oriented drafting and enforcement of ordinances regulating business, and, for the rest of Chicago, a firm hand on the city's tiller and on the till. In exchange, the business and financial interests provide the machine what it needs in money and Republican backing, and delivers nearly full support of all parts of the public opinion media.

Except for a number of local suburban governments and a few county offices lost by suburbanite margins, Chicago is governed by a firmly run, businesslike organization of about 35,000 persons who live off politics—the Cook County Democratic Organization. Indeed, it really is a business. It controls the mayoralty, thirty-eight of the fifty members of the City Council, the school board, the park board, the library board, the housing authority, the transit authority, two-thirds of the county board, nearly all the county offices, many suburban governments, the state's attorney, the judiciary, the governor, the attorney general, the secretary of state, a chunk of the state legislature, the Chicago Congressmen, and the Federal patronage.

Chicago may have yielded to Los Angeles in population, and to Cleveland in residential segregation, but thanks to moldy civil service laws, it yields to no city in its total of 35,000 partisan political patronage job-holders. They are the paid troops who run the election machinery. In a Presidential election, they can produce about 100,000 votes more than are lawfully cast for the candidate. The importance of this achievement was best demonstrated in 1960 when John F. Kennedy squeaked through in Illinois by 8,858 votes. This “bonus” of 100,000 votes was decisive in capturing a key state. (“Just to even up the shameful Republican frauds downstate,” the boys sometimes rationalize.) They are treated indulgently in the performance of most of their public chores, but held to high standards for their party work. Deviations or failures in party work bring prompt discharge from a job or interdict from office. For their party fidelity, however, they win money, security, power, and prestige. There is not much money, security, power, or prestige for a junior clerk in the tuberculosis sanitarium, but the closer you come to the center of the 35,000, the more you get.

The party is administered by fifty Chicago ward committeemen and thirty suburban township committeemen, elected for four-year terms in patronage-dominated primaries (only two city upsets in the last seventeen years). Every four years the committeemen elect one of themselves as chairman. In 1953, they elected the eleventh ward committeeman, and have reelected him every four years since. Since a party chairman finds it dangerous to let another man hold power and prestige as mayor of Chicago, the present party chairman notified the mayor in 1954 that the party would not re-slate him, beat him in the 1955 primary, and won the election. Every fourth year since then, Chicago

has re-elected him and called him Mayor Daley, but his really important office is party chairman.

The party chairman has the executive powers of a strong corporation president. His job is to run the organization for the benefit of the 35,000 jobholders, keep its power intact, and win each election as it comes. He administers all the party patronage from the central office; handles the party money without public account; exacts loyalty from each committeeman; restrains excessive greed; suppresses scandals; settles internal arguments; conducts sensitive negotiations with powerful interests; keeps his private—but not always his public—promises; and says the final word on promotions, policies, and candidates, even for the Presidency of the United States. Party Chairman Daley is not a great party builder like former Mayor Anton Cermak or Mayor Edward Kelly, but he is a remarkable consolidator of power. Although "Democratic" is the name on the ballot, the party organization is autocratic. Each committeeman depends on the party chairman for the life-blood of patronage and party support and, in turn, each patronage appointee or officeholder is absolutely responsible to his committeeman.

To win elections, the party organization maintains its professional precinct army; keeps a monopoly of the attractive label of "Democratic;" prevents government from becoming so bad that it provokes fatal resentment; and holds together a majority of votes for the ticket.

The party organization is constantly handling political brokerage arrangements with Chicago interests, principally with the business and financial interests. There are also deals with Chicago labor, which tags along after Chicago business; with shady businesses, such as slum operators and pre-emptors of profitable billboard sites; and even, at some levels, with the unmentionable criminal businesses called "the syndicate."

Richard J. Daley is an able party head and election winner, but as mayor he is not quite modern enough to enable Chicago to meet the needs and challenges of modern times. He has kept most of his conservative, sober views from the days of his youth. He opposes city planning because it would take away from the party the profitable decision-making on city development and public works, and he follows literally the famous admonition of the great Chicago planner, Daniel Burnham: "Make no little plans." He makes no city plans at all.

To give an appearance of planning, however, the city administration issues and withdraws beautifully printed but non-binding documents and employs a half-time Commissioner of the Department of Redevelopment and Planning. The main function of the Department is to give a facade of approval to decisions made elsewhere and especially to proposed acts of pillage such as the building of expressways along the lake front, the real estate promoters' development of air rights over lakefront railroad tracks, or the proposed rape of twenty-seven square miles in Lake Michigan for the super-profitable construction of an airport. In all these cases, the immediate profit to the central business area and the promoters outweighs the interest of the majority of Chicago citizens. The refusal to plan in the general interest has done great harm to Chicago.

Daley works hard as party chairman and as mayor, and he is as good and conscientious a mayor as his personal views and his paramount loyalty to the Democratic Party permit. Except for slighting the ghetto by failing to provide all the extra help it needs to keep up with the rest of the city, he keeps the essential services functioning fairly well—refuse collection, fire protection, water distribution, sewage disposal, street repair, snow removal, and the other activities whose interruption would immediately bring down a government. Adequate police protection is a

more difficult service to maintain successfully. Despite the excellent reorganization by O. W. Wilson after the 1960 police burglary scandal, the personal insecurity of Chicagoans is growing. Nevertheless, although the crime syndicate has continued to produce gang executions since Daley became mayor, only four per cent of the aldermen have been shot. One alderman (Ben Lewis) was mysteriously murdered, and the other, I, was only shot in the leg by youths making a robbery attempt.

Chicago's black-white tension is the force that racks, stretches, and disjoins Daley and the Chicago political machine. It can erupt at any time into physical violence, and there is concern the convention delegates may have a glimpse of some. Or it may produce a political upset. Daley has never learned—nor dared—to resolve this tension. He has held the blacks' vote by tight political and social control of the black wards through both black and white committeemen, the use of patronage, and occasional sops, such as tolerating a minuscule pupil-busing program or renaming South Parkway "Martin Luther King Drive." He has held the anti-blacks by keeping segregationists in charge of the school board, delaying the open housing ordinance for twelve years longer than New York City, keeping blacks almost entirely out of his cabinet, and encouraging police repression.

The extreme anti-blacks are angered even by the sops Daley gives to the blacks; and black Chicagoans, although they vote mostly for the Daley Democratic candidates when they vote, are now expressing themselves eloquently by staying home in sensationally large numbers. "I just can't get them out to vote," one precinct captain told his committeeman. Neither can anyone else, yet, except two black independent Democratic aldermen, A. A. Rayner, Jr., and William Cousins, Jr., who won elections over machine candidates in black, middle class wards in 1967. Despite warning and prodding, the party command thinks only in terms of sops, and turns its back on the perceptive recommendations for city action made by the Kerner Commission.

As a group, black Chicagoans do not live nearly so well as white Chicagoans, and the disparity is growing. In *Chicago's Widening Color Gap*, sociologist Pierre De Vise tells us that, compared to the average white Chicagoan, the average Chicago black is younger by ten years, half as likely to be in a craft job, one-third as likely to be a sales person or manager, three times as likely to be a laborer, and eight times as likely to be a domestic. Black families are one-fifth larger, have only two-thirds of the income, and occupy housing units one-fifth smaller, five times more dilapidated, and three times more substandard, but pay just as much rent for their inferior housing.

Chicago's public schools are deeply segregated. More than half the enrollment is black. More than sixty-seven per cent of all high school pupils and eighty-four per cent of all elementary school pupils attend segregated schools—that is, schools ninety per cent or more all white or all black. Black school districts are uniformly lowest in both reading skills and percentage of certified teachers. In one black district, only eight per cent of sixth graders are normal readers. Black teachers and principals are assigned overwhelmingly to segregated black schools. For many years the Board of Education has worked hard to maintain segregation by gerrymandering school districts. The only significant break in the policy has come with a modest bussing program in 1968; but, to confirm the basic policy, Daley this year broke his promise to follow recommendations of a blue ribbon advisory commission and reappointed to the Board of Education the board president and vice president who are the principal advocates of the status quo policy.

As a result of bad schooling, poor job training, massive job discrimination, enforced

housing segregation, and high work-commuting costs, the unemployment rate of Chicago's black labor force varies from five per cent to thirty-seven per cent, depending on area of residence, whereas the white labor force is almost fully employed.

The segregation and oppression of Chicago blacks in housing, jobs, schooling, and the quality of community life are crucial deterrents to general community improvement of any kind of Chicago. Self-organization of the ghetto, self-determination, and self-expression would soon end ghetto support of any political machine which tolerates such conditions.

Under the Daley system of tight control, therefore, the party has to try to overrun, dominate, or starve every significant citizens' committee and community organization, especially in the ghetto. For example, when the Chicago NAACP became militant, Daley forces infiltrated it and replaced the officers. When The Woodlawn Organization (TWO), which energetically represents the Woodlawn community, obtained a large anti-poverty program on its own, Daley opposed the program, blocked the appointment of a director, opposed renewal of the program, and committed his Congressmen and police force to help a U.S. Senate Committee try to give the project a death blow. The "citizens' participation" groups required in public programs such as urban renewal, model cities, anti-poverty, or air pollution are pretenses. The effect of the machine's systematic repression is the muting of protest, incalculable stagnation of the general citizenry, and loss of progress to Chicago. The increase in the number of alienated Chicagoans is incredible. The likelihood of an apocalyptic solution is great.

For the committeemen who live off politics, Daley is the best they have had. One committeeman explained: "He is a good family man. No scandal around him. He works hard. He gives you your share of jobs, and good ones too." If he stepped down, the committeemen would try to elect someone as much like him as possible.

These are some facets of a Chicago which the convention delegates and television viewers are not likely to see. Some day this Chicago will change. It has to, if Chicago is to survive and flourish. It will change when the business and financial interests perceive the damage Chicago sustains under the current system and shift their support to programs and policies that genuinely serve the interests of all the people; or when social upheavals compel a change; or when there is a shift at the polls. But so far in 1968, Chicago has not yet shown signs of changing.

#### TEACHING CONSERVATION TO YOUNG CHILDREN

HON. BIRCH E. BAYH

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Thursday, August 1, 1968

Mr. BAYH. Mr. President, it is of prime importance that young Americans be given every opportunity to become acquainted with our Nation's natural resources, man's basic environment, and the values of conservation. I was very pleased, therefore, to learn that a pilot education program for elementary school children, which will give them firsthand knowledge of conservation matters, has begun to operate in Monroe County, Ind. The soil and water conservation district of that county is sponsoring this pioneer effort, and Indiana University is cooperating by providing

the services of student teachers who are working toward a degree in elementary education.

Over 200 children have received instruction in conservation problems and have been able to participate directly in experiments and conservation activities in the field. The supervisor of the Monroe County Soil and Water Conservation District, Barbara Restle, who has written a very interesting and informative article describing this educational innovation, points out that—

The program goal is to give students an awareness of natural forces at work in the land.

I ask unanimous consent, Mr. President, that this article, which was published in *Soil Conservation* in the July 1968 issue, be printed at this point in the RECORD.

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

**STUDENT TEACHERS JOIN IN DISTRICT PROGRAM TO GIVE CHILDREN THE FACTS OF CONSERVATION**

(By Barbara Restle)

A pilot program that gives a continuing conservation education to children from the first to seventh grade has been started by the *Monroe County Soil and Water Conservation District in Indiana*.

Student teachers from Indiana University in Bloomington and other volunteers in the district help teach the 1-hour-a-week classes.

District supervisors initiated the program, the first of its kind in Indiana, at Washington Township Consolidated School in Bloomington. The student teachers are fulfilling requirements for a degree in elementary education under Professor Prevo Whitaker of Indiana University, who is also secretary-treasurer of the district.

Professor Whitaker, Wayne Flx, SCS work unit conservationist, and the author held meetings with the Washington school principal, teachers, and others to develop plans for the course.

**A CUSTOM-TAILORED COURSE**

The course may touch on any phase of man's relationship to his natural environment, from how the White River got polluted to how many trips in 12 hours a bird makes away from her nest hunting insects.

The conservationists assisting with the program make an effort to custom fit the subject matter to specific age groups, giving the teachers opportunity to carry conservation into many areas of study.

The fifth grade has integrated a new science program with conservation interests by experimenting in making soil. They observe what happens when leaves, sand, and fertilizers are mixed and let stand for a period.

The sixth grade has been given many class hours of instruction on land use. During one session, a conservationist discussed land capability and explained why some of the "hills and hollows" of southern Indiana are not suitable for farming.

All the classes have field trips to see actual examples of the things discussed in lectures. All 220 children were taken to their new school site in four shifts. The older children were put to digging a 2-foot-deep hole to obtain soil samples at various depths and see the differences between topsoil rich with organic matter and the deeper subsoils and parent materials. Earlier in the semester all the students had run the experiments in growing peas or corn in topsoil and subsoil and to observe the health of the plants.

All the classes also planted conifers to serve as a windbreak for the future playground. Three sink holes on the new school

site were inspected, and students learned that sink holes and caves are a natural feature of limestone country.

During the spring semester Joe Lamendola, biologist of the Indiana Department of Natural Resources, spoke to a large group of students about the needs of wildlife.

Ned Woodward, Monroe Lake conservation officer, spoke about migrating birds and told how special areas in the new reservoir have been designated off limits to power boats to insure resting and breeding places for ducks.

A state forester, John Datena, led student groups into wooded areas identifying trees and explaining plant succession. The forester showed how to estimate the height and board feet of trees by using a tree-measuring stick.

The regular teaching staff at Washington School was encouraged to introduce conservation ideas into their classes in art, math, biology, geography, and history. For the first three grades, art projects proved most meaningful in putting across concepts in conservation.

Teachers had the benefit of a wealth of educational materials from such sources as the Massachusetts Audubon Society, National Audubon Society, the Soil Conservation Society of America, Boy Scouts of America, and the Soil Conservation Service.

The Washington Township Farm Bureau donated \$75 for a conservation library, and a portable library rack was built to hold the books. The new library includes information on the precarious balance of nature, mammals and birds, geology, and water. To broaden the picture for the midwestern child, a few books deal with arctic and tropical wildlife and conservation problems.

**AWARENESS OF RESOURCES**

The goal of our district is to give students an awareness of natural forces at work in the land. Hopefully, the conservation classes will encourage better citizenship by developing a deeper understanding of natural resources.

Professor Whitaker says, "We must always take advantage of new ways to use our knowledge to help deal with the growing scarcity in world resources. In our community we have had many willing citizens to help us along our way. We started with the supervisors of our district contacting school administrators and enlisting the help of qualified technical personnel and talented local citizens. During the entire semester I can't remember anyone turning down our request for assistance."

**JAMES DESMOND: NEWSPAPERMAN**

**HON. BERTRAM L. PODELL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1968

Mr. PODELL. Mr. Speaker, the people of the State of New York, and more particularly its political world, were saddened this weekend by the untimely passing of James Desmond, Albany correspondent for the *New York Daily News* and an esteemed authority on political affairs in our State.

I first met James Desmond as a member of the New York State Assembly and I soon learned to admire his professionalism, value his wisdom, and to treasure his friendship. He enjoyed the envy of his colleagues for his craftsmanship, and his integrity was a source of comfort to the public officials and political leaders who constituted his beat. He enriched the political life of our

community, and he will be sorely missed by those of us who were touched by his presence.

The following article from the *New York Times* on Sunday, July 28, 1968, details some of the highlights of James Desmond's career:

**JAMES DESMOND IS DEAD AT 59—DAILY NEWS POLITICAL WRITER—COLUMNIST WROTE BIOGRAPHY OF ROCKEFELLER—SERIES ON TAXES WON AWARD**

James Desmond, a political writer for the *Daily News*, died of cancer yesterday in Mount Sinai Hospital. He was 59 years old. Formerly a resident of Bedford Hills, N.Y., he had lived at the Tudor Hotel since the death of his wife two years ago.

Governor Rockefeller, the subject of a biography by Mr. Desmond that was published in 1964, issued the following statement on his death:

"The loss is a heavy one to all of us in and out of government who knew him. His insight, his integrity and his ability made him one of our nation's most respected journalists. Mrs. Rockefeller and myself treasured his friendship. We both express our deepest sympathy to his family."

The tall, slender, convivial Mr. Desmond was a specialist in state political affairs. His column of analysis and comment, "Albany Line," appeared regularly in the *Sunday News*.

Since 1944 he had covered every national political convention and except for his illness would have been accompanying Governor Rockefeller on the campaign trail.

In 1952 he and Joseph Martin received a George Polk Memorial Award for a series in the *News* that led to the payment by the Treasury of \$10-million in unclaimed refunds to taxpayers.

"Nelson Rockefeller: A Political Biography," was praised in the *New York Times* as "a friendly and understanding" work that "clearly reflects Mr. Desmond's wide understanding of professional politics, how nominations are won and lost and how Rockefeller won one and lost another."

Mr. Desmond was born in Brooklyn on Aug. 24, 1908, and grew up in Yonkers, where he joined the *Yonkers Statesman* in 1930. He later worked for the Associated Press, the *New York World-Telegram* and P.M. He joined the *News* during World War II.

Surviving are a son, Michael of New York; a daughter, Mrs. Shila D. Schultz of Oroville, Calif.; a brother, John W. Desmond, assistant Sunday editor of the *Times*; a sister, Mrs. Walter Fitzpatrick of Las Vegas, Nev., and 10 grandchildren.

**MAKING THE RECORD CLEAR**

**HON. PAUL J. FANNIN**

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Thursday, August 1, 1968

Mr. FANNIN. Mr. President, once again we are on the brink of a presidential election campaign in which political passions reach a fever pitch. Against this background I think it is wise for the Senate and the Nation to recall some disconcerting events as in the presidential campaign 4 years ago.

At that time there was unleashed one of the most intemperate and unwarranted attacks ever mounted against a candidate for public office. I refer of course to the attack against Barry M. Goldwater, who was at that time the junior Senator from the State of Arizona. The



extent and depth of this attack, the distortions willingly and actively disseminated, the dire consequences predicted if he were elected, have besmirched the character and credibility of those who took part.

Now we face another election. Four years give friend and foe alike a measure of historical perspective and I hope that with this perspective we can all be more rational and statesmanlike in our campaigns. It is with this purpose in mind that I ask unanimous consent to have printed in the RECORD an article entitled "Reflections on Hysteria, 1964—The Campaign of Fear," written by Walter Zipf, and published in the Sun Valley Spur Shopper. I do this with the hope that it may in some measure prevent the recurrence of the campaign directed against my good friend Barry Goldwater.

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

REFLECTIONS ON HYSTERIA, 1964—THE  
CAMPAIGN OF FEAR  
(By Walter Zipf)

"O judgment! Thou art fled to brutish  
beasts,  
And men have lost their reason!"

I thought of those lines from the third act of Shakespeare's Julius Caesar as I finished reading a book just coming to my desk, "Hysteria 1964" by Lionel Lokos describing the monstrous fear campaign against Arizona's Barry Goldwater when he was Republican candidate for the presidency four years ago.

Barry Goldwater, Public Enemy No. 1.

Barry Goldwater, the man who would drop  
The Bomb and defoliate the little girl's daisy.

Barry Goldwater, the man with the stench  
of fascism.

That's what Goldwater's detractors said  
about him, that and worse as the peddlers of  
hate and fear warned there was a monster in  
our midst who threatened to devour us all.

The wild, gutter rabble-rousing against a  
good American whose worst sin was a sincere  
patriotism and an inclination to speak the  
truth as he saw it now sounds silly and ridic-  
ulous—even laughable. But there was nothing  
funny about it four years ago, during the  
most calculatingly vicious campaign of char-  
acter assassination of a public figure this  
country has ever known.

Lokos observed that all the denunciations  
of previous presidential candidates put to-  
gether, including Lincoln, were almost be-  
nign compared to the new high in hysteria  
reached in the infamous campaign of 1964.

During a period of some 10 months, Barry  
Goldwater was accused of:

Wearing the bloody mantle of Adolf Hitler.  
Fomenting a racial holocaust.

Advocating a nuclear policy that would  
destroy half the world.

Being hell-bent to tear up all Social Se-  
curity cards.

Branded as a lunatic.

Plotting the destruction of the Republican  
Party.

Paving the way for a totalitarian govern-  
ment.

Sending American labor down the road to  
wage slavery.

Trying to establish a link between the  
right wing in the U.S. and Bavaria, because  
he happened to take a post-convention trip  
to Germany.

Goldwater lamented that the whole cam-  
paign against him was based on fear of him  
and Lokos offers a relentless rebuttal to the  
hysteria of 1964. He calmly but devastatingly  
shows the difference between what Gold-  
water really said in some of his speeches and  
what some of the reports quoted him as say-

ing. Distortion of the Arizona senator's re-  
marks was practiced with sheer brutality.

To quote a foreword to the book, "In one  
excruciating chapter—appropriately titled 'A  
Diary of Defamation'—he traces the long,  
livid scar of hate and fear that ran from one  
end of the campaign to the other."

Lokos examines the issues that dominated  
the campaign and describes how to the hor-  
ror of Goldwater and his associates, they  
"saw their positions distorted beyond recog-  
nition, their motives impugned and their  
sanity questioned."

The lunatic connotation was a low blow  
and someone seems to be still at this in-  
sidious business. It was rather disquieting  
to read a story in Tuesday's edition of The Ariz-  
ona Republic stating that former President  
Eisenhower considered Goldwater "nuts"  
during the '64 campaign. This, according to  
an Arthur Larson, one-time White House  
consultant and speech writer, in a preview  
of his Eisenhower biography.

Such a remark, if true, is unworthy of a  
former president and why did such a crack  
find its way into a news story about the  
Eisenhower book anyway? Who is still  
throwing the knife and why?

The sad part of the whole matter is that  
the heat against Goldwater was first gener-  
ated by men in his own party before he was  
ever nominated at the Republican National  
Convention in San Francisco.

As Lokos notes, admit that Goldwater  
threw away the political rule book on the day  
he accepted the GOP nomination with the  
unfortunate but greatly overplayed remark  
near the end of his speech—"Extremism in  
the defense of liberty is no vice—Moderation  
in the pursuit of justice is no virtue."

This was just what the opposition was  
waiting for and the jackals shot him down  
with it but many political observers will  
tell you that the Goldwater cause was lost  
before he ever made his acceptance speech.

Republicans like Rockefeller, Romney and  
Scranton, governors all, dealt the mortal  
blows before the convention assembled.

Romney's choicest anti-Goldwater remarks  
furnished potent ammunition for the oppos-  
ing party during the general election cam-  
paign, such as, "The Republican convention  
will either take actions that will enable the  
party to provide leadership the nation needs,  
or commence the suicidal destruction of the  
Republican Party."

Among other bitter things, Scranton said,  
"I reject the echo we have thus far been  
handed—the echo of fear and reaction, the  
echo from the never-never land that puts our  
nation on the road backward to a lesser place  
in the world of free men."

The Pennsylvania governor continued to  
spread his venom as he tossed out this blast,  
"Goldwaterism has come to stand for a  
whole crazy-quilt collection of absurd and  
dangerous positions that would be soundly  
repudiated by the American people in  
November."

Governor Rockefeller, in the California  
primary, made a noose of the word extremism  
and looped it around Goldwater's neck.

He expressed fear of the fear that if Gold-  
water were nominated the Republican Party  
would go down the drain and the two-party  
system in America, consequently, would be  
destroyed.

The spillers, the architects of the policy of  
rule or ruin, had done their work well. What  
Rockefeller had begun in the spring, Scranton  
finished in June and at the convention—  
painting for the American people the picture  
of a half-crazed leader indifferent to the  
needs of the American society at home and  
eager to plunge the nation into war abroad.

Some time after his defeat, Goldwater said,  
"Rockefeller and Scranton cut me up so bad,  
there was no way on God's green earth that  
we could have won. I knew it the day after  
the convention."

The scurrilous nonsense was accelerated  
through the general election campaign as  
the opposing party and many others of  
Liberal ilk leaped in for the kill. For sheer,  
vindictive fury, their wild rantings have  
never been equaled in a presidential cam-  
paign.

It was rather sickening to hear the ex-ball  
player Jackie Robinson, for example, declare  
that "Barry Goldwater, at best, is a hopeless  
captive of the lunatic, calculating right-wing  
expression. A challenge must be issued to the  
Negro people to assure that Goldwaterism  
and extremism and anti-Negroism will be so  
brutally defeated that they will never again  
threaten the future of America."

Roy Wilkins declared flatly that a Gold-  
water victory would bring about a police  
state and the late Dr. Martin Luther King  
forecast "a dark night of social disruption if  
Barry Goldwater is elected president."

Walter Lippmann denounced Goldwater as  
"an enemy of the poor" and George Meany  
compared Goldwater's rise to that of Hitler,  
"to whom no one paid much attention until  
suddenly the crackpot took over."

Hubert Horatio Humphrey, who this year  
aspires to be elected president of the United  
States, in a speech at Terre Haute, Ind.,  
tossed out this rot, "Mr. Goldwater's free-  
dom is the freedom to be uneducated, to be  
sick, to be hungry, to be unemployed."

The once-respected Saturday Evening Post  
delivered the most venomous attack of all,  
in which, among other things, it said "Gold-  
water is a grotesque burlesque of the con-  
servative he pretends to be. He is a wild man,  
a stray, an unprincipled and ruthless politi-  
cal jujitsu artist."

This from a magazine that so sanctimon-  
iously condemned extremism in others.

This sort of scurrilous, underhanded as-  
sault on Goldwater, the man and the candi-  
date for the presidency, went on and on.  
Everything about him was so distorted that  
his campaign didn't have a chance to click.

The Arizona senator made some fine  
speeches during the campaign but his treat-  
ment was so shabby, so cruel, so vindictive  
and his battered image so smeared that the  
majority of the American people just left him  
bleeding and bruised by the roadside.

Time and again he made his position crys-  
tal clear on the major issues on which he  
had been maligned but the message didn't  
get across.

Neither common decency nor ordinary  
common sense prevailed. He was crucified by  
detractors who should be proud of them-  
selves. They helped write the blackest, most  
shameful chapter in American political his-  
tory.

Where are those detractors now. Well, some  
of them are in the Republican Party still  
trying desperately to save the party for  
themselves, singing the old refrain, "the other  
fellow can't win."

As I think back, after reading Lokos' book,  
one indisputable fact clings to my memory.

We in Arizona who know him best, exclud-  
ing the political opportunists who are op-  
posed to him, have never considered Barry  
Goldwater, sick, mentally or otherwise, fool-  
ish, dangerous or in any sense a wild man.

In his first experience politically, he was  
elected to the Phoenix City Council back  
about 1948 and took the lead in establishing  
a clean, efficient form of government which  
has stood the test through the years. We  
shudder to think what would have happened  
if Phoenix, in its greatest period of growth,  
had been saddled with the type of govern-  
ment Goldwater and his colleagues threw out.

In 1950, he had a lot to do with electing  
Howard Pyle as the first Republican gover-  
nor of Arizona in 22 years. He ran success-  
fully for the United States Senate in 1952  
against Ernest W. McFarland.

His campaign speeches did not bear the  
mark of a wild man. To the contrary, he  
showed a deep understanding of state and

national problems and his remarks certainly made good sense.

From the time he entered the Senate, Goldwater was given preferential treatment by his GOP colleagues, partly because he had dethroned McFarland, the Senate majority leader, and partly because he displayed real ability and promise.

Many of the Democratic senators liked and respected him. He was given important committee assignments.

After his re-election in 1958, the Republicans made him chairman of the Senate campaign committee and he went about the country helping raise money to re-elect GOP senators and making many, many speeches.

In those days, Goldwater was respected and his remarks treated with respect by the press of the country. There wasn't the remotest suggestion that he was on the lunatic fringe, that he was unsound or reckless, a wild man incapable of wise and prudent action and thinking.

That didn't come until he sought the highest office in the land. No man, especially one in the prime of life, could disintegrate so rapidly into the atrocious character painted by his enemies. Think it over!

Arizonans should have rallied behind Barry Goldwater when the political assassins started after him. They knew he was not the kind of a man they said he was. But many of us in Arizona who should have really helped just stood by and did little or nothing and he barely carried his own state against Lyndon Johnson.

One more remark and I am done.

What were the predictions in 1964 if Goldwater were elected president?

The frightening picture of what he would do in Vietnam. Certainly he would accelerate the war and American boys would die there.

That he would provoke racism and riots on the streets of America.

That he would bring America to the brink of economic ruin.

Well, how has Lyndon Johnson taken us during his last four years in the presidency?

#### MARION TAPP, 21, DIES IN VIET ACTION

### HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1968

Mr. LONG of Maryland. Mr. Speaker, Cpl. Marion N. Tapp, a fine young man from Maryland, was killed recently in Vietnam. I wish to commend his bravery and honor his memory by including the following article in the RECORD.

MARION TAPP, 21, DIES IN VIETNAM—PORT DEPOSIT MAN KILLED IN HELICOPTER ACTION

A 21-year-old soldier from Port Deposit, Md., who told his family he considered himself safer in Vietnam than at home has been killed in action, the Defense Department said yesterday.

Cpl. Marian N. Tapp was reported killed on July 12 when a helicopter in which he was a gunner was shot down by enemy gunfire.

#### SECOND TOUR OF DUTY

Corporal Tapp, the son of Mr. and Mrs. Marion Tapp, was a 1966 graduate of Perry High School in Cecil county. Raised on his father's farm, he joined the Army two months after graduation and "planned to make the military a career," a family spokesman said yesterday.

He served six months in Vietnam in 1967 and returned in April of this year for a second tour of duty, for which he volunteered.

"He just couldn't wait to get back," a relative said.

"He said often that he felt safer over there than at home," it was added.

A member of the 1st Air Cavalry, Corporal Tapp was a chief gunner.

In high school, he was on the soccer and wrestling teams.

Surviving, in addition to his parents, are a brother, William T., 16, and two sisters, Eva May, 19, and Cathy, 6.

#### FIREARMS LEGISLATION

### HON. JOSEPH D. TYDINGS

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Thursday, August 1, 1968

Mr. TYDINGS. Mr. President, last week I received from a Maryland constituent a terse note that I should like to share with Senators:

HYATTSVILLE, Md.

One week . . . one newspaper. Twenty-nine incidents involving firearms in the hands of private citizens. Ten deaths caused by these private possessors of firearms. Fourteen robberies conducted at gunpoint.

How long must we wait for strong gun legislation?

Sincerely,

KERRY RAINES.

Mr. President, the letter speaks for itself. I ask unanimous consent that the articles be printed in the Extensions of Remarks.

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

[From the Washington Post, July 21, 1968]

#### EMPLOYEE ROBBED OF NEARLY \$2000

William Jordan, an employe of the Peel Cleaning Service, gave up nearly \$2000 about 11:40 a.m. yesterday to two holdup men who entered the store at 963 Calvert st. n.w. and forced him to open the safe and cash register at gunpoint.

[From the Washington (D.C.) Post, July 20, 1968]

#### THREE ROB SAVINGS AND LOAN, SUSPECT HELD

Three men in their 20s, all armed with revolvers, took about \$1000 from a cash drawer at the Franklin Federal Savings and Loan Association, 2381 Rhode Island ave. n.e., yesterday, police said. One was caught by FBI agents as the trio ran off.

Police said the manager, Jacqueline Guy 25, told them she and a teller were alone in the office around 1:45 p.m. when the men entered. They made her open the door to the teller's cage and removed the money from a drawer, she said.

As the men ran down Rhode Island Avenue n.e. two FBI agents driving past spotted them and gave chase. A block and half away, the agents took Harry L. Brown Jr., 21, of 815 Maryland ave. n.e., into custody. He was charged with armed robbery.

#### FIRM IS ROBBED BY "JOB SEEKERS"

A man who said he was looking for a job pulled a revolver on the manager of the Arrow Window and Building Cleaning Co. yesterday and escaped with \$100, police reported.

"I've never been a window cleaner," the man said as he aimed his gun at William Warner, 60, manager of the company at 931 New York ave. n.w., and three other employes. He took \$100 from Warner's wallet after herding the four into a back room and making them lie down on the floor, police said.

Warner, who was kicked in the side by the robber and struck on the side of his face with the gun barrel, was treated at George

Washington University Hospital for cuts and released.

#### TWO CONVICTED OF ASSAULT IN GUNFIGHT WITH POLICE

(By Lawrence Feinberg)

EASTON, Md., July 19.—Clyde Edward Laws and Thomas Franklin Dorman were convicted today of assault with intent to murder two Montgomery County policemen in a gunfight while making their getaway after a supermarket holdup.

The pair, both Midwesterners who have served jail terms in several states, were also convicted of the armed robbery of about \$1500 from the Kroger Food Store at 13701 Georgia ave., Wheaton, on Feb. 8, 1967. The shoot-out with the police took place several minutes later—about two miles down the highway.

A Talbot County jury took 1 hour and 15 minutes to reach the verdict at the end of a two-day trial. Talbot Circuit Court Judge Harry E. Clark scheduled sentencing for July 31. Each of the defendants faces up to 50 years imprisonment.

In May they were each sentenced to 20 years' imprisonment after being convicted of kidnaping a drugstore clerk as they completed their getaway.

Montgomery County Deputy State's Attorney Andrew L. Sonner said he will seek a trial soon of Rose Haas Solle, 43, 4513 Sangamore rd., Bethesda, who has been indicted as an accessory for sheltering the men.

Laws, 40, was arrested in Missouri last May 19. Dorman, 37, was captured by the FBI two days later in Indiana. Both had been placed on the FBI's list of 10 most-wanted criminals.

At the trial police Pvts. Raymond J. Brown Jr. and Theodore O. Chick, both of the Wheaton substation, testified about the gunfight, which occurred after they stopped the defendants' car at the corner of Georgia Avenue and Wiseman Road.

Brown said Laws walked toward him "with a smile on his face" and shot him in the side from an arm's length away. The policeman has recovered.

In the gunfight that followed, Chick said shots were also aimed at him but neither he nor Brown was able to identify Dorman as the second gunman.

However, Clement L. Lanham, head cashier of the Kroger store, testified that both Laws and Dorman took part in the robbery.

Det. Sgt. Richard F. Kitterman said two laundry slips with Dorman's name on them were found in the glove compartment of the car used in the getaway.

Detainers have been issued for the two men by Fairfax County in connection with a holdup at another Kroger store four days before the Wheaton robbery.

#### PAIR OF BANDITS ROB BANK NEAR SEVEN CORNERS

Two armed men held up the Willston Shopping Center branch of the Mount Vernon National Bank and Trust Company near Seven Corners about 10 a.m. yesterday and fled with \$2900, Fairfax County police reported.

The men were believed to have had a third accomplice waiting outside as a lookout. They abandoned a getaway car, which had been reported stolen, near the scene of the robbery.

#### NERGO MINISTER TRADES GUNFIRE WITH RIDERS

IRASBURG, Vt., July 19.—A Negro minister who moved here with his family recently, traded gunfire today with assailants who shot at his home from a passing car.

No one in the house was injured. The Rev. David Johnson said he did not know if any of the shots he fired hit the car.

The minister and his wife and four children moved here two weeks ago from Seaside, Calif.

Police said at least four blasts from a 12-gauge shotgun were fired at the house. The shots came from a car which cruised past the house twice.

Reverend Johnson returned six shots from his second floor bedroom window and said he wasn't sure whether he had hit the fleeing car.

#### THREE THOUSAND IN VIRGINIA DIED OF GUNSHOTS IN 5 YEARS

RICHMOND, July 19.—Firearms caused the deaths of nearly 3000 Virginians in the five-year period of 1963 through 1967, a Virginia Department of Health report disclosed Thursday.

There were 249 firearm deaths among Virginia residents during the first four months of 1968, the report said, and the figure is expected to top 800 before the year ends.

More than half the deaths during the 1963-67 period, the report said, were suicides. Homicides accounted for 35 per cent of the firearm deaths during the period and accidents 9 per cent.

The number of firearm deaths reported annually during the period indicated an annual average increase of 5.4 per cent, with the greatest percentage increase in homicides.

The 40 to 49 year age group was the most common in firearm deaths, with more than half the homicides occurring in the 20 to 39 year age group.

#### ONE MAN SHOT IN HAIGHT-ASHBURY—45 ARRESTED IN SAN FRANCISCO VIOLENCE

SAN FRANCISCO, July 19.—A man was shot and a policeman injured as violence flared for the third straight night in the Haight-Ashbury hippie district.

Michael Moore, 20, suffered a gunshot wound in an arm. Police said it was not determined who fired the shot.

Last night's outbreak followed the pattern of previous disturbances. False alarms attracted fire trucks, which were called in to assist.

Police were targets of fire-bombs and debris when they were called in to assist.

Officers made more than 45 arrests, bringing the three-day total to about 100.

Several stores were looted for the second time and broken glass again littered Haight Street. Sniper fire was reported for the first time in the series of disturbances.

There were 200 officers in the area at the height of the disturbances, and Mayor Joseph Alioto warned of tougher enforcement.

"Drug peddlers are not going to use the Haight-Ashbury neighborhood as a rendezvous for idle and unthinking youngsters," Alioto said.

In disorders elsewhere:

Two teen-agers were wounded by shotgun pellets in a rock-throwing spree by 250 youths in Akron, Ohio, tonight despite a dawn-to-dusk curfew that was extended tonight following disturbances earlier in which 110 persons were arrested.

Police and National Guardsmen used tear gas to disperse the mob. A bar owner was arrested on charges of firing the shotgun into the crowd.

In Seattle, two policemen escaped with minor injuries in a disturbance during which firemen, extinguishing an auto fire, were pelted with stones by a group of 50 to 60 young people. Some looting was reported early today.

[From the Washington (D.C.) Post, July 19, 1968]

#### FOUR POSING AS MAILMEN ROB BANK OF \$8,000

The First National Bank of Washington, 800 Independence ave. sw., was robbed of \$8000 yesterday by four bandits dressed as mailmen and wearing kerchiefs over their faces, police said.

Reva Martin, 54, a teller, said the robbers entered about 9:50 a.m. She said three carried pistols and the fourth had a shotgun.

One bandit ordered the bank's four customers and seven employees to stand in the rear by the manager's desk. While the man with the shotgun guarded the door, two of the others jumped over the tellers' counter and put the money from the four cash drawers into mailbags.

"Keep still—nobody move," one bandit said as they walked out the front door and climbed into a stolen car, which they later abandoned at the Southwest Freeway and 4th Street.

#### OFFICERS TELL OF GUN DUEL AFTER HOLDUP

EASTON, Md., July 18.—Two Montgomery County policemen testified today about their dramatic gun duel with Clyde Edward Laws and Thomas Franklin Dorman after a February, 1967, holdup.

Laws and Dorman, both itinerant Midwesterners, are on trial here for the armed robbery of about \$1500 from the Kroger Food Store in Wheaton. They are also charged with assault with intent to murder the two police privates, Raymond J. Brown Jr. and Theodore Chick, both of the Wheaton substation.

The policemen stopped the pair at the corner of Georgia avenue and Wiseman road a few minutes after the robbery.

Brown testified that Laws approached him "with a smile on his face" and shot him in the side from an arm's length away. The policeman has recovered.

Chick said the gunfight followed as the two men sped away. They were arrested three months later in the Midwest.

In May, Laws and Dorman were convicted here of kidnapping a drugstore clerk as they completed their getaway. They were both sentenced to 20 years' imprisonment.

#### GUN DUEL ERUPTS IN BANK THEFT

Two policemen and three bandits exchanged gunfire yesterday after the \$8500 holdup of the National Bank of Washington branch at 2844 Alabama ave. se.

Police said they believed no one was hurt in the shooting as 11th Precinct Pvt. Albert C. Lorraine, 25, and John J. Campbell, 28, chased the robbers to the corners of Akron street se., where they jumped into a stolen car and escaped.

The three men, two carrying pistols, entered the bank about 12:40 p.m., police said. One walked up to the guard, stuck a gun in his stomach, disarmed him, and said, "This is a holdup."

The ten employees and customers were ordered to lie on the floor as one holdup man vaulted the tellers' counter and cleaned out four cash drawers.

The second bandit held a gun on the customers and employes, while the third stood at the door with a gun, the police said.

As the robbers were leaving, one of them fired a shot into the wall. This attracted the attention of Lorraine and Campbell, who were on foot nearby.

The policemen raced after the men, one of whom fired two shots at them. Lorraine fired two shots in return.

#### LONE BANDIT ROBS HOWARD JOHNSON'S

A holdup man took \$94 from the Howard Johnson's Motor Lodge in Silver Hill yesterday.

Prince George's County police said the bandit entered the motel's lobby at 3 a.m. and asked Marcus L. Night, the night clerk, to change a \$1-bill so he could make a telephone call. He then produced a gun and forced Night into a rear room before fleeing on foot.

[From the Washington (D.C.) Post, July 18, 1968]

#### SOUTHEAST MAN'S DEATH IS RULED A SUICIDE

The death of Hudie Wrenn Jr., 35, of 832 Barnaby st. se., was ruled a suicide yesterday by the coroner's office.

Police said Wrenn was found dead in the

bedroom of his home about 6:30 p.m. Tuesday by relatives. They said he had a bullet wound in the chest and a .38-caliber revolver was found next to his bed.

#### BANDITS GET \$30,000 AT BANK HERE

Four bandits, two of them armed with shotguns, fled with about \$30,000 yesterday from the American Security & Trust Co. branch at 5911 Blair rd. nw., police reported.

A shot was fired by one of the gunmen during the holdup, but it went through a back window and no one was injured. The bandits fled in a car that had been reported stolen less than two hours earlier in Northwest Washington, police said.

The robbers entered the bank about 2:45 p.m. and one of the gunmen ordered assistant treasurer Milton O. Jones, 57, to get into the head cashier's booth.

Another bandit vaulted the counter and toured the five cashier booths and drive-in window, gathering money, according to police.

The four men then ran to a car and took off at a high rate of speed. The car had been reported stolen at 1 p.m. from in front of the home of its owner, Lillian J. Phillips at 1842 Capitol ave. ne., police said. It was found abandoned after the holdup at Maple and Grant Avenues, Takoma Park.

#### DAPPER HOLDUP MEN ROB ARLINGTON BANK

Two young men, one of them armed, robbed an Arlington bank of more than \$19,000 yesterday morning, police reported.

The two, described as well-dressed and wearing gloves, entered a branch of the Fidelity National Bank at 1233 Jefferson Davis hwy, shortly before 11 a.m. One pulled a small revolver and forced two tellers, the only people in the bank, to lie on the floor, police said.

The second man then scooped the money out of the cash drawers and from an open wall safe.

#### ROBBERY, RAPE TRIAL UNDER WAY

Trial began yesterday in Prince Georges Circuit Court for Eddie Nance, 21, charged with rape, robbery and burglary during a gang invasion of an Accokeek home on Jan. 15.

A jury of nine men and three women heard the victim's husband tell how four men came to his home and asked to borrow an automobile jack and then to use the telephone.

This was the prelude to an evening rampage during which the man's 60-year-old wife was raped, the eldest son beaten, five family members tied up, the house ransacked and valuables taken.

"This fellow right here," said the victim's husband as he pointed to Nance. "He was the one requesting the use of the phone . . ."

"He shoved me aside and ran into the den. When I got there he was standing in front of the television with a drawn automatic."

Nance, who is listed at 859 51 st. se., did not testify yesterday. His attorney, George P. Lamb Jr., repeatedly challenged witnesses' ability to identify Nance.

Awaiting a separate trial on the same charges and sodomy is Charles W. Alston of Washington. A warrant has been issued for the arrest of a third man, Francis Delilly Jr., an escapee from Clifton T. Perkins State Hospital.

#### JET FORCED TO CUBA WITH FAKE GRENADE

(By Ben Funk)

MIAMI, July 17.—A DC-8 jetliner forced to fly to Cuba by a desperate, Spanish-speaking gunman who said "Fidel ordered me back" was returned to Miami this afternoon without its passengers.

The 57 passengers who had been left behind in Havana, were flown back in a chartered plane late tonight.

National Airlines Capt. Sidney L. Oliver, the pilot, said Cuban authorities refused to let him bring back his passengers because of safety reasons.

The interrupted Los Angeles-to-Miami flight included a tense refueling stop in New Orleans during which the gunman threatened to blow up the plane if any officials came near the craft.

Oliver said the hijacker boarded the plane in Los Angeles and was listed on the passenger list as "Hernandez." Oliver said he threatened to blow up the plane with a phony grenade that later turned out to be a can of shaving lotion.

Stewardess Kathleen Dickinson acted as interpreter for the hijacker, who Oliver said was "extremely nervous." Miss Dickinson quoted the hijacker as saying: "Fidel has indicated to me that I've got to go back to Cuba any way I can."

"I tried to pump him but I couldn't get any more than that except that he missed his family and friends very much," the 23-year-old Miami girl said.

When they arrived in Cuba, Oliver said, the hijacker "made a big show of unwrapping his hand grenade. It was a can of Old Spice shaving lotion."

FBI agents met the crew when the four-engine craft touched down at 5:11 p.m. EDT.

The return was a replay of a hijacking July 1 when a Northwest Orient Airlines DC8 was forced to Cuba and came back to Miami without its 86 passengers, brought back several hours later by an aircraft chartered by the U.S. Government.

Today's hijacking marked the first time one of the commandeered planes had stopped for refueling before heading to Cuba.

The refueling was accomplished in a tense, 10-minute scene in New Orleans after the hijacker took charge of Flight 1064 over Texas.

He threatened to blow up the plane with his so-called grenade if police got too close.

"I got disturbed at the New Orleans airport," the veteran pilot said. "He told us emphatically that he didn't want anybody around the plane when it landed."

Miss Dickinson said the hijacker approached her shortly after the plane left Houston.

"He had this thing in his hand," Oliver said. "He called it a hand grenade and it was wrapped up in a cloth and it looked like a grenade. He held it like a grenade."

Oliver said the hijacker repeatedly pointed his pistol at the phony grenade, threatening to fire.

When the plane arrived in Havana, Oliver said, the dark-complexioned hijacker was the first person off and, walking jauntily, was escorted away by security guards.

"I've got a Cuban in the cockpit with a grenade in one hand and a pistol in the other," Oliver reported by radio as the plane winged over the Sabine Pass on the Texas Gulf Coast. "I am being ordered to Cuba."

The flight had originated in Los Angeles and made a scheduled stop at Houston. It was 35 minutes away from a landing at New Orleans when Oliver reported that he no longer was in command of the plane.

Oliver told the hijacker the plane had 36,000 pounds of fuel, not enough to fly nonstop to Cuba.

Then the pilot reported to the New Orleans control tower that he was coming in for a fuel stop, but warned that it would be dangerous to attempt to hold the plane on the ground.

"This character is requesting to go to New Orleans to get fuel," Oliver said, "but no one can deplane. No one can get close to the airplane except people to refuel."

Later, he told the tower, "Need enough fuel to get into Havana and back out. Pull two trucks up to airplane with a grenade."

"Tell everybody in New Orleans to get on the ball. This guy is running a time clock on us right now. We are going to leave one

engine running. Tell operations to stay away."

"Keep well away from the aircraft," Oliver warned. "Any unusual activity and he's going to pull the pin. This boy's got it in his hand. I don't know if he'll pull it, but he's damn certain he will."

FBI agents and police stood by helplessly as Oliver taxied to a stop at the far end of a runway on the gunman's orders.

It took exactly 10 minutes to top off the fuel tanks at 70,000 pounds. Then the plane took off for Cuba.

[From the Washington (D.C.) Post, July 17, 1968]

#### POLICEMEN HELD IN SNIPER CASE

TOMS RIVER, N.J., July 16.—Two policemen and a businessman were arrested today on charges they illegally sold the 59-year-old revolver Angel Angelof used three weeks ago in the fatal sniper shooting of two persons in New York City's Central Park.

Ocean County prosecutor Robert H. Doherly Jr. said the two Jackson Township policemen bought the vintage .45-caliber Smith & Wesson without a permit from a local dealer.

Police Pvt. Frederick L. Matteson, 38, who was shot in the head and chest on July 2 in a struggle in which his partner lost his life, was reported making good progress yesterday at the Washington Hospital Center.

The Tenth Precinct policeman has been removed from the critical list although his condition is still considered serious because fragments of a bullet are lodged in the left side of his brain.

This caused paralysis of his right side, but he is regaining some movement, said Dr. Ronald W. Strong, a member of the Board of Police and Fire Surgeons. He added that a physiotherapist is helping Matteson with exercises and that Matteson has started lessons in walking.

Matteson is able to "make his wants known" and to answer simple questions but has difficulty remembering some events before the shooting, Dr. Strong said. Only members of his family are allowed to visit him. His wife has a room at the hospital.

#### GUNMAN TRIPS, WIFE SHOT

SANFORD, MAINE, July 16 (AP).—A Dover, N.H., man who held his wife at gunpoint in a brother's home apparently shot her accidentally tonight and was himself wounded by police trying to serve an assault warrant.

Doctors at Goodall Hospital said the wife, Marilyn Goodwin, 25, had one bullet in her head and her condition was extremely critical. Her husband, Ralph, 28, was wounded by three bullets.

Photographers entered the house with police and took photographs of Goodwin holding a pistol to his wife's head as they sat on a couch.

Goodwin had barricaded himself inside the home holding his wife as a hostage and refusing to surrender to the police. After some time he agreed to come out to talk with newsmen and emerged with the gun pointed at his wife's head.

Witnesses said he evidently tripped descending the steps, lost his balance and the gun went off, wounding his wife. Police surrounding the home returned the fire, wounding Goodwin.

Armed rider—Unidentified motorcyclist drives through heart of York, Pa., Negro district, which was quiet for the first time in six days of sporadic disorders.—(Caption)

Two of the weapons that police in Greensboro, N.C., say were found on the floor of a car used by outlaw Edward Thompson, Jr. are shown behind driver's seat.—(Caption)

TRAIL OF ABDUCTIONS, MURDERS, RAPE LEADS TO CAPTURE OF OUTLAW

(By Peter A. Jay)

An ex-convict, branded an outlaw and sought in Virginia and North Carolina on rape and kidnap charges, was captured yesterday with three frightened teen-age girl hostages huddled unharmed in a stolen car.

Edward Thompson Jr., 37, armed with a rifle and a revolver, was hemmed in by police as he headed south through Greensboro, N.C., at about 4:30 p.m. yesterday.

Two hours earlier, the bodies of the mother of one young hostage and the father of another were discovered 100 miles to the north in an abandoned shed outside Roanoke, Va.

Roanoke police said the victims, Hester S. Freeman, 50, and J. Howard Davis, 46, both of the Roanoke area, had been shot in the head.

Mrs. Freeman's daughter Hester E., 17, her niece, Matilda Love, 13, and Davis's 13-year-old daughter Joanne Ellen were taken from the car, which police said was stolen from Davis.

Col. Walter A. Burch of the Greensboro police said the girls were "a little hysterical" but unhurt. Relatives took them home to Roanoke last night, where they were interviewed by Roanoke County Commonwealth's Attorney Raymond L. Robrecht and Sheriff Oscar Foster.

Robrecht, in a press conference early this morning, said two charges of murder and three of kidnaping were placed against Thompson about midnight, after he and Foster interviewed each of the girls in their home and evaluated their testimony.

Foster said he will go to Greensboro later today to serve the warrants and begin extradition proceedings.

Thompson, who arrest record dates to 1948, already faced rape, armed robbery and kidnap charges stemming from four other cases in two western North Carolina counties over the past two months. In one of the warrants, he is accused of kidnaping a Hendersonville, N.C., physician and his wife and drugging the doctor with his own morphine.

Since May 8, he has led law enforcement officials a chase of more than 400 miles through the hills of North Carolina and Virginia. A North Carolina judge formally declared him an outlaw under an archaic and seldom used North Carolina statute. This meant that he could be shot on sight by any citizen.

Police gave this chronology of Thompson's wandering flight, in which he before yesterday is accused of kidnaping 6 persons, raping two, assaulting a police officer and stealing four cars and an undetermined amount of cash.

On May 8, he was charged with assaulting a Hendersonville, N.C., police officer, Homer Reed, firing a wild shot from his revolver and fleeing.

#### KIDNAPS DOCTOR

Two days later, Henderson County Chief Deputy J. Neal Grissom said, Thompson was charged with abducting Dr. William Alexander, a local physician, and his wife at gunpoint. Mrs. Alexander said Thompson told them he was fleeing the police.

Before releasing the couple, the Henderson County warrants say he forced Dr. Alexander to inject himself with morphine, Grissom said the doctor was not injured by the injection.

Thompson's next appearance was in the Henderson County town of Green River, where he is accused of kidnaping a man identified in warrants only as Beddingfield, and a 17-year-old girl. The girl was raped, and police said Thompson fled on foot after Beddingfield intentionally wrecked the car.

A week later to the day, Sheriff Leroy Reavis of Iredell County, southeast of Hendersonville, said an armed man found 22-

year-old William Robert Lewis and a 14-year-old girl companion parked on a country road and kidnaped them.

The man raped the girl twice, Reavis said, robbed Lewis at gunpoint and drove off in Lewis's new car with Lewis locked in the trunk and the girl in the car.

Lewis and the girl were later released unharmed and identified Thompson from photographs as their assailant, Reavis said. Thompson is charged with rape, armed robbery and kidnaping in Iredell County warrants.

Lewis's car was found abandoned in Yadkin County, 50 miles due north of Iredell and just west of Winston-Salem. Shortly thereafter, a pickup truck was stolen from the Winston-Salem area.

The pickup truck did not reappear until yesterday, when it was found near a shed in Roanoke County, about eight miles from the city, where the bodies of Davis and Mrs. Freeman were discovered.

The victims, along with the three hostages recovered from Thompson's car, had been missing since lunchtime Monday when Davis vanished while on his way to the Freeman home. Mrs. Davis, looking for her husband later, found the Freeman house empty, lunch on the table and a pot of coffee boiling unattended on the stove.

#### SEARCH STEPPED UP

At that point the search for Thompson intensified, as hundreds of police combed the Roanoke area and Thompson's home county of Rockingham, N.C., 50 miles to the south.

Thompson "knows all there is to know about this area," said Rockingham County Sheriff Carl Axson. "When I was a deputy sheriff in 1948 we ran him through these woods with bloodhounds. He was a hard one to catch."

Thompson was charged with murder in that case. He was later acquitted. Thompson has been convicted of a number of other crimes and was most recently released from jail early this year, authorities said.

Yesterday, Thompson's brother reported to Rockingham County officials that he thought he had seen the defendant driving a car that matched the description of Davis's missing 1968 Dodge, and accompanied by three girls.

Greensboro police set up roadblocks outside the city, but Thompson somehow eluded them. He was nearly through the city before police spotted him, surrounded his car and blocked it with a garbage truck. They said Thompson surrendered quietly.

The suspect was taken to the Greensboro City jail and subsequently moved, police said, to "an undisclosed location."

Thompson's designation as an outlaw came June 25, by Buncombe County Superior Court Judge W. K. McLean in Asheville, N.C., at the request of Henderson County Sheriff James Kilpatrick.

Greensboro police Col. Burch said he had heard of the statute being invoked only "twice in my 27 years as a police officer."

Few other states have such a statute. A Virginia State police spokesman said the Old Dominion abandoned a similar law more than a dozen years ago.

[From the Washington (D.C.) Post, July 16, 1968]

#### SHOWDOWN DEFUSED NEAR 14TH AND U (By Leon Dash and William N. Curry)

A confrontation between police and about 100 persons was defused early yesterday several blocks from the scene of the fatal shooting of a Negro Sunday morning by white policemen.

In yesterday's incident, Theodore R. Jones, 25, was arrested and charged with disorderly conduct and another man said he was bitten by a police dog.

The incident occurred about 12:40 a.m. in an area that is tense with resentment over

the shooting, in the 1900 block of 14th Street, of Theodore R. Lawson.

The crowd was attracted after Jonathan Barnes, 30, of 2015 15th st. n.w., the New Dunbar Hotel, was shot in an altercation with another person—not a policeman—in the 1400 block of U Street.

The incident occurred after a group of 20 persons reportedly had just returned to the intersection from Mayor Walter E. Washington's house where they went to demand his resignation or the arrest of the two policemen involved in Sunday's shooting.

#### TWO MEN ROB MARKET IN SOUTHEAST

The Jumbo Supermarket at 3401 Naylor rd., se., was robbed last night of an undetermined amount by two men—one armed with a sawed-off shotgun and the other with a revolver, police reported.

Police said the men walked into the still-open store at 8:50 p.m. and ordered everyone down on the floor. They ordered a clerk to open a store safe, and when he said he was not able to, one of the men hit him on the head with the barrel of the shotgun, police said. The clerk received no medical treatment.

According to police an unarmed special guard slipped out of the store during the incident and tried to surprise the men through the back entrance. Police said the man carrying the revolver fired once at the guard, missing him but driving him away from the store.

Police reported that the men then emptied the store's cash register and fled.

#### IN BALTIMORE—FOUR NEGRO YOUTHS SHOT

BALTIMORE, July 15.—An 18-year-old Negro burglary suspect was fatally shot by a white City policeman here yesterday. A second Negro youth, 14, was wounded when police fired at him, also as a burglary suspect.

Seven fires, two false alarms and incidents of glass-breaking in Baltimore's East Side followed the second youth's shooting and prompted police to keep a heavy patrol in the area until 7 a.m.

In two other separate incidents early yesterday, two Negroes were shot from passing cars occupied by whites.

Gov. Spiro T. Agnew urged police officials to exert every effort to solve the shootings by civilians. In identical telegrams to Col. Robert J. Lally, State Police Superintendent, and Baltimore Police Commissioner Donald D. Pomerleau, Agnew said he was "gravely concerned over the reports."

In the fatal shooting of the 18-year-old, Patrolman Anthony E. Filipiak, 54, said that as he was investigating a report of an aged invalid being threatened, a youth attempted to run from the house. The officer said he fired only after the youth ignored his warning to halt.

Filipiak, the recipient of six departmental citations during 26 years on the force, was arraigned on a charge of homicide yesterday in Central Municipal Court.

Judge Basil A. Thomas postponed the case and released Filipiak in the custody of his district commander.

In the police shooting of the 14-year-old boy, he was shot after police were sent at midnight yesterday to a North Charles Street restaurant to investigate a burglary report.

Patrolman Paul Boone reported that he saw two people running from the basement. One of them, he said, fired three shots at him.

The patrolman said he shouted twice for the suspects to halt, fired two warning shots in the air, ordered them again to halt, then fired again.

Officials at Maryland General Hospital said the bullet that hit the 14-year-old apparently passed through his chest and back.

In another incident John M. Sheppard, 19, was shot at about 3:15 a.m. yesterday. Police said Sheppard was a passenger in a car

stopped at a red light when a green sedan occupied by four white men pulled alongside.

One of the white men shouted a racial epithet, police reported, then Sheppard was shot. He was treated for an injured finger and released from the hospital.

One hour and 15 minutes later, Betty Washington, 19, was shot as she stood talking to a friend a few blocks from the first shooting. The shot came from a blue and white sedan said to be occupied by five white men.

Miss Washington was treated at Johns Hopkins hospital for a lower-leg wound and released.

#### MAN SLAIN IN APARTMENT LIVING ROOM

Home Lewis Richards, 44, of 2802 Stanton rd. se., was shot to death yesterday in the living room of an apartment at 3944 C st. se. about 12:35 p.m., police said.

A gunman walked in and shot twice into Richards' chest as he was seated in the room, according to police, who said Richards then staggered to a rear hallway and collapsed.

His assailant was last seen running down an alley behind the apartment house, police said.

#### FORT MEADE SOLDIER SHOT IN OFF-BASE ARGUMENT

Army Spec. 5 Lloyd H. Edwards, who was shot in the left side of his chest early Friday, was listed in satisfactory condition yesterday at Kimbrough Army Hospital, Ft. Meade.

Edwards, 26, a member of 889th Medical Detachment at Ft. Meade and a resident of Los Angeles, was shot in an argument, police said. Maryland State police previously had reported erroneously that the shooting was fatal.

No arrests have been made in connection with the incident, police said.

#### BLADENSBURG COUPLE KILLED BY GUNSHOT

Police found a Bladensburg couple dead of gunshot wounds in the head Saturday night in their apartment. They said the deaths appeared to be a murder and suicide.

The victims were Joanne L. Chandler, 37, and Herbert Hoover Chandler, 35, of 4275 58th ave. The couple's children, age 7 and 5, were at their grandparents' home in Riverdale at the time of the shooting, police said.

Police said neighbors of the Chandlers reported hearing two shots about 9:30 p.m.

After breaking into the locked apartment, police said, they found Mrs. Chandler lying on her bed. Her husband was lying on the floor 10 feet away, a pistol in his hand, police said. He was a maintenance man for the Gateway Apartments, 4301 57th ave.

#### ARMY MATERIEL COMMAND'S SIXTH ANNIVERSARY

#### HON. ALAN BIBLE

OF NEVADA

IN THE SENATE OF THE UNITED STATES

Thursday, August 1, 1968

Mr. BIBLE. Mr. President, on August 1, the Army Materiel Command celebrates its sixth anniversary of service to our Army and Nation. Established in 1962, as a result of a major reorganization of the Army, the Army Materiel Command performs the wholesale logistics mission for the Army, including research, development, procurement, production, supply, and maintenance.

Since the Army Materiel Command's inception, its only commander has been

Gen. Frank S. Besson, a skilled logistical planner and manager, and a leading authority on transportation systems and requirements. General Besson directs his huge command using traditional military management techniques and a "vertical" type of management, in which over 50 project managers have been assigned to expedite the development of high-priority weapons and equipment systems. General Besson also operates through nine major subordinate commands, in directing the efforts of research and development laboratories, depots, arsenals, maintenance shops, proving grounds, and test facilities.

The Army Materiel Command task in support of the current conflict in Vietnam is to keep one-half million fighting men supplied with the weapons and munitions of war, and to sustain that effort with necessary research, developmental, and logistical programs. To this major effort by AMC is also added the mission of providing materiel support to the additional U.S. Army elements stationed throughout the free world, and of providing materiel aid to our allies.

During its 6-year history, the Army Materiel Command has met the challenges, and has compiled a remarkable record of outstanding achievement, marked by increased efficiency and economies. It is with pride that I salute General Besson and the 180,000 dedicated members of his command, for their indispensable contributions to the Army and our country.

I also ask unanimous consent to have printed in the Extensions of Remarks a news release on the progress and achievements of the Army Materiel Command during the past year.

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

**ARMY MATERIEL COMMAND SHARPENS LOGISTICAL SUPPORT OF COMBAT FORCES**

Increasingly effective logistical support of combat forces in the field characterized the past year's operations of the U.S. Army Materiel Command (AMC), which observes its sixth anniversary on 1 August.

Primary emphasis throughout AMC's huge network of more than 190 arsenals, depots, laboratories, proving grounds, procurement offices and other facilities has been placed upon providing the finest possible weapons, equipment and other supplies to front line troops in Southeast Asia—enough and on time.

This heightened support of the war effort in Vietnam has been achieved through development of improved weapons and equipment, expedited production and procurement, and streamlining of both the organization and procedures of the Army's largest logistics field command.

Commenting upon the performance of AMC over the past 12 months, General William C. Westmoreland, newly-appointed Chief of Staff of the Army, said:

"It is a pleasure to extend the heartiest congratulations and best wishes to the members of the Army Materiel Command as you celebrate the 6th anniversary of your service to the nation"

General Westmoreland, who recently completed four years as commander of the U.S. Army in Vietnam, added:

"The success of our fighting forces in Vietnam is a direct reflection on the Army Materiel Command's ability to keep the fighting men supplied with the best and most ad-

vanced materiel. Each member of the command can take pride in its fine record of achievement.

"I join with all the men and women of the United States Army in saluting your accomplishments and in expressing confidence that you will continue in the same tradition of excellence which you have established."

Major organizational change in the AMC structure involved the establishment in April of a U. S. Army Sentinel Logistics Command, giving AMC a total of nine major subcommands. The new subcommand, to be located eventually in Huntsville, Alabama, will provide logistical support to the Sentinel System, the Communist Chinese-oriented antiballistic missile system approved for deployment last year.

Also established early this year was a U. S. Army Advanced Materiel Concepts Agency as another step in assuring closer coordination between AMC and the Army Combat Developments Command in evolving new materiel concepts and systems for the Army of the future.

Announcement was also made of the testing of a new concept in worldwide logistics management, aimed at further improving supply service to troops in the field and at reducing equipment deadlines. Under the new concept, AMC will assume responsibility and accountability at depot level for selected "high dollar value" secondary items on a worldwide basis. In the past each overseas theater has been responsible and accountable for all supply items physically located in the theater. Secondary items as involved in this new concept are components and repair parts used in the assembly and maintenance of major end items such as tanks, aircraft or weapons systems.

AMC has stepped up its program to secure civilian employee volunteers for extended overseas assignments in support of the Vietnam effort. In addition, approximately 350 highly qualified civilians served as members of AMC quick reaction teams on temporary duty in Southeast Asia. These teams provide assistance in meeting unforeseen short-term requirements in connection with the supply and maintenance of equipment.

Frank S. Besson, Jr., Commanding General of AMC announced in May the establishment of an AMC award to provide recognition to all AMC civilian employees who have completed three months or more of service in a combat area. Recognition devices will be the USAMC Certificate of Recognition and a lapel emblem awarded in bronze for three months of service, silver for six months, and gold for nine months.

In a personal message on the occasion of AMC's anniversary, General Besson told AMC's more than 175,000 military and civilian personnel that they "may well be proud of AMC's increasingly responsive logistical support of our Modern Army."

"Without question," General Besson pointed out, "we have substantially extended the soldier's essential ability to 'move, shoot, see and communicate'."

Improved items of clothing and equipment which AMC is supplying in quantity to combat forces in Southeast Asia include poplin uniforms, nylon reconnaissance boats, and waterproof wrist compasses. A new, lightweight collapsible trenching tool is also being provided.

Procurement of the M-16 rifle has been stepped up with selection of two additional production sources. Additionally, the previous single supplier will expand production from 30,000 to 50,000 rifles per month.

Among specific items developed recently by AMC agencies with direct application to field requirements are:

A new variable body armor being procured for use in Vietnam. Ceramic armor plate is inserted into front and back vest pockets to provide protection against shell fragments.

Improved Aircrew armor for protection of pilots and aircrewmembers against small arms fire make use of ceramic tiles cured to fit the chest and/or back.

A collapsible, fabric 55-gallon capacity water drum to resupply potable water to platoon-size combat units in Vietnam. The cylindrical container can be transported by vehicle, boat, or aircraft. A valve arrangement permits filling of canteens and other containers.

In its sixth year of operation, AMC provided more than one billion pounds of high explosives in support of combat operations in Southeast Asia.

A contract was awarded for development, production and follow-on support of the Tactical Fire Direction System (Tacfire) with the first system scheduled for fielding in the 1970s. Tacfire will be employed at battalion, division and corps artillery levels, and provide an automated capability for processing of field artillery, technical and tactical data.

Advances in implementing Project ARMS (Army Master Data File Reader Microfilm System). Involving transmittal of supply management data via microfilm to the Army in the field. This concept, after initial feasibility testing in 1967, has grown to a current distribution of 400 sets of microfilm data being produced and distributed by the AMC Catalog Data Office. It is anticipated that projected users of microfilmed data will total approximately 2,500 by July 1970.

Procurement and logistical support of Army aircraft also has been expanded by AMC. In 1962, the Army aviation inventory stood at 5,692 aircraft, of which 49% were rotary wing aircraft. As of now, the inventory comprises more than 11,000 aircraft, including 79% of the rotary wing type. Army aircraft flew 1.6 million hours in FY 1962, while in FY 1968 the total flying hours reached 6.7 million, with more than one-third of the aircraft inventory operating under combat conditions.

Production and procurement of 375 of the Army's newest combat helicopter, the Cheyenne (AH-56A), was authorized early in January. Designed as a stable weapons platform, able to take off and land vertically, it will fly at speeds up to 220 knots. First engineering test flight of the Cheyenne was completed in September 1967.

Newest version of the Chinook helicopter, the CH-47C, was accepted for the Army in March. Improvements over earlier models include increased speed and payload and longer ferry range.

A production contract was awarded in March for the OH-58A light observation helicopter. It will have performance characteristics comparable to those of the Cayuse (OH-6A).

The Army also formally accepted and deployed the AH-1G Huey Cobra, a high-speed helicopter gun ship. In Vietnam, it has proved its capability to perform search and target acquisition, reconnaissance by fire, multiple weapons fire support, and troop helicopter support. As of May of this year, 838 AH-1G helicopters had been placed under contract.

Additional heavy-lift helicopter support has been provided for combat forces in Southeast Asia. Twenty-one CH-54A "Flying Crane" helicopters have been airlifted to Vietnam. In addition to performing normal combat heavy lift support duties, the aircraft has been credited with retrieving more than 300 downed aircraft since September 1965.

Testing of the Army combat version of an Air Cushion Vehicle (ACV) is underway. AMC, acting under expedited procurement procedures, modified a commercial ACV into a military configuration, fabricated three vehicles, trained the crews, and delivered the equipment to Vietnam in 11 months. The ACV will travel at speeds up to 70 mph and is capable of engaging the enemy with .50 caliber heavy

machine guns, 7.62 machine guns, and other weapons. Vital components and personnel are protected against enemy fire up to and including .50 caliber armor-piercing rounds.

The Armored Reconnaissance-Scout Vehicle (XM800) reached concept formulation stage in FY 1968. This is to be a small, lightweight, lightly-armed, highly-mobile vehicle for use in the scouting and reconnaissance missions of the armored cavalry and scout platoons. It will replace the M114A1 in the Army inventory.

Publicly exhibited during the past year were first prototypes of the jointly-developed U.S.-Federal Republic of Germany Main Battle Tank and Heavy Equipment Transporter. The tank, capable of firing guided missiles as well as conventional ammunition, features the latest state-of-the-art advances in fire control, suspension, armor protection and crew comfort.

Additional uses were worked out during the past year for the M113 armored personnel carrier. Bulldozer kits were developed and tested and have been sent to Vietnam for evaluation. Kits, to facilitate recovery of disabled vehicles and repair in the field, are also under development.

First production models of the new M60A1E2 combat tank were accepted in March and are now under test. This sophisticated weapon system, an improved version of the currently operational M-60, fires either missiles or conventional ammunition.

Fielding of the newest addition to the Army's fleet of general purpose vehicles—the M715 series, 1½ ton, 4x4 trucks—began in January of this year. This new vehicle has four-wheel drive, a top speed of 60 mph, and a capacity to negotiate 60% grades.

Production of the M561 Gama Goat 1½ ton cargo truck was ordered in June of this year, with the first vehicle expected off the production line in August 1969. The six-wheeled, two-unit vehicle has demonstrated a considerable improvement in off-road mobility. The two units are connected by an articulated joint which permits them to pitch and roll and still maintain ground contact and traction with all six powered wheels.

The Mobile Floating Assault Bridge/Ferry developed by AMC's Mobility Equipment Research & Development Center has been delivered to the Army. This versatile amphibious vehicle, primarily designed as a ferry for transporting essential elements across water obstacles, can link up with like vehicles to form a heavy duty bridge for river crossings by combat units.

Redeye, the Army's smallest air defense guided missile system, was deployed during FY 1968. It has an infrared homing guidance system which tracks the heat exhaust of low-flying enemy aircraft and guides the missile to its target. The hand held missile and launcher combined weigh little more than 29 pounds.

Successful development tests were conducted with components of another lightweight weapon, the Dragon anti-tank missile system which weighs about 27 pounds. Designed for high accuracy against both moving and stationary targets, it will be far superior in range, accuracy, and lethality to the anti-tank weapon it will replace, the 90mm recoilless rifle.

Production of new ground support equipment for the Pershing 1-A missile system was contracted for during FY 1968. Pershing 1-A involves a shift from tracked to wheeled carriers for all components, including the erector-launcher. The change was prompted by the Army's continuing quest for faster rate of fire, increased reliability, less maintenance, and lower over-all costs.

A new class of solid propellant additives has been developed. The new class of additives increases the burning rate of solid rocket propellants to at least three times the present rates and permits the development of rocket motors with shorter burning times and with higher thrust.

Prototypes of the Forward Area Altering

Radar (FAAR), a highly mobile, lightweight, high resolution radar capable of detecting aerial targets at extremely low altitudes, have been completed and tested. The FAAR is a component of the Chaparral/Vulcan Air Defense System being developed to defend against low-altitude aerial attacks in the forward battle zone. In addition to the FAAR, the system includes the Chaparral surface-to-air guided missile system and the Vulcan 20mm gun, self-propelled and towed. First production units of the Chaparral and Vulcan systems were completed and delivered in FY 1968 to the Army for testing.

A new fully automatic mortar locating radar, the AN/TPQ-28, is nearing production. It is designed to provide the operator with an accurate first-round location of hostile mortar sites.

AMC achieved a significant improvement in multichannel radio relay communications in FY 1968. The medium capacity (12/24 channels) subsystem, featuring pulse code modulation, was delivered to the first users in Vietnam. An improved version of the AN/PRC-25 manpack radio, the AN/PRC-77, was initially fielded in Southeast Asia during the year.

First shipment of Army standard tactical single sideband communications equipment to Military Assistance Program grant aid recipients was completed in FY 1968. A total of 128 systems for Argentina, Brazil, Colombia, and Peru comprised this project.

The United States, United Kingdom, Canada, and Australia are participants in the MALLARD project, established during the past year as a cooperative international program for development and production of a major tactical trunking and distribution communications system for field armies and elements of other services. The MALLARD system is intended to be fielded in the 1975-77 time period. It will provide secure, digital, automatically switched communications.

Announcement was made in May of the Army's latest night vision devices. Thousands of the devices have been supplied to field units, and many are in use now in South Vietnam. They include the Individual Weapons Sight, the Crew-Served Weapons Sight, and the Night Observation Device, all of which employ "image intensification" technology. This new system amplifies the dim glow of the moon, stars, or even faint sky-glow and intensifies it within the target area of the scope. A supplementary light source is not required, and therefore, the user does not risk detection by an enemy using a near infrared viewer.

In its third year, the AMC Zero Defects Program, established to motivate all personnel to be more quality conscious, continued to produce tangible results. AMC employees, as of late FY 1968, had submitted more than 4,200 Error Cause Removal (ECR) actions, and management had approved and applied more than 3,000 of these suggestions.

AMC won the Department of the Army FY 1967 Award of Honor for Safety in worldwide competition with 13 other major commands. It was the second consecutive year and the third time in the last five years that AMC had won this top award. During FY 1967, rates of accidents, injuries and cost were improved 24% despite an approximate 25% increase in personnel.

In the aircraft safety field, efforts by AMC and industry to solve the post-crash fire problem have resulted in design of a fuel tank of superior strength to prevent rupture during crashes in which the crew would survive. Stronger tanks and other safety items recently were incorporated into a UH-1 helicopter, which was flown and intentionally crashed in a demonstration. Both engine and transmission were torn from their mountings, but no tanks were ruptured.

In open competition with films entered by the nation's foremost industrial firms, AMC films won important awards from the Industrial Management Society during FY 1968.

U.S. Army Missile Command won first place for its film, "The Standardization Concept," in the management techniques category; the U.S. Army Test and Evaluation Command also took first place for "Quick Change Artistry", in the methods improvement category; and Headquarters AMC won third place in the management motivation category for "Cost Reduction is a Money Splendid Thing."

Film producers were Redstone Arsenal Pictorial Division, the Aberdeen Proving Ground Photographic Laboratory, and the Army Pictorial Center.

The new Tandem Van de Graaff accelerator at the Nuclear Defense Laboratory, Edgewood Arsenal, Md., is scheduled to begin operation in the fall of this year. This unique research tool will provide the Army with the capability to obtain precise information from basic research in nuclear effects for incorporation into Army materiel designs.

A Smoke Generating Subsystem, Helicopter: XM52 was developed and is currently in limited production. Atomized fog oil is projected into the exhaust of the UH-1D helicopter turbine engine to generate airborne smoke screens. A number of the subsystems have been put into use in Vietnam.

## THE VULNERABLE RUSSIANS

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1968

Mr. DERWINSKI. Mr. Speaker, just recently the American people and many of our allies celebrated the 10th observance of Captive Nations Week. The successful observance was interesting observed against a backdrop of circumstances and events that would even confuse many of our experts, not to speak of the proverbial average man.

On the one hand, the White House purposely played down the observance so as not to irritate the Russians, and during the week it revelled in the opening of the Moscow-New York flight run. On the other hand, rumblings of Czech, Slovak, and Ukrainian nationalism were heard throughout Europe, while in the course of the Czech-Slovak crisis the Russians tightened their imperialist screws on two Slavic captive nations. These events in themselves vested the 10th observance with pointed meaning.

The clue to a perceptive understanding of these and similar developments can be found in the current book, "The Vulnerable Russians." Authored by Dr. Lev E. Dobriansky, of Georgetown University, this instructive work provides all the essential outlines of Soviet Russian imperio colonialism which we now see spectacularly operating in Czechoslovakia, as in Hungary 12 years ago.

The work is now available at the Georgetown University bookstore, White Gravenor, Georgetown University, Washington, D.C. The following review by Bill Freehoff of WKPT in Kingsport, Tenn., amply shows the nature and worth of the book:

THE VULNERABLE RUSSIANS—A REVIEW BY BILL FREEHOFF

50 years ago last Sunday, the people of Byelorussia established the Byelorussian National Republic as a free and independent nation.

The freedom of that nation was, however,

short-lived. On December 10, 1918, the Red Army invaded Byelorussia. Finally, in 1921, that nation was absorbed into the Soviet Union.

The experience of Byelorussia—one of the many captive nations conquered by Russian might and deception—was an experience shared by the Ukraine and by other nations that were on the border of the Russian empire.

Tonight's book, written by the one man in the United States who knows more about the subject than any other, tells the story of how these nations were absorbed into the Russian Empire, how that fact should be mentioned constantly, and how the liberation of these nations from the yoke of Russian imperialism should be the object of U.S. foreign policy.

Dr. Dobriansky is the author of the Captive Nations Resolution, passed by Congress in July, 1959, and he is also the author of the Congressional resolution honoring the great Ukrainian poet, Taras Shevchenko.

He states his thesis simply and often in his book, "The Vulnerable Russians", and that thesis is this: that the Soviet Union is not a nation. It is, rather, an empire, an empire of conquered nations, nations that fell victim to Russian aggression.

Dr. Dobriansky points out that the Russian Empire is an old one and that the Bolsheviks—when they came to power after the Russian royal family was murdered—merely continued the old Russian tsarist policy of colonialism.

He says it is ironic for the United States to spend so much time talking about the right of self determination of tiny little areas in Africa and to ignore the nations under the Russian empire.

He points out that President Woodrow Wilson made a terrible blunder after World War I when he did not insist on the right of the nations now part of the Russian Empire, for self-determination.

He points out further that Wilson's blunder was compounded when President Franklin Roosevelt extended diplomatic recognition to the Soviet Union and, at treaty conferences during World War II, sealed the doom of the captive nations under Russian domination.

But Dr. Dobriansky also points out that neither Richard Nixon, nor John Kennedy, nor Dean Rusk fully understand the situation with respect to the captive nations.

They all keep talking about the Russian Communist Empire as if it were a nation and they call all the people who are subject to Russian domination "Russians".

That, he says, is like calling an Irishman or a Scotsman an Englishman.

He also points out that it is short-sighted, to say the least, to refer to the Ukraine as if it were as much a part of the Soviet Union as Texas is of the United States.

The Ukraine was once a sovereign nation. It is an ancient country and its people have a language and a culture different from that of the Russians.

Moreover, the Ukraine was conquered by the Russians.

Texas, it is true, was also a sovereign nation. But the Republic of Texas voluntarily agreed to join the United States as a state.

Moreover, the men who ran the Republic of Texas were Americans, spoke English and had no real traditions separate and apart from the United States.

It is wrong to speak of all of the people of the Soviet Union as "Russians" Dobriansky explains, because Russia is only one of the 15 entities that make up the Union of Soviet Socialist Republics.

Moreover, the Russians are a minority and, in many parts of the Soviet Union, are despised.

Dobriansky points out that Karl Marx once referred to the empire of the Tsars as a "prison house of nations", and he makes the point that the term is even more appropriate for the present Russian Empire.

He says that communism is a means under which the Russians spread their empire, just as pan-slavism and the Russian Orthodox Church were means for the same end under the tsars.

He reminds us that Russia is the key to the Cold War problem, that if the Soviet Union were to be destroyed, other communist areas might soon dissolve.

He points out that when Hitler's army invaded the Soviet Union in World War II, many of the subject people of the nations under Russian Control wanted to rebel against Russia—especially in the Ukraine—but that Hitler failed to take advantage of that situation.

He points out that the United States muffed the deal when the Freedom Fighters of Hungary made a break for independence and that many soldiers of the Red Army did not like to fight the Hungarians.

Although Dobriansky does not mention it in this book, the fact is the soldiers of the Red Army were not told they were going to Budapest at first.

But Dobriansky does mention the fact that the Russian General Staff was afraid the Western Powers would not stand for Russian aggression in Hungary.

Here, ironically, was a repeat of a similar situation in the 1930's, when the German General Staff warned Hitler not to invade Czechoslovakia for fear France and Britain would intervene.

In both cases, the Western powers stood by, while a nation was raped!

Dobriansky points out that the captive nations is the soft spot of the Russian body, it is their Achilles heel and when the Captive Nations Resolution was passed, the Russian dictator had a fit.

The masters of the Soviet Empire do not like for the truth to be told about the captive nations that make up the entity known as the Soviet Union.

They try to give the impression that the various so-called "republics" are part of the Soviet Union because they want to be and they point out that under the federal constitution, these republics may part company at any time. A realist knows they dare not, of course.

On one hand, the masters of the Kremlin point up the ethnic and cultural traditions of these republics, on the other hand, they are delighted that the leaders of the United States regard these people as "minorities" within Russia, like the Irish in Boston or the Chinese in San Francisco.

At times, when it suits the Russian propaganda machine, these people of what were once nations, are regarded as minorities, also.

But the Russians know that the people of the Ukraine, for example, have clung to their traditions and they were furious when the United States stole the thunder from the Russian communist imperialists and erected a statue to the great Ukrainian poet, Shevchenko, who was a freedom lover.

The Russians have tried to make him a hero of the Bolshevik Revolution in an effort to appease the Ukrainians who know the difference.

A recent issue of the Russian propaganda magazine that circulates in the United States, devotes that entire issue to Armenia, which is really a Russian colony but which the Russians pretend is a nation.

Dobriansky says we should keep harping on these national differences, that we should keep reminding the world that the Soviet Union is not a nation in fact, but is an empire made up of some 15 nations that were conquered or subverted by Russian imperialism, that each of these nations deserved to be free, that if they all were free, there would be no Soviet Union at all, and as a consequence, the rest of the Russian empire would collapse.

Certainly, if President DeGaulle of France can come out for a "Free Quebec", President Johnson can come out for a "Free Byelo-

russia, Georgia, Ukraine, Idel-Ural" and so on.

Dobriansky thinks the Cold War must be won and can be won through effective propaganda and psychological offenses.

For example, he suggests that since the Ukraine and Byelorussia are members of the United Nations and are thus, technically, sovereign nations, they should be recognized as such by the United States and that we should send ambassadors to Kiev and Minsk.

This would tend to drive a wedge between these two captive nations and Imperial Communist Russia.

The state department—which, Dobriansky insists, does not at all understand the situation, does not go along with the idea which was actually proposed in 1953 by Congressman Smith of Wisconsin.

Dobriansky also suggests that the Voice of America step up its broadcasts in the language of the people of the captive nations and put less emphasis on Russian-language broadcasts.

But his main idea is the establishment of a Freedom Commission and a Freedom Academy and a Joint Congressional Freedom Committee.

Again, the State Department turns thumbs down—not, insists Dobriansky, giving them the benefit of the doubt, not because they are subversive in the State Department, but simply because they are stupid.

The Freedom Commission would be composed of six members and a chairman appointed by the President with the advice and consent of the Senate.

The Commission would establish and supervise the Freedom Academy, which would concentrate on Soviet Russian political warfare techniques and how best to counteract them.

The students at the Freedom Academy would oversee the work of the Freedom Commission.

Such a set-up is badly needed, says Dobriansky, because the leaders of our government simply do not understand the Russian communist imperial threat.

We are not simply fighting "communism", as so many people think; we are fighting Russian imperialism.

He says that the Russians want us to look at the Cold War in terms of a struggle between communism and capitalism.

But it is more than that and Dobriansky is quite right when he points out that the people of the under-developed nations do not understand communism or capitalism but they do understand freedom and colonialism.

Moreover, communism as an economic system is simply socialism in its most advanced form and how can a Welfare State, semi-socialist nation really fight communism per se?

There is food for thought in this remarkable book. It is a shame that "The Vulnerable Russians" had to be printed by some relatively obscure press. It should have the widest possible distribution and ought to be required reading for the policy makers in government, for those who aspire to the presidency, and for professors of international relations and for editors, and broadcasters.

## TWO NOTED HOOSIERS RECEIVE COVETED GOLD PLATE AWARD

**HON. BIRCH E. BAYH**

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Thursday, August 1, 1968

Mr. BAYH. Mr. President, it has just come to my attention that two outstanding citizens from Indiana have been honored by being selected as captains of achievement for 1968 by the American



Academy of Achievement. Mr. Eugene C. Pulliam, distinguished journalist and publisher, and Mr. Frank E. Sullivan, immediate past president of the Million Dollar Round Table and leader in the life insurance profession, were both named to receive the Golden Plate Award of this highly respected organization at its annual banquet on June 15.

Each year since 1961 approximately 50 outstanding leaders, chosen as "representatives of the many who excel in the great walks of life," have been similarly designated by the American Academy of Achievement. Among those chosen this year were such well known figures as Dr. Joyce Brothers, psychologist, Dr. Denton Cooley, pioneer heart surgeon, Thomas G. Cocoran, adviser to Presidents, the Honorable DANIEL K. INOUE, Senator from Hawaii, Capt. James A. Lovell, astronaut, Stan Musial, baseball executive and former star player, Brig. Gen. Robin Olds, Commandant of Cadets at the U.S. Air Force Academy and outstanding combat pilot, Eugene Patterson, editor, and Lawrence E. Spivak, television producer and panelist on public affairs.

The two Hoosiers who were honored are both eminent and highly respected personages in my State. Mr. Pulliam, the owner and publisher of five newspapers in Indiana and two in Arizona, is the first vice president of the Associated Press and has served with distinction on the boards of several educational institutions and other organizations. He established the Central Newspapers Foundation, which for many years has assisted deserving students to pursue a college education. During his own student days at DePauw University, in Greencastle, Ind., he was one of the cofounders of Sigma Delta Chi, the well-known journalistic society. Because of his lifetime dedication to the preservation of a free press, Mr. Pulliam has received the John Peter Zenger Award "for distinguished service in support of the freedom of the people's right to know."

The other Indiana leader selected for the Golden Plate Award in 1968 was Frank E. Sullivan, insurance executive of South Bend. A Navy veteran and graduate of Notre Dame University, he was elected when only 42 years of age to be president of the Million Dollar Round Table, an international organization of top-ranking life insurance agents. In addition Mr. Sullivan has been a very active participant in numerous community organizations and charitable programs, has authored a book on selling life insurance, and has gained several public honors for his humanitarian efforts and his contributions to mankind.

Mr. President, the recognition which these two Indiana leaders have received is well deserved. I extend my personal congratulations to them, and ask unanimous consent that a brief summary of their accomplishments, which appeared in the annual publication of the American Academy of Achievement, be printed at the conclusion of my remarks.

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

EUGENE C. PULLIAM

Eugene Collins Pulliam was born in Grant County, Kansas, son of a missionary Meth-

odist minister, the Reverend Irvin B. Pulliam, and Martha Ellen Collins Pulliam. He launched his business career at six—delivering the Iola Register.

Upon graduation from Baker Academy at Baldwin, Kansas, he enrolled in DePauw University at Greencastle, Indiana. The necessity to earn his way through school led him to establish The DePauw Daily. While at DePauw—he and nine other students founded Sigma Delta Chi, now an international journalist fraternity.

Following DePauw, Mr. Pulliam became a reporter on the Kansas City Star. At 23 he took over publication of the Atchison, Kansas, Champion—the youngest publisher of the day in the United States. Since he has owned and operated 47 newspapers in eight states. Today his newspapers are The Arizona Republic and The Phoenix Gazette, The Indianapolis Star and The Indianapolis News, The Muncie (Ind.) Star and The Muncie Press, and The Vincennes (Ind.) Sun Commercial.

Mr. Pulliam considers himself first of all not an owner, not a publisher, not an employer, but a newspaperman—a reporter at heart. He and his wife, Nina, have traveled throughout the world as a reporting team. He still can, on occasion, write an editorial, and his unerring sense of news sets the pace and commands the admiration of his staffers. However, he realizes that a newspaper to be a good newspaper must be financially successful; it must constantly improve its service to its readers; it must provide the best possible condition for the best possible staff, and it must back its community's progressive programs with money as well as editorial support.

During past years the Central Newspapers Foundation, established by Mr. Pulliam, has sent hundreds of young men and women to colleges of their choice and has brought young foreign reporters to this country to study, to work and to travel.

Mr. Pulliam is a member of the board of Directors and First Vice President of the Associated Press. He is a trustee of the William Allen White Foundation at the University of Kansas; he is on the advisory committee for the Professional Journalism Fellowship Program at Stanford University and the advisory Board of the Nieman Foundation at Harvard, as well as being a member of the Board of Directors of the Union Printers Home Association at Colorado Springs.

Of the many awards and honors he has received, probably the most highly treasured are two voted him by his fellow newspapermen spanning the full range of newspaper activity.

The masthead of each of the Pulliam newspapers carries the slogan, "Where the Spirit of the Lord Is, There is Liberty."

FRANK E. SULLIVAN

Frank E. Sullivan, C.L.U., general agent of American United Life Insurance Company, is one of the best known and most admired life insurance agents in the United States.

A forceful advocate and living example of continuing advanced education for life insurance agents, and of personal growth, discipline, and responsibility, he has had a remarkable influence in the improvement of life insurance men and life insurance service throughout America.

At 42, Mr. Sullivan was the youngest man ever elected President of the life insurance industry's distinguished, international organization of leading life insurance salesmen—The Million Dollar Round Table.

A native of Lowell, Mass., Mr. Sullivan moved to South Bend to attend Notre Dame University. After serving in the Navy during World War II, he graduated from Notre Dame, where he was administrative assistant to famed Notre Dame football coach Frank Leahy in his undergraduate days and for three years thereafter. He ghost-wrote

Leahy's nationally syndicated sports column and organized the material and manuscripts for two Leahy football books.

Since joining American United Life, Mr. Sullivan has propelled himself and his agency to an impressive series of achievements. At one time or other, he himself has led the entire 89-office nationwide A.U.L. complex in all aspects of individual life insurance sales. And his South Bend firm, though small in numbers, is consistently among the top five of all company agencies.

Besides his business and MDRT activities, Mr. Sullivan is a strong community leader in South Bend. He is Chairman of the Executive Committee of The Advisory Council of University of Notre Dame's College of Business Administration; Honorary Chairman of the Board of Directors of the United Community Services of South Bend; has been chairman of every division and General Chairman of the St. Joseph County (Indiana) United Fund, and has had active leadership in fund drives which have raised more than \$12 million. He was South Bend's "Young Man of the Year" in 1958; Notre Dame Alumni Club "Man of the Year" in 1959; and was a 1962 recipient of the Brotherhood Award of the National Conference of Christians and Jews.

Mr. Sullivan is author of a book, "Selling Life Insurance for Deferred Compensation," considered the authoritative work in that special underwriting field.

He donates much time to helping struggling young agents get established, and many now-successful agents credit his help as the turning point in their careers.

#### L. B. J. ORDERS AID FOR NEGRO BUSINESSES

#### HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1968

Mr. SCHEUER. Mr. Speaker, we are all fully aware of the economic problems that exist among minority groups, particularly in our inner cities.

Yesterday, I had the opportunity to study an approach to these problems that hit me like a breath of fresh air. I refer, Mr. Speaker, to an article by the Honorable Howard J. Samuels, Administrator-designate of the Small Business Administration, in the Washington Post.

I commend this article to my colleagues as well worth reading, not only because it clearly enunciates an imaginative course of action which promises real progress, but also because it clearly shows the drive and vigor that Howard Samuels will bring to SBA to achieve the objectives assigned to him by President Johnson at the time of his appointment.

I know Howard Samuels, and I am delighted that he is to have the opportunity to dedicate his considerable talent and know-how to this pressing national problem.

As a member of the House Education and Labor Committee, I know of the desperate need to help our disadvantaged help themselves, and share in this unprecedented land of plenty.

Mr. Speaker, I include the article from the Washington Post at this point in the RECORD:

L. B. J. ORDERS AID FOR NEGRO BUSINESSES  
(By Howard J. Samuels)

The demand of the black community for a share in American business—not only as em-

ployes but as owners and managers—has been heard clearly by political leaders this year. The leading candidates of both parties are calling for new policies to promote black ownership.

In the inner city itself "a piece of the action" has become a symbol more potent than just an economic issue. "Jobs" still means working for whitey; "own your own" means a lot more.

A Negro business leader put the problem bluntly. "This is a capitalistic system," he said, "but we are the only people in it without any capital."

The Irish, the Jews, the Italians have always owned the businesses in their neighborhoods, and the grocer's son eventually made his way to college and into the "system". The blacks, for many reasons, have not been able to.

The facts are dramatic:

Minorities are 15 per cent of the population but own only one percent of the businesses. One out of ten white families owns its own business, but only one out of 40 black families.

Even in the ghettos, some 80 to 85 per cent of the businesses are owned by whites. Certainly less than 10 per cent of the retail volume moves through black stores in the inner city.

In Washington, where more than half the population is Negro, blacks own 2000 businesses while whites own 28,000. One-fourth of the businesses the Negroes do own are barber shops and beauty parlors. They own no manufacturing enterprises.

Other ethnic groups came to this country from Europe with some merchant experience to exploit. The road up from slavery has been tougher. Negroes have simply not been a part of the economic system, except as workers. Few have acquired management experience because only recently have white businesses begun to move them into top jobs.

The brightest and most ambitious blacks have gone into law, medicine, teaching or politics where the barriers have not been so formidable. In addition the Negroes have little capital. The black community, at the bottom of the economic heap, has been unable to develop the savings essential to capital formation.

With little capital of their own they have a hard time walking into a bank downtown and coming out with a business loan. And there are astonishingly few Negro banks to go to—only one in the whole of New York City, 17 in the entire United States. The assets of all the Negro banks in the country add up to one half of one per cent of the assets of the Bank of America alone.

This Administration has made a start, gaining some experience in how to help minorities and making some mistakes along the way. But it now has the tools and is ready to move in a much bigger way.

The critical problem of insurance for businesses in high risk areas will soon be resolved by the re-insurance bill Congress is expected to pass. The Small Business Administration has the authority to guarantee hundreds of millions of dollars worth of loans from the private banks. SBA can do for minority business development what federal mortgage guarantees have done for housing. The agency can offer 100 per cent guarantee on special "economic opportunity" loans for the poor—looking more at their personal potential as entrepreneurs than at their capital. Some \$82 million has been loaned so far.

As a matter of principle, I believe a man taking a Government loan should have a little of his own money in the venture. Trying to put a man with nothing into business would be both bad business and a disservice to him. The philosophy of the free enterprise system requires that an entrepreneur take some personal risk.

But acquiring some capital is only the start for the new class of minority entre-

preneurs we want to help establish. They must also have training in management to succeed.

On both these scores there is a limit to what government can or should do. The private business community's participation is essential to provide not only capital—greatly leveraged with government guarantees—but management assistance.

Much more can and must be done by the retail and service businesses to offer franchise to minority entrepreneurs—auto dealerships, service stations, supermarkets. There is no better way for people with limited experience to develop managerial competence than by operating first under the umbrella of a successful corporation.

Trade associations should set up special programs to sponsor and train minorities to get into their fields, especially retail and service areas where entry is the easiest.

The minority community must get involved too, through participation in local development corporations and by helping find potential business owners and educate them to the opportunities. The government role should be that of catalyst, organizer, planner, and guarantor of the financing. Our most important role now is to galvanize private sector involvement.

The President has given me the mandate as head of the SBA to move forcefully in these new directions, and quickly. The leaders of the banking and business communities are being consulted and they understand this need. They see minority ownership as important to economic growth and a stable society.

In their active participation lies the single best hope for giving the nation's minorities a stake in the free enterprise system.

## POLICE: THE THIN BLUE LINE

### HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1968

Mr. CORMAN. Mr. Speaker, law enforcement and the preservation of law and order are issues that have been of great concern to this Congress. As a member of the President's Commission on Civil Disorders, I have come to appreciate more than ever before the vast number of problems facing local police forces. In the Los Angeles area, we are fortunate to have an excellent force with superb leadership. Its chief, Tom Reddin, was recognized in the July 19 issue of *Time* magazine as one of the Nation's outstanding police chiefs, and I would like to bring to the attention of my colleagues some of the remarks made in the article which point out justification for the great respect he has gained.

The soldier of the cities is the cop, his front line the American ghetto . . . Police forces around the country are stepping up recruiting. Armories are stocking weaponry that ranges from small, knockout-spray atomizers to tanks. Training is being re-orientated and intensified. And slowly—sometimes too slowly—the best forces are beginning to re-examine the concepts that have guided policemen for generations, trying to look upon the citizens of the slums not as foes but as fellow men and a commanding social challenge.

Nowhere is more being done in these respects than in Los Angeles, scene of the first cataclysmic riots of the '60s. No police chief is acting more vigorously or imaginatively to prevent new outbreaks than Los Angeles'

Thomas Reddin, 52, who understands that the cop today must not only be a well-trained soldier but a "street-corner sociologist." Says Reddin: "This is the year when the public will suddenly realize that the policeman has more to do with the state of our nation than any other man on the streets today."

Most Americans heard of Reddin only after the assassination of Robert F. Kennedy, when, for a period of 42 nearly sleepless hours, he directed the investigation of the murder and also expertly fielded newsmen's questions on nationwide TV. Most Californians knew of him long before, almost from the very day in February 1967 that he moved into the chief's office in L.A.'s new eight-story headquarters building, known to the force as the "Glass House."

The late William Parker, Reddin's predecessor, was the epitome of the police professional, a crusty authoritarian who had little truck with sociological theories. Taking over a scandal-tainted force in 1950, Parker made it as honest as any in the nation, boosting standards, competence and morale, and giving the L.A. police a paramilitary *esprit*. He did not, however, understand the new problems caused by the postwar influx of Mexican-Americans and Negroes.

Yet, with all the vaunted efficiency of L.A.P.D., Watts would never have been subdued without the aid of 13,900 National Guardsmen. Like most other cities at the time, L.A. had no contingency plan for a major uprising. "We were so anxious not to cause a riot that we backed off at first and let a riot develop," admits Reddin, who was then a deputy chief: "Using accepted practice on the second day, we isolated the area, reasoning that the rioters would riot themselves out and go home. So what happened? Other riots broke out in other areas." In the end, the insurrection encompassed a region roughly the size of San Francisco. There was little liaison with other agencies, particularly the National Guard, and commanders often could not communicate with patrol cars because their radios operated on different frequencies.

Like any other lost battle, Watts yielded its lessons, and Los Angeles' riot plan is now geared for all contingencies. Police response is carefully adjusted . . . to the size of the disturbance—enough force to smother trouble quickly, but not enough to provoke greater resentment. In each division, half the patrol cars are always tagged for response to special riot alert; if the cars of one division should prove inadequate to halt a disturbance, half the cars in the city can be on the move within minutes. If half the department still cannot keep control, nearly the entire uniformed force of 4,000 can be mobilized for duty. Los Angeles' basic formula of speed and superior force is being copied by 100 other cities.

Every front-line policeman in Los Angeles has been through a three-day riot-control school, and all have been told exactly what to do in event of riot. Officers would no longer work as individuals, but would be assigned to highly mobile, rapidly moving squads. "One man, operating as one man," says Reddin, "can control only one man. One man as a part of a squad of ten can control several hundred people." When should a policeman shoot to kill? Reddin is notably evasive, refusing even to outline a situation when he himself would fire his revolver. Ultimately in Los Angeles, the decision is left up to the individual cop. Two hundred marksmen have been assigned to a squad named S.W.A.T. (Special Weapons and Tactics), designed to pick off snipers and to eliminate, presumably, the need for indiscriminate police gunfire, which took innocent victims in Newark and Detroit last year. On the target range they can hit the head of a man's silhouette at 300 yards. A \$25,000 trailer has been fitted out as a mobile command post, with an armored underside to fend off Molotov cocktails, and a smaller

van is available for secondary commanders. Fibre shields, straight out of Ivanhoe, and bulletproof vests have been bought for men in danger areas. The force this summer will have nearly 700 walkie-talkies (v. 58 in 1965) to link commanders with front-line cops.

Potential riots are far from the only problem. Los Angeles recorded an 8.1% crime rise in 1967 over 1966. Because of its sprawling size, which isolates branch offices and gives any getaway car 1,000 escape routes, it is No. 1 in bank robberies. Because of its proximity to Mexico, it is the marijuana capital of the world. The L.A.P.D. seized 2½ tons of grass last year, enough to orbit a good-size army. Because of its balmy climate, it has, notes the chief, a "twelve-month crime culture."

To cope with all this, Los Angeles has the smallest force in the country, relative to population (an estimated 2,840,632) and area (463.6 sq. mi.). The city employs only 1.9 cops per 1,000 residents v. 2.8 in Chicago, 3.2 in New York. Yet man for man, in part because the force is so highly motorized, it is probably one of the most efficient. The L.A.P.D. has a higher percentage of civilians than any other big-city force (three civilians for every ten in uniform); they handle many tasks, such as clerical work and traffic direction, that elsewhere sworn policemen usually perform, thus freeing all but a few regulars for active law-enforcement duty. An elite team of 225, known as the "Top Group," has been organized for special assignments, such as nabbing organized car-theft rings or stick-up artists. A "community radio watch," composed of cabbies and truck drivers who have two-way radios, is being formed to alert police to violations. Eventually, Reddin guesses, the radio watchers could add 60,000 pairs of eyes without any cost to the police-surveillance network. Another laborsaving device is a new \$450,000 computer, financed by the Federal Government, that will not only cut down on paperwork but also, by constantly pinpointing changing crime target areas, will help commanders assign patrols when and where they are needed.

Yet the biggest problem of the L.A., or any other police force, is not tactical. "Above all," says Reddin, "we found as a result of Watts that we had lost touch with the public that we were attempting to serve."

Keeping in touch has been Reddin's main concern. California Criminologist A. C. German suggests that a good police chief must be as willing to talk to black nationalists as he is to the Optimists' Club. Reddin may not exactly rap with the Black Panthers, but he tries.

A gregarious . . . man, he will talk with almost everyone. During his first year in office, his audiences numbered more than 70,000; he still spends four to five hours a day in some form of community relations, averages at least five speeches a week. . . . The L.A.P.D. has not been excluded from Reddin's conviviality. Not only does he talk frequently with all levels, but every two weeks he sends the troops a little newsletter dubbed "The T.R. Times." One of its maxims: "Don't blow your cool."

At Reddin's direction, community-relations programs have been greatly expanded, with a deputy chief and a staff of 100. A community-relations officer, often a Negro, and a youth-service officer have been assigned to each ghetto station as emissaries to the neighborhood. Each station, in addition, has established a citizen's council that brings together 20 to 50 residents a month to discuss local problems with the police.

To damp down rumors that often lead to riots . . . Los Angeles like other cities, has set up rumor-control centers. If an inflammatory incident occurs, police immediately tell their side of the story to the local rumor-control officer. He calls four friends and each of them calls four more; the chain continues until a large part of the community knows

that there are at least two sides to the story. "It's very loose-knit," admits Reddin, "but it gets the word out. And the people involved aren't known as finks."

So that residents can know who the man behind the badge is, Reddin also gave each cop business cards and name tags—an innocuous but nonetheless controversial departure in a once notoriously highhanded force. Another innovation is actually ancient. Reddin has returned to the streets a man who disappeared from Los Angeles when patrol cars came in; the cop on the beat. It is remarkable in a city where only the poor and the eccentric walk, and so far the experiment is on a tiny scale. About 30 are now pounding the pavements.

"This is beautiful community relations," argues the chief. "The policeman gets to know people. They identify with him, and the chances of one of them throwing a rock at him or at a police car are less. It's the most expensive way of deploying policemen, but in the long run it could very well turn out to be the least expensive."

The Reddin blueprint pays attention to the young—rather self-consciously. Fourteen officers, each known as "Policeman Bill," are assigned to the city schools' first, second and third grades, where they tell children about the policeman's job. It all sounds a little cloying. Even so, before one "Policeman Bill's" visit, a survey showed, ghetto children portrayed cops as monsters with whips and flashing silver badges. After he left, they scrawled kindly father figures. To woo teenagers, almost always the troublemakers in ghetto disturbances, the L.A.P.D. has experimentally hired twelve youths for help on such minor but ticklish assignments as mediating family disputes. The program so far has shown encouraging signs of success.

Yet in the end, it is the individual cop who is the overseer of peaceful normalcy. Often under the most difficult circumstances, he is the thin blue line between law and disorder, civilization and anarchy. He is the man whom Tom Reddin and others like him are trying to lead—and change. Few experts promise quick results. As Tom Reddin puts it: "We're reversing a whole lifetime of a different kind of policework." Understandably, the policeman—even the "street-corner sociologist"—is not so much concerned with social trends as with the job an older society gave him to do.

Mr. Speaker, to conclude, I would just like to reiterate a point brought out in the report of the Kerner Commission:

Alone, the policeman in the ghetto cannot solve these problems. His role is already one of the most difficult in our society. He must deal daily with a wide range of problems and people that test his patience, ingenuity, character, and courage in ways that few of us are ever tested. Without positive leadership, goals, operational guidance and public support, the individual policeman can only feel victimized. . . .

Los Angeles policemen have the leadership. I hope the Congress and the people of the United States will provide the necessary support.

#### SEVENTEEN WHO CARED

### HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1968

Mr. PODELL. Mr. Speaker, all of us are familiar with stories of witnesses to the commission of a crime who fail to come to the aid of the victim, for fear of

becoming involved. That course of conduct by no means reflects the universal attitude of the American people.

Last week, Police Commissioner Howard R. Leary, of the city of New York, presented civilian commendation bars and certificates of commendation to 17 civilians who performed outstanding acts of bravery by coming to the aid of police in the capture of dangerous criminals and in the rescue of people in need of assistance. I am happy to join with the police commissioner and with the people of our city in a salute to these people whose courage demonstrates that they do care.

Five of those commended are residents of the Bronx, four from Manhattan, three from Brooklyn, two from Queens, and one each from Staten Island, Pearl River, and New Jersey. They represent various occupations, including an attorney, a mail carrier, a trucker, a student, a security guard, a school crossing guard, a police cadet, a teacher, and a public relations representative.

BARRY COHEN AND ALLAN KORNBLAU

On December 11, 1966, at about 3 p.m., Mr. Barry Cohen, a student, and Mr. Allan Kornblau, a teacher, heard a woman scream for help. They rushed to the assistance of the victim and were informed that a man attempted to assault and rape her. They ran in the direction the suspect took, apprehended him at the East 167th IRT Subway station and detained him until the police arrived. The courageous action of Mr. Cohen and Mr. Kornblau in coming to the aid of a citizen is highly commended.

SEYMOUR FERSKO

On July 19, 1967, at about 6:45 a.m., Mr. Seymour Fersko, a trucker, assisted the police in rescuing a man who threatened to jump from the George Washington Bridge. The man stood on the outermost railing on the south side of the bridge, and refused police efforts to remove him to safety. Cooperating with the police, Mr. Fersko drove his truck toward the man with the tailgate of his truck lowered to the height of the guard rail while two officers were concealed in the rear of the vehicle. The officers were thereby able to leap from the tailgate and rescue the attempted suicide. Mr. Fersko's skillful operation of his vehicle, his exact timing and judgment, and his cooperation with the police is highly commended.

GEORGE STEWART

On July 24, 1967, at about 10:20 p.m., Mr. George Stewart, a security officer, heard screams for help from the victim of an assault and robbery in front of 105 Ashland Place, Brooklyn. Mr. Stewart responded, chased the perpetrators, and apprehended one of them a half block away after a struggle. Mr. Stewart's alert, intelligent, and courageous action is highly commended.

VICTOR MALDONADO

On August 25, 1967, at about 10:40 p.m., at East 139th Street and Willis Avenue, Bronx, Mr. Maldonado apprehended a man who had committed a homicide with a revolver at a bar and grill. Mr. Maldonado followed the perpetrator and ordered him to stop. The man turned and pointed the gun at Mr. Maldonado,

who disarmed him after a violent struggle. The courageous action of Mr. Maldonado, who suffered personal injury while subduing a felon, is highly commended.

ELOY R. BARROS

On October 5, 1967, at about 2:25 p.m., Mr. Eloy Barros, a security supervisor, observed two men running from a liquor store, chased by the owner. Mr. Barros followed them in his car and apprehended them at West 135th Street and Eighth Avenue. One of the perpetrators had on his person an imitation gun which had been used to hold up the liquor store. Mr. Barros' courageous action is highly commended.

JAMES FLEMING AND EDWARD F. McELLIOTT

On October 20, 1967, at about 5:30 p.m., Mr. Fleming and Mr. McElligott, security officers, observed a man fleeing from a burglary at the Park Sheraton Hotel. They chased the man, and after an exchange of gunfire and a violent struggle, disarmed him of a loaded .25-caliber automatic pistol. For their courageous action at great personal risk, Mr. Fleming and Mr. McElligott are highly commended.

KENNETH SCHAFER

On October 17, 1967, at about 2:45 p.m., Mr. Schaffer, a public relations representative, assisted the police in the arrest of three men charged with homicide and robbery at 41 Convent Avenue, Manhattan. Mr. Schaffer followed the perpetrators on his motor scooter for several blocks, kept them under surveillance until he notified a police officer who took them into custody. Mr. Schaffer's courageous action is highly commended.

MARGARET T. ROGERS

On November 16, 1967, at about 8 a.m., Mrs. Rogers, a school crossing guard at East Tremont Avenue and Bruckner Boulevard, did observe two young girls about 15 years of age being forced into an automobile. Mrs. Rogers recorded the license plate number of the auto and description of the persons involved, and notified the police. Approximately 45 minutes later, one of the victims was found murdered at 1470 Outlook Avenue, Bronx. The information furnished by Mrs. Rogers led to the arrest of the perpetrators. Mrs. Rogers' intelligent assistance to the police is highly commended.

JOSEPH KENNEDY

On January 16, 1968, at about 2 p.m., Mr. Kennedy, a police cadet, assisted in the arrest of a man who snatched a handbag from a woman at 16 West 130th Street, Manhattan. Mr. Kennedy heard the victim's screams and observed three fleeing suspects. Without hesitation, he pursued one of them. After a short chase and a brief struggle, he apprehended the suspect. Mr. Kennedy's alert and courageous act is highly commended.

WILLIE LEE

On February 16, 1968, at about 11 a.m., Mr. Lee, a mail carrier for the U.S. post office, observed a youth carrying a woman's pocketbook, being chased by a woman on Nostrand Avenue and Herk-

imer Street, Brooklyn. Mr. Lee gave chase, caught the youngster, and subdued him after a struggle. Mr. Lee's alert, intelligent, and courageous action is highly commended.

ARTHUR HENRIKSEN

On May 28, 1967, at about 1:30 a.m., Mr. Henriksen, an attorney, came to the assistance of one of his neighbors who was being assaulted by three men. Mr. Henriksen, without regard to his personal safety, rendered vital aid when he, with the victim of the assault, fought and subdued the assailants until the police arrived. Mr. Henriksen's action is highly commended.

VIRGINIA MULCAHY, ANTON PASTIER, JOSEPH FAZIO, AND MICHAEL BUMBERA

On March 1, 1968, at about 6:15 p.m., Miss Virginia Mulcahy observed her girlfriend, who had entered a phone booth at Rector and Washington Streets, being assaulted by a man armed with an ice pick. Miss Mulcahy tried to prevent the attack, whereupon the man turned on her, knocked her to the ground, and stabbed her. Mr. Anton Pastier and Mr. Michael Bumbera came to her assistance, struggled with the armed assailant, and both sustained stab wounds in attempting to disarm him. The man then fled, pursued by Mr. Pastier and Mr. Bumbera who were seriously wounded. Mr. Fazio, attracted by the cries and shouts, joined in the chase, apprehended and disarmed the attacker, and held him until the arrival of police. Miss Mulcahy, Mr. Pastier, and Mr. Bumbera required medical treatment for their wounds. They and Mr. Fazio are highly commended for their courageous action.

## PRODUCTIVE INVESTIGATIONS

### HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1968

Mr. PATMAN. Mr. Speaker, one of the investigations conducted by the Subcommittee on Foundations, House Small Business Committee, has covered the three Baird Foundations of New York City, which were founded and operated by Wall Street financier David B. Baird. The subcommittee published a study of the Baird Foundations on October 16, 1963, and they were also involved in our hearings of 1964.

We found that the Baird Foundations were exploiting their tax exempt status and operating as tax-free commercial enterprises. Those business transactions include:

- Operations as securities dealers;
- Operations as business brokers, including sales and leases of plants and equipment;
- Operations as finders of credit;
- Banking activities, including substantial loans to affiliated companies and business associates; and
- Trading in mortgages.

Following our October 16, 1963, report, the Securities and Exchange Commission

began an investigation of David G. Baird's operations, and the Internal Revenue Service levied taxes on the three Baird Foundations totaling \$6.2 million. Recently, almost 5 years after the date of our report, the Securities and Exchange Commission issued its opinion in this case. Among other things, Mr. Baird is barred from engaging in the securities business. The text of the Commission's findings and a Washington Star story of July 15, 1968, follow:

[In the United States of America before the Securities and Exchange Commission, July 5, 1968, Administrative Proceeding File No. 3-462]

IN THE MATTER OF DAVID G. BAIRD, BAIRD & Co., 67 BROAD STREET, NEW YORK, N.Y. (8-1456)—SECURITIES EXCHANGE ACT OF 1934, SECTIONS 15(B), 15A AND 19(A) (3)—FINDINGS, OPINION AND ORDER DISCONTINUING PROCEEDINGS

(Securities Exchange Act Release No. 8350)

#### BROKER-DEALER PROCEEDINGS

*Engaging in Broker-Dealer Business Without Registration*

*Improper extension of Credit*

*Failure to File Ownership Reports*

Where partner of registered broker-dealer caused charitable foundations controlled by him, which were not registered as broker-dealers, to conduct broker-dealer business by engaging in large-scale securities activities, including purchases and sales for accounts of others as well as own accounts, transactions with persons not broker-dealers, and extension of loans to purchase securities; to extend credit in amounts and on collateral prohibited by applicable regulations; and to fail to file required ownership reports, held, partner willfully violated and aided and abetted violations of Securities Exchange Act and Regulation T, but under all the circumstances, including inactive status of foundations and partner's disassociation from registrant and his representation that he will not engage in securities business, appropriate in public interest to accept his offer of settlement providing for issuance of opinion containing findings respecting violations.

Appearances:

Stanley Sporkin and Irwin M. Borowski, for the Division of Trading and Markets of the Commission.

Richard H. Paul and Sidney Rosdettecher, of Paul, Weiss, Rifkind, Wharton & Garrison, for David G. Baird and Baird & Co.

These were private proceedings which among other things raised issues under Sections 15(b), 15A and 19(a)(3) of the Securities Exchange Act of 1934 ("Exchange Act") with respect to David G. Baird, a former partner of Baird & Co. ("registrant"), a registered broker-dealer.<sup>1</sup> The order for proceedings included allegations that between June 1950 and October 1963 Baird caused three foundations controlled by him to engage in a broker-dealer business without being registered with this Commission as broker-dealers and in connection therewith to extend credit in contravention of applicable requirements.

Baird submitted an offer of settlement in which he waives hearings and, solely for purposes of these proceedings and without admitting any violations of law or any findings entered under the terms of the offer, consents to our making certain findings and conclusions, including findings that he willfully violated and willfully aided and abetted violations of the Exchange Act as

<sup>1</sup> Also named as a respondent was William D. Brome, a partner of registrant, who died subsequently. The proceedings will be discontinued as to him.

charged in specified allegations of the order for proceedings. Baird resigned as a general partner of registrant in June 1967 and as a limited partner in December 1967 and represents that he will not engage in the business affairs or activities of registrant except as may be necessary for the transfer of control of registrant to its partners who are continuing its business and for the liquidation of his interest and that of a deceased partner.<sup>2</sup> He further represents that he is not and will not be engaged in the securities business in any capacity with any broker-dealer or investment adviser. He agrees that if it should at any time be found after notice and opportunity for hearing that he has breached any representation in or term or condition of the offer of settlement or he fails after notice to appear at a hearing on the issue of whether there has been such breach, we may without further proceedings impose such sanctions as we deem appropriate for the violations as charged in the order for proceedings. The offer provides that, in view of those representations and agreements, no sanction is to be imposed on the respondents other than issuance of these findings and opinion.

After due consideration of the offer of settlement, the recommendation of our staff and the reasons hereinafter stated, we have determined to accept such offer and make the findings set forth below.

Baird organized the three foundations, the Winfield Baird Foundation, the David, Josephine and Winfield Baird Foundation, Inc. and the Lansing Foundation, Inc., as charitable foundations between 1936 and 1944, and from their inception has controlled them and directed their activities. In 1950 he organized registrant, which became a member of the New York and American Stock Exchanges, and he was a general partner of the firm until his resignation in June 1967. During the time he was actively associated with the firm, he was the person most responsible for directing its activities and setting its policies and most of the firm's customers were his customers.

During the period from June 1950 to October 1963, Baird caused the foundations, although not registered with us, to engage in activities which amounted to the conduct of a large-scale broker-dealer business.<sup>3</sup> As detailed below, these activities included the purchase and sale of securities in large volume and on an almost daily basis, for the accounts of others as well as for their own accounts, extensive transactions with persons who were not broker-dealers, the extension of large loans in connection with the purchase of securities, and various related activities typical of a broker-dealer business. Moreover, the foundations' income was derived primarily from their securities activities. While charitable foundations may engage in securities transactions that are part of their normal activities of managing funds devoted to their charitable purposes without

<sup>2</sup> Baird represents that aside from liquidating transactions by the foundations, his future trading activity through registrants successor firm by him and any other business entity controlled by him is not expected to exceed 5 percent of the annual volume of that firm.

<sup>3</sup> The foundations maintained their offices in registrant's offices. The work involved in operating them, including record-keeping, secretarial and clerical functions, was performed by Baird and other of registrant's personnel, and registrant also provided the necessary supplies, all without expense to the foundations. The foundations maintained accounts with registrant and conducted certain of their securities transactions through registrant, in which registrant charged such commissions as were required by the rules of the New York Stock Exchange.

falling within the regulatory framework of the Exchange Act with respect to broker-dealers, in the present case the scope and magnitude of the foundations' securities activities carried out under Baird's direction went far beyond such conduct. Under the circumstances, it is clear that the foundations were "engaged in the business" of buying and selling securities for the accounts of others and for their own accounts, and were therefore brokers and dealers within the meaning of the Exchange Act.<sup>4</sup> As such, they were prohibited by Section 15(a) of the Exchange Act from using the mails or interstate facilities to effect securities transactions otherwise than on a national securities exchange without being registered with us.

As set forth in the offer of settlement, in the 1950-1963 period the foundations effected transactions in more than 630 different issues of securities, including transactions executed on a principal or agency basis with 340 persons who were not broker-dealers. The total dollar volume of transactions with one person alone exceeded \$25 million and the foundations acted as agents for such person in 40 situations, some of them entailing a series of individual transactions, involving a total consideration of more than \$12 million. In addition, the foundations engaged in certain transactions in which large blocks of stock were purchased from one person or a group of persons and thereafter redistributed in the public market or by private placement. The foundations' books reflect more than 13,000 securities transactions in the period 1955 through 1963 alone. During the period from 1953 through 1963 purchases of securities totalled \$118,833,100 and sales \$125,815,812, with the total dollar volume in most years exceeding or nearly equalling the year-end value of the corpus of the foundations.

During the period from 1950 through 1962, the foundations also extended loans totaling more than \$18 million to some 40 persons in connection with the purchase of securities. Loans for the purpose of purchasing securities, extended to 14 persons who were customers of registrant, were in amounts exceeding those which brokers or dealers may extend under applicable provisions of the Exchange Act and Regulation T of the Board of Governors of the Federal Reserve System and were supported by collateral other than that permitted by such provisions. Those loans totaled more than \$17 million and included loans of \$11,500,000 to one person during the period from October 1950 through October 1961. Throughout most of that period the credit extended to this person was more than \$1 million in excess of that permitted, exceeding such amount at one point by more than \$4 million. A loan of \$1,514,000 to another person to purchase stock with a market value of \$1,852,000 was also improper since the only collateral furnished was the purchased stock. During the period 1954-1961, another person was loaned \$70,250 to purchase stock on no collateral other than the stock purchased which was traded only in the over-the-counter market. During the period from September 1956 through March 1963, loans of \$153,325 to purchase stock were made to yet another person, which exceeded permissible amounts by as much as \$31,000.

As noted, the income of the foundations was derived primarily from their securities activities. Thus, in the 1953-1963 period net gains on the sale of securities totaled \$21,-

<sup>4</sup> Section 3(a)(4) of the Exchange Act defines a "broker" as a person "engaged in the business of effecting transactions in securities for the account of others." Section 3(a)(5) defines a "dealer" as a person "engaged in the business of buying and selling securities for his own account."

884,929, compared with a total of other income and donations received of \$15,168,855. The latter figure included \$4,963,149 in interest income, which was derived mostly from loans made in connection with the purchase and sale of securities, and dividends of \$3,525,207.

In connection with the activities described above, the foundations engaged in related activities typical of a broker-dealer business. They collected and disbursed dividends for individuals, received and pledged customers' securities as collateral on loans, pledged their own securities for loans and directed the delivery and transfer of securities for individuals.

In light of the foregoing, we conclude that Baird willfully violated and willfully aided and abetted violations by the foundations of Section 15(a) of the Exchange Act and Sections 7(c)(1) and 7(c)(2) of that Act and Sections 3(b)(1) and 7(a) of Regulation T.

Baird further willfully aided and abetted violations by the Lansing Foundation, Inc. and the Winfield Baird Foundation of Section 16(a) of the Exchange Act and Rule 16a-1 thereunder in that he caused those foundations, following their acquisitions in 1953 and 1960 of more than 10 percent of a class of equity security registered on a national securities exchange, to fail to file with us required reports with respect to such acquisitions and subsequent changes in their ownership. No reports were filed until June 1965, shortly after Baird had been advised by our staff that the failure to file these reports could constitute violations of Section 16(a).

In support of his offer of settlement, Baird states that he is 72 years old and in ill health, that the foundations were at all times substantially engaged in bona fide charitable activities and that their income generated by the activities described above was devoted wholly to charitable purposes, including a large number of contributions to a broad range of charitable organizations. He asserts, among other things, that respondents believed that their activities in connection with the foundations were not subject to the provisions of the securities laws here involved, and that such activities have not caused any injury or loss to their customers.

In appraising the mitigating factors urged upon us we were mindful that the violations in this case were of a serious nature and continued over an extended period of time. By failing to register as broker-dealers the foundations avoided our regulatory scrutiny of the records and reports that registrants are required to maintain and file, which serves to prevent as well as to uncover improprieties affecting the interests of investors and the securities markets, including the excessive extension of credit in violation of the restrictions as to margin and type of collateral which are designed among other things to prevent excessive securities speculation. The failure to register is thus seen to have had a direct relationship to the use by Baird of the large pool of capital held by the foundations to provide sizeable loans to persons for securities purchases in violation of those restrictions, as well as to the violation of Section 16(a).

Our conclusion that under all the circumstances it is appropriate in the public interest to accept the offer of settlement was based principally on the facts that the foundations are now inactive, have been liquidated in part and will be fully liquidated immediately upon the determination of a claim of possible tax liability asserted against them by the Internal Revenue Service, and that Baird is no longer associated with registrant or with any other broker-dealer or investment adviser and under the terms of the offer will be precluded from engaging in the securities business in any

capacity with a broker-dealer or investment adviser.<sup>5</sup>

Accordingly, it is ordered that:

(1) the proceedings with respect to David G. Baird be, and they hereby are, discontinued provided that if it shall appear at any time after the issuance of this order that Baird has breached any representation contained in or any term or condition of the offer of settlement, the Commission may, upon 30 days notice to Baird, order a hearing to determine whether a breach has occurred and to afford Baird an opportunity to deny that a breach has occurred or to establish mitigating circumstances with respect to such breach. If Baird fails to appear at such hearing or upon such hearing if the Commission finds a breach of any representation, term or condition of the offer of settlement, the Commission may, without further proceedings, impose such sanctions as it deems appropriate under the circumstances and may determine such proceedings against Baird in accordance with the provisions of Rule 7(e) of the Commission's Rules of Practice;

(2) the proceedings with respect to Baird & Co. and William D. Brome be, and they hereby are, discontinued.

By the Commission (Chairman Cohen and Commissioners Owens, Budge, Wheat and Smith).

ORVAL L. DuBOIS,  
Secretary.

[From the Washington Star, July 15, 1968]  
FOUNDATIONS PROBE FIGURE IS BANNED BY  
SEC DECISION

(By Lee M. Cohn)

David G. Baird, the target of a 1963 congressional investigation of tax-exempt foundations, has been forced off Wall Street by the Securities and Exchange Commission.

In an opinion issued earlier this month, the SEC said Baird had illegally used three foundations to control and engage in multimillion-dollar stock transactions.

Rather than imposing sanctions, the SEC accepted Baird's settlement offer, which bars him permanently from engaging in the securities business in any capacity with a broker-dealer or investment adviser.

Without admitting any violations of law, Baird consented to the SEC's findings. The SEC noted in offering the settlement he had said he was 72 years old and ill.

PATMAN LEADS PROBE

Rep. Wright Patman, D-Tex., charged in a 1963 report that Baird had used three "charitable" foundations to cloak tax-free stock deals, banking operations and other profit-making business ventures.

Patman, who has been crusading for tighter regulation of tax-exempt foundations, said Baird used his foundations as "multimillion-dollar, tax-free securities dealers—dispensing

millions of dollars of credit to prominent businessmen customers."

Among those cited by Patman as engaging in big stock and credit deals with Baird through the foundations were Serge Semenenko, a Boston banker with movie industry interests; Floyd B. Odum, a prominent New York financier; William Zeckendorf, once a real estate magnate, and Conrad Hilton and other members of the hotel family.

The SEC said Baird, then the leading partner of Baird & Co., a Wall Street broker-dealer, used his foundations "to engage in activities which amounted to the conduct of a large-scale broker-dealer business," although the foundations were not registered with the SEC.

The foundations carried out transactions in more than 630 issues from 1950 to 1963, including transactions with 340 persons who were not broker-dealers, the SEC said.

Transactions with one person alone exceeded \$25 million, the SEC said, but did not identify him.

The foundations bought \$118.8 million worth of securities and sold \$126.8 million worth from 1953 through 1963, the SEC said.

ILLEGAL LOANS CHARGED

Furthermore, the SEC said, the foundations loaned more than \$18 million to 40 persons in connection with securities purchases from 1950 through 1962, including \$11.5 million to one person. Some of the foundations' loans to customers of Baird & Co. were larger than allowed by Federal Reserve regulations and were not backed by required types of collateral, the SEC said.

Income of the foundations came mainly from their securities activities, the SEC said. Income and donations totaled \$37.1 million from 1953 to 1963, of which \$21.9 million came from net gains on sales of securities, \$5 million from interest and \$3.5 million from dividends, according to the findings.

The SEC said Baird resigned as a general partner in Baird & Co. in June 1967 and as a limited partner last December. The three foundations are inactive and in the process of liquidation, the SEC said.

Another investigation of the Subcommittee on Foundations involves the operations of an organization known as Americans Building Constitutionally—ABC—Barrington, Ill. This organization was allegedly mass-producing tax-exempt foundations for a fee of \$10,500. Hearings were held in October–November 1967. Three of the trustees of Americans Building Constitutionally have now been indicted in California on grand theft charges. The Wall Street Journal of July 25, 1968, covers the indictment as follows:

NINE TIED TO GROUP FOSTERING TAX SIDESTEP  
FOUNDATIONS INDICTED FOR THEFT AND FRAUD

(By Byron E. Calame)

LOS ANGELES.—The three top officials of an Illinois organization that claimed to be helping individuals use trusts and foundations to avoid taxes, and three of its California promoters, have been indicted on grand theft charges by an Orange County grand jury.

All six of the officials and California promoters of Americans Building Constitutionally, or ABC, plus three other promoters of the organization, also were indicted on charges of conspiring to commit grand theft and fraud and obtain money by false pretenses. The indictments followed a 20-month investigation of the group by the California Attorney General's office.

The nationwide activities of the organization were first disclosed in a Wall Street Journal story last August. Since then, both the Internal Revenue Service and Congressional subcommittee have announced investigations of ABC, which was started early

in 1966 and has claimed to have more than 200 members. The group also is being investigated by authorities in Illinois and Michigan.

In return for a membership fee of up to \$10,500, the organization offered to organize a package of private trusts and foundations that supposedly would minimize the member's income and estate taxes. This was usually accomplished, according to the group's claims, by setting up a nonprofit foundation that took over the member's business (supposedly making all the income tax-free) and then hired the member to operate it. Trusts linked to the nonprofit foundation assertedly took the member's house, stocks and certain other assets off the tax lists.

The three indicted ABC trustees were Robert D. Hayes, managing trustee and a Barrington, Ill., sales-training executive; Richard J. Stephenson, a law school graduate from Chicago; and J. Alton Lauren, a Chicago real estate appraiser. The California promoters indicted were B. Douglas Fahy and Charles R. Billings, Long Beach insurance men, and Gustave Galas, a Santa Ana lawyer.

ALLEGED LEADER

The individuals indicted only on the conspiracy charge were James R. Walsh, of Fontana, Wis., who has been described as the principal architect of ABC; Lyman Garber, a Beverly Hills, Calif., lawyer, and Fred K. Dell, a Barrington, Ill., training expert.

The defendants could be sentenced to from one to 10 years in prison for each count of grand theft or conspiracy on which they might be convicted.

The first count of the indictment, which alleges that the defendants conspired to commit grand theft and fraud and to obtain money by false pretenses, links all nine defendants to the operations of ABC in Orange County between March and December 1967. It states that Messrs. Fahy, Billings, Galas, Dell and Garber held or attended meetings where the ABC plan was discussed with prospective members. According to the indictment, prospective members at some of these meetings were shown a film prepared by Messrs. Hayes, Walsh, Stephenson and Lauren. The first count also alleges that Mr. Galas received a total of \$1,875 from three Orange County doctors in July 1967 for the purpose of setting up a foundation for them.

The second and third counts in the indictment charge the three ABC trustees and Mr. Fahy with grand theft in taking \$8,000 from each of two Orange County men who were to have foundations created for them by ABC. Mr. Billings also is named in the second count. The three other counts of grand theft involve the \$1,875 received from the three doctors and name the three trustees and Messrs. Fahy, Billings and Galas.

None of the six counts in the indictment spell out exactly why or how the receipt of the money from the prospective members constituted the alleged grand theft, fraud or obtaining money by false pretenses. But the attorney general's office has stated in previous court proceedings that it believes "a major portion of ABC's advice is false and misleading" and that it questions whether the package of foundations and trusts created by ABC can legally provide all the benefits claimed for it by ABC's promoters.

It was learned yesterday that some of the defendants have already been arrested, but their identity couldn't be immediately determined.

LAWYERS DISCUSS PLAN

The ABC plan has generated considerable discussion among tax lawyers across the country. For example, recent seminars on private foundations held in New York and Las Vegas by the Practising Law Institute of New York have included a presentation called the "ABC" Foundation Plan: Magic Formula or Sham?

<sup>5</sup> As noted, under the terms of the offer of settlement we make no findings as to the allegations with respect to registrant. In view of the Division's recommendation that we accept the offer and the other particular circumstances of this case, including the fact that Baird dominated registrant during the period of the activities in question, that considerable time has elapsed since some of the events we have discussed took place, and that the composition of the firm has changed and, as stated above, Baird will be disassociated from the successor firm, we have considered it appropriate in the public interest to dispose of these proceedings without addressing ourselves to those allegations and shall accordingly discontinue the proceedings as to registrant. Our action in this respect is not, of course, in any way in derogation of the principles regarding the responsibility of registrants for activities of their principals and their employees.

ABC's three trustees are currently fighting a Chicago Federal court order that would force them to turn over a complete list of members and certain other information to the IRS. All three trustees had previously refused to provide the information in response to an IRS summons issued last October. The IRS has expressed doubts about the legality of the ABC plan and warned last October that "the tax consequences to those who participate could be adverse."

The three trustees refused to provide similar information to the Foundations subcommittee of the House Small Business Committee last fall. Mr. Walsh also refused to answer numerous questions put to him by the subcommittee headed by Rep. Patman (D., Texas) and ended up walking out of the hearing room while he was still being questioned. Mr. Walsh told the subcommittee that he was then the subject of an IRS investigation that could lead to the filing of criminal charges against him. At that time, Rep. Patman indicated that contempt citations would be sought against the balking witnesses, but the subcommittee hasn't issued any yet.

The Orange County indictments are the result of an investigation begun early last year by Lawrence R. Tapper of the charitable trust section of the California Attorney General's office. When Messrs. Fahy and Billings refused to answer certain questions put to them by Mr. Tapper, the deputy attorney general sought to have them held in contempt of court. Despite a year-long legal battle, both men were eventually sentenced to jail until they answered certain of Mr. Tapper's questions. Mr. Billings purged himself of contempt earlier this month after spending 38 days in the Los Angeles County Jail. But Mr. Fahy avoided arrest in the contempt matter by remaining outside the state and never was jailed. It couldn't be immediately determined if the contempt citation against Mr. Fahy would now be dropped.

#### IDENTITIES WITHHELD

Several of the persons questioned about ABC have maintained that such inquiries were an invasion of their privacy and that the rules of ABC prohibited disclosure of the names of its members. In the membership agreement, the ABC member supposedly promises never to divulge any of the "methods, procedures or techniques" used, or the identity of any other member.

The indictment which was handed up by the grand jury earlier this week, is being handled by H. Warren Siegel, a state deputy attorney general, with the assistance of Michael R. Capizzi, deputy Orange County district attorney.

Mr. Hayes said in an interview last October that he was introduced to Mr. Walsh, who had developed the package of foundations and trusts used by AEC, in 1965. Mr. Hayes, 67 years old, said he and Mr. Walsh created ABC in early 1966, and that the ABC plan was introduced to individuals around the country by employes of Sales Analysis Institute, a sales training concern owned by Mr. Hayes. The Sales Analysis Institute employes worked with local promoters such as Mr. Fahy who would set up meeting of prospective members.

Mr. Walsh, who is about 50, has repeatedly claimed that he has no official connection with ABC, although he has been described by a source close to the Patman subcommittee as the "principal architect" of the ABC idea.

Mr. Hayes and Mr. Walsh maintained in interviews last fall that ABC's purpose was to "awaken the average creative person" to the benefits of "restructuring" his business and estate on a not-for-profit basis. They claimed that ABC was simply "Henry Fordizing"—or mass producing—legal and tax expertise, long available only to the wealthy.

ABC recruited its members by word of mouth. At an introductory meeting, prospective members would be given a three-hour

presentation by an ABC representative. If the prospect decided to join, he would make an initial payment of \$1,050. This payment covered 30 hours of instruction in how to use the complex legal web of foundations and trusts that ABC claimed it could create for the member to help him avoid taxes.

#### COST ESCALATES

Upon completing the 30-hour course, the new member had the option of paying \$4,200 more to have a nonprofit foundation created for his benefit, or paying \$9,450 more for the entire ABC package of foundations and trusts. It couldn't be determined whether ABC has continued to actively seek new members or has modified its plan in any way in recent months.

Mr. Walsh said last fall that none of the trustees received any money from ABC, but he admitted then that his own foundation received an undisclosed amount of money from ABC for certain services it provided to ABC. Some of ABC's money has gone to pay the legal costs of Messrs. Fahy and Billings in their legal battle with the state attorney general's office here, according to Mr. Fahy.

Sources close to ABC's operations said last fall that a significant number of its members were medical men, including chiropractors, dentists, general practitioners and osteopaths. Those who joined ABC could recoup all or part of their initial outlay through the organization's "referral system." Mr. Walsh explained in the interview last fall that if one member could convince another member to join, his foundation would receive a \$2,000 "endowment" out of the fees paid by the new member. The first member's foundation would also get \$1,000 of the fees paid by any new members attracted by the second member, and \$500 of the fees paid by the next "generation" of members.

#### THE AUTOMOBILE—SOURCE OF PROTECTION OR OF DANGER?

### HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1968

Mr. OTTINGER, Mr. Speaker, in the 2 years since he was named Director of the National Highway Safety Bureau, Dr. William Haddon has contributed greatly to a highly significant effort to create a system in which the design of the automobile may serve as a means of protection to its occupants, rather than as an additional source of hazard. The effort is continuing, and it is worthwhile.

Dr. Haddon recently gave a speech on this topic and on the responsibilities of his agency to the American Automobile Association. Knowing that my colleagues will be as interested in this question as I, I ask that Dr. Haddon's speech be reprinted in the RECORD.

The speech follows:

#### THE INDIVIDUAL AND THE QUALITY OF HIS ENVIRONMENT

(Remarks of Dr. William Haddon, Jr., Director, National Highway Safety Bureau, Federal Highway Administration, U.S. Department of Transportation, before the Annual Traffic Safety Management Workshop, American Automobile Association, at the Mayflower Hotel, Washington, D.C., June 27, 1968)

The miracles and blessings of the age of technology need no new spokesmen. Yet man, who made this technology to master his environment and to better his life, now senses that the human values which make life worthwhile now seem threatened by this

technology. Large and complex systems have a momentum of their own. Their objective was to give man greater control. The result is a tragic irony: systems now tend to control the individual, to isolate him, and even to maim him.

Let us focus for a moment at the human equation of the automotive system, at the risk of over-simplification. On the one hand, it is a mode of transportation which is owned and directed by the individual, giving him mobility, freedom and privacy. The private automobile is, if anything, a symbol of individual power, success, and glamour in the midst of a society whose images are mostly impersonal, automated, and large scale. In his car the American individual need not feel dwarfed, out of place and without a say or a role. On the other hand, there are these appalling human statistics:

The deaths of nearly 2,000,000 men, women, and children on our highways in the past 60 years of the automotive age.

Tens of millions of injured and uncounted thousands crippled for life in this same time period.

These statistics continue to grow on a daily, monthly and yearly rate:

On an average *day* highway casualties in the U.S. total over 10,000 injured.

Average *weekly* deaths constitute a tragic toll of more than 1,000.

Economic losses average about \$1 billion a month.

Each *year* more than 8 million days of hospitalization are now required merely for the care and treatment of crash survivors.

There is a more sobering fact about our technological age that the best minds and tools of modern science have not been brought to bear to any great extent on this tragic problem of human loss.

Traffic safety has largely remained outside the areas traditionally of concern to most of the professionals who could contribute their skills to its solution.

The signs of change, however, are clearly with us. In fact, beginning about a dozen years ago, a few research workers here and there began to uncover the facts which have increasingly pointed the way to the possibility of great reductions in these tragic totals of human and property damage.

In outline, the problem divides logically into three parts, in each of which are circumstances which contribute greatly to the losses that continue to occur.

We refer to these three parts of highway safety as the pre-crash, crash, and post-crash phases of the problem.

In the first, or *pre-crash phase*, the issues are those which determine whether or not a crash takes place. Here, for example, we are concerned with drunken driving, blow-outs and the other mechanical failures of vehicles, medical conditions which may lead to incapacitation while driving, and those features of highway design and maintenance such as lighting and markings which make it more difficult for the operator to continue safely on his way.

In the second, or *crash phase*, we are concerned with the circumstances which, in the crash itself, determine whether or not any injury occurs, and if so, its severity. Here, the success of the vehicle "package" in protecting its occupants is the paramount issue. Also important is the success of the highway designer in providing the safest possible highway crash design of the road, for example, by ensuring that vehicles that do leave the roadway will not be able to hit solid objects that decelerate them too abruptly to allow the survival of those involved.

It is strange with respect to the crash phase that most Americans still do not understand that it is scientifically possible for them to ship themselves and their loved ones just as successfully packaged and, consequently, as safely as they ship delicate wedding presents and other fragile cargo. Yet

many who would consider it preposterous to ship a teacup loose in an empty barrel with a hostile interior and sides that may fall open, do precisely this with themselves and their children, and at high speed.

Since crashes will continue to occur in substantial numbers, for the foreseeable future, we are placing strong emphasis on greatly improving the crash design of vehicles, and especially the safety of the occupant compartment itself.

Similarly, at a time when our children continue to learn of the danger of wolves in the forest, we must somehow also educate them and ourselves to the hazards of our modern environment, and what can be done about them. For example, an uncushioned bridge pillar, or a light pole designed so that it kills rather than shears when hit, is a hazard far more serious than any wild animal could possibly be, even if loose in a downtown area. Similarly, the steering shaft of a car does not need to be a spear aimed at the chest; rather it can be redesigned as a cushion that protects the driver, as required under our Departmental standards on all vehicles manufactured after January 1, 1968.

Once the crash has taken place, we are concerned with the *post-crash phase* and the circumstances which in it determine whether or not many will live or die. Here, of course, the principal issues involve the rapidity and quality of the post-accident response; the communication system and emergency transportation; and the provision of the best in first-aid and medical care.

Unfortunately for many of the dead and injured, emergency services in a large portion of the United States are archaic at best. Although there are outstanding exceptions in some areas of the country, in most there have been no requirements that ambulance attendants be expert in first-aid, that their equipment meet acceptable standards of any type, or that their patterns of operation be sufficient for the great responsibility placed upon them. We believe on preliminary evidence that such deficiencies are contributing directly to thousands of deaths each year in the United States, especially in rural areas.

That the shortcomings of our present situation are unnecessary is illustrated by the fact that as a nation we have demonstrated and applied a completely different level of planning, technology, and understanding in our handling of very similar injuries occurring under the conditions of jungle warfare.

By contrast, for example, few on the domestic scene expect to see helicopters working rapidly in transferring the injured to hospitals, the use of highly skilled medical corpsmen and other paramedical professionals; or for that matter survival rates for serious injuries anywhere near as high as those now achieved routinely under military conditions. This is all the more tragic when it is considered that on the civilian scene the logistical requirements can be anticipated with a precision impossible under the shifting conditions of modern war. The highways continue in the same locations, the hospitals do not move about, the evening and weekend hours in which a greatly disproportionate share of the major crashes take place, are all well known in advance. Yet such considerations are only now beginning to be weighed by those concerned with the survival of those injured on the nation's roads.

In recognition of the seriousness of the highway safety problems and the need to bring the nation's resources to bear on them, President Johnson in 1966 requested the Congress to take action. Within six months, a record-setting pace, with the suggestions and support of organizations such as the AAA, the Congress returned a comprehensive, well-constructed package consisting of two Safety bills for the President to sign into law. Let me now briefly outline the areas which these Acts cover.

The National Traffic and Motor Vehicle Safety Act is the most well known. Its first

title provides a mandate to establish appropriate Federal motor vehicle safety standards, the first set of which went into effect in the current model year. An additional group of standards has been applicable to the 1969 model.

Title I of the Act also provides the legal authority to enforce such vehicle and equipment standards and specifies that the manufacturers must notify purchasers of vehicles and equipment known to have defects, and to notify the Department as well.

In addition, the Bureau is to conduct research, testing, and development and training activities to support the current and projected actions of the Bureau.

Under Title II of the National Traffic and Motor Vehicle Safety Act, the Bureau is also directed to establish standards for tires, and the first standards under this authority have been issued.

Under Title III of the Act, we are to study the needs for research and test facilities and report back to the Congress. This report will be submitted in the near future.

Finally, under Title IV of the National Traffic and Motor Vehicle Safety Act, the National Driver Register, in which all States participate, was transferred from the Bureau of Public Roads to the National Highway Safety Bureau. This is a mechanism under which any State can check on the major aspects of a driver's record in other States.

Under the Highway Safety Act of 1966, our job is the establishment of uniform standards for State highway safety programs. On June 27, 1967 Secretary of Transportation, Alan S. Boyd, issued the first group of these. They had been developed during the preceding seven months with very considerable participation—as appropriately required by the statute—of a wide variety of individuals and organizations from virtually all the States, from organizations of State and local government officials, from National and other safety organizations, and from a wide range of interested groups. These standards cover the following 13 areas indicated by their titles:

- Driver Education
- Driver Licensing
- Motorcycle Safety
- Traffic Records
- Alcohol in Relation to Highway Safety
- Periodic Motor Vehicle Inspection
- Motor Vehicle Registration
- Highway Design, Construction, and Maintenance
- Traffic Control Devices
- Identification and Surveillance of Accident Locations
- Codes and Laws
- Traffic Courts
- Emergency Medical Services

A very important provision of this law, one which I very strongly endorse personally, is the requirement which places in the hands of each Governor the authority for all State activities under this grant-in-aid program. This was a move on the part of the Congress to ensure a unified approach to this important problem within each State, and among all the States.

The great importance of work at the local level was also emphasized. At least 40 percent of the funds must be spent in local communities, where the problem can and must be approached by those closest to it.

The Highway Safety Act and those who framed it did not anticipate a Federal takeover of functions we all feel should be left to the States. The legislative history makes very clear that the purpose was not to establish Federal licenses, certificates of title, police forces or any other such activities. Rather, the objective was to provide a means for helping those who are nearest to the problems involved to deal with them most effectively. Judging from the exceptionally fine response in almost every State during the past year, this objective will be achieved and the Federal role will be one of standard setting, in cooperation with the States, the provision of the financial assistance, and espe-

cially the sponsoring under both safety Acts of the research that must be greatly intensified if we are to obtain the facts upon which all of our programs must increasingly be based.

The scope of this program is a large one and its objectives ambitious. The success of the program depends, however, on the degree to which it truly cares about the value of human life and the quality of the environment in which we live. This care must be focused not only on protecting human lives and preventing human injuries but also on the role played by the individual in the program. We seek not to build a new, impersonal system to cure the evils of another or to fill the vacuum of past inaction with all-pervasive Federal power.

Our search is rather to ensure a harmonious balance between the rights of a free citizenry and the necessity for orderly and responsible actions. The task of the private sector in this program cannot be over-emphasized, particularly where organizations such as yours provide the most direct link with individual drivers and citizens as well as with State and local officials.

Already we see the promise of results. For instance, the initial emphasis of the program on improving the crashworthiness of the vehicle system shows signs of payoff. Data from Sweden on the effect of a safety belt occupant restraint system shows a 30 percent reduction in minor injuries and 80 percent for those of fatal grade. This study of more than 28,000 highway crashes revealed that not one of 9,345 occupants wearing combination shoulder-lap safety belts was fatally injured in serious crashes at speeds up to 60 miles per hour. But non-belted occupants were killed at speeds as low as 12 miles per hour. Clearly, these figures underscore the need to promote a wider and more effective use of such restraint systems. Preliminary evidence shows comparable reductions due to the introduction of energy absorbing steering shafts and the new laminates for windshields.

We have recently heard of the results of better crash design of the highway environment. There has been only one fatality on Texas highways in collisions with signs mounted on breakaway supports in the 27 months since introduction of this safety feature as contrasted with 80 fatalities in collisions with non-breakaway signs in the preceding 2 years in that State.

The progress in other areas, particularly as to those human and system factors which account for crashes, may well be more difficult to achieve. More and better accident investigation data and methods are urgently needed as well as extensive research and development. In many of these areas we are dealing with a complex of factors concerned with human behavior and the need to change that behavior. Again, the role of organizations who deal directly with individual drivers is crucial whether it relates to the problem of alcohol in driving or the need for better maintenance practices for vehicles in use.

I am confident that your concern for the driver, his passengers, and other road users will continue to engage your best efforts and talents in making the automotive system more compatible to the needs of the individual and of our society.

#### THE NEGRO REVOLUTION AND TRADE UNIONISM

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1968

Mr. RYAN. Mr. Speaker, with the two major political parties talking about jobs and job training for the unemployed,



either through private enterprise or the public sector, it is appropriate to consider the role of the apprenticeship system in the opening of job opportunities for black Americans.

In too many instances it has been more a barrier than a facilitator. Despite Department of Labor regulations prohibiting approved apprenticeship programs from discriminating, opportunities are only now just beginning to open on an equal basis.

I include in the RECORD a speech by William Gould, New York labor lawyer, to the Long Island Labor-Management Institute on "The Negro Revolution and Trade Unionism":

THE NEGRO REVOLUTION AND TRADE UNIONISM  
(Speech by William B. Gould to the Tri-County Long Island Labor-Management Institute, June 23, 1968)

I am pleased to have this opportunity to speak with you this morning since, as leaders of your respective unions, you are the men who will have a significant role in determining whether this nation redeems its promise of equal employment opportunity—a promise made most recently through the language of the Civil Rights Act of 1964—or whether we collectively slip back off the abyss into continuous racial disorder and violence. At the outset, let me be frank about where I think the blame lies for the current racial tensions. While it is true that most industrial unions have little if anything to say about hiring policies—and that racial discrimination in employment generally preceded the advent of the labor movement, the national labor movement—both the craft and industrial unions—must shoulder a very major portion of the responsibility for the white racism, which, according to the Kerner Report, lies at the heart of the ever-increasing and self-destructive polarization of the races which we witness today. Having said this, however, I also believe that it is important to take note of the role which certain labor leaders and unions have played in improving the lot of black workingmen and, most significantly, the impact that their efforts have had within the unions and at the work place over which the unions have jurisdiction.

District 65, RWDU has made a substantial effort in developing a training program and reference system which is deliberately aimed at minority youth. Harry Van Arsdale has recruited a large number of Negro and Puerto Rican workers who now enjoy craft union membership in his prestigious IBEW. And even Peter Schoenmann, President of the United Association of Plumbers and Pipefitters—who one year ago railed against the invidious concept of "affirmative action" as a procedure foreign to his union's traditions, has now followed the lead of C. J. Haggerty (President of the Building and Construction Trades Department of the AFL-CIO) in stating a desire to recruit Negroes and other minority group apprentices. And, of course, the Workers Defense League has done yeoman duty in preparing Negro and Puerto Rican youngsters for apprenticeship examinations.

But the cold facts are that only 4% of the nation's apprentices in the urban areas—where Negroes have migrated in large numbers—are minority group people. The Chairman of the Equal Employment Opportunity Commission has stated that a more intensive effort is needed. The Demonstration Cities and Metropolitan Development Act of 1966—(Model Cities Program) provides that ghetto residents obtain "maximum opportunities" for employment. But neither the AFL-CIO leadership—nor any international union so far as I am aware—has put itself on record in support of a "trainee" classification which will lead to a journeyman's card for Negroes and Puerto Ricans who may not meet qual-

ifications—such as age, for instance—of existing apprentice programs.

And while the industrial unions with their large Negro constituencies have been more responsive in providing a remedy for the racial malaise in this country—some of them continue to thwart the equitable advancement of their Negro members through discriminatory seniority systems. Apparently, the wrath of their white membership—the white majority—inhibits the bold approach that is required. In short, union leaders are acting like our political leaders who refuse to face up to the implications of the Kerner Report.

What makes all of this particularly tragic in the case of the unions, however, is that they were born out of the deeply-felt need to protect working people who, by themselves, could not obtain equitable treatment from their employers or their state. The overriding goal of the trade union movement was to eliminate wage competition between workers and to establish standards which would do away with exploitation. The mechanisms established to achieve these goals took a number of forms: the apprenticeship program, hiring halls, the *de facto* closed shop, all of which, among other things, were designed to keep the supply of organized labor in the trade so scarce that the members would have work during periods of economic decline. And the industrial unions—in addition to negotiating union security provisions which require membership as a condition of employment—put together a seniority structure which protects union members (and non-union) in varying degrees in the case of promotion, layoff and bump-back. Thus, an employer is now limited in his ability to affect the worker's employment status without considering length of service.

All of these tools represent an obvious improvement over the old order in my opinion. They were devised to protect those who could not protect themselves individually. But now, gentlemen, you are confronted with the Negro Revolution which, like the labor movement, is, in part, a demand to share in the material goods from which a part of the community has been excluded. So long as these union devised procedures—apprenticeship programs, hiring halls and seniority—are seen by the Negro community as exclusionary devices, the labor movement will not be able to meet the challenge of the Negro Revolution and will not be able to assist in welding together a Negro-labor coalition geared to demand economic and social reform in this country. You must, where necessary, modify legitimate protective devices so that they will be regarded as instruments to speed the advance of minority group workers—and not as instruments of oppression which thwart their interest. In short, the labor movement must act as representative of all the workers in the community—no matter how lowly their station in life, no matter how difficult their plight.

Fundamental to this process, it seems to me, is the acceptance of two assumptions. The first is that the white majority in the unions—like the white majority in the nation—must assume burdens which would not be shouldered if the Negro were to remain a second class citizen. In the context of today's struggle, the white membership might be often likened to the individual worker who benefited—or thought he benefited—from the unorganized shop and thus resisted unionism as a limitation on his opportunities. The price of social justice and civil order is a sharing of available work opportunities. Otherwise, a despairing Negro community will join forces with traditionally anti-union elements. The budding friendship between Richard Nixon and Floyd McKissick is already an example of this.

Secondly, the labor movement at all levels—AFL-CIO, international union, and local unions—must stop telling its members

that "affirmative action" and all programs which deliberately encourage the recruitment and advancement of minority group workers are something different from equal employment opportunity. The fact of the matter is that the goal of equal employment opportunity can be best realized through *color conscious* policies which are remedies for past discrimination and which, in some instances, may modify some of the union procedures of which I have been speaking. Otherwise, I fear, the attack on union negotiated protective devices will destroy their effectiveness for both black and white workers—and we will all be the losers as the result.

Part of the price may be revision of apprenticeship programs which are outdated because of technological developments. But that is a relatively small price to pay.

Let me be specific about some of the things that are wrong and what must be done about them. Insofar as recruitment into apprenticeship programs is concerned, C. J. Haggerty's February 1 letter to Secretary of Labor Wirtz appears to be an important step forward because it promises "maximum utilization of responsible civil rights organizations willing to join in a cooperative effort . . ." and, in addition, support for programs of minority recruitment, endorsement of apprenticeship programs like the Urban League sponsored LEAP. But, as The New York Times said on February 19 " . . . the reforms now promised will mean little where local unions continue to find excuses for keeping apprenticeship programs almost totally 'lily white.'"

In the meantime, however, I believe that the AFL-CIO, to begin with, should make clear its endorsement of a Model Cities program trainee classification which will impart construction trades skills to minority group workers and which will culminate in a journeyman's card for the trainee. The Labor Department has already approved such a trainee classification in a Syracuse, New York federally assisted project. Labor union support for this type of program—in effect, training in lieu of apprenticeship for employees who have been bypassed by father-son or relative, friend apprentice programs—might go a long way toward easing ghetto unrest.

But this program—in which unions, employers, the Negro and Puerto Rican communities should establish jointly—must lead somewhere—in this case to a journeyman's card. Otherwise, we are only going to fan the fires of frustration and engender new violence and destruction. We simply cannot be satisfied with construction programs—no matter how properly motivated—which have no objective beyond keeping the summer "cool."

I implore you to lobby your international unions—and the AFL-CIO to make the Model Cities Program meaningful to ghetto residents. It should be emphasized that acceptance of the trainee classification and thus acceptance of the statute's intent to increase employment opportunities for those in the ghetto, will lead to construction which will increase work opportunities for all workers. And I ask that you do not hide behind the familiar cliché about lack of skills. As Peter Millones of The New York Times (February 18) said: ". . . there is no question that many Negroes lack the basic skills to be such workers as sheet-metal workers and plumbers. But they presumably also have lacked, at one point, the skills of an electrician, yet the electricians' local in New York, under the leadership of Harry Van Arsdale, has made great strides in adding Negroes to its roles."

But the problem of justice for the Negro is not limited to the craft unions. This fact is dramatized by the recent strike by the white members of the Paperworkers Union in Bogalusa, Louisiana, in protest against a revision of seniority procedures proposed by the Office of Contract Compliance—revisions

which were accepted by management, but not the union. In the case of the crafts, the problem is job access. But in mass production, it is promotion—more particularly, the basis upon which promotions are to be made. And, parenthetically, it should be noted that where business is attempting to hire minority group employees, the opportunity for advancement and training should be present and clearly spelled out.

Prior to the passage of the Civil Rights Act of 1964, many industrial unions and employers negotiated segregated seniority lines or districts—that is to say, Negroes were limited to the undesirable low-paying jobs—and whites were privileged to receive the higher paid, more skilled work. Sometimes, in the paper industry, for instance, Negroes acted as "helpers" and actually performed some of the same or similar tasks as white employees who received higher pay; sometimes, of course, the jobs were unrelated altogether. But the separate seniority pattern was the same.

Now everyone agrees that segregated seniority rights are unlawful. But many unions—even at the international level—resist a revision of the system which will permit the Negro worker to invoke his seniority accumulated in the segregated dead end job—for the purpose of advancement in regard to previously "lily white" jobs. I must report to you that the AFL-CIO Civil Rights Department has been of little help in this matter. For, it contends that any disruption of existing seniority agreements would break faith with the interpretation of the Civil Rights Act which it sold to its membership in 1963 and '64.

In the AFL-CIO document, *Civil Rights: Facts v. Fiction*, distributed prior to the Civil Rights Act, the AFL-CIO informed its members that, while certain seniority plans might be discriminatory, no employees' seniority rights would be interfered with in any way. Quite obviously, this could not be if the Negro worker is to achieve some equity to compensate for past discrimination.

Unless a Negro worker is given some seniority credit for the purpose of future promotional opportunities and security against layoffs which is based upon time worked in the formerly segregated job, he is just as effectively denied equality through a "grandfather clause" as is the Negro applicant to a father-son apprenticeship program. But collective agreements often establish departmental or job classification seniority which designates the department or classification as the seniority unit—the very department and classification into which the Negro worker has been discriminatorily fenced in.

Without racial considerations, there would be nothing inherently meritorious in one seniority system as opposed to another. Younger workers, for instance, might legitimately create a narrow unit out of fear of displacement from older workers in more obsolete departments in the plant who have plant wide or company seniority. But it is obvious that a narrow unit—departmental or classification—is detrimental to the Negro worker who has been denied the right to accumulate seniority—in the unit to which he now advances—because of a discriminatory promotion policy. A remedy must take into account the seniority previously accumulated and must attempt to compensate for what would have been obtained but for discrimination. Without such an approach, the Negro worker's present employment status continues to embody within it past discrimination.

At a conference between the Equal Employment Opportunity Commission and the AFL-CIO in May 1966, no union leader would risk the ire of his white members by proposing some type of compromise on this issue. The one-sided response to what is

admittedly a difficult question was that the Commission is not authorized to reform labor contracts involving "vested rights" of white employees.

Now anyone familiar with the process of collective bargaining knows that the unions themselves alter these "vested rights" on many occasions and that the courts have upheld such modifications. I therefore suggested in both a report to the Commission and in an article in the Winter 1967 issue of the *Howard Law Journal* that an accommodation be arrived at between the competing interests of Negro and white workers. For the latter group—the white worker—has built up reasonable expectations, even if predicated on segregation, as to the future of its employment status.

In brief, I said that under practically no circumstances should Negroes displace whites; that where a valid "line of progression" exists—where it is truly necessary to learn one job before proceeding to the next—Negro workers should go to the bottom of the line just as the whites had done, unless it could be shown that a Negro's presently existing skills entitled him to more. I proposed that Negro workers, once having entered this formerly all-white line, could exercise seniority accumulated on the Negro job after a "residency" period was completed during which the skills of the job could be learned.

This plan was not acceptable to the AFL-CIO. But now the handwriting may be on the wall. The District Court for the Eastern District of Virginia, in *Quarles v. Philip Morris Company* has struck down a departmental seniority system which had its genesis in past discrimination—prior to the enactment of Civil Rights Act of 1964. As the court said, "... Congress did not intend to freeze an entire generation of Negro employees into discriminatory patterns that existed before the act."

One would hope that the AFL-CIO Civil Rights Department would take a position on this vital matter before more court cases further tarnish the labor movement's image in the Negro community. As the New York Sheet Metal Workers well know, you buy little good will by integrating as the result of court order rather than voluntary action.

Finally, I want to deal briefly with union organization of non-union Negro workers and the impact that this can have on the development of Negro leadership within the unions. It seems to me that one of the more hopeful trends today is the growth of public employee unions like the American Federation of State, County and Municipal Employees Union and their enthusiastic representation of poorly paid Negro workers in local government. We must never forget that it was in this cause that Martin Luther King, Jr. died in Memphis. And in the public employment sector particularly—where the two revolutions involving public employees and Negro workers are proceeding simultaneously—there is more opportunity to provide equality inasmuch as the system is new and no one yet has a vested interest in it to protect.

I believe that trade union movement must encourage Negro workers to assume leadership positions as well as to become members. And I should add that at times such encouragement must call for procedures which both encourage and discourage democratic procedure inside the union. Sometimes a total exclusion from leadership should obligate the unions to take measures which will guarantee positions for minorities—and in most strong unions this can be done; but sometimes a union constitution's rigid officer eligibility requirements exclude new minority group members—and, accordingly, such rigidities must be removed.

Perhaps it would be a good idea for the ILGWU—formally or informally—to make sure that some of its large unskilled Negro membership become managers. There are no Negroes in this important position at pres-

ent. But there is no doubt that there will be if there is a will strong enough on the part of the ILGWU leadership.

It is my hope that it is not too late for this type of trade union commitment. But that commitment—if it is to be successful—must reflect a willingness to revise and adapt, where necessary, the hard won security guarantees which the unions achieved for another generation of dispossessed workers. And to be successful, you gentlemen must tackle the problem with the same vigor that you employed in constructing the house of labor itself. If this is not done, the erosion of your protection may wreak havoc for black and white workers in all industries and in all parts of the country.

## DEMOCRATIC CONGRESSIONAL PLATFORM HEARINGS

### HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1968

Mr. CAREY. Mr. Speaker, in an unprecedented effort to solicit and represent public opinion throughout the Nation on the major issues facing the American people, a group of Democratic Congressmen are planning public hearings to gather information for consideration by the Democratic National Convention Platform Committee.

We are seeking to democratize even further the workings of the Democratic Party and make certain that all factions and viewpoints are reflected in our party's platform. We do not have the audacity of the senior Senator from Illinois who thought he might write his party's platform in his own office. Nor do we believe it is possible to distill into 3,500 words a responsible, comprehensive statement on the myriad of issues facing the American people.

Thus, with the blessing of our platform committee chairman, the distinguished gentleman from Louisiana [Mr. Boggs], we are going to the people to hear their thoughts, to learn their views, and to represent their opinions in our platform. These hearings, which will be held throughout the country by the participating Members, will enable the Democratic Party to frame a responsible and responsive platform.

The following Members are participating in this democratic effort for the Democratic Party and American people:

BROCK ADAMS of Washington, JOSEPH P. ADDABO of New York, THOMAS L. ASHLEY of Ohio, JONATHAN B. BINGHAM of New York, JOHN A. BLATNIK of Minnesota, EDWARD P. BOLAND of Massachusetts, JOHN BRADEMANS of Indiana, FRANK J. BRASCO of New York, GEORGE E. BROWN, Jr., of California, JAMES A. BURKE of Massachusetts.

PHILLIP BURTON of California, HUGH L. CAREY of New York, FRANK M. CLARK of Pennsylvania, JEFFERY COHELAN of California, JAMES C. CORMAN of California, JOHN C. CULVER of Iowa, DOMINICK V. DANIELS of New Jersey, JOHN H. DENT of Pennsylvania, JOHN G. DOW of New York.

DON EDWARDS of California, JOSHUA EILBERG of Pennsylvania, FRANK B. EVANS of Colorado, LEONARD FARBSTEIN of New York, THOMAS S. FOLEY of Washington,

WILLIAM D. FORD of Michigan, DON M. FRASER of Minnesota, RICHARD H. FULTON of Tennessee.

KENNETH J. GRAY of Illinois, WILLIAM J. GREEN of Pennsylvania, EDITH GREEN of Oregon.

LEE H. HAMILTON of Indiana, JULIA BUTLER HANSEN of Washington, WILLIAM D. HATHAWAY of Maine, WAYNE L. HAYS of Ohio, HENRY HELSTOSKI of New Jersey, JAMES J. HOWARD of New Jersey, ANDREW JACOBS, JR., of Indiana, JOHN C. KLUCZYNSKI of Illinois, PETER N. KYROS of Maine.

ROBERT L. LEGGETT of California, CLARENCE D. LONG of Maryland, JOHN J. McFALL of California, SPARK M. MATSUNAGA of Hawaii, LLOYD MEEDS of Washington, PATSY T. MINK of Hawaii, JOSEPH G. MINISH of New Jersey, WILLIAM S. MOREHEAD of Pennsylvania, ROBERT N. C. NIX of Pennsylvania, RICHARD L. OTTINGER of New York.

EDWARD J. PATTEN of New Jersey, THOMAS M. REES of California, HENRY S. REUSS of Wisconsin, GEORGE M. RHODES of Pennsylvania, PETER W. RODINO of New Jersey, FRED B. ROONEY of Pennsylvania, BENJAMIN S. ROSENTHAL of New York, EDWARD R. ROYBAL of California, J. EDWARD ROUSH of Indiana, WILLIAM F. RYAN of New York, FERNAND J. ST GERMAIN of Rhode Island, JAMES H. SCHEUER of New York, B. F. SISK of California, FRANK THOMPSON, JR., of New Jersey, ROBERT O. TIERNAN of Rhode Island, JOHN V. TUNNEY of California, MORRIS K. UDALL of Arizona, JOE D. WAGGONER, JR., of Louisiana, JEROME R. WALDIE of California, CHARLES H. WILSON of California, LESTER L. WOLFF of New York.

#### CAPTIVE NATIONS WEEK

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1968

Mr. DERWINSKI. Mr. Speaker, since Congress passed the Captive Nations Week resolution—Public Law 86-90—in 1959, we have observed 10 annual Captive Nations Week events. What makes this record all the more remarkable is the fact that despite discouraging pressures from the White House and other sources, the annual observance has grown and expanded, both here and abroad. It is evident that increasing numbers of free men are coming to recognize the strategic importance of all the captive nations to the security of the free world.

As further indications of the variety of activities, undertaken during this past 10th observance the following items are of particular interest: First, proclamations by Governors Ronald Reagan of California, and Harold E. Hughes of Iowa; second, an editorial and news account in the July 15 and 16 issues of the New York Daily News; third, a New York Times report on July 15; fourth, a Spanish-language report in New York's El Tiempo of July 15; and fifth, a nationally distributed pamphlet on the week, titled "From Moscow's 'Izvestia' to 'Washington's Post,'" and written by Dr. Lev E. Dobriansky of Georgetown University

and chairman of the National Captive Nations Committee:

A PROCLAMATION BY GOVERNOR RONALD REAGAN ON CAPTIVE NATIONS WEEK IN CALIFORNIA, JULY 14 THROUGH 20

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

Whereas, the diverse backgrounds of the people of California enable them to understand and sympathize with the aspirations of peoples everywhere who wish to enjoy the blessings and benefits of freedom; and

Whereas, it is fitting and proper that we in California do formally express our sympathy with those aspirations held by the peoples of the captive nations;

Now, therefore, I, Ronald Reagan, Governor of California, do hereby proclaim the week of July 14th through 20th as Captive Nations Week and invite the people of California to observe such week with appropriate ceremonies and activities.

#### PROCLAMATION

Whereas, the United States and the State of Iowa have an abiding commitment to the principles of self-determination and human freedom; and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas, the freedom-loving peoples of the Captive Nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86-90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayers, ceremonies, and activities; expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence:

Now, therefore, I, Harold E. Hughes, Governor of the State of Iowa, do hereby proclaim the week of July 17-20, 1968, as Captive Nations Week in Iowa, and call upon our citizens to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

In testimony whereof, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 13th day of July in the year of our Lord one thousand nine hundred sixty-eight.

HAROLD E. HUGHES,  
Governor.

Attest:

MELVIN D. SYNHORST,  
Secretary of State.

[From the New York Times, July 15, 1968]

#### CAPTIVE LANDS UNIT HOLDS PROTEST HERE

Two brief outbreaks marred a program of speeches, folk dancing and singing on the Mall in Central Park yesterday to mark the annual protest by the Captive Nations Committee against Communist Governments in Europe.

The national organization consists of émigrés and their families from countries now absorbed by the Soviet Union or under Communist control.

During a program of dancing four teenagers ignited a Soviet flag, and a bystander

tried to take it from them. The scuffle was interrupted by policemen, who escorted the demonstrators away for questioning, then released them.

Later Jeff Lobaito, who identified himself as a former Conservative party district leader in Greenwich Village, complained to the police because the American flag was "burned around the world" but they had prevented the burning of the Communist flag.

Before the disorder, Representative Lester L. Wolff, a Democrat from Nassau County said in a speech:

"People everywhere look to the United States as a citadel of freedom. I call on the Soviet Union and mainland China not to muffle the voice of protest. I call on the Soviet Union and mainland China to face the test of self-determination."

[From the New York Daily News, July 15, 1968]

#### LIKE A CRY IN THE NIGHT

There comes once a year Captive Nations Week to recall the pitiful plight of the millions throughout the world held in slavery by Communists. The observance this year began yesterday.

In part, it is the reminder of a national shame. We stood by as the fond and complacent ally of Soviet Russia while the Kremlin demons dragged many of these nations, unwilling but powerless, into the dark and silent empire of Communism.

You would think that our officials would shout denunciations of this crime in every world forum at every opportunity.

But what do they do? They talk of "building bridges" of trade and understanding to the Red cutthroats and their puppet henchmen; they simper over every gesture, no matter how meaningless, of Soviet "good will."

The Captive Nations once basked in the supposed warmth of such friendship. Too late they learned the real nature of Communism.

We would do well to remember that we are marked for the same fate if we are ever so foolish as to let our guard down.

[From the New York Daily News, July 16, 1968]

#### COPS, FOTOG IN A SCUFFLE AT CITY HALL

Ceremonies commemorating Captive Nations Week ended abruptly yesterday at City Hall when police scuffled with a photographer taking pictures of a woman being ejected from the event.

The woman, who identified herself as Queen Mother Mary of the Black Nation, left City Hall during the scuffle.

The photographer, Frank Carrion of the Spanish language newspaper El Tiempo, was released after police discussed the incident with Chief Inspector Sanford Garelik. Police said Carrion refused to show his press card. Carrion argued that the plainclothes guard outside Mayor Lindsay's office interfered with him.

#### PROCLAMATION ISSUED

Before the scuffle, Deputy Mayor Timothy Costello issued a proclamation naming the week of July 14-20 as Captive Nations Week and urged New Yorkers to "express deep concern and sympathy for the people of countries throughout the world now under Communist control or attack."

As Costello posed for photographs with various delegations representing captive nations, including representatives of a free Cuba group, the woman slipped into the room and loudly complained that Negroes in America have less freedom than persons living under communism.

At the request of a city official two plain clothesmen assigned to City Hall removed the woman from the ceremonial room near Mayor Lindsay's office. As she was removed, Carrion brushed past other plainclothesmen who said

they asked him to show his press card. The scuffle ensued and Carrion said his camera was broken.

[From El Tiempo Nueva York, Lunes 15 De Julio De 1968]

#### PROCLAMAN SEMANA DE NACIONES CAUTIVAS

Ayer domingo se inició la semana de las Naciones Cautivas. Esta celebración se lleva a cabo oficialmente bajo los acuerdos de ley del Congreso, en resolución de Julio de 1959. Desde entonces se vienen celebrando ceremonias de este tipo con la participación de la alta oficialidad de representantes de los países en cautiverio bajo la dominación del Imperialismo Ruso.

Faras ceremonias comenzaron ayer domingo con una misa solemne en la Catedral de San Patricio en esta ciudad. El Rev. Monsenor Ealkuna hizo uso de la palabra y en valient discurso poco usual para un prelado de su categoría recalco el rol que vienen desempeñando las naciones cautivas en el mundo libre y los grandes conquistas y optimismo hacia la liberación de los países cautivos en Europa.

Monseñor John Balkuna es el Pte. de las Naciones Bálticas (BATUN) y con el Rev. father Trespaygozan un gran prestigio por su combatividad esprialmento ante les países de las Naciones Unidas.

Después de terminada la misa y desplagando las banderas de todos los países cautivos hubo un acto público en la cancha del parque Central. Abrió el acto el honorable Juez Matthew J. Troy, chairman del comité de las Naciones Cautivas de New York. Después le siguió en el uso de la palabra el Hon. Representante a la Cámara, Lester L. Woff, de Port Washington, L.I.

Por el condado de Queens habló la Honorable Rosemary Gunning. Hubo maníficos números danzarios, especialmente los ballarines y afamado grupo Eukraniano, dirigidos por Mr. Oieh Genza. Todos lo países inclusive Cuba, último en la lista, estuvieron presentes.

#### PROCLAMA EN CITY HALL

La proclama en el City Hall, como todos los años será entregada por el Hon. John V. Lindsay y sy entrega se efectuará en el salón Azul, macana martes 16, a las 11 de la mañana.

#### INCIDENTE EN EL PARQUE CENTRAL

Un incidente muy lamentable ocurrió en el Parque Central cuando un grupo de muchachos jóvenes trató de quemar una bandera Rusa y un comunista disfrazado trató de ocupar el micrófono. El coronel Nazarenko, de los Cosacos, bajó a los intrusos y la policía los detuvo. Grandes masas de jóvenes Ukranianos se movieron a defender los presentes que se vieron amenazados por los solapados comunistas.

FROM MOSCOW'S IZVESTIA TO WASHINGTON'S POST

(By Lev E. Dobriansky)

The 50th anniversary of the Russian Bolshevik revolution, which was celebrated for a week up to November 7, 1967, disclosed a number of instructive items. There was the disclosure of Moscow's orbital missile, the firmness of its anti-American policy, particularly in Vietnam, the single-man ascent of Brezhnev, the continued concentration on capital and war goods as against consumer goods production, and the persistent attempt on the part of the Soviet Russian totalitarians to exercise their superior leadership over the world Communist Party movement. As concerns the last, this would only be a political and ceremonial reaffirmation of the primary power position of the Russian center in the Soviet Union in relation to all other states in the Red Empire, including mainland China, and also in relation to the Communist Parties in the Free World.

But significant, too, were the comments and observations made of this "50th" by

American commentators, journalists, and periodical writers. In fact, this aspect constituted the prime disclosure of the event. Without itemizing the popular magazines, such as *Life* and *Look*, and detailing their specific comments, it is sufficient here to point out that their uncritical handling and assessment of the facts provided Moscow with a billion dollar propaganda windfall. Their comments on "Russia's economic progress" these past fifty years, its mighty armed forces and space exploits, its slow evolution toward "capitalist" ways of thinking and doing and similar matters can all be taken as superficial and devoid of perspective and meaning. Reading some of these accounts, one would think that these accomplishments were effected without incalculable and irrational costs in lives and economic value, as though fifty years of Soviet Russian totalitarianism and imperio-colonialism were unblemished by genocide, concentration camps, man-made famine, the cruelest forms of oppression and continuous aggression.

Most important in this interesting episode was the almost complete neglect shown by our commentators and writers toward the captive non-Russian nations in the USSR. The average American reader of these popular magazines wouldn't think they even existed. On the basis of what was presented to him in these magazines and several newspapers, he couldn't possibly entertain the thought that there exists any such thing as Soviet Russian imperio-colonialism within the Soviet Union itself. Some of our writers haven't even a working awareness of the multi-national nature of the USSR, no less its empire-state character. To cite one example, a columnist refers to Red China and the USSR as "two very large nations," evidently completely ignorant of the fact that since 1963 the Red Chinese, who can boast of a national entity, have been attacking Moscow on the Russian/captive non-Russian scale in the USSR.<sup>1</sup> In the same organ, another summarizes the event in this vein: "But the whole thrust of the celebrations was aimed at boosting Brezhnev's image as it was felt that the nation needs a stronger voice than merely a collective one."<sup>2</sup>

#### KNOW YOUR ENEMY

As this writer has constantly stressed, one of the most formidable weapons at the disposal of Moscow in the Cold War is the protracted ignorance of numerous opinion-makers in this country concerning the make-up, policies, and strategy and tactics of the Soviet Union, which is dominated by the Soviet Russian totalitarians. If fundamental concepts of state and nation, Russian and non-Russian, elude them, what worth can we impute to their interpretations and higher formulations? As I show in my current work, the ultimate responsibility for this general state of confusion and misinformation rests with our Government where similar misleading conceptions abound.<sup>3</sup> Time is short in getting to know your enemy—Soviet Russian imperio-colonialism—and it is our Government, not the universities and their time-lengths, that can achieve this in the shortest possible period.

In offsetting the untruths and fantasies built about the Russian Bolshevik "50th," Americans of Ukrainian ancestry can well take pride in their World Congress in New York during the week of November 12-19. The full-page ads in *The New York Times* related the essential story of Soviet Russian conquest and domination of Ukraine.<sup>4</sup> The demonstration in front of the United Nations building was most impressive and received TV, radio, and news coverage.<sup>5</sup> And the rally in Madison Square Garden, attended by some 13,000, was a tremendous highlight which preceded the march to the Soviet U.N. Mission.<sup>6</sup> The demonstration at the mission produced another highlight of the Congress.<sup>7</sup>

On record, no other American group in this country equalled this massive protest against the fraudulence and pretensions of the Russian Bolshevik revolution.

Judging by reports from other sections of the country, the AP and UPI release on this mammoth demonstration were carried in local newspapers and over TV and radio media. In performing this feat, Americans of Ukrainian ancestry have, in effect, done their share at this time in pointing to the real enemy whose tentacles reach into places like Korea, Vietnam, Cuba, and Egypt. This powerful, yet from another viewpoint, fragile enemy is Soviet Russian imperio-colonialism, which was given birth to by the Russian Bolshevik revolution.

However, the Congress and the demonstrations were far more positive than negative. The negation of the Russian Bolshevik "50th" was only one major aspect of this memorable event. More important and consequential was the positive affirmation of the continuous Ukrainian National Revolution and the launching of the patriotic, national "50ths," commencing with the 50th Anniversary of Ukraine's Independence on January 22, 1968. This will be followed by the Lithuanian "50th" in February and numerous others through the Latvian "50th" in November, all pointing to the present captivity of the non-Russian nations in the USSR. In short, all of this is interwoven with the whole captive nations thesis as set forth in the Congressional Captive Nations Week Resolution (Public Law 86-90) and as expounded by participating groups annually in the Captive Nations Week Observance.

#### THE IZVESTIA ATTACK

What has been described in the preceding sections is only a further projection of the fundamental problem of U.S. policy toward the USSR. Controversy and debate over this problem have centered on the Captive Nations Week since its inception in July, 1959, and its chief premise that the captive nations *in toto* are of paramount value to U.S. strategy and tactics in the Cold War. In the summer of 1967 a new episode developed in this continuing battle involving, as so often in the past, colonialist Moscow and a prominent American newspaper organ. The details of this outstanding episode begin with an attack against the Week and also this writer in Moscow's government newspaper *Izvestia* and extend to this day with an open challenge to the editors of *The Washington Post*. A familiarity with these details can enable one to see and appreciate the urgent need for a thorough U.S. review of its present policy toward the USSR.

It is highly significant that as in every preceding year since 1959, Moscow again decided to inveigh against Captive Nations Week. Sarcasm, vituperative bitterness, and sheer vehemence have consistently punctuated its attacks. Here are several samples of 1967 vintage under the caption "A Champion Cynic."<sup>8</sup> Manifesting some sardonic humor, the attack begins in this fashion: "In the United States of America, at Georgetown University, a world record has been established. It was established not by a runner or swimmer, not even by a spaghetti eater, but by Professor Lev Dobriansky, a big wheel in the American propaganda machinery and Chairman of the so-called National Committee on Captive Nations."

The attack assumes a more serious tone in the next paragraph. "The point is that the Washington rulers celebrate each year in July a propaganda spectacle called 'Captive Nations Week,' which sets people's teeth on edge." After talking about "the emigre scum," "capitalism" and the like, the frustrated writer interjects, "Usually, prominent government leaders of the U.S.A. shed a few tears, too." The commentary continues: "This time, the approach of the notorious 'Week' is being widely commented on by the American reactionary press. During the past years the 'Week' has been in crisis and pass-

Footnotes at end of article.

ing without effect, the anti-Communists complain; it is necessary, from nice words on liberty to change to deeds. They even blame Washington for not showing a firm determination to support 'the peoples of the captive nations.' Something new is needed, they say." Although it cannot be denied that the Administrations since 1959 have feared a courageous implementation of the Resolution and thus have toned down the presidential proclamations, there is obviously much wishful thinking here about the Week being in crisis and the cry for something new. By all evidence, the Week has expanded in scope, both nationally and internationally, and constantly represents the new alternative to the threadbare policy pursued toward the USSR and the entire Red Empire.

Among other things mentioned in this attack is Vietnam, evidently a source of irritation to Moscow when properly brought into the captive nations context. "It is here," the attack continues, "that Professor Dobriansky established his record. It would be a record in stupidity if it was not a record in cynicism." Why? Because in "the center of attention of the 'Week,' Dobriansky has declared, referring to the wishes of the Washington leadership, there will be this year 'the disastrous condition of the 17 millions of enslaved North Vietnamese.'" In truth, this was highlighted during the 1967 Week, and it is encouraging to witness its effects in terms of wider discussion about invading North Vietnam, not by American troops but rather by South Vietnamese guerrillas and some regulars. North Vietnam is a captive nation, and its enslaved millions are the ultimate key to victory over the totalitarian Hanoi regime. They are also the key to a unified and independent Vietnam. Should all this come to pass, the 1967 Week would have accomplished its purpose, indeed.

#### THE POST ATTACK

Three days later, on July 10, the editors of *The Washington Post* also came forward with a blistering editorial attack against the Week and this writer. The striking parallel here causes one to lean toward the apt characterization of yesterday "The Washington Pravda," which would have made for an even more attractive title. However, regardless of the vicious editorial against my person, I deem such a characterization unfair. The *Post* is more than its editors and owner, and although Senator McCarthy often relished using this characterization, he certainly didn't grasp the issue at hand in his time. Moreover, many reporters and others at the *Post* are at variance with the paper's editorial opinions, and surely the type of editorial produced here scarcely reflects well on those responsible for it. The *Post's* July 10, 1967, editorial is a classic in irresponsible and unenlightened journalism and deserves to be read in full. Here it is:<sup>19</sup>

#### CAPTIVE CONGRESSMEN

"Captive Nations Week is almost upon us, and so it's time to pine again for Idel-Ural, Turkestan, White Ruthenia and—don't forget—good old Cossackia. These pseudo-states and others of better historical repute are listed in Congress' Captive Nations' Resolution as having lost their 'national independence' to the wicked Communists. The people of the United States share with them their aspirations for the recovery of their freedom and independence, in case you didn't know.

"This fanciful cold-war rhetoric was issued by Congress in 1959 in a surge of hysterical anti-communism. Or rather, it was issued by ethnic manipulator Lev Dobriansky, father of the Captive Nations idea, and foisted by him upon a Congress sensitive to the presumed sentiments of Americans from now-Communist lands. Actually, many of these Americans, if not most of them, are insulted by being treated as hyphenated citizens.

The annual Captive Nations charade might better be called Captive Congressmen Week.

"Its aspect of ethnic discrimination is particularly offensive. For, it turns out, Russia is not among the Captive Nations. The reason for this strange omission is that Mr. Dobriansky's heart belongs to his ancestors' native Ukraine, and Ukrainian nationalism is nothing if not anti-Russian. This is, in our view, precisely the kind of old-country ethnic backbiting that has no place in a gambit designed to influence American policy.

"To those who do not share faith that Captive Nations Week will crack the Kremlin, Mr. Dobriansky has prepared an insidious rebuttal. 'High on the priority list in Red psycho-political farefare,' he has written, 'is the downgrading and eventual elimination of Captive Nations Week.' The technique of attributing criticism to foreign manipulation is, unfortunately, typical.

"To his credit, President Johnson has shown some embarrassment over the Resolution, which 'authorizes and requests' him to proclaim Captive Nations Week annually. He has avoided specifying which countries are Captive Nations and has stressed instead American support for the 'just aspirations' of peoples everywhere. Clearly, Mr. Johnson rejects the Resolution's tenet that 'Communist imperialism makes a mockery of the idea of peaceful coexistence.' He believes, as most Americans do, that all available openings to East-West peace and stability should be explored."

Having had long experience with the *Post's* treatment of letters-to-the-editor, I had but one choice in the immediate situation. That was to send the editors a short letter establishing formally our exchange and at the same time offering a concrete challenge. Again on the basis of past experience with the ostensibly liberal minds in command of the paper, I anticipated correctly that neither my brief letter nor critical letters from others would be published in the pages of the *Post*. This turned out to be the case, but other avenues of publication were managed for the most essential letters of criticism. Reproduced here is my immediate letter, which is self-explanatory, and then we can proceed from it to a systematic evaluation of the *Post's* substantive opinions and the challenge it raises:<sup>20</sup>

"Aside from its malicious overtones, your July 10 editorial on 'Captive Congressmen' is so absurd, both logically and empirically, that I am fully convinced my forthcoming book on *The Vulnerable Russians* will be of enormous value to you. Scheduled for publication release this October as 'An American Answer to the "60th"—The Fraudulent Russian Bolshevik Revolution,' the work will not only place imperio-colonialist Moscow on notice that not all Americans, by a long shot, are fools as concerns its empire in the USSR itself, but it will also, I am sure, be a permanent answer to you and other segments of Moscow's-induced breed of Pavlovian dogs in our country.

"Having had long experience with your letter-cutting and omitting techniques because of 'want of space' and other convenient rationalizations—in itself scarcely a symbol of journalistic honesty—I offer here a simple, formal challenge which I raised publicly on July 15 at the Captive Nations Conference in the Mayflower Hotel. It is a challenge for you to receive some elementary education on Soviet-Russian imperio-colonialism. Simply, I challenge you to arrange a discussion meeting in the *Post's* auditorium, which would bring you face-to-face with living victims of Soviet-Russian imperio-colonialism from Idel-Ural, Turkestan, White Ruthenia, and Cossackia.

"It doesn't require much courage to shield one's ignorance behind an editorial pen and continue to misinform your readers about the true nature of the USSR. Let us see how

courageous you are in meeting these people—whom you think are ghosts without a national background of independence struggle—before the audience of the *Post's* personnel who, in this setting, would have the opportunity to gauge the level of their editors' understanding of this vital problem. Here, too, I am confident that quite a number of our citizens will be interested in your response to this challenge.

"LEV E. DOBRIANSKY,  
"Professor, Georgetown University,  
"Chairman, National Captive Nations  
"Committee."

#### AN EDITORIAL OF IGNORANCE

Comparing the *Izvestia* article and the *Post* editorial, the reader by now is doubtless impressed by their similarities in tone, character, and content. The *Post* editorial might well have been written in Moscow except that the motivations of the Russian totalitarians would be one of circumspect distortion rather than blind ignorance. The editorial is, indeed, one of ignorance. A highly reputable organ run by Americans of Armenian ancestry, which was not given a hearing by the *Post's* editors, goes a bit further by saying, "The offending editorial is really not an editorial; it is a cartoon in the worst possible taste calculated to destroy an issue by the application of the great American belly-laugh."<sup>21</sup> It is also an insult to our legislators for, as *Hatrenik* states further, the editorial "has caricatured not only their motivation in expressing their warm support of the common cause of the Captive Nations of the Soviet, but has in effect cavalierly scorned the sacred aspirations to be free (as *The Washington Post* is free) of 119,000,000 non-Russians who, today, in a classic syndrome of colonialism, are dominated by a minority of 96,000,000, the Russians of the Soviet Union."

Now, point by point, let's examine this editorial cartoon. First, brushing aside its silly sarcasms and belly-laughs, we meet at the outset a definitive statement that Idel-Ural, Turkestan, White Ruthenia, and "good old Cossackia" are pseudo-states which really shouldn't be listed in the Captive Nations Week Resolution. Mind you, this is the last word of precise knowledge from literary artisans who know there are no such animals in the human kingdom as "the wicked Communists." This first argument alone reveals how pathetically ignorant the editors are. Historically, each of these national entities staked out an independent state in the 1917-23 period. This isn't the place to teach them history, but if they would move their lazy minds, a quick reading of Idel-Ural and its revolution in 1917 would show the writers how foolish they really are.<sup>22</sup> Analytically, they also don't make sense. White Ruthenia is Byelorussia, a Republic-state in the USSR. Then, even if all four had never attained to statehood, they possess more national substance than can be found in most states of Africa; and the Resolution talks about captive nations, not states. The vital distinction between nation and state is obviously too heavy for our omniscient editors.

Regarding these national entities, the views expressed by the many who sent their letters to the *Post's* editors, only to have them liberally suppressed from publication, make for some choice reading. One, for example, after having cited the population of each of these entities, states, "In 1918, they were all proclaimed independent National Republics and were on the road to rebuilding their countries before being brutally destroyed by Russia in the name of 'world Communism.'"<sup>23</sup> A young scholar at Columbia University, who has written *Marxism and Existentialism*, published by Doubleday, strikes a point in his suppressed letter: "Before becoming comic about Idel-Ural and Turkestan, it would be wise to remember that no more than two hundred years ago America was a tiny, back-

Footnotes at end of article.

ward nation whose struggle for national independence evoked a sarcastic smile on the faces of the 'sophisticates' of Britain and Europe.<sup>15</sup> Need more be said about the *Post's* "sophisticates?"

Aside from the childish, personal slur, the second point made in the editorial is that the Resolution is "fanciful cold-war rhetoric" issued in "a surge of hysterical anti-communism." This interpretation is far removed from the facts. Anyone who knows the facts of the quiet and deliberative passage of the resolution in Congress, the explosion in Moscow, and Khrushchev's apoplectic harangues over this event, cannot but wonder where our editors hibernated at the time, and even since then. There is a sad case of misplaced hysteria. As *Hairenik* accurately points out, "the *Post* apparently is unaware that since 1959 the Soviet Government has directed an intensive worldwide propaganda effort against the Captive Nations cause, for there is no doubt in the least that the Achilles heel of the Soviet is its captive world—and the Kremlin knows this."<sup>16</sup> Offering a concise historical background on Russian imperialism from the days of Muscovy, another suppressed letter stresses that "the idea of the Week has transcended our own leaders and promises to awaken countless other individuals and nations to the historical character of Russian imperio-colonialism."<sup>17</sup>

The *Post's* third point is clearly an argument of desperation, that it attempted to use during "the Shevchenko affair" in 1963-64. Because of the resolution, it holds that most Americans who come from now-Communist lands "are insulted by being treated as hyphenated citizens." This supposedly brilliant argument ignores completely the experiences these citizens have to offer for our benefit and security, the heavy participation of native Americans in the annual Week, and the mythical nature of the argument itself. As one letter pointedly states, "Yearly observances indicate that Americans from all walks of life participate in observances and express their support of the traditional American principles for freedom and independence of nations."<sup>18</sup> It then drives home the additional observation, "During the last Israel-Arab conflict, American Jews supported Israel 100%. I have not seen anything that stated or even implied that they were 'hyphenated' citizens. American Irish actively supported Ireland's struggle for independence, without being accused of 'hyphenated' citizenship or 'old-country ethnic backbiting.'" Evidently, the *Post* reserves its argument only for those who oppose the Russian colonialists.

Another suppressed letter dwells on this same point in this vein: "Only the *Post* could conjure up a 'hyphenated citizen,' Benjamin Franklin, one of this country's founding fathers, is credited with the view that anyone ashamed of his forebears could add little to our country. This would certainly discredit hyphenated citizenship, not to mention the editor's mythical non-ethnic origins."<sup>19</sup> The classic Coolidge statement on immigrants and Americanism could be thrown in for added measure.

Going from the absurd to the ridiculous, the *Post* now charges "ethnic discrimination" in the resolution because Russia is not mentioned and, with baseless reference to the writer, "Ukrainian nationalism is nothing if not anti-Russian." The conqueror of other nations is scarcely qualified for such listing, no more than a circle is a square. Also, to be anti-Russian imperio-colonialist does not mean being anti-Russian as concerns the Russian people at large, who have been captive in another sense for literally 500 years, namely to barbaric Russian institutions of tyranny, genocide, and imperialism. As another suppressed statement puts it, "The *Post*, consciously or not, upholds the foundation of the Russian empire, with all

its ugly and inhuman features, including anti-Semitism. No wonder that in past years *The Post's* policy on the captive nations was praised by the Communist press within the Soviet Union."<sup>20</sup> *Hairenik* again sums it up in good humor, "Let us here draw a smile. To list Russia as a Captive Nation would be to have listed England with India, Uganda, Kenya etc., etc., among the territories of the British Empire which were candidates for decolonialization!"<sup>21</sup>

In essence, Ukrainian nationalism is no different from American nationalism and scores of others that brought independence from a foreign, imperialist power and for the self-determination of people. One of the suppressed letters puts this cogently, "In the days when more African peoples have won their independence, to deny the right to freedom for Ukraine, Armenia . . . is a contradiction to the concept of universal freedom and justice which is talked about so much in the free world nowadays."<sup>22</sup> What the writer is unaware of is the fact that the *Post* operates on a double politico-moral standard.

The *Post's* further contention that this writer "has prepared an insidious rebuttal" on the downgrading of the Week and "attributing criticism to foreign manipulation" can be disposed of briefly. It is a figment of their own imagination. However, as the record well shows, it is interesting to observe how the Red totalitarians, the Kennans, *The Post*, and a few others have shared the same objective. And, finally, its adulation of the President's omission of the countries specified in the resolution and his ostensible rejection of the resolution's tenet that "Communist imperialism makes a mockery of the idea of peaceful coexistence" is also largely inflated. From Eisenhower to the present, identical omissions have been made chiefly because of a fear of irritating the Bear and not knowing how to implement the resolution. As for the second item, it would be absorbing, to say the least, to see the President openly support *The Post's* statement at face value.

It may astound the editors to learn that we, too, are for a genuine "peaceful coexistence," not the present Russian ersatz type, and for openings to East-West peace and stability, but based on principle, truth, and expanded freedom, not blind and obscurantist impulses. As a suppressed letter states it, "We do not believe, however, that such an exploration should be on the account of the captive nations in tightening their captivity, but rather in supporting their right to freedom and self-determination."<sup>23</sup> As another suppressed one views it, "Peaceful coexistence may be a tempting policy—but if it means peace at any price, then it is certainly a prelude to war. . . ." And as a last suppressed one puts it, "The National Captive Nations Committee is in the forefront of a people-to-people program for peace and stability—much more so than the *Post*—for NCNC dares to mention the forgotten peoples—those in the USSR!"<sup>24</sup>

The reader has noticed my challenge to the editors of the *Post*, contained in my suppressed letter of July 17, 1967. "I challenge you," it read, "to arrange a discussion meeting in the *Post's* auditorium, which would bring you face-to-face with living victims of Soviet Russian imperio-colonialism from Idel-Ural, Turkestan, White Ruthenia, and Cossackia. . . . Let us see how courageous you are in meeting these people—whom you think are ghosts without a national background of independence struggle—before the audience of the *Post's* personnel who, in this setting, would have the opportunity to gauge the level of their editors' understanding of this vital problem."<sup>25</sup>

#### THE OUTSTANDING CHALLENGE

In view of the *Post's* editorial, this, you will agree, is a most reasonable challenge. To

this day, there hasn't been a whimper from the editors concerning it. Just stony silence. Meanwhile, able representatives of these national entities have stood ready to engage in such a constructive discussion. Their counterparts in the Soviet Union may be muted by Russian tyranny, but here no one will mute them, least of all the *Post's* editors. The challenge is outstanding.

The double standard of the *Post* should be recognized by all. When, for example, its editors sharply criticize the Greek Junta for curbing free speech and assert "That is hardly the behavior of a government prepared to let its opposition speak," the integrity of its words can be properly weighed on the scale of its own policy and behavior.<sup>26</sup> So, too, captive non-Russians in the USSR speak out at times and are arrested and confined to forced labor, and Americans who keep abreast of all this, also speak out in criticism of our Government's inept policy toward the USSR. By all means, let the opposition speak, but everywhere and not just those areas determined by double-standard judgments. In behalf of opposition speech, I repeat, the challenge still remains outstanding.

#### FOOTNOTES

<sup>1</sup> Richard Wilson, "Soviet Union Playing Long-Haul Power Game," *The Evening Star*, Washington, D.C., November 8, 1967.

<sup>2</sup> Bernard Gwertzman, "Curtain Falls Quietly on Soviet Jubilee," *The Evening Star*, November 8, 1967.

<sup>3</sup> Lev E. Dobriansky, *The Vulnerable Russians*, Pageant Press, New York, 1967, pp. 454.

<sup>4</sup> "Ukrainian National Revolution vs. Russian Bolshevik Revolution," *The New York Times*, November 16, 19, 1967.

<sup>5</sup> "Ukrainians Protest Slavery," *Daily News*, New York, November 18, 1967.

<sup>6</sup> "Stepping Out for Freedom," *Sunday News*, New York, November 19, 1967.

<sup>7</sup> "Police Repulse 2,000 Marchers at Soviet U.N. Mission," *The New York Times*, November 19, p. 1; "Cops Break Up Charge on UN Soviet Mission," *Sunday News*, p. 21.

<sup>8</sup> *Izvestia*, July 7, 1967.

<sup>9</sup> Complete text of *Izvestia* article is quoted in *The Ukrainian Bulletin* October 1-15, 1967, p. 85.

<sup>10</sup> "Captive Congressmen," editorial, *The Washington Post*, July 10, 1967.

<sup>11</sup> Lev E. Dobriansky, "Letter to the Editor of *The Washington Post*," CONGRESSIONAL RECORD, vol. 113, pt. 19, p. 25633.

<sup>12</sup> "The Washington Post: A Captive Organ," *The Hairenik Weekly*, CONGRESSIONAL RECORD, vol. 113, pt. 19, p. 25634.

<sup>13</sup> "Anniversary of First Revolution, By Captive Nations," CONGRESSIONAL RECORD, vol. 113, pt. 24, pp. 32266-32268.

<sup>14</sup> Walter Tutka, Letter-to-the-Editor, CONGRESSIONAL RECORD, vol. 113, pt. 19, p. 25634.

<sup>15</sup> Walter Odajnyk, Letter-to-the-Editor, *The Ukrainian Bulletin*, October 1-15, 1967, p. 88.

<sup>16</sup> *Ibid.*, vol. 113, pt. 19, p. 25643.

<sup>17</sup> Walter Pretka, Letter-to-the-Editor, CONGRESSIONAL RECORD, vol. 113, pt. 15, p. 19900.

<sup>18</sup> O. Szczudluk, Letter-to-the-Editor, CONGRESSIONAL RECORD, vol. 113, pt. 19, p. 25633.

<sup>19</sup> Vera A. Dowhan, Letter-to-the-Editor, CONGRESSIONAL RECORD, vol. 113, pt. 15, p. 20019.

<sup>20</sup> Peregrinus, "The Washington Post and Captive Nations," CONGRESSIONAL RECORD, vol. 113, pt. 19, p. 25633.

<sup>21</sup> *Ibid.*, vol. 113, pt. 19, p. 25634.

<sup>22</sup> Walter Tutka, *op. cit.*, vol. 113, pt. 19, p. 25633.

<sup>23</sup> O. Szczudluk, *op. cit.*, vol. 113, pt. 19, p. 25633.

<sup>24</sup> Walter Odajnyk, *op. cit.*, p. 88.

<sup>25</sup> Vera A. Dowhan, *op. cit.*, vol. 113, pt. 15, p. 20019.

<sup>26</sup> *Ibid.*, vol. 113, pt. 19, p. 25633.

<sup>27</sup> "The Right Direction," Editorial, *The Washington Post*, October 9, 1967.

AMERICANS MUST BECOME AWARE  
OF THE ISSUES

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 1, 1968

Mr. UTT. Mr. Speaker, under unanimous consent to insert my remarks in the RECORD, I include a letter I have received from a Czech political refugee. The letter clearly points up the importance of the forthcoming November election and the need for every American to become aware of the issues, as follows:

JULY 29, 1968.

DEAR REPRESENTATIVE UTT: With a deep interest, I see the coming Presidential election in the United States, and I know that the citizens and the politicians of West European countries expect with hopes and fears the decision which will be made in November by the people of the first and greatest country of the world. Like the people in the United States, we over here have our opinions and compare them with those of American politicians and journalists.

On June 27, 1968, Mr. James Reston warned, in the *International Herald Tribune* (the European edition of the *New York Times*), the Republicans not to nominate Richard M. Nixon as their Presidential candidate because this would bring the Vietnam War to a stop and thus help the Democrats to win once more the Presidency. He wrote: "The nomination of Nixon could help bring about a cease-fire in Vietnam but for an odd reason. There is no man in American political life the Russians distrust more than Nixon. If he were nominated, it is certainly not beyond the realm of possibility that they would really use all of their influence on North Vietnam to bring about a cease-fire before the election. But that would merely enable the Democrats to go to the polls saying the fighting was over, and thus enhance their chances of keeping the Republicans out of power for another four years."

I agree with Mr. Reston that the nomination of Mr. Nixon (in case he also has a running mate of his own persuasion) will bring about an armistice in Vietnam, bringing thus the aimless and barbaric killing of Americans and the Vietnamese to an end. I cannot, however, share the logic of Mr. Reston. What he, indeed, should have correctly said is the following: The Soviets distrust Mr. Nixon because he cannot be fooled by them. They are going to make a cease-fire in Vietnam in order to prevent his election, and they are going to undertake, I feel sure, before the election, some more additional "Peace", "friendship", "cooperation", "disarmament", actions in order to prevent his election. These actions will probably be the release of the PUEBLO, the retreat of the Soviet Union in Czechoslovakia, some phony and uncontrolled disarmament actions (rocket disarmaments, etc.) following the nonproliferation treaty, visits, etc.

It must be clearly stated that the mere candidacy of Mr. Nixon will force the Communists to these retreats and concessions. The cease-fire in Vietnam, however, will remain phoney and will be followed by a peace which will mean the communization of the entire Vietnam, and all other peace actions will turn to the disadvantage of the United States and the Free World, in case the Communists reach by them their principal objective, namely the prevention of the election of Mr. Nixon, and if they enable by them the election of a man whom they, in the words of Mr. Reston, can trust. That this view is not a mere phantasy shows the phoney Communist "retreat" in Cuba in 1962, just before the elections. By this "retreat" the Communists did hurt Mr. Nixon in his bid for the Governorship of Califor-

nia. Today, however, Communism is more firmly entrenched in Cuba than before.

It would be certainly ideal for the Communists to have in the United States a President whom they can trust. Such a President would seek cooperation with them, would give them economic aid, would conclude with them pacts and treaties at the cost of American allies, while tolerating aggression in Vietnam and elsewhere. Such a man could have rightly a deserved trust of Communists.

In Mr. Reston's article, we can find also the explanation why the Communists instigated, in the past years, the poor in America to revolts, riots, looting and burning. The poor, in the Communist calculation, should put more and more demands costing much money. This would force America to reduce her military security and to strive for a détente with Moscow at the conditions given by Moscow. Mr. Reston states quite clearly: "If the job of the next President of the United States is to get peace, and find the momentous sums of money needed to deal with the menace of the poor at home and abroad, this is likely to be done only by a substantial reduction in military expenditures, which in turn depends on greatly improved relations with the Soviet Union."

In a second article, on July 15, 1968, in the same newspaper, Mr. Reston compares two candidates, Mr. Nixon and Mr. Humphrey. He writes: "Nixon is still talking as if Alger Hiss and Nikita Khrushchev were household words, and emphasizing what he calls 'the fundamental fact of continuing confrontation between Communist aggression and Western resistance.' Nixon's tendency is to assume the worst about Communist ambitions, to give top priority to military security, to concentrate on Asia. He is not against 'reconciliation', but the main thrust of his mind is on 'confrontation' and 'containment.'"

"Humphrey's tendency in all relations—humane relations, political relations, and foreign relations—is to assume the best in other people. His top priority in the world, as he sees it now, is social reconstruction. He thinks first not about the Cold War—Nixon's priority—but about what he regards as the new Class War in the world between the rich people and the poor people within our own country, and the rich nations and the poor nations elsewhere."

Now, I believe that that man would best save the money needed for the poor people, whose mere candidacy would stop the Vietnam war. (He would, by the way, also save the lives of Americans and Vietnamese, both poor and rich.) This man, in Mr. Reston's own words, is Richard Nixon.

(This year, the Communist agents obviously do not encourage and instigate the riots, because this is an election year and the riots do hurt only the opponents of Mr. Nixon.)

Mr. Nixon, with his plan for the Negro economic power, supporting the most able and active Negro elements to build up their own business enterprises, would, of course, also stop a blind squandering of money, would give the Negro problem the only possible reasonable solution and would give the Negro people a real dignity.

Leading politicians of the United States have voiced their opinions that "world conditions have changed and demand new priorities in American policy. They demand . . . a shift from policies of confrontation and containment to policies of reconciliation and peaceful engagement. The most important area of reconciliation—and the top priority for American foreign policy in the next decade—is that of East-West relations. This particularly includes relations among the United States and the Soviet Union, Western Europe and Eastern Europe." (*International Herald Tribune*, July 15, 1968.) Or we read the central goal of the United States should be the cooperation with the Soviet Union. (*International Herald Tribune*, July 27-28, 1968, page 3.)

Now, I do not believe that world conditions have changed, that Communism has changed, just because there will be—caused by Mr. Nixon's candidacy, and remaining phoney in case Mr. Nixon is not elected the President—some pre-election Communist peace moves, in order to influence the U.S.A.

Let us take the example of Czechoslovakia. The only changes are some more personal freedoms—ridiculous for those who know what a real freedom is—for the Communist subjects in Czechoslovakia. In return, the Communists will demand Western (American, West Germans, etc.) economic and financial help for the ruined Czechoslovak economy. They also believe that they can prove to the world that the population stands behind them, behind Communism. And Soviet Russia, on the other hand, can play again, like in Cuba in 1962, the "retreating" peace-loving Communist power, giving thus another contribution to the pre-election peace moves.

This is, as I, being a Czech political refugee from Communism in Czechoslovakia, see it. (By the way, nothing new happened in Czechoslovakia when Dubcek was exchanged for Novotny. This has happened in all countries ruled by Communist apparatuses since ever: the front-men, discredited by failures, are exchanged, but the party apparatus keeps itself in power.)

Let me be clear on one point: There could be, of course, a development towards a real liberalization and democratization, towards real freedom, towards real disarmament, towards real peace, but only in case the Communists know that there is a man President of the United States whom they must "distrust" of whom they, in other words, know that they cannot outwit and outcheat him and his people.

Obviously Mr. Nixon, whom the Communists "distrust" and whose mere candidacy will stop the Vietnam War, will be the ideal man to get a true, real détente with Moscow, a true disarmament and peace, much more than any other man whom the Reds would trust, after the nomination and election of whom they would not need stopping the Vietnam War, and whom they would use for further extortions of the Vietnam type and for getting economic support for Communist countries and for the continued Communist aggression (which they could carry out sometimes openly, sometimes secretly, just as they would wish).

But there is also the question of American allies.

The American uncritical cooperation with Communist Russia and other Communist countries would mean the full disruption of American alliances (thus again causing more American expenditures, for America would have to pay everything herself). The countries of the Free World would partly seek their own "cooperation" with Communist countries, partly and mainly carry out their own policies protecting them against communization. The example of this is today's France. These countries will simply—nobody knows with what result—refuse to become voluntary victims of Communism. On the other hand, however, how wonderful it would be if America, after the November election, had a President who would have the "distrust" of the Soviets and the Communists, but the trust of countries of the Free World!

GEORGE BRADA.

A BILL TO AMEND THE FARM TAX  
LOSS PROVISION OF THE INTER-  
NATIONAL REVENUE CODE

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 1, 1968

Mr. CURTIS. Mr. Speaker, I am introducing a bill today designed to improve

the competitive position of the real farmer in America. Agriculture in recent years has become the most controlled sector of the American economy and has severely suffered as a consequence. There are many areas in which we should move to restore the competitive position of the farmer. The administration's regressive trade policies with respect to agriculture illustrated by the recent International Wheat Trade Convention which in effect taxes U.S. farmers wishing to sell wheat for export and therefore drastically reduce their income—see CONGRESSIONAL RECORD, page 23790, July 26, 1968—the parity ratio in agriculture which is now the lowest since 1931; and the interest rates, which are the highest since the Civil War, reflecting added costs to many farm items; increased taxes—Federal, State, and local; are only a few areas demanding improvement.

The bill I am introducing today is to correct a problem which has long been of concern to me and is an implementation of one of the recommendations of the Republican members of the Joint Economic Committee, namely, to "update the income tax laws to protect the commercial farmer against the unfair competition which results when those whose principal occupation is not farming, purchase farms, and then write off the losses on their tax bills"—1968 Joint Economic Report, Senate Report No. 1016, page 105. A recurring phenomenon across the country is the purchase of farm property by business and professional people and corporations whose principal business is other than farming. The motivation behind these purchases is generally twofold: relaxation and enjoyment, and to take advantage of the tax provisions relative to business losses. The first motivation is perfectly proper in itself and by this bill I do not intend to curtail anyone's right to buy and use his land for any legitimate purposes. However, the utilization of the farm loss provisions in the Internal Revenue Code leads to distortions in the agricultural economy and unintended tax benefits which it is my purpose to correct by this legislation.

The tax laws are distorted when used by "hobby farmers"—as they are often called—because the methods of accounting allowed to be used by real farmers are different than those required by the Internal Revenue Service for most other businesses. There are two principal methods of accounting used for reporting business income for tax purposes: the "cash method" and the "accrual method." In general, those businesses which do not involve the production or sale of merchandise may use the cash method. Under it, income is reported when received in cash or its equivalent, and expenses are deducted when paid in cash or its equivalent.

Where the production or sale of merchandise is a significant factor, income can be properly reflected only in the costs of the merchandise are deducted in the accounting period in which the income from its sale are realized. This is called the "accrual method" of accounting, and is accomplished by recording costs when incurred and sales when made, and including in inventory those costs attributable to unsold goods on hand at the end

of the year. Deduction of the costs included in inventory must be deferred until the goods to which they relate are sold and is not permitted when the costs are incurred. Thus, under the accrual method, income from sales of inventory and the costs of producing or purchasing such inventory are matched in the same accounting period thereby properly reflecting income.

Because of the complexities of the bookkeeping chores associated with inventories and accrual accounting, the Internal Revenue Service has historically permitted ordinary farmers to use the cash accounting method, even though this has resulted in an inaccurate reflection of their annual income in many cases since expenditures are deducted in the year incurred, despite the fact that the income produced by these expenditures may not be reported until a succeeding year.

For the ordinary family farm, I feel that these deviations from standard accounting practices are quite reasonable. However, for the high-income bracket "hobby farmer" or corporate farming operation, they are not. When a high tax bracket "hobby farmer" elects to use the special farm accounting rules, many of these taxpayers show farm losses which are not true economic losses. They can instead be characterized as artificial tax losses. These tax losses can then be deducted from other nonfarm income which often results in large tax savings.

Furthermore, these artificial tax losses from limited farming operations are often in reality capital costs of inventory costs. They often more accurately represent an investment in farm assets rather than amounts actually lost in the business. This investment quite often will be sold and taxed at the capital gains rate. Therefore, hobby farms present a situation where deductions are set off against ordinary income to reduce the amount of taxes paid while the taxpayer holds the farm, while the sale price of the farm is taxed at a capital gains rate.

The typical situation is the hobby farmer who raises cattle, develops citrus groves, fruit orchards, and other similar ventures which involve assets which require several years to mature. The development costs are deducted in the years before the asset matures as expenses. After the asset matures, the entire lot is sold, and taxed not at ordinary income rates, but at capital gains rates. This is an unfair distortion of our tax laws which this bill is designed to rectify.

It is also a distortion of the farm economy and punishes the farmer who has to rely on his yearly income from his farm to support himself and his family. This occurs because the hobby farmer who competes with the real farmer in the marketplace need not make a profit—indeed a profit to the hobby farmer may be unnecessary and sometimes even detrimental.

The present tax provisions thus distort the farm economy by bidding up the price of farmland to a level far beyond that which would prevail in a normal farm economy. This is harmful to the real farmer in the event he may wish to expand his operations and finds he

cannot do so because of the artificially high price of the surrounding land. It has its beneficial aspects of course only in the event that the real farmer chooses to sell out as he can then realize a higher price for his land, but if he sells out he is no longer a farmer.

The magnitude of the effect on the farm economy has not been accurately measured. However, there are several indications that the distortion is significant. For example the Internal Revenue Service has provided the following statistics:

In 1965, among taxpayers with less than \$50,000 of adjusted gross income, the total farm profits were \$5.1 billion and total farm losses were \$1.7 billion; about a five to two ratio of profits and losses.

Among taxpayers with an adjusted gross income between \$50,000 and \$500,000, profits and losses were in an approximate one to one ratio. However, among taxpayers with an adjusted gross income over \$500,000, total farm profits were \$2 million and total farm losses were \$14 million, a more than seven to one ratio in the other direction—that is, losses to profits. (Cong. Rec., pp. 21704-21706, July 17, 1968.)

In other words, the richer one is, the worse farmer he tends to be, and if one is very rich, apparently he cannot farm at all. I think that can only be a reflection of the distortion created by the farm loss provisions of the Internal Revenue Code, and if left unchecked, the distortion can be expected to become even greater in the future.

#### ANALYSIS OF THE BILL

The bill I am introducing today is offered as a suggested method of dealing with the problem, which I hope will receive study along with some other approaches which have been and might be offered. My bill provides that a taxpayer who claims to be in the trade or business of farming must prove this fact by a clear preponderance of the evidence if an agent of the Internal Revenue Service in auditing the taxpayer's return determines that the taxpayer is not in the business of farming and the national office of the Internal Revenue Service on the petition of the agent sustains the agent's determination. The presumption which the bill creates that the taxpayer is not in the business of farming is in addition to the normal presumption of correctness which attaches to an Internal Revenue Service determination. The effect of denying the taxpayer's claim that he is in the trade or business of farming is to deny him any deduction for farm losses.

Under the bill the national office must give the taxpayer timely notice before reviewing the agent's determination. Its review is to include both a comprehensive study of the taxpayer's case file and, at the request of the taxpayer, at least one conference with him.

Under existing law the national office of the Internal Revenue Service generally does not review questions of fact. Moreover, it reviews questions of law only at the request of a taxpayer. Under the bill, however, as I stated above, the national office review, which is necessary to establish the additional presumption, that a taxpayer is not engaged in farming as a trade or business, is to take place only on the petition of the auditing



agent. Thus, unlike in the usual case, under the bill the agent has the burden of establishing the correctness of his determination so that the statutory presumption will apply.

The presumption which the bill establishes does not apply in the taxable year in which a taxpayer acquires a farming enterprise or in the succeeding taxable year. This gives the taxpayer an opportunity for his actions to establish that he is farming as a trade or business. The presumption under the bill applies in the case of an individual taxpayer as well as a corporate taxpayer.

The bill applies with respect to taxable years beginning after the date of enactment.

The current provisions relating to hobby farms, section 270 of the Internal Revenue Code of 1954, provides in effect that no one shall be considered a legitimate farmer entitled to deduct farm losses if he failed to show a profit in his farm operations in the preceding 5 years. This provision has been ineffective, as experience has shown the ease with which a non-bona-fide farmer could merely show a slight profit for one of those 5 years. Consequently, my approach is to deal with the matter flexibly in each specific case and to place great emphasis upon the determination of the Internal Revenue agent in the field as to whether or not the farm is operated with the bona fide intent to make a profit. The fact that a loss appears is not fatal to allowing a tax deduction for it if the IRS agent ascertains a good-faith intent to farm for a profit. Because great emphasis is placed on the judgment of the IRS agents—who are individual human beings—the bill adds that the agent's determination shall not be effective without the approval of the national office of the IRS if the agent in the field should rule against the farmer in any specific case. This procedure has its precedent in the ascertainment by the Internal Revenue Service of a bona-fide pension plan for tax purposes.

Other bills have been introduced which approach the problem in a different fashion which also merit close study. Senator Lee Metcalf has introduced S. 2613 in the Senate—CONGRESSIONAL RECORD, volume 113, part 23, page 30102. My colleague on the Joint Economic Committee, Senator JACK MILLER, of Iowa, offered an amendment to the Metcalf bill, S. 3443 on May 7, 1968—CONGRESSIONAL RECORD, pages 12006-12007. In addition, the Internal Revenue Service is expected to offer its suggestions to the Congress in the near future which in general are expected to take the form of providing a ceiling on the amount of nonfarm income which could be offset by farm losses in any one year. If there were excesses from farm losses, they could be carried forward or backward to offset farm income, but no other income, in other years.

The farm tax loss problem needs study and attention by the Congress. It represents a loophole in our tax laws which is unfair to all Americans not in a position to take advantage of it. It also represents to the legitimate American farmer unfair competition; something

difficult to tolerate anytime, but particularly difficult in light of the effects upon farmers of the failures of the past 8 years of Government farm policies.

#### THOUGHTS ON THE KERNER COMMISSION

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 1, 1968

Mr. MICHEL. Mr. Speaker, anyone reading an account of the daily news these days could be excused if he has the impression that we apparently have a new summer sport to add to the traditional summer pastimes such as swimming, golf, baseball, tennis, and so forth. I am referring, of course, to the reports of violence coming in every day from points all over the country, including my own hometown of Peoria, where the other night 11 policemen were wounded by shotgun pellets while trying to restore order. The violence in Peoria began when police moved into an area of the city to halt rock-throwing at passing automobiles.

It seems to me that the so-called Kerner Commission report has been remiss in overlooking the growing impatience of all Americans with civil disorder, and in that connection, I am in agreement with the views of Mr. Daniel P. Moynihan, who recently denounced expressions by national leaders which give "aid and comfort to an ever-rising tide of domestic violence." There must be a stop to this practice by high officials and I add my own hearty amen to Mr. Moynihan's comment that—

Violence is never inevitable; violence is never admissible in this society.

An editorial from today's edition of the Chicago Tribune makes some pertinent observations on this whole question and I include the editorial in the RECORD at this point:

#### KERNER COMMISSION "GO HOME"

The report of the Kerner commission on civil disorders, issued last Feb. 29, blamed almost everybody but the rioters. Now the commission has issued supplementary studies which purport to show that a majority of Negroes think that riots are justified as a form of social protest.

If this conclusion is correct, it is a shocker, for it has been generally believed that the vast majority of Negroes deplore violence as much as most white people. Have the commission's researchers really determined that a majority of Negroes think that murder, arson, and looting will build a better society?

We doubt it. Surely a majority of Negroes know that every riot, every instance of violence, makes whites less sympathetic toward the needs and aspirations of black people. Surely a majority of Negroes know that Negroes are the principal sufferers in the big riots.

The Kerner commission, in its main report, caused great harm to the cause of racial peace by its insistence that "white racism" was responsible for all misbehavior by Negroes. Now the commission compounds its evil with a report that encourages further violence by telling rioters that a majority of their people are behind them.

The commission would have been better advised if it had emphasized, or at least

noted, the growing impatience of white America with civil disorder. Sen. Joseph Tydings, a Maryland Democrat, said in a speech to the National Symposium of Law Enforcement Science and Technology:

"I think that disorders are making the public lose confidence, making it vindictive and impatient. I wonder how much time we have before the 90 per cent of the people who are white demand that disorders end."

Daniel P. Moynihan, the liberal student of Negro and urban problems, recently denounced expressions by national leaders which give "aid and comfort to an ever-rising tide of domestic violence." There must be a stop to it, he said. "Violence is never inevitable; violence is never admissible in this society."

Yesterday 11 Peoria policemen and a newsman were wounded by shotgun blasts, and fire bombs were hurled at buildings and cars. The violence began when police moved into a Negro area to halt rock throwing at passing automobiles.

In Seattle, a sniper fire thru the roof of a police car in a Negro area, wounding two policemen.

In Cleveland, three policemen were killed and 16 wounded in last week's orgy of sniping and looting.

"When police are being shot like fish in a barrel, it's time we do something," said John Herrington of Philadelphia, national president of the 137,000-member Fraternal Order of Police. He said a two-day national police walkout had been proposed by police leaders as a protest against lack of public support.

"You take Cleveland," he said. "Nobody's concerned about the man lying there paralyzed with a bullet in his spine. Nobody's concerned about three officers in their graves. Nobody's concerned about their widows and orphans. What they are concerned about is the civil rights of Evans." (Fred Ahmed Evans is a black nationalist quoted by police as saying he led 17 men in the attack on the police.)

Some of the blame for these tragedies must be shared by the Kerner commission's pronouncements. The commission, we hope, will now go out of business. Its members and staff can go back to their homes and academic communities, which are well insulated from the sium conditions discussed in their reports.

The police and firemen must stay on duty keeping order and putting out fires.

HON. HERBERT B. SCUDDER

HON. W. R. HULL, JR.

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 30, 1968

Mr. HULL. Mr. Speaker, it is with a heavy heart that I note the passing of my friend and former colleague, the Honorable Herbert B. Scudder, of the First District of California.

When I was first elected to Congress and was assigned to the Public Works Committee, Herbert Scudder was an influential member of that committee and although we sat on different sides of the aisle, he was helpful to me in my work on the committee.

From the day I met him, I found Herbert Scudder to be kind, courteous, and sincere. His work in behalf of his constituents and the Nation will be long remembered and I join with my other colleagues in expressing my deepest sympathy to his family.

TESTIMONY BY PRESIDENT OF U.S.  
CHAMBER BEFORE RESOLUTIONS  
COMMITTEE

**HON. GEORGE W. ANDREWS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 1, 1968

Mr. ANDREWS of Alabama. Mr. Speaker, on Tuesday, July 30, Mr. Winton M. Blount, president of the Chamber of Commerce of the United States, presented the following statements before four subcommittees of the Republican resolutions committee of the Republican National Convention.

As I felt Mr. Blount's testimony would be of particular interest to all readers of the RECORD, I am privileged to insert these remarks herewith:

STATEMENTS BEFORE THE REPUBLICAN  
RESOLUTIONS COMMITTEE

(By Winton M. Blount, President, Chamber of Commerce of the United States before the following subcommittees of the resolutions committee of the Republican National Convention: Subcommittee on economic affairs, subcommittee on human needs, subcommittee on private enterprise and the Federal Government, and subcommittee on National, State and local relations, at Miami, Fla., July 30, 1968)

INTRODUCTION

Let me first express my appreciation for your invitation to present the National Chamber's views on the major issues of the day.

Our national federation speaks for more than 3,700 local and state chambers of commerce and trade and professional associations, and 33,000 business firms. The more than 5,000,000 business and professional men and women which these organizations represent are deeply concerned with the requirements for healthy economic growth on which our social and material progress depend.

Your deliberations come at a time of justifiable concern among our people and our friends around the world. We are concerned about how our great country will cope with the many difficulties that confront us both at home and abroad. We are concerned about the kind of leadership we will give, or the example we will set.

It is worthy of note that our problems at home really stem from success, not defeat. Our basic problem is how we can live with—or how we can manage—our prosperity . . . how we can maintain healthy economic growth with benefits more widely earned and shared, especially by the disadvantaged.

There must be the means—and the will—to keep providing the opportunities for a better life for a still larger percentage of our growing population. The only means available, short of changing our form of government, is the free market economy. As you know, it has brought to our people the highest standard of living in the history of the world.

Political parties—whose product is government—play an important role in helping private business generate the economic activity that is necessary to maintain stable growth and prosperity.

Central government can be stifling when it engages in massive intervention in the economy and in our private lives.

On the other hand, it can also be an effective force for progress. It can stimulate individual initiative. It can foster a political climate conducive to private investment. This will help provide our growing population with more and better goods, services and jobs. It will help provide the means for attacking many of our critical urban problems.

It's a sad fact that we cannot hope to achieve our goals until we straighten out the imbalances of our economy.

Our competitive political process is an inherent part of our competitive economic system. There is much it can do to keep the system virile, strong and responsive to our needs. It can provide a favorable climate for job-making, for taxpaying, and for business operations that are geared for progress—progress for our country, for our people, and for the communities in which we all live.

STATEMENT DIRECTED SPECIFICALLY TO THE  
SUBCOMMITTEE ON ECONOMIC AFFAIRS

In the field of fiscal and monetary policy, with which your subcommittee is concerned, we in the business community show greatest concern over inflation, rising taxes and excessive government spending.

Inflation hurts everybody, most of all the poor. It also weakens the competitive position of our products in world markets.

A primary cause of inflation is federal deficit spending. This is evident from what has happened to the purchasing power of the dollar since 1950. In the past 18 years the Federal Government has had only four years of balanced budget—and the value of the dollar has dropped to 70 cents.

The more than \$25 billion deficit, which is estimated for the fiscal year just ended, has been the principal force behind our increasing rate of inflation. It has risen from a tolerable 1½ per cent to more than four per cent a year. This accelerated inflation is jeopardizing the nation's ability to do as much as it otherwise might to fight poverty and to attack community problems.

Excessive taxation has the same stifling effect on economic growth as inflation. To relieve the inflationary pressures, the National Chamber gave its support to the new 10 per cent tax surcharge, coupled with a \$6 billion reduction in federal expenditures. However, we urge that the surtax be removed as soon as the present monetary-fiscal crisis is over and the surtax is no longer needed. Fiscal responsibility can hasten that day.

We recommend, therefore, as a matter of national urgency, that your platform contain a commitment to move toward achieving a federal budget surplus as early as possible, hopefully in fiscal 1970. Times of high business activity such as we have today offer the best opportunity for substantial progress toward that end.

The tax increase-expenditure limitation package is a crucial step toward getting our financial affairs in order. But it is only a first step. Something must be done about government policies which allow spending to exceed our capacity to produce. They encourage pay increases that are far in excess of gains in productivity, lead to price increases, and the inflationary spiral is on.

We must reverse the direction of national policy if inflation is to be controlled. All of us, including the government, must recognize that social objectives worth having are worth paying for.

We need to set priorities. We can't achieve all of our objectives at once. We need to evaluate our objectives and the programs designed to meet them in the light of current needs. We need to match commitments with available resources.

Thus, we recommend that your party support the creation of an objective, bipartisan commission to provide a comprehensive re-evaluation of federal spending priorities.

With respect to international trade, controls on investments abroad imposed last January represent another in a series of measures which deal with our balance-of-payments problem in a fragmented fashion.

The controls address themselves to symptoms rather than to causes of the malfunctioning of our international monetary system. They also run counter to our declared liberal trade and payments goals, and therefore should be lifted as soon as possible.

We must restore an equilibrium which can be sustained without controls, and without other devices which obscure a disequilibrium.

The National Chamber recommends that the government undertake objective and far-ranging studies of what its options may be in achieving equilibrium, while at the same time avoiding further controls in the future.

We consider it imperative that the Republican Party reaffirm its historic stand on the economic benefits of freer trade. Consistent with the basic position of the need for a free-functioning market place, we hope that your platform will clearly state that, in the interest of free enterprise, artificial restraints on trade, on travel and on investments will be avoided.

STATEMENT DIRECTED SPECIFICALLY TO THE  
SUBCOMMITTEE ON HUMAN NEEDS

The field of human needs, with which your subcommittee is concerned, offers both the greatest challenge and maximum opportunity for imaginative, effective and long-lasting solutions to our problems.

One of the most desired of human needs is adequate housing.

The National Chamber supports giving encouragement to home ownership by families of modest means. We support improving the climate for business action to help meet the people's needs. We support reorienting federal programs to provide a systematic approach to solving housing problems.

Government efforts can best be aimed at attacking the main cause of inadequate housing. That is why we support the Percy home ownership plan and allied approaches for government assistance to stimulate housing improvement for families of modest means.

There's much talk about a guaranteed income, or negative income tax plan, to cope with the poverty situation. It would take the place of the existing batch of welfare programs which haven't worked. More than 30 years of federal experimentation have established welfare as a way of life for many families.

Certainly what we need is some built-in incentive for poor people to get off welfare. Because of the importance of the incentive factors, any move toward a guaranteed income should be taken only with extreme caution. Our entire welfare system needs to be re-examined.

We need to find a new approach. But we need to experiment and not rush headlong into another catch phrase type of program without first proving its workability.

Community needs parallel human needs. Progress on one helps meet the other. There is a growing need today for more participation by all segments of the society in working together toward improving our urban communities. We have seen the failures that result from fragmentation and relying too heavily on the Federal Government.

We urge a strong plank in your party platform calling for greater participation by all groups in the community and suggesting how this might be done by joint, cooperative action at the local, area and state levels. We commend to your attention, as a model, a process for Mobilizing Total Community Resources, which the National Chamber is making available to communities through their local chambers of commerce.

The great haste with which the Congress has been called upon to enact legislation dealing with the crucial problems of our times has resulted inevitably in duplication. This too easily breeds mismanagement and waste.

Federal grant-in-aid programs are a classic example of uncontrolled project growth. Four years ago there were 239 grant programs. Today there are more than 400. The Administration has predicted that they will quadruple in five years, when the cost is expected to increase to \$60 billion from the current \$18 billion a year.

As one part of the solution, and to allow communities more flexibility and the opportunity to make more effective use of funds, the National Chamber urges that the grants to communities be block grants.

An objective review of overall federal operations is also urgently needed. We urge that your party platform call for the establishment of a bipartisan, blue-ribbon commission, patterned along the lines of the former Hoover Commission, to help determine which federal programs should be merged, modified or discontinued. We need to establish relative priorities that permit the conduct of essential programs within financial bounds that do not jeopardize our economic security.

The national issue of most emotional and critical concern this year is the problem of riots and looting, and rightfully so. Mob action is a tolerated instrument for political, social and economic change has emerged as a new phenomenon in our society. It is tolerated for political reasons and in the name of social progress. Many misguided intellectuals and opinion leaders have mistakenly interpreted mob action as an expression of progress and given it their blessing. It's not progress; it's regression.

It is regression particularly when politicians carelessly make promises to the disadvantaged and the uneducated which they know cannot be fulfilled. Hope dashed on the rocks of reality, followed by frustration, is a basic cause of much of the mob action we see today.

A serious problem of the citizen, and especially the businessman, when riots threaten is reluctance of law enforcement officials to protect his human rights, one of which is the property right. Basic rights can't be divided. Look around the world. Where property rights are restricted, you won't find much personal freedom, either.

To protect human rights, which include property rights—indeed, to protect all of our basic rights—the government must make an early showing of all the force necessary to preserve law and order when riots threaten. We saw this done in Washington last month—and it worked.

The National Chamber recommends that your platform plank on law and order call for all levels of government, as needed, to put up an overpowering show of force and determination at the very first sign of a riot outbreak. This is one way to help preserve our free society.

Another major concern today is the rise in crimes and violence of all kinds. No one is immune to this menace. While it preys on all of our people, its chief victims are the underprivileged.

We believe that fundamental responsibility for controlling and preventing crime must rest with the state and local governments, cooperating fully with the Federal Government with respect to interstate crimes and emergency situations.

The Federal Government can and should make important contributions in areas of training and research, and the collection and evaluation of crime statistics.

We urge that your party platform call for strong, but enlightened, measures to strengthen state and local law enforcement. We hope that your platform will also recognize that crime must be fought by attacking poverty, ignorance and other underlying causes through programs that stimulate and encourage involvement of the private sector.

STATEMENT DIRECTED SPECIFICALLY TO THE SUBCOMMITTEE ON PRIVATE ENTERPRISE AND THE FEDERAL GOVERNMENT

In the field of labor-management relations and wages and hours, to which your subcommittee is directing its attention, the business community is justifiably concerned over the many infringements which undermine the proper functioning of the private enterprise system for the public good.

The growing imbalance in labor-management relations has led to uneconomic wage settlements which jeopardize price stability. It has also accelerated the decline in our international monetary position.

We're confronted today with an inflationary situation—a vicious circle of unions forcing major industries to raise wages about twice as much as the increase in productivity. The result is that unit labor costs have risen to a record high level and, consequently, so has the cost of living.

Employers must be assured of the right to manage their businesses as efficiently as possible so that increased productivity might allow wages to rise without forcing up prices. This is how we improve our standard of living.

Legal restrictions against secondary boycotts, which victimize neutral employers and their employees alike, must be tightened. We need to close loopholes in present laws, not open up new ones.

The imbalance in management's relations with unions is nurtured by a combination of weaknesses in our labor laws and their biased application by the National Labor Relations Board. In our opinion this gives unions excessive power and control over employees and employers alike not contemplated by the Congress.

Impartiality must be restored in the administration of labor laws and in those instances when the government intervenes to protect the national interest. Appeasing a union to avert or terminate a crisis is shortsighted and often whets the appetite of others for unstabilizing demands.

The public must be assured of continued government services and be protected against the growing number of strikes by public employees. Strikes against the government should not be necessary. They should not be tolerated.

The federal minimum wage should be uniform for all industries and all work, whether government or nongovernment. It should be fixed at a level which will preserve job opportunities and minimize further inflationary effects by not contributing to higher wages generally.

Wage laws relating to government contracts, particularly the Walsh-Healey and Davis-Bacon Acts, are unnecessary, conflicting and overlapping, and should be repealed. Federal wage policy should be limited to determining minimum wages, not top wages, as is sometimes the case.

Great strides have been made in the protection of health and safety of employees while at work. Efforts of the business community to improve the record even more will continue. Regulation and enforcement of safety standards have been historically, and quite appropriately, a primary concern of the states. We urge that they be allowed to continue to exercise their responsibility in this regard. The Federal Government can play a role, however, in helping to identify correctable job hazards. The National Chamber has urged Congress, and we urge as one of your platform proposals, that a national conference be convened to perform this function.

Basic labor laws must be improved to assure individual workers that they will be protected against excessive union power in the same way these laws originally were designed to protect them against unreasonable employers.

We have seen in recent years a growing number of union practices which penalize individual members for exercising their individual rights. We refer to fines and other penalties imposed on union members for exceeding production limitations dictated by unions, for ignoring picket lines, for criticizing union leadership or for exercising other traditional democratic rights.

This makes it all the more important, and we strongly urge, that the individual worker be protected in his right to decide by his

own free will whether or not he will join a union. No free individual should ever be forced to join, or give financial support to a union or any other organization, in order to get or hold a job. There should be no qualification of the fundamental right to join or not to join a labor organization. Both should have equal protection of the law.

STATEMENT DIRECTED SPECIFICALLY TO THE SUBCOMMITTEE ON NATIONAL STATE, AND LOCAL RELATIONS

A matter of utmost concern in this election year is our anachronistic Electoral College procedure. Already there's speculation that a deadlock of the electors may throw the election of a President into the House of Representatives. This raises the possibility that a candidate with less than a mere plurality of the vote could be selected.

The National Chamber urges that your party platform pledge to guard against the future threat of such an undesirable development in the world's greatest democracy.

We urge that your platform support the adoption of a Constitutional Amendment that would abolish the Electoral College. In its place, we suggest that the Constitution provide for the election of the President and Vice President in either of two ways:

Either by popular vote of the Nation at large,

Or by the so-called District Method, with one electoral vote for each Congressional District and two for each state at large. The candidate with the most electoral votes across the country would be elected.

The National Chamber's position in this respect does not stem from any mere whim or fancy. Rather, it is the conclusion of more than 90 per cent of our membership who voted in a referendum after careful study of the problem and the alternatives for solution. You are aware, I am sure, of similar support for our proposal from other sectors.

Electoral college reform should, insofar as possible, balance the interests of all states, both large and small. It should give equal weight to the vote of every citizen.

In our considered judgment, abolishing the Electoral College and adopting either the nationwide popular vote or the District Method would meet these requirements.

Such a Constitutional Amendment would go far in restoring to the American people complete faith in our great democracy, and pride in their role in our elective processes.

Above all, it would alert every American voter to the value and importance of his vote in electing the men who will fill the two highest public offices in the world, the President and Vice President of the United States.

Another area of more immediate and increasing concern is the need to strengthen the capability of state governments to deal more effectively with urgent domestic problems.

We hope that the Republican Party platform will support efforts by business, government and other groups to bring about the amendment or revision of state constitutions where constructive state and local action is restricted by outdated constitutional provisions. Vigorous state and local governments are a vital part of our federal union.

Governors and state legislatures should be provided the resources and authority to develop programs and policies suitable to the needs of their states and regions both within and among several states. They should be accorded a policy-making role in the development and implementation of federal-aid programs.

We urge your party support of all efforts to preserve and develop the federal system and to restore the public's confidence in the ability of state and local governments to deal with urgent domestic problems.

We further urge that your party platform affirm support for the Advisory Commission on Intergovernmental Relations. This organi-

zation, which originated in the Eisenhower Administration, has worked continuously to strengthen state and local government and to achieve more effective coordination among all levels of government.

**CIVIC CLUBS PETITION FOR LAW AND ORDER**

**HON. ROBERT T. ASHMORE**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 1, 1968

Mr. ASHMORE. Mr. Speaker, recently the Batesburg-Leesville Rotary Club of Batesburg, S.C., drafted a statement bemoaning the lawlessness and disorder which has marked our Nation in recent years, and calling on officials of our Government for a reversal of this situation. The Rotary Club, Lions Club, Exchange Club, Kiwanis Club, Business and Professional Women's Club, and the Chamber of Commerce of Clinton, S.C., thereupon endorsed the resolution.

I believe that it warrants the attention and action of all Members of the Congress, and at this time I am pleased to submit it for inclusion in the RECORD, as follows:

To All Members of the U.S. Congress:

Believing that you share equally with us our deep concern over the alarming increase of forces which threaten to destroy both the very foundation of our government and the true liberty of our law-abiding citizens, we confidently make this approach to you. Confident are we that you deserve, that you need, that you will welcome our assurance, the assurance that we are firmly standing back of you in your every endeavor to preserve the very essentials of our American heritage.

Specifically do we call your attention to the following:

1. The devastating violence which has erupted all over the nation, resulting in enormous loss of property and of life.

2. Attitudes which have encouraged such outbreaks of violence.

a. The strange leniency of many courts in dealing with hardened criminals.

b. The denying to police officers the very authority and means to curb much violence.

c. The impressions created by many so-called "interpreters of the law" that the courts are far more concerned with the rights of the breakers of the law than they are with the rights of the keepers of the law.

d. The failure of our government to punish certain blatant advocates of violence, allowing them the liberty to travel at home and abroad, everywhere defying our government and continuing to incite violence.

e. The strange, new role of the high court, namely, the making of laws rather than the interpretation of the law.

3. The openly militant approach to Congress by certain group leaders, in which approach, demand and threat are uppermost.

4. The so-called "credibility gap." The confidence of multitudes of our law-abiding people in our government has been severely shaken by the repeated discrepancy between official statements and actual facts.

We urge you to use your high and responsible position, the sacred gift of your constituency, to do all in your power to bring to an end the power of these dangerous forces. We expect you to resist, with unyielding courage, every group, regardless of name or claim, which insults you by their demands and their threats. The time for statesmanship and courage is here. We confidently look to you for both.

**THE TAXPAYER PAYS ALL**

**HON. JOHN E. HUNT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 1, 1968

Mr. HUNT. Mr. Speaker, it is now less than 3 weeks since the 10-percent surtax provided for in the Revenue and Expenditure Control Act of 1968, went into effect and already this balloon of optimism, blown up by the Johnson administration as the vital hedge against inflation, is beginning to deflate.

In the waning weeks of the controversy prior to the passage of the so-called tax bill, it was rather disconcerting to witness the unusual number of businessmen and companies, large and small, that supported the administration measure, perhaps based on the assumption that Federal spending was the real target of the legislation. Whether expenditure/obligational reductions can even be attained, let alone sustained, is questionable at best, and the attitude of the executive branch will attest to the fact that current policies fan the flames for an expanded budget and not one of fiscal restraint.

To be sure, the middle-class, wage-earning individual is the object of a three-pronged attack as a result of this administration's fiscal and monetary policies. Specifically, the individual taxpayer has already begun to pay his share of the 10-percent surtax, retroactive to April 1, 1968; second, he will pay a portion, if not all, of the surtax imposed on corporations through an increase in prices; and finally, he will pay the hidden "tax" inherent in inflation which continues unabated.

On July 31, the Labor Department reported that the cost of living rose 0.5 percent in June over the previous month which represents a 4.2-percent increase over June a year ago. Furthermore, this increase equaled the rise of February 1966 and is larger than any since September 1962. Consumer, rather than wholesale, prices bore the brunt of the advance.

On top of this, the largest steel contract ever to be negotiated was wrapped up this week, subject to ratification, for a combined wage and benefit package reportedly totaling more than \$1 billion, or an estimated 6 percent annual increase over the next 3 years. Already, four major steel producers have announced price hikes, some across the board and some selectively. Before week's end, others are likely to follow suit and along the line, steel users will be under mounting pressure to raise their prices. How much of these price increases will represent the passing along of the surtax, one of the costs of doing business, is conjecture at this point, but in the end the consumer will suffer.

And so it goes, Mr. Speaker, that the facts are unraveling before us while over the months just passed, the case for the tax increase was being built on the sands of optimistic speculation.

Mr. Speaker, for the consideration of the Members, I include at this point in my remarks an article by Richard F.

Janssen, discussing the plight of the individual taxpayer, as it appeared in the July 29, 1968, issue of the Wall Street Journal:

**APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE**

(By Richard F. Janssen)

Care to chip in on someone else's surtax? The question isn't the fiscal frivolity it might seem. Regardless of how emphatically you say no, it's quite possible that individuals will help shoulder the extra tax load imposed on some of the country's mightiest corporations.

That, in effect, is what will happen to whatever extent they succeed in raising prices to offset the 10% surcharge that they, like individuals, now must pay.

Basically, of course, Federal seers expect the surtax to eventually slow the pace of price and wage inflation by draining off private purchasing power. "Most businessmen will find their markets just aren't as strong" as they have been, a Government economist predicts, so that ultimately they'll have to pare back some price increases and rescind or forgo others altogether.

But already there are scattered signs of companies trying to "pass through" the surtax to their customers. Public utilities have attracted attention by talk of simply tacking on to monthly bills an amount that would shunt forward to householders the full amount of the extra Federal levy, or, alternately, asking state authorities to let them raise regular rates accordingly.

Businessmen in general are no less imbued by a deep-rooted drive to preserve their profit margins, an emotion that's been subject to considerable frustration of late because of rapidly rising wages.

And just as they were starting to restore more pleasing pre-tax profits, the table below shows, the real reward of a fattening annual rate of after-tax profits was suddenly stripped away as the surtax took effect retroactive to Jan. 1:

[In billions of dollars]

	Corporate pre-tax profit	Corporate after-tax profit
1st quarter 1967.....	79.9	47.1
2d quarter 1967.....	80.3	47.3
3d quarter 1967.....	80.8	47.6
4th quarter 1967.....	85.4	50.3
1st quarter 1968.....	88.9	49.1

For the June quarter, incomplete returns suggest businesses by-and-large managed to recover their stride toward higher profits, thanks both to still booming output and to price increases.

From the standpoint of Johnson Administration economic strategists, of course, it would be best if corporate taxpayers abstain from any efforts to offset the surcharge by raising prices. If higher readings on the consumer price index are traced to the surtax, they're well aware, it would undercut their anti-inflationary argument and perhaps seriously set back the whole cause of fiscal flexibility.

For a range of reasons, key officials stress that they don't expect the corporate surtax to touch off a huge wave of price increases. Against total business sales of well over \$1 trillion dollars, the extra \$3 billion-plus annually of surcharge shouldn't loom nearly so large a factor as, for instance, a fat new wage contract. "If a businessman finds it so easy to raise his prices" that he'd do it because of something as small as the surtax, a top tax planner taunts, "why the hell didn't he do it before?"

In this way, he rather earthily expresses a dry economic theory that Government men now urgently hope will prove valid in practice. It holds that businesses always maximize profits, setting prices and production at the level which produces the highest

return. Simple logic dictates that a company making the maximum possible profit couldn't make an even higher one, the theory goes, no matter how hard it tried.

Psychology imposes a related restraint on those who'd try to pass along the tax increase, the fiscal analysts assert. If a company president were to cite the surtax as a reason for raising prices, they claim, he'd be confessing that he hadn't been doing as well by his stockholders all along as he could have.

At the moment, though, no one seems confident about business conforming completely to the theory that corporate taxes aren't passed forward. The idea that businesses always maximize profits, for one thing, is far from being an undisputed axiom of economics. Rather than always aiming for the largest possible lump sum of profit immediately, some analysts challenge, corporate chiefs may often have other considerations, such as staying out of the antitrust limelight or retaining customer good will for the longer haul. Many companies, they suspect, often aim at more modest and precise targets as a certain percentage of return on investment or desired level of per-share earnings.

So it wouldn't surprise the seers to see some companies striving to divert their surtax to others. "We might be getting some one-shot effects on the cost-of-living" from tax-prompted price hikes, one concedes, and then a second round of industrial customers seek to cover higher prices of supplies by marking up their own wares. Reports that some big New York banks are anesthetizing their employees against the deeper tax bite by special pay raises show that perverse effects on wages are possible, too.

Indeed, on another front the Johnson Administration itself can be seen openly arguing that corporations increasingly do pass on a portion of their profit tax burden to consumers. The aim is to persuade our European trading partners that the U.S. should be allowed to spur exports by rebating a portion of income taxes the way other nations rebate sales-type taxes which are explicitly passed on to consumers. To that end, the influential Committee for Economic Development testified in Congress last month that "modern economic analysis supports the common view of businessmen that at least part of the corporation profits tax is passed on in the form of higher prices to buyers."

There is, fortunately, one spot of common ground in this contentious area. The longer a corporate tax is intact, it's widely agreed, the more it tends to become "built in" to the country's cost and price structure.

If for no other reason, the same phrase so often heard during the fight to obtain the tax increase might be equally appropriate in considering when to remove it: "The sooner the better."

#### THE VOICE OF THE NINTH NEW JERSEY DISTRICT VOTERS

**HON. HENRY HELSTOSKI**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 1, 1968

Mr. HELSTOSKI. Mr. Speaker, for the fourth consecutive year, I have polled the residents of the Ninth Congressional District of New Jersey—the district I have the honor to represent in Congress—on the vital issues of the day. These are issues upon which we must act with wisdom and intelligence to reflect the views of our constituents.

I am extremely gratified that more than 33,000 responses have been mailed back to my office. These actually represent families within my district and it

indicates the tremendous interest in the problems which confront us in our society today. These responses provided me with a cross section of opinions, and, in fact, many of the returned questionnaires had additional comments attached enlarging on the views of my constituents on a particular question or problem.

I wish to take this opportunity to publicly thank the many people who took time to study the questions and reply to them. It indicates that our citizens are alert to and concerned with the Nation's problems. They wish to have a voice in suggesting solutions.

Now that the tabulation has been completed, I intend to have it circulated within my district so that my constituents may have the benefit of the views of their neighbors and friends and make a comparison. The responses to the questionnaire have a great value, assisting me and guiding my decisions in voting on the issues as they come up before Congress. All the proposed legislation is given my very serious consideration.

The subject of Vietnam still continues to dominate the interest of the people. A total of 58 percent of the persons replying indicated a preference for a bombing halt and 53 percent indicated support for a negotiated settlement which would include the participation of the National Liberation Front in a coalition government. Another aspect of this portion of the poll indicates that my constituents think the United States ought to provide economic aid to Southeast Asia after peace is established. Such assistance would aid in the rebuilding of that area and rehabilitate that war-torn country. Support for such a program was indicated by 60 percent of the persons replying, and opposed by 27 percent.

Approval of the way the President was handling the Vietnam question had the endorsement of only 36 percent of the people, while 54 percent expressed their dissatisfaction. An analysis of the past year's questionnaire replies indicates this trend toward dissatisfaction on the part of the public with the President's actions regarding this conflict and its attendant problems. This change is evident by the high of 53 percent registered in 1966.

The returned questionnaires have indicated a distinct interest in our domestic problems. Civil rights issues and crime are of deep concern to my constituents. Although the questionnaire was mailed far in advance of the June 5 tragedy that struck down Senator ROBERT F. KENNEDY in Los Angeles, the replies to gun-control legislation were overwhelmingly in favor of this proposal—78 percent favoring controls and 18 percent opposed. At the time of the poll, early in May, this question did not have the emotional impact which became evident after the assassination of Senator KENNEDY. I am certain it brought an avalanche of mail to every congressional office as it did in mine. My own current mail exceeded 6,000 letters favoring strong gun controls, while approximately 200 people expressed opposition.

The Civil Rights Enforcement Act of 1968, which provides for criminal penalties for interference with certain federally protected rights, including the

right to vote, obtain an education, obtain and hold a job received the approval of 86 percent of those responding. Only 9 percent indicated opposition. The Federal open-housing provision of this act was passed after the questionnaire was mailed. My constituents indicated their approval of the proposal by a 56-to-34-percent ratio.

A response of 40 percent for a tax surcharge, 46 percent against such a surtax, with 12 percent undecided reflects my constituents opposition to the enactment of any tax increase on individual or corporate income. On this subject, I have expressed my own opposition and voted against the enactment of the surtax. I voted for the \$4 billion Federal expenditure reduction when it was considered in the House. I called to my colleague's attention the need for reform of the entire tax structure which would close the loopholes that provide an escape to the many high-bracket taxpayers who pay little or no taxes on their income. This tax reform should take into consideration the various tax-free foundations, family trusts, oil, gas, and mineral depletion allowance and other areas which provide excessive provisions for tax deductions.

By a margin of 44 to 42 percent, with 12 percent undecided, my constituents favored wage and price controls as a means of curbing inflation. They approved of a program to provide on-the-job training for the unemployed and the underemployed by a 63-to-26-percent ratio.

Given the choice of curtailing expenses, before considering an increase in revenues, 10,883 replies indicated Congress should cut back foreign aid, and 9,801 supported a military cut, with an additional 2,621 specifically mentioning expenditures in Vietnam. Welfare program cutbacks were endorsed by 7,274 of those replying. A cut in our space program was supported by 7,169 persons. Curtailing farm subsidies was endorsed by 4,230 persons. Public works programs cuts were suggested by 2,871 and general Federal spending by 1,997. The public roads program cutback, favored by 1,540 persons closed the higher rated categories. These figures surpass the total number of replies simply because multiple choices were made by my constituents.

Civil disturbances, demonstrations, and rioting have grown in such scope that many communities simply cannot cope with them without additional equipment and manpower training in law enforcement. My constituents favored such aid to local law-enforcement agencies by a 60-to-20 percent ratio, with 19 percent undecided, but without any Federal control. We have an obligation to our local law-enforcement agencies. Consequently, I was one of 10 cosponsors of the legislation which provides for a \$300 million each year for 3 years to train and properly equip these officials for the prevention of civil disorders and in riot control.

Our Selective Service System, which was revised recently by the Congress, still contains many inequities which should be corrected. On the question of whether this system should be revised

to establish uniform requirements for all draft boards throughout the Nation, my constituents expressed themselves overwhelmingly in favor of such a proposal—by response of a 83-to-10 percent ratio, with 6 percent undecided.

Support for legislation which would protect the consumer regarding the quality of meat, poultry, and fish products was expressed by 87 percent of the replies, with only 8 percent indicating opposition to such laws. The poultry inspection legislation will complement the meat inspection law which was passed earlier by the Congress.

In the area of voting and elections, I submitted the question of permitting 18-year-olds to vote which was supported by 43 percent of those responding with 50 percent opposed and 6 percent undecided. Perhaps the heavy response against permitting our 18-year-olds to participate in our electoral processes might be based upon the unrest shown by youth in recent college campus demonstrations, and general disorders.

The proposal to abolish the electoral college and allow the voters to cast their ballots directly for the President and Vice President was supported by 74 percent of the responses with just under 17 percent against this change.

Because of the many areas which had to undergo congressional district revisions, the question of whether a State legislature should be permitted to reapportion a congressional district more than once during a decennial census was presented to my constituents. They have responded with a 34 percent "yes" tally and a 45-percent "no" response, with nearly 20 percent in the undecided column. In New Jersey, the State assembly redistricted the entire State to provide for as equal a representation as could be attained in accordance with the rulings of the Supreme Court. This was done in 1966. However, in 1968, the State assembly acted only upon a bill which created new boundary lines for the Ninth Congressional District. This was the third time in 4 years that the Ninth

District lines have been changed. This only leads to confusion in the minds of the citizens as to who their Representative in Congress is. The many written comments indicated this uncertainty.

Mr. Speaker, the Ninth Congressional District of New Jersey ranks in the top 5 percent of the 435 congressional districts of the Nation in regard to educational and economic levels attained by its citizens. I value their thinking and the care which they took in completing the questionnaire replies. They represent a good cross section of opinion and sound views. I am honored and privileged to represent the people of this district in Congress.

With your permission, Mr. Speaker, I include at this point the complete tabulation of the 23 questions covered in my 1968 questionnaire. I trust my colleagues will compare the results of the Ninth New Jersey Congressional District with the responses received from their own constituents on similar questions.

The tabulation follows:

1968 LEGISLATIVE QUESTIONNAIRE

Question	Total response	Yes		No		Undecided	
		Number	Percent	Number	Percent	Number	Percent
<b>FOREIGN AFFAIRS—VIETNAM</b>							
1. Do you approve of the way President Johnson is handling the Vietnam question?	31,425	11,515	36.64	17,017	54.15	2,893	9.21
2. Do you support the bombing halt north of the 19th parallel as a means of beginning negotiations?	31,091	18,304	58.87	11,274	36.26	1,513	4.87
3. Would you support a negotiated settlement in Vietnam which provides for participation by the National Liberation Front (Vietcong) in a coalition government?	31,134	16,799	53.96	11,397	36.61	2,938	9.43
4. If a "satisfactory" solution of the Vietnam problem is found, would you support continued U.S. economic assistance in Southeast Asia?	31,236	18,993	60.80	8,672	27.76	3,571	11.4
<b>FOREIGN AFFAIRS</b>							
5. Do you support an expanded U.S. program to help willing underdeveloped countries implement birth control programs and increase agricultural output to meet the imminent threat of a world food shortage?	31,126	25,116	80.69	4,965	15.95	1,045	3.36
6. If Soviet arms aid to the Arab States continues, should the United States make needed weapons available to Israel?	31,338	20,067	64.04	8,008	25.55	3,263	10.41
7. Would you support Israel's refusal to withdraw her troops until she has firm guarantees of her sovereignty and access to all waterways?	30,985	24,384	78.70	4,531	14.62	2,070	6.6
<b>CIVIL RIGHTS</b>							
8. Do you approve of the Civil Rights Enforcement Act of 1968 which provides criminal penalties for interference with certain federally protected rights, including the right to vote, obtain an education, obtain and hold a job?	30,960	26,703	86.25	3,010	9.72	1,247	4.03
9. Do you approve of the open housing provisions of this act?	31,600	17,927	56.74	10,897	34.48	2,776	8.78
<b>NARCOTICS AND CRIME</b>							
10. Do you favor increasing Federal penalties to make the manufacture and sale of LSD and other hallucinogenic drugs a felony and their possession a misdemeanor?	31,248	24,870	79.59	4,247	13.59	2,131	6.82
11. Do you favor Federal legislation to ban interstate mail-order shipments and foreign imports of guns?	31,026	24,432	78.75	5,642	18.18	952	3.08
12. Do you favor increased Federal matching funds for local law-enforcement agencies under the terms of the Law Enforcement and Criminal Justice Assistance Act passed by the House in 1967?	30,603	18,465	60.34	6,267	20.48	5,871	19.18
<b>MILITARY DRAFT</b>							
13. Do you favor revision of the Selective Service System by establishing uniform requirements for all draft boards throughout the Nation?	31,003	25,951	83.71	3,126	10.08	1,926	6.21
14. Do you favor a selective service system based on random selection from a pool made up of all nondeferred 19- to 26-year-olds, including graduate students?	30,308	17,307	57.10	9,768	32.23	3,233	10.67
<b>THE ECONOMY</b>							
15. Do you favor a \$2,000,000,000 program to provide on-the-job training for the unemployed and the underemployed?	31,180	19,725	63.26	8,279	26.55	3,176	10.19
16. Would enacting a tax increase on individual and corporate incomes help to improve the economic health of the Nation?	30,803	12,618	40.96	14,221	46.17	3,964	12.87
17. Do you favor wage and price controls as a means of combating inflation?	32,844	14,754	44.92	13,945	42.45	4,145	12.62
18. If there should be a reduction of spending before a consideration of a tax increase, in which areas should they be made?							
1. Foreign aid.....	10,883	5. Farm subsidies.....	4,230				
2. Military.....	9,801	6. Public works.....	2,871				
(a) Vietnam.....	2,621	7. Federal spending.....	1,997				
3. Welfare.....	7,274	8. Roads.....	1,540				
4. Space.....	7,169						
<b>CONSUMERS</b>							
19. Do you favor Federal legislation to protect the consumer regarding the quality of meat, fish, and poultry?	31,869	27,922	87.62	2,752	8.63	1,195	3.75
20. Do you feel that the distribution of trading stamps should be prohibited by Federal law?	31,108	11,761	37.81	15,641	50.28	3,706	11.91
<b>ELECTIONS</b>							
21. Do you favor an amendment to the U.S. Constitution allowing 18-year-olds to vote?	30,167	13,193	43.73	15,030	49.82	1,944	6.45
22. Should the electoral college system be abolished to permit voters to cast their ballots directly for the President and Vice President?	31,556	23,612	74.83	5,360	16.98	2,584	8.19
23. Should the State legislatures be permitted to reapportion congressional districts more than once during a decennial census?	31,378	10,914	34.78	14,256	45.44	6,208	19.78

## PROMISE AND PERFORMANCE

**HON. JAMES B. UTT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 1, 1968

Mr. UTT. Mr. Speaker, I ask unanimous consent to include in the Extensions of Remarks the newsletter I am sending today to my constituents. The report follows:

As this report is being written, Congress is preparing for a 30-day recess during the period of the National Conventions. Congress will convene again right after Labor Day, for a few weeks, to complete unfinished legislation.

By the time you receive this, most of you will have felt the first effect of the 10% surtax, either by way of a payroll deduction, an increased estimate, or indirectly as your company has had to pick up the tab from the first of the year. However, you will not have noticed the many promised benefits of this surtax, which included a reduction in interest rates, a decrease in the cost of living, and the stopping of inflation. I voted against the surtax, because I did not believe it would bring any of the several benefits which were forecast by the proponents of the bill. Furthermore, I did not believe the Johnson-Humphrey Administration would enter into the spirit of the intent of Congress in the reduction of expenditures and in rolling back the number of personnel on the public payroll, which incidentally has increased by 95,000 since the passage of the reduction as provided in the tax-expenditure control bill.

We are over thirty days into the 1969 fiscal year. Interest rates have edged higher. In fact, the last issue of Participation Certificates, which are government obligations, and are included in the national debt, sold at a whopping 6.2% interest rate, about the highest in history. The cost of living has moved up more than 3/10 of 1%. The \$6 billion cut in expenditures is not in prospect. In fact, new programs have been inaugurated. In the Higher Education Bill which passed the House last week, the House was not satisfied with higher domestic education, but added a new Title called "International Education." For this reason, I voted NO.

The Housing Act of 1968, which passed the House since the "new look" of federal expenditures was adopted, was several hundred million dollars higher than it was for last year. It came to the Floor in the form of an omnibus bill, made up of several bills that had been defeated in committee previously but, by combining them together, each had its little group of supporters, which gained for the legislation enough votes to pass it. That was logrolling of the lowest order, and carried a price tag of over \$5 billion. This legislation permits the "disadvantaged" families whose incomes are considerably above the so-called poverty level, to buy \$20,000 homes, financed by the government at 1% interest, while you, my dear readers, are having to pay from 6% to 8% interest on your mortgaged homes. It just does not pay to be "affluent."

The bill also provides rent subsidies for people who would like to live in a higher rent area than their income permits. No thought is given to the fact that these lower income families moving to a high rent district cannot afford a gardener; they cannot pay the local county taxes, which will have to be picked up by Uncle Sam; and they will not be able to join the country club of their neighbors, so they will immediately feel inferior, and next year we will have to appropriate money to cover that contingency. And so it goes on, ad infinitum. The Social Plan-

ners thrive in this atmosphere—and so do taxes.

Returning to the 10% surtax legislation, America can probably survive the \$10 billion financial jolt, but it may never recover from the parliamentary procedure which produced that legislation in complete contravention of the Constitution of the United States, which provides that all tax matters shall originate in the House of Representatives. This legislation was written in a Joint Conference Committee, consisting of five members of the Ways and Means Committee and five members of the Senate Finance Committee. It did not have the benefit of hearings before the Ways and Means Committee, nor the advantage of the wisdom of the full Committee. Normally, the product of a Conference Committee would return to the Committee of origin for further consideration. This was bypassed by sending it to the Rules Committee, and from Rules to the Floor for one hour of debate, without amendments. The bill also included matters within the jurisdiction of the Appropriations Committee, which again violated the Constitution. When this matter was pointed out on the Floor, the Leadership responded, "This is no time to worry about the Constitution. The financial situation is so serious." It would have taken only a few days to have followed the Constitutional process and to report the bill back to the Floor. My position is that eternal vigilance is the price of liberty, and a violation of Constitutional process is always pertinent to any legislation.

The only "good news" for tonight, my friends, is that we just concluded Fiscal 1968 with a \$25.4 billion deficit.

THE PURPOSE OF A COMMITTEE ON ETHICS: A TRIBUTE TO THE UNDERSTANDING OF THE GENTLEMAN FROM IOWA, MR. SCHWEN- GEL

**HON. THOMAS B. CURTIS**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 1, 1968

Mr. CURTIS. Mr. Speaker, the recent publicity given to allegations that the lobbyists for the trucking industry had established a questionable pattern of contributions to the campaign funds of Congressmen on the Public Works Committee which handles a great deal of the legislation which affects the industry points up one of the essential reasons for the House establishing a permanent ethics committee. See my remarks on this basic matter, CONGRESSIONAL RECORD volume 113, part 7, pages 9430-33, and my testimony before the House Committee on Standards of Official Conduct, August 23, 1967, published in the hearings of the committee.

One of the primary functions of an ethics committee is to examine into matters of this nature, to get at the truth and in light of the truth to establish the proper guidelines for both lobbyists and Members of Congress to follow.

There are two important gray areas which relate to the legislative process and the representative process that need considerable clarification. One of the areas is the citizen's right, indeed, the citizen's duty to participate in the process of electing his representatives. The election process includes not just

voting, but organizing to campaign and to get votes. This means that the citizens collectively must engage in the process of financing campaigns. If they don't a great evil of having the Government itself through tax money finance campaigns will come about. I think there is already too much power in the hands of incumbent office holders to get reelected and preserve their status quo without putting further power in their hands which financing their election campaigns with taxpayers' money could do.

The second area is equally important and equally difficult to establish guidelines. It relates to conflict of interests of the elected Representative. Some people in their desire to eliminate all conflict of interests on the part of their legislators have lost sight of the theory of representative government, at least as it has been developed in our society to date; namely, that a Representative is a part-time occupation. To properly represent his people he must be part of the community he is representing. To be part of a community implies that he should be active in pursuing his trade, profession, or activity to the extent he can, commensurate with his responsibilities as a Representative. This presupposes some conflict of interest which I would argue is kept healthy through the process of full disclosure and in certain instances when the conflict is immediate and obvious the process of a legislator disqualifying himself to vote on an issue and voting "present" instead.

For example, it is presumed that when a farmer is elected to the Congress he is not going to give up farming. Indeed, if he did he would be less able to represent his district because he would be less a "part" of his community by his withdrawal. This is true for any profession. However, when it comes to the legal profession the possibility for hidden conflicts of interest arise. Furthermore, the opportunity for outside interests to improperly compensate a lawyer legislator increase greatly. I have been urging that the bar association assume its great responsibility in developing the proper ethical codes that relate to lobby groups dealing with legislators because most lobbyists are lawyers and most legislators are lawyers. I think it is little short of tragic that the bar associations have shown little interest or activity in assisting our society in getting on top of this problem. Because the legal profession has failed, of course, is no excuse for the Congress and other legislative bodies not to establish these codes and guidelines.

To get back to the issue. I think the Congress owes the gentleman from Iowa [Mr. SCHWENDEL] a vote of appreciation for understanding so well the significance and importance of the permanent ethics committee the House at long last has established. As soon as he saw the publicity alleging improprieties in respect to the lobbying activities of the trucking industry he sent a letter to the ethics committee asking them to investigate the situation and report. In other words, clear the matter up. If there were no improprieties, point out why there were not. If there were improprieties and these

stemmed to a large degree from no one understanding clearly what a proper code of ethics should be, come out with suggestions of what a proper line of action should be for the future. On the other hand, if the facts revealed that there were serious improprieties and that what was going on was designed to corrupt the legislative and representative processes, say so, name names, and go about getting the matter cleaned up.

I have pointed out time and again that the failure to clear up if extended over a period of time implies the need to clean up. Seeking to clear up a matter is the responsibility of all of us and seeking to clear a matter up in no sense implies that something needs to be cleaned up.

The purpose of a standing ethics committee is so that these matters can be cleared up without making a Federal case out of them, as it were. The House or the Congress does not have to go through the procedures of establishing a committee to look into ad hoc allegations, thus suggesting that the ad hoc is so serious this kind of formal action needs to be taken.

The ethics committee should be available for any Member to refer something that perhaps is relatively insignificant simply to get the matter cleared up so that it will not become aggravated. It should be available to any Member to correct false innuendoes that have received publicity.

For example, the ethics committee should right now—if they are not—look into the charges made in the recently published book by Drew Pearson and Jack Anderson entitled "The Case Against Congress." Many innocent Members of Congress have been unfairly smeared in this book. On the other hand, it is entirely possible that the book calls attention to some things that clearing up will reveal need cleaning up.

So my colleague from Michigan [Mr. DINGELL] badly misses the point of the purpose of an ethics committee when he lambasts his colleague, the gentleman from Iowa [Mr. SCHWENDEL], for referring this matter to the ethics committee for clearing up. Indeed, if the ethics committee, is on its toes it has already started looking into these charges without the impetus of the Schwengel letter.

I am setting forth an editorial appearing in the Washington Daily News of July 31, 1968, entitled "In Praise of Stupidity," which is a well-deserved tribute to the honesty and intelligence and understanding of my colleague, the gentleman from Iowa [Mr. SCHWENDEL]. The News has the proper understanding of what the House ethics committee is designed to do.

#### IN PRAISE OF STUPIDITY

"I am aware the member from Iowa is not too bright," said Rep. John Dingell (D., Mich.) during a brilliantly churlish display on the House floor of his own contempt for good government.

The object of Mr. Dingell's wrath was Rep. Fred Schwengel (R., Iowa), who has been "stupid" enough to ask the House ethics committee to investigate the palm-greasing activities of the big-truck lobby.

Mr. Dingell, a \$1500 beneficiary of the lobby's largesse, obviously felt his own integrity had been put in question by Mr.

Schwengel's request. According to Mr. Schwengel, Mr. Dingell called him a liar and a coward and threatened to hit him.

In fact, Mr. Schwengel has disclaimed any charge of improper conduct against any of his colleagues. His request for an investigation was based on Scripps-Howard and other documented newspaper accounts of the lobby's tendency to lavish campaign gifts on congressmen assigned to deal with legislation affecting the truckers.

Like Mr. Schwengel, we make no accusations against the Congressional beneficiaries. But the record does show the big-spending big-truck lobby has done just fine in getting Congressional approval for ever-bigger behemoths on the nation's highways and substantially eliminating competition from farm co-op truckers.

If Mr. Dingell finds these documented facts embarrassing and is unwilling to have the Ethics Committee explore them, he should—in view of his declaration that Mr. Schwengel is "not bright"—find some more cerebral approach than a punch in the nose to resolve his dilemma. Like, perhaps, eschewing truck-lobby gifts.

And if Mr. Schwengel, who seeks only to put Congressional integrity beyond question, is "not bright," then the nation needs nothing more than a resounding "stupid" Congress.

That, of course, would exclude the intellectually superior Rep. Dingell from membership.

#### TRIBUTE TO JOHN T. KMETZ

### HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 1, 1968

Mr. WHALLEY. Mr. Speaker, it was with deep, personal regret that I learned of the death of John T. Kmetz, former Assistant Secretary of Labor and a longtime executive of the United Mine Workers and CIO.

I have had the pleasure and honor of knowing John Kmetz for many years and he has distinguished himself to be a man of integrity, honesty, and a man whose word was his bond.

In my opinion, John Kmetz was highly respected within the UMW and CIO not only for his ability and initiative but also because of his personal devotion to the well-being of these organizations.

I want to extend our sympathy to Mrs. Kmetz and the other members of his family.

Mr. Speaker, the Washington Evening Star had an article on John Kmetz in the July 31 edition, and I call attention to this article at this time by inserting it in the RECORD:

JOHN KMETZ, 74, DIES—LONGTIME UMW AIDE

John T. Kmetz, 74, former assistant secretary of labor and a longtime official of the United Mine Workers, died yesterday at the union's headquarters here. He lived in Nanticoke, Pa., but stayed at the Statler Hilton Hotel during the week.

Mr. Kmetz was born in Lapuhov, Czechoslovakia (then a part of Austria-Hungary), and came to this country as a child and went to work in the coal mines at the age of 7 as a breaker-boy, picking slate out of coal. He then became a coal miner and president of his local union.

His national labor career began in 1923 when Mr. Kmetz became a district board member in Wilkes-Barre, Pa. He was appointed to the United Mine Workers' inter-

national executive board in 1936 after helping John L. Lewis form the Congress of Industrial Organizations (CIO).

On the recommendation of then Secretary of Labor Lewis Schwellenbach, President Truman appointed Mr. Kmetz as assistant secretary of labor in 1947, a post Mr. Kmetz held until 1948, when he resigned in order to spend more time at his home in Nanticoke.

In addition to serving on the union's international executive board, Mr. Kmetz was director of organization. Much of his work involved traveling and helping to mediate labor disputes.

Mr. Kmetz leaves his wife, Frances; two sons, John J. of Nanticoke and James F. of Silver Spring; seven grandchildren and one great-grandchild.

Services and burial will be Friday in Nanticoke.

#### DEAN JOSEPH O'MEARA'S INTRODUCTION TO A SYMPOSIUM ON RIOTS

### HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, August 1, 1968

Mr. THURMOND. Mr. President, Dean Joseph O'Meara, of the University of Notre Dame Law School, has written an excellent introduction to a symposium on riots to which I invite the attention of Senators.

Each of us knows that the rising crime rate and the increasing mob rioting are major problems in our country today. We have experienced some degree of mob violence throughout the history of this country, but only in the last few years has the problem of rioting been so acute in so many of our major cities.

Any crime causes the public to be concerned for the protection of their property and their personal security; but when a riot is not quickly suppressed, the public views this as a continuing crime which is a direct challenge to law and order. Such a challenge to law and order, when successful, causes people to lose faith in their government which is supposed to give them protection. Government at all levels has the prime responsibility to secure the confidence of the people by maintaining law and order.

Mr. President, Dean O'Meara points out in this article that riots can be quickly and effectively suppressed. In fact, he states the appropriate procedure that can be used to achieve this result. His main contention is that those in authority must act swiftly, without apprehension, in using the appropriate men and resources to effectively quell a riot.

Washington has been particularly victimized by rioting, and Dean O'Meara's hypothesis is well supported by the dramatic events over the past few months in this city. Immediately following the death of Martin Luther King, the country, especially Washington, was stricken by intense rioting. Here in Washington there was hesitancy on the part of those in positions of authority to employ a sufficient amount of troops and to act firmly at the start of the trouble. Mob violence was allowed to spread until it was out of control, and the resulting damage is undeterminable.



Recently, Washington was on the brink of more mass riots when the poor people's encampment was closed and many of its participants arrested. However, this time a sufficient amount of troops with proper training and instructions was employed throughout the city, and the result was that law and order prevailed, with the exception of minor skirmishes.

Mr. President, law and order can be maintained if effective action is taken. Dean O'Meara's suggestions should be carefully studied by those in positions to administer law enforcement so that peace can be maintained in this country. I ask unanimous consent that Dean O'Meara's article be printed in the Extensions of Remarks.

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

INTRODUCTION TO THE SYMPOSIUM: RIOTS\*  
(By Dean Joseph O'Meara)\*\*

"There is no grievance that is a fit object of redress by mob law," Abraham Lincoln as quoted by President Johnson, South Bend Tribune, March 29, 1968, at 1.

This is the tenth in our series of annual symposia, each dealing with a highly controversial problem of urgent national concern. Of these ten symposia, this is the third having to do with crime. The extent of our concern with this cancerous problem is demonstrated by that fact. My own belief is that the rising incidence of crime is our country's number one domestic problem.

It is all too easy to ascribe this ugly phenomenon to the ugly phenomena of poverty and unemployment among Negroes. The fact is that crime is increasing more rapidly in well-to-do neighborhoods than in the colored sections of our cities; and, referring to "[t]he typical rioter in the summer of 1967," the National Advisory Commission on Civil Disorders found: Economically his position was about the same as his Negro neighbors who did not actively participate in the riot.<sup>1</sup>

As for the riots, that plague of the 1960's, the first thing to say is that every effort should be made to prevent them.<sup>2</sup> Once a riot has started, however, it is the obligation of the authorities to stop it. As President Eisenhower has said:

"These riots are a growing danger to our nation and must be handled without temporizing. When the police cannot cope with the situation, there should be no hesitancy in calling out the National Guard. And the culprits, when their guilt is clear, must be dealt with as any other criminals, regardless of their race or their grievances against society. People simply must be taught that personal or social problems cannot be solved by violence and defiance of authority."<sup>3</sup>

There is no excuse for a riot that lasts for four or five days with the attendant injuries, loss of life, and damage to property. A riot can be stopped before it is twenty-four hours old and should be. Law and order are a precondition of civilized society.

Please note that what I have said has to do only with riots—not with peaceful demonstrations. The march on Selma, the march on Washington—these were peaceful demonstrations inspired by a deep conviction of injustice. In no sense could they be characterized as riots. On the other hand, none of the riots in recent years was the product of a sense of injustice, as the Selma and Washington demonstrations were.

Some will disagree, of course, and point to Harlem, Watts, and other violent episodes. They were not race riots, they were youth riots.<sup>4</sup> Those who challenge that assertion will have to explain the riots by young white people in Oregon, New Hampshire, Florida,

Wisconsin, and on university campuses, beginning with the riot at that seed bed of youthful lawlessness, the University of California at Berkeley.<sup>5</sup> For these young white rioters were not giving vent to a bottled-up sense of outraged justice. They were responding, I assume, to the pressures of the Age, but so are we all. To be sure, the most damaging riots have occurred in blighted areas inhabited by Negroes. Understandably, therefore, the focus is on them, and I accept that focus in the rest of what I have to say.

Four years of worsening riots are enough—riots which were not put down, mark you, but simply ran out of steam after four or five days of terror. Crime must be suppressed; riots must be put down and put down fast, as they can be. To accomplish that, however, requires stern measures and, so far, the officials of our city and state governments have been too timid to do what the situation requires. Timidity—official timidity—almost as great a problem as the riots.

It may be even a greater problem for, unless the rioting by young Negroes is stopped, inevitably the wild ones in the white community will respond in kind and that will mean the worst horror yet—guerrilla warfare between whites and blacks. Then no neighborhood will be immune, nobody will be safe. Peaceful people in quiet neighborhoods will be gunned down from passing cars; their homes will be fire-bombed in hit-and-run attacks. Every city in the land will become another Algiers—worse than Algiers, in fact, because the Algerians did not resort to burning. God forbid.

The message comes through loud and clear to all who do not close their ears: *Disarm*. Rioters should be disarmed forcibly—and it can be done. But that is only a beginning. All possible pressure must be brought to bear for effective weapons-control legislation—national, state and local.

The fine record of young Negroes in Viet Nam indicates that they have as much to contribute to this nation's welfare as their white counterparts. How to bring this promise to fruition is a question of utmost complexity, whose answer I think no man fully understands. Whatever the remedy or remedies may be, however, one thing is sure: no remedy can be applied until the rule of law has been recognized and order has been restored. That can be accompanied only by the prompt and courageous use of effective measures. But it can be accomplished; and those city and state officials who fail to accomplish it should be held responsible by their constituents.

How can it be accomplished? How can a riot be stopped within 24 hours—less than a quarter of the time span of virtually all the riots of the last few years? Assuming that the mayor and the governor cooperate and that they are willing to use strong medicine, it can be done as follows. In the first place, the National Guard should be mobilized immediately, that is to say, as soon as it is plain that a serious riot is in progress.<sup>7</sup> And the rule should be better too soon than too late.<sup>8</sup> Moreover, someone other than the police should decide the question, for the police will hesitate to admit they can't handle the situation. What I have said doesn't mean that some Guardsmen should be sent to the scene, or that all Guardsmen should be alerted. It means that an adequate number of Guardsmen should be mobilized and dispatched to the riot area at once. And, again, the rule should be better too many than too few.<sup>9</sup>

As soon as the Guardsmen arrive, the riot area (that is, the area where the rioting is taking place and/or from which bands of marauders erupt to carry the rioting to other areas until resistance drives them back to the riot core)—the riot area, to repeat, should be sealed off absolutely and no one permitted in or out except the Guardsmen themselves and emergency vehicles, such as ambulances, convoyed by Guardsmen.

An around-the-clock curfew should be put into effect immediately and announced every few minutes by loud speakers at strategic points. This would allow no one on the streets. To enforce the curfew the streets should be patrolled by Guardsmen in tanks. They should be used to protect the Guardsmen from snipers. Anybody violating the curfew should be arrested or, if he resists arrest, shot.<sup>10</sup> And if a little imagination were used, perhaps some of the Guardsmen could be armed with sawed-off shotguns using shells having a reduced charge of powder. It should be possible to reduce fatalities in this way, especially if the Guardsmen are ordered to shoot low, that is, at the ankles of the rioters.

Strategic buildings in the area should be rushed in order to get at snipers on the roofs, along with those using the primitive but deadly Molotov cocktail. With these preparations made, Guardsmen *in force* should systematically search every building in the area and confiscate all weapons found, including bottles and gasoline. There would be some resistance, of course; and those with arms (including bottles, etc.) who refuse to give them up and resist being deprived of them, should be arrested or, if necessary, shot. The new and apparently effective chemical called "Mace" should be used at close quarters, since it subdues without injuring.<sup>11</sup> There should be no hesitation, however, about using deadly weapons if the Guardsmen are fired on from a distance beyond the range of "Mace."

Strong medicine? Assuredly, but that is exactly what is needed. Consider what has happened in city after city across the country. Fires are set and the firemen who respond are attacked with rocks and bottles—even fired upon. More and more the rioters are armed with shotguns, rifles, and other deadly weapons. Motorists in peaceful neighborhoods are fired upon from passing cars. The police are shot at. Looting is growing in areas outside the riot core. Who is safe, either in his person or in his property? Are not the citizens, black as well as white, entitled to protection from these increasing outbursts of mass violence?<sup>12</sup>

Milder measures have been tried for four years, but the riots spread and the violence increases. It is time and past time for tough tactics.<sup>13</sup> To repeat, strong medicine is exactly what is needed. Needed or not, many will be horrified by my suggestion that armed persons in a riot area, who disregard the curfew, refuse to surrender their weapons or turn them on the police or Guardsmen, should be shot. To those who find this a shocking suggestion I put this question: Is it not better to kill some malefactors than to allow them to kill innocent persons?

That question will not stop those who are horrified by my suggestions. Regardless of the evidence to the contrary, they will insist that Harlem, Watts, and subsequent violent episodes were the product of a sense of injustice. Even if that were true, even if a riot (whether by whites or blacks) were churned up by a deep feeling of outraged justice, there would still be a moral as well as a legal obligation to use effective measures to protect the community. The "community" is not just an abstraction but an aggregation of people, people whose rights as individuals are just as sacred as the rights of those few individuals who resort to violence. Why is it so hard for some persons to understand this?

When a lone sniper is surrounded and shot down, nobody is outraged. In a riot there are many snipers. And every person bearing arms in the riot zone is a potential sniper. So, I submit, the real question is: Whom should we protect? The snipers and those who beat and kill and burn and loot—or their victims?

Cities and neighborhoods differ from one another to a greater or lesser extent. Thus I recognize that modifications of the plan of operations I have outlined briefly might, almost certainly would be called for in some instances.

One final thought. A woman whose husband or son has been killed, the owner of property whose premises have been burned down, a merchant whose store has been looted—why are they not entitled to compensation from the municipality and/or state which could have protected them, but was too timid to do so? The city solicitors, corporation counsel (or whatever else they may be called) would do well, I suggest, to start preparing whatever defense they may think they have against the damage suits that are bound to be filed and are being filed.<sup>14</sup>

## FOOTNOTES

\* In this paper I speak neither for the University of Notre Dame nor for the Notre Dame Law School but only for myself.

\*\* Dean, Notre Dame Law School.

<sup>1</sup> See FBI, Uniform Crime Reports for the United States—1966, tables 6-7, at 92-94 (1967) (shows a higher rate of crime increase in suburban areas than in major cities).

<sup>2</sup> Report of the National Advisory Commission on Civil Disorders 128 (Bantam ed. 1968).

<sup>3</sup> *Id.* at 2.

<sup>4</sup> Reader's Digest, Aug., 1967, at 70.

<sup>5</sup> Referring to the riots of 1967, the National Advisory Commission found that "The typical rioter in the summer of 1967 was a Negro, unmarried male between the ages of 15 and 24 . . ." *supra* note 2, at 128 (emphasis added).

John P. Spiegel, Director of the Lemberg Center for the Study of Violence at Brandeis University, commenting on recent disorders, said: "Kids, often very young kids—I call it 'youth phenomena'—started the trouble and then if the adults joined, it was because they gave in to the temptation of looting. After all, they liked a colored television set as much as anyone." South Bend Tribune, April 10, 1968 at 12, cols. 5-6.

<sup>6</sup> See Moore, *Anarchy on the Campus: The Rebels . . . and the Law*, The Police Chief, April, 1965, at 10.

<sup>7</sup> Orlando Wilson, one of the nation's leading criminologists, has said: "There is no substitute for force in quelling civil disturbances, and if the police are unable to provide the manpower to restore normalcy, then there is no alternative but to put in a call for the National Guard—and as quickly as possible." This is my view in a nutshell." Wilson, *Civil Disturbances and the Rule of Law*, 58 J. Crim. L.C. & P.S. 157 (1967).

<sup>8</sup> See House Comm. on Armed Services of the Special Subcomm. to Inquire into the Capability of the National Guard to Cope with Civil Disturbances, 90th Cong., 1st Sess., 5652 (Dec. 18, 1967) (recommending the judicious early commitment of adequate National Guard forces).

<sup>9</sup> See text accompanying notes 7-8 *supra*.

<sup>10</sup> See text accompanying note 11 *infra*.

<sup>11</sup> South Bend Tribune, Jan. 7, 1968, at 25, col. 3.

<sup>12</sup> Consider the words of a young Negro Marine, wounded in Viet Nam, flying back to Detroit only to learn of the riot in progress there:

"This is my first time home in almost two years and look what the hell I come home to. I just hope nobody hurt my family. They live on the West Side. I heard it was pretty bad there.

"It's not like that in Vietnam. I'm a Marine. You know, Marines have a thing: I take care of the next guy, he takes care of me. It's beautiful. . . .

"I was in pre-med school before I went into the Marines. My mother's a pediatrician. I wanted to be a pediatrician. But when I get out, I'm going to be a cop. I left my application in Los Angeles. . . . Boy I sure hope they didn't hurt my family. I don't care who it is, I'll fight to save my family." South Bend Tribune, July 25, 1967, at 8.

<sup>13</sup> The *Restatement (Second) of Torts* says of the tactics that may be used in riot con-

trol: "The use of force or the imposition of a confinement which is intended or likely to cause death or serious bodily harm for the purpose of suppressing a riot or preventing the other from participating in it is privileged if the riot is one which threatens death or serious bodily harm." *Restatement (Second) of Torts* § 142(2) (1965). The commentary on this section clarifies this permissible use of force.

"If the riot itself threatens death or serious bodily harm, it is sufficiently serious to justify the use of deadly means to suppress it. It is not necessary that the avowed purpose of the riot be to inflict such harm. It is enough that the conduct of the rioters is such as to create the probability or even the possibility of such consequences." *Restatement (Second) of Torts, Comments* § 142, comment g, at 257 (1965).

<sup>14</sup> The Supreme Court has spoken to this point of public liability for riot damage, as follows:

"The State is the creator of subordinate municipal governments. It vests in them the police powers essential to the preservation of law and order. It imposes upon them the duty of protecting property situated within their limits from the violence of such public breaches of the peace as are mobs and riots. *This duty and obligation thus entrusted to the local subordinate government is by this enactment emphasized and enforced by imposing upon the local community absolute liability for property losses resulting from the violence of such public tumults.*

"The policy of imposing liability upon a civil subdivision of government exercising delegated police power is familiar to every student of the common law. We find it recognized in the beginning of the police system of Anglo-Saxon people. Thus, "The Hundred," a very early form of civil subdivision, was held answerable for robberies committed within the division. By a series of statutes, beginning possibly in 1285, in the statutes of Winchester, 13 Edw. I, c.1, coming on down to the 27th Elizabeth, c.13, the Riot Act of George I (1 Geo. I, St. 2) and Act of 8 George II, c.16, we may find a continuous recognition of the principle that a civil subdivision entrusted with the duty of protecting property in its midst and with police power to discharge the function, may be made answerable not only for negligence affirmatively shown, but absolutely as not having afforded a protection adequate to the obligation." *Chicago v. Sturges*, 222 U.S. 313, 323 (1911) (emphasis added).

A majority of the relatively small number of cases appear to be contra. But *Chicago v. Sturges* never has been overruled or qualified. See also *County of Allegheny v. Gibson*, 90 Penn. St. 397, 35 American 670 (1879). These two cases, especially the latter, sketch the historical background of the legislative enactments about to be mentioned.

Nearly half of the states have statutes imposing liability or government subsidies for riot damage. Most of these are collected in Note, *Riot Insurance*, 77 YALE L.J. 541, 552 n. 75 (1968). Another relevant statute is: W. VA. CODE § 61-6-12 (1966). It goes without saying, of course, that these enactments are not uniform in their provisions. The extent and conditions of liability vary considerably.

### THE "PUEBLO": HOW LONG, MR. PRESIDENT?

#### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 1, 1968

Mr. SCHERLE. Mr. Speaker, this is the 192d day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

### PROMOTE SMALL BUSINESS EXPORTS

#### HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 1, 1968

Mr. SCHEUER. Mr. Speaker, today I am introducing a bill that will assist our balance of payments and further strengthen our economy by promoting export or products, services, and processes of small businessmen. This bill will establish tax incentives to encourage small businessmen to set up small business export trade corporations. Mr. HARTKE has introduced an identical bill in the Senate. This measure will allow us to tap the resources of nearly 250,000 small businesses which are currently ignoring export opportunities.

At the present time our balance of trade is badly in need of a shot in the arm. We have traditionally depended upon a large trade surplus to balance our international accounts. But this vital surplus has recently disappeared. The average monthly surplus for the first 5 months of this year was only \$81 million while 4 years ago the comparable figure was \$584 million. And we experienced trade deficits in March, May and June.

There are only two ways in which a manufacturer can become involved in export trade. One is to establish an export department, at a cost which is prohibitive to the small business man. The other alternative is to employ a combination export-management firm which will assist several noncompeting firms with promoting their goods and services abroad. At the present time, 5,000 firms are serviced by these combination export-management firms, and they account for about \$500 million, or 4 percent of all of the U.S. exports. Obviously it would greatly assist our trade balance if we could encourage a large percentage of the 250,000 manufacturers which are not now exporting goods to make use of these services. This bill is designed to do that by providing him with tax incentives.

Specifically, this legislation would authorize the Small Business Administration to issue certificates of eligibility to corporations organized under State law for the primary purpose of promoting the interests of American businesses abroad. The corporations must be certified by the Small Business Administration, and meet three requirements.

First, the corporation must have a paid-in capital and surplus of not less than \$100,000.

Second, no single client manufacturer can own or control more than 20 percent of the corporation.

Third, there must be a minimum of five small businesses in each corporation.

The following tax incentives will be available to the Small Business Export Trade Corporations—SBETC:

First, while gains of sale or exchange of stock would be treated as capital gains, losses of sale or exchange of stock would be treated as ordinary losses.

Second, up to an income ceiling of \$250,000 the equivalent of a 14-percent tax rate reduction will be granted to the

Small Business Export Trade Corporation. Income earned from the performance of export trade contracts with GATT countries and income earned in GATT countries by SBETC's would continue to be taxed at ordinary corporation rates. The 14-percent tax incentive would be denied to any firm which in the present tax year, or for either of the two preceding taxable years, received 50 percent or more of its income from the performance of a single export trade contract or of two or more export trade contracts entered into with the same person.

Third, a deferral of up to \$50,000 of the tax consequences of an equity acquired in a foreign business, incident to the performance of an export trade contract, is permitted when the equity is acquired in exchange for patent rights, processes, formulas, franchises, or other like property. This bill provides that at the time the equity is disposed of, the proceeds will be treated as ordinary income. By this provision deferral is afforded to both the SBETC and the small business manufacturer with whom it has the export trade contract.

Fourth, a deferral of items of income which are blocked by repatriation laws of a foreign country is permitted until such time as the income can be, or is permitted to be, repatriated. By this provision deferral is afforded to both the SBETC and the small business manufacturer with whom it has the export contract but no deferral is permitted to items of income derived from the sale of exported products.

Fifth, an SBETC is permitted a fast write-off of up to \$50,000 in bad debts per export trade contract.

Sixth, certified SBETC's are exempted from the personal holding company provisions of the Internal Revenue Code unless a shareholder of the SBETC is performing an export contract.

Seventh, certified SBETC's are exempted from the controlled foreign corporation provisions of the Internal Revenue Code, unless during the taxable year a shareholder owning more than 20 percent of the stock certifies SBETC also owns 10 percent or more of the stock of a corporation with which the SBETC has an export trade contract.

Finally, in order to best encourage the promotion of export trade of American small business enterprises, this bill will be coordinated with existing programs and services of the Department of Commerce.

It is time that we ceased thinking of our export trade only in terms of huge business. Rather, this bill will enable us to tap the resources of our small manufacturers to help the national effort to restore our balance of trade.

#### FOOD SUPPLEMENT ORDER HEARINGS: ANOTHER FDA STALL

**HON. CRAIG HOSMER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 1, 1968

Mr. HOSMER. Mr. Speaker, it has been 1 year today since the House Inter-

state and Foreign Commerce Committee requested a report from the Department of Health, Education, and Welfare on H.R. 11837, my bill to curb the Food and Drug Administration's power to regulate food supplements, including vitamins.

No report has been forthcoming from the Department during this year and my repeated efforts to determine when the report would be submitted have been met with nothing but evasive and surly response.

This, despite the fact that to date my bill has received overwhelming bipartisan support as evidenced by the fact that 72 Members of the House and 10 Members of the Senate, representing 30 of our 50 States, have either cosponsored or introduced identical measures.

Now FDA has started a new stall. They began public hearings in May on the food supplement order in an apparent effort to divert the attention of both Congress and the public from my legislation.

In the July-August 1968 issue of the National Health Federation Bulletin, Mr. Clinton Miller, NHF legislative advocate, takes a close look at these hearings, the reasons behind them and the strong need not to allow FDA to sidetrack this legislation to curb the Food Supplement Order.

The following is the text of Mr. Miller's remarks:

#### FDA'S HEARINGS ON FOOD SUPPLEMENTS EMPHASIZE URGENT NEED FOR HOSMER BILL

(By Clinton R. Miller)

After six years, public hearings have finally started on the Food and Drug Administration's food supplement Order. The government has waited since June, 1962 to start agency hearings. That is when they first issued their sweeping proposals which would put most food supplement potencies and combinations on prescription.

Since June, 1962, FDA has amended the Order several times, but never held hearings. Early in 1968, they announced their intention, in a separate action, to go even further and ban bioflavonoids entirely so not even physicians could prescribe them. Now the hearings have started. It is a shame that Congress hasn't acted in the six years we have had since the FDA first announced their intention to destroy the food supplement industry as we now know it. But in fairness to Congress, it wasn't until early in 1967 that the NHF had worked out a bill (now known as Hosmer's H.R. 11837) that would limit FDA's power and which had a chance of getting passed. Congress has been most receptive to the bill. We now have 65 cosponsors. To succeed, we need 100 cosponsors.

#### FDA HOPES HEARINGS WILL PREVENT CONGRESS FROM ACTING ON H.R. 11837

FDA has urged Congressmen not to cosponsor Hosmer's bill. At the same time, they stubbornly refuse to give a Position Report on it. FDA's strategy is to stall, and to divert the attention of Congress and the energies of NHF to their hearings so the Hosmer bill will languish and die in Congress from lack of interest. Several Congressmen have recently told their constituents that now FDA has started hearings, they will await the outcome before cosponsoring legislation. It sounds fair, but isn't. We have demanded the FDA hearings for six years and some Congressmen have assumed we were turning to Congress only because we could not get FDA to hold hearings. This is not the case. We will win some minor victories in the hearings, but FDA hearings can never correct the main legal issue in the food supplement controversy. Only Congress can do this.

FDA hearings cannot solve the main problem over food supplement regulations because FDA believes, quite justifiably, they are under a legislative mandate from Congress to consider a food legally as a drug if any health claims are made for it. Congress gave this medically oriented mandate to FDA in 1938 when the food supplement industry was a baby. Thirty years ago, the idea of using food concentrates or supplements to prevent or cure a disease was not widely researched. Adelle Davis, Linda Clark, Carlton Fredericks, Catherine Elwood, J. I. and Bob Rodale had not published their books and magazines which contained revolutionary new concepts in do-it-yourself nutrition.

In 1941, FDA completed extensive hearings on food supplements, and issued regulations to govern their labeling claims. The FDA's 1941 regulations contained a definition of food supplements which is almost impossible to improve on today. Now FDA wants to cut out the two most important words in the definition—"pathological" and "diseases." This excellent definition is the major part of Hosmer's bill, H.R. 11837. It says that food supplements may be used for "pathological" and "disease" conditions if these conditions exist because of a "particular dietary need." FDA wants the two words, "pathological" and "diseases," cut from their own definition which has been unchanged since 1941. This is a major change in the FDA's Order and one which NHF's Attorney, Charles Orlando Pratt, has objected to and will strongly object to in the FDA's hearings. If Congress passes the Hosmer bill, FDA then couldn't change the definition because only Congress can change its own laws. But an equally important thing Congress can do if it passes the Hosmer bill is to write new legislative history which will say that it doesn't ever want a food supplement to be considered a drug just because true health claims are made for it. Congressmen who say they will wait for the FDA hearings to end before changing the old law of 1938 just do not yet understand that their own law, which has been unamended or unchanged on this point since 1938, makes it impossible for a food supplement manufacturer to sell a food supplement with a truthful health claim, even though it is safe and the claims made for it can be supported by competent proof. It doesn't make any difference how unreasonable the interpretation is in 1968, FDA can point to the 1938 legislative report which says most clearly, "If it [a product] contains nutritive ingredients but is sold for drug use only, as clearly shown by the labeling and advertising, it will come within the definition of drug, but not that of food." Thus, Congress naively said FDA should put every product in one of two slots—foods or drugs. If a health claim of any kind was made for a food on the label, Congress said, it should be considered as a drug.

FDA hearings can never change this legislative flaw of 1938. Only Congress can do this. It takes an Act of Congress to change an Act of Congress. The Hosmer bill, if passed, will make a third slot for FDA to use. Then there will be (1) foods, (2) drugs and (3) food supplements. Then, whenever a manufacturer makes a true nutritional health claim supported by competent proof, FDA will have to place such a product in the third slot provided by Congress and will not be able to seize it as a misbranded "drug" as they have been doing since 1938. Everybody knows foods are not drugs, regardless of what labeling claims are put on them. The only reason Congress has never updated the law and provided the third category for food supplements or foods for special dietary uses is that it hasn't been asked by us—the people—to do it. So don't let FDA's hearings sidetrack your Congressman from cosponsoring Hosmer's bill or demanding a Position Report from FDA (see NHF April, 1968 Bulletin, pp. 12-14).

#### FDA HEARINGS VERGE ON CHAOS FROM THE BEGINNING

When FDA's new Hearing Examiner, David Harris, opened the prehearings at 10:00 a.m. Tuesday, May 7, nearly 100 consumers or attorneys representing industry were on hand to testify. This is too many to participate in an orderly hearing. Mr. Pratt, in his article this month, has listed the objective firms and individuals. Some firms, like Abbott Laboratories, have as many as four attorneys representing them. Most consumers represented themselves. A court reporter was there and every word was taken down in an official transcript.

#### CONSUMERS MUST PAY MORE THAN EIGHT TIMES AS MUCH AS THE GOVERNMENT FOR A WRITTEN TRANSCRIPT OF THE HEARINGS

The first day's transcript was 151 pages. When we ordered a copy, we learned that FDA had issued a contract to the Columbia Reporting Company (300 Seventh Street, S.W., Washington, D.C.) to be the official reporters. They were granted a contract with the unthinkable right to charge consumers and industry more than eight times as much as the Government pays for a copy of the same transcript! We were told we would have to pay 75¢ per sheet or \$113.25 for the next-day delivery of the May 7 transcript! If all 100 objectors ordered the same service, it would give the Columbia Reporting Company an order for \$11,325 for just the first day. Their printing costs would be less than \$500. It has been estimated the hearings may last three years or longer. Under this biased contract, if all 100 objectors bought copies at 75¢ per sheet, the cost of the transcript alone, would run into several millions of dollars!

#### FDA PAYS 9 CENTS; CONSUMERS PAY 75 CENTS A SHEET

Then NHF checked what the Government had contracted to pay for their own copies of the transcript! We learned they only pay 9¢ a sheet! This is an intolerable injustice! There are many consumers and small companies who would have a hard time buying transcripts at even 9¢ a sheet and who just cannot afford over \$100 a day for them. It is just as insufferable to have wealthy companies pay such a price. They have to pass such costs on to consumers. FDA's strategy is simple to see through. They are going to do everything they can to make the hearings as expensive to objectors as possible.

#### OUR COUNTER ACTION IS TO PROTEST AT ONCE TO CONGRESS

When FDA let the contract to a court reporting company, they could have and should have asked them to bid on the exact cost of the court reporter and those who transcribe the notes. The total cost of the first copy should have been paid by the government. Then every additional copy bought by the government or consumers or industry should have been available to them at the actual cost of reproduction plus a reasonable profit. This would run us 10¢ or less per page, depending on the number of copies ordered, less than one-eighth as much as we now must pay.

#### ARE WE EXHAUSTING OUR ADMINISTRATIVE RESOURCES OR ARE WE GOING TO BE EXHAUSTED BY THEM?

Congress should write into the Administrative Procedures Act an amendment which will prevent such an unendurable thing from ever happening in the future instigated by FDA or by any other agency.

#### FDA BRINGS 2,000 EXHIBITS TO PREHEARING CONFERENCE

FDA filed 2,000 exhibits with the Hearing Examiner but was not required to make a copy available to each of the 100 parties in the proceedings. Instead, Mr. Harris unfairly ruled: "I am not going to require the Government to go to the expense of duplicating so many documents. They are on file

with the Hearing Clerk and can be examined at your convenience."

#### AMERICAN CHIROPRACTIC ASSOCIATION ATTORNEY PLAYING A LEADING ROLE

The attorney who forced Mr. Harris to rule on this question was Mr. Harry N. Rosenfield, appearing on behalf of the American Chiropractic Association. After the FDA's attorneys introduced nearly 2,000 exhibits for identification, Mr. Rosenfield asked the Hearing Examiner: "May I respectfully request that they be distributed just as the others were. If one of the objectives is to advise us most effectively on the issues, this would be very helpful." This resulted in Mr. Harris making his inequitable ruling above. We are most grateful that the American Chiropractic Association has hired one of the best-qualified men in Washington, D.C. as their Washington Counsel, and have directed him to participate in these hearings. He is doing a superb job! Although the American Medical Association is represented at the hearings by Paul R. M. Donelan, up till now he only appeared at the first day's roll call. We don't know where AMA will stand on the issues at this time. Dr. William J. Darby and Dr. Philip L. White will be AMA's witnesses.

#### IMPROVED SURVEY TECHNIQUES PAVE WAY FOR CALIFORNIA TIMBER SALVAGE

### HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 1, 1968

Mr. JOHNSON of California. Mr. Speaker, because of a damaging storm 4 years ago which set the stage for the invasion of massive infestations of northern California forests by Douglas-fir bark beetles, a technique has been found to measure quickly and cheaply the extent of beetle infestation as a necessary step leading to salvage of the damaged timber.

The improved technique was a matter of both necessity and invention by pest control experts of the Forest Service, U.S. Department of Agriculture.

The Douglas-fir beetle, a destructive pest of Douglas-fir trees throughout the western half of the Nation, had done little damage in California prior to 1964. Severe storms and subsequent floods in December of that year caused a vast amount of timber to be damaged and uprooted in the north-coastal region of California.

Forest entomologists were aware that this huge accumulation of favorable habitat for the beetle could very well trigger a buildup of beetle populations. If beetles multiplied in the damaged timber in 1965 they would be able to attack healthy, green trees in the spring of 1966. Forest land managers were alerted to this possibility. As a preventive measure they were encouraged to salvage and remove as much of the storm-damaged timber as possible.

A strong concerted effort was made to salvage the trees but the job was just too large—there were too many trees spread over too large an area of rough terrain. Salvage was hampered further by the widespread destruction of existing road systems during the floods.

To better judge the potential for a beetle epidemic, an extensive detection

and evaluation survey was made on the Six Rivers and Klamath National Forests in the fall of 1965. The survey revealed a general beetle population buildup. It was predicted that the beetles would attack green trees the following spring. How severe the attacks would be and over what area they would occur were questions that could not be answered.

The adult beetle broods survived very well under the bark of unsalvaged storm-damaged trees through the mild winter of 1965-66. They emerged in the spring and successfully attacked standing green trees. Forest managers were advised to include green-infested trees in their continuing salvage program.

The newly infested trees began to fade in midsummer, but it was not until an aerial survey flight was made in the fall that the full magnitude of the problem was realized. Groups of infested trees were observed on 1.6 million acres in Del Norte, Humboldt, Siskiyou, and Trinity Counties and represented an unprecedented loss of Douglas-fir.

Although the extent of the infested area was known, the number and volume of killed trees had to be determined. This information was needed to inform the land managers about the scope of the damage so they could plan for maximum recovery of the timber through salvage logging. Because of the large area involved and the extreme inaccessibility, normal timber cruising methods could not be used. Therefore, with the assistance of the Pacific Southwest Forest and Range Experiment Station, a combined aerial photo-ground survey was specially designed to measure the impact of the beetle epidemic.

This scientifically designed survey employed two forms of sampling: first, color photographs were taken from the air at random locations over the entire infested area; and, second, ground checks of selected outbreak centers recognized on the photographs were made to determine the actual number of Douglas-fir trees killed by beetles. Other data were taken to provide individual tree volumes killed by the beetles.

As a result of the survey it was learned that the beetles had killed 249,000 Douglas-fir trees containing 796 million board feet of timber. This timber could provide 535 million board feet of finished lumber; enough to build 53,500 three-bedroom frame houses. Guided by the information gained from this survey, land managers are salvaging much of the accessible dead timber.

The survey cost \$9,607 or \$0.006 per acre and required 318 color photographs, 53 ground samples, and 123 man-days of work. In order to provide results of equal accuracy, previously used survey methods would have been more costly and time consuming. For example, a standard ground survey over 1.6 million acres would have required 17,000 man-days and \$830,000. Mapping infested centers seen by visual inspection from an airplane coupled with a sufficient number of ground visits would have taken 400 man-days and cost \$21,200.

This improved technique, using aerial photo interpretation combined with a minimum of ground checking, proved very effective in measuring the total im-

fact of the recent Douglas-fir beetle outbreak in northern California and in providing data for salvage operations. The same technique looks particularly promising for other bark beetle surveys because large areas can be sampled at a reasonable cost and with a high degree of accuracy. The statistical technique is also adaptable to bark beetle losses in other types of timber and terrain.

**NIXON-LINDSAY TEAM VIEWED AS  
A DREAM TICKET FOR TIMES**

**HON. JAMES G. FULTON**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 1, 1968

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article from the Washington Post of August 1, 1968:

**NIXON-LINDSAY TEAM VIEWED AS A DREAM  
TICKET FOR TIMES**  
(By Joseph Kraft)

Because the polls have not yielded the decisive result required for the candidacy of Nelson Rockefeller, the Nixon camp approaches the Republican convention full of confidence. Now serious attention is turning toward putting together what amounts to a dream ticket—a ticket that would have as Mr. Nixon's running mate, Mayor John Lindsay of New York.

The Nixon-Lindsay ticket would be a dream ticket because it is in harmony with the basic political condition of the country today. That condition features a public opinion fragmented along unfamiliar lines.

Because opinion is so badly fragmented no single candidate in either party can by himself appeal to a substantial majority of the voters. Each man has to supplement his own appeal with that of another political figure. For that reason, as much as because of the "pressures of the nuclear age," both parties have been casting about intensively for men of reputation as possible Vice Presidents.

As Mayor of the media capital, Mr. Lindsay has had good exposure on television and in the press. He has campaigned across the country for Governor Rockefeller. Thus he passes the first test. He is a man of national stature.

Traditionally, the fault lines Vice Presidential candidates were supposed to cement were lines of regional tension. Franklin Roosevelt, as usual, provides the classic example. A New Yorker with broad appeal in the cities of the East, he supplemented his own strength first with John Garner of Texas,

and then with Henry Wallace from Iowa and Harry Truman from Missouri.

But supermarkets and suburbs have planned away regional differences, while the pace of change has tended to intensify distinctions between age groups. As the constant criticism of Nixon and Vice President Humphrey for being old, tired and familiar suggests, the generational line of division is as important as the regional one.

But at 46, Mayor Lindsay is physically young. Having first run for office only a dozen years ago, he is a fresh face. He also has the looks, manner and wideranging cultural interests of the new breed. He bridges the generational gap.

With respect to an even more basic line of division—race—the question is not so easy. Almost all candidates who have taken an outspokenly liberal line on issues associated with the Negro have paid for it. And no one is more sympathetic to the Negro cause than the Mayor of New York.

But his reputation is that of the man who has held the lid on. His personal appeal has enabled him to avoid having to say some of the things about Black Power that spelled trouble for Senator Robert Kennedy, and more recently for Hubert Humphrey and, I believe, Governor Rockefeller.

Not only is Lindsay not offensive to the low-income whites of the big cities and the South, but his standing with civil rights and civil liberties groups is so great, that it would afford Nixon wider room for accommodations in other quarters. With Lindsay as running mate, Nixon could safely take stances that would cut into the law and order vote that now seems to be heading in the direction of the third Party headed by former Governor George Wallace of Alabama.

But would Lindsay take the assignment? Well, his future career, notably the need to exit from City Hall in New York moving upwards, leaves open only very few possibilities as the next step. His statements so far have fallen short of the absolute prohibition, required to rule him out. At the most, it is an open question.

There remains the obvious drawback that both Nixon and Lindsay come from New York. Under the Twelfth Amendment to the Constitution, the electors of a state cannot cast its votes in the electoral college for two men from the same state as President and Vice President.

One possible way out is for Nixon to change his residence to, say, Washington, D.C., after the election. But he has rightly pointed out that such a move would be considered "tricky."

As it happens, however, the 43 electoral votes from New York would become absolutely vital only under very special conditions—only if the Republicans carried New York and won a national majority in the electoral college by 20 votes or less.

Otherwise, the problem could be solved simply by an advance statement that the New York Republican electors would split their vote, with 22 going for Nixon as Presi-

dent, and 21 for Lindsay as Vice President. And that course, which is now being urged on Mr. Nixon, looks to me like a sensible way out.

**THE AKRON BEACON JOURNAL EN-  
DORSES CONGRESSMAN WHA-  
LEN'S CRITICISM OF THE NLRB'S  
HANDLING OF THE NATIONAL  
CASH REGISTER CO. UNION REP-  
RESENTATION CASE**

**HON. WILLIAM H. AYRES**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 1, 1968

Mr. AYRES. Mr. Speaker, my distinguished colleague from the State of Ohio [Mr. WHALEN] took the National Labor Relations Board to task in a speech on the House floor on July 23, 1968.

He detailed for us what he rightly called incredible ineptness and unbelievable bungling on the part of the NLRB in its handling of a union representation case affecting employees of the National Cash Register Co.

An eminent newspaper in my district, the Akron Beacon Journal, has commented editorially on Mr. WHALEN'S evaluation of that continuing labor impasse.

Mr. Speaker, for the information of the Members of the House, I herewith insert that editorial:

[From the Akron Beacon Journal, July 26, 1968]

**BUNGLING**

Rep. Charles W. Whalen of Dayton is not one of those congressmen who make sensational statements just to get their names in the papers. Though a Republican, he does not go out of his way to find fault with federal bureaus. He is, in short, a responsible man.

So when Whalen says the National Labor Relations Board has been guilty of "incredible ineptness and unbelievable bungling," you can believe that the NLRB has really goofed.

Whalen was talking about the NLRB's handling of a dispute over what union shall represent 14,000 employes of the National Cash Register Co. This, Whalen said, is what the NLRB did:

—Took five months to decide to call a bargaining election.

—Set the date of the election 3½ months after expiration of the existing contract.

—Miscalculated 100 votes cast during the election.

—After six months still has not determined the outcome of the election.

That's pretty incredible all right.

**SENATE—Friday, August 2, 1968**

The Senate met at 10 a.m., and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, enable, we pray, with the light of Thy wisdom and strength of Thy might, those who in these fear-haunted times here entrusted with the stewardship of the Nation's life, send forth to waiting tasks conscious of a great heritage worth living for and dying

for, and with a deathless cause that no weapon that has been formed can defeat. Hear our prayer: America, America, God mend thine every flaw.

Amid all the contentions and convulsions of these volcanic days, still may the Republic say with utter confidence—"God lives and the Government at Washington still stands," and with Thy help will continue to stand as the beacon light of truth for all the earth.

And now may the Lord bless you and keep you; may the Lord make his face to shine upon you and be gracious unto you.

Lord God of Hosts, be with us yet,  
Let us forget—lest we forget.

We ask it in the dear Redeemer's name. Amen.

**THE JOURNAL**

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, August 1, 1968, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.