

EXTENSIONS OF REMARKS

SESQUICENTENNIAL CELEBRATED
BY FRANKLIN COUNTY, MO.

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. HUNGATE. Mr. Speaker, Franklin County, Mo., which was named for Benjamin Franklin, celebrates its sesquicentennial this year.

Organized in 1818 as the 10th county in the State, it was carved out of the original St. Louis County. In addition to the Missouri River, the Meramec and Bourbeuse Rivers run through rolling wooded hills and plains, while prominent bluffs and interesting caverns accent the melody of nature in Franklin County.

Early inhabitants were the hunter and the settler. While the hunter had no interest in the soil and did not cultivate anything, the settler was interested in becoming established in a new land. The settler found a remnant of the Indians who once belonged to the powerful tribes of the Shawnees, Delawares, and Osages. A village of 200 to 300 lived in the valley of the Bourbeuse which was named Shawneetown.

Many of the early residents settled along the Missouri River on Spanish grants of land ceded by the Spanish Governor of St. Louis. The Labadie, DuBois, St. John's, Newport, Boeuf, and Berger settlements were among these.

The first store in Franklin County was established at Newport. Presley G. Rule operated the store which kept a small stock of dry goods, groceries, and hardware. Hospitality was unlimited and people enjoyed the gatherings at cornhuskings, logrollings, house raisings, and cottonpickings. Weddings provided the greatest of social events with the festivity often lasting several days. "Running for the Bottle" was one of the curious customs of the wedding celebration. This was a race on horseback from the bride's home to that of the groom with the winner awarded a bottle of whisky.

Many of those early settlers were French hunters and traders and today several of the streams bear their names. Daniel Boone and some of his companions lived for a few years in the southwestern part of the county, now known as Boone Township.

The only white man believed to have been killed by the Indians in Franklin County was John Ridenhour who was shot while watering his horse at a spring near Labadie. Ridenhour Creek is named for him.

Franklin County has many interesting caverns. The entrance to Fisher's Cave, near Stanton, is by an opening in the bluff of the Meramec River. After passing through a low, long entrance, the cave opens into what is known as the Governor's Ballroom because it was once used for such an occasion.

Meramec Caverns, in the beautiful dells of the Ozark Mountains, on the Meramec, were first discovered by

Jacques Renault, of Illinois, in 1716. The caves were used by early miners for storage and shelter while operating a nearby copper mine. In years during and after the Civil War, the caverns were explored further when gunpowder was manufactured at the cave. The Union forces set up the powder kilns in the caverns and slaves found refuge in the caves, a station on the underground railroad.

The Quantrill Irregulars, under Gen. Sterling Price's command in the Confederate Army, captured the gunpowder plant in 1864. Jesse James, Frank James, and Frank Dalton were members of the irregulars and became acquainted with the caverns. Ten years later, after the James gang robbed a train at Gadshill, Mo., they were tracked to the caverns. After a 3-day siege, they escaped by a back route unknown to the posse.

When the county was officially organized in 1818 five commissioners were appointed by the judge of the northern district of the Missouri Territory to lay out the county and fix the seat of justice. They were William Laughlin, Philip Boulware, David B. Moore, David Edwards, and Thomas Buckner. Newport, the only town in the county, was made the county seat.

In 1827 the county seat was moved to Union and 20 years later \$5,000 was appropriated for the building of a new brick courthouse. The present courthouse was built in 1923.

Today Franklin County is prosperous and growing and its citizens can take pride in the accomplishments of the past 150 years and look forward to a bright future.

KENNETH GRANT, NEW SCS
ADMINISTRATOR

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Monday, September 30, 1968

Mr. HARTKE. Mr. President, in March 1967, Indiana was honored when the Soil Conservation Service chose our State conservationist, Kenneth E. Grant, to be the Associate Administrator of the Agency in Washington.

We are honored again by Mr. Grant's appointment to succeed Don Williams as SCS Administrator.

I join with Ken Grant's many friends and associates in Indiana in congratulating him on this high honor. We know it is a promotion he deserves. We know that he will fill the position with distinction.

To become head of a major Federal agency at the age of 48 is proof enough of Ken Grant's talents and abilities. He worked his way up through the ranks of SCS, starting as a junior soil scientist in his native New Hampshire in 1946 by demonstrating outstanding technical and administrative ability. He had become State conservationist in New

Hampshire when he was promoted to the same position in our State in 1967.

I salute Don Williams for his great success as SCS Administrator since 1953 and for splendid service of 32 years with that great Agency. In Ken Grant I am confident that he has a worthy successor.

THE CRISIS IN EASTERN EUROPE

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. CUNNINGHAM. Mr. Speaker, today I am joining my colleagues in denouncing the Soviet aggression against Czechoslovakia and the subsequent blackmail threats to Rumania, Yugoslavia, and the Federal Republic of Germany.

One of the most telling cartoons reflecting the Russian reaction which was based on fear of the contagion of freedom of speech and press among the inhabitants of the slave empire was published in a small Swiss paper and reproduced in the New York Times. It shows Russian soldiers fleeing into the inside of their tank when a small mouse appears bearing the flag of press liberty. For the yearning for freedom of speech, assembly, and information are fundamental rights which are inscribed in the hearts of all men, and particularly in the peoples of Eastern and Central Europe who have fought and suffered for the achievements of these freedoms in the past.

Unfortunately, despite the unique bond combining the Czechoslovak party and government leadership which has withstood the worst of the Soviet demands, the occupation cannot hope to change the permanent fate of the country.

The "salami" tactics will finally overcome them, too, as they are enforced at the muzzle of the Russian tank guns and the edge of the Russian bayonets. Already about a dozen of the reformers had to be dismissed from their positions, including the father of the economic reform, Prof. Ota Sik; the Foreign Minister, Prof. Jiri Hajek; Interior Minister, Josef Pavel; and the Chairman of the National Front, Dr. Frantisek Kriegel. Others including Party Secretary Dubeck remain on the purge list of the Communist invaders.

The hub of the matter is the presence of 24 Russian divisions in Czechoslovakia. Until their full withdrawal, no balance of power in Europe can be restored. Russians are present in Czechoslovakia—also in Hungary where they are stationed since 1956—despite numerous condemnatory U.N. resolutions and under a treaty which was concluded with a government not yet in the possession of full sovereignty on May 27, 1957.

All our diplomatic efforts must be concentrated upon achieving Russian withdrawal. As we cannot force it militarily,

we must concentrate upon making the occupation cost the Russians prestige, good will, economic sanctions, and international alienation. This necessitates a coordination of propaganda, diplomatic and political activities of our administration, and our public in third world and allied countries and in the United Nations, pointing out not only the details of Soviet aggression but also its potential danger to world peace and security in Europe and elsewhere in the world.

Unfortunately, we are witnessing a halfhearted approach by the present administration until very recently mesmerized by the possibility of a summit with the Russians before its end. To quote the well-known, Democratic Soviet expert at Princeton, former Ambassador George Kennan:

What respect would the Russians pay to the word of a lame duck president? What has Mr. Johnson to offer them? It is a bad policy to go and plead with people when you have no cards in your hands . . .

The suggestion of such a meeting at this time smacks of one of the worst phenomena of American diplomacy of earlier days, namely: the abuse of external relations of our people as a whole for the domestic-political advantage of a single faction or party. The idea of the President's going to Russia at this time strikes me as pure madness.

Kennan also emphasized that there is no such thing as detente and thereby admitted the failure of the one-sided bridgebuilding policy of the Kennedy and Johnson administrations, which we have recognized for years.

Measures strengthening NATO are also needed, as is a general diplomatic offensive at this session of the General Assembly to push for a withdrawal of Russian troops from Czechoslovakia and Hungary, victims of aggression. In addition, I believe that the House Foreign Affairs Committee has the duty of looking into the present situation in Central and Eastern Europe, areas fraught with dangers to us and to our NATO allies. The committee should come up with suggestions for a new, revised policy by means of a hearing and comprehensive study undertaken by academic experts; here again I am joining my colleagues ably led by the distinguished gentleman from New Jersey. In a parallel development, former Vice President Richard M. Nixon, the Republican presidential candidate, commissioned his staff to reassess the American commitments to Europe and sent ex-Governor William Scranton to Europe for a factfinding tour, steps which can only be welcomed in the confused situation facing us since August 21. The House leadership should not do any less in order to clarify the issues and advise on alternate policies.

THE "PUEBLO"—HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. SCHERLE. Mr. Speaker, this is the 252d day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

THE 90TH CONGRESS MEETS THE CHALLENGE OF HIGHER EDUCATION

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. JOHNSON of California. Mr. Speaker, September is, of course, back-to-school month.

September 1968 has added significance for the Nation's colleges and universities. It is in this month that final congressional action was completed on the Higher Education Act of 1968, termed by many in the field of education as one of the most significant aid-to-education bills since the passage of the Elementary and Secondary Education Act of 1965.

The 1968 bill will insure continuation of highly successful programs of assistance to colleges and their students. The legislation marks the most recent step in more than a century of Federal assistance to colleges.

Early in our history, this Nation realized that our material wealth and our democratic form of government both rest upon a well-educated people. The passage of the first Morrill Act in 1862 marked the beginning of a sound Federal policy of assistance to States for agricultural and industrial education through land grants for colleges. The University of California is the Golden State's land-grant institution and consequently receives special consideration in funding programs, although with the expansion of other Federal programs, the State colleges and junior colleges are receiving more and more consideration. This is important because these State and community colleges are playing an increasingly important role in the educating and training of our youth to meet the complex needs of our society.

Much of this expanding of Federal aid to higher education to schools other than land-grant colleges came initially as a result of World War II.

The GI bill made it possible for a vast number of young people to seek a college education. Many of these ex-servicemen could never have afforded the cost of college had it not been for the World War II veterans' benefits program which has been continued through the years to the present. Had it not been for this, the Nation would have suffered severely by failing to develop to the fullest extent possible the scientific, technological, social, economic, and political brainpower resources needed to meet the tremendously complex challenges of the world in which we live today.

During World War II, the Federal Government pumped huge quantities of money into war-related research programs conducted on the campuses of our colleges and universities. This heavy investment in research continued through the Korean war, the cold war, and into the present critical times. Over half of all Federal funds going to colleges and universities of the Nation today is for research purposes, although the emphasis has changed and only a quarter of federally supported projects is directed at national defense. In Cali-

fornia, research and demonstration projects have amounted to nearly \$200 million in Federal grants a year.

The launching of the first sputnik in 1957 gave added impetus to the idea of strengthening scientific education of individuals as well as assisting institutions. The most notable result was enactment of the National Defense Education Act of 1958 which established federally supported student loan, scholarship, and graduate fellowship programs.

Another major boon in Federal aid to higher education came in 1963 with passage of the Higher Education Facilities Act which authorized the most extensive program of aid to education ever undertaken by the Federal Government. This legislation provided matching grants and loans for construction, rehabilitation, and improvement of classrooms, laboratories, libraries, and other academic buildings. The culmination of our legislative commitment to provide college education for all came with passage of the Higher Education Act in 1965. Since then, Congress has attempted to extend, strengthen, improve, and broaden these programs climaxed by final passage Thursday by the House of Representatives of S. 3769, to extend the Higher Education Act, the National Defense Education Act, the National Vocational Student Loan Insurance Act, and the Higher Education Facilities Act.

More than 192 institutions of higher education in California are receiving Federal funds totaling half a billion dollars annually. The Federal agencies providing these grant funds are: The Department of Health, Education, and Welfare, the Department of Defense, the National Science Foundation, the National Aeronautics and Space Administration, and the Atomic Energy Commission. Additionally, the Departments of Housing and Urban Development and Health, Education, and Welfare provide more than \$50 million for construction of dormitories and other facilities plus equipping them.

This heavy investment in higher education is essential because the United States sends a greater proportion of its young people to colleges and universities than any other nation in the world. A century ago, only 2 percent of young Americans entered college. Today, the figure is 50 percent and rising. In a recent Gallup poll, 96 percent of all parents questioned said they wanted their children to enter college. More buildings, classrooms, and laboratories are needed. It is in meeting these construction needs that Second Congressional District colleges benefit most from the education and housing act programs.

Second District colleges have received substantial assistance through the college housing program administered by the Department of Housing and Urban Development.

Chico State College used a \$3,200,000 Federal loan to develop dormitory facilities for 528 students, plus dining facilities for 900. Additionally, the student union, with supplemental dining facilities, was constructed through a \$1,100,000 college housing loan.

Shasta Junior College used a similar college housing program loan, totaling \$1,240,000 to provide housing for 120 and

student union and dining facilities for 800 students.

Sierra Junior College has had three such loans, extending back to December 1962. These total more than \$1,400,000, including the most recent, a \$751,000 dormitory to provide housing for 184 men and a student union and dining facility.

Lassen College, at Susanville, has used a \$789,000 loan to provide housing for 128 men and the College of the Siskiyous, at Weed, is providing housing for 70 women through a \$336,000 college housing loan.

The Office of Education, an agency of the Department of Health, Education, and Welfare, shares the responsibility for providing adequate facilities. However, the grant funds administered by this agency generally are used for teaching or administrative facilities rather than housing and dining facilities financed through the Department of Housing and Urban Development loans.

Chico State College, facing the necessity to limit its enrollment for the first time in its history—more than 1,000 fully qualified students were turned away from the college this year due to a lack of space—is expanding its physical plant through three Department of Health, Education, and Welfare grants.

Under the Higher Education Facilities Act, Chico State College will receive \$822,000 as the Federal share of a \$2,490,000 industrial, technological, and agricultural teaching facility. Construction will start in December and is scheduled for completion in December 1970. A Federal grant of more than \$1 million will finance one-third of the cost of a classroom-office building due to be completed in March 1971. A third grant of \$409,000 will pay one-third of the cost of a boiler plant.

Shasta College dedicated its new campus the first of June this year. Much of the construction, which was started in 1965, was made possible by over \$1.7 million in Federal grants and loans.

Lassen College in Weed has just received an Office of Education grant for \$401,000 to construct three academic buildings and to purchase two prefabricated buildings.

In addition to the established colleges in the Second Congressional District, we have three new junior colleges just getting under way. Two—the Butte Junior College, now utilizing temporary facilities at Durham High School, and the Columbia Junior College, in Tuolumne County—are junior college district-supported institutions. The third—Tahoe Paradise College—is a private college. Each of these new institutions deserve full support and cooperation in its efforts to establish adequate modern campuses to student bodies with the type of education they deserve. It will take some Federal assistance to do the job, I am sure.

Facilities, as important as they may be, are not the complete answer to insuring that everyone gets the full education he deserves.

The cost of attending college has risen drastically in the past decade, as any parent of a college student can attest.

Our Republic was founded upon the concept of equal opportunity for all, which means equal educational opportu-

nity for all. In the past decade, substantial progress has been made in eliminating economic roadblocks to college education; however, there is much left to be done. It is estimated that, if all financial barriers were removed, an additional 1 million students could enroll in colleges and universities by 1975. The World War II GI bill was the first effort in this direction, followed in 1958 by the National Defense Education Act, and in 1965 by the Higher Education Act. The last two are extended by the Higher Education Act of 1968. These offer aid to the growing number of educationally qualified, but financially needy, students. They work in three ways: Insured loans, grants, and the opportunity to work and study.

While most Federal assistance is in the form of loans or jobs rather than grants, nearly 700 students at six Second Congressional District colleges will receive Federal National Defense Education Act scholarship grants this year. Schools who will use the grants, the amounts available, and the number of students assisted are:

Butte Junior College, \$5,000, 10 students; Sierra College, \$16,250, 52 students; Shasta College, \$40,000, 100 students; College of the Siskiyous, \$10,990, 43 students; Chico State College, \$225,350, 457 students; and Tahoe Paradise College, \$6,900, 12 students. The Federal funds are matched by local funds to provide grants of \$200 to \$800.

Highlighting the loan program is that authorized under the National Defense Education Act. Four Second Congressional District colleges received \$450,000 in Federal aid to assist this school year. These funds provide 90 percent of the student loans with the participating colleges making up the balance. The amounts allocated to the colleges are:

Chico State College, \$424,440; College of the Siskiyous, \$3,847; Shasta College, \$13,374; and Sierra College, \$10,732. The National Defense Education Act loans are unique in that part of the loan is forgiven for each year taught in a public school, with extra forgiveness proposed this year for teachers working in poverty areas.

There are a number of different insured loan programs also. Each of these attempts to bring private lending institutions to the aid of students through Federal guarantees of repayments. Amendments added in this session of Congress will raise interest rates from 6 to 7 percent, but hold the student's share of the interest at 3 percent. Hopefully, this will make the program more attractive to local banks, many of whom have been hesitant to make loans at 6 percent when other markets return greater dividends.

Under the work-study program, five local colleges will receive well over \$300,000. The Federal funds provide 90 percent of the wages for such part-time jobs as YMCA leaders or teaching assistants.

The 1968-69 academic year will see the first influx of veterans continuing their education under an expanded GI bill, passed in 1967. A single man, without dependents, taking a full course of study, will receive \$130 a month. Vet-

erans returning from World War II and the Korean war, impressed their instructors with their maturity and dedication, and I would anticipate that the new group will do equally well.

There are special, profession-oriented, education programs as well. The critical shortage of nurses, for instance, has led the Federal Government to support special professional nursing training. Chico State College is finishing such a 3-year program with a final grant this year of \$13,000. Supplementing this is an additional \$7,300 set aside for college loans for nursing students at Chico.

Finally, the heart of any school is its library. Grants of over \$70,000 will make possible the purchase of books and other educational material by seven local colleges.

Thus, great progress has been made since the first land-grant colleges were established; yet much is left to be done. At present, the Nation allocates \$15 billion, or 2 percent of the gross national product, for the support of colleges and universities. College administrators and economists warn that in the next decade we must increase support to \$30 billion or 3 percent of the expected gross national product if we are to maintain quality higher education.

Until just recently, the major responsibility for financing our colleges and universities' structure has been State and local governments and private contributions. With their limited tax base, State and local governments face severe limitations in the amount of increased funding that they can afford to finance the growing cost of education at all levels, and especially at the college level. This means that the Federal Government has, and will continue to have, an increasing responsibility to help to provide higher education which our current generation of students and future generations must have if we are to remain a strong Nation economically, politically, socially, industrially, and scientifically.

As one who started his career of public service as a local school trustee 28 years ago, I have consistently and steadfastly endorsed the full development of our educational resources at all levels—elementary, secondary, college and graduate—so that we can take full advantage of the brainpower which is this Nation's most important natural resource.

The House of Representatives has met this challenge through final passage of the Higher Education Act of 1968.

RACINE ELKS YOUTH BAND WINS NATIONAL TITLE

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. SCHADEBERG. Mr. Speaker, one of our fine weekly newspapers in the First District of Wisconsin, the Shoreline Leader, carried a story recently about the Racine Elks Youth Band, winners of the 1968 VFW national championship competition.

I am proud to bring to the attention of the Members of this Congress not only the dedication of these fine young people from Racine, but, as well, the pride and affection and the enjoyment we derive from their activities as a community and, for me personally, as their Congressman.

With the permission of this body, the above-mentioned article follows:

ESPIRIT DE-BAND HELPS ELKS WIN NATIONAL TITLE

(By Kaye Poulsen)

The best darn "drum corpsing" band in the world is the Racine Elks Youth band . . . and their home base is "The Drum Corps Capital of the World."

Naturally, the Elks are the closest thing to a drum and bugle corps that a band can get. Not only musically . . . but esprit de-band and that same intangible of "togetherness" that binds all Racine units.

Seventeen years ago the B.P.O.E. organized the band to keep the youngsters off the street, busy and out of trouble. Their efforts paid off, in a big way. Little did they realize how the band members would get hooked on music and m & m (marching and maneuvering) with the end result of six national titles—four VFW national titles and two American Legion national wins. They recently won the 1968 VFW nationals in Detroit.

Band members of the Elks are musicians first. However, they truly enjoy the challenge, discipline and musicianship of competition.

The boys and girls (all under 21) have found through traveling together during the competition season, the friends one can make forever. The mental and physical alertness they acquire and the attitude are part of the great "Purple and White" bond.

The spirit of sportsmanship has to be a big part of the "intangible" that grows with every Elk from the alumni to the rookies. Rookies can't imagine what a summer would be like without band rehearsals during the week and contests over the weekend.

The alumni can't live without it . . . so they keep active by working behind the scenes and on the field.

Parents (alumni type) have a difficult time in breaking away from the band once their youngster must leave.

Many Elk parents still chaperone only because they can't live without that "Band" life.

It's so much a part of your life you just can't imagine what life would be like without the excitement of traveling, competition and sheer exhaustion.

Not only is it good for the Elks but the parents benefit too. Everybody keeps young and enjoys the young. It's a "thing" that grows and grows and grows and eventually is passed down to the newer Elks and parents.

When the band came home in buses from Detroit, with their new national title, a long motorcade of moms and dads greeted them at highway I-94, their cars decorated with purple and white signs that read "Proud Parent."

All Elk band members must be able to play an instrument . . . even the colorguard must be accomplished musicians. The concert competition, not often attended by the spectators, is the real test for the true Elk musician.

The band is judged solely on instrumentation, interpretation, expression, articulation, intonation, general effect and conducting. Only ex-band members realize this when the Elks are parading down Main st. on the Fourth of July. Yes, there is more to being a marching band than just parades. There is a lot of hard work and heart that motivates every step on the parade route.

Dedication to the band by its members, staff and parents club is evident by the pride

that is projected. This pride is obvious by the state and national trophies won by the band . . . triumphs earned humbly and maintained with dignity.

Racine is not only proud of the Elks band but their friends in the city's drum corps boast of having the "best darn drum corpsing band in the country." From a drum corps that's the highest compliment the Elks Youth band can receive.

UNITED NATIONS INITIATIVE NEEDED IN BIAFRA

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. SCHEUER. Mr. Speaker, for the last 3 months, hundreds of thousands of innocent children and adult civilians caught up in the tragedy of the Nigerian civil war, have been starving to death in Biafra as the world has looked on in silent horror.

The casualties there have been many times greater than in Vietnam, and yet world organizations like the United Nations and the Organization for African Unity, stand by the sidelines and do nothing to help the 8 million Biafran civilians trapped in their war-torn country.

The International Committee of the Red Cross estimates some 2 million Biafrans are suffering from severe malnutrition. More than 6,000 Biafrans are dying of starvation every day—half of them children. Hundreds of thousands are near to death.

Even in peacetime, Biafra is far from self-sufficient. And August and September are always the worst months as the people wait for the late September harvest. This year there will be no harvest. After 15 months of civil war, the formerly 29,000-square-mile region has been reduced to 3,000 square miles. More than half of its 8 million people are refugees—some living in camps established by the federalist forces, others in villages, and hundreds of thousands of others wandering through the bush.

The Red Cross, the World Council of Churches, and the Roman Catholic relief organization, Caritas, are operating gallant but inadequate relief operations—they are saving thousands of lives with their air shipments of food and medical supplies but the death rate is still more than 40,000 a week.

A much bigger operation has to be launched immediately. This is not a question of taking sides in the political dispute which triggered the tragic war. This is a matter of simple humanitarianism.

From reports in the New York Times, the Washington Post, and an excellent article in the New Republic last month by Alfred Friendly, there have been cruel mistakes steadily held to on both sides.

Neither the United States nor the United Nations can easily concern itself with the internal political issue, but they can be and should be concerned over the mass starvation of hundreds of thousands of innocent civilians.

Accordingly, I am introducing a con-

current resolution in the House today, calling for a United Nations initiative in the Nigerian civil war.

The bipartisan resolution, cosponsored by more than 50 members is identical to a concurrent resolution introduced in the Senate by Senators PROXMIRE, SPARKMAN, and DODD yesterday.

The resolution calls on the President of the United States to use his influence to achieve an immediate consideration by the United Nations of a relief mission and the placement of United Nations peace observers in the war-torn West African state.

The resolution reads as follows:

H. CON. RES. 834

Whereas the Government of the United States, in concert with numerous national and international organizations, has sought means of providing humanitarian assistance to the suffering innocents in the Nigeria-Biafra area, which means would be acceptable to both sides of the conflict in such area; and

Whereas these efforts have not proven successful in securing the relief required for the needy in such area; and

Whereas the continued deprivation of the basic necessities for continuance of life will result in the death by starvation or related disease of millions of innocents: Now, therefore, be it

Resolved by the House (the Senate concurring), That it is the sense of the Congress that the President should make all necessary efforts, through the United States delegation to the United Nations, to bring before the United Nations, for its consideration at the earliest possible time, the matter of developing and achieving some practical means for meeting the urgent and extraordinary humanitarian relief requirements of the needy in the Nigeria-Biafra area and achieving the immediate placement of United Nations peace observers in such area.

The placement of U.N. peace observers becomes ever more urgent as the total defeat of the Biafran forces comes nearer and nearer. The Federal forces have forecast that final victory should be achieved within 3 weeks. This is probably over-optimistic but whenever the war ends, and the end is certainly near whether or not it is 3 weeks away, there will be an urgent need of neutral observers to insure the prevention of a mass bloodbath. Federal authorities in Lagos have repeatedly given their assurance there will be no bloodbath. With neutral observers present, there will be even more onus on all responsible parties to keep their word.

The Organization of African Unity earlier this month declared its opposition to the United Nations playing a humanitarian or political role in the conflict. The Secretary General of the United Nations, U Thant, said in New York this week that his position on Biafra would be guided by the Organization of African Unity.

I believe Mr. Thant and the OAU should reverse themselves.

I fully understand the problem that secessionism poses for African states. I can understand their reluctance to accept U.N. involvement in Nigeria following the problems of the Congo. But to fail to provide food and supplies to the hundreds of thousands of starving Biafrans would be an atrocious crime against humanity.

The conscience of humanity is the

proper concern of all men and all nations at all times. It is time now for strong words and strong actions; passive grief will bring no relief to the victims of this tragedy.

I call upon all Members of this Chamber to support this resolution.

ADDRESS BY THE HONORABLE CLARK M. CLIFFORD, SECRETARY OF DEFENSE, AT THE NATIONAL SECURITY INDUSTRIAL ASSOCIATION

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. SIKES. Mr. Speaker, the Honorable Clark Clifford, Secretary of Defense, delivered on Thursday, September 26, an important speech to the National Security Industrial Association. I take pleasure in submitting it for reprinting in the CONGRESSIONAL RECORD. Mr. Clifford has shown a remarkably fine grasp of the complicated and complex structure of the Defense Establishment within the short time that he has served as Secretary. I have been impressed by his work and by his cooperative attitude.

The address follows:

ADDRESS BY THE HONORABLE CLARK M. CLIFFORD, SECRETARY OF DEFENSE, AT THE NATIONAL SECURITY INDUSTRIAL ASSOCIATION, WASHINGTON, D.C., SEPTEMBER 26, 1968

Mr. Martin, Distinguished Guests, Ladies and Gentlemen: I am pleased to be here, and to participate in your Twenty-Fifth Annual Dinner.

A quarter of a century is a long time in an Association's life. It is even a longer time in a man's life. But there are many of us here tonight who remember with fondness and admiration the great public servant who founded this organization, James Forrestal. Under his leadership, our Armed Forces began new movement toward greater efficiency and combat effectiveness. As our first Secretary of Defense, Jim Forrestal was not afraid to propose new ideas and to fight for them. His objective was progress.

There is a portrait of him hanging behind my desk at the Pentagon. It is a continuing symbol of the man and, in a way, of the Office of the Secretary of Defense itself, for it has looked over the shoulders of each of the eight Secretaries who has followed Jim in that job. Each has dealt with the problems of his day; each has been aided in his task by the National Security Industrial Association.

Since assuming my duties as the ninth Secretary of Defense, I have learned much about the valuable contributions NSIA has made to our defense posture. I am aware of your efforts to help us reduce costs. I know of the outstanding work of your advisory committees, which mobilize scientists, engineers and managers of industry to help us solve difficult technological problems.

I appreciate your efforts and, on behalf of the Department of Defense, I thank you.

This assembly tonight is, however, something more than the annual dinner of a great organization. This audience is as close as one can ever come to assembling the leading representatives—in and out of uniform—of what General Eisenhower once referred to as the "military-industrial complex."

All of us recall his last speech to the Nation as President in January of 1961. Recognizing the absolute necessity for a strong

Defense Department and a large and sophisticated arms industry, he felt compelled to draw attention to the fact that their relationship involved some grave implications for the country.

In my view, President Eisenhower's warning is well worth pondering, for this complex represents an immense pool of resources. The capital, manpower, and innovative thinking in this unique combination of industry and the military are equalled nowhere in the world.

Were these resources to be misdirected, squandered or consumed inefficiently, the American people would be poorly served indeed.

Inevitably, there is danger when one is talking about the expenditure of 40 or 60 or 80 billion dollars a year.

Inevitably, there is danger when powerful industries present to Congress and to the Defense Department their logical proposals for new weapons systems or equipment. These are sincere proposals, designed to advance our military strength. The danger arises, not from some sinister intent on the part of the designer, but from the fact that this Nation does not need and cannot afford every new weapons system which resourceful industry can design.

Inevitably, there is danger when each military department sincerely advocates maximum development of the weapons it would use in our national defense. There is danger when patriotic citizens mistakenly believe that something is good for the defense of our country just because potential enemies believe it is good for their country.

I am convinced today, after six months in this office, that the dangers General Eisenhower warned against were real dangers. But I am also convinced that they have been avoided, through the checks and balances of our governmental system. They have been avoided through the alertness of our Congress and the watchfulness of our press. They have been avoided because powerful pressures come from different directions and tend to offset themselves. They have been avoided by the strengthening of the Office of the Secretary of Defense. They have been avoided by the diligence of the Commander-in-Chief.

Industry and the military establishment, in partnership, have maintained a strong, modern and effective defense capable of meeting all tasks assigned by the President in support of our foreign policy and our national objectives. This Nation has more military power today, better balanced in its make up, and better tailored to meet potential military threats, than any country has had in the history of the world.

That is the posture of military strength we maintain—and I pledge that is the posture of military strength we will continue to maintain.

However, I want to talk to you tonight about the subject of our total national strength. This, it seems to me, is appropriate because it is my job as Secretary of Defense to see that our country has the security that it needs. And it certainly is your job as members of this Association.

Security, as we have traditionally viewed it, is the protection of our country from external threats. Our military forces are designed against such external threats; the Congress appropriates funds for this purpose and the American people expect us to fulfill this mission.

The question I raise tonight is: What are the basic elements of our total national security? The answer, I think, is clear. First: the power of the weapons of our armed forces. Second: the quality of the training and leadership of those forces. Third: the unity of the American people. The most modern of weapons will be inadequate to insure our survival in today's world unless our society is keyed to the steady improvement of our

political institutions and concerned that all our people participate and share in the benefits of that society.

And I submit tonight that the Department of Defense is not doing enough to promote in a positive way those aspects of our national life which are so essential to the preservation of our fundamental institutions.

What, after all, do the people most earnestly seek?

It would seem clear to me that our people want to secure their freedom. And it would seem clear that the elements of freedom are described in the Preamble to the Constitution of the United States more eloquently than anywhere else.

The establishment of justice.

Domestic tranquillity.

The promotion of the general welfare.

The blessings of liberty.

It was for all those reasons that we sought to form a more perfect union, and it was for those reasons that the people of the United States did ordain and establish our Constitution.

But there are millions of Americans today who have not yet secured for themselves the elements of freedom set forth in the Preamble.

I submit that the Department of Defense, a Department which consumes 9 percent of the gross national product of our Nation, a Department which employs four and one-half million Americans, has a deep obligation to contribute far more than it has ever contributed before to the social needs of our country.

Justice . . . domestic tranquillity . . . general welfare . . . blessings of liberty. Can it be that these essential elements of freedom are a responsibility of the rest of the United States Government, but not of the Department of Defense whose operations account for half of the total expenditures of that Government?

I believe that we in the Department of Defense have not only a moral obligation but an opportunity to contribute far more to the social needs of our country than we have ever done before.

Accordingly, I have today directed the Secretaries of the Army, Navy and Air Force, the Director of Research and Engineering and the Assistant Secretaries of Defense to address themselves to this challenge.

I have asked that they provide me their proposals on how we may assist in alleviating some of our most pressing domestic problems and how the Department of Defense should best organize itself for this purpose.

I am asking for their recommendations by November 30 so that an initial concept can be offered to the new Administration in January.

This effort cannot be successful if we in the Pentagon attempt to implement it ourselves.

The Department of Defense can and must work with industry, with labor and with our great scientific and educational communities. And, of course, we shall need the understanding and support of the Congress.

The proven techniques and skills and resources of industry combined with the proven organization and discipline of the Department of Defense can be utilized together far more effectively than heretofore for the benefit of our Nation.

I believe we can do it.

I believe we must do it.

There will be those who will argue that the Department of Defense is not a social welfare institution and who will contend that it has no business interfering in the internal welfare of our country.

I have no intention of turning the Department of Defense into something it should not be.

Of course, I do not regard the Department of Defense primarily as an instrument of social welfare.

Of course I do not believe that the Department should take over the responsibilities of other governmental or private agencies.

Nothing that I propose tonight, nor anything that I will propose so long as I hold this office, will be permitted to interfere with the performance of our historic mission to defend our nation.

But I do believe that the citizens of the United States have reason to expect—and indeed to demand—that the element of government which spends half of their Federal tax dollars devote more of its time and more of its thinking and more of its resources to those aspects of our domestic problems which are important to our total national security.

Some might ask this question: "Are you attempting to say that a defense contract should consider not only whether the best weapon can be purchased for the cheapest price, but also whether the measurement of social utility should be included in the contract award decision?"

I am not making such a statement tonight. I do not yet know whether this would be a wise course or what changes in the present law should be considered.

But I do know that there are major areas of concern to our total national security in which the Department of Defense—working with industry—can do more. Jobs are a matter of concern. So is education. So are housing, and health and hospital care.

I offer these only as examples of areas in which the Department of Defense can be of greater assistance to the Nation. The first preliminary steps have been taken by the Department in each. Sometimes they have been taken timidly as though the Department of Defense were involving itself in something in which it really had no business.

Housing, hospitals, schools, and employment facilities for the unskilled normally do not possess enough capital resources to make an investment in innovation. They have little or no funds for research and development.

Consider housing.

The average private-sector homebuilder throughout the Nation constructs no more than 50 units a year. The average contractor cannot afford research and development into new materials, advanced design and better production techniques. He is faced with a small local market, he is enmeshed in a tangle of local building regulations, and he has a high per-unit cost which is reflected in his prices.

No wonder that low-income housing is so unattractive to private enterprise. There are not enough incentives to justify an entrepreneur risking his limited capital.

Every major city in the nation is faced with a serious slum problem, which in turn leads to destructive social and family problems. Furthermore, slums perpetuate themselves. With minimal maintenance costs, and inflated rents, owners have little financial motive to tear down their antiquated structures and replace them with recent housing. This can and must be reversed.

What is clearly needed are new materials and now production techniques that will make low-income housing a profitable enterprise.

I suggest that is precisely where the Department of Defense can, and must be, innovative and helpful.

The Department is the Nation's biggest single user of housing. We currently spend some \$200 million a year in new construction, plus another \$450 million a year for maintenance and operation, debt servicing, and leasing of existing military housing. But of this \$650 million annually, we have been spending virtually nothing for improvement of materials or better construction techniques.

We have begun to remedy the situation by awarding three contracts to explore whether we can lower the cost of military housing, while retaining quality standards. First re-

ports suggest that savings of 15% or better may be realized through modular design, adoption of factory assembly methods, and volume procurement.

We are now at a stage where, with the support of Congress, we will design a prototype project and build it at George Air Force Base in California. It will be watched with care and evaluated by both the Department of Defense and the Department of Housing and Urban Development.

Should this project turn out as we hope, we will have better military housing at lower cost, higher morale and thus improved military effectiveness. These innovations, passed along to the private economy, should have a beneficial impact on the low-income housing problem in our cities.

This beginning illustrates what can be done by the application to a major domestic problem of the techniques of our Defense effort. I ask members of this association to consider how your company can apply its Defense-gained skills to our national housing problems.

Housing needs help; so do hospitals. Costs are soaring—and for the understandable reason that 70% of hospital operating costs are wages.

Industry clearly can increase the application of its problem-solving resources to hospital design, construction, and maintenance, and to automated record-keeping, laboratory analysis, and routine diagnostic services.

This again calls for a significant research and development effort.

It is an effort generally beyond the scope of a city, county, or church group that builds a new hospital. Hospital design and construction are tradition-ridden. There is a great potential for major labor-saving, cost-cutting improvements in hospital equipment. But the local group which builds a hospital is almost always pressed for funds. It is compelled to use the "low-initial-cost" approach.

This results not in lower health-service cost. It builds in the absolute certainty that costs are going to mount.

Surely there is something we can do. The Department of Defense is one of the world's largest hospital customers. There is every reason to believe that the cooperative approach of industry and the Department can be applied to hospital construction in the same manner that it is applied to the development and procurement of the complex intercontinental ballistic missile.

Therefore, I intend to proceed with a plan developed within the Department of Defense whereby we shall solicit industry for proposals for a whole new generation of hospitals—hospitals so automated that labor costs can be cut drastically and routine services transferred from the overworked doctor and nurse to the sophisticated machine.

This will result in better, more accurate, and less costly hospital management for the military services. Even more significantly, it can point the way to better health care for our citizenry.

Let me now turn to schools and education.

We are far from the optimum development of our educational resources. The blunt fact is that we have focused much of the new technology in education on the exceptional student. For the average or below average youngster, education has been scarcely affected by the scientific revolution since World War II. Educators now say that traditional classroom procedures are not only inefficient but in some cases actually impede the average child's will to learn. If this is true of the student from middle-class America, we must acknowledge how badly we serve the child from the rural slum or the city ghetto, whatever his intellectual endowment may be. Much needs to be done.

The Department of Defense can be, and to a degree has already begun to be, a trail blazer in the improvement of education. My predecessor, Bob McNamara, began the imaginative Project 100,000. He directed that the Armed Services admit to basic training a limited number of men who, under strict earlier regulations, would have been below military entrance requirements. He was convinced that these men, with the benefit of new teaching methods, would learn to do their military jobs satisfactorily. His confidence was justified. Project 100,000 has been a spectacular success. Of the men who entered during the first year of the program, over 90% are now performing effectively on active duty.

The Department of Defense is one of the world's largest educators, and should be one of the world's best. We train military people in 1500 separate skills, and our schools for service children are in 28 countries around the globe.

The training obtained during military service has been for many Americans the open sesame to a fuller life. Now and for the indefinite future, millions more must serve to guard our country against external threats to its security. We can serve them and add immeasurably to that security by seeing to it that they leave military service equipped to accept a larger share of the problems and the rewards of American society.

I know that many of the companies represented here tonight have already entered the education field and have been working with us. I am aware of some promising work but we have just begun to explore the many useful ways for cooperation between industry and the military services. I am convinced, as I hope you are, that continued collaboration will not only help us do our job better, but that it can be the catalyst for improving school systems throughout the country.

Finally, I come to the problem of employment.

The National Alliance of Businessmen, launched last January, as the result of President Johnson's vigorous efforts, has proved that there can be a workable relationship between the Federal Government and private industry in putting to work so-called unemployables from the heart of 50 of the Nation's ghettos.

There is a real potential for defense industry to bring enterprise to the ghetto. There are already encouraging examples of what can be done—such as in the Watts area of Los Angeles and the Roxbury area of Boston. More than 50 of our major Defense contractors have launched specific projects.

I want to see this sort of effort expanded.

As a further step, I have directed today certain changes in the Armed Services Procurement Regulations. The effect of these changes will be to encourage our major contractors to give greater attention to the possibility of locating new facilities in or near labor surplus areas and to give more consideration to placing subcontracts in these areas. Through these changes in our Regulations I want to spotlight a responsibility, shared by the Defense Department and its major contractors, to contribute, wherever practical, to solving the problems of hard-core unemployment.

By law, we cannot award contracts on a sole source basis nor pay a price premium to relieve economic dislocation. This means we are forbidden from setting aside complete procurements for award exclusively to firms in labor surplus areas. We cannot award a contract without competition regardless of the significant contribution such a contract might make to the hard-core unemployment program and the total national interest. I believe the time has come to reexamine this legislative policy.

With the approval of President Johnson, who has given so much of himself to the

solution of problems of human rights and human suffering, I intend to join with the Secretaries of Labor and Commerce to determine whether there are still other ways in which the Defense Department and industry can join together in attacking the problems of hard-core unemployment in our society.

Let there be no doubt as to my strong feeling that the Department of Defense has the opportunity and the responsibility to make a greater contribution to the social needs of the country, for it is my certain conviction that such action will contribute to our total national strength.

Not too many years ago, the War and Navy Departments were concerned almost exclusively with men and simple machines. Defense industries were regarded as mere munitions makers. How remote that era seems!

We now have a military-industrial team with unique resources of experience, engineering talent, management and problem-solving capacities, a team that must be used to help find the answers to complex domestic problems as it has found the answers to complex weapons systems. Those answers can be put to good use by our cities and our states, by our schools, by large and small business alike. The Nation will be the better and the stronger.

I have no illusions that the tasks we have been discussing are simple, or that they can be accomplished overnight. The problems are many, and they will be with us for too long a time. But I am confident that the defense industries and the Defense Department can, while providing "for the common defence," also "promote the general welfare" and make even more meaningful "the Blessings of Liberty to ourselves and our Posterity."

To this end, I bespeak your cooperation. I pledge you mine.

TELL US THE TRUTH, UNCLE SAM

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. CUNNINGHAM. Mr. Speaker, there was a time when it was considered a sin to tell a lie, but our Government has changed all of that. This is illustrated vividly by an article appearing in a recent issue of the Reader's Digest entitled "Tell Us the Truth, Uncle Sam," by John Barron.

Because that article shows how the credibility gap is destroying the confidence of the American people in their Government, I insert the piece into the CONGRESSIONAL RECORD and commend it to the attention of my colleagues:

TELL US THE TRUTH, UNCLE SAM

(By John Barron)

Federal agencies and bureaucrats are increasingly engaged in a self-serving policy of official deceit—a shabby practice that debases the quality and character of our democratic process.

Last spring, as Congress sought a \$6-billion cut in federal spending before passing the Administration's tax bill, government agencies joined in a scare campaign to forestall economies. Most stunning was a statement by the Veterans' Administration. The spending reduction, it announced, "would require the closing of the equivalent of 30 hospitals." Outraged protests poured into Washington, berating Congress for heartlessly shutting hospitals when hundreds of injured men were arriving weekly from Vietnam. Finally, a bipartisan group of Congressmen had had

enough. "You know that VA announcement is utterly false," Sen. John J. Williams (R., Del.) told the Treasury Department. "We want a letter to that effect. Unless you set the record straight, your whole tax bill will go down the drain." The letter came quickly.

Not long ago the Department of Agriculture hurriedly bought 2,900 expensive electric typewriters to use up money left over at the end of the year. The General Services Administration rebelled at this extravagance, pointing out that purchase through competitive bidding would have saved half a million dollars. The Agriculture Department solemnly explained that it had to buy the typewriters immediately because of all the paper work created by a new farm-bill amendment. But the fact was that Congress already had rejected the amendment cited.

Monthly Defense Department reports to Congress have long suggested that the amount of supplies being delivered to North Vietnam by Western ships was an inconsequential trickle. The State Department announced that it was "very sure" that none of the cargoes contained any "military or strategic" materials. But when Congress finally got a look at secret intelligence data, it learned that the number of Allied ships visiting North Vietnam was more than twice what it had been told. And authorities had no idea what material some of them carried.

These examples of official deceit symbolize an ugly phenomenon which today has begun to corrode our democracy. Increasingly, federal departments are caught lying to the public, the press, the Congress, even to each other. Such calculated deception masks mistakes, chokes off enlightened criticism and denies voters facts they need to make intelligent choices. Worst of all, it undermines the trust upon which democratic government and traditions depend.

"Much of the doubt and dissension which torment the nation today results from the belief, too often justified, that our government no longer tells the truth," asserts Sen. Vance Hartke (D., Ind.). "This is not just a moral or a philosophic problem," adds news commentator Walter Cronkite. "Half-truths or lies . . . feed the fire of skepticism and cynicism that can undermine and destroy our democracy."

In recent years the government has tampered with the truth so frequently that the phrase "credibility gap" has gained common acceptance. Like most slogans, it is not always used fairly. Official pronouncements which turn out to be wrong sometimes are the consequence of bad judgment instead of dishonesty. Some issues and programs are so complex that sincere differences about them are inevitable. Yet even after the most charitable allowances are made, the public record remains littered with official lies which no amount of explanation can erase or mitigate.

This war on the truth is waged for fundamental purposes:

To Cover Incompetence: By deceit, bureaucracies seek to hide bungling that would justify the censure or dismissal of their administrators. Consider what the National Aeronautics and Space Administration (NASA) tried to foist off on the public last year.

NASA spends \$11,500,000 of the taxpayers' money annually and employs 300 press agents to glorify itself. It initially enjoyed immunity from independent scrutiny and criticism. On the night of January 27, 1967, fire erupted in an Apollo space capsule at Cape Kennedy. Three brilliant young astronauts were suffocated, and our whole program to put a man on the moon was set back a year. NASA attempted to depict the tragedy as simply a bad-luck accident which could not possibly have been avoided.

"Death was instantaneous," it announced. "There was a flash and that was it." "We always have adhered to the highest standards

of safety," intoned a space boss. "And yet, in spite of meticulous attention to the smallest detail, this tragedy has occurred."

Soon, these reassurances were shattered. New York Times and Washington Evening Star reporters learned from engineers who had heard tape recordings that the three deaths had been far from "instantaneous." The astronauts pleaded for help and, as the Times disclosed, up to the very end "they were scrambling, clawing and pounding to open the sealed hatch." Rep. William F. Ryan (D., N.Y.) unearthed proof out of NASA's own files that, as a result of previous blazes, it had been warned repeatedly of the danger of fire in the capsule. Yet it made no provision of emergency escape.

Next, several Senators asked NASA officials if Maj. Gen. Samuel A. Phillips had not submitted a report devastatingly critical of the Apollo program. "I know of no unusual General Phillips report," replied George E. Mueller, an associate administrator of NASA. The agency admitted that General Phillips had made some "notes." But it belittled their importance, and NASA boss James E. Webb refused to let investigating committees see them.

Representative Ryan obtained a copy of the Phillips report from a secret source. Instead of a few "notes," it was a voluminous document full of charts and evidence. It found the principal Apollo contractor, North American Aviation, Inc., guilty of disastrous mismanagement and waste, and showed that the entire Apollo program was jeopardized by dangerously poor workmanship and skyrocketing costs. Yet additional evidence demonstrated that NASA had done little to correct the conditions pinpointed by Phillips.

Now some Congressmen began to wonder. Had there been favoritism in awarding North American the \$5-billion Apollo contract in the first place? A "Source Evaluation Board" of 190 scientists and business advisers had recommended a contractor after an exhaustive study. Had it been North American?

On April 17, the Senate Space Committee summoned Webb. Sen. Margaret Chase Smith (R., Maine) asked the direct question: "Was North American the first choice of the Source Evaluation Board?" "Yes. It was the recommended company," Webb said categorically.

Three weeks later, Senator Smith had the facts—and called Webb back to testify. She asked if it was not true that the experts actually had rated Martin Marietta Corp. above North American. Webb at last admitted that North American was not picked by the experts. He and his three assistants had rejected the expert recommendation on their own.

To Forestall Criticism and Discredit Critics: Bureaucrats have perfected the technique of using misinformation to obscure criticism in clouds of confusion. Sen. John C. Stennis (D., Miss.) was jeered after he warned that military spending for fiscal 1966 would be \$12 to \$14 billion more than the Pentagon claimed. "Pure figments of someone's imagination," said Presidential Economic Adviser Gardner Ackley; and Treasury Secretary Henry H. Fowler joined in ridiculing the Senator's authoritative calculations. Yet soon thereafter the Defense Department had to ask Congress for a \$12.7-billion supplement to its 1966 budget.

Next year the ritual deception was shamelessly repeated. Before the defense budget was released, senior military officers secretly reported to Rep. Melvin R. Laird (R., Wis.): "Congressman, we think you ought to know that we've purposely underestimated the war costs by at least \$10 billion." Laird then accused the Administration of trying to fool the public about Vietnam war costs by understating the budget. Within hours the then Defense Secretary, Robert S. McNamara, denied the charge.

As it turned out, Laird was more than

right. The military expenditures during fiscal 1967 actually were \$12.1 billion more than Defense Department assurances. Had the truth been told, the Joint Economic Committee said last year then Congress might have done something to avert the vicious inflation the unbudgeted costs helped cause.

In April 1966, the New York Times reported from Saigon that air strikes against the communists had been drastically curtailed because of a shortage of explosives. "It is not true," McNamara vowed to Congress. "All this baloney—and it is only that—about lack of bomb production is completely misleading." Yet at the time the need for bombs was so desperate that the Air Force had to buy back for \$21 apiece old 750-pounders which it earlier had labeled surplus and sold to other countries for \$1.70 each. The Senate Armed Services Preparedness Subcommittee later produced overwhelming evidence, including official reports from field commanders, that the shortage had been acute.

To Manufacture Propaganda: The Associated Press last year organized a team of reporters to ascertain how much the government spends a year to put out public information. Their staggering finding: \$425 million! This "is more than double the combined outlay for news-gathering by the two major U.S. news services, the three major TV networks, and then ten biggest American newspapers," the AP noted. Too often, this colossal publicity apparatus is used to generate deceitful propaganda justifying pet policies and practices.

The Defense Department in recent years, for example, has dazzled the public with claims of immense savings attributed to brilliant and revolutionary management. Yet cold-eyed auditors from the General Accounting Office have discovered hundreds of millions of dollars of these claims to be utterly fictitious—such as the Pentagon's crediting itself with a \$51,800,000 "saving" when the Marines did not buy some tanks they never planned to buy in the first place.

For sheer gall, though, no bureaucrats rival poverty-program administrators. Repeatedly they have pictured themselves to the public as slaying dragons of destitution. The facts too often show otherwise. For example, in announcing a "community action" grant for four rural Missouri counties, the Office of Economic Opportunity (OEO) conjured up a compelling scene of want and despair. "Approximately 120,000 needy persons are found scattered in every town and along rural roads in an area 60 miles long and 40 miles wide," said its press release. Rep. William L. Hungate (D., Mo.), who represents the four counties, boggled. Census figures revealed the total population of the area to be no more than 105,000. Queried by the Congressman, OEO first said that it had erred, that only 80,000 poor people were huddled in the counties. Challenged again, it ultimately admitted that the right figure was 5000.

Residents of prosperous Danville, Ind. (pop 3287), protested when OEO attempted to force a poverty program on them. But poverty warriors insisted, and to prove their point told Sen. Birch Bayh (D., Ind.) that the little town had 1339 families with incomes under \$1000, and 1979 families receiving aid for dependent children. At a public hearing, townspeople cited the government's own statistics to prove that only 382 families had incomes of less than \$1000 and only 29 were getting ADC funds. Red-faced, OEO officials said they would check.

"Those figures are for Danville, Ill.," one finally announced. "An understandable mistake." But it wasn't. A newspaper investigation verified that the figures were ridiculously inaccurate when applied to Danville, Ill.

OEO has claimed marvelous success for Upward Bound, a program with the worthy

objective of putting poor youngsters through college. "They respond as if the floodgates to knowledge had just been opened. They do well in college, they stay in college," it boasted. However, a study by Dr. Joseph Froomkin, of the Office of Education, was not so glowing. "More than half dropped out by the beginning of the sophomore year," he concluded.

Angrily OEO condemned the report as inaccurate and stated that Froomkin had agreed to make corrections on the basis of "more complete data" OEO had supplied. He had agreed to no such thing. Rather, he had asked OEO to send along any "new data," but none was ever provided. Moreover, Froomkin's report was based entirely on statements OEO itself had made to Congress. "I'm all for the idea of Upward Bound," he says. "But why not admit how difficult the job really is?"

To Dupe Congress: Often, in evaluating legislation, Congress must rely upon information provided by government agencies. If it is withheld or falsified, lawmakers can be misled into action they otherwise might not approve. Yet today Democrats and Republicans alike complain of difficulty getting straight answers.

After Rep. Wright Patman (D., Texas) sent an inquiry to the Treasury Department, someone there mistakenly attached an internal memorandum to the reply. The memo, obviously intended for the eyes of bureaucrats only, said, "As you will note we purposefully have not answered the question except in a very indirect way."

Testifying in behalf of a bill to create a Youth Conservation Corps, Interior Secretary Stewart Udall read a statement prepared by his underlings. "A recent study has shown that 60 percent of those who went into the old Civilian Conservation Corps program, instead of going back to their old environment, went on to new jobs and new opportunities," he said. But when the Senate Labor Committee asked for a copy of the study, the Interior Department had to admit that there was no such study. Some bureaucrat had simply fabricated it to persuade Congress to do what the Interior Department desired.

Over the years, the Agency for International Development has made many appeals to Congress for foreign-aid funds. Believing what AID said, Congressmen voted billions with the understanding that they were authorizing loans which eventually would be repaid. Two years ago came the shocker, when minority leader Everett Dirksen's staff started examining data supplied by the General Accounting Office. They discovered that AID had disguised as "loans" no-strings-attached handouts of \$10.1 billion. There is no way of recovering the money, even though many nations who got it have become prosperous and capable of repaying.

Deceit practiced in Washington today is seldom so clearly unmasked. "For every bald-faced lie you can document," says Rep. Thomas Curtis (R., Mo.), "there are dozens of others—more sophisticated, less detectable and thus more destructive." But enough official lies have been documented to create widespread distrust. As a result of doubts spawned by misinformation, the nation finds itself perilously troubled and divided in the midst of the third-greatest war it ever has fought.

The problem of restoring the reputation of our government for truthfulness is one of the first to which the new Administration, be it Democratic or Republican, must turn. The issue here is not a partisan one. It involves the health of the nation at a time when it is beset by crises, foreign and domestic, as grave as any in its history. Historically, free men have responded best to the challenges of their time when told the truth. So will Americans today. Tell us the truth, Uncle Sam. That's what we need.

THE CRISIS IN EASTERN EUROPE

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. ADAIR. Mr. Speaker, about 12 years ago when Russian tanks were destroying the flower of Hungarian youth, the American people were deeply moved despite our military inaction. From the President and Congress to the man on the street, a moral revulsion was felt, and for a time Budapest became the synonym of man's yearning to be free. Though moral indignation has been ineffective and Soviet troops are still stationed on Hungarian soil, the 6-year boycott of the Kádár regime and the numerous U.N. resolutions made Khrushchev and Kádár realize that some domestic concessions must be granted in order to regain a modicum of respect in the West.

August 21, 1968, will also be a black day in history just as November 4, 1956, has been. This was the day when, despite solemn agreements reached by the Kremlin Politburo and the Dubcek government at Cierna and Bratislava, the Soviet Union and four of its unenthusiastic allies occupied Czechoslovakia, arresting five of the highest officials, including Party Secretary Dubcek. For a week, until Prague's surrender terms were made public, even Communist parties in the West and in Rumania and Yugoslavia condemned the aggression and called for Russian withdrawal. Yet to this day not even a United Nations resolution has been passed despite tepid American support, and Jakob Malik is angered even by indirect references to the hideous Soviet crime made by American delegates in United Nations committees.

The Czechoslovak events, however, have political and strategic implications which exceed the tragic local significance of the invasion. They show with merciless clarity the unpalatable truth that many of our policymakers, politicians, and journalists began to minimize in the last few years—the presence of an aggressive and lawless world power bent upon expansion wherever and whenever possible without risking a war with the United States. And this potentially aggressive state, propelled by an ideology that would stamp out freedom of conscience, religion, and political activity cannot be stopped and contained by polite gestures, economic agreements, and close attention to the propaganda charges its leaders make, but only by military strength and unyielding diplomatic insistence upon our rights and rights of the small nations over the world threatened by Communist imperialism.

The recent threat of force against the German Federal Republic clearly demonstrates that the Soviet Union has larger stakes in this game than the submission of Czechoslovakia, which could have been accomplished by one-fourth of the military force which the Russians mustered for the invasion. The political significance of the presence of the 24 divisions in Czechoslovakia and the presence of supporting Russian troops in Hungary and Poland for military blackmail has

been aptly described in Anthony Harrigan's article in the Washington Post of September 16, 1968, "The Soviets Aim at Germany" points out:

The real attempt at coercion seems aimed at the Germans. Dr. Kurt Kiesinger, the German Chancellor, had no sooner protested Soviet invasion than Moscow Radio broadcast a saber-rattling statement, saying Kiesinger's remarks "can be interpreted as a declaration of war, and the necessary consequences will be drawn from this fact in Eastern Europe."

This statement underscores the Soviet intention to use its massive new power in Central Europe to exert psychological pressure against the Germans in an effort to demoralize them so that they will break away from the West.

A sidelight to the Soviet aggression in Czechoslovakia is also provided in the recent memorandum of the American Hungarian Federation to the Secretary of State which points out the reluctance of the Hungarian people and of the quisling Communist government to participate in the Russian aggression. The presence of Soviet occupation troops in Hungary despite free-world protests and numerous U.N. resolutions since 1956 shows that tolerance of the retention of the fruit of one aggression by the Soviet Union only facilitates the implementation of the next imperialist Soviet move once circumstances render such a step possible.

The greatest need today is, however, that of a new policy toward Eastern and Western Europe. The present administration's policies have been proven bankrupt on all fronts. The impossibility of one-sided bridgebuilding has been so well demonstrated that even many of its former adherents have abandoned hope and their former positions. The continued passivity of the administration toward Western European integration and NATO has had sorry results and contributed to the present military and political weakness of NATO, enabling the Soviet Union to attempt to drive wedges between the United States and Germany, and Germany and her other European NATO allies.

There is great need for a reassessment which will do away with the time-honored liberal shiboleths and evaluate the situation primarily from the viewpoint of American national interest and defense against the Soviet Union's military might and ideological challenge. The Republican presidential candidate's study on a global level is a very useful undertaking, but it should be paralleled by similar studies in Congress, particularly by the House Foreign Affairs Committee and hearings with administration officials and academic experts alike. We might be facing a Berlin crisis by the end of the year, or a Soviet invasion of Rumania, events fraught with great danger to NATO security and world peace.

We must discuss, analyze, and evaluate the situation and search for new, equitable, and adequate policies to stem the rising tide of aggression by the Soviet Union. A strong, but fair, criticism of the administration's soft-pedaling policy since August 21, 1968, has been well expressed by the West German journalist Heinz Barth in the Hamburg Die Welt of September 7, 1968:

America's policy in its sphere of influence is defensive, the Soviet Union's is aggressive. The policy of strict non-intervention with which American diplomacy accepted the Soviet invasion, indeed directly encouraged it, contrasts sharply with the massive pressure simultaneously exerted on Bonn by the Kremlin. . . .

A second act of aggression by the Soviet Union would put Johnson in a position despairingly similar to the situation in which the appeasers found themselves six months after Munich.

Moscow is enticing him with the assurance that Prague need not rule out cooperation between the superpowers in other spheres. He is still entertaining the illusion of meeting Kossygin as soon as the storm has died down. Two months before the presidential elections this illusion cannot be described as anything else but pathetic.

We hope that Congress and the American people will find the strength to speak out on the vital issues and prevent acquiescence to further aggressions even in the closing months of the present administration. For this reason it is a pleasure to join the distinguished gentleman from New Jersey and other colleagues in calling for a comprehensive study of the situation and new policies.

OUTSTANDING LAW-ENFORCEMENT OFFICER RECOGNIZED

HON. ROGERS C. B. MORTON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. MORTON. Mr. Speaker, in recent years, and particularly in the past few months, law-enforcement officers have been under attack from a number of citizens in our country. Although I am acutely aware of the room for improvement in our law-enforcement system, it seems the abuses of power and the abuses of civil liberties are the images portrayed to the American people.

In view of the adverse coverage of police activities it is my pleasure to bring to the attention of the Congress an example of the quality law enforcement and citizen protection demonstrated by Trooper First Class Robert E. Williams of Centerville, Md.

Trooper Williams was honored on September 27 by the Capital District of Kiwanis International at the district convention in Norfolk, Va., as part of the Kiwanis program, Operation Law and Order. He was presented a plaque in recognition of this first annual award.

Following is a review of the outstanding performance of duty which qualified Trooper Williams for this honor:

OUTSTANDING LAW ENFORCEMENT OFFICER RECOGNIZED

On January 25, 1968 the clerk at the Centerville Post of the Maryland State Police overheard a broadcast by the Delaware State Police concerning an armed robbery of the First Federal Savings and Loan Company in Dover, Delaware. Due to the fact that tear gas was used during the holdup, alerted the clerk to the fact that TFC. Robert E. Williams was investigating two other armed robberies that had occurred on January 22, 1968. The suspects responsible fitted the description of the suspects in the earlier robberies. The radio clerk immediately broadcast this information to the Easton Barrack and roadblocks were established.

TFC. Williams was assigned to patrol north on Route 301 in the direction of the Maryland-Delaware Line on State Route 300. Shortly afterward, TFC. Williams radioed that he was behind a 1966 dark green Chevrolet occupied by two colored males and a white female. Williams was instructed to keep the vehicle under surveillance and trail it to Route 301 and Route 50 at Queenstown, where other officers were stationed in a roadblock. Soon thereafter, Williams hurriedly radioed that the vehicle was apparently suspicious and was stopping on the shoulder approximately three miles north of Queenstown on Route 301, and that he would have to attempt an apprehension. All cars in the immediate area were dispatched to that location to assist. Within minutes, other officers arrived at the scene. TFC. Williams had the three suspects in custody at gunpoint. The prisoners were secured and later transported to the Queen Anne's County Jail.

A search of the vehicle revealed two revolvers under the front seat and one of the suspects had a partially used can of chemical mace in his pocket. The white female had a tear gas pen in her pocketbook and a total of \$403.00 was taken from their persons. Six of these bills were found to contain the serial numbers of money taken from the First Federal Savings and Loan Company.

In addition to the apprehension of the subjects in the case at hand, they were later identified as being the persons responsible for the armed robberies of the Seaboard Finance Company, Chestertown, Maryland and Seaboard Finance Company at Dover, Delaware. Both occurred on January 22, 1968. In addition, they were found wanted by numerous other police agencies on similar charges and were believed responsible for ten to twelve armed robberies. They had been operating out of Washington, D.C. and its metropolitan area. All three were subsequently convicted for the robberies of these Finance Companies, receiving heavy sentences.

It should be pointed out that during this apprehension, TFC. Williams, who works as a criminal investigator, was in an unmarked car and attired in civilian clothes, which understandably made his job more precarious. Williams' efforts were recognized by citations from various civic organizations, as well as recommended for recognition by the Department's Performance Analysis Board.

In addition, he has performed as an outstanding criminal investigator in numerous cases, bringing them to a successful conclusion. He is married and lives in Centerville with his wife and five children.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION RULES AGAINST SEX DISCRIMINATION ON AIRLINES

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mrs. GRIFFITHS. Mr. Speaker, in 1964 the Congress took a momentous step forward in the national effort against discrimination when it included a provision in title VII of the Civil Rights Act of 1964 prohibiting employment discrimination on the basis of sex.

For several years some of the airlines have refused to comply with that requirement of the law in regard to their flight cabin attendants; namely, the stewards and stewardesses. Some airlines have refused to hire men for such positions. Other airlines have discharged women, but not men, when they marry, or reach the age of 32, or in some cases

35. These airlines have claimed that they are exempt from the prohibition against sex discrimination, by virtue of an exception in title VII which permits differences in treatment of men and women employees "in those certain instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise."

After very lengthy proceedings and hearings which had been demanded by some airlines, the Equal Employment Opportunity Commission, ruled on February 21, 1968, that sex is not a bona fide occupational qualification for the job of flight cabin attendant because the duties of that job—whether the employee is called purser, hostess, steward, or stewardess—could be satisfactorily performed by members of both sexes. The Commission's ruling was published in 33 Federal Register 3361. The Commission then proceeded to consider the application of that ruling to the cases then pending before the Commission involving complaints against the airlines which were terminating or reassigning stewardesses, and only stewardesses, on or shortly after they married, or attained a certain age such as 32 or 35.

The Commission has recently issued three opinions in which it has concluded, and I believe rightly, that such discriminatory treatment of stewardesses violates title VII of the Civil Rights Act of 1964. In Neal against American Airlines, Inc., a stewardess was fired because she married. In Dodd against American Airlines, Inc., a stewardess was fired because she reached age 33. In Colvin against Piedmont Aviation, Inc., a stewardess who had been required to sign a pre-employment agreement that the company would fire her on marriage or reaching age 32, was fired when she married. The airlines did not apply such policy to men.

These are very significant opinions and I am sure that the Congress and the public would want to read them. Therefore, I include the three opinions at this point in the RECORD.

EQUAL EMPLOYMENT OPPORTUNITY

COMMISSION,
Washington, D.C.

[Case No. 6-6-5759 (LA 6-9-9)]

CHRISTIANA J. NEAL, CHARGING PARTY V. AMERICAN AIRLINES, INC., EL SEGUNDO, CALIFORNIA, RESPONDENT

Dates of alleged violations: June 30, 1966, other dates, and continuing.

Date of filing: Charge filed: June 6, 1966.

Date of service of charge: October 5, 1966.

DECISION

Summary of charge

Charging Party alleges unlawful discrimination based on sex in violation of Title VII of the Civil Rights Act of 1964, in that Respondent Employer terminated her employment as an airline stewardess on June 30, 1966, because she was married.

Summary of investigation

Respondent is a corporation engaged in commercial aviation, with corporate offices in New York City, New York. Since 1947, its stewardesses have been covered by collective bargaining agreements.¹ Originally, the stewardesses were represented by Air Line Stewards and Stewardesses Association, International, a chartered affiliate of Air Line Pilots

Association, International (ALPA); on July 12, 1962, Air Line Stewards and Stewardesses Association, Local 550, Transport Workers Union, AFL-CIO, became their certified collective bargaining representative. Until the 1965-1967 contract, none of the contracts contained a provision requiring the termination of stewardesses on marriage. As a matter of unilateral company policy, however, Respondent had terminated stewardesses on marriage since 1935. In 1962, when the Charging Party was hired, she was advised of this policy.

In October 1965, Respondent and the Union executed a new collective bargaining agreement, effective October 1, 1965, until December 31, 1967,² which contained the following provision (Article 27-c):

The Company may, at its option, release from employment a married stewardess at any time following the expiration of six (6) months after her marriage or pregnancy.

The stewardesses interpreted the provision to indicate that henceforth termination on marriage would not be automatic. Accordingly, stewardesses who had previously concealed their married status revealed it to Respondent. Respondent thereupon notified the stewardesses that under its interpretation of the contractual provision, termination after marriage would continue to be automatic. On January 6, 1966, Respondent issued the following policy statement as a memorandum addressed to "All Stewardesses":

Re: Marriage

The following is a statement of Company policy with respect to the application of the new provision in the Agreement (Article 27-c) . . .

The Company will release from employment a married stewardess on the last day of the sixth month following the original date of marriage. It is expected that each stewardess shall advise the Company promptly, but in any event, no later than thirty (30) days following the date of her marriage so that appropriate planning may be accomplished. Concealment from the Company of the fact of marriage was and remains a cause for discharge.

A married stewardess who, during the six (6) months following the original date of marriage becomes a widow, is divorced, or whose marriage is legally declared invalid, is not subject to the provisions of Article 27-c until or unless she remarries. . . .

Thereafter, Respondent terminated numerous stewardesses because of marriage, including the Charging Party, who was terminated on June 30, 1966.³

Prior to her termination, the Charging Party filed a grievance against Respondent, which Respondent rejected on the ground that the termination was in accord with Article 27-c. Subsequently, arbitration proceedings were commenced on the issue in the case of *American Airlines, Inc. and Air Line Stewards and Stewardesses Association, Local 550, TWU, AFL-CIO*, Case No. SS-6-66 (Nancy Wheelock Mayfield).⁴ On May 22, 1967, the System Board of Adjustment reinstated the grievant without loss of seniority rights and with backpay on the ground that the proper interpretation of Article 27-c called for the following procedure:

. . . the Airline may exercise the "option" reserved to it in Article 27(c) of the Agreement in accordance with the interpretation of that provision set forth in the accompanying Opinion; namely, to make a good faith decision and judgment whether the facts with respect to the grievant's performance in employment in the six months' period following the date of her marriage and thereafter furnish sound grounds, related to her marriage, for her release from employment.

Thereafter, Respondent instituted suit in the U.S. District Court to vacate the decision,⁵ suspended the implementation of Article 27-c pending the resolution of that

action, and offered reinstatement with full seniority but without backpay to the stewardesses who had been terminated because of marriage.

Background

Since the fall of 1965, numerous charges have been filed with the Commission alleging that various airlines discriminate on the basis of sex in their employment of flight cabin attendants, sometimes referred to as stewardesses, hostesses, pursers, stewards, etc. The issues raised included the questions of whether sex was a bona fide occupational qualification for the position of flight attendant,⁶ and whether the termination or reassignment of stewardesses on or shortly after marriage or on attaining certain maximum ages was unlawful discrimination based on sex. In addition, by letter dated March 25, 1966, Northwest Airlines, Inc., pursuant to section 713(b) of the Act and subsections 1601.28-1601.30 of the Commission's procedural regulations, requested a written interpretation or opinion "that sex is a bona fide occupational qualification for the position of airline stewardess." The Air Transport Association of America, Inc. (ATA), on behalf of its member airline carriers, subsequently joined in that request.⁷

The Commission thereafter suspended the processing of charges alleging discrimination by airlines on the basis of sex in their employment of flight cabin attendants pending a comprehensive study of the issues raised by the charges and requests for an opinion.

On September 12, 1967, a public hearing was held in the matter and testimony presented by the ATA and various airlines; the Transport Workers Union of America, AFL-CIO; the Air Line Pilots Association, International (Steward and Stewardess Division); and a number of other organizations and individuals. Based on its consideration of the record of the September 12, 1967, hearing, the Commission published an Opinion on February 24, 1968, wherein it concluded that sex was not a bona fide occupational qualification for the position of flight cabin attendant because the duties of the job could be satisfactorily performed by members of both sexes.⁸ The Commission further stated, in footnote 5 of the Opinion:

The legality of various other airline policies and practices, such as the termination or reassignment of female flight cabin attendants on or shortly after marriage or on attaining certain maximum ages, such as 32 or 35, which were raised by the pending charges and considered in connection with the September 12, 1967, hearing will be resolved through the issuance of the individual Commission decisions in pending charges.

This is such a decision.

In support of the validity of Article 27-c in connection with the subject case, Respondent submitted its Final Brief before the System Board of Adjustment, in *American Airlines, Inc. and Air Line Stewards and Stewardesses Association, Local 550, TWU, AFL-CIO*, case No. SS-4-65 (Shirley Weiss). Respondent argued therein that the adoption of Article 27-c reflected a reasonable exercise of its judgment; that the employment of married stewardesses was not impossible but would lead to operational and administrative problems,⁹ would tend to produce a deterioration in service,¹⁰ and would cause marital difficulties for the stewardesses;¹¹ that Article 27-c is not contrary to public policy, but is supported by public policy factors, such as the promotion of high standards of customer service and marital stability; that similar rules have been upheld in arbitration proceedings and in court decisions, and that Title VII does not involve restrictions on marriage but deals only with discrimination based on sex.¹²

In connection with the hearing on flight cabin attendants, these and other arguments in favor of the no-marriage restriction on stewardesses were made by the ATA, and arguments in opposition to the restriction were made by the unions. The ATA argued

Footnotes at end of article.

that inasmuch as the airlines apply the marital restriction only to stewardesses and not to other female airline personnel, the restriction could not be discrimination based on sex; that marital restrictions avoid the danger of having pregnant stewardesses fly; and that questions as to the marital status of stewardesses should be settled by collective bargaining. They also referred to the District Court's decision in *Cooper v. Delta Airlines, Inc.*, wherein the court found that Delta Airlines' discharge of a stewardess because of her marriage did not violate Title VII.¹³

The unions argued that the airline industry employs stewards today and has employed them in the past and has never terminated them for marriage, indicating that the no-marriage ban is based on sex rather than job classification; that the airline industry does not uniformly apply the no-marriage ban to female stewardesses, and that foreign airlines do not generally terminate stewardesses on marriage, indicating that the no-marriage ban is irrelevant to the performance of the job by women as well as by men; that the termination of stewardesses on marriage tends to remove from the cabin those flight attendants with experience in dealing with emergency situations; that the Federal Aviation Agency, which regulates the employment of flight attendants, and has specific regulations dealing with the number of flight attendants required on a plane,¹⁴ emergency evacuation duties,¹⁵ and flight attendant training,¹⁶ has no regulation requiring the termination of stewardesses on marriage; that the Missouri Commission on Human Rights in connection with charges filed with that agency alleging discrimination based on sex by Ozark Air Lines, which has never employed male flight attendants, stated in a letter of December 12, 1966:

The limitation upon marriage of hostesses appears to be in violation of the Federal and Missouri Fair Employment Practices Acts which prohibits the imposition of employment restrictions on the basis of sex, in the absence of a *bona fide* occupational qualification which warrants a limitation upon one sex or another; that a survey of airline passengers indicated that a substantial majority of those responding opposed the no-marriage ban on stewardesses or were indifferent to it;¹⁷ that the discriminatory termination of stewardesses on marriage is not cured by offers of ground employment; that there is a public policy against contracts in restraint of marriage; that similar rules have been invalidated in arbitration proceedings; and that there has been a recent trend toward the airlines' elimination of no-marriage restrictions on stewardesses as a result of arbitrators' decisions and collective bargaining.

Decision

Respondent's argument is premised on the fact that if all the incumbents in a job classification are members of one sex, any conditions of employment relating to that job cannot be based on sex. We do not agree. The concept of discrimination based on sex does not require an actual disparity of treatment among male and female employees presently in the same job classification. It is sufficient that a company policy or rule is applied to a class of employees because of their sex, rather than because of the requirements of the job.¹⁸ Where all the incumbents of a job are members of one sex and particular conditions of employment are applied to the individuals in that job, which are not applied to the employer's other employees or which are not generally recognized conditions of employment, it is necessary to determine whether the conditions are relevant to satisfactory performance of the job, or are based on the sexual identity of the job holder.¹⁹

A consideration of the airlines' current and past practices and policies, Respondent's arguments in support of its termination of stewardesses on marriage, and its treatment of male flight personnel indicate that the

requirement that female stewardesses be terminated on marriage is based on sex. Various airlines currently have in their employ male flight attendants or employed them in the past; no policy of termination on marriage was or is applied to them. Obviously, therefore, the requirement of single status is not related to satisfactory performance as a flight attendant but to the sexual identity of the incumbent.²⁰ This is also apparent from an analysis of the arguments made by Respondent in its Final Brief in the Shirley Weiss System Board of Adjustment case, referred to above. Respondent argued therein that the termination of stewardesses is warranted by the facts that our society places the responsibility for homemaking and childrearing on females; that the absences of married females from home on business are more disruptive of family harmony than similar absences by males; that the inability of some married stewardesses to handle the competing demands of home and job would result in inferior customer service; and that it is concerned with telephone calls from stewardesses' husbands with regard to their wives' absences from home, and with married stewardesses' attempts to change schedules to suit their domestic requirements. Patently, therefore, the no-marriage rule has been adopted because *female* flight attendants are involved rather than because marriage disqualifies an individual from performing as a flight attendant. This conclusion is buttressed by the fact that Respondent does not require the termination of male flight personnel, such as pilots, co-pilots, and flight engineers, on marriage although they, like the stewardesses, must be absent from home on flights.²¹

It is clear that Respondent's termination of stewardesses on marriage is part and parcel of its policy of restricting the flight cabin attendant job to women, and is a sex-based condition of employment. The Commission has previously found that sex is not a *bona fide* occupational qualification for the position of flight cabin attendant, and that an airline, such as Respondent, which pursues a policy of employing only females as flight attendants thereby violates Title VII. We now find that Respondent's no-marriage restriction on stewardesses, an integral part of that policy, is likewise violative of the Act.

Respondent may, of course, lawfully terminate a stewardess who is unable to satisfactorily perform her job because of domestic responsibilities, or for any other reason, just as it terminates other employees who cannot satisfactorily perform their jobs. It cannot, however, terminate her prior to individual dereliction on her part because of its assumption about married women as a class.

We are not convinced by Respondent's argument that if discrimination is found, it can be remedied by applying the no-marriage rule to male flight attendants. Discrimination based on sex unrelated to job performance is not to be eliminated by applying the same irrelevant conditions to members of the opposite sex, just as discriminatorily depressed wage rates based on race are not to be eliminated by similarly depressing the wage rates paid to employees of other races.

Accordingly, reasonable cause exists to believe that Respondent violated Title VII of the Civil Rights Act of 1964, in its termination of the Charging Party on June 30, 1966, in its termination of other airline stewardesses for reasons of marriage, and in its maintenance of a policy and practice of terminating stewardesses because of marriage, as set forth in Article 27-c of its collective bargaining contract.

For the Commission,

[SEAL] MARIE D. WILSON,
Secretary.

June 20, 1968.

FOOTNOTES

¹ Respondents has never employed male flight attendants.

² The terms of this contract are still in effect pending the execution of a new contract.

³ The file indicates that some ground jobs were available to the stewardesses, but only on a bid basis and at lower rates of pay.

⁴ The System Board of Adjustment stated that the Mayfield case was a "test case" involving Article 27-c of Respondent's contract and its termination of married stewardesses thereunder.

⁵ *American Airlines Inc. v. American Airlines Stewardesses System Board of Adjustment et al.*, Civil Action File No. 67-2418, filed on June 21, 1967, and currently pending in the Southern District of New York.

⁶ Subsections 703 (a) and (e) of the Act provide, *inter alia*, that it shall be an unlawful employment practice for an employer to discriminate against any individual with regard to hire, discharge, or other terms and conditions of employment except that "it shall not be an unlawful employment practice for an employer to hire and employ employees . . . on the basis of his . . . sex . . . in those certain instances where . . . sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise. . . ."

⁷ By letter dated July 20, 1967, Northwest Airlines, Inc., wrote to the Commission indicating that it wished to withdraw its March 25, 1966, request for a written interpretation or opinion without prejudice to the other airlines' requests for such an interpretation or opinion. The other airlines maintained their requests.

⁸ 33 Fed. Reg. 3361 (1968).

⁹ Respondent contended that telephone calls from stewardesses' husbands with regard to their wives' flight schedules, and married stewardesses' attempts to change schedules to suit their domestic requirements interfered with administrative operations.

¹⁰ Respondent contended that the inability of some married stewardesses to handle the competing demands of home and job would result in inferior customer service.

¹¹ Respondent argued that as our society places the responsibility for homemaking and childbearing on women, married women's absences from home would be more likely to put a strain on family harmony than similar absences by married men for business reasons; and that stewardesses' absences on flights would, therefore, cause marital disharmony.

¹² In a letter to the Commission of October 25, 1966, Respondent stated:

American Airlines does not employ male stewards, nor has it ever done so. The Company therefore has not had occasion to determine what, if any, marriage and age reassignment rules would be applicable to men in that position. However, if men were hired as stewards, they would presumably be subject to the same collective bargaining agreement as stewardesses, and that agreement prescribes both the marriage and age reassignment rules. . . . Hence, there is no basis for concluding that the imposition of these rules constitutes discrimination against women on the basis of sex.

¹³ 66 LRRM 2489 (E.D., La., New Orleans Div., 1967) currently on appeal in the Fifth Circuit. The *Cooper* decision appears to be based on the rationale that Title VII does not apply to the discharge of a stewardess for reasons of marriage because the Act on its face does not refer to marital status. For the reasons stated below, we respectfully disagree with the Court's opinion.

¹⁴ 14 C.F.R. sec. 121, 397 (1965).

¹⁵ 14 C.F.R. sec. 121, 397 (1965).

¹⁶ 14 C.F.R. sec. 121, 424 (1965).

¹⁷ The survey was conducted in 1965 by the Airways Club, an organization of 25,000 airline passengers who average 25 flights each year and whose membership consists primarily of businessmen. With one-fourth of the membership responding, their response to the question, "Should a stewardess be unmarried?" were as follows:

Yes ----- 862
 No ----- 1,445
 Don't care ----- 2,827

¹⁸ An analogy may be drawn from Commission Decisions finding discrimination based on race or sex where all the incumbents of a particular job classification are Negro or female, and the wage rate for that classification is depressed as compared with comparable work performed by white or male employees in other job classifications in the plant or in other plants in the industry.

Decision, issued April 17, 1968, in Case No. AU 7-3-173; and Commission Decision and Supplemental Decision issued August 8, and September 16, 1966, respectively, in Case Nos. 5-12-3175 through 5-12-3179.

¹⁹ This would be the case even where, unlike the instant case, sex is a bona fide occupational qualification for the positions involved. Subsection 703(e) provides that an employer may lawfully hire and employ members of one sex only for a job for which sex is a bona fide occupational qualification. This does not, however, permit him to discriminate with respect to the terms, conditions, and privileges of employment of the individuals employed in such jobs if such discrimination is unrelated to the job, or to the reason why sex is a bona fide occupational qualification for the job, and is based on sex. For example, as has been pointed out by the unions, if a department store provided medical insurance coverage for its male sales personnel throughout the store, but excluded the sales women in the foundation department in jobs for which sex would be a bona fide occupational qualification, the exclusion of coverage would appear to be discrimination based on sex.

²⁰ We find no merit in the ATA's contention that the no-marriage ban does not constitute unlawful discrimination based on sex because it is applied only to female flight attendants and not to other female airline employees. The Commission has stated that where sex is a factor in the establishment and maintenance of a company rule, the fact that the rule is not applied against all members of that sex is no defense to its discriminatory application to some members. Commission's First Annual Digest of Legal Interpretations, OCH Fair Employment Practices Guide, para. 17, 251.043, Opin. Letter 9/9/65.

²¹ The irrelevance of marriage to the satisfactory performance of the job of flight attendant is further demonstrated by the fact that the no-marriage ban is not even uniformly applied to female flight attendants. In addition to the Respondent, 25 of the 48 certificated United States airlines furnished information on their policies with respect to marriage by stewardesses in response to a Commission request in connection with the flight attendant hearing. Of these 25, 12 did not require the termination or reassignment of stewardesses on marriage; 2 had options to terminate stewardesses 6 months after marriage, which had not been exercised in recent years; 6 terminated stewardesses on marriage; and 5 had various policies, such as requiring termination for marriage during a probationary period.

EQUAL EMPLOYMENT
 OPPORTUNITY COMMISSION,
 Washington, D.C.

[Case No. 6-6-5762 (SF 6-12-57)]

JUNE DODD CHARGING PARTY VS. AMERICAN AIRLINES, INC., NEW YORK, NEW YORK, RESPONDENT

Date of alleged violation: May 30, 1966, other dates, and continuing.

Date of filing: June 6, 1966.

Date of service of charge: October 26, 1966.

DECISION

Summary of charge

The Charging Party alleges an unlawful employment practice based on sex in that

Respondent Employer terminated her employment as a stewardess because she reached the age of 33.

Summary of investigation

Respondent is a corporation engaged in commercial aviation, with headquarters in New York City, New York. Since 1947, its stewardesses have been covered by collective bargaining agreements.¹ From 1947 to 1962, the stewardesses were represented by Air Line Stewards and Stewardesses Association, International, a chartered affiliate of Air Line Pilots Association, International (ALPA).

The retirement age for all of Respondent's employees except pilots² and stewardesses is 65. Prior to 1953, there was no company policy or contractual provision establishing a lower retirement age for stewardesses than for Respondent's other employees. In 1953, Respondent advised its stewardesses that it would commence terminating them at age 32. Thereafter, this matter was discussed between Respondent and Air Line Stewards and Stewardesses Association, International and, on April 18, 1954, a Memorandum of Agreement was executed, effective September 16, 1953. The Memorandum provided that a stewardess employed by Respondent as a stewardess on November 30, 1953, would not be terminated solely because of age, but that any stewardess employed on or after December 1, 1953, would be terminated at 32. Similar Memoranda were executed thereafter.³

On July 12, 1962, Air Line Stewards and Stewardesses Association, Local 550, Transport Workers Union, AFL-CIO (TWU), hereinafter referred to as "the Union," became the certified collective bargaining representative of Respondent's stewardesses. The first Memorandum of Agreement dealing with the maximum age for stewardesses was executed by the Union on May 17, 1963, to be effective June 1, 1963, concurrently with the basic Agreement. It provided that a stewardess employed on or after December 1, 1953,⁴ would be terminated at the age of 33 unless she accepted transfer to other employment with Respondent when she reached 32.⁵ In October 1965, Respondent and the Union executed another such Memorandum, which formed Appendix D of its most recent contract, effective October 1, 1965, until December 31, 1967.⁶

The Charging Party commenced work for Respondent on October 15, 1955, and became a stewardess on February 1, 1956. During the period of her employment, she had an excellent work record. On May 27, 1964, shortly before her 32nd birthday, the Charging Party was advised by Respondent that she would have to accept reassignment to ground employment or be terminated at the age of 33. Thereafter, she was offered several ground jobs at higher rates of pay than her salary as a stewardess. On April 28, 1965, she declined in writing to accept reassignment to a ground job. Due to her refusal to accept ground employment, Respondent terminated the Charging Party on May 30, 1966, her 33rd birthday.

Background

Since the fall of 1965, numerous charges have been filed with the Commission alleging that various airlines discriminate on the basis of sex in their employment of flight cabin attendants, sometimes referred to as stewardesses, hostesses, pursers, stewards, etc. The issues raised included the questions of whether sex was a bona fide occupational qualification for the position of flight attendant,⁷ and whether the termination or reassignment of stewardesses on or shortly after marriage or on attaining certain maximum ages was unlawful discrimination based on sex. In addition, by letter dated March 25, 1966, Northwest Airlines, Inc., pursuant to section 713(b) of the Act and subsections 1601.28-1601.30 of the Commission's procedural regulations, requested a written

interpretation or opinion "that sex is a bona fide occupational qualification for the position of airline stewardess." The Air Transport Association of America, Inc. (ATA), on behalf of its member airline carriers, subsequently joined in that request.⁸

The Commission thereafter suspended the processing of charges⁹ alleging discrimination by airlines on the basis of sex in their employment of flight cabin attendants pending a comprehensive study of the issues raised by the charges and requests for an opinion.

On September 12, 1967, a public hearing was held in the matter and testimony presented by the ATA and various airlines; the Transport Workers Union of America, AFL-CIO; the Air Line Pilots Association, International (Steward and Stewardess Division); and a number of other organizations and individuals. Based on its consideration of the record of the September 12, 1967, hearing, the Commission published an Opinion on February 24, 1968, wherein it concluded that sex was not a bona fide occupational qualification for the position of flight cabin attendant because the basic duties of the job could be satisfactorily performed by members of both sexes.¹⁰ The Commission further stated, in footnote 5 of the Opinion:

The legality of various other airline policies and practices, such as the termination or reassignment of female flight cabin attendants on or shortly after marriage or on attaining certain maximum ages, such as 32 or 35, which were raised by the pending charges and considered in connection with the September 12, 1967, hearing will be resolved through the issuance of individual Commission decisions in pending charges.

This is such a decision.

Respondent makes various arguments in support of its maximum age limitation on stewardesses. It contends that the stewardess position is of interest primarily to young women; that the stewardess has become the image of the industry, symbolizing the youth and vitality of the airlines; that the performance of the stewardess' job requires enthusiasm which is lost with age; that senior stewardesses will lose the motivation required for the job,¹¹ and thereby provide poor service, which will result in loss of business and good will; that the physical ability and endurance needed for the job require that the stewardess be young;¹² that women between the ages of 38 and 50 undergo changes of body, personality and emotional reactions, which would interfere with their performance of the stewardess' job;¹³ that in 1965 the New York State Unemployment Insurance Appeal Board found that Respondent's age limitation of 33 years was reasonable;¹⁴ that the Pennsylvania Fair Employment Practice Commission, in a letter of August 27, 1959, to United Air Lines concluded that the imposition of age limits under forty for stewardesses did not constitute unlawful discrimination based on age under the Pennsylvania Fair Employment Practice Act as the training required to qualify a woman as a stewardess could not ordinarily be undertaken by women of forty or over; that the termination of stewardesses for inability to perform on an individual basis would be objectionable both to the stewardesses and to the unions; that retraining will be needed to qualify stewardesses for new careers, and the percentage of persons utilizing retraining drops markedly when the person advances to the 30's and 40's; that a stewardess who seeks a new career will have more job opportunities and be more successful if she does so in her early 30's than at an older age; that stewardesses are not terminated but are guaranteed ground assignment with the benefits and privileges of employment, such as seniority and company benefits, at no depreciation in salary; that it would similarly reassign or terminate stewards if required to hire them; and that questions as to the maximum age of stewardesses may best be settled through the processes of collective bargaining.

In connection with the hearing on flight cabin attendants, these and other arguments in favor of the maximum age restriction on stewardesses were made by the ATA, and arguments in opposition to such a restriction were made by the unions. The ATA argued that Title VII does not involve restrictions on maximum age but deals only with discrimination based on sex; and that inasmuch as the airlines apply the age restriction only to stewardesses and not to other female flight line personnel, the restriction could not be discrimination based on sex.

The unions argued that the airline industry employs stewards today and has employed them in the past and has never terminated them for reaching their mid-thirties, indicating that the maximum age restriction is based on sex rather than job classification; that the airline industry does not uniformly apply the maximum age restriction to stewardesses, and that foreign airlines do not generally terminate stewardesses in their mid-thirties,¹⁵ indicating that the maximum age restriction is irrelevant to the performance of the job by women as well as men; that the termination of stewardesses in their mid-thirties tends to remove from the cabin those flight attendants with the most experience and mature judgment to deal with emergency situations; that Investigating Commissioners of the New York State Commission for Human Rights found that age does not constitute a bona fide occupational qualification for the position of airline stewardess under that state's prohibition against discrimination in employment based on age, that the establishment of any arbitrary chronological age for the mandatory retirement of stewardesses below that of the standard mandatory retirement age was not warranted, and that such termination should be predicated solely on the individual stewardess' continued ability to perform the duties of the position;¹⁶ that a survey of airline passengers indicated that a substantial majority of those responding opposed the maximum age restriction on stewardesses or were indifferent to it;¹⁷ that the Federal Aviation Agency, which has specific regulations dealing with the number of flight attendants required on a plane,¹⁸ emergency and emergency evacuation duties,¹⁹ and flight attendant training,²⁰ and which has set a maximum age for pilots,²¹ has no regulation setting a maximum age for stewardesses; that being over the age of 32-35 does not prevent a stewardess from being attractive and competent to perform the duties of the job; and that because of determinations by the Department of Labor and Defense and collective bargaining efforts by the unions, recent contracts in the industry have been changed to eliminate maximum age restrictions on stewardesses.

Decision

The ATA's argument is premised on the fact that if all the incumbents in a job classification are members of one sex, any conditions of employment relating to that job cannot be based on sex. We do not agree. The concept of discrimination based on sex does not require an actual disparity of treatment among male and female employees presently in the same job classification. It is sufficient that a company policy or rule is applied to a class of employees because of their sex, rather than because of the requirements of the job.²²

Where all the incumbents of a job are members of one sex and particular conditions of employment are applied to the individuals in that job, which are not applied to the employer's other employees or which are not generally recognized conditions of employment, it is necessary to determine whether the conditions are relevant to satisfactory performance of the job, or are based on the sexual identity of the job holder. As Respondent employs only female flight cabin attendants, as these flight attendants are the only employees reassigned or terminated

from their employment at ages 32-33, and as employers do not generally reassign or terminate employees at ages 32-33, it is necessary to determine whether Respondent's maximum age restriction on stewardesses is relevant to the satisfactory performance of the flight cabin attendant job, or is based on the sexual identity of the job holder.

A consideration of current and past practices and policies in the airline industry, Respondent's arguments in support of its maximum age restriction on stewardesses, and Respondent's treatment of male flight personnel, indicate that Respondent's maximum age restriction for stewardesses is based on sex. Various airlines currently have male flight attendants in their employ or employed them in the past; no policy of reassignment or termination for reaching their mid-thirties was or is applied to them. Obviously, therefore, the requirement of being under the mid-thirties in age is not related to satisfactory performance as a flight attendant but to the sexual identity of the incumbent.²³ This is also apparent from Respondent's argument that it terminates stewardesses in their mid-thirties because women thereafter undergo changes associated with the menopause which Respondent contends would interfere with their satisfactory performance of the stewardess job. The sex-based quality of Respondent's maximum age restriction on stewardesses is further evidenced when one considers Respondent's practice with regard to its male flight personnel, such as pilots, co-pilots, and flight engineers. Like stewardesses, Respondent's male flight personnel work irregular hours as the result of round-the-clock airline schedules and changes in time zones; they work at cabin pressures, often in turbulent air; their work requires constant alertness, physical endurance, and emotional stability, and is essential to the safety of passengers and crew. None of these requirements has led Respondent to adopt a policy of terminating male flight personnel in their mid-thirties.

It is clear that Respondent's maximum age restriction on stewardesses is part and parcel of its policy of restricting the flight cabin attendant job to women, and is a sex-based condition of employment. The Commission has previously found that sex is not a bona fide occupational qualification for the position of flight cabin attendant, and that an airline, such as Respondent, which pursues a policy of employing only females as flight attendants thereby violates Title VII. We now find that Respondent's maximum age restriction on stewardesses, an integral part of that policy, is likewise violative of the Act.²⁴

This Decision is consistent with the conclusions previously reached by the Departments of Labor and Defense that various airlines' maximum age restrictions on stewardesses were "arbitrarily established and do not constitute a bona fide occupational qualification" under Executive Order No. 11141, which establishes a public policy against discrimination based on age by federal government contractors and subcontractors unless age is a bona fide occupational qualification for the job.²⁵

This is not to say that any maximum age restriction applied to a particular job on which only women are employed would necessarily constitute discrimination based on sex. If, for example, sex is a bona fide occupational qualification for a job because sex appeal is an essential qualification for the job, as is the case with various jobs in the entertainment industry, a reasonable maximum age restriction might be relevant to satisfactory performance of the job.²⁶ The Commission however, specifically found that sex is not a bona fide occupational qualification for the position of flight cabin attendant. Furthermore, when the airlines argued that sex was a bona fide occupational qualification for the position, they did not do so on the ground that the position was akin

to certain jobs in the entertainment industry where sex appeal is an essential qualification. Rather, they consistently objected to the inference that stewardesses were employed for their sex appeal, and stressed that the performance of the job required individuals who were attractive and competent to perform the duties involved. As pointed out by the unions, being over the age of 32 does not preclude an individual from being attractive and competent to perform the duties of the flight attendant job.²⁷

We find no merit in Respondent's contention that it should be permitted to reassign or terminate stewardesses at ages 32-33 because they thereafter lose enthusiasm, motivation, physical ability, and endurance, and undergo changes associated with the menopause. Federal Aviation Regulations (14 C.F.R. sec. 121.424(b) (1965)) require that flight attendants be given recurrent training at least once each year "and a competence check to determine the attendant's ability to perform assigned duties and responsibilities." If a stewardess is unable to satisfactorily perform her job, Respondent may, of course, terminate her employment as it does that of other employees who cannot satisfactorily perform. It cannot, however, terminate her prior to individual dereliction on her part because of its assumptions about women over 32 as a class.

Accordingly, reasonable cause exists to believe that Respondent violated Title VII of the Civil Rights Act of 1964, in its termination of the Charging Party on May 30, 1966, because she had reached the age of 33, in its reassignment or termination of other airline stewardesses at ages 32-33, and in its maintenance of a policy and practice of reassigning or terminating stewardesses at ages 32-33, as set forth in its Memorandum Agreement, which constitutes Appendix D of its most recent contract.

For the Commission,

[SEAL]

MARIE D. WILSON,
Secretary.

JUNE 20, 1968.

FOOTNOTES

¹ Respondent has never employed male flight attendants.

² Federal Aviation Regulations prohibit the employment of a pilot on certain scheduled commercial airplanes if he has reached his 60th birthday. 14 C.F.R. sec. 121.383(c) (1964). The Air Line Pilots Association, International is currently engaged contesting that regulation.

³ None of Respondent's stewardesses were affected by the maximum age restriction until about 1960. Those Memoranda subsequent to the first one contained a provision that Respondent would notify each stewardess employed on or after December 1, 1953, at the time of employment, that the maximum age restriction was a condition of employment.

⁴ The Memorandum was not applicable to any stewardess employed as a stewardess by Respondent on November 30, 1953.

⁵ The agreement provided that Respondent would pay travel and moving expenses where the transfer was to a city other than the one where the stewardess was based; that the transfer would not result in a loss of seniority or pay; and that the stewardess who chose termination would receive severance pay.

⁶ The terms of that agreement are still in effect pending the execution of a new contract.

⁷ Subsections 703 (a) and (e) of the Act provide, *inter alia*, that it shall be an unlawful employment practice for an employer to discriminate against any individual with regard to hire, discharge, or other terms and conditions of employment except that "it shall not be an unlawful employment practice for an employer to hire and employ employees . . . on the basis of his . . . sex . . . in those certain instances where . . . sex is a bona fide occupational qualification reasonably . . . necessary to the normal operation

of that particular business or enterprise."

⁸ By letter dated July 20, 1967, Northwest Airlines, Inc., advised the Commission that it wished to withdraw its March 25, 1966, request for a written interpretation or opinion without prejudice to the other airlines' requests for such an interpretation or opinion. The other airlines maintained their requests.

⁹ We find no merit in Respondent's contention that the charge is "stale" by virtue of the provisions of Section 706(e) of the Act. The courts have agreed with the Commission's interpretation of that section, namely, that the time period established for the processing of a charge by the Commission is "properly to be accorded a directory rather than a mandatory construction. . . ." *Dent v. St. Louis-San Francisco Railroad Co.*, 265 F. Supp. 56 (N.D. Ala., So. Div., 1967). Accord: *Mondy v. Crown Zellerbach Corp.*, 271 F. Supp. 258 (E.D. La., New Orleans Div., 1967); *Ward v. Firestone Tire & Rubber Co.*, 260 F. Supp. 597 (W.D. Tenn., Western Div., 1966) (dictum). While two courts have concluded that a private right of action could not be maintained after certain statutory periods of time had elapsed *Miller v. International Paper Company*, 56 LC para. 9093 (S.D. Miss., Southern Div., 1967), pending on appeal in the Fifth Circuit; *Cunningham v. Litton Industries*, 56 LC para. 9078 (C.D. Calif., 1967), pending on appeal in the Ninth Circuit, no court has held that when a charge is timely filed and served, the Commission is thereafter ousted of jurisdiction through the passage of the statutory time period. *But cf. International Brotherhood of Electrical Workers, Local 5 v. Equal Employment Opportunity Commission*, 56 LC para. 9073 (W.D. Pa., 1967).

¹⁰ 33 Fed. Reg. 3361 (1968).

¹¹ Respondent contends that senior stewardesses may experience emotional problems resulting from the absence of a permanent home and family relationship, and that their consciousness of their growing age disparity from the junior stewardesses may prevent the development of a cooperative team spirit in the cabin.

¹² Respondent advert to the irregular working hours which are the result of round-the-clock airline schedules and changes in time zones; the long periods spent in walking, bending, and lifting; the need to serve meals and beverages quickly at cabin pressures in short periods of time, often in turbulent air; the need to give courteous, sympathetic attention to passengers requiring assistance; and the recurrent training given stewardesses, which includes participation in strenuous emergency drills, which require the completion of practice aircraft evacuations in two minutes, under standards fixed by the Federal Aviation Agency.

¹³ Respondent advert to changes in metabolism, and in the endocrine, circulatory, digestive, nervous, and cutaneous systems; and to problems associated with menopause. Respondent has submitted a letter from Dr. Emerson Day, Director of the Strang Clinic, a diagnostic clinic in New York City, which states in pertinent part:

The need for an age limit for airline stewardesses is clear cut. One could argue between, say, 32 and 34. But certainly an age limit well in advance of the physiological and psychological changes of pre-menopause is completely sound, and for some women this would be in the mid thirties.

¹⁴ Appeal No. 118,040, March 9, 1965.

¹⁵ The unions point out, for example, that airlines in England (BOAC-BEA), Germany (Lufthansa), New Zealand, and Norway retire stewardesses at 55.

¹⁶ Subsequent to these determinations, on January 25, 1968, in *American Airlines v. Commission for Human Rights*, 67 LRRM 2363 (New York Supreme Court, Appellate Division, First Department), the Court ruled that the prohibition on discrimination based on age in the New York Law Against Dis-

crimination is limited in its application to persons between the ages of 40 and 65, and that, accordingly, the Act is not violated by an airline's termination of a stewardess at the age of 33. That decision was not appealed.

¹⁷ The survey was conducted in 1965 by the Airways Club, an organization of 25,000 airline passengers who average 25 flights each year and whose membership consists primarily of businessmen. With one-fourth of the membership responding, their responses to the following pertinent questions were as follows:

1. Do you think that the airlines should have age ceilings for stewardesses?

Yes	2,436
No	3,033
Don't care	776

2. Would the age of the stewardess matter to you?

Yes	1,533
No	3,361
Don't care	1,091

3. Do you prefer a stewardess of a particular age group?

Yes	1,693
No	2,575
Don't care	1,342

4. If you answered yes to No. 3, which group do you prefer?

18-25	328
26-30	837
31-35	363
36-40	188
40-above	35

¹⁸ 14 C.F.R. sec. 121.391 (1965).

¹⁹ 14 C.F.R. sec. 121.397 (1965).

²⁰ 14 C.F.R. sec. 121.424 (1965).

²¹ Footnote 2, supra.

²² An analogy may be drawn from Commission Decisions finding discrimination based on race or sex where all the incumbents of a particular job classification are Negro or female, and the wage rate for that classification is depressed as compared with comparable work performed by white or male employees in other job classifications or in other plants in the industry.

Commission Decision, issued April 17, 1968, in Case No. AU 7-3-173; and Commission Decision and Supplemental Decision issued on August 8, and September 16, 1966, respectively, in Case Nos 5-12-3175 through 5-12-3179.

²³ The irrelevance of the maximum age restriction to the satisfactory performance of the job of flight attendant is further demonstrated by the fact that it is not even uniformly applied to female flight attendants. In addition to the Respondent, 26 of the 48 certificated United States airlines furnished information on their policies with respect to maximum age of stewardesses in response to a Commission request in connection with the flight attendant hearing. Of these, 8 reassign or terminate stewardesses in their mid-thirties and 18 have no special maximum age restrictions on stewardesses.

We find no merit in the ATA's contention that the maximum age restriction does not constitute unlawful discrimination based on sex because it is applied only to female flight attendants and not to other female airline employees. The Commission has stated that where sex is a factor in the establishment and maintenance of a company rule, the fact that the rule is not applied against all members of that sex is no defense to its discriminatory application to some members. Commission's First Annual Digest of Legal Interpretations, CCH Fair Employment Practices Guide, para. 17, 251.043, Opin. Letter 9/9/65.

²⁴ This is not to imply that Respondent can remedy its unlawful employment practice by applying the maximum age restriction to stewards. Discrimination based on sex unrelated to job performance is not to be eliminated by applying the same irrelevant

conditions to members of the opposite sex, just as discriminatorily depressed wage rates based on race are not to be eliminated by similarly depressing the wage rates paid to employees of other races.

²⁵ Letters of January 13, and April 14, 1966, from the Manpower Administrator, U.S. Department of Labor, and the Deputy Assistant Secretary (Procurement), Department of the Air Force, respectively. The Air Force subsequently conferred with various airlines on these matters, some of which thereafter abandoned their maximum age restrictions.

²⁶ But see *Smith and Strzelecki v. The New Viceroy Restaurant*, Cases No. EA-963 and 964, a January 7, 1966, decision of the Washington State Board Against Discrimination, and its *Policy Statement: Sexiness and Age Discrimination*, of November 18, 1965, involving that State's prohibition against discrimination between the ages of 40-65. The Washington Board concluded that while the requirement of "sexiness" for cocktail waitresses was not unlawful discrimination based on age as that characteristic was not "strictly an age condition, although it is a condition that older women as a class may find more difficult to meet . . . [a]ny limit on cocktail waitresses in terms of chronological age will be considered evidence that the cocktail lounge is discriminating because of age."

²⁷ It is immaterial that Respondent provides other employment for its stewardess after age 32. What is at issue is its policy of requiring their termination as stewardesses at that age.

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,
Washington, D.C.,

[Case No. AT 6-9-603 (6-8-6975)]

Mrs. Virginia Lane Colvin, Charging Party vs. Piedmont Aviation, Inc., Winston Salem, N.C., Respondent

Dates of alleged violations: July 23, 1966, other dates, and continuing.

Date of filing: August 16, 1966.

Date of service of charge: October 20, 1966.

DECISION

Summary of charge

Charging Party alleges unlawful discrimination based on sex in violation of Title VII of the Civil Rights Act of 1964, in that Respondent Employer terminated her employment as an airline stewardess on July 23, 1966, because she was married.

Summary of investigation

Respondent, a corporation engaged in commercial aviation since 1948, has headquarters in Winston-Salem, North Carolina; operates in nine states; and employs about 2,000 persons. Its flight attendants were originally represented by Air Line Stewards and Stewardesses Association, International, a chartered affiliate of Air Line Pilots Association, International (ALPA). On June 9, 1961, Air Line Pilots Association, International, hereinafter referred to as "the Union", was certified as the collective bargaining representative of Respondent's flight attendants. Its first contract with Respondent was executed on October 2, 1962, and two agreements were negotiated thereafter. The most recent agreement was effective June 1, 1966, until June 1, 1968, with provision for automatic renewal thereafter. None of the contracts contained a provision requiring the termination of flight attendants on marriage. The current contract contains a single description of the duties of Respondent's flight attendants, and it specifically indicates that it is applicable to male and female employees.

From 1948 until May 1, 1962, Respondent hired only male flight attendants; thereafter, it hired only female flight attendants.¹

Respondent has, however, retained in its employ those male flight attendants hired prior to May 1, 1962, and currently employs

¹ Footnotes at end of article.

about 24 male and 104 female flight attendants.

When Respondent commenced employing women as flight attendants in 1962, it unilaterally established new qualifications and conditions of employment for the job, which remain applicable to its female flight attendants to the present time. These new conditions of employment were never applied to the male flight attendants. Among these conditions was a policy of terminating female flight attendants on marriage. Each applicant for a flight attendant position was required to sign the following pre-employment agreement:

**Piedmont Airlines Flight Services
Department**

It is the policy of Piedmont Airlines that only single girls will be assigned to flight duty as Stewardesses. It is also the policy of Piedmont Airlines that when a stewardess becomes married or reaches the age of 32 years, her employment will be automatically terminated at the end of the month of her 32nd birthday.²

I hereby acknowledge by my signature to this letter that I understand and agree to be bound by the Piedmont Airlines policy relating to stewardesses as stated above.

Most of Respondent's 24 male flight attendants were married during the course of their employment. There is no reference to their marriage on their personnel records, and their married status has had no adverse effect upon their careers. Respondent's personnel director stated that if any male flight attendants were to be employed, they would be required to meet Respondent's current requirements for the job. He further indicated that the policy of terminating stewardesses on marriage has been established and maintained to avoid the stress on home and family life which would be caused by married stewardesses' absence from home on flights.

In May 1966, the Charging Party advised Respondent that she planned to be married on July 24, 1966 (the date was later changed to July 23), and requested permission to continue her employment as a stewardess after her marriage. Her request was denied. On July 23, 1966, the Charging Party was married, and on the same day Respondent terminated her employment. Subsequently, she received a letter, dated July 25, 1966, from the Division Chief Flight Attendant, on behalf of Respondent, which read as follows in pertinent part:

In view of your marriage July 23, 1966, to which I was invited and at which I was in attendance, this is to remind you that Company policy requires that a stewardess, upon marriage, resign from Company employment. You will recall that you signed a statement that you would, upon marriage, resign from Company employment. Therefore, this verification of your marriage is considered as a resignation from Company employment. The effective date of your termination is July 23, 1966 . . .

The Charging Party filed a grievance concerning her discharge, which was appealed to the System Board of Adjustment. On November 16, 1967, the System Board of Adjustment denied the grievance on the ground that Respondent's policy of terminating stewardesses on marriage was not in violation of its collective bargaining contract.³

Background

Since the fall of 1965, numerous charges have been filed with the Commission alleging that various airlines discriminate on the basis of sex in their employment of flight cabin attendants, sometimes referred to as stewardesses, hostesses, pursers, stewards, etc. The issues raised included the questions of whether sex was a bona fide occupational qualification for the position of flight attendant,⁴ and whether the termination or reassignment of stewardesses on or shortly after marriage or on attaining certain maximum ages was unlawful discrimination based

on sex. In addition, by letter dated March 25, 1966, Northwest Airlines, Inc., pursuant to section 713(b) of the Act and subsections 1601.28-1601.30 of the Commission's procedural regulations, requested a written interpretation or opinion "that sex is a bona fide occupational qualification for the position of airline stewardess." The Air Transport Association of America, Inc. (ATA), on behalf of its member airline carriers, subsequently joined in that request.⁵

The Commission thereafter suspended the processing of charges alleging discrimination by airlines on the basis of sex in their employment of flight cabin attendants pending a comprehensive study of the issues raised by the charges and requests for an opinion.

On September 12, 1967, a public hearing was held in the matter and testimony was presented by the ATA and various airlines; the Transport Workers Union of America, AFL-CIO; the Air Line Pilots Association, International (Steward and Stewardess Division); and a number of other organizations and individuals. Based on its consideration of the record of the September 12, 1967, hearing, the Commission published an Opinion on February 24, 1968, wherein it concluded that sex was not a bona fide occupational qualification for the position of flight cabin attendant because the duties of the job could be satisfactorily performed by members of both sexes.⁶ The Commission further stated, in footnote 5 of the Opinion:

The legality of various other airline policies and practices, such as the termination or reassignment of female flight cabin attendants on or shortly after marriage or on attaining certain maximum ages, such as 32 or 35, which were raised by the pending charges and considered in connection with the September 12, 1967, hearing will be resolved through the issuance of individual Commission decisions in pending charges.

This is such a decision.

Decision

As noted above, the Commission has previously found that sex is not a bona fide occupational qualification for the position of flight cabin attendant as the basic duties of the job can be satisfactorily performed by members of both sexes. It, therefore, follows that an airline which employs both male and female flight attendants, and which terminates its female flight attendants on marriage while retaining its married male flight attendants is thereby discriminating on the basis of sex.

We are not persuaded by the fact that Respondent did not apply the no-marriage ban to its male flight attendants when it instituted the policy for female attendants in 1962 because all its male flight attendants had been hired prior to the adoption of the restriction. The fact that Respondent imposed the ban simultaneously with its employment of women is further evidence of the discriminatory motivation behind the institution of the policy. Respondent admits that the no-marriage restriction was imposed to avoid the stress on home and family life which would be caused by the absence of married stewardesses from their homes. It does not similarly terminate male flight personnel, such as pilots, co-pilots, and flight engineers, on marriage although they, like the stewardesses, must be absent from home on flights. Respondent's failure to impose the ban on male attendants hired prior to 1962 also supports the conclusion of discrimination. There is no evidence that Respondent attempted to impose the ban on its male flight attendants in 1962 and did not do so because it met with opposition. Nor is it clear that Respondent could not legally have imposed the ban on its male flight attendants simply because they had been hired prior to the adoption of the no-marriage policy. It appears that Respondent failed to impose the ban on male flight attendants not because it could not practically or legally do so, but

because it did not consider it relevant to the satisfactory performance of the job by males, but did consider it relevant to the satisfactory performance of the job by females.⁷

It is clear that Respondent's termination of stewardesses on marriage is part and parcel of its policy of restricting the flight cabin attendant job to women since 1962, and is a sex-based condition of employment. The Commission has previously found that an airline such as Respondent, which pursues a policy of hiring only females as flight attendants thereby violates Title VII. We now find that Respondent's practice of terminating stewardesses on marriage, an integral part of that policy, is likewise violative of the Act. While Respondent may, of course, lawfully terminate individual stewardesses who do not perform their job satisfactorily, as it terminates other employees who do not satisfactorily perform, it cannot maintain a policy of terminating all stewardesses on marriage because of its assumptions about married women as a class.

Accordingly, reasonable cause exists to believe that Respondent violated Title VII of the Civil Rights Act of 1964, in its termination of the Charging Party on July 23, 1966, because of her marriage, in its termination of any other airline stewardesses for the same reason, in its requirement that female applicants for employment as stewardesses sign a pre-employment agreement to terminate their employment on marriage, and in its maintenance of a policy and practice of terminating stewardesses on marriage.

For the Commission:

June 20, 1968.

[SEAL]

MARIE D. WILSON,
Secretary to the Commission.

FOOTNOTES

¹ Respondent indicates that it initially hired only male flight attendants because at that time the duties of the job entailed handling baggage; and that when the acquisition of new equipment rendered it unnecessary for flight attendants to handle baggage, it decided to cease hiring male flight attendants and to hire only female flight attendants.

² While this sentence does not indicate that stewardesses will be terminated on marriage, that has been Respondent's policy and is its interpretation of the agreement.

³ *Piedmont Aviation, Inc. and Airline Pilots Association International, ALPA S & S No. 633*, Grievance of Virginia L. Colvin. Respondent initially posed as one of the issues for resolution the question of whether its no-marriage policy was violative of Title VII. During the hearing, the parties agreed that this was a "side issue" inasmuch as the question was pending before the Commission. Accordingly, the System Board of Adjustment did not consider Title VII implications.

⁴ Subsections 703(a) and (e) of the Act provide, *inter alia*, that it shall be an unlawful employment practice for an employer to discriminate against any individual with regard to hire, discharge, or other terms and conditions of employment except that "it shall not be an unlawful employment practice for an employer to hire and employ employees . . . on the basis of his . . . sex . . . in those certain instances where . . . sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise . . ."

⁵ By letter dated July 20, 1967, Northwest Airlines, Inc., advised the Commission that it wished to withdraw its March 25, 1966, request for a written interpretation or opinion without prejudice to the other airlines' requests for such an interpretation or opinion. The other airlines maintained their requests.

⁶ 33 Fed. Reg. 3361 (1968).

⁷ This is not to imply that the way to remedy the unlawful employment practice is to apply the no-marriage ban to Respondent's current male flight attendants or to any male flight attendants it may subsequently hire. A policy which has its genesis

in sex discrimination and is unrelated to job performance is not to be eliminated by applying the same irrelevant condition to members of the opposite sex, just as discriminatorily depressed wage rates based on race are not to be eliminated by similarly depressing the wage rates paid to employees of other races.

PRIVILEGES AND RESPONSIBILITIES

HON. EDWARD J. DERWINSKI
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Monday, September 30, 1968

Mr. DERWINSKI. Mr. Speaker, I have long emphasized that the youth of our Nation are making a very positive contribution to the growth of our country but the sound sober majority do not receive the attention that a notorious handful achieve.

Therefore, I am pleased to insert an essay carried in the September 19 edition of the Lemont, by Miss Sandra Oikle, of Lemont, Ill., that was written for the Constitution Week program at Bromberek School in Lemont. It is certainly an inspiring statement which emphasizes the wholesome attitude of young Americans.

The essay follows:

PRIVILEGES AND RESPONSIBILITIES

(EDITOR'S NOTE.—The following essay, written by Sandra Oikle, class of '68, was presented in choral reading by fifth graders at Bromberek School during Constitution Week.)

WHAT ARE THE PRIVILEGES OR RESPONSIBILITIES OF CITIZENSHIP?

(By Sandra Oikle)

I am an American, defender of freedom and guardian of the nation.

The service I render to my country is not only a duty, but an honor and a privilege. Duty, as a citizen whose life holds responsibility for country in high regard. Honor, as an individual before God with respect for the ideals that makes these United States a democracy. Privilege, for the ability to give, and fortunate enough to have been born in a land where my life, mind and ideals are my own.

A good citizen in this republic of ours is that he shall be able and willing to pull his weight; that he shall not be a mere passenger but shall do his share in the work that each generation of us finds ready to hand; and, furthermore, that in doing his work he shall show, not only the capacity for sturdy self-help, but also self-respecting regard for the rights of others.

The rights of a citizen are different in other countries. In the United States, one of the most important rights of a citizen is to vote and choose the people who run the government. The President and the members of the congress and other officials are elected by the people, and only citizens can vote in elections. A citizen also has the right to be elected to a government office. A citizen of a country has certain duties to perform.

A country runs well only if its people are good citizens. We must learn while we are young how the country is run, so that when we are older we will know how to help run it.

Clean politics is simply one form of applied good citizenship. Each country makes its own laws about what the citizen has to do. Part of the duty of the citizen is to respect and obey the laws of his country. A country needs money to run the government, so it is the

duties of the citizens to pay taxes. Another duty of the citizen is to help protect and defend his country. When his country needs him he must serve in the Armed Forces.

If we wish to do good work for our country we must be unselfish. There are good citizens and bad citizens. Every man must be granted his liberty and his right to do as he likes with his property or his labor so long as he does not infringe the rights of others.

Here we all are together, glad to be in America, as compared with any other place on earth, and hoping to make America more nearly the kind of place we want it to be. If our country is to be united and strong, everyone of us has his own job to do in cementing all these different kinds of people together into a solid nation.

LETTER FROM AMERICAN LEGION POST NO. 144

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Monday, September 30, 1968

Mr. WOLFF. Mr. Speaker, several weeks ago I received a letter from the Williston, N.Y., Post No. 144, American Legion, regarding the North Korean capture of the U.S.S. Pueblo.

This letter is from a group of patriotic Americans who have an understandable concern about the fate of the men of the Pueblo. I share their deep concern for the Pueblo's crew and thus am pleased to honor the commander's request and place the following letter in the RECORD:

WILLISTON POST NO. 144,
AMERICAN LEGION,

Long Island, N.Y. August 15, 1968.

HON. LESTER L. WOLFF,
Longworth House Office Building,
Washington, D.C.

DEAR SIR: As of this writing, 205 days have been allowed to elapse since the Communist government of North Korea was allowed to flagrantly commit an act of open piracy with the seizure of the U.S.S. Pueblo and her compliment of 83 American sailors . . . in international waters.

This outrageous act was committed with impunity, and must be causing anxious chills in allied and neutral countries; as it is most certainly having a similar effect on our own citizens, notwithstanding our fighting men. In short, our international honor and reputation is being trampled on and is literally being dragged through the mud with typical Communist cunning and impunity.

Because of the craven attitude displayed by the leadership of this government, we have allowed 83 more men to be thrown into a North Korean hell-hole . . . to join the all but forgotten remnants of at least 600 American prisoners of war that were repatriated after the Korean "peace with honor". To this very day, after at least 100 humiliatingly polite requests in negotiations with Chinese Reds at Warsaw, Poland, these same Americans are still rotting in Communist prisons . . . or what remains of them.

The leadership and members of Williston Post No. 144, American Legion, New York requests that you, as representative of this constituency, exert the full influence and authority of your office in making it clear to the present Administration that it must secure the immediate release of the U.S.S. Pueblo, her entire crew . . . and also the repatriation of the remainder of the American prisoners of the Korean "Police Action", as it was called . . . that are to this day still in Communist captivity.

Our assertion in this matter should be supported by the full might and strategic military superiority at the disposal of this country with the knowledge that the American people, along with the American Legion, stand squarely behind this action.

We also request that the full contents of this letter be inserted into the minutes of the Congressional Record.

Yours very truly,

ROBERT TUCKER,
Commander.

SURVEY OF STATE TAXATION OF NATIONAL BANKS

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Monday, September 30, 1968

Mr. PODELL. Mr. Speaker, I have previously called the attention of this House to the decision of the U.S. Supreme Court in Agricultural Bank against Tax Commission holding that under section 41 of the National Bank Act, national banks are immune to State sales and use taxes on the purchase of tangible personal property. To clarify the liability of national banks for such State taxes, I have introduced H.R. 19031 which would subject national banks to liability for non-discriminatory State sales and use taxes.

I am in the process now of making a survey of the various States to determine the fiscal impact of the Supreme Court decision in each of the States. Preliminary results of the survey indicate:

First. New York State will lose annually \$5,000,000 in revenues and is obliged to refund between \$8,000,000 and \$12,000,000 for collections in past years.

Second. The city of New York's share in the loss of State revenue will amount to \$1,750,000 annually.

Third. The State of Alabama estimates annual revenue losses ranging between \$250,000 and \$300,000.

Fourth. The State of Georgia calculates an annual revenue loss of \$2,046,700.

Fifth. The State of Florida estimates an annual revenue loss of between \$2,000,000 and \$3,000,000.

Sixth. The Commonwealth of Massachusetts will incur revenue losses expected to exceed a quarter million dollars annually.

I have written to the distinguished gentleman from Texas, the Honorable WRIGHT PATMAN, chairman of the House Committee on Banking and Currency, urging prompt committee action on H.R. 19031. The text of my letter to Representative PATMAN follows:

SEPTEMBER 30, 1968.

Re H.R. 19031, a bill to clarify liability of national banks for sales and use taxes.

HON. WRIGHT PATMAN,
Chairman, House Committee on Banking and
Currency, U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: On September 10, 1968, I wrote to you about the adverse impact on state and local revenues of the United States Supreme Court decision in Agricultural Bank v. Tax Commission (36 L.W. 4686) holding that a state may not impose a sales or use tax on the purchase of personal property by a national bank for its own use.

In that communication we pointed out that Comptroller Arthur Levitt of the State

of New York estimated that the Supreme Court decision would result in an annual revenue loss for the State amounting to approximately \$5 million. In addition, the State Comptroller estimated that the State would be obliged to refund from \$8 million to \$12 million in taxes collected from banks in past years.

We further pointed out that the Comptroller of the City of New York, Honorable Mario A. Procaccino, estimated that the City's share in the state annual revenue loss would amount to approximately \$1,750,000 annually. In addition, the City will be obliged to refund substantial amounts collected by the City for years before the State preempted the sales and use tax fields.

The adverse impact of the Supreme Court decision will also be reflected in revenue losses in other states. A preliminary survey we have thus far made reveals the following:

We have been informed by Honorable J. B. Whiddon, Chief of the Sales Tax Division of the Alabama Department of Revenue "that the loss in state sales and use taxes on tangible personal property sold to national banks in the State of Alabama would be approximately \$250,000 to \$300,000 annually."

Honorable Peyton S. Hawes, Commissioner of the Department of Revenue of the State of Georgia, has informed us as follows:

"Since national banks were considered instrumentalities of the Federal government at the time the Georgia Sales and Use Tax Act became effective, purchases of tangible personal property used in their banking operations have been exempted from sales and use taxes . . .

"We followed *Agricultural Bank v. Tax Commission* closely and were hopeful that the Tax Commission would be upheld. Had this occurred, this State should have received from banks and savings and loan associations some \$2,046,700 sales and use tax annually, based on present purchases."

Similarly, we have been informed by Honorable J. Ed Straughn, Director of Revenue of the Florida Revenue Commission, that "Florida has no way of estimating accurately just how much revenue that will be lost by the tax immunity allowed banks under the Agricultural Bank decision. Our guess is that it will run from two to three million dollars annually . . . I personally congratulate you on your efforts to remove this unjust immunity."

Honorable John F. Tarrant, Director of Research of the Connecticut Tax Department, has written to us as follows:

"I may say that Connecticut has never subjected purchases by national banks to its sales and use tax on the assumption (right or wrong) that these are Federal instrumentalities, and so no revenue loss was suffered here by virtue of the holding in the *Agricultural National Bank Case*."

"Connecticut, however, is vitally interested in seeing that these banks are denied the sanctuary of a position as a Federal instrumentality and that they be required to pay the same taxes as state-chartered banks with which they compete."

We have also been informed by the Honorable Elliot L. Richardson, the Attorney General of the Commonwealth of Massachusetts, the state directly involved in the *First Agricultural National Bank Case* that future annual revenue losses in Massachusetts will exceed a quarter million dollars a year.

My bill, H.R. 19031, a bill to clarify the liability of national banks for state sales and use taxes, is designed to remove the desirability of the states to impose nondiscriminatory sales and use taxes upon national banks through an appropriate amendment of Section 41 of the National Bank Act. In view of the fiscal crisis confronting states and municipalities throughout the nation, it becomes imperative for the House Banking and Currency Committee to report H.R. 19031 favorably so that the House and the Senate may act on this matter before the 90th Congress adjourns.

On September 3, 1968, the Council of State Governments reported that more than half the 24 states that submitted budgets this year raised taxes and found that the number of tax increases in 1968 was unusually large for an even-numbered year. Based on information from the Council of State Governments, four states raised sales taxes, four states raised individual income taxes, and six states raised corporation taxes.

Where the needs of the states for revenues are so clearly and critically evident, there can be no excuse for providing tax sanctuaries for national banks. In the City of New York a worker earning less than \$2 an hour is obliged to pay a five percent sales tax on a notebook for his child in school. Under the Supreme Court decision the same notebook purchased by the Chase Manhattan Bank National Association is sales tax free.

Approval of H.R. 19031 will remove so inequitable a distribution of the burdens of state and local government costs.

Sincerely,

BERTRAM L. PODELL,
Member of Congress.

GEN. JIM JERNIGAN—NATIONAL
HERO

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. LEGGETT. Mr. Speaker, last week the Nation lost a national hero, Air Force Gen. Jim Jernigan. Unfortunately, during Dr. Jim Jernigan's busy life there was little time to eulogize him for his public service.

Jim was a valued friend of the Fourth Congressional District of California where he managed, until last year, the David Grant Hospital at Travis Air Force Base. Many servicemen around the Nation owe their lives to the outstanding medical service personnel at the Air Force Hospital. The Grant Hospital is the "Mayo Clinic" of the service and this reputation was achieved by the professionalism of Jim Jernigan. A native of Kansas, a veteran of the Army Medical Corps of World War II, South Pacific, he transferred to the Air Force in 1950. He served as Chief of the Consultants Group and Chief Consultant in Surgery for Europe. He subsequently commanded other hospitals in this country, finally rising to Chief of Consultive Services for the U.S. Air Force.

The Vietnam war brought the primary challenge to Jernigan. With the buildup of the war and the escalation of casualties, it befell the David Grant Hospital to handle preliminary care on all returning wounded men. For too long a period of time, the wounded at a rate of 100 a day would be flown to the California base; these men, many times without limbs and still in emergency diagnosis, were but 5 days off the frontline. General Jim pioneered a new Air Force medical mission in this effort. He never lost a patient whether coming in, leaving the base, or under treatment much later. Other hospitals around the country participated in this emergency effort.

Through Jim Jernigan's efforts and the Military Airlift Command, now every military hospital in this country is performing frontline duty.

While in Washington but a year, Jim Jernigan was an able consultant. He continued to give medical assistance and advice to my office and constituents with ability and precision.

The country will miss this outstanding military doctor whose mission in life was not accumulation of wealth but devotion to his fellow men of the highest degree of capability and professionalism.

THE HELPLESS PICK UP THE TAB

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. BOLLING. Mr. Speaker, the following column by John P. Roche which appeared in the September 28, 1968, edition of the *Baltimore News-American* describes the real choices facing the American people in the election better than anything I have seen:

THE HELPLESS PICK UP THE TAB

(By John P. Roche)

Aristophanes, the ancient Greek playwright, had a line in one of his trenchant comedies which seems extremely relevant to events on the "left" these days.

In loose translation, a frog says to a little boy who is playing with him: "Take it easy! For you, it's fun and games. For me, pain and death."

I keep recalling this injunction as I see statements by various "intellectuals" refusing to endorse Hubert Humphrey and demanding that he and the Democratic party be "penalized" for supporting the war in Vietnam.

For these ideologues, "penalizing" the Democrats is fun and games. They are not going to be hurt by a Republican victory. But what above the impact of this penalty on those who will have to serve the sentence—the poor, the sick, the ghetto dweller?

The logic behind this argument is, of course, that the "horrid" war (in Walter Lippmann's word) is the overriding issue of our time and that our leaders must be taught not to get mixed up in futile squabbles.

While the critics deny the charge of isolationism (and in fact have their favorite wars, which are by definition neither futile nor immoral), the overall impact of their activities clearly strengthens the basic strain of isolationism in the American people.

What keeps responsible leaders awake nights in Jerusalem and Bonn, as well as Saigon, is not the spectre of American disengagement, but the nightmare of American disengagement. They too feel like Aristophanes' frog.

The fun and games must be understood as a venture into catastrophe politics. To teach the Democrats a lesson, the populace is encouraged to elect Richard Nixon and the Republicans, who not only have a far "harder" line in foreign policy than the Democrats, but can also be counted upon to dismantle a number of the most hopeful innovations of the Kennedy-Johnson era, particularly in areas of social welfare.

Take a look some time at the record of House Republicans on such measures as Medicare, O.E.O. funding, education, housing, rent supplements. It is not hard to predict the budgetary surgery of a GOP-dominated House of Representatives.

Catastrophe politics is an old European political custom which usually involves a working arrangement in political rather than organizational terms, between the extremes against the center.

The extremists, nursing dreams of revolu-

tion, gang up to destroy the status quo—the system, as they say these days. They operate on the assumption that the worse things get, the better it will be for them.

In the dying days of the Weimar Republic, the German Communist party, for example, cooperated with the Nazis to bring down the Social Democratic government of the Prussian State.

The Communist slogan was "Hitler will bring us to power," that is, Hitler would radicalize the "masses" and drive them into the arms of the Communists. Hitler did in fact "radicalize the masses" and led them in the destruction of the democratic center and the Communists.

Similarly, in France in the early 1950's the Communists and the Gaullists worked together against European integration and succeeded in jointly defeating the projected European defense community.

Each group had its own reasons for generating instability, each felt it would inherit the French State—when the crunch came, however, it was DeGaulle who profited from the polarization.

But the episode that came to my mind when I heard a learned colleague explain why Humphrey must be defeated occurred in Wisconsin in 1946.

A political unknown took out after the distinguished progressive Republican senator, Robert M. LaFollette Jr. LaFollette was a liberal isolationist of immense integrity who had one of the best progressive records in the Senate.

His investigations of anti-union activities in the 1930's had shown him to be a pioneer civil libertarian. But the Wisconsin Communists, who then dominated the Milwaukee CIO Council, knew an enemy of the working class when they saw one.

From their viewpoint, LaFollette, who was a pungent critic of the Soviet Union, had to be destroyed. So they put their energies behind his youthful opponent—and Joseph R. McCarthy won the primary and went on to the Senate.

On Aug. 19, 1946, an article appeared in the Daily Worker entitled "the people won't mourn LaFollette." The people may not have mourned him, but in later years the Communists may well have had second thoughts on the subject.

The analogy obviously can not be pushed too hard. While I have profound disagreements with Mr. Nixon, I do not believe that his election would jeopardize the fundamental principles of our free society.

He is no "fascist." He is an extremely talented, tough-minded conservative who would correctly accept his election as a mandate to eviscerate a number of programs I cherish.

The "punish Humphrey" crew seem to think that politics is played for matchsticks. It isn't—it's played for keeps. But they are in the happy position of knowing that whatever the impact of their fun and games, they will escape the consequences. The helpless will be left to pick up the tab.

MESSAGE TO HIPPIES, BEATNIKS,
FROM A VOICE STILLED BY VIET-
CONG

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. HAGAN. Mr. Speaker, in spite of our soldiers' lack of support from certain segments of our society, our men are still dying in Vietnam. One 20-year-old hero left a message, to be delivered posthumously, for the dissenters and the "anti-everything people." He realized that they are the very individuals benefiting most

from the constitutional freedoms our men are giving their lives to preserve. The following UP story appeared in the Savannah Morning News-Evening Press on September 22, 1968:

HE DIED FOR US: FOR HIPPIES, PEACENIKS TOO
BROWNSBURG, IND.—Army Sgt. Jeffrey A. Davis, 20, who was killed in Vietnam Sept. 4, left a legacy for "the guys with the long hair and protest signs."

Mrs. Janet Davis, his bride of four months, said he wrote the letter last Nov. 1 before he entered the service.

It was marked "To be opened only in the event of my death."

"It is too bad I had to die in another country. The United States is so wonderful, but at least I died for a reason and a good one," he wrote.

He said he died not only for his wife and their relatives but also "for others who enjoy this wonderful country."

"I died for the guys with the long hair and protest signs. The draft card burners, the hippies, the anti-everything people who have nothing better to do. The college kids who think they shouldn't have to serve because they are too good—I died so these people could have a little longer time to try to get straightened out in life. God knows they need it.

"I died so these members of the 'young generation' could have the right to do what they do. To protest, have long hair, go to the college of their choice, wear weird clothes and run around mixed up with no direction at all. I died so they could protest the war I fought and died in.

"I died for the United States."

THE SPECTRUM ALLOCATION CON-
TROVERSY—HAS THE FCC PER-
FORMED ADEQUATELY?

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. CORMAN. Mr. Speaker, the House Subcommittee on Activities of Regulatory Agencies, of which I am a member, recently held hearings in Detroit and Los Angeles on the need for the Federal Communications Commission to allocate more frequency spectrum to the users of land-mobile radio. Previously, I have spoken on the floor of how critical this need is for our cities' police and fire departments, as well as the other public safety services. For them, the ability to quickly communicate with other officers or personnel can often mean the difference between life and death or between a limited amount of damage and a catastrophic loss of life and property. These institutions—the public safety services—use land and mobile radio to maintain law and order in our society and to protect its citizens.

Important as this function is, the root causes of these civil disorders, and of other crime in our society is to be found in the economic and social conditions which created them. Congress has made an attempt to cope with these problems. We have enacted legislation to deal with unemployment and housing, to help rebuild the cities, and to foster the efforts of the private sector of the economy to make a significant contribution. Additionally, we have attempted to aid our State and local governments as the yen-

deavor to build upon law and order and provide each individual with an opportunity to live a full and prosperous life. Much more remains to be done, of course. But it troubles me when I see a great unused potential for help tied to a course of inaction and delay. It troubles me even more when that stifled potential lies in the hands of a part of the Federal Government which should be responsive to the needs and desires of the entire society. For the fact is that at the same time that the Federal Communications Commission could do so much to provide our public safety services with the ability to better protect society, with the same action it could also enable the businessmen and local governments of this country to better assist in making life in our cities rich and rewarding. The action which is needed is for the FCC to reallocate a part of the radio frequency spectrum from its reservation for television, where it has largely gone unused, to the use of land mobile radio, where it is so badly needed.

Small businesses across the Nation are clamoring for additional frequencies in order to enable them to better serve their customers. Given the appropriate tools, these businesses can provide a source of employment to many while at the same time they improve their services and lower costs to customers. The economy and reliability which two-way radio brings to private businessmen and their customers, which inevitably redounds to the benefit of the general public, is quite remarkable.

In Los Angeles, two private individuals have started an agency they call Housekeepers Unlimited. Every day, private buses equipped with two-way radios pick up women who want to do domestic work, but until now have had no way to get to the jobs in the suburbs. Often these women live in areas in which it is dangerous to walk alone and so the buses pick them up and drop them off at their doors. If one of the parties cancels out while the bus is in transit, the central headquarters can match up another employer or worker and radio this information to the bus, thereby assuring all of those who want to work, and who must work in order to support their families, a steady job. So effective and well known has this service become that the California State Welfare Department has sent women who need work to the agency.

In Bellville, Mich., Royce Smith, a local fuel oil dealer, must serve an area of 450 square miles with petroleum products. At our Detroit hearings, he told the subcommittee:

The people know that my trucks are radio dispatched and that has been about the greatest asset that I have had to my business.

Two-way radio permits him to give same-day service to his customers. Like Mr. Smith, many other small businessmen also find land-mobile radio essential to their operations.

A manager of a taxicab company in Detroit, Mr. Richard A. Pinkston, described to the subcommittee how taxis use two-way radio, not only to dispatch cabs to pick up passengers, but also for more vital jobs. His company receives about 30 calls a week from the Detroit blood bank requesting delivery of needed

blood to a hospital. When it is required for an emergency operation, a radio dispatched cab can, in effect, help to save a life. During the recent disturbance following the assassination of Dr. Martin Luther King, this businessman, like so many others, saw his duty to help the local authorities in this time of crisis. Desperately needed hospital employees, doctors and nurses, many of whom lived or worked in the areas torn by the disturbance, were provided special transportation to and from work in his taxis during this critical period when other forms of transportation failed. This public spirited businessman also stated that his company should be adding more cabs to its fleet, but, as he told the subcommittee:

The reason we don't is that we share our radio channel with five other cab companies, and there is so much frequency congestion. I don't dare put any more cabs or any more units on the air.

Land mobile radio is also essential to the smooth and effective functioning of our utilities. Mr. Theodore P. Rykala, of the Michigan Consolidated Gas Co., described how his company operates 34 base stations and 989 mobile radio units to handle an average of 3,100 calls per day of an emergency nature requiring same-day service. He stated that the volume of air traffic is such that right now he needs three additional channels just to handle the normal flow of messages. During the Detroit riots the congestion was much worse. Yet, their service trucks were able to follow fire trucks into dangerous areas in order to shut off gas leaks which were feeding the flames. More than once it was necessary to use their two-way radios to call for help when snipers or crowds had them pinned down or prevented them from doing their job. Many other businesses rely upon the use of two-way radio on a daily basis, and thereby provide more jobs and better service. But the problem of overcrowding on the few radio frequencies which exist has become so critical that it can take up to half an hour to get the message through. This defeats the very purpose of two-way radio.

Just as businessmen depend upon land mobile radio, State, and local governments also consider it an essential tool which permits them to effectively supply and coordinate the many services for which we pay taxes. At the Los Angeles hearings, a wide range of local governmental users testified. Aside from the police and fire departments' use of two-way radio, which is well known, it is also essential to the effective functioning of the departments of public works, recreation and parks, city airports, traffic control, schools, the Los Angeles Harbor, and city-owned utilities. These less well-known uses of land mobile radio may contribute greatly to a local operational structure which can provide all of the city services which its citizens deserve and pay for through their taxes. Without the use of two-way radio, the administration of city services would get bogged down in the enormity and complexity of the problems it faced and streets would go unrepaired, garbage would go uncollected, parks would go uncleaned, and citizens would become increasingly alienated and dissatisfied.

For example, the sewer maintenance division of Los Angeles must constantly maintain and repair 6,500 miles of mainline sewers and storm drains. The cost in tax dollars would be enormous if after every job a work crew had to return to its home base to receive another work assignment. Moreover, when an emergency occurs, it is essential that the head of the division be able to communicate with each of his work crews so that he may effectively deal with it. Two-way radio is the most efficient way to provide this division with the capacity to perform its job, and it saves money.

The same thing can be said for the city department whose job it is to construct and maintain the streets, as well as provide them with adequate lighting. Similarly, two-way radio makes it possible to keep city parks, beaches, golf courses, and other recreational facilities safe and clean. Even our schools utilize land mobile radio in order to control the operation of school buses and to provide for the safety and security of the children when they are in school, and of the school property when they are absent. Yet, who will say that our cities have been able to adequately provide all of these needed services? Who will say that streets do not need repair, garbage does not need more frequent collection, housing does not need more adequate and thorough inspection? When we have failed in these areas in the past, those who could afford to have moved from the cities to the suburbs taking with them the tax base needed to correct the situation; and they left those who could not afford to move in a worse condition than before. More recently, when we have failed in these areas we have witnessed the tragic results in the widespread rioting by those who must live in the worst conditions every day of their lives. So much more must be done to upgrade life in our cities, and it will require the combined efforts of all three levels of government—local, State, and Federal—even to begin the task. No area which can help to solve this problem can be ignored. Yet, the FCC has failed to recognize its ability to make a substantial contribution in this area. Many frequencies are at the saturation point and are unable to handle any additional messages even on routine days. Should an emergency strike, such as a severe storm or an earthquake, Los Angeles' city services would be paralyzed. To the extent that they cannot quickly move to restore power and clean up streets, the entire city would feel the effects of too few radio frequencies. The cost of this in terms of lives, property damage, man-hours wasted, added inefficiency, not to mention anger and frustration, would be staggering.

For all these users of the radio frequency spectrum—State, local, and private—the outlook for the future is uncertain. The best insurance against future civil unrest is a growing, prosperous economy with cities which are able to satisfy the needs of the people. Yet, if we are to meet the needs of tomorrow, something must be done today. The Department of Housing and Urban Development has recently sent the Congress a report on tomorrow's transportation. In it, HUD recommends the development

of a system of Dial-a-Buses, which would operate much as the plan of Housekeepers Unlimited which I described earlier, only on a much more extensive, citywide basis. A person would simply use the telephone to call for a bus to pick him up at his doorstep, and then a computer, programmed to know the routing of all buses, would schedule a bus in the area to make the required stop. In order to do this, of course, each bus will have to be equipped with a monitor to report its exact position to the central dispatcher, and he will then have to be able to communicate, again by radio signals, with each bus driver in order to tell him where to pick up a passenger. All of this, and much more, is quite feasible today. What it portends for tomorrow is more access for the cities' residents to employment, recreation, and the opportunity to enjoy life. But it will be necessary for all of our resources to be fully utilized in order to bring about this new progress which will help to provide hope for those who live in our cities. This will require that the Federal Communications Commission immediately take steps to assure the public that the resource which is within its control—the radio frequency spectrum—can make its full contribution. Mr. Speaker, it is clear that if this is to occur, land mobile radio users must be allocated more frequency spectrum than they have, and this must be done without delay.

Mr. Speaker, I ask unanimous consent to have the following three newspaper articles, describing the uses to which two-way radios may be placed, inserted in the RECORD at this point:

[From the Long Beach (Calif.) Independent, July 24, 1968]

PUT SILENT ALARM ON RTD BUSES

Southern California Rapid Transit District Tuesday announced installation of an alarm system and a two-way radio in 200 of its buses.

Sam, a silent alarm module, and Emma, which means emergency message alert on two-way radio, started riding the buses Tuesday.

Sam will be used to help reduce the robberies that have plagued bus drivers for months, and Emma will be used to keep buses closer to schedule, transit officials said.

Milton McKay, RTD acting general manager, said the radio system will keep the new dispatch center alert to problems which upset bus travel and will enable drivers to contact police immediately.

McKay said there were 94 robberies on the four-county system this year up to July 18.

[From the Beverly Hills (Calif.) Courier, July 26, 1968]

MOBILE MAID SERVICE PROVIDED

Two young Los Angeles businessmen are providing more jobs for men and women from neighborhoods with their original solution to the maid-finding problem of Beverly Hills and the West Side.

Aaron I. Kapp and Jerry Dobkin, who became good friends while running competing pool service firms, realized how difficult it was for Beverly Hills and West Los Angeles families to hire a maid and then get her there.

They realized also that an unskilled woman in desperate need of a day's work might sometimes take three hours one way by bus from a South Central ghetto area home to a job in Beverly Hills or Bel-Air.

Even then the maid might still be blocks or miles away from work when she left the

final bus. And for the employer there was the irritating suspense of whether the maid was late or not coming.

Kapp and Dobkin saw a way to solve both worker and employer problems in this area. So a year ago they commenced calling for maids in a small bus and taking them to and from their jobs. Their operation developed into Housekeepers Unlimited, Inc., now a rapidly expanding firm.

Housekeepers Unlimited is now shuttling enough women from areas around the Coliseum to Westside jobs to prove the service is filling real needs.

[From the Wall Street Journal, Aug. 16, 1968]

SLUM TO SUBURB: BETTER TRANSPORTATION OUT OF GHETTOS SOUGHT BY UNITED STATES, LOCAL GROUPS—DIAL-A-BUS PLAN, CAR POOLS STUDIED TO SPEED NEGROES TO JOBS OUTSIDE CITIES—SHAKY START FOR BOSTON LINE

(By Richard J. Levine)

WASHINGTON.—Federal transportation planners, long preoccupied with the plight of the suburban commuter, are now trying also to help the guy going in the other direction.

For "reverse commuters"—mostly city slum-dwellers who work in the suburbs—Uncle Sam is financing a growing number of ghetto-transit improvement projects. They range from low-cost rent-a-car plans to new ways to use buses, the only public transportation currently available to millions of slum-dwellers.

In Los Angeles, for instance, Federal officials are struggling to make a go of "bus pools" in which, ideally, the drivers work full-time at the same plants as their passengers. In Flint, Mich., the Department of Transportation anticipates testing "door-to-door" bus service for the poor.

Though many transit companies, plagued by financial woes, have been reluctant to tackle the ghetto problem on their own, some locally sponsored efforts are blossoming, too. Recently, D.C. Transit System in Washington inaugurated three crosstown bus routes designed to shorten round-trip travel time for Negro maids by three hours a day. The Massachusetts Bay Transportation Authority has launched an "employment express" bus service linking Boston's Roxbury ghetto to industrial plants lining suburban Route 128.

A RESPONSE TO RIOTS

This growing, though still limited, response to the ghetto transit problem was initially prompted by the outbreak of racial violence in the big cities. It started in mid-1966 with establishment of a bus line between the Watts section of Los Angeles and hard-to-reach employers. The technique has been repeated in St. Louis and Baltimore and on Long Island in New York.

Now, such efforts are getting a boost from the Johnson Administration's campaign to find jobs in private industry for 500,000 hardcore unemployed persons over the next three years. In the 50 major cities where the National Alliance of Businessmen is recruiting industry to participate, the campaign is creating a growing need for "instant transportation" between slums and jobs. The Alliance has a full-time transportation manager in Washington helping cities initiate transit improvements.

The obstacles confronting the slum-to-suburb commuter are formidable. "Our automobile-based civilization denies more and more jobs, recreation and needed services to persons who lack access to a car," says a Transportation Department official. In about 40% of all families with incomes under \$4,000 and in half of all Negro households, no car is available, forcing the wage-earner to rely on public transportation. But most public transportation "historically has been designed to funnel people into a core area, not

carry them out," observes Charles Haar, Assistant Secretary of the Department of Housing and Urban Development.

FLIGHT OF THE FACTORIES

Moreover, unless ghetto transportation is substantially improved, the plight of the reverse commuter is likely to worsen—for blue-collar employers are continually fleeing the center city for suburban plant sites. Between 1954 and 1965, about 63% of the industrial plants built in the U.S. went up outside the central city; in the Greater Boston and Los Angeles areas over 80% of all new factories were built in the suburbs during that period.

The Government agency charged with meeting the ghetto transit challenge is the Transportation Department's new Urban Mass Transportation Administration. Transferred from HUD on July 1, it already has suffered its first setback. President Johnson's request for a \$25 million research and development budget for urban mass transit in the current fiscal year, up from \$10 million last year, has run into a snarl on Capitol Hill. It now appears that transportation planners will have to settle for about \$18.9 million.

Whatever money emerges, many planners in and out of Government are hoping 41-year-old Paul Sifton, the Deputy Undersecretary of Transportation recently nominated by the President to head the Urban Mass Transportation Administration, will use much of it to expand the search for new technologies and systems useful in the ghetto. A common criticism of the Government's early reverse-commuter efforts is that "demonstration" funds too often were used simply to establish conventional bus lines rather than to test new concepts.

"UNTAPPED DEMAND"

At HUD, Mr. Haar responds that the conventional bus lines "were quickly visible and met a need." They also have served, he says, to demonstrate a considerable "untapped demand" among ghetto residents for improved transportation.

Trying to tap that demand can be a frustrating experience, however—at least at first. In the first few weeks of Boston's "employment express" bus service, four morning buses hauled a total of only about 65 riders daily from the Roxbury ghetto to Route 128 factories, leaving the Massachusetts Bay Transportation Authority, by its own admission, "a little bit disappointed." And the Century Boulevard line in Los Angeles, the first ghetto bus route established with Federal funds, was used by only 600 to 800 persons a day when it started in mid-1966—though it now is carrying about 3,200 riders daily.

Frequently, Federal officials maintain, the initial problems are a lack of information in the ghetto about new bus service and a reluctance among slum-dwellers to change old travel (or non-travel) habits overnight. But in some cases, they believe, lack of suburban job opportunities leaves potential Negro users of a new bus service, at least at first, with no place much to go. And "improved transportation doesn't in and of itself create jobs," warns William Hibbard, head of the Los Angeles demonstration project.

But transportation planners remain convinced that establishing slum-to-suburb service is an essential step toward opening job opportunities for Negroes. "Without transportation, the fellow contemplating a position in the suburbs has one more reason not to make the effort," says Leo Beebe, executive director of the National Alliance of Businessmen. By the same token, of course, a suburban employer has no incentive to hire ghetto Negroes if they have no dependable way of getting to whatever jobs he has to offer.

Though conventional bus service may help in some cases, Thomas Floyd, director of the Transportation Department's research and

demonstration programs in mass transit, is convinced that new concepts must be developed too. In most ghetto areas, he says, regular bus service can survive only with "large operating subsidies." Among the most promising new ideas, Mr. Floyd believes, are rent-a-car plans for the poor and "demand responsive" buses that change their routes as passenger traffic varies.

A THEORETICAL STUDY

Federal law prohibits funding demonstration projects that would actually provide a slum-dweller with the use of a car. But HUD has financed a "theoretical" study by the University of Pennsylvania that examines the use of low-cost, short-term car rental systems to supplement public transportation. This study suggests that one solution to the problem of the poor worker's inability to afford or qualify for auto insurance would be Government help to provide a "group policy" to a private car-rental firm.

Also in the works is a Transportation Department investigation of Government subsidies to ghetto residents for auto repairs and parts replacement. When the slum Negro does own a car, it often is in bad shape; one survey found 46 of 246 cars in Watts unfit for use on high-speed freeways.

Neither car rental nor auto repair plans, however, are likely to be implemented in the near future; special proposals undoubtedly would raise a storm in Congress. Attempts to find new ways to use buses in the ghetto are less controversial and promise to have more immediate impact.

One of the first projects, the Los Angeles bus pool, was started last December to tie low-income areas to aircraft plants in such places as Santa Monica, Long Beach and the San Fernando Valley. Three small nonprofit corporations were established to run the pool. Their 12 buses make pickups at several ghetto points and then run express to the factories, where passengers and drivers get off and go to work.

From the start, the project has been beset by problems. "The main trouble," says project director Hibbard, "has been lack of passengers." Also, many pool drivers have left their factory jobs after a few days, so the project has been forced to rely mostly on full-time drivers.

PERSONALIZED BUS ROUTES

Transportation Department officials are more hopeful about a contemplated experiment that is part of a broad project designed to save the ailing bus system in Flint, Mich. It is an outgrowth of a successful demonstration project conducted in Peoria, Ill., where middle-income commuters were induced to abandon their cars for a "personalized" bus service. The buses picked them up at their doorsteps or a nearby corner, dropped them off at the plant or office, and billed them monthly for guaranteed seats.

In applying this "door-to-door" concept to poor neighborhoods in Flint, transportation planners say it may be practical to substitute two or three pickup points for front-door service, since passengers live closer together in low-income areas. "If Flint succeeds," says a Transportation Department official, "then we'll really have something to sell other communities."

A computerized dial-a-bus system also may play a role eventually. The reverse commuter would simply telephone for a small bus—scheduled by a computer—to pick him up at the doorstep or a nearby bus stop. Critics argue this would be too costly for the poor. But Mr. Floyd of the Transportation Department says "the poor who can't get buses often take taxis," which are more expensive still.

Across the street from the White House, the National Alliance of Businessmen is attempting to find immediate ways for employers to get newly hired ghetto residents without cars to work. One suggestion: Ex-

tensive use by slum dwellers of that old suburban institution, the ordinary car pool. "There's solid evidence that the problem can be a short-term one," says John Crain, the NAB's transportation manager. "If we solve it for a week, the person will often find his own transportation" after that.

Use of temporarily idle transportation facilities is another quicky solution advocated by Mr. Crain, with some success. In Houston and Seattle, slum youths are being driven to outlying summer jobs in school buses and other buses not normally used in the summer, and low-income and unemployed persons are being trained as bus drivers on the summer routes.

DEMOCRATIC PARTY PLATFORM AND RIGHT-TO-WORK LAWS

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. BLACKBURN. Mr. Speaker, a political party invites repudiation of its candidates when it espouses policies and programs which conflict with the wishes of the people.

An examination of the national platform adopted last month in Chicago reveals that the Democratic Party has refused to reverse or modify its position on the explosive issue of compulsory unionism.

When I speak of compulsory unionism, I am talking about the firing of working men and women from their jobs for their refusal to join or pay monthly dues or fees to labor organizations.

My State of Georgia is one of the 19 States which have adopted right-to-work laws to protect the right of the individual worker to earn his livelihood whether or not he is a union member. Employees in these States are free to join unions or refrain from joining, as they choose.

During the sessions of the 89th Congress the Johnson-Humphrey administration attempted without success to carry out its 1964 platform pledge to repeal section 14(b) of the Taft-Hartley Act. Repeal of that provision would have nullified the existing State right-to-work laws and deprived all 50 States of their authority to outlaw compulsory unionism. Fortunately, the people of this country rose up in righteous anger and prevented the fulfillment of that pledge by the Democratic Party.

Every instrument used to measure public sentiment, including opinion polls and letters addressed to Members of the Congress disclosed that the people were adamantly opposed to the grant of additional power to labor union officials. Surveys by reputable research firms showed that retention of section 14(b) of the Taft-Hartley Act was favored by decisive majorities of Republican, Democratic, and independent voters. In November of 1966 the people emphasized their viewpoint by decimating the ranks of those Members of the Congress who had voted for the ill-fated repeal bill.

Mr. Speaker, the language in the 1968 Democratic Party platform suggests that an attempt is being made to deceive the voters. Whereas the earlier platform

made explicit mention of section 14(b), the drafters of this year's platform resorted to semantics. This document avoids mention of section 14(b), pledging—and I quote—

Repeal of the provision permitting States to enact compulsory open shop laws.

This contradictory phrase—"Compulsory open shop laws"—was invented by union propagandists in an effort to misrepresent the intent and effects of laws forbidding the compulsory union shop. I submit that denouncing the "compulsory open shop" is somewhat akin to condemning mandatory freedom.

Mr. Speaker, the proposed repeal of section 14(b) is clearly unacceptable to the people of this country. That fact of life should be apparent to political leaders who stand or fall on their ability to understand or sense the mood of the people.

Democratic Party candidates are also committed by their 1968 platform to support that legislation known as the common situs picketing bill. It is a bill which would adversely affect both employees and employers in the construction field. Many contracting firms and members of many labor unions are often present on a single construction site. Passage of this bill would empower officials to just one union to halt all work on a construction site as a result of a dispute with one contractor.

There are pronounced differences between the labor planks in the 1968 platforms of the Nation's major political parties. The Republican platform observes that "protection of individual liberty is the cornerstone of sound labor policy." It recognizes that the basic rights of some workers "are inadequately guarded against abuse." It promises "vigorous enforcement of the Taft-Hartley Act and the Landrum-Griffin Act and the addition of new protections where needed." And it also promises "to protect Federal employees in the exercise of their right, freely and without fear of penalty or reprisal, to form, join or assist any employee organization or to refrain from any such activities."

Several of my House colleagues and I are the cosponsors of a bill designed to shield Federal employees from compulsory unionism. An identical bill has been submitted to the other body by Senator WALLACE BENNETT and several of his Senate colleagues. I confidently predict favorable action by the Congress on this legislation next year.

Mr. Speaker, the lines are clearly drawn by the platforms of our two major parties. If they want the legislative and executive branches of their national Government to be subservient to union officials, the people will vote in November for the Democratic Party. If, on the other hand, they are determined to guard the basic rights of workers against abuse and thereby promote the general welfare, they will support the Republican Party's candidates.

Its posture on the question of retaining or repealing section 14(b) of the Taft-Hartley Act indicates the Democratic Party is contemptuous of the people's will. It is inviting repudiation of its candidates this November.

TELL IT LIKE IT IS—FIRM HAND
IS NEEDED

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. SIKES. Mr. Speaker, for some time I have held on my desk a strong editorial from the pen of Earle Bowden, editor of the Pensacola Journal. I have shown it to a number of distinguished citizens and colleagues in the House. I feel that it carries such a strong message that it should have wider circulation, and I include it in the RECORD, as follows:

AS THE EDITOR SEES IT: TELL IT LIKE IT IS—
FIRM HAND IS NEEDED

No sir, Mr. President, we don't need another commission.

. . . No sir, not one to tell us what's wrong, what's motivating the now-commonplace agonies of violence and recklessness of human behavior in many areas of the American social order.

. . . No sir, we don't need any more year-long, costly studies by blue-ribbon panels; indeed, no more voluminous reports to gather dust and go unread . . . scholarly narratives that deplore this and that and tell us what we already know.

Tell it like it is, Mr. President.

Tell us, Sir, that the United States needs leadership.

A strong hand at the helm. A loud voice to silence the noise of bitter outrage.

Yes, tell us, Mr. President, that the United States *does* care about the poor and the minorities and those who consider themselves the victims of exploitation; *does* pledge itself to helping those who will help themselves.

But also tell them that the nation is tired of the *abuse* some of the leaders of the currently popular social movements heap upon our nation.

Tell them that they lie when they claim that efforts have not been made, are not being made, will not be made by "white America" to eliminate discrimination, to improve the lot of all Americans; who say that conditions for black men in America not only are no better than they used to be but are worse and more hopeless than ever.

Tell it like it is, Mr. President.

Tell them, Sir, that we must—as Americans—demand that our elected leadership make it clear that the time for looking the other way is past: That from this day on those who violate the law, however "moral" their motivation, those who sow subversion and disorder, must expect to be dealt with accordingly.

For those who abuse liberty, who use fundamental human rights as license to destroy the republican order of government, tell them: *Enough! Enough!*

We cannot let go unchallenged those who seek to tear at the roots of a system of government which, for all its imperfections, is the best ever devised—and which still has the devoted support of a majority of Americans of every race and creed and political persuasion.

Tell them, Mr. President, that nothing good ever came from the lawless.

The ballot—the sacred ballot—cannot give way to the bullet, the fire-bomb; the wild-eyed radical who kills and maims, whose greed manifests hatred and hatred manifests a destructive force that can topple governments.

Assassins of what is good and noble, either through an attack on the individual of national significance or an assault on the institutions of individual liberty, must pay the price of their evil deeds.

We cannot tolerate those who admit no authority, except their own capricious will.

Tell it like it is, Mr. President.

It is all very well to have a commission study the source of the flames licking at the national structure, but it is urgent, in the meantime, to turn a hose upon it as well.

No, sir, we don't need a commission to tell us the primary cause of violence in this nation is the reluctance of our national leaders to demonstrate in no uncertain terms that illegal acts will not be tolerated.

Tell them, Mr. President, we cannot allow persons to flaunt the laws of this nation, mutilate flags, burn draft cards, break local ordinances, loot stores, commit armed robbery and murder . . . we cannot let them walk away. It's time to prosecute, to cut through the barrier of restrictive court rulings that make prosecution difficult or impossible.

It is time for you, Mr. President, to cry: *Enough!*

Sorrowfully, Americans have read the words of the anarchists. Listen to the Rev. James Bevel: "I feel no responsibility to a nation-state. I represent conscious energy, which is a universal phenomena. As a result, I don't get too excited when I see a rag on a stick called a flag."

And listen to the Rev. James Groppi, a priest, point his finger at the U.S. Attorney General and say: "If we have to turn the capital upside down—brother, I'm all for it."

Tell them, Mr. President, for all of us who do feel a responsibility to America and who do "get excited" by the American flag, that they go too far. *Too far.* And we regret that men of the cloth—men of God—would speak the harsh words of anarchists in a land blessed with precious religious freedom. They go too far. *Too far.*

Tell it like it is, Mr. President.

It's time for you, Sir, to take direct action. You must be the voice of reason and responsibility in the land.

It's time to instruct the attorney general of the United States to prosecute the federal law violations brought to his attention, regardless of political circumstances and regardless of the so-called "moral" cause with which these people try to cloak their illegal activities.

If something is not done to halt extremism in this country, to restore a sense of pride in nation and rededication to the principle that this is a nation of laws, then we are in grave trouble. Indeed, the monstrous forces of destruction are only beginning to reap their harvest of hate.

You must, Mr. President, inspire a new direction—a pause to reflect on those virtues and time-tested virtues that gave us a common sense of purpose: Personal discipline, sacrifice, honor and integrity, obedience to authority, individual and national respect, religious faith and a willingness to struggle for noble aspirations.

We look to you, Mr. President. We think the people of this nation expect a firm hand, a loud voice to silence the anarchist, a leader who can return the people to reason and responsibility.

This message comes to you, Sir, on the climatic day of Flag Week—the day we honor our nation's banner, its heritage, its history, its high hope for free men everywhere.

We believe we have a strong republic.

Let's keep it strong.

Tell it like it is, Mr. President.

TELLING AMERICA'S STORY THE WAY IT IS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. GUDE. Mr. Speaker, there is a plaque at the U.S. Information Agency

with the credo "Telling America's Story to the World"—for years USIA has been doing just that, with great effectiveness. Truth and information have always been the strongest weapon of our democratic system. The USIA and its voice—the Voice of America—have continued to carry our message to the world. Too often their great work goes unnoticed here at home. I should like to call to the attention of my colleagues two recent articles in the Baltimore Sun, one by Paul W. Ward and one by Edward O'Neill. The articles are as follows:

UNITED STATES-TO-SOVIET BROADCASTS ARE JAMMED: FOUR LANGUAGES BEAMED BY VOICE OF AMERICA ARE AFFECTED

(By Paul W. Ward)

WASHINGTON, September 21.—Jamming of Voice of America broadcasts to the Soviet Union is "still moderately intense," a spokesman for the United States Information Agency asserted here today.

The jamming began as Russian troops plunged into Czechoslovakia 32 days ago, he explained, and affects only broadcasts in Armenian, Georgian, Russian, and Ukrainian.

There has been no jamming of broadcasts in Czechoslovak, Hungarian, Polish or Romanian, he said.

KREMLIN COMPLAINS

Concurrently, it was learned that the Kremlin, which has said nothing about its efforts to keep non-Communist accounts of developments in Czechoslovakia from its 235,000,000 subjects, is complaining about difficulties in getting its own version before Americans.

Its complaints include an allegation that Soviet broadcasts to North America were jammed August 25 and 26 for two hours, between 9 and 11 P.M.

"Some of the wave lengths and frequencies on which Soviet broadcasts in English, Russian and Ukrainian reach the United States were jammed," Moscow asserted in a recent broadcast in English.

FEAR IS BLAMED

"Obviously," it added, "the State Department was afraid the public might not swallow the official lies about an occupation of Czechoslovakia if it had a chance to hear the truth."

Asserting there never has been any jamming of Soviet or other foreign broadcasts to the United States, the USIA spokesman said Moscow's charge had been "carefully checked out" here and adjudged "ridiculous."

Whoever in the United States monitors Soviet broadcasts and reports to Moscow on reception could only have run into some accidental, local interference, if any, the spokesman added.

STARTED AUGUST 20

The jamming of Voice of America broadcasts started August 20 affects not only those to the Soviet Union itself but also those that its troops in Czechoslovakia might otherwise hear.

To counter it, the Voice of America, which broadcasts eight hours a day in Russian and one hour each in Armenian, Georgian and Ukrainian, increased the number of frequencies used in all four languages from nine to twelve as of September 12, the USIA spokesman said.

In addition, he said, it has introduced in all those broadcasts what he called "five-minute spots in each of the [four] languages" to increase the chances of getting through to Armenian, Georgian, Russian and Ukrainian listeners.

FIRST SINCE 1963

Until August 20, there had been no jamming of Voice of America broadcasts in those languages since June 19, 1963. The Soviet Union then abandoned the intensive

jamming operations it had maintained for 10 years after Stalin's death.

Romania's Communist regime gave up its jamming operations at about the same time. Poland stopped in 1956. Czechoslovakia and Hungary followed suit in 1964. Bulgaria's Communist regime on the other hand, has never ceased trying to drown out the broadcasts to its 8,260,000 subjects.

USIA: TELLING IT THE AMERICAN WAY

(By Edward A. O'Neill)

WASHINGTON.—There is a small sign on an office building at Eighteenth street and Pennsylvania avenue that reads, "United States Information Agency: Telling America's Story To The World."

Now and then, tourists or strangers to Washington enter the building to ask directions to the Jefferson Memorial or to ask questions about taxes, and leave with their questions unanswered. Dispensing that kind of information is not the USIA's business.

It is not surprising that people ask such questions. Relatively few Americans outside Washington know what the USIA is or what it does. Its name rarely gets into the papers—when one of its overseas libraries is burned, or when Representative Otto Passman discovers that it has given a book on modern dance to a Danish choreographer, and loudly demands an explanation.

But in Marrakech, Recife, Ouagadougou, Colombo, and in more than 200 other cities and towns around the world, the nature of the agency's activities are very well known. The people of these places visit the United States libraries, buy cheap books produced by the agency, read its publications, listen to the Voice of America, attend English classes, sit at the feet of visiting lecturers and see agency-supplied television programs on their local stations or agency-produced motion pictures in theatres or outdoor showings. They are taught by visiting American professors, they look at American exhibits and they read Agency-supplied stories in their newspapers.

OFFICIAL PROPAGANDISTS

The USIA and its overseas arm, the United States Information Service, are the official propagandists of the United States Government.

The agency has come a long way since the slogan "Telling America's Story To The World" was placed on its building at 1776 Pennsylvania avenue. (The number had been 1778, but was changed during the tenure of its first director, Theodore C. Streibert, an advertising and radio executive.) Its role and activities have been greatly refined during the fifteen years of its existence, and it now operates under a clear "statement of mission" set forth by President John F. Kennedy early in 1963. Its mission is "to help achieve United States foreign policy objectives by influencing public attitudes in other countries."

The task of "influencing public attitudes" is charged to 1,400 USIS officers in 100 countries.

These people run more than 200 libraries, reading rooms, cultural centers and information centers. They are backed by more than 2,000,000 American books in USIS libraries and reading rooms, 3,000,000 words of radio-teletyped news and comment yearly and 800 hours of Voice of America broadcasts weekly in 36 languages. With USIA support they put more than 9,000,000 low-priced books in foreign languages in bookstores. They distribute about 80 USIA/USIS magazines and newspapers. They run the State Department's Fulbright and cultural exchange programs.

Frequently, USIS officers have failed to influence "public attitudes" or to persuade hostile people that America's policies were correct. It is difficult to make people in country X understand why the United States is giving weapons to country Y, their bitter enemies, or why America is supporting coun-

try A against country B. The nadir is reached when USIS libraries are burned.

Although this might be considered by some as an indication of effectiveness, the more likely reason for the attacks is that the libraries and USIS centers are in places most easily accessible to demonstrators—"good locations."

No libraries have been burned lately, but USIS now faces other and more serious problems: Explaining the war in Vietnam and civil disorder and unrest at home.

The situation makes it difficult for a USIS officer to follow another part of the "statement of mission" which reads: "Activities should emphasize the ways in which United States policies harmonize with those of other people and governments, and those aspects of American life and culture which facilitate sympathetic understanding of United States policies."

Try "emphasizing" the "good side" to some provincial editor in Bangalore, India, who has just finished reading the day's transmission from Press Trust of India, a national news service.

Vietnam has had another effect, disturbing to some people, on USIA activities. In 1964, President Johnson ordered all agencies of the Government to make available for duty in Vietnam the most capable people they had. The USIA, of course, had to comply. At the time of John F. Kennedy's assassination, there were 40 USIS officers in Vietnam, even then a bloated number for a country of 11,000,000 people.

The agency stripped posts throughout the world of some of its best younger men, principally information officers, and as a consequence damaged its strongest operations. At one point, there were nearly 150 USIS officers in the country, taking over, as the United States military did, jobs that were basically Vietnamese.

They became involved in setting up television stations, advising newspapers and radio stations on content and programming, running field propaganda activities with Vietnamese officials, producing leaflets for airdrops (5,600,000,000 last year) and participating in all kinds of psychological warfare activities. The principal USIS officer in the country was given command of all Americans, civilian and military, engaged in psychological warfare and propaganda. This was an entirely new role for USIA, and a bothersome one to many because of the implications and the possible effect on USIS operations elsewhere.

When the Dominican revolt flared in 1965, a similar, but much smaller, buildup of USIS activities in the country was ordered. Santo Domingo had but three USIS officers when the trouble began. Before it was over, the No. 3 man in the agency—the deputy director for planning—was heading nearly a score of officers who were running the local radio station, trying to explain the muddled situation to America's bewildered friends in Latin America and playing middle-man with the American press covering the story.

SOUND BUSINESS

Nothing like Vietnam or the Dominican Republic has occurred lately to impinge on normal USIS activities. However, the USIS operation in Thailand—like the United States military presence—has been beefed up. There are now 50 USIS people stationed in the country, a 250 per cent increase over what it was ten years ago—a period during which most USIS posts around the world have grown smaller and many in Europe eliminated.

The late Sir Harold Nicholson, a diplomatic historian, once wrote: "The practice of diplomacy is not in fact very different from the practice of sound business, in that it relies for its efficacy upon the establishment of confidence and credit."

Over the years, the USIS around the world has established confidence and credit. The

Vietnam and the Dominican Republics and whatever similar operations that may come can only badly dilute these assets.

SCRIPPS HOWARD NEWSPAPERS ENDORSE DICK NIXON FOR PRESIDENT

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a personal pleasure to place in the CONGRESSIONAL RECORD the excellent editorial and endorsement appearing today in the Pittsburgh Press. Other Scripps-Howard newspapers carrying the endorsement include the Albuquerque Tribune, the Birmingham Post Herald, the Cincinnati Post and Times Star, the Cleveland Press, the Columbus Citizen Journal, the Rocky Mountain News, the El Paso Herald Post, the Evansville Press, the Fort Worth Press, the Hollywood Sun-Tattler, the Knoxville News Sentinel, the Memphis Press-Scimitar, the Stuart, Fla., News, and the Washington Daily News.

The editorial referred to follows:

OUR CHOICE FOR PRESIDENT

When we choose a new President we choose not only a man who will be our leader the next four years; we choose the trend of our future—for four years, and likely for more years to come.

For such are the power and influence of the Presidency, bearing down as they do on our economy, our international relations, and even our personal welfare.

And so it becomes the responsibility of the voter to use the judgment of his mind, not simply his emotions; to apply all the foresight he can command.

In this light, the editors of The Scripps-Howard Newspapers, including The Pittsburgh Press, choose to support Richard Nixon.

They choose Richard Nixon because in editorial conference and after full analysis of all the factors, they see no other real choice in 1968. They believe he offers more hope, on many counts, than Hubert Humphrey and that George Wallace offers no hope at all.

The country is ripe, and apparently eager, for change. Historically, change in Washington has been profitable. We think this year it is unusually necessary. Only Richard Nixon can bring such a change in orderly fashion.

There is division in the country, some of it raucous and disorderly. Hubert Humphrey is the candidate of a grievously divided party. Before he even could try to unify the country, he would have to heal that acrid dissension. Richard Nixon does not have that handicap.

Our Government is overgrown. This, as much as anything, has produced the inflation which jeopardizes the security of our dollar. Hubert Humphrey proposes more of the same. Richard Nixon represents restraint, a new appraisal of what the Government can do and what it ought not try to do.

The country is beset as never before by crime and disorder—and because of these things, woeful injustices. Richard Nixon offers the most hope on this score.

In the hazardous world of these times including the miserable war in Vietnam, we need a President who can keep his cool, who can make a decision and carry it out, who knows when to hold his tongue and when to use it. Richard Nixon's experience and conduct clearly show these abilities. Hubert

Humphrey, especially in this campaign, has created strong doubt that he has comparable abilities.

These, then, are the main problems before the country this fall: The need for change, the need for unity among our people, the need for a curb on the extravagant enlargement of government, a need for more justice and less crime and violence, the need for a President who can hold to his moorings.

The Scripps-Howard Newspapers are committed to clear-cut justice, the discipline of law, an effective war on crime, the full blossoming of civil rights for all, equal opportunities for all, a more effective and less costly position for the United States in world affairs, and a much stronger respect in Washington for the stability of the people's money.

We think Richard Nixon is the candidate who offers the most promise of fulfilling these policies. We think he has the experience, the knowledge and the innate intellect which we expect and need in a President. In the circumstances, we can see no other logical choice.

BEN COLE POINTS OUT SUPERIORITY OF INDIANA-STYLE POLITICAL CONVENTION

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. BRAY. Mr. Speaker, Ben Cole, veteran Washington correspondent for the Indianapolis, Ind., Star, has written a concise and comprehensive account of how the political convention system functions in Indiana. At a time when many call for major changes in national political conventions, Mr. Cole's assertion that Indiana's system should be examined is timely and should be heeded.

The article, which appeared in the September 25, 1968, Indianapolis Star, follows:

INDIANA-STYLE CONVENTION SUPERIOR

(By Ben Cole)

WASHINGTON—The major political parties have available to them a procedure for national nominating conventions that can deliver them from the pressure for national primaries.

Primary elections, for all their appearance of being "liberal" vehicles to further democratize the country, contain several weaknesses. The chief of these are the inevitable advantage for the candidate with the biggest bankroll and the opportunity for pressure groups to put across captive nominees.

The nominating convention, despite the clamor arising after Chicago, can still be the safest, the best, and even the most democratic way to pick national political tickets.

If the parties wish to find a compromise method for continuing conventions while satisfying the demand for more popular will in the nominating process, they should inquire into the Indiana state convention law.

Despite Indiana's reputation for political shenanigans and tooth-and-claw partisanship, the state operates one of the fairest nominating convention systems ever devised.

The Indiana convention was invented to defeat post World War II popular clamor for a direct state-wide primary. The state tried primary elections in the "Progressive Era" and got burned.

Exploiting the possibilities in a primary, the Ku Klux Klan literally took over Indiana in the early 1920's. The Klan's grand dragon, D. C. Stephenson, declared, "I am the law in Indiana." It was no idle boast!

After Stephenson went to prison for the death of a young woman, the Klan's sheets were ripped; and the politicians went to work to put the political power into safer hands.

The two parties supported a law to return the state to nominating conventions.

The late Governor Paul V. McNutt, the late Governor Henry F. Schriker, Governors Ralph F. Gates, George N. Craig, Harold Handley, Matthew E. Welsh, and the incumbent Roger D. Branigin, all were convention picked.

The convention again fell into disrepute in 1946 when intra-party feuding among Republicans produced charges of "bossism." The demand for a direct primary erupted to shock the party leaders, still remembering what happened a generation before.

Gates, then governor, set out to frustrate the primary demand. Himself a brilliant lawyer, he called on two Democrats and a Republican for assistance. They were State Election Commissioner Edwin M. S. Steers, a successful Indianapolis attorney and a Republican; Commissioner William E. Steckler, a Democrat now a Federal judge, and the late Herbert Kenney, onetime law partner of the late Associate Justice Sherman Minton.

They wrote a law which succeeded far beyond what the authors expected and some party leaders desired.

The crux of their proposal, which the 1947 General Assembly enacted, was secret-ballot voting by the delegates.

Delegates are still elected in the precincts, as before; but once in the convention hall, they find ranks of voting machines waiting for them—one machine for each 75 delegates. Since the Republicans average about 2,400 delegates and the Democrats about 2,600, the hall is well loaded with machines. Each one is attended by a judge and watchers assigned by the candidates.

The first test of machine-voting delegates came in 1948. U.S. Senator William E. Jenner was attempting to win the gubernatorial nomination, facing the hostility of Gates and the competition of a bevy of strong candidates.

Against Jenner were Speaker Hobart Creighton of the Indiana House of Representatives; Walter Helmke, a handsome Fort Wayne attorney with a gift for political organization; and A. V. Burch, the state auditor whose flamboyant campaigns included stirring up the primary issue.

Jenner declared he had all the strength he could get on the first ballot. He failed to heed warnings that there was a move to gang up on him, the plan being for all the other candidates to switch on the second ballot to whomever had the most votes on the first.

Convention Chairman James A. Emmert, the state's attorney general, allowed the candidates to go to the microphone one by one and withdraw in favor of Creighton. It took three ballots, but Creighton won.

Even so, the failure of Gates and his associates—who controlled the convention machinery—to defeat Jenner on the second ballot indicated that some delegates were taking things into their own hands behind the green curtain.

The late Maurice Early, wise political columnist of *The Indianapolis Star*, said prophetically, "The longer this stays on the statute books, the more independent these delegates are going to be."

Time confirmed Early's prediction. Subsequent conventions have seen party leaders exercising tact and prudence in treatment of delegates.

The party machinery, of course, still retains the direction of the state conventions in Indiana. But the delegates know they have a veto, and they exercise it at the drop of a platform plank.

The most recent example of how the delegates can overrule the party chieftains came in the 1968 Democratic state convention, which was held a few weeks before the na-

tional Democratic convention in Chicago provoked a hue and cry for a national primary.

Lieutenant Governor Robert Rock, aspiring to become governor, was opposed in the convention by State Representative Richard Bodine of Mishawaka. The party program called for the nomination, not of Rock, but of Bodine.

Talk around the convention hotels the night before the delegates met had Rock so outmanned that it was wasteful of him even to pay his \$2,000 entrance fee.

But the contest next day showed that the delegates, not the party officials, have the last word. When the tellers (usually they are auditors from the State Board of Accounts) tabulated the voting machine results, Rock had 953 votes to 951 for Bodine. Despite protests that many delegates failed to show up to vote, Rock won. Under the old boss-ruled convention system, he truly wouldn't have had a chance; and in a direct primary, such a victory would have come at a prohibitive price.

Members of Congress and political reformers looking for a way to give the National party conventions new life should examine the Indiana system. Indeed, it is strange that the uniqueness of the institution has remained unnoticed for more than 20 years.

REVITALIZED MERCHANT MARINE AND FISHING INDUSTRIES

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. PELLY. Mr. Speaker, on August 16 the president of the Navy League of the United States, Charles F. Duchain, spoke in my district—Seattle, Wash.—on the subject, "The Seafarers of Seattle and Their Business of Shipbuilding."

After addressing himself to the precipitous decline in our national maritime posture, Mr. Duchain observed:

Even with the rather minimal steerage way attained to date, encouraging signs of progress are emerging to seaward, one heartening sign was the platform the Republican Party adopted at its 1968 Convention. Its adoption of a plank providing for a national "ocean strategy" was of historic significance. An almost unprecedented recognition of the role of the oceans in world affairs was inherent.

Mr. Speaker, last week this recognition by the Republican Party, which Mr. Duchain referred to as being inherent, became explicit. The Republican Party's nominee for the office of President of the United States, Richard M. Nixon, visited Seattle and on September 24 issued the following statement entitled "Toward a Revitalized Merchant Marine," in which he addressed himself to the subject of American seapower:

TOWARD A REVITALIZED MERCHANT MARINE

The Maritime Industry of the United States has been permitted to decline to a point at which the nation's defense and economy are imperiled.

The policies of the present Administration have put us on a course toward becoming a second rate sea power.

Sea power is the ability of a nation to project into the oceans in times of peace, its economic strength, in times of emergency its defensive mobility.

Sea power is composed of all those elements enabling a nation to use the world's oceans advantageously for either trade or

defense . . . its navy, its merchant shipping, its ship building, its fishing, its oceanographic research, and its port facilities.

Even a cursory examination of United States seapower today makes it clear that our present course has been wrong.

Two thirds of the Navy's tonnage now afloat was designed during World War II to meet the conditions of that time.

The replacement needs of the United States Navy are so great that last year the Secretary of the Navy stated that the Navy needs to build a ship each week for the next ten years just to keep up.

Our fishing fleet is composed of some 13,000 vessels—most of which are too small and too old for more efficient operation. Some 60 percent are more than twenty years old.

Our shipyards have suffered under misguided federal policies which have given them no incentive to increase productivity; to adequately update plant facilities or to introduce new technology.

In oceanographic sciences, we have only begun to pierce the surface. Almost every day a ship leaves the Soviet Port of Odessa with cargoes for North Vietnam. An estimated 80 percent of the materials used by the enemy in Vietnam arrive by Soviet merchant ships. More than 97 percent of all supplies used by the allied troops in South Vietnam also moves by water—most of it aboard old ships flying the United States flag which are no match for the modern Soviet merchantmen.

Two thirds of our merchant ships are beyond their economic age. By contrast 50 percent of the Soviet fleet is less than five years old. The Soviets are adding at a rate of 100 ships or about one million tons per year to their existing 1,500 ship fleet.

By contrast, the United States now has an active privately-owned merchant marine of fewer than 1,000 ships. We are producing less than 15 ships a year, and we have built only some 300 American-flag merchant men since the end of World War II. In less than a decade, erosion will reduce our fleet to 1/2 of its present inadequate size unless change is forthcoming.

In the early 1970's the Soviet Union, not only will surpass us in number of ships, but also in the quantity of goods they can transport on these ships.

They would not hesitate to use this growing economic power as part of their global strategy. At this very moment, the Soviets have created a rate war to undercut the British on the route from Australia to the United Kingdom in Europe.

Apart from its absolute size, our merchant fleet is dramatically unbalanced. The most glaring deficiency is in the dry bulk carrying segment which is woefully inadequate in lift capability in spite of the vast export and import trade of this country in commodities of this type—imports of raw materials on which this nation's productive capacity depends and exports of farm products that feed the hungry of friendly nations.

In the face of these conditions, there is today in the Executive Branch of our government, a shocking de-emphasis of our national maritime efforts. Continuation of such a lack of interest could only result in making the United States a second-class seapower during the 1970's and beyond.

If we permit this decay to continue we will find that we have abdicated our maritime position to none other than the Soviet Union. Even now their modern merchant fleet ranks 6th in the world—just one place behind our own much older fleet.

In 1965, the present Administration promised to "recommend a new policy for a new merchant marine." It is now nearly four years later and the single "trial balloon" was deflated by a bi-partisan coalition in the Congress. The Administration has failed to present any cohesive program to restore the United States as a maritime power.

The void between promise and action of the past four years has halted maritime progress. Our fleet carryings have declined to record lows, our balance of payments has suffered, vessel obsolescence has multiplied, and our ability to meet our maritime commitments overseas has decreased alarmingly.

Nuclear merchant vessels propulsion which offers an encouraging possibility is ready to be junked by the present Administration—this in spite of the long lead redeveloped in this field during the Eisenhower years with the nuclear ship *Savannah*.

Only through new and advanced technology can the American Merchant Marine minimize its competitive disadvantage with other merchant fleets. The same hold true in other components of sea power; naval, oceanography, and fishing.

COMMERCE

Only 5.6 percent of the United States trade is carried on United States flagships. This is the lowest since 1921.

Soviet flagships already carry more than 50 percent of Soviet cargoes; Sweden, — percent of her own commerce; Norway, 43 percent; Great Britain, 57 percent; France, 48 percent, and Greece, 53 percent. Japan is providing 40 percent right now, but the Japanese shipping policy division has prescribed that by 1975 the Japanese-Flag Merchant Marine should carry 60 percent of Japanese exports and 70 percent of Japanese imports.

The governments and the people of these nations have determined that a high degree of reliance on their own shipping resources is important to their own self interests. We have not.

To state it bluntly, our trade is predominantly in the hands of foreign carriers, some of whom may be our trading competitors. We must have more control over the movement of our cargoes—not only for competitive reasons, but also because of the contributions our ships make to our balance of payments.

The stability of the dollar is vital to the whole free world. Increasing our exports is probably the healthiest method of removing our balance of payments deficit.

Exports are those of services as well as goods. Therefore, it is essential to increase United States flag participation in our overseas trade as part of our export promotion policy. This cannot be done with our present fleet or under our present maritime policy.

SHIPBUILDING

Continuing neglect of our vessel replacement has led to an antiquated current fleet.

The New Administration Maritime policy will seek a higher level of coordination between naval and merchant ship building—to create a climate in which the industry can attract the capital and the stable labor force needed to make it competitive with foreign yards and to provide an expansion base for national emergencies.

In turn, I would expect initiative and cooperation from both industry and labor. Until such time as American yards can be independently competitive, I recognize that ship building subsidies are necessary to enable shipyards to build ships and deliver them to operators at competitive world prices.

We must set as our goal, a sharp increase in the transport of United States trade aboard American-flag ships. The present rate is 5.6 percent; by the mid-70's, we must see that rate over 30 percent and the growth accelerating.

I support a building program to accomplish that objective.

In keeping with the proven traditions of private enterprise, our efforts will be directed toward creating a favorable shipbuilding environment through a better use of credit facilities and amortization procedures. The use of long range government cargo commitments should be explored as a means to

stimulate unsubsidized financing of ship construction.

Ship building is not all financing and steel. This is an industry in which many of our hard-core unemployed, and those whose jobs are displaced by automation might be channeled and trained. During World War II, the United States established records for turning out nearly 6,000 merchant ships. Many of the people who participated in achieving these records have been classified "as untrained." This should serve as an example to us today.

OPERATING SUBSIDY

Since the Merchant Marine Act of 1936 was passed, we have been living with an operating subsidy system. The system has been aimed primarily at removing the wage and cost disadvantage of the American operators who pay seamen in accordance with United States working standards and levels of living.

The subsidy system has had its shortcomings. It has been extended exclusively to liner operations in the foreign trade; it has grown more costly; it has not created a modern merchant fleet even among its recipients nor has it had a basic ingredient—enough reward for increasing efficiency.

I propose, therefore, an immediate re-evaluation of this program, in consultation with industry members and labor representatives with the goal of providing more incentives for productivity.

Unsubsidized sectors of our merchant fleet must be given attention, so they too, can replace their deteriorating fleets in the immediate future. Included in this category are those who carry farm products to the underdeveloped nations and the Great Lakes Operators, who daily face competition from their government-assisted Canadian counterparts.

Also, although the Eisenhower Administration provided the United States with a fourth seacoast through the St. Lawrence seaway, the present Administration has chosen to turn its back on this inland network of water transportation.

Certainly, these segments of our merchant marine can be stimulated by tax incentives and cargo assistance. The United States, in turn, can expect them to make a capital commitment in new ships and facilities.

OCEANOGRAPHY

This Administration has paid too little attention to the new opportunities that science and technology can open beneath the surface of the sea.

New leadership will stimulate exploration in scientific study of ocean depth, bringing to light hidden resources. And, we must never lose sight of the importance of oceanography to our Nation's security.

My Administration will make full use of the Marine Resources, Engineering and Development Act passed in 1966. That Act established a Cabinet level Council and a study commission, which I will ask next year to submit to the new President and to the new Congress recommendations for bringing about a unified effort in the field of marine sciences and engineering.

FOOD FROM THE SEA

The Administration, of which Mr. Humphrey is a part, also has permitted a deterioration in our seafood industry. Under new leadership we may discover beneath the sea a food supply that will satisfy the growing needs of humanity.

In 1957, the United States imported 33 percent of all the sea food we consumed. Today that figure has jumped to a startling 71 percent. In 1938, the United States ranked second to Japan in the amount of fish it caught. By 1965, the United States had slipped to fifth place, passed by Peru, Japan, Communist China and Russia, in that order. During this period, Russia more than tripled her catch, and Japan almost doubled hers, while the United States catch remained virtually the same.

This reflects a failure of our existing federal programs to encourage the fishing industry to modernize fast enough so that it can counter foreign competitors. Meanwhile, Soviet trawler fleets virtually dominate the grand banks off our shores. These trawlers have a multiple capacity—fishing and oceanography and electronic snooping.

At the present time, there is not one modern long range trawler in service in the United States fleet. While the fleets of other countries roam the oceans, our fleets too often can only hug the coast lines.

The Maritime policy of the new Administration will be to accelerate the technological improvements which we know can be achieved today in our fishing industry to make it competitive world-wide.

PORTS

Federal Maritime Policy must recognize not only how essential the fleet is, but also how essential are the facilities and capabilities to handle the fleet cargoes.

The new Administration will encourage further modernization in development of our existing port facilities to meet the needs of the future.

SUMMARY

All our goals will not be accomplished overnight. Restoring the United States to the role of a first-rate maritime power requires the cooperation of management and labor, local port authorities and government; but the leadership for national policy can and will come from a new Administration. To overcome the present maritime crises, I recognize that we have an opportunity and an obligation to reverse the gross deficiencies that have marked the present administration's performance in this field.

We shall adopt vigorous research and development programs designed to harness the latest and best technology to the needs of our maritime fleet. We shall adopt a policy that recognizes the role of government in the well-being of an industry so vital to our national defense, and stimulate private enterprise to revitalize the industry.

We shall adopt a policy that will enable American-flag ships to carry much more American trade at competitive world prices.

The old ways have failed to the detriment of the seaman, the businessmen, the balance of payments, and the national defense.

The time has come for new departures, new solutions and new vitality for American ships and American crews on the high seas of the world.

TWO MARYLAND SERVICEMEN KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. LONG of Maryland. Mr. Speaker, Sgt. Raymond Powell, Jr., and Pfc. James O. Arrowood, two fine young men from Maryland, were killed recently in Vietnam. I wish to commend their courage and honor their memory by including the following article in the RECORD:

TWO FROM STATE KILLED IN WAR—BALTIMORE AND CUMBERLAND SERVICEMEN LISTED

A career Army sergeant from Baltimore and a Marine private from Cumberland have been killed in action in Vietnam, the Defense Department reported yesterday.

Dead are Sgt. Raymond Powell, Jr., 28, the husband of Mrs. Christie Powell, of 2716 Woodview road, and Pfc. James O. Arrowood, 22, the son of Mr. and Mrs. James C. Arrowood, of Cumberland.

Sergeant Powell, who had been in the Army since his graduation from Carver High School eleven years ago, was first declared missing in action September 9 after a battle near Chung Lai, the Defense Department said.

MOST OF YEARS OVERSEAS

His body was found Thursday, but further details of his death and the battle were not available, the Pentagon said.

Sergeant Powell, who had spent most of his years in the Army overseas, had been stationed with the 1st Air Cavalry in Vietnam since last October. He was due to return to the United States for reassignment October 2.

In addition to his wife, Sergeant Powell is survived by two daughters, Jacqueline and Jeanette; by his parents, Mr. and Mrs. Raymond Powell, Sr., of 2709 Bookert drive; by two brothers, Edward and David, and five sisters, Jacqueline, Rhonda, Gwendolyn, Romaine, and Mrs. Barbara Conley, all of Baltimore.

IN VIETNAM 2 MONTHS

Private Arrowood, a rifleman in the 9th Marine Regiment, 3d Division, was killed September 13 by grenade fragments while his company was taking a hill near Qunag Tri, the Defense Department reported.

He had been in the Marine Corps since February and in Vietnam only two months.

Private Arrowood was a guard on Alleghany High School's championship basketball team in 1964, his senior year at the school. For the past three years he had worked as a grocery clerk.

He is survived by his parents, Mr. and Mrs. James C. Arrowood; a brother, Douglas, and a sister, Margaret, all of Cumberland, and by a half-brother, William Whitacre, of Baltimore.

HIGHWAY FUNDS

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. QUILLEN. Mr. Speaker, when President Johnson issued an order to withhold highway funds, it was pure political gimmickry.

In the first place, the highway funds for the Interstate System are in no way related to the President's budget, the general fund deficit, or the national debt, since they cannot be used for any other purpose. When funds are collected they go into a highway trust fund, earmarked by law to be spent on the Federal Interstate System.

But President Johnson issued an order anyway to hold up these funds. Why did he not carry out the intent of the Congress and cut foreign aid, the race to the moon, and other wasteful and useless programs, instead of holding back highway construction?

We need highways in the First District of Tennessee and throughout the country. We need the Interstate System completed and we need more and better roads.

It is high time that the President of the United States stops holding a political hammer over the heads of the people.

An interesting editorial in the Friday, September 27, 1968, Kingsport Times points out some interesting facts, and I would like to share this with the readers of the RECORD:

HIGHWAY FUNDS

It might come as surprise to most citizens but this has been "National Highway Week." The idea being to stress that "Highways are for People."

But it has fallen flat on its face. The well-planned event is as tasteless as a meal without salt. In fact, the man who signed the proclamation designating the week was the cook who left the salt out.

While urging state highway officials to "hold appropriate ceremonies in recognition of what highway transportation means to our nation," President Johnson on the other hand cooled the stove upon which was cooking such ceremonies when he froze federal highway funds.

The cook who spoiled the dish might well have been overstepping his authority. The highway funds are in no way related to the President's budget, the general fund deficit or the national debt since they cannot be used for any other purpose.

In fact the law that President Johnson signed just before issuing the proclamation prohibits the impounding or withholding the funds by "any officer or employe of any department, agency, or instrumentality of the executive branch of the federal government."

This was a blow to the stomach at the time when Tennessee and the other 49 states were in high gear in their highway building.

CAMPUS VIOLENCE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. WYMAN. Mr. Speaker, as that time of the year marking the return to campus of millions of younger Americans is here again it is well to reflect that the great majority of our young people are responsible, dedicated, serious, and thoroughly patriotic. They are not crime prone beyond the occasional misdemeanor that is often associated with youthful exuberance.

Not so, however, with a small minority of deliberate rabble rousers and law-breakers, often aided and abetted by professional hatemongers and even Communist sympathizers. It is the expressed design of this group to make as much trouble and disrupt as many school administrations as they can, via the lie-down, sitdown, criminal trespass and even sticks and stones approach. Forehandedness to deal with this element should include the steadfast determination at the highest national policy levels that such unlawful activity will be dealt with swiftly, firmly and as forcefully as may be required to preserve order on the campuses of our land.

In this cause it might be wise to enlist the support and help of the great mass of the student majority that are law abiding. They must be getting mighty sick of the punks and criminals in their midst, masquerading as students, who are giving many of the responsible students an undeserved public black eye. The student majority would relish a share of the responsibility in a responsible way to help in getting rid of the nihilists on their campus once and for all.

All of which does not mean, of course, that there will be no future dissent.

There will be, and there should be, for such dissent is of the essence of academic freedom. But the right to dissent does not include the right to break the law in the process, nor tear down the institutions, nor arrogate to students the faculty function. This is especially so when those who destroy offer no substitute system and no alternative but sheer anarchy—living proof that their activism is in fact pure nihilism.

In this connection I commend a careful reading of an editorial by Allan C. Brownfeld appearing in Roll Call, issue of September 26. Mr. Brownfeld makes the valid point that much of the violence involved in all this student protesting is calculated and planned, just as were the blackwidow spiders, the bags of urine and the golf balls with spikes driven through them that were used on the police in Chicago recently. To meet and prevent this sort of law breaking on campus by firm and effective forehandedness has become a must not only for law-enforcement officials but for university administrators as well.

The editorial follows:

CAMPUS VIOLENCE PLANNED

(By Allan C. Brownfeld)

The take-over of Columbia University last Spring and the violence which erupted on the streets of Chicago during the Democratic National Convention are only fore-runners of the kind of disruption which is planned for the future by youthful activists.

In both the Columbia and Chicago instances, the evidence pointing to a carefully planned politics of "confrontation" is overwhelming.

The New Left's assault against the American University is less an effort to reform it than to, in effect, destroy it. This point was made in an editorial in the Berkeley Barb, a leading underground newspaper: "The universities cannot be reformed. They must be abandoned or closed down. They should be used as bases for actions against society, but never taken seriously. The professors have nothing to teach. . . . We can learn more from any jail than we can from any university."

The fact that student strikes and campus takeovers are less related to particular campus issues than to the general desire by militant student leaders to effect a revolution, not only in the university, but in the society at large, was reaffirmed by Mark Rudd, the leader of the turbulent rebellion at Columbia University.

In a letter addressed to Columbia President Grayson Kirk, Rudd did not hesitate to name "revolution" as the real issue at Columbia: "You are quite right in feeling that the situation is 'potentially dangerous.' For if we win, we will take control of your world, your corporation, your university. . . . Your power is directly threatened, since we will have to destroy that power before we take over. . . . We, the young people who you rightly fear, say that society is sick and you and your capitalism are the sickness. . . . There is only one thing left to say. . . . Up against the wall. . . . this is a stick up!"

There were two major demands presented by the Columbia University rebels: (1) A halt in the construction of a gymnasium in Morningside Park. The project had become highly controversial. It was opposed by many Harlem groups as well as a growing segment of the Columbia faculty. At issue were both the use of public park land and the architectural design which provided for separate facilities and entrances for community users and university personnel, inviting the charge that the structure which was actually intended

as a service to the community might be turned into a symbol of segregation; (2) Termination of contracts with the Institute for Defense Analysis which, Students for a Democratic Society charged, "works on military projects aimed at the oppression of the people of Vietnam" and "develops riot equipment to commit mass genocide against black people" in the United States.

It appears, however, that the take-over of Columbia had nothing whatever to do with these issues. They were simply pretexts for a long-planned exercise of power. Writing in *The New Republic*, two graduate students, Dotson Rader and Craig Anderson, reported: "Months before, at an S.D.S. conference in Maryland, the decision had been reached to take physical control of a major American university this Spring. Columbia was chosen because of its liberal reputation, its situation in New York and the fact that it was an Ivy League school. S.D.S. felt it was important at this time to disrupt a private, prestige, tactically vulnerable university."

According to this analysis, the issues which were presented by the student rebels were simply pretexts, "the point of the game was power." To members of the S.D.S. steering committee, Columbia itself was the issue: "It was revolution, and if it could be shown that a great university could literally be taken over in a matter of days, by a well organized group of students then no university was secure. Everywhere the purpose was to destroy institutions of the American Establishment, in the hope that out of the chaos a better America would emerge."

The alleged "success" of the take-over of Columbia University has added to the militancy of the New Left movement. Phillip Abbot Luce, himself a former leader of the pro-Peking Progressive Labor Party, discussed the plans of New Left leaders to stimulate Columbia-like confrontations across the country: "The Columbia experience is being touted by various S.D.S. leaders as an example for other student revolutionaries to emulate in the coming school year. Stealing Che Guevara's call for the creation of many Vietnams throughout the hemisphere, the SDSers claim as their goal the 'creating of two, three, many Columbias.'"

Tom Hayden, one of the founders of S.D.S. who was blamed by Newark, New Jersey officials for helping to instigate the riots in the Negro areas of that city, candidly stated the S.D.S. political approach. Writing in *Ramparts*, he declared: "Columbia opened a new tactical stage in the resistance movement which began last fall: from the overnight occupation of buildings to permanent occupation; from mill-ins to the creation of revolutionary committees; from symbolic civil disobedience to barricaded resistance. Not only are these tactics already being duplicated on other campuses, but they are sure to be surpassed by even more militant tactics."

The revolutionary strategy is to gain student appeal by raising broadly supported issues and then forcing the college administration into refusing to accept student demands.

Thus is created a direct "confrontation" between the revolutionaries and the Administration. Confrontation as a revolutionary tactic works like this: Manipulate people into a posture in which they are in direct conflict with a power source. Violence can then be created. The first element is to enlist broad support for the stated cause through the raising of false issues. Secondly, the power source must be asked to make concessions which they cannot, or will not, accept. The claim is then made that the student will have been thwarted and the only answer is peaceful but extra-legal measures to gain the demanded changes.

While declaring their "non-violence" and their desire to make only reasonable changes

in campus policy the revolutionaries attempt to gain strength from outside forces. Unless the school Administration has taken a strong stand against the revolutionaries from the beginning, they will soon be forced to call in outside help. According to Phillip Luce, "... this call for the police is exactly what the revolutionaries want at this point in their program. . . . Suddenly from somewhere, a policeman is hit and he, in turn, retaliates and hits a demonstrator. This has a chain reaction and soon there is a near riot."

As the violence increases, spectators, who have no idea how the violence started, are pulled into the riot by their emotional reaction to seeing the police employ defensive strength to restrain the now-fighting students. Once violence develops, the police become rough. Often, as in Chicago, they are guilty of brutal excesses of their own. This is a classic example of how to create a riot condition and then utilize the shock reaction of onlookers to perpetuate it.

An end product is the apparent acceptability of violence. Ultimately, the theory of confrontation leads to the revolutionary proclamation that violence must now be accepted by previously passive students.

The events in Chicago were similarly well planned long in advance. As far back as November 16, 1967, the *Village Voice* reported the leader of the Youth International Party, Jerry Rubin, as saying: "See you next August in Chicago at the Democratic National Convention. Bring pot, fake delegates' cards, smoke bombs, costumes, blood to throw and all kinds of interesting props. Also football helmets."

What we are faced with is an increasingly militant revolutionary movement on the nation's campuses. We have been told that there will be many more Columbias, and many more Chicagos. These must be carefully prepared for. In doing so, police brutality must be avoided, but firm and effective action must be taken at an early stage in any such insurrection. Only in this manner can such tragedies as Chicago be avoided.

WEIGHTS AND SIZES OF TRUCKS

HON. FRED SCHWENDEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. SCHWENDEL. Mr. Speaker recently I had referred to me a supplementary report by R. E. Livingston, consulting engineer of Denver, Colo., in which it discusses the loading characteristics on the bridges on the defense requirement routes of 12 States. This is an impressive statement and result of thorough study by competent engineers and I think the testimony is of great value as we consider this question of increased weights and sizes of trucks.

Mr. R. E. Livingston as I said is a very competent man. I herewith present his qualifications to establish his authority and competency.

It is my hope every Member of the House of Representatives will take time to read the following statement by Mr. Livingston:

ROBERT E. LIVINGSTON, CONSULTING ENGINEER

PROFESSIONAL MEMBERSHIPS

Registered Professional Engineer.
Member, American Society of Civil Engi-

neers, Colorado Society of Professional Engineers.

Full member, Institute of Traffic Engineers.
Active member, Joint (American Association of State Highway Engineers, National League of Cities, National Association of County Officials) Committee on Urban Transportation Planning.

Member, Highway Research Board committees: Flexible Pavement Design; Design; Highway Economics; Composite Pavement.

AASHO—Illinois Road Test committees: General; Operations (chairman); Highway Ratings; Reviewing and Editing; Executive Committee.

Executive Committee, Western Association of State Highway Officials road test.

Committee on Highways and Transportation, National League of Cities.

PROFESSIONAL HISTORY

Year 1930-33: Instrument Man, Draftsman, Inspector, Colorado Department of Highways.

Year 1933-36: Highway Designer & Design Squad Boss, Colorado Department of Highways.

Year 1936-41: Assistant Design Engineer, Colorado Department of Highways.

Year 1941-45: U.S. Army Engineer, Private to Captain.

Year 1945-46: Design Engineer, Colorado Department of Highways.

Year 1946-48: Special Assistant to Colorado Highway Engineer for department reorganization.

Year 1948-63: Planning and Research Engineer and Secretary of Colorado Highway Commission.

Year 1963-66: Deputy Manager of Public Works (chief of operations), City and County of Denver.

Presently, self-employed consulting engineer.

LOADING CHARACTERISTICS OF THE BRIDGES ON THE DEFENSE REQUIREMENT ROUTES OF 12 STATES

(A Supplementary report by R. E. Livingston, consulting engineer, Denver, Colo.)

In November of 1967, the author of this supplementary report, prepared and published a summary of the loading characteristics of the bridge in 11 states in the Midwest, South and West.

The purpose of the original report was to find out the status of the bridges in the reporting states as it related to the current Federal law on the maximum axle weights and gross weights permitted for vehicles using the Federal Aid Interstate System. It was believed then and now that such a status report would be helpful to legislators, highway administrators and members of the general public having an interest in the administration, management and financing of public highways throughout the country.

The original report and this supplementary issue are concerned with a limited mileage of highways throughout our country designated as "defense requirement routes". They include, in its practical entirety, the Federal Interstate System plus a limited mileage of Federal Aid Primary, Secondary and local routes which would be used during critical periods for the movement of Military personnel, equipment and supplies or for evacuation of disaster areas. These routes are thus the back-bone of our highway transport system in any situation of urgency.

The status report of their design standards compared to present law or any proposed change of that law is considered to be a matter of fundamental concern to all citizens.

The design basis for structures built on

the 41,000 mile Federal Aid Interstate System has been tied to a maximum size vehicle having a single axle weight of not more than 18,000 pounds; a tandem axle weight of not more than 32,000 pounds; and, a gross weight of not more than 73,280 pounds. Simply stated the weights referred to were derived from a truck-tractor semitrailer combination with the truck-tractor carrying 20 tons and the semi-trailer rear tandem axle supporting 16 tons. This 20 ton + 16 ton combination becomes the basis for an engi-

neering design referred to in engineer's shorthand as H20S16.

Because an H20S16 design has been used for about 70% of the Interstate System, which is now complete, it has been used in this report and the original one as the basis for comparison on the defense requirement routes studied.

Also, it must be remembered, that any chain is only as strong as its weakest link. In this sense, any section of highway must be restricted to the heaviest load, which can

with prudence, be permitted to cross the weakest bridge between terminal points.

With the foregoing concept, the defense requirement routes of 12 Midwest, Southern and Western states were examined in detail in 1968. Most of the states examined in 1967 were again visited in 1968 and the complete records were examined and the results of such examinations were tabulated and analyzed. The detailed findings are shown in the table appended hereto.

SUMMARY TABULATION OF LOADING DATA ON DEFENSE REQUIREMENT ROUTES OF 12 STATES (1968)

State	Total structures in studied system	Loading data								Total bridges other than H20-S16		Mileage of study systems
		H5-H10		H11-H15		H16-H20		H20-S16		Number	Percent	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent			
Colorado.....	1,854	11	0.6	352	19.0	270	14.6	1,221	65.8	633	34.2	4,734
Illinois ¹	4,635	37	.8	834	18.0	2,286	49.3	1,478	31.9	3,157	68.1	12,756
Iowa.....	3,020	123	4.1	1,442	47.7	854	26.1	1,455	48.2	1,565	51.8	8,841
Kansas.....	3,272	2	.1	1,372	41.9	252	7.7	1,044	31.9	2,228	68.1	8,250
Louisiana.....	4,964	1,795	36.2	2,209	44.5	606	12.2	960	19.3	4,004	80.7	15,652
Minnesota ¹	4,503	911	20.2	911	20.2	252	5.6	340	7.5	1,163	25.8	7,789
Mississippi ¹	2,305	336	14.6	1,514	65.7	225	9.7	455	19.7	1,850	80.3	5,668
Nebreska.....	1,913	103	5.4	1,182	61.8	225	11.7	403	21.1	1,510	78.9	5,899
New Mexico.....	1,491	4	.3	567	38.0	58	3.9	862	57.8	629	42.2	4,244
Texas.....	10,318	14	.1	1,439	13.9	6,499	63.0	2,380	23.1	7,938	76.9	17,500
Utah.....	671	14	2.1	193	28.8	23	3.4	441	65.7	230	34.3	2,505
Wyoming.....	1,750	720	41.1	720	41.1	75	4.3	955	54.6	795	45.4	5,776
Total.....	37,696	2,425	6.4	12,735	33.8	10,542	28.0	11,994	31.8	25,702	68.2	99,624

¹ 1967 data; all others 1968.

A review of the table permits the following conclusions:

1. In the 12 states tabulated, the defense requirement routes studied totaled 99,624 miles. On these routes there were 37,696 major structures. A major structure in this and in the Federal reporting system is one which is over 20 feet long between abutments, or extreme supports.

2. Of the 37,696 total structures in the studied systems, 25,702 or 68.2% were designed for less than H20S16, the basis of present Federal law. Of more immediate concern, 17,160 or 40.2% of all the bridges involved were designed for H15 or less. An H15 bridge is one which is designed for a succession of vehicles, the heaviest of which is a truck 14 feet long with a gross load of 30,000 pounds distributed 24,000 pounds on a rear tandem axle and 6,000 pounds on the steering axle. Most such bridges were designed and built before World War II. Stated another way, most H15 bridges are 30, or more, years old.

3. The attached table provides an opportunity to look at the rate of progress made in a number of states in transforming their systems from H15 and H20 design loadings to the present H20S16 standard. To illustrate, the table from the original study in 1967 can be compared with the 1968 table with the following results for three western states which have similar reporting systems for the 2 reporting years:

State	Percent of structures other than H20S16			Percent gain per year
	1966	1967	1968	
New Mexico.....	52.4	47.6	47.6	2.4
Utah.....	36.4	34.3	34.3	2.1
Wyoming.....	46.9	45.4	45.4	1.5

From the examples shown it would appear that only between 1.5% and 2.4% of the bridges on our most important roads are replaced in a one year period. At that rate, it would take 20 to 30 years to replace today's substandard structures.

(NOTE.—For the benefit of ready comparison and background, the original 1967 report is reproduced and attached complete.)
September 1968.

LOADING CHARACTERISTICS OF THE BRIDGES ON THE DEFENSE REQUIREMENT ROUTES OF THE 11 STATES

(A report by R. E. Livingston, consulting engineer, Denver, Colo.)

In order to meet requests of the Department of Defense, and for its own use in carrying out its responsibilities in national disaster and relief, the U.S. Bureau of Public Roads with cooperation of the several states, maintains a current record of carrying capacities, horizontal and vertical clearances and other pertinent data on highway structures. The record includes those highway routes which might reasonably be used for important defense shipments or for through movements of troops or military equipment and supplies or for evacuation of disaster areas.

The record is compact and on a uniform basis and thus affords a wealth of information needed by state highway departments and transportation specialists in determining highway routings during critical periods. The routes included are basically comprised of the Federal Aid Interstate and Federal Aid Primary systems, plus certain secondary and local roads of the most advanced design standards and maintenance effort.

Record data for the following eleven states were examined during 1966 and 1967. The record was current for each state in the year indicated below:

Colorado (1967), Idaho (1966), Illinois (1966), Iowa (1967), Kansas (1966), Minnesota (1967), Mississippi (1967), New Mexico (1966), Texas (1967), Utah (1967), Wyoming (1967).

The above states maintain a bridge record, or log, as defined by Federal memoranda which is maintained on a current basis.

Continuous field examination permits each state to report the current load carrying capabilities of each structure. If damage has occurred to any structure since its construction, an appropriate change in its design loading is determined and the record then carries the new value.

There is not available any such consistent record of bridge information as to local roads and municipal streets in any of the states included in this report. For that reason the report will deal only with the road systems in these eleven states which have been design-

nated as necessary for national defense requirements.

This report is confined to an analysis of the load-carrying characteristics of bridges on the studied routes. While it is recognized that there are many structures which are deficient in width or overhead clearance, deficiencies in such elements are not associated with wheel and axle loadings nor does a change in vehicle weight alter width or clearance.

All states represented in the report classify and rate bridges in conformity with standards and procedures of the American Association of State Highway Officials, approved by the U.S. Bureau of Public Roads.

An H20 design standard, as used herein, means that the bridges used by highway traffic have been engineered to carry in each lane a single unit truck weighing 20 tons, measuring 14 feet between the front and rear axles, carrying 4 tons on its front axle, and 16 tons on its rear axle assembly. It is further assumed in the design that this 20-ton truck unit is preceded and followed by trucks of three-fourths the weight of the design unit (15 tons each) with the center of their nearest axles 30 feet removed from the nearest axle of the design unit (note 1).

(NOTE 1.—The description of the placement of the truck train is converted by bridge engineers to a uniform design load of 640 lbs. per linear foot of 10 ft. traffic lane.)

Each of these preceding and following trucks is, in turn, presumed to be preceded and followed by a succession of 15-ton units spaced so that their axles are 30 feet from the nearest axle of the following or preceding unit. This arrangement of truck units in a lane is assumed in order to produce the maximum bridge stress.

The bridge design to handle the H20-S16 unit is prepared in a similar manner. The H20-S16 key unit is composed of a 20-ton truck tractor pulling a 166-ton semi-trailer. The truck tractor is assumed to have the center of its steering axle 14 feet in front of the center of the driving assembly. The distance from the center of the driving axle assembly of the tractor to the center of the trailer unit axle assembly is variable from 14 feet to 30 feet in any dimensional arrange-

ment which will produce the greatest stress in the bridge. The spacing of preceding and following units is the same as for the H20 unit with such preceding and following units presumed to weigh three-fourths as much as the key unit. (54,000 lbs.)

In the states covered by the study engi-

neers currently prepare their designs for new highways on the basis of H20 and H20-S16 bridge loadings. The above-mentioned bridge records of the several states were examined to determine what proportion of the existing bridges are deficient and, when deficient, to what extent.

The appended tabulation was produced as a summation and to allow a comparison of the structures state by state. The bridges were tabulated in loading increments of 5-ton groupings to get a better picture of the extent of deficiency as well as the number of deficient structures.

SUMMARY TABULATION OF LOADING DATA ON DEFENSE REQUIREMENT ROUTES OF 11 STATES (1967)

State	Total structures in studied system	Loading data								Total bridges other than H20-S16		Mileage of study systems
		H5-H10		H11-H15		H16-H20		H20-S16		Number	Percent	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent			
Colorado ¹	2,909	87	3.0	669	23.0	603	20.7	1,550	53.3	1,359	46.7	9,427
Idaho	693	6	.8	322	46.5	11	1.6	354	51.1	339	48.9	3,514
Illinois	4,635	37	.8	834	18.0	2,286	49.3	1,478	31.9	3,157	68.1	12,756
Iowa	3,377	85	2.5	1,614	47.8	600	17.8	1,078	31.9	2,299	68.1	8,808
Kansas	6,939	3	.1	40	.5	4,711	67.9	2,185	31.5	4,754	68.5	11,539
Minnesota	1,503			911	60.6		16.8	340	22.6	1,163	77.4	7,788
Mississippi	2,305	336	14.6	1,514	65.7			455	19.7	1,850	80.3	5,669
New Mexico	1,511	7	.5	708	46.9	5	.2	791	52.4	720	47.6	4,228
Texas	10,318			1,439	13.9	6,499	63.0	2,380	23.1	7,938	76.9	17,500
Utah	627	14	2.2	194	31.0	20	3.2	399	63.6	228	36.4	2,376
Wyoming ¹	1,715			729	42.5	76	4.4	910	53.1	805	46.9	5,731
Total	36,532	575	1.6	8,974	24.6	15,063	41.2	11,920	32.6	24,612	67.4	89,336

¹ Includes entire State highway system.

It is noted that in the eleven states, the studied highway routes had a total length of 89,336 miles. This mileage included 36,532 structures, lengths in excess of 20 feet between abutments.

To a great extent, the period of construction can be determined by the design loading. Generally those bridges built to an H15 design standard were constructed during or prior to World War II. The prevailing design for bridges constructed from the conclusion of World War II to 1956 was H20. In that year, the Federal Aid Interstate Act was passed and in 1957 and in subsequent years, the bridges built on the Interstate System have been of H20-S16 design. Many states use H20-S16 criteria on all their principal routes, while many others still use H20 design for some bridges.

The summary tabulation employs the H20-S16 design criteria of the Interstate System as the basis of comparison. It is felt that in this way it is possible to get a broad picture of the capabilities of the total system of defense requirement routes using the most modern criteria as a yardstick. When used in this manner, the table indicates the following:

1. There is a wide variance in the percentage of structures on these critical routes in the several states built to H20-S16 design ranging from a low of 19.7% in Mississippi to a high of 63.6% in Utah.

2. The number of structures rated as H20 is relatively high in several states such as Kansas and Texas. In these states, a high percentage of the H20 structures are modern and adequate for all of today's legal loads.

3. At the time studied only 32.6% of the bridges on these essential defense routes were designed for H20-S16 loading required by standards for the Interstate System while 26.2% were pre-World War II H15 structures or less.

4. By the terms of the Federal Aid Highway Act of 1956, the Secretary of Commerce was directed to report to the Congress on a number of items of vital concern in the field of Federal highway legislation. One such required report deals with "Maximum Desirable Dimensions and Weights of Vehicles Operated on the Federal Aid Systems." The Secretary's report on this matter was published as House Document No. 354, 88th Congress, 2nd Session, dated August 19, 1964. On page 6 of that report footnote 2 is significant. It reads: "The following loaded vehicles must not operate over H15 bridges: 3-S2 (5 axles) with wheelbase less than 38 feet; 2-S1-2 (5 axles) with wheelbase less than 45 feet; and 7-, 8-, and 9-axle vehicles regardless of wheelbase." It is noted that these restrictions set forth in the Secretary's re-

port would apply to all of the 9,549 bridges designed for H15 or lower loading. They are in excess of 26% of all the structures on the studied essential defense routes.

5. The fact that Federal Aid financing has been aimed at the completion of the Interstate System in 1972 or soon thereafter while making no provision for completion of the Federal Aid Primary and Federal Aid Secondary Systems at any given date, is apparent in the percentages of structures on the different systems in the independent state studies rated below H20-S16.

6. The large number of bridges on the essential defense routes which have capacity below the critical loading for bridges on the Federal Aid Interstate System is a matter of prime and continuing concern. The fact that existing funding programs do not make provision for the orderly replacement of the deficient structures with a definite target date adds to this concern. It would appear to be inappropriate to consider any relaxation of the present legal limits on weight of motor vehicles until adequate provision has been made for the orderly and complete modernization of the present backlog of deficient structures.

7. No consideration has been given in this report to the effect on pavements of unit loadings or tire pressures. Bridges and pavements do not lend themselves to analysis by the same basic criteria or methods. For bridges the analysis is based on concentrated and gross load. Pavements, on the other hand, are best analyzed by distributed or unit stress analysis and the frequency of load applications. A separate report would be required to cover the load-carrying capacity of the pavements within each of the states.

R. E. LIVINGSTON,
Consulting Engineer.

DENVER, COLO., November 1967.

CITY MARINE, 27, DIES IN VIET WAR

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. LONG of Maryland. Mr. Speaker, L. Cpl. Edgar A. Smith, 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:

CITY MARINE, 27, DIES IN VIET WAR—CPL. EDGAR SMITH IS KILLED WHILE ON PATROL

A 27-year-old marine from Baltimore is the latest Maryland serviceman to be killed in Vietnam, the Department of Defense reported yesterday.

He was Lance Cpl. Edgar A. Smith, son of Mr. and Mrs. Edgar H. Smith, of 814 East Cold Spring lane.

Corporal Smith was killed September 19 when he was shot in the head by rifle fire while on patrol near Quang Nam, South Vietnam, his father said.

A member of the 7th Marine Division, Corporal Smith had been in South Vietnam since February. He enlisted in the Marine Corps in September, 1967.

A native of Baltimore, Corporal Smith graduated from Dunbar High School in 1967. He worked as a shipping clerk in New York before going into the service.

In addition to his parents, he is survived by 5-year-old daughter, Rhonda D. Smith in New York, and two sisters, Miss Lois W. Smith, of Hampton, Va., and Mrs. Colleen Clatterback, of Baltimore.

AMBASSADOR BALL RESIGNS AT CRUCIAL MOMENT

HON. FRANCES P. BOLTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mrs. BOLTON. Mr. Speaker, the diplomatic career of Mr. George W. Ball has apparently taken yet another diplomatic bounce, this time to the detriment of American and free world interests at the United Nations.

At the very time when the General Assembly of the United Nations is convening to consider matters critically affecting world peace and security, Mr. Ball has suddenly resigned his post as U.S. Ambassador to the United Nations in order to enter the campaign of Vice President HUMPHREY.

Indeed, Mr. Ball's statement of resignation indulges a level of partisan invective that might better have been used in debate against the Communist enemies of peace and freedom at the United Nations.

Nevertheless, though the ink is hardly dry on his appointment as United Nations Ambassador, Mr. Ball has chosen

to place the interests of partisan domestic politics above the solemn responsibilities he so recently undertook on behalf of the interests of his country and the free world.

The United Nations is now confronted with issues of vital importance to world peace. These issues include the continuing tensions in the Middle East, the ruthless invasion of Czechoslovakia by the Soviet Union and its allies, and the tragic civil war in Nigeria. That the Soviet Union recognizes the importance of this United Nations session is reflected by its sending the top-ranking U.S.S.R. diplomat, Foreign Minister Andrei Gromyko, to advance the Communist cause before the world forum.

Thus, no matter how earnest or well-meaning is Mr. Ball's proposed successor, the diplomatic inexperience of our new United Nations Ambassador will place our country's interests at a serious disadvantage in the critical months ahead.

Certainly, Mr. HUMPHREY, who lays claim to a capacity for national leadership, ought to have realized the importance of the present session of the United Nations General Assembly.

Only last week, almost simultaneously with the Ball resignation, the Vice President gave lip service to the principle of a United Nations peacekeeping force. However, if the Vice President had truly desired to strengthen the U.N.'s peacekeeping capabilities, he would have done well to urge our Ambassador to stay on the job and place national interests above narrow partisan political interests.

As the first woman Member of the U.S. Congress to serve as a member of the U.S. delegation to the United Nations, I have always believed that the post of Ambassador to the United Nations must not be subjected to domestic political exigencies. Toward this end, for more than two decades—through Democratic and Republican administrations—we have labored to make the United Nations an effective instrument of peace.

Now a partisan political act has jeopardized the negotiating position of the United States and the free world at a crucial time. The diplomatic fate of Israel, Czechoslovakian independence, and Nigeria have been subordinated to the interests of the Vice President's political aspirations.

HUMPHREYISM NO. 3

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. SCHADEBERG. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

HUMPHREYISM No. 3

From a collection of Representative HENRY C. SCHADEBERG, (R. Wisc.):

"I'm going to run for President on the record of this Democratic Administration." (Denver, Colorado, May 8, 1968.)

ADMINISTRATION HAS MISJUDGED NATURE, AIMS OF COMMUNISTS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. DERWINSKI. Mr. Speaker, with the addition of George Ball to the Humphrey campaign strategy staff, it is important to note the degree to which Democrat candidates are calling upon the architects of the disastrous foreign policy which has been carried on by Democrat presidents the last 8 years.

A very timely article written by the internationally renowned columnist, Dumitru Danielopol, appeared in the Aurora Beacon-News on September 11 which emphasizes the foreign policy misconceptions of the administration and makes proper note of the individuals who participated in the disaster.

The article follows:

ADMINISTRATION HAS MISJUDGED NATURE, AIMS OF COMMUNISTS

(By Dumitru Danielopol)

WASHINGTON.—The success of "bridge building" forced the Soviet Union into the criminal invasion of Czechoslovakia, according to Prof. Zbigniew Brzezinski, chairman of the foreign policy task force advising Vice President Hubert Humphrey.

The Columbia University professor is one of the architects, sponsors and advocates of the Johnson administration's policy toward Eastern Europe.

It's not surprising that he tries to salvage something from the wreckage. But to claim "credit" for the invasion—that's preposterous.

The policy of "building bridges" was based on the presumption that the Kremlin leaders had matured and were understanding about the desires of their satellites for socialist independence.

Helping the satellites with trade and aid, it was argued, they would eventually be weaned away from Moscow and the Soviets, too, would grow responsible.

The ruthless military occupation of Czechoslovakia shatters that dream and brought back the horrors of the 1950s and the cold war.

Despite what Brzezinski says, Russia's aggression in Czechoslovakia has dealt a heavy blow to the policy of "detente."

It proves that the administration has once again misjudged the nature of the Communists and their intentions.

It's Vice President Hubert Humphrey who has been saying the cold war in Europe is over.

A recent Harris poll indicates the American people have a better picture of the Kremlin—63 per cent of those questioned said the Czech invasion means "The cold war was on all over again."

It's too early to assess the price of the policy of "building bridges." The Red army is once again in Czechoslovakia. Romania and Yugoslavia are menaced. The Soviets demand that as many as 40,000 Czech liberals and non-Communist activists be purged. Many intellectuals are hiding. Thousands are fleeing the country. No one knows how many will be deported, imprisoned and even killed.

Even some Eastern Europeans at the United Nations have been skeptical of U.S. "bridge building." One Romanian diplomat told me two years ago that it was "an American ruse to bring the Russians into these countries."

"The bridge between Russia and Romania is 30 yards long," he said. "How are you go-

ing to prevent the Russians to come in when you are so far away?"

Today Eastern Europe has turned back its clocks. It's 1953 and 1956 again after the abortive revolts in East Germany, Poland and Hungary. Once again the people of Eastern Europe face the inevitability of servitude and the unwillingness and impotence of the West.

The fiasco of Brzezinski's "bridge building" policy was illustrated in his native Poland, one of the favored satellites, where Gomulka's regime has been "bribed" for a dozen years with U.S. dollars.

Despite the trade and aid given the Poles, Poland was one of the aggressor forces used to smash the Czechoslovak liberalization program.

Brzezinski says that despite events in Czechoslovakia, the West must not "relapse into militant anti-Communist hysteria which would only play into the hands of Moscow's bureaucratic fanatics."

"We must differentiate between our immediate outrage and our immediate retaliatory response to express this outrage from our long term policy of building bridges," he says.

The professor's record isn't very good.

CONFUSION AT HIGH LEVELS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. ASHBROOK. Mr. Speaker, the Canton Repository, Canton, Ohio, has editorially commented on the inconsistencies of our foreign policies as given by former Ambassador to the United Nations, Arthur Goldberg.

As they state:

Our unbelievable lack of foreign policy consistency, as unknowingly pointed up by Mr. Goldberg, must surely subject us to the charge of international discrimination and prejudice.

In detailing the inconsistencies between two statements—separated only by 2 days—I would add that for an example of the double standard in action one must only look at the sanctions imposed against Rhodesia. The full view of the confusion at high levels is readily evident in a contrast between our attempts "to impose our will" upon the people of Rhodesia and the tack taken by the administration following the invasion of Czechoslovakia. This is confusion in practice.

I insert the Repository editorial into the RECORD at this point:

CONFUSION AT HIGH LEVELS

Talk about inconsistency. How mixed-up can one get?

Recent statements by Arthur J. Goldberg, when placed side by side, leave the reader completely bewildered as to what he really is saying.

The former American ambassador to the United Nations, in an article published Wednesday, declared that "Nothing the Russians can do—not even full occupation—can force the compliance and ideological subservience they seek."

He was commenting on the results of the Russian use of troops to compel Czechoslovakia to order its life, ideologically and otherwise, as Russia dictates. He was certainly saying that the Soviet Union was wrong in trying to force its will on Czechoslovakia.

Two days later, in writing about South Africa, Mr. Goldberg said:

"In light of South Africa's unyielding intransigent policy of apartheid—so abhorrent to our commitment to equality for all races—the U.S. government immediately should disentangle itself from remaining economic, military and scientific ties with that country."

Then he went on to propose an arms embargo on our own part and efforts, by us, to persuade other countries to do the same; closing of our missile and space stations in South Africa, banning of official American ships from South African ports, wiping out of the U.S. sugar quota for South Africa and severance of other economic ties.

Is this not attempting to "force the compliance and ideological subservience" the United States seeks?

The former ambassador says that Russia can't accomplish this, even with armed force. But he advocates we do it with a multitude of other types of force.

Mr. Goldberg talked about keeping the lines of communications open with the Communist nations of Eastern Europe as though it were a good policy. But, two days later, he favored breaking off all communications with South Africa.

In the first instance he says:

"We should therefore work to eliminate restrictions on trade, cultural exchanges, travel and investment between this country and Eastern Europe . . . These contacts are not a reward to Communist government. They are the means by which Eastern Europe receives Western ideas and decreases its dependence on the Soviet Union."

Then he says we should shut off Western ideas from South Africa by disallowing "across the board" Government Export-Import Bank loans and investment guarantees for South Africa and that "Commerce Department trade promotion publications for South Africa should be discontinued."

He would isolate South Africa because, "It has increased its suppression of democratic liberties for its people, black and whites alike."

But he would keep open the communications channels to, and even woo, the Eastern European nations (many of which sent their armies to "suppress the democratic liberties" of the people of Czechoslovakia).

How can the former ambassador reconcile these views? It is no wonder that the world can't figure out our government's behavior on the international scene. It is no wonder that we have lost respect when our policies are so contradictory.

Ironically, Mr. Goldberg, in his Eastern Europe article, quoted President Kennedy as follows:

"The United States is neither omnipotent nor omniscient . . . We cannot impose our will . . . we cannot right every wrong or reverse each adversity . . . there cannot be an American solution for every problem."

What, but that, is he advocating with respect to South Africa?

Our unbelievable lack of foreign policy consistency, as unknowingly pointed up by Mr. Goldberg, must surely subject us to the charge of international discrimination and prejudice.

FOR THE NUCLEAR NONPROLIFERATION TREATY

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. PODELL. Mr. Speaker, in the far, far distant future, when a contemporary Edward Gibbon writes the definitive history of the decline and fall of the Ameri-

can empire, he will be obliged to record that when the chancelleries of the civilized world were considering the proposed nuclear nonproliferation theory, the august U.S. Senate was preoccupied with looking at dirty pictures.

In order to complete the picture, that historian will be compelled to note that Richard M. Nixon, the Republican candidate for President not only straddled that major issue but sought to surround. It is the clearly asserted position of Mr. Nixon that the United States should take no action on this treaty because of the dismal fact that Soviet Communist troops are in occupation of the state of Czechoslovakia.

It is also a dismal fact that the New York Mets did not win the National League pennant. However, the refusal of the United States to ratify the nuclear nonproliferation treaty will no more result in the exodus of Soviet troops and bring freedom to the Czechoslovakian people than it will take the National League pennant from the St. Louis Cardinals and deliver it intact to the New York Mets.

Indeed, Mr. Nixon's recommendation that the United States do not at this time ratify this treaty confirms the accepted paraphrase of Gen. Douglas MacArthur's dictum at a joint session of Congress: Old Nixons never die, they simply fade into the A. G. New.

The facts which make imperative U.S. ratification of the nuclear nonproliferation treaty are clear enough. Today, five nations possess nuclear weapons: United States, Communist China, France, Great Britain, and the Soviet Union. Based on present industrial capacity, scientific know-how, and experience with nuclear technology, the following 12 nations have the resources to become nuclear powers in the very near future: Argentina, Australia, Brazil, Denmark, Indonesia, Israel, Poland, Portugal, Romania, South Africa, United Arab Republic, and Yugoslavia.

The proposed nuclear nonproliferation treaty finally emerged after hours, days, and years of painful negotiation, seeking an accommodation between Western and Eastern powers, between nations that have and nations that have not nuclear capacity between a desire to curb the spread of nuclear weapon capacity while encouraging the spread of nuclear capacity for civilian pursuits.

In essence, it is the intent of the nuclear nonproliferation treaty to decrease international tensions by reducing the threat of accidental nuclear detonation; by eliminating the danger that brush wars between smaller powers will escalate into nuclear explosion; by decreasing the risk the nuclear weaponry among the smaller powers will destabilize regional military balances that contribute effectively to the maintenance of international peace and security.

The significance of the treaty was clearly pointed out by the Committee on Arms Control and Disarmament in its report to the White House Conference on International Cooperation. In its report, the committee stated:

The spread of nuclear weapons threatens to bring about a painful, expensive, and dangerous reorganization of international relations. It threatens to add new dimensions to

the very fears that encourage it: new concerns in the struggle for Arab-Israeli understanding; new barriers to a permanent easing of Indian-Pakistani tensions; and new setbacks to improved relations between Western and Eastern Europe.

It threatens established political relationships between countries and within them; dissension over the hard decisions it entails in governments already torn by dissension; realignments associated with shifting power in non-aligned areas; and, for those in major power alliances, the premature assertion of an unreal independence based on nuclear status alone. There are, in these problems, the seeds of a hundred crises.

Mr. Speaker, like every human creation, the proposed nuclear nonproliferation treaty contains its quota of imperfections. Indeed its acceptance by the nations of the world is an inspiring act of faith, embracing substantial obligations upon the part of nuclear powers to aid the smaller powers in the face of aggression and to provide the smaller powers with necessary nuclear resources so that their people may fully enjoy the blessings of this scientific knowledge in their peaceful pursuits.

The faith which is so essential to universal acceptance of this treaty will evaporate in the face of any vacillation upon the part of the United States, particularly since the United States was the prime force moving toward so important a treaty. All of America is deeply disturbed by the plight of the people of Czechoslovakia, but the refusal of our Nation to ratify the nuclear nonproliferation will not help that imprisoned people, but will shatter the hopes of the peoples of the world for freedom from the fear of thermonuclear explosion.

Throughout the history of the United States, the American people have played a vital role in the universal urge for international peace and security. It would be tragic and a denigration of the historic and traditional role of the American people in behalf of peace to delay ratification of the treaty because of the overriding Senate interest in pornography.

VIET MORTARS KILL TWO MARINES FROM DUNDALK, CATONSVILLE

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. LONG of Maryland. Mr. Speaker, Cpl. Gary R. Daffin and Pfc. Steven W. Decker, two fine young marines from Maryland, were killed recently in Vietnam. I wish to commend their bravery and honor their memory by including the following article in the RECORD:

TWO STATE MARINES DIE IN VIET WAR—DUNDALK, CATONSVILLE YOUTHS HIT BY ENEMY MORTARS

Two teen-agers from Maryland, one of them overseas for just sixteen days, have been killed in Vietnam, the Defense Department announced yesterday.

The dead marines are Lance Cpl. Gary R. Daffin, 18, son of Mr. and Mrs. Howard H. Daffin, Sr., of 2943 Cornwall road, Dundalk; and Pfc. Steven W. Decker, 19, son of Mrs. Doris D. McMahon, of 761 West Hills parkway, Catonsville.

Corporal Daffin was killed September 16

by enemy mortar fire while in the border above Quang Tri province.

DUNDALK GRADUATE

He was a 1967 graduate of Dundalk Senior High School and a member of St. Timothy's Lutheran Church.

Corporal Daffin enlisted in the marines in July, 1967. "He believed in what he was doing. He begged us to let him go," his mother said.

His parents have about twelve paintings which he did before joining the marines.

He planned to become a draftsman upon his return from service.

After completing basic training at Parris Island, S.C., he went to Camp Lejeune, N.C., for further training. He went to Vietnam last December.

"He tried to keep his letters jolly," said his mother, "and he didn't talk much about the war."

Survivors besides his parents include two brothers, Howard, Jr., and Lee, both of Dundalk.

HIT 2 DAYS LATER

Private Decker was killed just sixteen days after his arrival in Vietnam when he was struck by enemy mortar fire in Quang Tri province on September 18.

A 1967 graduate of Milford Mill High School, he enlisted in the marines last January. After completing basic training at Parris Island, S.C., he went to Camp Lejeune, N.C., and then to Portsmouth, Va., for sea training before finishing his preparation at Camp Pendleton, Cal.

When he arrived in Vietnam, he wrote to his mother that seasonal rains had flooded much of the area—eliminating most of the places to hide. "You hear them whizzing over you and you just pray they're going to miss their mark," he wrote to his mother recently.

But his mother said that he never complained and that, "He was willing to take whatever came along."

Survivors besides his mother include a sister, Miss Virginia Lee Decker of Fort Meade, Md., and his grandmother, Mrs. Alice E. Helamet, of Baltimore.

CALENDAR OF EVENTS FOR THE NATIONAL GALLERY OF ART FOR OCTOBER

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a personal pleasure for me to place in the CONGRESSIONAL RECORD, the calendar of events for the National Gallery of Art for the month of October 1968.

The National Gallery is a continuing source of cultural enrichment offered to the people of the United States, and we in Congress are certainly proud of its fine achievements in the world of the arts.

The calendar follows:

NATIONAL GALLERY OF ART—CALENDAR OF EVENTS, OCTOBER 1968

J. M. W. Turner Exhibition: A series of exhibitions of selected paintings from the British collection of Mr. and Mrs. Paul Mellon will be held at the National Gallery during the next several years. The first, consisting of 17 landscapes and seascapes by Joseph Mallord William Turner (1775-1851), opens on the Main Floor October 31st.

Five of the pictures by Turner are recent additions to Mr. and Mrs. Mellon's extensive

collection of British art of the past three centuries. *Dort or Dordrecht: the Dort Packet Boat from Rotterdam Bealmed* (c. 1818) was last shown in London in 1953. John Constable is believed to have referred to this celebrated river scene when he described one of Turner's pictures as "the most complete work of genius I ever saw."

A thorough and fully illustrated catalogue will be prepared by the Gallery staff for each of the exhibitions which will occur at intervals of five months.

Special exhibition: Continuing on display through October in the Central Gallery are prints, water colors, and drawings by British artists working in the first half of the twentieth century. Landscapes and architectural views predominate in this selection from the Rosenwald Collection.

Christmas cards: The 1968 selection of National Gallery of Art Christmas cards is now available. Cards are priced at 10, 15, 20 and 25¢ each. For an illustrated catalogue of cards and gift items, write to the Publications Office, or telephone 737-4215, ext. 217.

Free film showings: The recent NBC-Television film *American Profile: The National Gallery of Art* will be shown in the auditorium on Saturdays at 2:00 p.m.

New reproductions: 11" x 14" *Color Reproductions: Avercamp, A Scene on the Ice; Oswald Birley, Andrew Mellon; Chandler, Captain Samuel Chandler; Church, Morning in the Tropics; Copley, Eleazer Tyng; Cornelle de Lyon, Portrait of a Man; Corot, Italian Girl; Cropsey, Autumn on the Hudson River; Delacroix, The Arab Tax; Doughty, Fanciful Landscape; Gian Antonio and Francesco Guardi, Carlo and Ubaldo Resisting the Enchantments of Armida's Nymphs; Heade, Rio de Janeiro Bay; Moran, The Much Resounding Sea; Picasso, The Tragedy; Roberti, The Wife of Hasdrubal and Her Children.*

Recorded tours: *The Director's Tour*. A 45-minute tour of 20 National Gallery masterpieces selected and described by John Walker, Director. The portable tape units rent for 25¢ for one person, 35¢ for two. Available in English, French, Spanish, and German.

Tour of Selected Galleries. A discussion of works of art in 28 galleries. Talks in each room, which may be taken in any order, last approximately 15 minutes. The small radio receiving sets rent for 25¢.

Gallery Hours: Weekdays 10 a.m. to 5 p.m. Sundays 12 noon to 10 p.m. Admission is free to the Gallery and to all scheduled programs.

Cafeteria hours: Weekdays, Luncheon Service 11 a.m. to 2 p.m.; Snack Service 2 p.m. to 4 p.m. Sundays, Dinner Service 2 p.m. to 7 p.m.

MONDAY, SEPTEMBER 30, THROUGH SUNDAY OCTOBER 6

*Painting of the week: Claude Lorraine. *The Herdsman* (Samuel H. Kress Collection) Gallery 52, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *The Artist Learns from His Contemporaries*. Rotunda, Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection*. Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture: *Oxford and Its Art Treasures*, Guest Speaker: Ian Lowe, Assistant Keeper in the Department of Western Art, The Ashmolean Museum, Oxford, England, Lecture Hall 4:00.

Sunday concert: National Gallery Orchestra, Richard Bales, Conductor, East Garden Court 8:00.

MONDAY, OCTOBER 7, THROUGH SUNDAY OCTOBER 13

*Painting of the week: Watteau. *Ceres (Summer)* (Samuel H. Kress Collection) Gallery 54, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *The Artist Learns from*

*11" x 14" reproductions with texts for sale this week—15¢ each. (If mailed, 25¢ each.)

the Past. Rotunda, Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection*. Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture: *Contemporary Religious Art*, Guest Speaker: Frank Getlein, Art Critic, The Washington Star, Lecture Hall 4:00.

Sunday concert: Mertine Johns, Mezzo Soprano, Temple Painter, Pianist, East Garden Court 8:00.

Inquiries concerning the Gallery's educational services should be addressed to the Educational Office or telephone 737-4215, ext 272.

MONDAY, OCTOBER 14 THROUGH SUNDAY, OCTOBER 20

Painting of the week: Albert Pinkham Ryder. *Siegfried and the Rhine Maidens* (Andrew Mellon Collection), Gallery 67, Tues. through Sat., 12:00 and 2:00; Sun., 3:30 and 6:00.

Tour of the week: *The Artist Learns from His Master*. Rotunda, Tues. through Sat., 1:00; Sun., 2:30.

Tour: *Introduction to the Collection*. Rotunda, Mon. through Sat., 11:00 and 3:00; Sun., 5:00.

Sunday lecture: *Italian Mannerism*. Guest Speaker: James B. Lynch, Jr., Professor of Art History, University of Maryland, College Park. Lecture Hall, 4:00.

Sunday concert: National Gallery Orchestra. Richard Bales, Conductor; Nancy Ellsworth, Violin Soloist (Concert in honor of United Nations Day). East Garden Court, 8:00.

MONDAY, OCTOBER 21, THROUGH SUNDAY, OCTOBER 27

Painting of the week: Titian. *Venus with a Mirror* (Andrew Mellon Collection). Gallery 22, Tues. through Sat., 12:00 and 2:00; Sun., 3:30 and 6:00.

Tour of the week: *The Artist Learns from His Surroundings*. Rotunda, Tues. through Sat., 1:00; Sun., 2:30.

Tour: *Introduction to the Collection*. Rotunda, Mon. through Sat., 11:00 and 3:00; Sun., 5:00.

Sunday lecture: *Leonardo and the Arts of Frustration (Part II)*. Speaker: Raymond S. Stites, Assistant to the Director, for Educational Services, National Gallery of Art. Lecture Hall, 4:00.

Sunday concert: Potomac String Trio. East Garden Court, 8:00.

All concerts, with intermission talks by members of the National Gallery Staff, are broadcast by Station WGMS-AM (570) and FM (103.5).

SECOND ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF BOTSWANA

HON. BARRATT O'HARA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. O'HARA of Illinois. Mr. Speaker, September 30 is the anniversary of the independence of one of the newer countries of Africa to join the community of free nations of the world. Just 2 years ago, the Republic of Botswana achieved its independence. Under the capable leadership of its President, Sir Seretse Khama, that country has made great strides both at home and in the realm of international affairs.

We shall long remember Botswana's first Ambassador to our country and the distinguished record he made during his all too brief period of service at the

United Nations. I refer to the late Dr. Z. K. Matthews, educator, philosopher, humanitarian; one of the great Africans of our time. We hail his memory and salute the new country whose first steps in full nationhood he helped to guide.

We wish them well in the years ahead.

FLORIDA WOODLANDS

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. SIKES. Mr. Speaker, we in Florida are very proud of the scenic beauty of our State, and we particularly enjoy the beautiful woodlands which are prevalent throughout the length and breadth of Florida. Those Florida woodlands are beautifully described in an editorial in the Pensacola Journal of Saturday, August 17, and I insert it in the RECORD, as follows:

FLORIDA WOODLANDS, BOUNTIFUL, BEAUTIFUL

Many newcomers complain, when they first settle in this area, that West Florida's woodlands do not possess the sharpness of seasonal changes as does the natural growth of northern states.

But if one takes care to peacefully roam the woodlands of this area, he will find a wealth of beauty and change regardless of season.

Of course the pine keeps its coat of green throughout the year, although in the fall and cold weather months, it bashfully drops a needle here and one there as if it would be embarrassed should one catch it changing garments. The work tree of the area, the pine in virgin stands supplied the logs for the settler's first cabins.

In those days, there were plenty of trees to be had for the taking. So only the straight and long ones were cut, the bark skinned away and the timbers allowed to cure, or dry, in the sun; then notches were cut, and with the help of neighbors, the logs were placed one atop the other until the cabin walls were erected. The cypress, found in the boglands, was cut into blocks and with the help of a sharp draw knife yielded the shingles for roofing.

Pines were used for fencing, the pieces trimmed and fitted, and the sections laid at criss-cross angles for strength. It was much later that man invented barb and fence wire. Then he went into the swamps in search of cypress and juniper for posts.

An early user of all trees, the cracker exploited his woodlands as if the supply were endless. He turpented the pine and cut it for lumber until many heavy stands were gone; in their place came the scrub oak; in spite of its bright green in spring and summer and a canopy of color in fall, the scrub oak yielded only wood for the fireplace. The scrub oak is cleared when man attempts pine tree farming for pulpwood.

West Florida has its native, or wild, dogwood, a retiring little tree except in early spring when it spreads a bridal whiteness across the woods. The holly, though increasingly scarce, keeps a Christmas spirit throughout the year; the holly, sometimes with its bounty of red berries, often is encountered today on woodland strolls.

The bay tree, the laurel and the wax myrtle bush hover near fresh or running water. Today's housewife buys her bay leaves at the supermarket; the early farm wife found this flavoring agent in the woods.

The cedar, as a native, has become scarce. Never a prolific tree, the cedar was sought by early West Florida Crackers for the building of chests and with the shavings saved to hang among garments; thus protected, clothes escaped the moths though not the trace of cedar smell. If there were time, after death, cedar made a solid coffin for the remains, though expediency more frequently settled upon a pine box, appropriately covered, for the dead.

Perhaps West Florida's most magnificent tree is the oak: the water oak and the live oak. Both shed yet remain green year-round. The water oak, with a slightly darker leaf, clings to the lowlands unless deliberately planted, but the live oak seems content with home wherever a bird or squirrel carelessly drops an acorn. A sturdy tree, the oak can withstand heavy storms; it was grown in this area, east of Gulf Breeze, for ship timbers before the advent of steel ships. And it was early sought as the ideal tree for the yard corner because of its spread of shade and coolness in the hot summer.

Often the oak is covered with gray Spanish moss: a growth which, swayed slightly by a breeze, reminds one of the long soft beards of old and wise elders. The oak, like the hickory and other hard woods, prefers the bottom land. These low pockets became known in the vernacular as "hammocks" because of their shaded restfulness; the word, in this use, finally found its way into the dictionary.

The sycamore seems to be a disappearing tree on the West Florida landscape, perhaps because its weak root system has been unable to withstand heavy winds and storms. The chinaberry, apparently introduced into the area after 1900 as an ornamental, is another tree with weak root resistance against storms; the chinaberry lacks the grandeur of

the oak, though its blue flowers has a spring fragrance. In recent years, the mimosa, also an Oriental shrub, has been planted as a fast grower.

Though becoming denuded as man cuts away waterfront areas for subdivisions, West Florida, particularly deep in the woods, still displays the black walnut, the hickory nut, the magnolia, the black cherry and the wild mulberry. The huckleberry has become the cultivated blueberry bush for pies, and the swamp tupelo, with its white flowering, is known more by reputation than sight as a source for unusually flavored honey.

The sassafras huddles a mousy brown thing along abandoned fence rows, almost totally ignored now, though at one time its roots were sought for the brewing of spring tonics. And while man's chemical compounds have replaced its flavor as a beverage, root beer still pays homage—in phrase if nothing else—to the first dried then boiled sassafras root of pioneer days.

The gallberry bush whose nectar produces the clearest and best of all honey early was used as a source for switches: the family persuaders in the days prior to contemporary togetherness. The persimmon—or simmon—tree also yielded competent switches, as well as a small tangy fruit sweetened by first frost. Gallberry and persimmon growth is seen in the woods today. Broom sage, pioneer source of brooms, turns a gold brown in unplowed fields during fall. The seedling pecan often joins the chinquapin to produce hard but oil-heavy nuts deep in the woods; and along back roads, the dewberry first and then the blackberry blossom and provide fruit for the birds and pies for those who place flavor above brier scratches.

West Florida's woodlands may differ from those of more northern states; but explored and quietly accepted on their own terms, our trees and shrubs offer pleasant adventure and satisfying discoveries to all men.

HUMPHREYISM NO. 4

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. SCHADEBERG. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

From a collection of Representative HENRY C. SCHADEBERG (R. Wisc.):

"My God, I don't [think I should be President]. I think I should be back in Huron running the drugstore." (New York Tribune, January 25, 1960.)

HOUSE OF REPRESENTATIVES—Tuesday, October 1, 1968

The House met at 12 o'clock noon.

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

Behold, God is my salvation; I will trust and not be afraid.—Isaiah 12: 2.

O God and Father of us all, who art closer than breathing and nearer than hands and feet, make us truly conscious of Thy presence as we bow in this circle of prayer.

We thank Thee for the refreshment of rest which restores our souls and we ask for strength and wisdom to do our work well this day. In quiet confidence may we keep our hearts with Thee as we face the problems that are presented to us and the perplexities that pursue us.

In spite of all the ill will in our world we pray that we may be the promoters of good will in a firm determination to cross all barriers of race and creed and thus make our contribution to the coming day when justice and peace shall encircle the earth, and in the word of the prophet, "They shall not hurt nor destroy; for the earth shall be full of the knowledge of the Lord."

In the Master's name, we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill and joint resolutions of the House of the following titles:

H.R. 19831. An act to provide funds on behalf of a grateful nation in honor of Dwight David Eisenhower, 34th President of the United States, to be used in support of construction of educational facilities at Eisenhower College, Seneca Falls, New York, as a distinguished and permanent living memorial to his life and deeds;

H.J. Res. 1459. Joint resolution recognizing the significant part which Harry S. Truman played in the creation of the United Nations; and