EXTENSIONS OF REMARKS

NATIONAL LIBRARY WEEK

HON. WAYNE MORSE

OF OREGON

IN THE SENATE OF THE UNITED STATES

Tuesday, May 7, 1968

Mr. MORSE. Mr. President, the week before last was the 11th annual national observance of national library week whose theme for this year is "Be All You Can Be—Read."

In connection with the observance of this week, my attention was called to statements made by a number of eminent Americans about the important role played by our libraries, particularly in our urban areas, which point up clearly, in my judgment, the need for adequate funding of title II of the Elementary and Secondary Education Act. The $46 million recommendation in the budget estimates, a figure which represents a cut of more than 50 percent from the amount available during the current year, seems to me to fly in the face of the educational realities which confront this country.

It is my hope that when the appropriation bill for the Department of Health, Education, and Welfare comes to the floor of the Senate later in this session, our friends and colleagues on the committee will, in their wisdom, provide for a full funding of this very important title. And I hope that such an addition of funds for this purpose will receive the approbation of the Senate to such a marked degree that there will be contained in the measure sent to the President at least the $105 million amount which was contained in the fiscal year 1968 appropriations bill. It would be far better, in my judgment, if the full $162.5 million authorized for fiscal year 1969 were to be contained in that measure, since that authorization ceiling represents the best judgment of the Congress and the President of the need for this educational service, as attested by the actions of this body last September and the President by his action in signing the 1967 amendments last January 2.

Mr. President, I ask unanimous consent that the statements to which I have alluded be printed in the Extensions of Remarks.

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

THE NATIONAL LIBRARY WEEK PROGRAM

NEW YORK, N.Y.—"The National Advisory Commission on Civil Disorders found that for many minorities . . . schools have failed to provide the educational experience which could overcome the effects of discrimination and deprivation . . . these findings cast new light on the significance of good library facilities . . ." according to Governor Otto Kerner of Illinois and chairman of the Commission.

Governor Kerner was among seven authorities on urban affairs and education who issued statements in connection with the current observance of the National Library Week Program (April 21–27), the year-round reading and library development campaign sponsored by the non-profit National Book Committee in cooperation with the American Library Association.

Whitney M. Young, Jr., executive director, National Urban League, noting that about 36,000 schools in our nation are without libraries and that thousands of people are "locked into low-paying, unskilled jobs" because of inadequate reading skills, said "Ghetto schools especially must be equipped with the best libraries, filled with books which are relevant to the needs and aspirations of young people today. It is far wiser—and cheaper, too—to stress better reading habits now than to provide remedial programs later." And he added, ". . . we cannot call ourselves a civilized nation until this situation is corrected. The children in the ghettos . . . have to get the reading abilities—and the libraries—which the children of the well-to-do take for granted."

"Schools without libraries, classrooms without books, are the ideal machinery by which to perpetuate learning disabilities of children in the cities, and the consequent sense of failure, rage, and revolution repeatedly engendered," commented Jonathan Kozol, teacher and winner of a 1968 National Book Award for *Death At An Early Age*. "School libraries at the present time are the center of almost all important activity in a school given over to innovative practices."

Dr. Carl Marburger, New Jersey's commissioner of Education said "If we hope to defeat poverty and second class citizenship, we must do all in our power to strengthen all school libraries with particular emphasis on those in urban and disadvantaged areas."

Philip J. Rutledge, acting deputy manpower administrator, U.S. Department of Labor in Washington, stressed the demands for literacy made in today's job market, even for the most unskilled jobs. ". . . it is difficult," he pointed out, "to motivate a man to learn to read . . . after he has reached the employment age. For the slum child . . . the school library is frequently the only spark to arouse an interest in the reading process."

Said Dr. James A. Colston, president of the Bronx Community College of the City University of New York, and a member of the NLW Steering Committee, "Increasingly the world holds little opportunity for those who cannot communicate effectively or reason logically. Thus, an early familiarity with the world of books and the ideas they contain is an indispensable condition to future success . . . it is crucial, therefore, that we strengthen our school library resources . . . (which) will raise the aspirations and brighten the horizon of the disadvantaged child."

"Those who control the reading of our people control our nation's future," stated Nathan Wright, Jr., executive director, Department of Urban Work of the Episcopal Diocese of Newark (N.J.). "Where life is less than what it should be, there also are few books . . . books should become a basic part of every home, now afflicted by powerlessness and poverty."

William Bernbach, chairman of the Steering Committee for the 1968 National Library Week Program, said that the comments had been invited because the NLW Program has, from its inception, strongly identified itself with the urgent need for strengthening school library development.

"Experts generally agree that it is through the school library that education is enriched and the development of reading skills accelerated," Mr. Bernbach stated. "This is especially so at the elementary school levels, where study habits are formed and the learning process can have its highest potential in preparing our children for entry into adulthood and, where necessary, for upward mobility. The richest nation in the world, despite any other pressures, cannot afford to provide less than the best for our children. They are our future."

LEADERS COMMENT ON THE IMPORTANCE OF READING OPPORTUNITIES AND SCHOOL LIBRARIES TO DISADVANTAGED CHILDREN

A literate citizenry is essential to a democratic society. The temper of the times—the national focus on the problems of the residents of our city ghettos and the factors that create urban poverty and civil unrest—pin point the importance of an education and the need to formulate programs that will permit our children to develop their potential so that they can participate fully in adult American life.

The National Advisory Commission on Civil Disorders found that for many minorities, particularly the children of the ghetto, the schools have failed to provide the educational experience which could overcome the effects of discrimination and deprivation.

This failure is one of the persistent sources of grievance and resentment for minorities. This hostility is generating increasing conflict and causing disruption within many city school districts. The most dramatic evidence of this hostility lies in the high incidence of riot participation by ghetto youth who have not completed high school.

The bleak record of public education for ghetto children is growing worse. In the critical skills—verbal and reading ability—Negro students are falling further behind whites with each year of school completed. The high unemployment and underemployment rate for Negro youth is evidence, in part, of the growing educational crisis.

These findings cast new light on the significance of good library facilities, as well as other educational facilities, to the development of essential literary skills and the relationship of literacy to the future well-being and happiness of the individual, especially the disadvantaged individual. May this year's National Library Week help all America to recognize this truth.

GOV. OTTO KERNER,
Governor of Illinois, Chairman, National Advisory Commission on Civil Disorders.

Americans cannot live with the unconscionable fact that 36,000 public elementary schools in the nation still lack libraries. Amidst endless talk of cultural deprivation among the racial minorities in our crowded cities, the most painful reality is that the greatest cultural deprivation of all lies in our elementary classrooms.

Schools without libraries, classrooms without books, are the ideal machinery by which to perpetuate learning disabilities of children in the cities, and the consequent sense of failures, rage, and revolution repeatedly engendered.

School libraries at the present time are the center of almost all important activity in a school given over to innovative practices. Imaginative teachers at all grade levels, both in the cities and the suburbs, are directing their students to the individual discovery of important literature by the use of available library resources. Manipulative classroom teaching on the basis of a standard reader is no longer taken seriously by effective educators.

In the wake of such developments, a broad and varied and exciting in-school library is not merely a luxury for the few, but a necessity for all young children whose future sur-

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vival in a competitive society is to be guaranteed.

JONATHAN KOZOL,
Teacher, Author, and Winner of the 1968 National Book Award.

We all know that ability to read, and to understand and be articulate about what is read, is essential in obtaining and holding even the most unskilled job. In today's job market a high degree of *reading comprehension* and verbal skill is required because of the ever-changing terminology used in virtually all occupations, not merely those in the higher income brackets.

It is difficult to motivate a man to learn to read, or to increase his reading comprehension after he has reached the employment age. Children must receive this motivation in their earliest years. For the slum child, whose parents frequently are themselves unmotivated or unable to provide appropriate reading material, the school library is frequently the only spark to arouse an interest in the reading process. The only accessible place where he can get help is found in the books and magazines which serve his present needs and encourage him to progress to higher levels.

PHILIP J. RUTLEDGE,
Acting Deputy, Manpower Administrator, U.S. Department of Labor, Manpower Administration, Washington, D.C.

Along with the National Library Week Program emphasis, I believe that reading is the key to an individual's intellectual and economic development. The difference between the "good student" and the "poor student" may be no more than the shelf of books which is in the home of the "good student."

Books are the storehouses of ideas and triggers to the imagination. To deny any part of our society access to them is a failure of the total society.

If we hope to defeat poverty and second class citizenship, we must do all in our power to strengthen all school libraries with particular emphasis on those in urban and rural disadvantaged areas.

Dr. CARL MARBURGER,
Commissioner of Education, State of New Jersey.

I think it is of the utmost importance for all communities to take steps to insure that their schools have adequate library facilities. The importance of reading ability is underscored by the thousands upon thousands of citizens who are unemployed, or who are locked into low-paying, unskilled jobs due to the failure of the schools to provide adequate reading skills.

A well-stocked school library, along with teachers and librarians who can stimulate and excite students, will contribute immeasurably to the teaching of this most basic skill.

Ghetto schools especially must be equipped with the best libraries, filled with books which are relevant to the needs and aspirations of young people today. It is far wiser—and cheaper, too—to stress better reading habits now than to provide remedial programs later.

Funds are available for fighting wars, racing to the moon, and building supersonic aircraft; but about 36,000 schools in our nations are without libraries, and many thousands of those in existence are totally inadequate. We cannot call ourselves a civilized nation until this situation is corrected.

The children in the ghettos of our country have to get the reading abilities—and the libraries—which the children of the well-to-do take for granted.

WHITNEY M. YOUNG, Jr.,
Executive Director, National Urban League, Inc.

To the child from the urban ghetto, the school library can open the doors to the larger world beyond the slums. Coming as he does from a home environment which is often devoid of books or other reading material, his vision of the outer world is somewhat limited and perhaps even distorted.

More so than other children, he needs good reading instruction, supplemented by early and consistent exposure to the treasures of a first-rate school library, containing a wide selection of books, magazines, and audio-visual materials. Once the young child acquires the habit of reading, he is likely to retain it throughout his life.

Increasingly, the world holds little opportunity for those who cannot communicate effectively or reason logically. Thus, an early familiarity with the world of books and the ideas they contain is an indispensable condition to future success.

I think it is crucial, therefore, that we strengthen our school library resources, for they offer the tools for improved reading instruction. A well-stocked school library will raise the aspirations and brighten the horizon of the disadvantaged child.

Dr. JAMES A. COLSTON,
President, Bronx Community College of the City University of New York.

Books will always be a major key to opening the doors of life.

Those who control the reading of our people control our nation's future.

Where life is less than what it should be, there also are few books.

Books should become a basic part of every home now afflicted by powerlessness and poverty.

Books must be such as to spark the thirst for more.

More books need to be produced which are easily read and which speak to reality as children and adults experience it.

Only through reading—and learning from it—can peace and freedom come to all."

NATHAN WRIGHT, Jr.,
Executive Director, Department of Urban Work, Episcopal Diocese of Newark, N.J.

PRIVATE COMMITTEE REPORT LISTS LEE COUNTY AS ONE OF MANY SUFFERING FROM MALNUTRITION

HON. E. C. GATHINGS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. GATHINGS. Mr. Speaker, recently the newspapers of this Nation carried articles based on a report issued by the Citizens' Board of Inquiry into Hunger and Malnutrition in the United States. The scare headlines indicated that there were 256 hunger counties in 20 of the 50 United States. Four of those indicted counties were in Arkansas: Lee, Crittenden, Mississippi, and Stone.

Mr. Marvin B. Caldwell, the publisher and editor of the Courier-Index, a weekly newspaper printed at Marianna, Ark., and serving Lee County—one of the cited counties—took notice of the report in the best traditions of responsible journalism. He carefully checked his facts and carried a news story on the front page of his Thursday, May 2, 1968, edition. The news article quoted the conclusions of the citizens' board, identified the board, and cited the factors used by the board in reaching its conclusion that Lee County and other counties were areas of chronic hunger and endangered by malnutrition.

But, then, Mr. Caldwell reserved for his editorial page his own estimate of the board's findings.

Mr. Caldwell has made a real contribution to the situation, and the Congress, I believe, will benefit from reading the news article written by Mr. Caldwell and his editorial comment. Accordingly, under leave to extend my remarks, I place in the RECORD first the news item and then Mr. Caldwell's well-reasoned editorial:

PRIVATE COMMITTEE REPORT LISTS LEE COUNTY AS ONE OF MANY SUFFERING FROM MALNUTRITION

Lee county is one of a number in the nation showing concrete evidence of chronic hunger and danger of malnutrition, according to a report issued last week by a special committee of private citizens.

The Citizens' Board of Inquiry into Hunger and Malnutrition in the United States, established by the Citizens' Crusade Against Poverty, studied the problem for the past nine months. The report listed 256 "hunger counties" in 20 states. Georgia led with 47 while 37 were named in Mississippi. Four counties were named in Arkansas. They are Lee, Crittenden, Mississippi and Stone.

"The results were not based on actual visits into each area," David Hern, public information officer for the group said. The committee made eight field trips and held four regional hearings. "Most of the board's conclusions were reached on the basis of a formula that considered data already available."

The committee took its statistics from Census Bureau data, Public Health Service data, USDA data and office of Economic Opportunity data. Information also came from the food industry, physicians and other government agencies, Mr. Hern said.

"We are not talking about starvation nor was the committee report limited in scope to one area or to one group of people. The Committee found hunger in many areas including such large and sophisticated cities as Boston, Mr. Hern said.

A four-part formula was issued to determine the probability of a high rate of hunger and malnutrition in a given area. The four factors in the formula were (1) a high incidence of poverty (2) a high incidence of post neonatal infant mortality (from one month to 365 days of age.) (3) a low participation in welfare and (4) a low participation in food distribution programs.

To be listed in the report, a county had to reach what was considered a "critical" level in the first two factors and in at least one of the remaining two factors. Lee county reached this "critical" level in the first two factors with no trouble at all. Here is how the "critical" level was determined and now Lee county ruled.

Factor 1—A high incidence of poverty to be considered as "critical" a county had to have twice the national average in number of families considered to be in poverty. This figure has been established by the OEO as a family of four with less than $3,000 annual income. The national average is 20 percent of the population and Lee county has 71.8 percent of its families in poverty, by this standard.

Factor 2—a high incidence of post neonatal infant mortality—Post neo-natal mortality had to be twice the national average to be considered "critical". The national average is 7.5 per thousand births and in Lee county the average is 15.5 per thousand births.

Factor 3—a low participation in welfare. The report said that at least 25 percent of the poor and needy (not the total population) should be participating in a welfare program. In Lee county only 8.8 percent of the poor and needy are participating, according to the figures used in the report.

Factor 4—a low participation in food distribution programs (such as food stamps). The committee said that 25 per cent of the poor and needy should be participating in this program This was the only factor in Lee county's favor. The county has 32.5 percent participation.

Mr. Hern emphasised that all figures and statistics came from government agencies and that the committee did not seek to establish its own figures but relied on existing information.

The free lunch program in the schools was not considered in the report.

The Citizens Crusade Against Poverty is privately financed by eight foundations. It is headed by Leslie Dunbar of New York with Benjamin E. May of Atlanta, Georgia as co-chairman.

JUST WHO IS HUNGRY? (OR HOW NOT TO FIND MALNUTRITION)

Lee county has taken another slap in the face! This time from a private agency looking into the facts on hunger and malnutrition. We had almost become reconciled to the fact that we are one of the poorest counties in the entire nation when this hit the press.

How did we make this "honor list?" Not by investigation or by research. There were no teams of experts visiting in the county talking to our doctors and welfare people. There were no social workers calling on our poor and needy. It was done by taking other facts from other agencies, holding some hearings (hundreds of miles away and without our knowledge), and deducting from all this that Lee County has an abnormal amount of malnutrition and hunger.

The upsetting fact is that the conclusion may be true. However, their method of arriving at this conclusion leaves a great deal to be desired for a so-called factual report. It is difficult if not impossible to put much credence in a report put together in this manner.

Most, but not all, of the facts are there and no one can deny the cold, hard statistics that are quoted. It is what is missing that brings in the element of doubt.

For example, there is no recognition of the fact that this is a rural economy and most of the poor families live on the farm where they can grow a great deal of their own food. The free lunches (52,254 of them served in the month of March alone) were completely ignored in the report. One doctor told us he has all the free milk available he wants for the babies of parents who can't afford it. It is stacked in his office by the case. This is information you don't get by adding and subtracting statistics. You get the true picture only by sticking your nose into the problem and talking to the people involved.

We cannot, by any stretch of imagination, say that there is not a problem of malnutrition and hunger in Lee County. With as much poverty as we have in this county, hunger has to be a spectre that haunts the people. But we do question the extent of the problem and we do question the method by which this private agency arrived at its conclusion.

Their report with its obvious inadequacies and admitted limitations in scope, provides no foundation for solving what problems there are. It only adds to the poor publicity we are already saddled with.

THE AGE OF EFFLUENCE

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Tuesday, May 7, 1968

Mr. BOGGS. Mr. President, the May 10 issue of Time magazine contains an essay entitled "The Age of Effluence," which effectively sums up the crucial problem of protecting man's deteriorating environment.

The essay indicates the many ways in which man is contaminating our air and water, and concludes with the comment that "At this hour, man's only choice is to live in harmony with nature, not conquer it."

The many ways in which man's activities are progressively and dangerously affecting his environment have become evident only in recent years. Changing this trend requires widespread understanding of the need for action by government, business, and private citizens. Time magazine helps contribute to this understanding through publication of its essay and I ask unanimous consent that it be inserted at this point in the Extensions of Remarks.

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

THE AGE OF EFFLUENCE

What ever happened to America the Beautiful? While quite a bit of it is still visible, the recurring question reflects rising and spreading frustration over the nation's increasingly dirty air, filthy streets and malodorous rivers—the relentless degradations of a once virgin continent. This man-made pollution is bad enough in itself, but it reflects something even worse: a dangerous illusion that technological man can build bigger and bigger industrial societies with little regard for the iron laws of nature.

The problem is much bigger than the U.S. The whole industrialized world is getting polluted, and emerging nations are unlikely to slow their own development in the interest of clearer air and cleaner water. The fantastic effluence of affluence is overwhelming natural decay—the vital process that balances life in the natural world. All living things produce toxic wastes, including their own corpses. But whereas nature efficiently decays—and thus reuses—the wastes of other creatures, man alone produces huge quantities of synthetic materials that almost totally resist natural decay. And more and more such waste is poisonous to man's fellow creatures, to say nothing of himself.

Many has tended to ignore the fact that he is utterly dependent on the biosphere: a vast web of interacting processes and organisms that form the rhythmic cycles and food chains in which one part of the living environment feeds on another. The biosphere is no immutable feature of the earth. Roughly 400 million years ago, terrestrial life consisted of some primitive organisms that consumed oxygen as fast as green plants manufactured it. Only by some primeval accident were the greedy organisms buried in sedimentary rock (as the source of crude oil, for example), thus permitting the atmosphere to become enriched to a life-sustaining mix of 20% oxygen, plus nitrogen, argon, carbon dioxide and water vapor. With miraculous precision, the mix was then maintained by plants, animals and bacteria, which used and returned the gases at equal rates. About 70% of the earth's oxygen is thus produced by ocean phytoplankton: passively floating plants. All this modulated temperatures, curbed floods and nurtured man a mere 1,000,000 or so years ago.

To primitive man, nature was so harsh and powerful that he deeply respected and even worshiped it. He did the environment very little damage. But technological man, master of the atom and soon the moon, is so aware of his strength that he is unaware of his weakness—the fact that his pressure on nature may provoke revenge. Although sensational cries of impending doom have overstated the case, modern man has reached the stage where he must recognize that real dangers exist. Indeed, many scholars of the biosphere are now seriously concerned that human pollution may trigger some ecological disaster.

CONSUMING NOTHING

For one thing, the impact of human pollutants on nature can be vastly amplified by food chains, the serial process by which weak creatures are typically eaten by stronger ones in ascending order. The most closely studied example is the effect of pesticides, which have sharply improved farm crops but also caused spectacular kills of fish and wildlife. In the Canadian province of New Brunswick, for example, the application of only one-half pound of DDT per acre of forest to control the spruce budworm has twice wiped out almost an entire year's production of young salmon in the Miramichi River. In this process, rain washes the DDT off the ground and into the plankton of lakes and streams. Fish eat the DDT-tainted plankton; the pesticide becomes concentrated in their bodies, and the original dose ultimately reaches multifold strength in fish-eating birds, which then often die or stop reproducing. DDT is almost certainly to blame for the alarming decrease in New England's once flourishing peregrine falcons, northern red-shouldered hawks and black-crowned night herons.

In the polluting sense, man is the dirtiest animal, and he must learn that he can no longer afford to vent smoke casually into the sky and sewage into rivers as he did in an earlier day, when vast reserves of pure air and water easily diluted the pollutants. The earth is basically a closed system with a waste-disposal process that clearly has limits. The winds that ventilate earth are only six miles high; toxic garbage can kill the tiny organisms that normally clean rivers. Today, industrial America is straining the limits.

One massively important factor is that the U.S. consumer actually consumes nothing; he merely uses things, and though he burns, buries, grinds or flushes his wastes, the material survives in some form, and technology adds to its longevity. The tin can used to rust away; now comes the immortal aluminum can, which may outlast the Pyramids. Each year, the U.S. produces 48 billion cans plus 28 billion long-lived bottles and jars. Paced by hardy plastic containers, the average American's annual output of 1,600 lbs. of solid waste is rising by more than 4 percent a year. Disposal already costs 3 billion a year.

All this effluence is infinitely multiplied in big cities—and 70% of Americans live on only 10% of the country's total land area. Every day, New York City dumps 200 million gallons of raw sewage into the Hudson River. Each square mile of Manhattan produces 375,000 lbs. of waste a day; the capital cost of incinerating that 1-sq.-mi.-output is $1.87 million, and 30% of the residue drifts in the air as fly ash until it settles on the citizens.

The sheer bulk of big cities slows the clearsing winds; at the same time, rising city heat helps to create thermal inversions (warm air above cold) that can trap smog for days—a crisis that in 1963 killed 400 New Yorkers. Cars complete the deadly picture. While U.S. chimneys belch 100,000 tons of sulfur dioxide every day, 90 million motor vehicles add 230,000 tons of carbon monoxide (52% of smog) and other lethal gases, which then form ozone and peroxyacetyl nitrate that kill or stunt many plants, ranging from orchids to oranges. Tetraethyl lead in auto exhausts affects human nerves, increasing irritability and decreasing normal brain function. Like any metal poison, lead is fatal if enough is ingested. In the auto's 70-year history, the average American's lead content has risen an estimated 125-fold, to near maximum tolerance levels. Arctic glaciers now contain windwafted lead.

AIR WATER AND THE SEWER

By the year 2000, an estimated 90% of Americans will live in urban areas and drive perhaps twice as many cars as they do now. The hope is that Detroit will have long since designed exhaust-free electric or steam motors. Another hope is nuclear power to generate electricity in place of smoggy "fossil fuels" (oil, coal), but even with 50% nuclear power, U.S. energy needs will so increase by 2000 that fossil-fuel use may quadruple. Moreover, nuclear plants emit pollution: not only radioactive wastes, which must be buried, but also extremely hot water that has to go somewhere and can become a serious threat to marine life.

Industry already devours water on a vast scale—600,000 gal. to make one ton of synthetic rubber, for example—and the resultant hot water releases the dissolved oxygen in rivers and lakes. This kills the oxygen-dependent bacteria that degrade sewage. Meanwhile, the country's ever-mounting sewage is causing other oxygen-robbing processes. By 1980, these burdens may well dangerously deplete the oxygen in all 22 U.S. river basins. The first massive warning is what happened to Lake Erie, where overwhelming sewage from Detroit and other cities cut the oxygen content of most of the lake's center to zero, turning a once magnificently productive inland sea into a sink where life is catastrophically diminished. With state and federal aid, the cities that turned Erie's tributaries into open sewers are now taking steps to police the pollution, and if all goes well, Erie may be restored to reasonable life in five or ten years.

But the problem goes on. Though one-third of U.S. sewage systems are below health standards, improving them may also kill lakes. The problem is that treated sewage contains nitrate and phosphate, fertilizing substances widely used in agriculture that make things worse in overfertilized lakes. Though nitrate is normally harmless in the body, intestinal bacteria can turn it into nitrite, a compound that hinders hemoglobin from transporting oxygen to the tissues, causing labored breathing and even suffocation.

THE SYSTEM APPPROACH

It seems undeniable that some disaster may be lurking in all this, but laymen hardly know which scientist to believe. As a result of fossil-fuel burning, for example, carbon dioxide in the atmosphere has risen about 14% since 1860. According to Ecologist Lamont C. Cole, man is thus reducing the rate of oxygen regeneration, and Cole envisions a crisis in which the amount of oxygen on earth might disastrously decline. Other scientists fret that rising carbon dioxide will prevent heat from escaping into space. They foresee a hotter earth that could melt the polar icecaps, raise oceans as much as 400 ft., and drown many cities. Still other scientists forecast a colder earth (the recent trend) because man is blocking sunlight with ever more dust, smog and jet contrails. The cold promises more rain and hail, even a possible cut in world food. Whatever the theories may be, it is an established fact that three poisons now flood the landscapes; smog, pesticides, nuclear fallout.

Finding effective antidotes will take a lot more alertness to ecological consequences. What cities sorely need is a systems approach to pollution: a computer analysis of everything that a total environment—greater Los Angeles, for example—is taking in and giving out via air, land, water. Only then can cities make cost-benefit choices and balance the system. Equally vital are economic incentives, such as taxing specific pollutants so that factories stop using them. Since local governments may be loath to levy effluence charges, fearing loss of industry, the obvious need is regional cooperation, such as interstate river-basin authorities to enforce scientific water use. Germany's Ruhr River is ably governed this way. A shining U.S. example is the eight-state Ohio River Valley Water Sanitation Commission, which persuaded 3,000 cities and industries to spend $1 billion diverting 99% of their effluent to sewage plants.

Similar "air shed" action is starting between some smog-bound states and is considered preferable to federally imposed air standards, which might not fit local climate conditions. Still, far greater federal action—especially money—is urgently needed to help cities build all kinds of waste-treating facilities. In fact, the Secretary of the Interior really ought to be the Secretary of the Environment. To unify federal leadership, he might well be given charge of the maze of rival federal agencies that now absurdly nibble only at their own slice of the pollution mess.

One of the prime goals in attacking pollution ought to be a vast shrinkage of the human impact on other creatures. The war on insects, for example, might actually go a lot better without chemical pesticides that kill the pests' natural enemies, such as birds. One of the best strategies is to nurture the enemies so they can attack the pests; more insect-resistant crops can also be developed. Florida eliminated the screw-worm fly not by spraying but by sterilizing hordes of the male flies, then liberating them to produce infertile eggs. A still newer method is the use of sex attractants to lure male insects into traps and thus to their death.

Above all, man should strive to parallel natural decay by recycling—reusing as much waste as possible. Resalvaging already keeps 80% of all mined copper in circulation. But U.S. city incinerators now destroy about 3,000,000 metric tons of other valuable metals a year; magnetic extractors could save the metal and reduce incineration by 10%. The packaging industry could do a profound service by switching to materials that rot—fast. The perfect container for mankind is the edible ice-cream cone. How about a beer container that is something like a pretzel? Or the soft-drink bottle that, when placed in the refrigerator, turns into a kind of tasty artificial ice? Soft drinks could also come in frozen form, as popsicles with edible sticks.

To cut air pollution, a Japanese process can be used to convert fly ash into cinder blocks. Since the market is too small for for commercial success, public subsidies would make sense; recovering waste at the source is almost always cheaper than cleanup later. There are some real prospects of profit in reconstituting other waste. Take sulfur, for example, which is in short supply around the world. While 26 million tons are mined a year, smokestacks belch 28 million tons of wasted sulfur dioxide, which could easily be trapped in the stack and converted to sulfuric acid or even fertilizer. Standard Oil of California is already profitably recovering the refinery sulfur waste that pollutes streams.

To reduce smog over cities, one of the most visible and worst forms of pollution, smog-causing power plants might be eliminated from densely populated areas. Why not generate electricity at the fuel source—distant oil or coal fields—and then wire it to cities? On the other hand, industrialization must not be taken to distant places that can be better used for other purposes. Industrializing Appalachia, for example, would smogify a naturally hazy region that settlers aptly named the Smokies. The right business for Appalachia is recreation; federal money could spur a really sizable tourist industry.

Sometimes pollution can even help recreation. In flat northeastern Illinois, for instance, the handsomest recreation area will soon be Du Page County's fast-rising 118-ft. hill and 65-acre lake—artfully built on garbage fill. One form of pollution could even enhance—rather than spoil—water sports. Much of the nation's coastline is too cold for swimming; if marine life can be protected, why not use nuclear plant heat to warm the water? Or even create underwater national parks for scuba campers?

IN HARMONY WITH NATURE

Ideally, every city should be a closed loop, like a space capsule in which astronauts reconstitute even their own waste. This concept is at the base of the federally aided "Experimental City" being planned by Geophysicist Athelstan Spilhaus, president of Philadelphia's Franklin Institute, who dreams of solving the pollution problem by dispersing millions of Americans into brand-new cities limited to perhaps 250,000 people on 2,500 acres of now vacant land. The pilot city, to be built by a quasi-public corporation, will try everything from reusable buildings to underground factories and horizontal elevators to eliminate air-burning cars and buses. The goal is a completely recycled, noise-free, pure-air city surrounded by as many as 40,000 acres of insulating open countryside. "We need urban dispersal," says Spilhaus, "not urban renewal."

In the search for solutions, there is no point in attempting to take nature back to its pristine purity. The approach must look forward. There is no question that just as technology has polluted the country, it can also depollute it. The real question is whether enough citizens want action. The biggest need is for ordinary people to learn something about ecology, a humbling as well as fascinating way of viewing reality that ought to get more attention in schools and colleges. The trouble with modern man is that he tends to yawn at the news that pesticides are threatening remote penguins or pelicans; perhaps he could do with some of the humility toward animals that St. Francis tried to graft onto Christianity. The false assumption that nature exists only to serve man is at the root of an ecological crisis that ranges from the lowly litterbug to the lunacy of nuclear proliferation. At this hour, man's only choice is to live in harmony with nature, not to conquer it.

PATERNALISTIC FEDERALISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. RARICK. Mr. Speaker, after passage of the open housing bill—looking to see where we started to slip backward into the feudal state—contemporarily known as socialism—one need only go back to May 29, 1966, for a report on the Heineman recommendations to the Civil Rights Conference.

The blueprint was designed and laid out, and by hook, crook, or bullet, the destroyers of individual liberty are right on schedule.

So that our colleagues may see that nothing is acted on spontaneously or by the wishes of the people—in fact, some use Congress as a rubberstamp front. I include the report from the Chicago Tribune of May 29, 1966, and also an editorial from the Sun-Sentinel of May 1, 1968, as follows:

[From the Chicago (Ill.) Tribune, May 29, 1966]

FORCE SUBURBIA INTO RACIAL FOLD: HEINEMAN UNIT—URGES REPRISALS FOR ALL-WHITE COMMUNITIES

(By Russell Freeburg)

WASHINGTON, May 28.—A frontal assault on suburbia is outlined in the recommendations to the White House civil rights conference

to be held here next Wednesday and Thursday.

The 104-page report asserts that desegregation in both race and income must take place right down to local residential areas. If not, it said, communities should be punished financially and economically.

"To bring down the walls around the cities," as the report phrased it, school districts should be redefined to include both suburban and city schools, the federal government should be empowered to buy vacant suburban land so it can designate its future use, and businesses should not move to suburbs.

RESTRICT BUSINESS AREAS

"Unless there are compelling business reasons to the contrary, new business establishments should be located by private employers in areas accessible to places where Negroes live, such as downtown areas, rather than in distant suburban or other out-of-the-way places," says the report.

The report, prepared by a 60-man steering committee appointed by President Johnson, will be discussed by the conference's 2,400 participants seeking ways to bring equality to Negroes. Ben Heineman, chairman of the Chicago & North Western railway, is conference chairman.

The report strongly indorses more federal controls to give Negroes equal status. It voices criticism of local and state governments. Pointing out that unemployment is highest among Negroes, the report recommends a government guaranteed job for anyone unemployed and linked the proposal with a call for a large scale federal program and public works and public services.

NATIONAL SCHOOL POLICY

Control of public assistance and public employment services should be turned over to the federal government. the report said. It called for a national school policy.

Housing, education, welfare, economic security, and the administration of justice were listed in the report as the critical areas involving Negro rights. Especially in education and housing, the report involved the white suburban bastions that have grown since World War II. There must be a new national goal of racial and economic inclusiveness in all neighborhoods, said the report.

"There must be a vast addition to the supply of housing priced within the reach of low and moderate income families well distributed thruout each metropolitan area," the report said.

It placed the blame for existing patterns of segregation on local governments and the federal housing agencies.

URGES U.S. LAND PURCHASES

To change the status quo, the report said that the new department of urban affairs should be empowered to purchase, lease, and sell land to assure its development and occupancy, now and in the future, for persons of all races and incomes. It recommended that the federal government buy undeveloped land and save it for distribution later.

Other ideas were listed. One was that rent supplements should be extended to subsidize home ownership. Another was a call for legislation to authorize the urban affairs department and local authorities to diversify tenancy in large housing projects by removing some units from the low income status and applying the subsidies to houses in other areas, "thus permitting a wider range of incomes in each area."

The report said that the federal government should continue assistance for community facilities and services such as roads, sewer, and water systems, and school construction on the formulation and implementation of "metropolitan area plans agreed upon and adhered to by all units of government operating within the area."

It recommended each plan meet two requirements:

1. It furthers desegregation by race and income thruout area.

2. It includes provision for low and moderate income housing commensurate with the needs of the area.

SUBMISSION OF COMMUNITIES

"Federal assistance to every local government unit should be conditioned on the submission of a metropolitan-wide plan providing for the desegregation of housing and promotion of communities inclusive of all races and incomes," the report said.

It urged an end to local vetoes on rent supplements and it said that the federal government should standardize building codes. In awarding government contracts, the report said that the federal government should locate new federal facilities in places readily accessible to Negro residential areas. It also thought that in awarding government contracts, federal officials should require, to the maximum practical extent, that the work be performed in establishments accessible to areas with substantial unemployment problems.

"Local and state governments should evaluate and modify local transportation routes, fares, and facilities to improve access of Negroes to available jobs," said the report.

ELIMINATION OF TESTS

Metropolitan job councils were recommended for urban areas with large Negro populations. The councils, said the report, should take positive steps to insure that business, organized labor, and government expand job opportunities for Negroes. This included the elimination of unnecessarily rigid hiring specifications such as artificial test criteria, the acceptance by each employer of definite targets for employing and upgrading Negro workers, and accepting more Negroes in craft union apprentice programs.

To have combined city and suburban school districts, the report said that there should be "deliberate color conscious manipulation."

"The federal government should proclaim that it is national policy to reduce racial concentration in schools—racial concentration of pupils, teachers, and other school personnel," it said. "Present and future education grants should be contingent on the presentation and approval of an areawide 'workable program' for the recipient community, designed to achieve this goal."

The report claimed that despite the school desegregation ruling of a decade ago, 90 per cent of America's school children are educated in racially segregated schools, it charged that state and local governments have failed so miserably that the federal government must step in as a partner in what it called "creative federal leadership."

"IT IS INCONTESTABLE"

"It is incontestable," the report said, "that we have different qualities of education and therefore provide widely varying levels of opportunity thru schooling for the Negro child and the white child, the suburban child, the city child, the inner city child, and the rural child."

The report said that pupil expenditures must be made equal thruout the country at $1,000 per pupil, double the present national average, it said that in redefining school districts, private and parochial schools should be included, and that plans to assist Negro pupils to move into schools of lesser racial concentration should include proportionate enrollment in private and church related schools, with scholarship aid if necessary.

The establishment of federally operated model educational centers also was recommended to experimenting new educational techniques and serve as laboratories for integration, teacher training, and research in materials. The report also urges free school breakfasts and lunches for all children, regardless of financial ability.

[From the Sun-Sentinel, May 1, 1968]

VIEWED EDITORIALLY: DEMANDS FOR "POOR" IGNORE OBLIGATION TO DUE PROCESS

(By William A. Mullen)

The United States of America is a Republic and by our Constitution, Article IV, Section 4, shall be guaranteed to continue as a republican form of government.

Under our due process, amendments to the Constitution are by a two-thirds vote of both houses of the Congress or of the legislatures with the approval of three-fourths of the states.

But under way now is a new attempt to change our government from a republic to a democracy or a government of coercion. Instead of the due process of amendment, reform is sought through self-appointed delegates whose qualifications are based on the acclaim they are "poor."

These, we believe, are the fundamentals involved in the so-called "Poor People's March on Washington," which began Monday with the supposed noble cause of fulfilling the "dream of Dr. Martin Luther King."

They are the elements that are putting our tortured government to the test in the context of "Do as I say, or else . . ."

And in this context, the affairs of government will not be directed by the law of the Congress, the powers of the executive or the interpretations of the judiciary. They shall be determined by the "demands" of persons who are not duly elected representatives of the people, as decreed by our republican form of government guaranteed to the several states by the United States Constitution.

To view the latest confrontation of the invested authority of our government from any other aspect would be mortal folly, no matter how just the cause may appear, no matter how idealistic the "dream," no matter how non-violent the coercion.

No group has any right to invade our national capital, to threaten laying it under siege, or to place a shotgun of violence to the heads of our elected representatives.

But that is the manifesto of Dr. King's successor as leader of the "march" and head of the Southern Christian Leadership Conference (SCLC), Dr. Ralph Abernathy. He issued the ultimatum thusly:

"We have made up our minds that there will be no new business in this country until it takes care of the old business . . ."

There is no statutory nor constitutional authority for any individual, or any group, regardless of its numbers and physical prowess, to hamstring our governmental processes, as Dr. Abernathy proposes.

The means for change are provided through elections, through our representatives in the Congress and through our President. No other methods are lawful.

Dr. Abernathy quite obviously ignores this with his edict and his assertion that "we are not going to beg for our rights any longer, but will demand them."

These "rights" include free food programs, more anti-poverty funds, a ban on immigration until every poor American who wishes it has gained a decent acceptable living standard and is gainfully employed, and a more direct voice of the "poor" in government affairs.

What a "decent acceptable living standard" may be, humans being what they are, is anybody's guess.

If these are granted as "rights" today, what then of tomorrow's rights? They may be free housing, free transportation, incarceration of those who impede the economic satisfaction of the "poor," or whatever may strike future fancy.

Our government representatives have an obligation to their electorate to deal with

these demands and the "poor people's march" within the framework of our Constitution.

They have a sworn oath to uphold that Constitution which guarantees a republican form of government, not a mobocracy.

This should be restated to some officials in the Department of Agriculture who joined at the end of their meeting Monday with the "crusaders" in singing We Shall Overcome.

The theme of liberty today, we submit is "We shall persevere, or we shall perish."

AN HONEST ACCOUNT OF THE OLD WEST

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Tuesday, May 7, 1968

Mr. CHURCH. Mr. President, we who come from the West have long looked askance at the distorted and fraudulent picture of the Old West which so much of the American media has dished up to the world for years. No other period in the development of American history has been treated to the deluge of myth and fantasy as that suffered by the period encompassing the settling and passing of the Western frontier.

What has long been needed is a comprehensive history which would place things in their proper perspective.

Mr. President, I am pleased to inform my colleagues that such a work has just been published by the celebrated Idaho author, Vardis Fisher.

Mr. Fisher, whose previous 35 books are known and enjoyed throughout the world, has undertaken in his new book, "Gold Rushes and Mining Camps of the Early American West"—Caxton Printers, Caldwell, Idaho—to capture the West as it really was.

Born of pioneer Mormon parents in Idaho, no one is better suited to the task. This new work is welcome, indeed, for serious students of the West.

Mr. President, I ask unanimous consent that an article about Mr. Fisher's new book, published in the North Side News, Jerome, Idaho, be printed in the Extensions of Remarks.

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

JUST PUBLISHED: VARDIS FISHER DESCRIBES OLD WEST IN LATEST BOOK

Vardis Fisher, columnist in this newspaper, announced this week the publication of "Gold Rushes and Mining Camps of the Early American West."

It is the author's 36th book in 41 years of writing.

"Gold Rushes and Mining Camps of the Early American West" will bring to the reader all the remarkable men and women, all the fascinating ingredients, all the violent contrasts brought together by chance in one of the most enthralling chapters in the history of the country.

The book goes to the heart of the matter in a thorough way, exposing the legends, penetrating to the historic facts.

Because his wife assisted him in the very extensive research for the book, as well as for some of his earlier volumes, he acknowledges her help by putting her name with his own on the title page.

This huge book of a quarter of a million words and about 300 photos, many of which are published for the first time, is by far the most comprehensive yet written on the subject.

It ranges over the whole broad field, from camp angels to girls of the line, from the California rush to the Yukon, from food and lodging to duels and hoaxes and lost treasures.

Of "lost mines" it includes the authentic Issac Swim, which will be of interest to many southern Idahoans.

Caxton Printers of Caldwell, nationally known as one of the best small publishers, have spared no expenses to make this one of their most beautiful books and the entire volume is of the highest quality.

"The bona fide historian of the American West is well aware, as the general reader is not, that most of the writing about the old West, except the physical science, is worthless as history.

"The days of the gunslinger and the hero with the tin star, the Wells Fargo stage and the saloon girls, as they are pictured in the general imagination, never existed in reality.

"They belong to the realm of legend and fiction, not history," Fisher said.

"The dishonest exploitation of the old West, in magazine stories, articles, books, and on the motion picture screen and television, is one of the strangest American phenomena of the past century.

"An entire era has been largely falsified, misrepresented, distorted.

"The story of the old West has been turned into a kind of circus entertainment for adults.

"Making fraudulent 'Westerners' helped many a Hollywood mogul to fame and fortune, and is a multi-million dollar cornerstone of our television industry.

"In drugstore and supermarket magazine stands one finds dozens of so-called 'Westerns', all of them travesties of the real thing," he noted.

"Probably the most dishonest aspect of this shameful matter is the extent to which historical episodes and individuals of the past have been deliberately misrepresented to us, by writers and film directors, with utter disregard for the true facts known, usually in a more idealized and glamorized shape or form, to please popular taste.

"Cold-blooded killers, for instance, have been turned into romantic heroes.

"Minor skirmishes, involving perhaps a few whites and hostiles, have been given the epic proportions of a major battle. Some Indian chiefs, savage and illiterate and of no historical consequence, have been likened to Napoleon or Alexander the Great," Fisher said.

"One of the reasons why the legends of the old West are better known generally than the historical facts is because the serious historian arrived on the Western scene late.

"The sensation mongers and literary hacks, on the other hand, were quick to take advantage of a curious and gullible public, eager for information about the distance frontier.

"And so from these word peddlers poured forth all the tables for adolescence about Indians and cowboys, exaggerated accounts of gold strikes, fabulous fortunes won and lost, frontier marshals, Indian massacres, stage holdups.

"Fiction and falsehood became so hopelessly mixed, in the course of time, with the true circumstances of the past, that some of the more credulous scholars have accepted as facts many of the half-truths and myths that clothe the flesh and bones of Western history," he said.

In no other field in which he has read widely, Fisher remarks, has he been so frustrated as in the field of Western history.

In many areas "we don't know, and no person yet knows, what is fiction and what is fact," and we must admit that "some things probably can never be determined."

No one is better qualified to write this book than Vardis Fisher.

Born in 1895, in a one-room wooden shack, of Mormon pioneer parents, Fisher grew up in the Big Hole Mountain region of Idaho, the same kind of wild country familiar to the mountain men, Indian scouts, trappers, frontiersmen, and explorers of whom he has written with such authority in many of his books.

His father's ranch was 30 miles from the nearest settlement; as a child he slept in animal skins and ate venison in all seasons; in the hills around his home, bear still prowled in those days, as well as the wolf and couger.

He was late entering school, and he earned his education the hard way, a triumph over the poverty and hardship of his youth.

He received his B.A. at the University of Utah, his M.A. and Ph. D. (magna cum laude) at the University of Chicago.

He taught at these universities and at New York and Montana universities.

Seven of his books had been published when he left teaching for fulltime writing in 1933.

But in 1935 he accepted the invitation to be Idaho director of the WPA Writers Project and the Historical Records Survey, and for a while was Regional Editor of the Rocky Mountain States.

He resigned in 1939, and won the Harper Novel Prize for "Children of God," a best seller which gave him the necessary financial independence to tackle his literary magnum opus, his Testament of Man series of 12 novels.

He married Opal Laurel Holmes, his third wife, in 1940.

They settled in Hagerman Valley, turning twenty-odd acres of Idaho wasteland into a local show place during the next decade.

There he wrote some 20 books during the next 20 years, as well as several essays, poems, short stories, and a weekly syndicated news column.

Politically independent and affiliated with no church, he belongs to no clubs, and to no organization.

A prolific writer of great diversity with a reputation for scholarly integrity, he is perhaps better known in European reading circles than here, and translations of his novels in a number of languages testify to his growing popularity and stature.

With a body of work that fills a large shelf, his place in the front ranks of contemporary American letters is well established.

STATEMENT ON DRAFT REFORM

HON. ROBERT T. STAFFORD

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. STAFFORD. Mr. Speaker, draft reform is not dead—in spite of the outrageous attempts of Selective Service Director Lewis Hershey to thwart all efforts to reform an outdated, ineffective, and inequitable draft system.

We are appalled by the role of the administration in the scuttling of the Selective Service reform recommended by its own Presidential commission. The administration, and especially Lieutenant General Hershey, have been irresponsible in failing to deal constructively with an issue as important as the draft—especially in wartime when the draft imposes on young men the risk of death.

We are disappointed with the President for allowing the recommendations of the Marshall Commission—his own prestigious advisory panel, to be sum-

marily discarded by a second task force—with the latter group headed by the very person who administers the system criticized by the former.

We are disappointed with the President for his failure to institute the reforms which were assumed when the draft law was passed last June. Then it was practically unanimously agreed that the order of draft calls would be changed to the 19-year-old age group—a proposal supported by his own Marshall Commission, by the distinguished Clark panel appointed by the House of Representatives, by the Defense Department in its testimony before committees of both Houses of Congress, and on the floor by dozens of Members of Congress of both parties.

We are disappointed with the President for his failure to pursue vigorously the recommendations we proposed in "How To End the Draft"—a comprehensive program of reform in recruiting, inservice benefits, manpower usage, and entrance standards which, if implemented, would lead to the reduction of draft calls, hopefully down to zero.

We are dismayed with Lieutenant General Hershey for refusing to institute the reforms which even the second presidential task force suggested in relation to operation of the Selective Service System.

We are dismayed with Lieutenant General Hershey for refusing to release to the public and the Congress the task force report requested by the President. A document of such importance to everyone interested in the draft, especially those who must go to fight our wars, should not and cannot be kept from the public. It is simply unacceptable that such a report which condemns all reform recommended by a commission highly praised by President Johnson is merely filed away without explanation. The report must be brought to the attention of the public and a full and responsible discussion must be encouraged. Furthermore, it is unacceptable to suggest that lack of funds is responsible for its not being released. This report was requested by the President—the Executive Office of the President has the means to publish the report if it desired to do so. In addition, the task force also included the Secretary of Defense and the Director of the Bureau of the Budget. Surely either of these offices could afford the publication expenses of this document. If the administration refuses to reproduce it, we will gladly do so.

The administration has made it quite apparent over the years that it does not consider the draft a public issue. There have been a number of items of concern which have not been released by the administration—the entire 1964 Defense Department study on the feasibility of a volunteer army, including the working papers; the working papers of the President's National Advisory Commission on Selective Service; and now the task force report on the operation of selective service.

It is quite contrary to the interests of the Nation to refuse information which is public by its very nature. It flaunts any ideal of freedom of information which this Nation so very greatly cherishes and which was reinforced so strongly by President Johnson just last year by the institution on July 4 of the Freedom of Information Act. We call upon the administration to abide by the spirit of this law and to release the above documents immediately.

We are dismayed with Lieutenant General Hershey for the irresponsible manner in which he has handled this entire report. Apparently it has been in his possession since January 23 and the public was informed of its existence through a casual comment to the Washington Post.

We are dismayed with the recommendations of the study as they were reported through the press with respect to uniform national standards. The Washington Post reported the following:

> The Task Force concluded that "an adequate degree of uniformity can be attained with the present structure." It called on Selective Service headquarters to make some improvements in the present system and added that Hershey's organization "has under consideration many measures to increase further the degree of uniformity in classification."
>
> But Selective Service officials last week said any uniformity would have to come—as it has for twenty years—through the informational operations bulletins Hershey regularly fires off to his 4,000 local boards.

We can neither accept the conclusions that the present structure is satisfactory for "an adequate degree of uniformity" nor can we accept Lieutenant General Hershey's refusal to implement even those few recommendations which the task force itself suggested. Uniform national criteria as a premise for equitable draft treatment has gained wide acceptance. The House of Representatives passed an amendment to the selective service law requiring uniform national criteria. The House-Senate conference committee changed that amendment to allow recommendations for national criteria. The case is a simple and obvious one. Why should one individual be exempt while another living across town and having the same qualifications and background be drafted?

Draft reform cannot be ignored, shunted aside, or hidden in the Director's files. It is an important issue which must be dealt with effectively.

We are today filing the Draft Reform Act of 1968. The legislation we are recommending will make eight changes:

First. It will amend the draft law to require the drafting of the 19-year-old age group first.

The existence of unanimity that the draft age should be reversed was the only basis for not requiring such action in legislation, thus allowing the military flexibility in accomplishing an agreed upon change. But the change never came. It is quite apparent now that flexibility serves only to delay progress.

Second. It will remove the requirement that the President bring before Congress for approval a specific program of manpower selection from appropriate pools of available manpower.

This recommendation does not call for a lottery, but it allows the creation of a random selection process if the administration can find no other viable method of selecting a few from among all the available men. The Defense Department's own estimates show a draft need of only 1 in 7.

Third. It will amend the selective service law to require uniform national criteria. The House of Representatives passed such a requirement. Uniform national criteria for classification would not impair the appropriate powers of discretion of local draft boards to consider each individual case on its merits. Rather they would provide a uniform framework of policy which would end the inherent discrimination in a system where local boards are compelled to establish their own criteria for a deferment.

Fourth. It will amend the draft law to require the Selective Service System to abide by the standards set by the National Security Council on those positions which it feels are "critical skills or essential activities—class 2–A" deferments.

The Director of Selective Service forwarded the recent National Security Council decisions to the local boards, but also took the opportunity to remind the local board that they had full discretion based on local need. The concept of equity can never be established if each local board can interpret National Security Council criteria in any manner it chooses.

Fifth. It will amend the draft law by adding a statement of purpose that the Government would attempt to meet its military manpower needs through adequate voluntary enlistment before it would resort to compulsory conscription.

Sixth. It will amend the draft law to require that draft standards be no lower than enlistment standards.

It is abhorent to realize that an individual can be refused enlistment into the services and subsequently be drafted. For example, a young man can be rejected for voluntary enlistment on the basis of a score on the Armed Forces qualification test which, nonetheless, qualifies him for involuntary induction through the draft.

Seventh. It will allow deferments for students attending junior colleges, community colleges and similar institutions of learning.

It is rank discrimination to consider junior college, and similar students any less involved in their education than those going directly for a baccalaureate degree. Deferments should be extended to all full-time students but only on the understanding that with termination of the education program, attainment of the age of 24, or unsatisfactory pursuit of the degree the registrant is returned to the prime age group of draftables.

Eighth. It will require a 30-day period after notice before induction.

Mr. Speaker, Mr. HORTON, of New York, Mr. SCHWEIKER, of Pennsylvania, Mr. SHRIVER, of Kansas, and Mr. WHALEN, of Ohio join with me in this statement.

THE CONSPIRACY OF GOOD WILL

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 7, 1968

Mr. FANNIN. Mr. President, these are days in which passions are inflamed and threats of violence hang like a dark cloud over the Nation's cities; indeed over the

very Capital. During these times the good that men do often goes the way of "Caesar's bones" and is little noted nor long remembered.

Mr. Eric Sevareid, a CBS commentator, took note last Thursday, May 2, of an event which unfortunately does not make headlines and is not the subject of daily conversation. Mr. Sevareid drew a contrast between the haughtiness and the rudeness of recent "demanders" who have taken delight in snubbing or delaying officers in the President's Cabinet, and a group of handicapped people who have diligently worked to overcome natural or imposed afflictions. These people, the commentator notes, argue, reason, and organize with "no note of self-pity in their talk." These are the most underprivileged of all.

He points out that these people, work ing to make the most of their situation are "in memorable contrast to the violence, the invective, and the hatred in the streets of so many cities." There still exists beneath our national turbulence, he reminds us, a "conspiracy of good will."

I ask unanimous consent that the commentary to be printed in the RECORD.

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

EXCERPT OF CBS EVENING NEWS WITH CRONKITE, MAY 2, 1968

SEVAREID. It used to be said of Washington, D.C. that it was a city within a capital, not, like London or Paris, a capital within a city. It was the protected headquarters of the country, remote from the daily ebb and flow of crowded humanity, from turbulence, sweat, joys and sorrows. If the rest of the country sometimes seemed out of touch with Washington and the facts, Washington seemed out of touch with the people and their feelings.

Not any more. Last month the turbulence erupted in flame and smoke only a few blocks from the serene white dome of the Capitol, and almost daily now a new kind of lobby descends on Washington in force, the picketers, the marchers and the demonstrators. Wizened old Negro women from the shantytowns of Mississippi look United States Senators in the eye and explain the facts of their lives with the eloquence of simplicity. Reservation Indians let them know what it is to live in the midst of booming America as a forgotten race. No Cabinet Minister dares ignore an appointment with the organized marchers, and what haughty words ensue come from the petitioners, not from the officeholders. Petitioners is not the proper word any more—the word is demanders.

Today there is another organized lobby meeting here in force, men and women in wheelchairs, the blind, the deaf, some who speak through artificial voice boxes in their throats, the annual gathering sponsored by the President's Committee on Employment of the Handicapped. There is no stridency in the requests and proposals of these, the most underprivileged of all. They argue and they reason and they organize with competence and foresight. You hear no note of self-pity in their talk.

One of them was singled out today for the President's award, Mr. Max Rheinberger, Jr. of Duluth, Minnesota, paralyzed from the neck down by polio, founder and director of six separate businesses, nearly all dealing with the handicapped and their uses in society, indefatigable worker in a dozen civic groups and causes, self-educated from hospital bed and wheelchair.

The whole affair was in memorable contrast to the violence, the invective and the hatred in the streets of so many cities. It was a reminder that beneath the national turbulence there still runs a strong and deep evangelical current in the American people, that there still exists, all around this country, the movement that H. G. Wells called "the conspiracy of good will."

A MORAL RECOMMITMENT FOR NEW JERSEY

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. THOMPSON of New Jersey. Mr. Speaker, I do not think that there is any Member of this House who can say at this point in our national history that he is unaware of the crisis affecting our urban areas. The dimensions of this crisis have been reported to the President by the Kerner Commission. The Commission has recommended a sweeping program of action to correct the ills which beset our cities.

Increasingly, it becomes apparent that these ills cannot be cured without significant new efforts on the part of the respective State governments. I am proud that our great Governor of New Jersey, Richard J. Hughes, has been the first Governor to recognize this fact and to act upon it. I am pleased to place before the House, Governor Hughes' special message to the legislature of New Jersey setting forth his recommendations to resolve the urban problems of our State. By way of introduction to the Governor's message, I would like to insert in the RECORD an editorial from the May 1 edition of the Washington Post which comments upon Governor Hughes' program.

The editorial and the Governor's special message follow:

[From the Washington (D.C.) Post, May 1, 1968]

CHALLENGE FROM JERSEY

Gov. Richard J. Hughes of New Jersey has come forth with what is said to be the first comprehensive state response to the crises in the cities. Outlining a $126-million program to cope with rotting tenements, decaying schools and "the generations of youth we are wasting," the Governor also boldly put himself on record for an income tax to finance the new outlays. Of course this will be anathema to the old-line politicians, but it may stir a flicker of hope in some other state capitals.

Last year Terry Sanford pointed out in his *Storm Over the States* that "a state which is not investing in its own future is not going to have a bright one." Even in the face of their critical urban problems, once more high-lighted by the recent riots, few of the states have bestirred themselves. New Jersey is by no means the only industrial state without an income tax. In the same category are Connecticut, Illinois, Maine, Ohio, Pennsylvania, Rhode Island, Texas, Washington and others.

In these days a graduated income tax is the first essential tool of a state in meeting its social responsibilities. If a state is not using this tool, how can it claim to have made a start toward relief of either urban or rural deprivation? Governor Hughes has set an admirable example for the politicians who come to Washington begging for help that they could more readily obtain from their own tax resources.

We think Congress would be well advised to give tax credits for part of the income taxes citizens pay to their states. The result would be to encourage every state to make use of the income tax. But even without this incentive the states should be tapping their own resources for social welfare funds. Governor Hughes has asked the New Jersey legislature to rescue that state from "stagnation and despair" which might take a generation to overcome. He is entirely right in saying that the state governments are the place to begin and in singling out the income tax as the proper springboard in all states where it is not now in use. Is there enough statesmanship in the state capitals for acceptance of this challenge?

A MORAL RECOMMITMENT FOR NEW JERSEY

(Special message of Richard J. Hughes, Governor of New Jersey, to the legislature April 25, 1968)

INTRODUCTION

When I came before this Legislature on April 8, I expressed the hope that we in New Jersey could lead the way in a national renewal of spirit—a new taking up of our part in the urgent business of America. And I told you that this might be the most important work that any New Jersey Legislature was ever called upon to do. This work, the urgency of this mission, has been impressed upon all of us from many quarters—by the Lilley Commission, by educators, and parents, and law enforcement authorities, and the press, and citizens of every interest and every circumstance—but most importantly of all, by our own intelligence and our own conscience.

It is as though an alarm had sounded, awakening us from a long neglect to a present duty. The work before us is not easy—but it is about that work, about the unmistakable need for immediate action, that I wish to speak to you today.

The world moves very quickly these days, and sometimes events come together so rapidly as to change in a short time honest conceptions of right and of necessity. So it has been with me. I tell you in candor that my stringent housekeeping budget of February no longer seems fully adequate to meet the problems I will discuss today. In retrospect that budget, which I hope your Appropriations Committee will leave largely intact, is a foundation upon which I believe we must mount a fuller and stronger response if we wish to deal honestly and properly with problems that have a new urgency, a new compulsion for action.

I have in mind the grave social problems of our hard-pressed older suburbs and our struggling rural communities, but above all the overwhelming problems of our cities, large and small alike, and of the people who live in them. Today, I propose that we face—and face foursquare—the nagging problems of the urban community. Let no one who professes concern for the well-being of this State believe that the burdens of New Jersey's urban communities are not also his personal burdens. In this most urbanized State of the nation, no one—suburbanite, farmer, or city dweller—can lead his daily life unmoved and untouched by the crisis of the inner city. How clearly this unbreakable bond, this oneness, has come home to us during the tragic disorders that have afflicted many of our American cities! No resident of the most affluent suburb can look any longer with unconcern on either the decay or the violence of our cities.

For the cities are the lifeblood of America. The cities are the heart of our free enterprise system, the focal point of business and commerce of every kind and size, the center of production and distribution of food and clothing and every commodity upon which the well-being of Americans depends. The cities house our major employers as well as many of our great newspapers and cultural and educational centers. The cities are—or should be—for all America, and especially for New Jersey, the source of eco-

nomic power and moral renewal. And if life in the cities breaks down, so too does life in every other community. For all of us are bound together in a body politic in which weakness or disease in one part inevitably spreads to the whole. We are truly part of one community—New Jersey—just as we are part of one nation—America—and we are no more able to separate ourselves from our common health and well-being than we would be, in time of war, to abandon the common defense.

Today I propose that we rise together to the common defense of New Jersey against those grave social problems whose persistence and worsening has engendered for the entire State not peace but unrest, not order but turmoil, not strength but weakness. To this end, I wish to review with you in specific terms the nature and impact of these social problems on all of our overburdened communities, but especially on our cities. And I wish to give you my soundest and most carefully considered judgment as to what *minimum* actions you and I must take *now*, in the next two months—in education, housing, employment, law enforcement, welfare and other fields—to restore peace and strength to every community in New Jersey and to make us whole once again.

EDUCATION

My proposals to you in the field of education are directed chiefly toward the problems of our poorest schools and our most disadvantaged students. My emphasis betokens no lack of concern for the financial burdens that beset hardpressed school districts throughout the State. Everyone in this chamber knows that the State must substantially increase its share of local education costs, and I will turn my full attention, as I trust you will, to the report and recommendations of the State Aid to School Districts Study Commission chaired by the distinguished Assistant Majority Leader of the Senate, Senator Bateman, as soon as they are made available.

But let us make no mistake about our priorities for today. There are schools in New Jersey that are so deficient as to shame us all—schools that are forced to confront the most difficult educational problems in New Jersey with decrepit facilities, acute teacher shortages, and growing hopelessness. You and I can no longer equivocate on this point: these terrible schools, and their tens of thousands of graduates who, at the completion of their so-called formal education, are often barely able to read and write and whose abilities, however great in potential, and whose aspirations, however noble in purpose, are thereby seriously and perhaps irrevocably undermined, must command our immediate attention.

Emergency State aid program

Accordingly, I recommend that you authorize the sum of $25 million for an emergency State aid program that will enable overburdened local school districts to concentrate new energy and resources on the special problems of their disadvantaged students. This emergency aid, which will complement highly useful but inadequate federal funds available to New Jersey school districts under Title I of the Elementary and Secondary Education Act, will be administered in accordance with a formula and standards already developed by the State Board of Education to ensure the most effective possible use of funds. Beginning July 1 these funds will be used to supplement programs already designed and budgeted for the forthcoming school year, and in succeeding years they will serve a similarly vital enrichment purpose.

This emergency State aid program constitutes no opposition on my part to the recently announced majority proposal to increase, even in advance of the Bateman Commission report, State assistance to minimum aid districts, nor does it constitute a prejudgment on my part as to the forthcoming recommendations of that Commission, which will project a plan for increased State aid to every school district in New Jersey. But the emergency program I propose *does* represent a commitment to the improved education of disadvantaged children, and to school districts that are struggling courageously to provide that education, that simply must have the highest priority and that should be implemented without delay.

In addition, I request this Legislature to focus immediately on the following concentrated but modest programs, which represent a minimum State commitment to improve education in our most grievously inadequate schools:

EMERGENCY SCHOOL BUILDING AID

First, I ask you today to act promptly upon, and to triple, the emergency school building aid program proposed in January by the State Board of Education. The State Board has already specified in careful detail the alarming number of antiquated and sometimes dangerous facilities that plague a number of school districts. The Board's excellent program, which it rightly views as no permanent panacea to the school construction problem, is addressed to the immediate building needs of the struggling rural community, the fast-growing suburb, and the old central city—but most of all to those districts which, encumbered with enormous problems of urban and rural poverty, find themselves unable alone to relieve obsolete and overcrowded conditions that make first-rate education simply impossible. I recommend an appropriation for this program in the forthcoming fiscal year of $2 million. This sum, together with subsequent annual appropriations, would authorize qualified districts to issue $60 million in local school bonds in each of the next three years—bonds that will be amortized by the State over a 35-year period. This program will therefore make possible emergency school construction in the amount of $180 million—construction which, although absolutely essential, overburdened local districts would otherwise be unable even to consider.

It is my best judgment, after the most careful study, that you should act promptly on this emergency school construction program. But because capital construction is at issue here, I ask you to withhold final judgment on the legislative detail of this matter until you have examined the priorities to be established by the distinguished Commission to Evaluate the Capital Needs of New Jersey, whose report will appear in several days.

I also call your attention to legislation currently pending that would permit school districts to enter into long-term leases for school facilities in combined use buildings constructed by the Housing Finance Agency. This legislation would permit imaginative combinations of public schools and private housing in the same building. In some cases, through judicious use of air rights and other properties, school costs can be substantially reduced. I therefore urge prompt action on this pending legislation.

Urban Education Corps

Second, I propose that you authorize the sum of $500,000 to permit the expansion of the pioneering and widely heralded Urban Education Corps. Educational research confirms what you and I know by intuition: that the first requirement for good education is an able, dedicated, and responsive teacher. Yet there is an alarming shortage of qualified teachers statewide, and especially in our most over-burdened school systems. The Urban Education Corps was formed last summer to meet this acute shortage of first-rate teachers, and in just a few months of operation it has channeled many dedicated teachers into schools that confront our most complex educational problems. A grant of $100,000 from the federal government will finance an intensive training program this summer for outstanding college graduates who, as members of the Urban Education Corps, want to bring a Peace Corps kind of spirit and resolve to our most difficult educational problems. This federal commitment to our Urban Education Corps is encouraging indeed, but the need for new teachers of this high quality far exceeds the 100 who can be trained this summer with these funds. One major school system alone shows a shortage of 700 fully qualified teachers at the present time, and others are comparably pressed. I therefore request you to authorize funds to recruit and train an additional 500 dedicated young men and women to teach in New Jersey's most difficult schools next fall.

Educational opportunity fund

Third, I propose that you establish a New Jersey Educational Opportunity Fund and appropriate the sum of $2.5 million for its first year of operation. As I pointed out to you in my Legislative Message, the State Scholarship Commission is convinced, as I am, that many young men and women in New Jersey who are fully capable, with assistance, of work at the college level are prevented from entering college because they lack both financial resources and acceptable scores on competitive tests. The Commission believes, as I do, that it is essential to identify and assist students of outstanding character and leadership potential whose comparative underachievement or low test score performance is associated principally with poor school training—in other words, boys and girls whose scholastic weakness is not their fault, but our collective fault.

The Educational Opportunity Fund will enable New Jersey to utilize federal resources already allocated for disadvantaged students in the State. These resources total $1.5 million, for our public colleges and universities, in the next academic year, and they will be lost if the State does not provide matching funds. If we fail to act, we will fail these students and we will fail New Jersey.

In addition, federal and private funds for disadvantaged students are available to independent institutions in the amount of more than $2.4 million. But if these colleges are to succeed in making these resources available to the 1,000 disadvantaged students they have already identified and are prepared to admit in September—or to the additional 2,500 disadvantaged students whom these colleges would also be prepared to admit given adequate funds for assistance—they must have available additional resources from the Educational Opportunity Fund. This assistance will supplement, not replace, private scholarships, work-study stipends, loans, and individual student resources. The Fund will be administered by an Educational Opportunity Commission through college aid officers under strict standards of need and performance.

The Fund will enable the Commission to seek out those young people most worthy of support. It will stimulate and support remedial programs at our colleges and universities to compensate for inadequate training in pre-college years. It will also serve as a magnet for additional public and private scholarship funds to enable more and more young people to overcome cultural and educational deprivation to become productive and highly valued members of society. Finally, it will complement the self-examination and strenuous efforts now being made throughout our entire higher education system, under the leadership of Chancellor Dungan, to address far more directly the problems of our cities and our disadvantaged citizens. No investment in human resources could promise a greater return, and I urge your immediate support of the Educational Opportunity Fund.

Neighborhood education centers

Fourth, I recommend the establishment of a network of neighborhood education centers to attack the stubborn and explosive problem of the high school dropout. We can no longer permit the creation of an ever-growing mass of idle, restless, and unskilled youth in our cities. Caught in a dead end, such youth are nothing less than social dynamite, and, if not recaptured by society, may well become a heavy charge against it. These young men are not enemy strangers from another planet but are Americans, and if American society has failed them thus far, we now must bring them into the American mainstream.

The problem of actual and potential school dropouts, in the face of many attempted solutions, has grown more rather than less intense. But the evidence is clear from neighborhood centers that have worked effectively elsewhere—using street-workers drawn from the neighborhood and new store-front schools—that many dropouts can be motivated to reenter the educational process and, in many cases, go on to college and certainly to productive employment. Neighborhood education centers, which will be located in neighborhoods with high unemployment and school dropout rates, will provide remedial training in basic subjects by skilled teachers in an informal atmosphere. Teaching assistants and volunteers will contribute individual tutoring and study help. The centers will specialize in reaching out vigorously to attract dropouts back toward the educational system and propel them forward as far as they can go. They will in addition serve as neighborhood after-school study centers to help other students remain in school by providing tutoring and a quiet place to study.

Such centers in Harlem have shown dramatic results with an annual budget of $60,000 each and a service capacity of 200 dropouts, or an annual cost of $300 per youth. I recommend the appropriation of $480,000 for centers to be established under the joint supervision of the Departments of Education, Higher Education, and Community Affairs, through contract with local agencies, in communities throughout the State that are plagued by especially high school dropout and youth unemployment rates. In Harlem, major corporations such as IBM and the First National City Bank have adopted and are paying for centers of this kind, and I shall call on our own business community, through the New Jersey Alliance of Business and other outstanding business organizations, to match the State's investment in school dropouts and to adopt or establish centers in other communities that seek to recapture for society those dropouts whom it has lost to idleness and hopeless defeat.

Project Headstart

Fifth, I call on the Legislature to provide an appropriation of $100,000 to assist those Head Start programs in New Jersey that have been badly disrupted by the announced cutback of 14% in federal Head Start funds for New Jersey. No program aimed at the eradication of poverty has been more widely acclaimed than Project Head Start, which last year served more than 15,000 disadvantaged pre-school children in New Jersey. I call on Congress, and I trust that you join me, to restore the sum of $25 million to the national Head Start program that it it has estimated. But I ask you to provide $100,000 now to prevent the disruption of on-going programs and consequent damage to pre-school children whose development Project Head Start has done so much to advance.

Skills center expansion

Sixth, I ask you today to authorize the sum of $1,547,000 to match the same sum that the U.S. Economic Development Administration is prepared to commit to the construction of an occupational experimentation and demonstration center in Newark. This center will double the capacity of the Newark Manpower Training Skills Center, which has been operated successfully by the Division of Vocational Education of the State Department of Education since June, 1965. More than 1,800 seriously disadvantaged, unemployed and underemployed youths and adults—including former welfare recipients—have completed training at this center, which is widely recognized as one of the nation's finest such institutions, and more than 90% of them have been placed in jobs for which they were trained. I urge your prompt action on the expansion of this vital job training center.

Transfer of Newark schools

Seventh, I recommend that this Legislature take under the most careful advisement the analysis and recommendation of the distinguished Select Commission on Civil Disorder that "the Newark public school system is in a state of educational crisis. This crisis demands that the State take over the administration of the Newark public schools during the crisis."

The Commission has presented compelling evidence—evidence confirmed by the independent analysis of educators, journalists, and other skilled professionals in New Jersey—that the Newark public school system is indeed in a state of crisis. This crisis can be measured in cold statistics that describe the antiquated and dangerous physical plant, the acute and growing shortage of teachers, the prevalence of thousands upon thousands of school children who fall further and further back until they are years behind their counterparts in other New Jersey communities, and many of whom can neither read nor write at all effectively. But this crisis can also be measured—and has been measured—in the growing inefficiency and hopelessness of a system that, through no fault of its own, has simply been overtaken by events.

It is indeed these events—the consequence of the overwhelming changes in Newark occasioned by post-war migration—that have generated this crisis. Mayor Addonizio has nearly doubled the city's educational budget during his tenure. The Newark Board of Education has energetically sought and secured available federal funds. It has instituted many innovative and experimental programs. Administrators and teachers have worked long and hard to reverse the trend of declining educational achievement. But despite these brave efforts, Newark has not won the battle.

The New Jersey Constitution states in Article VIII, Section 4: "The Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all children in the State between the ages of five and eighteen." In its wisdom the Legislature has delegated considerable responsibility to local school systems. But when a local system, for reasons beyond its control, can no longer provide a "thorough and efficient" program of education, the State is constitutionally obliged to reassess its delegation of authority.

I therefore ask you to consider—if and only if the City administration and the Newark Board of Education concur—authorization of a transfer of administrative responsibility of the Newark school system to the State Board of Education. This transfer would be made on the following basis, and only on this basis:

1. The transfer would be a temporary measure that accords with the recommendation of the Select Commission on Civil Disorder. It would also be a unique situation that arises from the fully specified crisis of the Newark school system. The transfer would have effect for a period of five years, after which full administrative and financial responsibility would revert to Newark.

2. To meet Newark's educational crisis the goal of this transfer is a fundamental reform and revitalization of the Newark school system. Accordingly, the State Board of Education would be vested with those powers now exercised by the Newark Board of Education and the Board of School Estimate.

3. For the duration of this transfer tenure procedures for school administrators in Newark would be suspended, although full teacher tenure rights would be preserved.

4. The City of Newark would continue to raise by taxation funds for educational purposes equal to the amount provided in the current year, and, in addition, funds for additional pupils at the average per pupil cost for the current year. Furthermore, Newark would accommodate any salary commitments made by the Newark Board of Education prior to transfer of authority.

There can be no guarantee that this transfer of authority will ensure the massive improvement in the Newark schools that must occur. No city in this nation has truly succeeded in finding the key to first-rate education for inner-city children. I propose today, however, that for the first time in the history of the nation, a *state* shall marshal its energies in support of a badly floundering urban school system. This experimental partnership between a state and an overburdened and troubled city might perhaps provide the beginning of the sound response to the crushing problem of ghetto education that all concerned Americans seek.

To this end the State Board of Education would attempt to focus national attention and resources on Newark's educational problems. Because of this pioneering effort in state-urban cooperation, the Board could succeed in securing federal and foundation funds for Newark's schools in amounts far greater than would otherwise be possible. In addition, if you authorize this program, I shall request a special supplemental appropriation to enable the Board to address the grave deficiencies in the Newark schools.

Let me repeat that there can be no prior guarantee of success in this enterprise. You may therefore be reluctant—understandably reluctant—to undertake it. But these are troubled and pressing times, and it is no longer adequate simply to enumerate the possible shortcomings of any new projected course of action. The real question that you must ask as you weigh the wisdom of my recommendation to you is this: can we afford to let the educational system of Newark remain on its tragic downhill course and thereby lose still another generation of school children? I think not, and if Newark officials are prepared to accept the transfer I propose under the specific conditions I have outlined, I urge your careful consideration of this program.

School lunch program

Eighth, I recommend speedy passage of Senate Bill No. 421, which would provide State funds to local school districts participating in the National School Lunch Program administered by the U.S. Department of Agriculture. This legislation, sponsored by Senator Del Tufo, would more than double the scope of this program, which is vital to the health of our school children, at a cost of $3 million per year. Last year a federal allocation of $1.76 million made it possible to provide nutritious lunches for 234,000 New Jersey school children in 363 school districts.

This federal aid is now apportioned on the basis of four cents per lunch, and Senate Bill No. 421 would provide matching State funds of five cents per lunch. State participation at this level would have these great benefits: more school districts would be brought into the program; lunch prices would be substantially reduced for those children who *can* afford the price of lunch; more free lunches would be served to children who *cannot* afford to pay; the quality of lunches would be improved; and since the federal formula is based on statewide participation, federal funds and commodities coming into New Jersey would be increased.

This new program would be especially ben-

eficial to disadvantaged children, many of whom live in school districts so beset by financial difficulties that basic lunch programs frequently have a low priority. I therefore urge your prompt and favorable action on Senate Bill No. 421.

HOUSING

The first major national housing bill, which was passed by Congress in 1949, represented a national consensus. The principal sponsor of that bill was Senator Robert Taft, the most respected Republican leader of that decade. Its other sponsors were Senator Robert Wagner, Sr., a northern liberal Democrat, and Senator Allen Ellender, a southern Congressional leader. Thus American leaders of many different persuasions put politics aside to seek, as the bill proposed, "a decent home and suitable living environment for every American family."

We all know that this promise has not been kept. We know that national inaction in the housing field during the postwar period is now exacting a fearful toll in human despair. In 1966, there were six million substandard housing units in the country, two million of them occupied by non-whites. The Kerner Commission found that two-thirds of all non-white city dwellers live in neighborhoods "marked by substandard housing and urban blight," and the evidence is clear that conditions are getting worse, not better.

New Jersey's housing shortage

New Jersey's housing problems for low-income families are large, widespread to almost every area of the State, and increasing year by year. The best available data show that there is now a statewide total of 365,000 housing units of inferior quality occupied by low-income families. This number will grow by nearly 25,000 units each year in the absence of positive programs to stem growing deterioration. If we do not take action now to meet the problem in new ways, by 1980 we will face a shortage in New Jersey of 660,000 decent living places for our citizens. We need desperately now a consensus on the need for adequate housing in the State and in the nation like the consensus that propelled three political leaders of widely different outlooks—Taft, Ellender, and Wagner—to their common good twenty years ago.

A substantial start can and must be made immediately to begin reducing the housing deficit. The State must take the initiative to expand existing and planned federal and private programs if decent housing is to be brought within the reach of our poorer families.

The past year has marked the real beginning of a housing program for New Jersey. Our Housing Finance Agency, in cooperation with the Prudential Insurance Company, has provided mortgage funds for 270 units of cooperative housing in the Central Ward of Newark. This project is well under way. The Agency recently announced approval of an additional $26 million in housing programs which will provide 1,412 units in areas of great housing need, construction on all of which should begin this summer. We can be proud of these accomplishments in less than one year of operation, but we must come face to face with this major problem—that the various housing programs now in effect under federal and State auspices are not able to produce enough housing at rents or carrying costs within the means of low-income groups.

Housing demonstration fund

I therefore now propose a $25 million increase in the Housing Demonstration Fund for fiscal year 1969 to stimulate housing for low-income families, a program which I am confident will allow us to say that *this* was the year of the turn-around in New Jersey, the year in which the number of inferior, congested, rat-infested housing units began to decrease, rather than increase, relative to our population. A State investment of $25 million would by itself provide housing for a minimum of 10,000 lower-income families in the first year. More importantly, it would bring forth at least $125 million in additional funds from other sources, private and governmental, to multiply its effectiveness in promoting housing manyfold.

This program would allow us to adopt a variety of mechanisms to reach three specific goals:

1. Direct assistance to reduce the rental cost of housing to low-income families.

2. A significant program in support of home ownership among low income families across New Jersey.

3. A major program of housing rehabilitation across the State.

To achieve the first of these goals, a Housing Assistance Fund of $12.5 million would be created to assist private and non-profit owners and investors to reduce room rents for low-income families. We must face the obvious fact that the construction cost of housing is rising rapidly and inevitably. If we propose to assist the low-income family, we must reduce the ultimate rent through some form of direct State assistance. What I propose here are several alternative means of accomplishing this essential objective.

Already proposed in my Budget Message is a rent supplement program which would be used exclusively for 600 families who will be forced to relocate by public projects or code enforcement. This mechanism allows us to take advantage of existing vacant private housing in a number of our center cities by bridging the gap between a family's ability to pay and the reasonable market rent of that housing. This proposal will both provide more decent housing and strengthen the housing market of our center cities, and consequently their tax base.

Interest subsidies

Another major tool for lower rentals would be an interest subsidy program to spur increased private investment in new housing construction. For example, let us consider the $1 billion commitment of the insurance industry to ghetto investment. As you know, the insurance companies of America have pledged themselves to make loans at slightly below their market rate to ghetto housing programs. Today's interest rates, however, mean that even this generous undertaking will not produce low-income rentals. A direct subsidization of the interest rate sufficient to reduce it two points over the first ten years of the mortgage would have the effect of reducing the rent on a five-room apartment by $40 a month under the rates which would obtain through the special insurance industry program. In this way we will enable that segment of the population which until now has been unable to afford rentals of this kind to acquire decent housing. Insurance companies has responded favorably to this interest subsidy program. For example, the Prudential Insurance Company is prepared, if you enact this program, to make an immediate investment of $18 million, which, together with $3 million in State funds, would finance 1,000 units of low cost rental or co-op housing. Many other concerned enterprises in New Jersey will also join in this effort if the State will act to authorize the program.

In lieu tax payments

A third major tool in our drive to encourage *new* housing at lower rentals would be in lieu of tax payments to municipalities. Property taxes today count as a major cost of the operation of housing. A sure way to reduce rents is to grant tax abatement so that good housing is available to low-income families. But all of us know that our older cities are not in a position to absorb the total loss of tax ratables at the same time they are asked to provide better services and better education for the inhabitants of that housing. Today average taxes on rental housing runs about 26% of gross income. By a program of direct State assistance to municipalities in lieu of taxes, we could reduce the operating cost of housing by 26% while at the same time providing a municipality with its needed operating revenues. Here again our State assistance will do double duty.

Home ownership

A second major goal will be to promote home ownership among low-income families. The advantages of giving the low-income family a stake in our society both in pride of ownership and as a means of building up equity are obvious. Nothing will lead more rapidly to social stability in our State. Yet many private lenders do not make mortgage loans at any price for inner-city housing. The problem is especially acute for the inner-city resident who wishes to become a home owner in the city, but who, although steadily employed, is unable to get a loan.

I propose that the State embark on a program of guarantees for mortgage loans and direct loans administered through private lenders in center city areas. Mortgage lenders would be encouraged by a State guarantee to extend the same mortgage loans in ghetto areas that they make to their prime-risk customers. Even under these liberal terms, there will be many families who, despite long years of steady work, have not been able to accumulate sufficient savings for a conventional down payment because their wages have always been at the subsistence level. In this case, the State, working through the primary lender, would make a direct loan to help the home buyer meet his own down payment requirement. Five million dollars invested in this manner would call forth at least five times that amount from private lending agencies.

Housing rehabilitation

To spur housing rehabilitation I suggest a rehabilitation loan and grant program. At present, the small home owner or landlord who wants to do something about poor living conditions is often faced with the fact that he cannot get loans for rehabilitation and that the effect of his rehabilitation will be greatly to increase his local property tax burden. These factors combined force him to leave things as they are or simply board up the property and evict the tenants.

We can and must do something about this vicious cycle. The dimensions of our problem indicate that we must rely on the upgrading of existing housing stock to a very great extent. I therefore propose that the State, in cooperation with private lenders and federal agencies, establish a second mortgage loan fund or guaranty fund to enable vital repairs to be made. A $5 million investment in this program would assist some 2,500 families in the first year.

Also, I will ask you to consider enabling acts which would permit municipalities to provide tax incentives to motivate, not penalize, rehabilitation by owners. Under detailed guidelines, municipalities should have the option of granting property tax abatement so that a new rehabilitation investment would not immediately result in high taxes, higher operating property costs, and higher rents. Condemning authorities, including municipalities, should have the power to take immediate possession of property upon payment into court of the estimated value of the property, as is currently done in the case of highway acquisition.

Revolving demonstration fund

Finally, I propose a $2.5 million expansion for the revolving demonstration fund which has proved so successful in its first year of operation. This year under the Demonstration Grant Law we have aided twenty-six non-profit projects in fifteen communities and eleven counties. Seed money has expedited the processing of mortgage applications for nearly 5,000 dwelling units. The rate of applications for such assistance is increasing rapidly, and in this fiscal year sound proposals will far outstrip available funds. Two-thirds of the amount proposed will be

for revolving no-interest loans to non-profit sponsors. The remaining one-third would go for outright grants to help support the increasing number of local and regional urban and housing development corporations under business and community leadership and for special demonstration projects in new housing techniques.

One demonstration project which we are most anxious to undertake, at least on a pilot basis, would be advance loans to municipalities to begin early land acquisition and rehabilitation or reconstruction under federal and State programs. A frustration for every community is the stop-and-go approach of many federal programs, which often leave land vacant for many years. With the approval of the federal government, the State could speed up redevelopment immensely and be reimbursed for its advance when the federal project was finally fully approved and funded. It should be noted that a major portion of funds assigned for the home ownership and rehabilitation loans, as well as the "seed money" loans, will be recoverable by the State over a period of time.

A model program

What I have presented here is, I think, a pioneering effort to maximize a state's limited resources in support of a major housing program—a program which does not impose upon private enterprise but rather spurs it and works through it—a program which will set a pattern for other states and for the federal government.

As you weigh this proposal, I ask you to remember that many families in New Jersey live in housing so poor as to be indecent, and that this condition is a spreading cancer which is surely weakening the whole body of our society. Let no one pretend to be unconcerned with these conditions, for they directly affect the whole State in the clearest possible way. They constitute a major cause of America's, and New Jersey's, grave social problems, and if we would revitalize New Jersey's health, we simply cannot ignore this crucial element of our affliction.

INSURANCE

As Chairman of the President's National Advisory Panel on Insurance, I had an opportunity to examine closely the shortage and/or unavailability of property insurance for urban areas. As our urban problems grow, loss ratios for insurance companies increase, until it becomes difficult, if not impossible, for the homeowner and small businessman to obtain adequate coverage at reasonable cost. Without insurance, no prudent businessman can establish, expand or continue his business, and no bank loans or mortgage financing can be made available for the construction, repair or improvement of property. Property insurance is therefore one of the lifelines of a city and a factor necessary to its growth.

I believe that an adequate supply of insurance in urban areas can and should be maintained. I shall submit to you legislation that would, first, authorize the Commissioner of Banking and Insurance to establish a plan whereby any individual who has sought and been denied property insurance can obtain an inspection of his property and a report advising him of the specific condition which renders his property uninsurable.

Insurance pool

In some cases, these conditions can be and should be corrected by the owner; in others, properties may be intrinsically sound but rendered uninsurable by environmental factors beyond the owner's control. Therefore the legislation will further authorize the Commissioner to establish an Insurance Pool which will be required to insure such property at manual rates.

If government is to ask the insurance industry to assume such extra risks, government must also offer protection against catastrophic loss. There is now pending before Congress legislation which provides such federal protection. The legislation I propose will provide for a State Insurance Pool Liability Fund, as required by the federal legislation, permitting the State to meet Pool losses up to 5 per cent of the annual premium volume of standard insurance coverage in the State, after the Industry has absorbed an amount equal to 3 per cent of the annual premium value. With such a Pool and such a State financial commitment, the federal legislation will also accommodate any additional losses. My legislation will also authorize the Commissioner of Banking and Insurance to require the Pool to report to him quarterly the environmental conditions, listed by city, which would otherwise have limited property insurance, in order that hazards may be lessened.

In all these respects, my legislation follows the recommendations of the National Advisory Panel, a group which represented the local, state and federal governments as well as the private sector. I urge your prompt action on this essential program for homeowners and businessmen in our urban areas.

EMPLOYMENT

A great Governor of New Jersay and President of the United States, Woodrow Wilson, once wisely said: "No one can worship God or love his neighbor on an empty stomach." And we in this State and nation cannot achieve healthier communities and happier lives for our citizens unless we cure the present cancer of unemployment which eats away at our society, breeding despair instead of hope, frustration instead of fulfillment. Without a decent job no man can live in dignity, provide a meaningful life for his family, or realize his dreams for his children.

Government, of course, bears a major responsibility for solving the unemployment problem. Like other employers, it can provide jobs, and New Jersey State government is now reaching out to the unemployed to fill vacancies. The Department of Civil Service is reviewing job requirements in an ongoing program designed to lower unnecessary barriers to State employment. The Department of Comunity Affairs is actively seeking disadvantaged youth to fill 200 summer jobs with State government that require minimum skills.

New Jersey Alliance of Business

But the public sector alone cannot do enough. The primary responsibility for meeting our unemployment problems must rest with our corporate citizens, the employers. New Jersey business has recognized this responsibility, as exemplified by the recent formation of the New Jersey Alliance of Business. This group, in cooperation with the National Alliance of Business, is committed to find both permanent jobs for the hard-core unemployed and summer jobs for young men and women from poverty-ridden communities. Government will do its part in this effort by helping to seek out the unemployed and keep them on the job.

But the mere cooperation of government is not enough. Employment means not only making jobs available but also providing training. Many businesses will be able to train these workers at company expense, but, where necessary, the State must be prepared to subsidize such training.

Therefore, I shall submit to you legislation authorizing the Department of Labor and Industry to enter into contracts with employers to reimburse them for this training at a rate not to exceed $500 per trainee. I shall ask you to appropriate for this purpose $1 million—a cost far smaller than the cost, in welfare and other burdens, of hard-core unemployment.

Youth service program

The business community, in conjunction with federal and State programs, will put almost 10,000 youngsters to work in our State this summer. But there will remain 10,000 other school age youths throughout our State who are poor, who will be looking for work this summer, and who will be unable to find it.

At the same time New Jersey is ironically faced with a cut-back of 5,000 slots in the Federal Neighborhood Youth Corps program. I therefore recommend that the State develop a Youth Service program to employ 5,000 youths in community service projects this summer. The average cost per youth will be $500 for a ten-week program, guidelines for which have been developed by the Governor's Manpower Coordinating Committee. I request that you provide $2.5 million for this program, to be administered on a grant basis by the Department of Community Affairs.

WELFARE

At the very outset of our consideration of welfare, let me emphasize that the current problem is not of New Jersey's own making. Because of such factors as the mobility of our population and new technologies, the welfare burden is truly national in character and requires a federal response. But until that response is forthcoming, we in New Jersey must either act or stand idly by while our cities and counties, and thus our local taxpayers, are crushed under the weight of skyrocketing welfare costs. I propose that we act—and act now.

I recommend that effective July 1, 1968, the State assume responsibility for payment of 75 per cent of the non-federal share of categorical assistance and 75 per cent of the cost of general assistance. The administration of all welfare programs, and therefore the cost of that administration, will remain with the counties and municipalities.

A proposal that the State assume 75 per cent of the non-federal welfare cost should not be interpreted as a denial of the merits of a complete State assumption of fiscal and administrative responsibility for welfare, which, given sufficient revenue, could and should be instituted. Rather, this proposal recognizes the priority of relief to county and municipal taxpayers against whom an extremely unfair share of public assistance costs is now levied.

BREAKING THE WELFARE CYCLE

My recommended plan also calls for the incorporation of several essential provisions of federal law which can help break the vicious cycle of welfare dependency. This improved public assistance program will require an appropriation of $54.5 million and will bring to New Jersey an additional $20 million in federal welfare funds. It will also produce a net saving to the counties of $20.8 million and to the municipalities of $11.1 million.

In order to ensure the most effective possible use of these released funds, I call upon the Chairman of the Joint Appropriations Committee to request all counties and municipalities that will realize in the forthcoming fiscal year a saving of $50,000 or more from this program, to submit to the Committee a detailed statement of how these funds have been utilized. In view of the sacrifices required to develop these funds and to assist the counties and municipalities, it occurs to me that the ongoing power from year to year of the Appropriations Committee would seem the most effective instrument for State oversight of the prudent use of such released funds.

The program improvements which I recommend are:

1. Legislation to permit families with dependent children to remain eligible for assistance if an unemployed father or underemployed parent resides in the home. New Jersey's failure to implement this program, which federal law has authorized since 1962, has placed an unintentional premium on broken and deserted homes. Action by this Legislature will thus help restore in many cases the family unit and the essential discipline and stability associated with it.

2. Implementation of recent federal legislation which provides funds for emergency assistance, limited to one month in a 12-month period, to families with dependent children.

3. Assistance for home improvements and repairs up to $500 to be made available where a welfare recipient, be he blind, elderly or disabled, owns his own home.

4. Revision of the State welfare law to authorize the introduction by county welfare boards of "presumptive eligibility." This revision will enable a board to provide assistance immediately in any case that appears to fall within a categorical program classification, subject, of course, to subsequent investigation.

Adoption of these recommendations will effect a substantial reduction in the public assistance burden on local property taxpayers; make our welfare system more humane and effective; and significantly increase the federal contribution to New Jersey's welfare costs.

Work incentive program

But we must also act firmly—and act now—to begin to break the so-called welfare cycle. The 1967 amendments to the Social Security Act make available federal funds to advance this vital effort through the Work Incentive Program. This program places upon the Department of Labor and Industry responsibility for the classification, preparation, training, and job placement of persons eligible for assistance under the AFDC program.

The Work Incentive Program will prepare AFDC recipients to function effectively in the labor market by placing them in on-the-job training, work training programs, or work experience projects. Federal guidelines propose that New Jersey fill 1,200 work incentive positions before June 30 at a cost to the State this fiscal year of $264,000 and, beginning July 1, an additional 1,700 positions, at a cost next fiscal year of $374,000. This total expenditure of $638,000 will attract more than $2.5 million in federal funds.

A necessary element of this important Work Incentive Program is a statewide program for the day care of children, as required by the 1967 amendments to the Social Security Act. I therefore request an appropriation of $800,000 to the Department of Institutions and Agencies to implement day care services for the 6,000 children of the estimated 2,900 Work Incentive Program participants who will require them. This sum will constitute the State's 15 per cent share of the total cost of the program for fiscal year 1969 and will provide for the necessary expansion of existing day care programs. New Jersey's goal in this respect must be not the provision of mere baby-sitting or custodial care, but the development of supportive services that will enable the children, like their parents who are equipping themselves for work, to break free of the welfare cycle.

Food stamp program

Many observers have been deeply impressed by the success of Food Stamp Programs in those counties which have taken advantage of them. I strongly urge the Boards of Chosen Freeholders in counties which have not yet initiated this program to earmark a small fraction of the savings that will accrue to them from the partial transfer of their welfare costs to the State to implement it as soon as possible. The creation of a Food Stamp Program in every county will require an aggregate expenditure by the counties of only one half million dollars, but this sum will attract $9 million in additional federal funds for this vital program.

Garnishment

On previous occasions, I have presented to you the merits of legislation that would prohibit discrimination by employers against employees whose wages are subjected to garnishment. While it is indisputable that judicial remedies must be available to creditors to collect honest debts, it is both illogical and inequitable to maintain a system which in the past has operated to penalize the poverty-stricken and preclude them from any opportunity to regain solvency. Today I also urge passage of a bill now before you to increase the amount of wages exempt from garnishment from the level of $18 a week, established in 1915, to an amount consistent with today's economy and income standards. These measures, designated as Assembly Bills Nos. 485 and 474, deserve your careful scrutiny and prompt passage.

State membership on county boards

Modern State government must develop improved policy communication with units of local government, especially when it assumes an increasingly large share of local program costs. To enable county welfare boards better to utilize the knowledge, expertise, and planning assistance available through the State Division of Public Welfare, and to keep the Division fully apprised of the programs, policies, and problems of the several boards, I recommend legislation providing for the appointment by the State Board of Control, subject to the Governor's approval, of a county resident as a State member of each of the county welfare boards. This State member will serve as a full-time board member and will reflect the policy concerns of the Division of Public Welfare and the Department of Institutions and Agencies in public assistance programs throughout the State.

LAW ENFORCEMENT

During these past few troubled weeks we have seen again the tragedy of civil disorder in New Jersey and across the country. Violence has spared neither our nation's capital nor our State capital here in Trenton. Today I am presenting to you a program not for the suppression of riots but for the elimination of their cause—not a plan for disaster but a blueprint for progress. I do not recommend this program as a submission to fear, but as a renewal of courage sparked by our own intelligence as fair and decent-minded Americans.

But no progress in any direction can be made in the absence of law and order, and every citizen in New Jersey must know, and shall know, that violence and crime under any and all circumstances, or for whatever cause, will not be tolerated nor permitted to endanger the public peace. We in the great American center—98% of us, black and white alike—know that only in the law and the Constitution may true justice and the protection of our whole society be found. We do not intend to show weakness in the face of violence.

Accordingly, to complement the highly effective tools already in our possession, such as the statute which makes the act of arson resulting in the death of any person a capital crime, I am forwarding to you today a bill to provide that any person who willfully and maliciously burns or attempts to burn or conspires with any other person to burn an occupied building shall be punished by a term of imprisonment not to exceed thirty years. I am also forwarding a bill to provide that any person disobeying a lawful order of a police officer during a legally declared emergency shall be guilty of a misdemeanor.

But law enforcement must be not only firm but fair, efficient, and highly professional. We must ensure that the law is not only equitable and deserving of respect in fact, but that it is so perceived by every New Jerseyan. Accordingly, I am placing before you the following essential recommendations, which comprehend the impact of our entire legal structure—the police, the courts, the probation system—on our citizens.

Police scholarships

First, we must recognize that the labors of the overworked and underpaid police officer in our urban areas—to protect a ghetto community for whose intolerable living conditions and consequent hostility he is not responsible—command deep public admiration. They command also a renewed effort fully to equip our police officers for their vital work—first of all in respect of the opportunity for better education and better training. I ask you to make available to the Police Training Commission the sum of $50,000 to be used for scholarships for the higher education of 200 selected local police officers, who will continue to work full time as they pursue their studies. I also ask you to set aside $25,000 for scholarship assistance to the State Police to enable 100 troopers to attend college while continuing to perform their duties.

Operation Combine

Second, as another essential effort to increase police professionalism I recommend that you appropriate $185,000, of which $130,000 will be a non-recurring expenditure for preparation of facilities, to expand the special police training program now conducted by the State Police at Sea Girt. These funds will enable the State Police, who have long conducted basic training for municipal police, to double the capacity of Operation Combine, a program designed last summer to prepare local law enforcement agencies throughout the State to prevent and control civil disorder. More than 800 senior local police officers from 265 municipalities have already graduated from Operation Combine, as have 78 State Police officers and 28 New Jersey National Guard officers. Many student observers from other states have also participated. The excellence of this program is nationally recognized, and it has led many other states to initiate similar training courses. My proposed expansion of Operation Combine will extend the widely acclaimed benefits of skill upgrading and increased professionalism to twice as many local police officers as can now be accommodated. This important request merits your immediate attention.

Attitudinal testing

Third, the establishment and maintenance of peace in our communities requires in the first instance that all local police officers are by temperament and character worthy of the community's confidence. Attitudinal testing, if administered objectively and equitably, can provide this assurance. The Police Training Commission is now developing methods to administer such testing and to introduce it into the curriculum of the training courses required of all police officers in New Jersey. I request the appropriation of $50,000 for full development and administration of a meaningful screening program of this kind, which will enhance the respect accorded and due every police officer in New Jersey.

Police cadets

Fourth, peace in our communities depends upon mutual respect between the police and members of the community. The loss of respect for police is not dissimilar to modern disrespect of all authority, the law, the courts, the family, the church, in fact of society in general, and mutual respect *must* be restored. In a number of cities throughout the country, this kind of respect has been markedly increased by the creation of a sub-professional police auxiliary composed of young men, many of whom reside in the community itself. This auxiliary of police cadets, or community service officers, not only provide job opportunities with the potential of promotion into regular police ranks after appropriate experience and training, but also evokes a recognition among the poor that law enforcement is a noble profession whose objective is protection, not repression. I recommend that you authorize the Police Training Commission to pay 50% of the cost of police cadet programs in communities that develop effective programs with

emphasis on the involvement of disadvantaged young men. I ask you to set aside $300,000 for this important program.

Further action against organized crime

Fifth, we must recognize that gambling, narcotics traffic, and other forms of organized crime strike especially hard at the poor. I am therefore requesting that $500,000 be made available for the recruitment of 60 additional State Policemen, thereby permitting the immediate assignment of 30 additional State Policemen to the organized crime section of their agency to strengthen State assistance to local crackdowns on organized crime, including narcotics enforcement. I also call your renewed attention to, and urge the passage of, a number of bills already introduced by my administration, generally with bi-partisan support, including witness immunity, State grand jury, Interstate Police Compact, and an anti-trust law, which are directed at the control of organized crime.

Increased police effectiveness

Sixth, increased effectiveness of our law enforcement efforts depends upon both technological advances and maximum utilization of available manpower and resources. In furtherance of State Police efforts to establish a modern statewide law enforcement communications network, I recommend an appropriation of $330,000 to permit an expansion of the present communications system and an additional $70,000 for two 50-unit emergency systems. I recommend, in addition, $475,000 to enlarge the staff and expand the physical facilities of the State Police Laboratory, and also $50,000 to be made available to the New Jersey Police Training Commission for a review of existing command structures and administrative costs of police service at the municipal level and for development of a comprehensive plan for the potential sharing of activities, personnel, and equipment.

Improved police recruitment

Seventh, to assist our municipalities in filling vacancies in police departments, the Civil Service Commission has already begun recruitment at military installations to attract many fine returning servicemen to police work in New Jersey communities, and is currently making arrangements to conduct examinations at those bases and immediately to bring together appointing authorities and successful applicants. Revision of the law to permit recruitment of non-State residents is essential in this regard, and I am forwarding legislation to you to this end. I believe that this effort will go far toward the recruitment for police work of minority group members and will improve recruitment in general. Furthermore, the Civil Service Commission is developing a title for bi-lingual officers which will not include the specific height and weight requirements that have in the past eliminated many fine young men of Puerto Rican extraction from candidacy as police officers. Finally, the Civil Service Commission is now establishing a separate title for special agents. Thus municipalities will be able to hire specialists in appropriate fields without undermining the present command structure of uniformed service. The Council Against Crime has examined all these important proposals in depth, and I commend your attention to their analysis of them.

Complaint bureau

Eighth, I have asked the Attorney General to advise each county prosecutor that he should establish within his office a highly visible complaint bureau to which citizens may come with grievances against official activity and which will, on a clear and regular basis, give those persons information as to the disposition of those grievances. The Attorney General will designate a special deputy to coordinate these complaint bureaus and to assume ultimate responsibility for the fair disposition of all grievances. I believe that through this effort, confidence in the fairness of police and other official actions will be enhanced, while at the same time the serious damage to police morale often associated with a non-professional review system will be avoided.

Transfer of municipal courts

It is imperative that our judicial system administer justice firmly and fairly to all who come before the bar of justice. The operations of our municipal courts have a great bearing on the effectiveness of our law enforcement efforts and on public confidence in our system of justice. Many highly qualified observers, including the distinguished members of the Commission to Study the Causes and Prevention of Crime chaired by William George, have for some time proposed that the functions of the present municipal court system be transferred to a unified State court system. I endorse this proposal, but I fully recognize that it involves a host of complex problems. Their resolution will require the most thoughtful consideration and I therefore recommend the establishment of a special Commission, consisting of members selected by the three branches of our government, to conduct an exhaustive investigation of this proposal, to review the suggestions of the many groups concerned with our courts, and to recommend the best possible transfer system. This inquiry must proceed with deliberation and healthy caution, but I recommend that the Commission move forward to plan for a transfer of responsibilities that would take effect not later than January, 1971.

Recording in municipal courts

Short of this major reform of our judicial system, there are significant steps that can be taken now. First, in order to restore full confidence in our court system at its most fundamental and most visible level, I recommend that the State assume the expense of providing recording equipment for the municipal courts in all our cities with populations over 50,000. It is in these cities that the volume of cases makes such equipment especially necessary and that the absence of a record gives the impression of assembly line justice and sometimes deprives the accused of effective review. For this purpose, I request that $105,000 be appropriated to the Administrative Director of the Courts.

Strengthened administration of justice

Second, confidence in our courts will also be promoted by greater utilization of procedures to render the initial stages of the criminal process—arrest and bail—less traumatic, yet no less swift and sure. I recommend extension of the system of summons in lieu of arrest to include those accused of minor offenses normally dealt with at the municipal court level. Further I suggest more effective implementation of the release on recognizance system to achieve quick evaluation of an individual's background to ascertain whether or not it is necessary to retain him in custody to ensure his appearance at trial. Thus jobs will not be lost and families thrown on relief unnecessarily because of cumbersome processes of the law irrelevant to the goal of swift, firm, and fair justice. The probation aide corps which I propose—and which I shall describe momentarily—will permit a more prompt evaluation of arrested individuals. I also recommend that $25,000 be made available to the Administrative Director of the Courts for a thorough study of programs such as the non-criminal treatment of alcoholics, which has been effectively utilized in such places as New York City under the auspices of the Vera Institute.

Probation

I have often said that I believe no dollar of public money is more wisely used than a dollar invested in improving probation services to guide young people away from lives of crime and toward useful places in society. To prove this case, we need only compare the burden upon taxpayers of maintaining one person in a penal institution against the much lower cost of supervising the same person on intensive probation. For instance, the State spends approximately $2,100 per year for each inmate at the State Prison, $2,900 for each inmate at the Annandale Reformatory, and $4,900 for each inmate at the State Home for Girls, while the average annual cost of probation is estimated at approximately $300 per probationer. And the burden on taxpayers is multiplied when, as is often the case, the family of a prison inmate is added to the welfare rolls.

Hard practicality, not leniency toward lawbreakers, dictates that we spend the money necessary to expand our probation services.

One undeniable problem in this respect, however, is the increasing lack of communication between inner-city residents and the community at large. This breakdown, which is by definition dangerous, can be disastrous when it impedes the relationship between a probation officer and a youth under his supervision. At present, the high educational qualifications required for probation officers—namely a college degree—make it difficult to recruit for probation work persons whose own experience would help them bridge this gap.

Probation aides

But I do not suggest that standards be lowered for entry into this noble profession. Rather, I propose that there be created within the various county probation departments the position of probation aide. This position would require only a high school diploma or its equivalent. With in-service training and college incentives, a program for probation aides would provide not only job opportunities for young persons but also a bridge between probation officers and the community. These probation aides, while always working under the supervision of the professionally trained probation officer, could reach into disadvantaged communities to help secure employment, housing and other services for probationers. I request that $350,000 be appropriated to the Administrative Director of the Courts for this program, which on a cost-benefit basis represents an extremely sound investment for society.

Division on civil rights

In order that the Division on Civil Rights may more effectively implement this State's exemplary civil rights law, I am recommending that an additional appropriation of $275,000 be made to it. With these funds the Division will be able to staff and maintain a third regional office in Camden and to establish branch offices in other key areas. In addition, this appropriation will permit the establishment of an Affirmative Action Unit to locate and overcome patterns of discrimination.

Expanded real estate commission

I also ask that the New Jersey Real Estate Commission be enlarged by the addition of two members, and that the salaries provided for Commission members be increased from $4,000 to $5,000 per year. Acting in concert, the Real Estate Commission and the Division on Civil Rights can do much to make the idea of fair housing a reality.

Stronger consumer protection

I also recommend an increased appropriation of $100,000 for the Office of Consumer Protection to establish a regional office in the southern part of our State and to expand its consumer education programs in the curricula of the public schools of our State. So that consumer credit is available to core city residents at fair interest rates, I also suggest the authorization of credit unions whose membership may consist of residents of a well-defined urban neighborhood or community.

NARCOTICS CONTROL

The complex and baffling problem of narcotics addiction and drug abuse is one of the

most talked about but least understood social problems of our time. It is a vitally important problem because of the spread of its manifold evil effects among our youth.

Action is required in the two broad areas of prevention of new addiction and the rehabilitation of present addicts.

Education against narcotics

In the area of prevention, an important step we can take is to educate our youth as to the extreme dangers of drug abuse. Since the drug habit is so intractable, once begun, it is vital to head off its initiation because of ignorance or experiment. I have therefore asked the Commissioner of Education to take a number of steps to make facts about drugs known in our schools. Earlier this year the Commissioner circulated 5,000 copies of a comprehensive 65-page reference book on drugs for teachers in our schools. In response to a suggestion by the Senate Majority Leader, Senator McDermott, the Commissioner will form a speakers bureau staffed by experts including doctors, law enforcement officials, rehabilitation personnel, and other knowledgeable parties, to make appearances at local schools in forums and seminars with teachers and students.

I have also asked the Commissioner to arrange seminars on drugs, to be held this summer for teachers from school districts throughout the State, at which the fundamentals of drug addiction and detection can be imparted, much as they are to our police. An expansion of this immediate program by the fall would make it possible for a teacher from every high school and junior high school in the State to have attended this important seminar by the end of the coming school year. I have asked the prosecutors of our various counties, the New Jersey Narcotic Enforcement Officers Association, and the Federal Bureau of Narcotics and Dangerous Drugs to participate fully in this program. An appropriation of $40,000 will be necessary for administrative costs and payments to teachers in lieu of salary during the seminars. I have also asked the Chancellor of Higher Education to explore with the trustees and presidents of the State colleges a new concentration on narcotics information in our teacher-preparation programs, especially in the fields of health education and physical education.

Additional State police

Prevention also requires action in the field of law enforcement. Here I refer to law enforcement activities directed primarily against the narcotics vendor, who constantly seeks to create new addicts, and against the apparatus of organized crime that secures and distributes drugs in the streets. No more cruel or reprehensible class of persons exists, and an increase in our activities against them can only have a salutary effect on control of the size of the addict population with which we must deal. We must insist on severe punishment of these despicable purveyors of dangerous drugs, and on vigorous police action directed toward their apprehension. Elsewhere I have requested an appropriation of $500,000 for the recruitment of 60 additional State Policemen, at least 30 of whom will be assigned to the organized crime section of that agency. One of the major duties of that section will be undercover assistance to local governments in locating and apprehending those responsible for the pushing of drugs, and I therefore urge prompt approval of this request.

Rehabilitation

In the rehabilitation of present addicts, New Jersey has much to be proud of, but the truth there is no full and provable solution yet in sight in this or any other state.

In 1964 the Legislature unanimously passed, and I signed into law, Senate 210, which became Chapter 226 of the Laws of 1964 (N.J.S.A. 30:6C). With this landmark legislation New Jersey became the first State in the nation to offer hospitalization as a voluntary alternative to incarceration for noncriminal addicts convicted as disorderly persons. The law is an extraordinarily farsighted one, but several difficulties have arisen in its implementation.

First, there is not adequate validated scientific knowledge of how to keep a detoxified addict off his habit—how to rehabilitate him. This fact was early recognized by the Legislature's Narcotic Drug Study Commission, chaired by Senator Sandman, who was a chief sponsor of the bill. It was for this reason that the Department of Community Affairs sought and won a $1.1 million grant in 1967 from the federal Office of Economic Opportunity to determine the value of community involvement in narcotics rehabilitation and to provide experience in the use of new rehabilitation techniques. Through this program the Department is supporting the efforts of community-based groups in Essex, Hudson, Middlesex and Monmouth counties, and concrete programs are already underway in the first two of these counties. These groups will test, under the guidance of the Department of Community Affairs personnel of great authority in this field, all major rehabilitation techniques that have been attempted, under public or private auspices, elsewhere in the country.

Liberty Park Center

Furthermore, I have arranged with the federal Office of Economic Opportunity to make available to these community-based groups the former Job Corps center at Liberty Park, in Jersey City. This facility will greatly enhance planned rehabilitation activities, and the Commissioner of Institutions and Agencies will periodically inspect it pursuant to its designation by him as a temporary rehabilitation center under Chapter 226. I am hopeful that this program, which is functioning entirely without State funds. will help provide the knowledge and techniques necessary to make the rehabilitation phase of Chapter 226 work.

Coordinated State effort

Second, because of the need for closer coordination of State efforts under Chapter 226, I have directed the Commissioner of Institutions and Agencies to strengthen the organization of his Department in this sphere consistent with the broad purposes of Chapter 226. The present Bureau of Drug Abuse Control will henceforth report directly to the Commissioner rather than to any Division head. The coordination, direction, planning, and supervision of all programs, including after-care clinics, under Chapter 226 will be placed under the Director of the Bureau. A research unit in the Bureau will be established to seek out innovative approaches to cure and control addiction, and to this end the Director will have close ties with the experimental program of Department of Community Affairs and with relevant federal agencies.

Medical treatment and after-care supervision

Third, experience under Chapter 226 has shown that some addicts volunteer for medical treatment in lieu of incarceration not because of a sincere desire for rehabilitation but because hospitalization appears less onerous than incarceration. Experts agree that in order to be treatable, an addict must genuinely seek rehabilitation and a change in his way of life. I therefore recommend that N. J. S. A. 30:6C–6 be amended to provide that when an addict opts for medical treatmetn in lieu of incarceration, the court must order confinement for such treatment for a minimum of six months with a mandatory probation period of five years. The court will retain jurisdiction to inflict the original sentence of one year should the addict violate his probation by a relapse into addiction or by other cause. By imposing a minimum of six months' medical confinement and five years' probation, we shall discourage addicts from taking the medical option unless they have a sincere desire for rehabilitation. We shall therefore have a much greater chance to rehabilitate those who do opt for medical treatment.

Narcotics rehabilitation centers

Finally, Chapter 226 has suffered from a shortage of facilities for housing addicts who choose medical treatment. Because of this shortage, and the need to reach a large number of addicts, the period of confinement has become quite short. We owe it to our citizenry, and to our police who work so hard to apprehend addicts, to keep them in confinement for an appropriate period of time, for their own good and for the good of society. I therefore recommend that you appropriate funds for the establishment of one or more narcotics rehabilitation centers for the reception and housing of addicts confined for medical treatment and rehabilitation under the new six months' minimum confinement period that I have recommended. Without these centers, this minimum confinement period cannot be administered effectively. On the basis of 350 resident addicts, such a center would require $1,080,000 annually in operating costs for the provision of an intensive program of work, individual and group therapy, counseling, and training in basic work and academic skills.

Narcotics parole-probation officers

The precise priority of capital expenditures for centers of this kind will be determined in the forthcoming report of the Commission to Evaluate the Capital Needs of New Jersey. With no prejudgment on my part as to the Commission's conclusions in this regard, I consider the initiation of this program so important that I request $500,000 to rent appropriate facilities, with an option to buy, until capital funds can be made available. Furthermore, to implement the five-year probation period that I have proposed, I recommend the establishment of a cadre of selected and specially trained parole-probation officers who would supervise in the community addicts discharged from the narcotics rehabilitation centers, and I ask you to provide $500,000 for this purpose. Also, I request $200,000 for the establishment of after-care clinics to be located in the areas of greatest need, for the testing and supervision of addicts on parole.

COMMUNITY HEALTH CENTERS

You and I must soon foreclose further delay on the institution of a fully adequate Medicaid program for New Jersey. Because of the greatly improved health care that Medicaid can bring to a sizeable number of our citizens, we must determine shortly its initial size and shape—and see to it that they fully reflect the unmistakable health needs of our people.

But as an immediate and necessary step to overcome carefully documented deficiencies in health services for the poor, I recommend the appropriation of $720,000 for the Department of Health to operate, or contract for the operation of, six community health centers in low-income neighborhoods. Each center would be staffed by a community medical service team, consisting of licensed physicians, registered nurses and para-professional community health aides. Physicians and the hospital or local health department with which each center would be affiliated would provide comprehensive supervision. I urge your prompt action on this important health porposal.

SUMMER RECREATION

Recreational facilities in our inner-city areas are often inadequate, and sometimes non-existent. To provide improved recreational opportunities for inner-city children this summer I have directed the Commissioner of Conservation and Economic Development to make maximum use of our out-

standing State park system, which can accommodate, on the average, about 6,000 additional visitors on weekdays and 3,500 on weekends and holidays. Sponsors of groups of inner-city children—including boards of education, churches, and community action agencies—who wish to take advantage of our State parks will normally have to provide supervisory personnel and transportation. To ensure maximum participation of hard-pressed sponsors, however, I request an appropriation of $50,000 for the Department to provide seventy staff counsellors for the park system during the eight-week summer period and $100,000 for the Department to subsidize transportation costs where absolutely necessary.

To improve recreational opportunities within our inner cities themselves, I request $500,000 for the Department's Bureau of Outdoor Recreation to administer, on a fifty-fifty matching basis with communities, a program for facilities that must be approved by the Bureau and that could range from fire hydrant sprinkler heads to portable swimming pools.

FINANCING THE PROGRAM

In suggesting this program to meet a New Jersey crisis of massive proportions, I recognize my responsibility to propose the source of funds for its accomplishment. But because of the clear control of this Legislature by the majority party, I can but propose, and thus do not have the final choice. I shall do so in good faith and with full willingness to share with you responsibility for the enactment of any tax program necessary to meet our obligations. These immediate obligations, as I have outlined them and as I honestly see them, break down as follows:

[In millions]

1. State assumption of a major proportion of welfare costs	$55.9
2. The urban program and law enforcement	20.2
3. The emergency State school aid program	25
4. The housing program	25
Total	126.1

New Jersey's needs

First of all, let us consider together whether the programs are really needed. In making this decision we must ask ourselves a number of questions.

Can we dispense with an adequate housing program which will provide several tens of thousands of family homes, when we *know* the realistic needs in this State run into the hundreds of thousands of homes?

Can we avoid the emergency State school aid program when we *know* how minimal it is in beginning to make up for the deterioration and deficiencies of the past—*our* past?

Shall we lay bare our society to crime and violence and narcotic addiction and hopeless frustration, and foster that alienation which will truly make us two nations, living as though in an armed camp, while we continue verbally to pledge allegiance to "One nation, under God, indivisible, with liberty and justice for all"?

Shall we condemn our fellow citizens, both those who honestly need welfare assistance and those local property taxpayers who are staggering under the burden of its support, to an unending Frankenstein-like welfare cycle, or shall we try to break that cycle and restore the family unit and provide training and incentive for useful work instead of permanent welfare dependency?

If we are convinced of the need of these programs, as I think we are, we must face this question: What shall we do about them?

Shall we be men of courage and reconciliation and vision and wisdom, or shall we jockey for political advantage and seek political asylum from our duty, to the immediate damage of our own State and the sure discredit of our own record as it will be written down in the history of these times?

Revenue programs

I have confidence that together we shall do right, as we see the right. To that end, I have informed the leaders of this Legislature, first, that I shall not avoid responsibility for suggesting tax sources to sustain this program, and second, that I am not stubborn in my views as to the means to accomplish the program, as firmly convinced as I am of the necessity of the program itself.

My first preference to meet the needs I have described is a graduated personal income tax at approximately half of the current New York income tax rates. I should like to tell you my reasoning:

1. This tax would scarcely affect (not nearly as much as does our present sales tax) the majority of the citizens of this State. A man earning $7,500, for instance, with a wife and four children, would pay less than $50 per year.

2. The tax paid to New Jersey would be deductible in computing income subject to federal taxation, and thus, millions of dollars would come to New Jersey instead of to the federal government, an outcome devoutly wished every year by taxpayers' groups and other informed citizens.

3. The yield of this tax for the half of the forthcoming fiscal year in which it would be collected would adequately meet the cost of the program I have outlined.

4. The ensuing full-year tax yield would enable us (a) to look forward to paying for a meaningful and not a pretended Medicaid program; (b) to defray more than $100 million in *mandated* increases, such as pensions, which will come due next year and be beyond the range of ordinary revenues and also beyond the practical control of any one of us to avoid; (c) to meet the initial debt costs of any capital program decided on by the people; and (d) to cope with the operating costs of any expanded college, highway, institutional, or other program which is in prospect.

But under apparent legislative policy, affecting members of both parties, it appears that an income tax would engender debate which would promote a long and possibly fruitless political controversy. No matter how that controversy eventually would be resolved, it would eat up valuable time in these next two months—the time remaining for the most important decisions a New Jersey Legislature was ever called upon to make. These decisions are emergent and vital. They cannot await the outcome of any long new-tax debate.

My position is clear. But if the Legislature is indeed unwilling to re-examine its position—as I believe it should—then, in the face of the present emergency, we must be prepared to look elsewhere.

The cost of the program I suggest could obviously be met by a one percent rise in the New Jersey sales tax and a five cent increase in cigarette taxes. And if this solution is not agreeable to the Legislature, the program might be supported by other sources of tax revenue, and I shall be glad to consider whatever conclusions you reach.

For as I have said, the program is of first importance to me, as it must be to you, and the nature of the tax revenue needed to support it is of secondary importance. Like you, I dislike taxes of any kind and, if such a thing were possible, might prefer to go on from year to year, stringing the beads and balancing the mirrors, a little excise boost here and little gimmick there. But we have seen with our own eyes, in our own political lifetime, the result of such equivocation. It has brought us to a very sorry pass, and unless we wish to hurt our State and its communities and its people severely, we must come to our senses and, like other states, begin to pay our own way, provide for the needs of our own citizens, fulfill our own destiny.

CONCLUSION

I think we have come to the end of that happy road when the citizens of the most tightly run state government in the nation can be looked in the eye by a politician and blandly told that imaginary economies in government, or tightening the belt against make-believe extravagances, or buying time with another study or tax convention, or getting past another election year, or finding some mysterious kind of non-tax revenue, can solve our problems.

We have reached the day of reckoning. And I tell you very seriously and respectfully that we must act in these two months before us or this State over the next six years will sink into stagnation and despair that will take a quarter of a century to overcome. Dedicated New Jersey citizens who serve on our boards of education, as trustees of our colleges and universities, as boards of managers of our institutions, as members, for instance, of the distinguished Commission to Evaluate the Capital Needs of New Jersey, and who serve the State in many other ways will soon begin to lose confidence if we equivocate any further. And our people and our communities—especially the most hard-pressed among them—will pay a heavy price indeed for further neglect on our part.

If you think I exaggerate, only look for yourself—look at our urban communities, at our rural poverty, at our rotting tenements, at our decaying schools, at the generations of youth we are wasting, at many other weaknesses in a State which could be a leader in the American community of states, if we would only face the truth and do our simple duty.

Let us proceed to that duty. Let us do that job—not as Republicans or Democrats, not as conservatives or liberals, not as men of the city or the suburb or the farm, but as men of courage and wisdom, bearing the trust of our fellow citizens who ask of us only one thing—to do our honest best.

Special message cost

Assumption of 75 percent of welfare costs	$54,500,000
Work incentive program and day care	1,438,000
Total	55,938,000
Urban programs and law enforcement:	
School construction	2,000,000
Urban Education Corps	500,000
Educational opportunity fund	2,500,000
Neighborhood education centers	480,000
Headstart supplement	100,000
Skills center expansion	1,547,000
School lunch program	3,000,000
Employment	3,500,000
Law enforcement:	
Police training:	
Scholarships	75,000
Operation Combine	185,000
Attitudinal testing	50,000
Police cadet program	300,000
Sixty additional State Police	500,000
Police effectiveness:	
Communications	400,000
Police laboratory	475,000
Regionalization	50,000
Special agents	(1)
Civilians	(1)
Recruitment	(1)
Unified court system	(1)
Recording for municipal courts	105,000
Summons in lieu of arrest	(1)
Release on recognizance	(1)

Footnote at end of table.

Special message cost—Continued	
Urban programs and law enforcement—Continued	
Law enforcement—Continued	
Study by administrative director	$25,000
Probation aides	350,000
Civil rights division	275,000
Consumer protection	100,000
Narcotics control	2,320,000
Community health centers	720,000
Summer recreation	650,000
Total	20,207,000
Emergency school aid	25,000,000
Housing:	
Housing assistance fund:	
Rent supplements, interest subsidies, and in lieu payments	12,500,000
Mortgage guarantee	5,000,000
Rehabilitation loans	5,000,000
Expansion of revolving demonstration fund	2,500,000
Total	25,000,000
Grand total	126,145,000

[1] No cost.

IS INSURRECTION BREWING IN THE UNITED STATES?

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 7, 1968

Mr. THURMOND. Mr. President, we are facing a grave moral crisis in the Nation because of the continuing demise of respect for law and order. As we seek ways of improving the economic opportunities for our citizens, we must be extremely careful not to appease the lawbreakers in our society. Many experts in this field have predicted that the situation could get worse before we fully realize the serious effect such appeasement has on our society.

The gravity of this trend was very knowledgeably discussed by Mr. Richard H. Sanger in U.S. News & World Report, December 25, 1967, and the digest of this article appeared in the April issue of Reader's Digest.

I recommend that the article be read by Senators and by all other Americans. I ask unanimous consent that it be printed in the Extensions of Remarks.

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

[From the Reader's Digest, April 1968]

IS INSURRECTION BREWING IN THE UNITED STATES?—AN EXPERT'S APPRAISAL

(Condensed from U.S. News & World Report interview with Richard H. Sanger)

(NOTE.—Richard H. Sanger is a recognized authority on the causes and patterns of political violence. He spent more than a year in Russia, in 1933 and 1934, and attended a series of lectures on how to foment revolution. Returning to the United States, he lectured on the dangers of communism; then, during 25 years in the U.S. Foreign Service, he observed at firsthand insurgencies and revolts in a number of countries. The author of "Insurgent Era," he is a lecturer at various universities, the State Department's Foreign Service Institute and senior defense colleges.)

Q. Mr. Sanger, the way things have been going in this country, could it be that an open insurrection against the government is developing?

A. Yes, it is quite possible. I observed the course of a half dozen insurgencies and revolts overseas—in Algeria, Jordan, Kenya, Cuba, Angola and the Congo—and I'm disturbed to note the similarities to the situation now in this country. The evidence is that we are now in a transition: passing from mere nuisance demonstrations over civil rights and Vietnam to something much more violent and dangerous. Perhaps many of us have been living in a fool's paradise, thinking that "it can't happen here." There is growing evidence to the contrary.

Q. You see a clearly discernible pattern?

A. Definitely. Political violence starts with a grievance, a frustration to which one or more new factors may be added. Without question, some of the patterns which have led to insurrections elsewhere are being repeated here. Some of the grievances played up in the United States are phony, but there are genuine grievances: for instance, an apparent gap in communications between the ruling group and the discontented.

I notice other ingredients. Leaders, for example, are now rising to mobilize the discontented. Also in the classic pattern are the efforts by the aggrieved to get action first through peaceful delegations, then through quiet demonstrations, and then through nuisance demonstrations—the sit-ins, pray-ins, lie-downs, stall-downs, and so on. These movements escalate rapidly. Extremists in this country will encourage such escalation.

Q. What should we expect, if the pattern runs true to form?

A. I wouldn't be surprised next summer to see a dramatic and perhaps widespread extension of the burning and looting we saw in Detroit and Watts. I think we've about seen the end of what I call "Gandhi's notebook," the kind of non-violent movement which goes no further than the nuisance demonstration. Then you start getting a taste of "Stalin's notebook"—something much more explosive and violent.

Dr. Martin Luther King, for example, has announced he will lead a massive demonstration of the nation's "poor and disinherited" in Washington this April. That demonstration could be dynamite. Most of the demonstrators, I expect, would be conscientious and law-abiding. But a small percentage of extremists might try to cut off the lights and water, cripple movement by turning over vehicles on the main arteries and temporarily take over parts of the city. Things like these have been done in parts of Detroit, Watts, Newark and elsewhere.

Consider what happened in Washington last October at the mass anti-war demonstration. Just as the peaceful and legitimate demonstrators reached the Pentagon, stopped and were ready to go home, the extremists took over and forced the issue, purposely producing damage, injuries and arrests.

Q. Where could the escalation go from there?

A. The sequence is this: Peaceful demonstrations lead to nuisance demonstrations, which lead to scattered violence. If that doesn't bring results, the next step usually takes the form of underground activities—material terror, the smashing of windows, the burning of cars. After that comes explosive terror, where picked and trained elements in the mobs begin to use guns and bombs. Personal terror and assassination fit into this stage. Finally, this all builds up to general terror—the sort of violence that was so messy and effective in Algeria—rebels putting bombs in suitcases and leaving them in streetcars and movie theaters, or on airplanes.

Q. Who is exploiting the unrest in this country? Communists?

A. Some are communists, but they are in the minority. We've got several grievances cooking all at once here—the Vietnam war, discrimination and living conditions in the big cities, young people irritated by the normal gap between the generatons. Vietnam is being exploited by pacifist elements that don't believe in war at all; by isolationist elements that don't think we should be involved in a war so far from the United States; and then certainly by some radicals and real communists who want to make us drop out of the war.

The overwhelming majority in both the anti-war and the racial movements are sincere Americans. But in both groups there are the two or three percent who are out to weaken America, to tear it apart.

Q. Who controlled that Pentagon demonstration?

A. Of about 50,000 marchers, I would say 40,000 were pacifists and other anti-war people. Then there were about 9500 "hippies," "flower children," "beatniks," etc. And then a small corps—probably 200 in all—were the activists, whom you could spot when they moved in. At times they surrounded their speakers to protect them. At other times they formed cordons or linked arms to clear the way. They were mostly 20 to 35 years old. It was they who were giving the directions, and it was no accident that some $10,000 worth of loudspeaker equipment was there for them to use.

Q. Who were these activists?

A. In general, they were leftists, extremists or actual communists. Legitimate pacifist organizations paid for much of the October show. But a lot of cash for such a peace demonstration reportedly comes from Russia, from China or from North Vietnam, which is most directly concerned. I believe this disturbance was opportunistic, aimed at showing the rest of the world we were falling apart, more than at seizing the Pentagon. The march on the Pentagon, incidentally, revealed how the activists have mastered another of the techniques of insurrection—breaking images.

Q. What do you mean by that?

A. Picturing the police as brutal, soldiers as bloodthirsty louts with bayonets, and the government as heartless seekers after power. This technique of making police look like Cossacks is an old Bolshevik gambit. For instance, the activists are told to go and sit, perhaps to pray, outside a cathedral or on the pavement in front of the Lincoln Memorial or some other shrine, wherever they know the police will have to shove them aside. When the police move in, they go limp and have to be dragged along. And when they are put in the paddy wagon, they struggle and fight for the benefit of the press and the cameramen.

What emerges is a story of an 18-year-old boy or girl struggling and being beaten over the head. If he is injured, that's fine; he must make certain that the press sees how badly he's hurt. The riot leaders often distribute little plastic bags of red liquid which you can burst on your head so "blood" comes dripping down. And they're now beginning to give the girls easily torn paper dresses.

This sort of character assassination—showing that right in the capital of the United States we have military brutality—is a standard technique. It's been used all around the world. It's very effective, particularly with those who do not know the United States. This sort of thing, incidentally, was taught in the school in Russia when I was there in 1934.

Q. Are many college students involved in this sort of violence?

A. Many may turn out for the excitement, but only a very small proportion are involved in the planning and staging of such riots. Yet all you need is the hard core, the commandos at the center, to do the job.

To the communists, a mob is three pieces: First come the minutemen—people you can get into the streets fast. The second element is the street fillers—the large numbers. In themselves, these groups do no more than just mill around. Then come the action

groups, who give direction to the mob. They are easy to spot, and once you do, you know you're dealing with professionals.

Q. What can be done to break the pattern of growing insurgency in the United States?

A. Two things. One is to get at the roots of the problem. Where there are genuine racial grievances, go out and correct them. If there is a need for jobs, for better housing and better schools, raise the money and pay the price of removing the grievance. The other half—equally important—is to make certain that law and order are maintained, even if it means taking drastic measures. The faster you stop organized violence in the streets, the better for all concerned. There will be shouts of police brutality—one must expect that. But if you move in fast and do the job properly, the reckless elements will see that their strategy doesn't pay. It's better to shoot one lawbreaker than to have the situation get out of hand, reaching a point where eventually hundreds may be killed. Successful insurgency or revolt is habit-forming. If rioters can get away with it in one place, they will reason that they can get away with it in ten more.

Q. Why hasn't there been a harder crackdown on lawbreakers?

A. Perhaps some of our authorities are losing the courage to stick their necks out. This is in the classic pattern, a sign of social disintegration. The enforcement of discipline by the government requires responsibility—willingness to take the rap. You see the law-enforcers paralyzed through fear of being associated with "police brutality." What we are witnessing in some parts of the United States is the effectiveness of image-breaking of character assassination by the radical left.

If policemen won't act, if judges won't meet their responsibilities, if politicians are not willing to enact the required laws, you end up with an abdication of the will to govern—and that is one of the most serious aspects of this entire matter.

Q. If chaos comes, is the average American going to stand for what would amount to open insurrection?

A. No, I don't think he will. I think this would generate a violent reaction that might result in extensive use of troops. Of course, the communists would love that. It would be terrific propaganda for them.

Q. Do the extremists believe they can bring off a revolution here, as the Bolsheviks did in Russia?

A. No, the real communists know they cannot take over the United States. Their intention would be to create violence, shut down power plants, tamper with city water supplies, set gasoline stations on fire, block traffic, turn in false fire alarms, bring on general chaos. As they see it: revolution no, insurrection yes.

The communists think insurrection is possible because a number of Negroes in this country are convinced that they cannot change government policy except by violence. They have gone through "Gandhi's notebook" without, they feel, getting notable results. Unless we act and convince them that we mean business, I think the extremists among them are ready to open the pages of "Stalin's notebook."

PRESIDENT JOHNSON'S PRESS CONFERENCE TOUCHES IMPORTANT ISSUES

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. BURKE of Massachusetts. Mr. Speaker, President Johnson reported to the Nation at his press conference on two of the most crucial issues facing America today—peace in Vietnam, and the continued prosperity of our people.

The President's announcement that preliminary peace talks would begin promptly in a neutral site is good news for every American—and for every nation sincerely seeking peace.

The selection of Paris satisfied all the conditions of neutrality the Johnson administration had requested. It should assure all parties—and all allies—of fair and impartial treatment and adequate news coverage.

The President cautioned the Nation—in its desire for peace—to guard against false hopes of a quick settlement. The negotiations will be long and hard. As the President stated, agreement on a site is "only the very first step. There are many, many hazards and difficulties."

Yet, while the long path to peace is strewn with pitfalls, we have walked the important first step. President Johnson's peace initiative of March 31 has borne its first fruit as the doors to peace have finally been unlocked.

Vietnam has exerted a strain on our economy. Prices are rising, our gold reserves dwindling, and our balance-of-payments deficit growing. In forceful terms, President Johnson presented his case for national action on his tax program to the country—and to the Congress. This problem is worthy of our careful attention.

For President Johnson it was another virtuoso performance of national leadership.

I insert into the RECORD the President's remarks on his press conference:

PRESS CONFERENCE OF THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Good morning, ladies and gentlemen.

I was informed about 1:00 o'clock this morning that Hanoi was prepared to meet in Paris on May 10th, or several days thereafter.

As all of you know, we have sought a place for these conversations in which all of the parties would receive fair and impartial treatment. France is a country where all parties should expect such treatment.

After conferring with the Secretaries of State and Defense, Ambassadors Goldberg and Ball, Mr. Harriman and Mr. Vance, I have sent a message informing Hanoi that the date of May 10th and the site of Paris are acceptable to the United States.

We will continue in close consultation at all stages with our allies, all of whom I would remind you now have representation in the French capital.

We hope this agreement on initial contact will prove a step forward and can represent a mutual and a serious movement by all parties toward peace in Southeast Asia.

I must, however, sound a cautionary note. This is only the very first step. There are many, many hazards and difficulties ahead. I assume that each side will present its viewpoint in these contacts.

My point of view was presented in my television statement to the American people on March 31st.

I have never felt it was useful for public officials to confuse delicate negotiations by detailing personal views or suggestions or elaborating positions in advance. I know that all of you, therefore, will understand that I shall not discuss this question further at this conference.

I am delighted to have with us this morning the Chairman of the Mexican-United States Border Commission between our two countries, which is meeting here in Washington. I especially welcome Senor Vivanco and Mr. Telles, the American Chairman.

I am glad that discussions have been fruitful here.

I will be glad to take any questions that you may have.

QUESTION. Mr. President, without trying to contravene your desire not to discuss this further, I would like to refer to your March 31st statement, when you expressed the hope that after we cut back our bombing, you hoped that this would also lead to additional restraints on both sides.

Since March 31st, has there been any detectable military restraint on the part of the north?

The PRESIDENT. We have been quite concerned with the developments since my March 31st statement, and we have been following them very closely. You may be sure that we are aware and will at all times protect the American interests.

QUESTION. Mr. President, you have had some talks with your diplomatic and military leaders from Viet Nam recently, both here and in Honolulu. Can you comment on the state of affairs in Viet Nam and whether or not the South Vietnamese government and army are prepared to take over more of the burden of the war?

The PRESIDENT. We think that they are working to that end. We think that they are making progress. We have detected increased efforts there and among our other allies and certainly in this country, to expedite our equipment so that they may be able to effectively carry a larger share of the burden.

As you know, they have taken certain actions in connection with their own draft, drafting 19 year-olds and drafting 18 year-olds. They have substantially increased their call-up of forces.

I think they are doing about all that we could expect them to do under the circumstances.

QUESTION. Mr. President, will this new move by Hanoi towards the peace table in any way affect the other part of your announcement of March 31st against running for another term?

The PRESIDENT. No.

QUESTION. Mr. President, to go on, perhaps, to pursue Mr. Cornell's question, could you clarify the second part of your March 31st statement for us to this extent:

Could you tell us whether you plan to campaign on behalf of the Democratic candidate, no matter who he may be?

The PRESIDENT. I would not want to go into that matter at this time, Bob. I will be glad to visit with you about it after the convention, when we see what the situation is.

QUESTION. Mr. President, referring to your statement here, you spoke of the delicate nature of these negotiations that are going to take place in Paris. Would you go far enough to say that perhaps it would be a good idea to declare a moratorium in our political campaign and public discussion of these negotiations while they are taking place?

The PRESIDENT. No, I would not urge that. I think my viewpoint, Mr. Davis, was presented about as effectively as I knew how in my March 31st statement.

I do not think we do justice to our country and keep faith with our people when we spend our time pursuing personal ambitions that result in dividing our people.

I think we must be very careful not to do that. That does not mean that we must put a stop to expressing individual viewpoints.

In my own judgment, we still have too much division in this country and too many people thinking of self and too few people thinking of country.

I would remind everybody of President Kennedy's statement in his inaugural ad-

dress with regard to that. I don't think we have put an end to all the division since March 31st, although I do think that some of the personal criticism has been more restrained and has abated.

I do think that our country has benefited from it. I think it will continue to benefit by individuals recognizing what their individual duties are and permitting the Executive, the Secretary of State and the Secretary of Defense to discharge their proper Constitutional duties.

We frequently confuse the world in our democratic system, which has been a part of our history, by a clamor of voices, individuals assuming to speak for the United States, or at least other nations assume they do speak for the United States, when it does not represent the official government position.

So I would not say that we should stop discussing these very important problems, but I do say everyone should measure what he has to say, and the public generally should size up the man who is free to comment on any given occasion on any given subject, most of which he may not have all the details on, or may perhaps not have enough information to justify the decisions or judgments he reaches.

We in the White House, in the State Department, and in the Defense Department, try to constantly develop this information with our ambassadors from throughout the world, with our ambassadors to the United Nations, Ambassador Goldberg and Ambassador Ball, who met with us this morning—Ambassador Goldberg, whom I talked to at length—and try to take a careful reading and evaluate all the conflicting reports.

Now, there are just no other people who have that information available to them. While we always are anxious and welcome suggestions from any source—private, editorial, Congressional, Judicial, or whatnot—we do think that our Nation's best interests are served sometimes if those suggestions are made privately, even though they don't make a headline, to the Secretary of State or the Secretary of Defense or to the President.

Mr. Lisagor?

QUESTION. You have invited Mr. Thieu of South Vietnam to the United States. Can you say anything today about the imminence of that visit?

The PRESIDENT. Yes. We expect it to be in the next few weeks. We expect to have visits with various of our allies—the Prime Minister of Australia, representatives from Thailand, representatives of South Vietnam. We expect them to come here.

We just finished a very successful, productive meeting with the very able President of South Korea. We will be meeting with representatives from these countries in the days ahead.

I plan to leave here after the press conference this morning to go to Kansas City to meet with President Truman later in the day. We talked about this before the announcement early this morning, so we plan to carry out that program. After you have a chance to file your statements, we will proceed to Kansas City.

QUESTION. Mr. President, sir, the Reverend Dr. Abernathy, who is leading the Poor People's March on Washington, was quoted yesterday as saying that the "shantytown" they are going to build here will remain here until something is done.

I wonder, sir, if you could give us your view as to whether Congress might respond affirmatively to this kind of pressure or whether you think it would be wiser for them to work for the kind of Congress that will pass the programs they want from their home bases?

The PRESIDENT. The Congress now has under consideration some $80 billion worth of recommendations that the President has submitted in connection with social matters, welfare, the poor, security payments, additional food allotments, and so forth.

We are hopeful, and we expect, that the Congress will give due consideration to all of these matters and act in the best interests of the country.

We recognize that there are a good many different viewpoints as to adequacy of what the Federal Government is doing for the poor and what we are doing in connection with the urban crisis that we face in this country.

We all think more should be done. We all want more to be done.

Reverend Abernathy and the people representing his march have presented their viewpoint respectfully to the many members of the Cabinet who have listened with interest and concern. We are now attempting to do everything that we think can properly be done to meet the needs of the country.

The people of this country must always have a right, and we hope the opportunity, to present to their Government their viewpoints, as long as that is done lawfully and properly.

We do expect that the poor will be better served after that viewpoint is presented and the Congress and appropriate administrative agencies can have the time to try to act upon it and execute it.

We hope that the presentation made will be nonviolent, although we are well aware that no single individual can give any assurances that they can control a situation like this. It contains many inherent dangers. We are concerned with them. We have made extensive preparations.

Every person participating and every person in the Capital should be aware of the possibilities of serious consequences flowing from the assemblage of large numbers over any protracted period of time in the seat of Government where there is much work to be done and very little time to do it.

We expect the leaders to present their viewpoint. We expect to seriously consider them. We believe the Congress will do likewise. Then we expect to get on with running the Government as it should be run.

QUESTION. Mr. President, sir, it has been traditional for the Secretaries of State and Defense to keep out of politics in an election year. I wonder if you can tell us why you have extended this rule to all Members of your Cabinet?

The PRESIDENT. I told you that in some detail, Mr. Bailey, on March 31st.

I felt that perhaps the Communist leaders or the world were getting a false impression of this country because of the great divisiveness that existed and the personal statements that were being made, the acrimony that existed.

I felt that I could better serve my Nation by trying to withdraw from that personal campaign, and try to unite the country. I felt that if I did that, perhaps I could get the help and the cooperation of the various candidates of both parties in trying to heal the wounds, unite the Nation, and present a united front to the world instead of a divided one.

I think it would be very difficult to do if the President took that position, his Secretary of State, his Secretary of Defense, or any of the other Cabinet Members, or the Presidential appointees ran around the country campaigning for one candidate or the other.

Every person has the right to state who he is going to vote for and to campaign for whomsoever he pleases. But I don't think he should do it as an appointee of the President while he is paid to perform a public service.

I think he has plenty to occupy him. He ought to stay on the job and do that job well. Of course, he can vote for whomsoever he pleases, but if he desires to run up and down the country campaigning for any individual, I hope he will give me the opportunity to have someone else take over his job here in Washington.

I made that abundantly clear. I thought I made it clear in my March 31st statement. I have tried to clarify it some since.

QUESTION. Mr. President, what, in your opinion, are the prospects for Congress' enacting your recommended tax increase this session?

The PRESIDENT. I think we have a long and difficult road ahead. My own views were expressed by Secretary Fowler to the Appropriations Committee this week.

If I were making up the budget for the next fiscal year in May, as I made it up last fall, I would perhaps add some to it instead of taking from it.

We have additional needs from our men in uniform, additional equipment in the form of helicopters, armaments, ammunition, and things that we couldn't foresee at that time.

We have very serious problems in the cities that should be met; very serious problems with the poor that need more attention.

So it is my personal view, the President's view, that the $186 billion expenditure is a very lean budget.

However, the President cannot handle these tax matters alone under our Constitution. Since 1966 I have felt that it was very important for many reasons—to avoid large deficits, to try to help the inflation picture, to get the confidence of the financial leaders of the world, and to best serve our own people—that we have a tax increase.

I got little, if any, support for it in 1966. In 1967 that support increased some and the business leaders and the labor leaders agreed to try to help me.

The Congress has not been that cooperative. They talk about increasing taxes, but they haven't taken any action in that direction except for the action the Senate took.

They tied to that certain restrictions that I do not believe would serve the national interest. I do not think we could live with them. I think they would really bring chaos to the Government.

We have informed the leadership of our views on that, but we must receive their views and consider them.

The Appropriations Committee, responding to suggestions from Mr. Mills of the Ways and Means Committee, and others, met this week, and by a very close vote determined that they expected to prune the President's requests and try to reduce expenditures by $4 billion, and obligational authority or appropriations by $10 billion, and the President would be called upon to rescind about $8 billion.

We did not agree with that viewpoint. We do not think it is the wisest course for the nation.

We had pointed that out a number of times, but we said that if that is the only way that we can get the Ways and Means Committee to take action, if that is the only way that we can get Mr. Mills to report out a tax bill and try to pass a tax bill, after more than two years of urging, if the Congress in its wisdom, decides that it wants to do this and submits this kind of a program to the President, the President, while he will not recommend it and does not urge it, and does not submit it, would reluctantly approve it.

That may have just whetted the appetite, because as it appeared that the tax bill might be possible, other views were again to be expressed which, in my judgment, will serve the purpose of killing a tax bill if they are insisted upon, because in my judgment the Congress is not going to cut more than $10 billion in appropriations, and more than $8 billion in rescission, and more than $4 billion in expenditures.

If it did so, it would injure the national interest instead of serving it.

Actually, in my judgment, if Congress is left alone, it probably will not reduce appropriations the $10 billion planned, will not rescind the $8 billion, and will not reduce

expenditures more than $1.5 or $2 billion. That is all it did last year, until the President stepped in and asked them to take additional action.

I am informed by the Appropriations Committees this year that they would not anticipate more, normally, than $1.5 billion. So it is easy to demand figures that cannot be reached.

The Senate has voted increases to the budget, not decreases, in the supplemental appropriation bill it passed. But it does serve as an excuse to people who don't want a tax bill at all to say, "Well, unless you cut expenditures deeper, you can't get a tax bill."

We would hope that the Congress, in their wisdom, would conclude that the action taken by the House Appropriations Committee—namely, to reduce appropriations $10 billion, to have that as their goal, rescissions $8 billion and $4 billion expenditures—would be acceptable.

We will have to await the pleasure of the Congress. This is an independent decision for them to make.

You asked for our view. I have tried to give it. I have been giving it for two or three years.

I want to make it perfectly clear to the American people that I think we are courting danger by this continued procrastination, this continued delay.

The President can propose, but the Congress must dispose. I proposed a budget. If they don't like that budget, then stand up like men and answer the roll call and cut what they think ought to be cut. Then the President will exercise his responsibility of approving it or rejecting it and vetoing it.

In my judgment, they will not send me appropriation bills that cut more than $4 billion. If they do, it will be some phony paper cut. I have seen no inclination there to do this. But there are individuals who think that can be done.

I don't want to charge any partisanship, but I would hope that men of both parties would try to go as far to meet us in the Executive department as we have gone to meet their view. If they do that, I think we can have a tax bill.

I do think that we can absorb some reductions that Congress would normally make anyway, without wrecking our urban program, killing off all of our Corps of Engineers' public works projects, or stopping our highway building or taking needed items from the men who fight to defend us.

But I think the time has come for all of the Members of Congress to be responsible and, even in an election year, to bite the bullet and stand up and do what ought to be done for their country.

The thing that I know that needs to be done more for their country than anything else, except the step we have taken this morning to try to find a peace solution, is to pass a tax bill without any "ands", "buts", or "ors". If they want to effect reductions, then as each appropriation bill comes up, they can offer their amendments like men out on the Floor, and call the roll. But don't hold a tax bill until you can blackmail someone into getting your own personal viewpoint over on reductions.

Question: Mr. President, could you give us your present assessment of the Pueblo situation? Have you evaluated these confessions, sir, that have been coming from there?

The PRESIDENT. We have nothing, Mr. Reynolds, to report that is new. Secretary Katzenbach, the day before yesterday, and Secretary Rusk, yesterday, reported all of the information we have in connection with the Pueblo situation.

We have made it clear to the North Korean authorities that we think these people should not be held; that they should be released; that we will carefully examine all of the evidence following their release.

If there is any indication that we have acted improperly, or have violated their boundaries, we will take appropriate action.

That is where the matter stands. We think the next step is up to them.

We hope that upon careful reflection, they will release the men. Then the United States will fairly and impartially look at all the facts available and take a position in keeping with those facts.

QUESTION. Mr. President, in 1960—

The PRESIDENT. Mr. Thompson?

QUESTION. Mr. President without indulging in politics or partisanship, what particular qualities do you look for in your successor to the Presidency?

The PRESIDENT. Bob, let's leave that to another day. I am going to devote a good deal of my attention in the months ahead to the Presidency, while I am in office, and as soon as I get out of office, on how we can improve the office, how we can improve its administration.

I don't think the question is nearly so much a matter of the individual's personality as it is his background, his training and his philosophy.

Between now and November, the American people will have adequate opportunity—more opportunity, perhaps, than they want—to judge each person.

Who am I, after almost 40 years in political life, in public office by virtue of the votes of the people—who am I to question their good judgment.

QUESTION. Mr. President, in 1960 President Eisenhower directed that no more dependents accompany U.S. military personnel to Europe because of the balance of payments problem. The balance of payments problem, of course, is much more serious now.

I wonder if you have given any thought to either sending the dependents home and shortening the tours of the troops there, or even reducing the troop level a little more that you have.

The PRESIDENT. I can assure you that we have given all the thought of which we are capable to the balance of payments situation and all of its ramifications. We are taking every prudent step that we feel we can take to improve our balance of payments situation.

That does involve the rotation of troops. That does involve efforts on the part of the government to reserve our expenditures, not only dependents, but in all other fields.

We know of few questions that are as important to us as the improvement of our balance of payments situation.

The PRESS. Thank you, Mr. President.

RESOLUTIONS CONCERNING MEMBERSHIP—74TH ANNUAL MEETING OF OREGON DAIRYMEN'S ASSOCIATION

HON. WAYNE MORSE

OF OREGON

IN THE SENATE OF THE UNITED STATES

Tuesday, May 7, 1968

Mr. MORSE. Mr. President, the Oregon Dairymen's Association at its 74th annual meeting passed a number of resolutions on matters of concern to the membership of that organization. Many of the recommendations were of local and State significance but there were a few which were relevant to Federal legislation. I therefore ask unanimous consent that the cover letter I have received from Mr. Cecil Johnson, president of the Oregon Dairymen's Association, and resolutions Nos. 5, 7, and 8 be printed in the Extensions of Remarks for the information of my colleagues.

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

OREGON DAIRYMEN'S ASSOCIATION, INC.,
Corvallis, Oreg., February 14, 1968.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am enclosing herewith a copy of the Resolutions passed by the Oregon Dairymen's Association, Inc., at their 74th annual meeting, January 27, 1968.

May I particularly call your attention to Resolution No. 7.

Very truly yours,

CECIL JOHNSON,
President.

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5. Resolved that the Oregon Dairy Association through contacting local school boards go on record promoting the use of Oregon regulated milk in the school lunch program.

Passed.

7. Be it resolved that the Oregon Dairy Association go on record as being against a federal subsidy on butter.

Passed.

8. Resolved that the Oregon Dairy Association support a federal order worked out to the *best interest* of dairymen in the Oregon pool area.

Passed.

DEFENDING THE DOLLAR IN THE CAUSE OF FREE WORLD PROSPERITY

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. CURTIS. Mr. Speaker, on Monday, May 6, 1968, I had the pleasure of addressing the board of directors of the American Meat Institute. In my remarks I pointed out that the keystone to improving the U.S. balance of payments and to strengthen the dollar is to reduce the Federal deficit. The ability of the United States to carry out its responsibilities at home and abroad depends upon maintaining a solid economic base and a sound dollar. My remarks follow:

DEFENDING THE DOLLAR IN THE CAUSE OF FREE WORLD PROSPERITY

(Address of Hon. THOMAS B. CURTIS to the board of directors of the American Meat Institute, Washington, D.C., May 6, 1968)

The keystone to improving the U.S. balance of payments is to reduce the Federal deficit. The Federal deficit for fiscal 1968, now predicted at $25 billion for the year, has led to a current rate of inflation of between 4% and 5%. This inflation is the basic cause of our balance of trade difficulties and these troubles are increasing. In March, the U.S. balance of trade was negative for the first time in 5 years.

As a result of these inflation-induced imports, a number of U.S. industries are having problems. These include meat, steel, textiles, and shoes.

If our import problems increase, and we do not get at inflation, our trading partners will find it necessary to make it possible for the United States to work within the GATT to develop measures to assist our balance of trade.

If they do not voluntarily help us, the United States may be forced to work outside

of GATT. The U.S. may then erect high protective barriers of quotas and other restrictions on imports, which, in all probability, will lead to a trade war that nobody wins. This would undo all the work of the past 30 years.

How has this current state of affairs come about? Why were corrective actions not taken before the situation became as critical as it is now?

The answer, I believe, lies in the fact that, except for those rare occasions when a possible financial collapse seems just around the corner, the problem of gold and the American dollar seldom engages our attention. Compared to the high drama of Presidential politics and the passions aroused by Vietnam or the disorders in our cities, the problems of international finance seem pallid and somewhat remote from our deepest concerns.

In fact, nothing could be farther from the truth. Unless this country successfully defends the integrity of the dollar, we are going to be faced with stagnation at home and a forced retreat from or responsibilities abroad. A breakdown of the international financial system would create such serious economic repercussions in the United States that I doubt that we would have the material capacity to solve our urban problems, promote opportunity for all or exercise an influential and positive role in world politics. Indeed, without a robust yet balanced domestic economy, I fear that the disorders and the dissensions which now trouble our land are likely to grow more serious in the future.

The United States has only to look to the experience of Great Britain to see how a failure to maintain a strong currency can undermine a nation's domestic and international policies. Britain's international financial troubles have hobbled her domestic expansion, retarded modernization and technological advancement in her society and contributed to social divisions and unrest. Chronic weakness of the pound has forced the once great British empire to withdraw from its global military and diplomatic responsibilities into a new form of regional isolationism.

The United States simply cannot afford to follow the same path. Our growth and development and that of the entire free world will be deeply affected—for better or worse—on how well this country manages its domestic economy and orders its financial relationships with the rest of the world.

At the moment the performance of our economic policy-makers gives little cause for complacency. Economic policy has been paralyzed by a lack of will to take those hard but necessary actions required to restore confidence and stability. Given the basic strength of our private financial and economic sector, only the most inept bungling by government could destroy the dollar. What is truly alarming is that some observers are beginning to believe that this might in fact happen.

For years this country has been overspending and overcommitting itself both at home and abroad. Year after year we have been running gigantic budget deficits and substantial deficits in our balance of payments. Our gold has been draining out of the country into the hands of foreign central bankers at an alarming rate. Inflation has been steadily growing over the past three years until now we are experiencing price increases at a rate of 4 percent a year. Our once impressive trade surplus, which provided the cushion that permitted this country wide freedom of action, has disappeared. In the month of March, we actually suffered a substantial trade deficit.

Despite all of these indicators of economic failure, despite all the lessons of history, despite all the warnings of learned economists and financial leaders, the United States for years lived in a financial dream world. We comforted ourselves with the illusion that we had learned the lessons of successful economic management and that the mighty dollar was truly impregnable.

How different it all seems today! The devaluation of the British pound was the first serious crack in the international monetary system. It was an ominous warning that even our most confirmed Pollyannas could not ignore. Following the devaluation of the pound, the dollar quickly came under attack. International monetary cooperation saved the day, but the war was far from won and the costs of that temporary victory in terms of American gold was nearly a billion dollars in the month of December alone.

The next act in the drama came in early March with another assault on the dollar and a heavy demand for gold on the foreign markets. Once and for all that crisis dispelled our illusions and forced us to face up to the fact that the elaborate system of international payments that had been laboriously constructed since World War II stood in danger of collapse. Exchange controls, trade restrictions, and retardation of international growth and investment seemed a frightening possibility.

Once again international monetary cooperation came to the rescue. The world's key central bankers decided that official reserves of gold would no longer be used to feed private speculation. The price of gold on the private market would be permitted to find its own level, while official gold reserves would continue to be valued at $35 an ounce. The question now is whether the new two-tier gold system will survive a failure by the United States to set its own financial affairs in order. If we continue to flood the world with unwanted dollars, if we continue to permit a high rate of inflation here at home, if we continue to run up huge budget deficits, then the day will come when those betting against the dollar will prevail over those who up to this time have been willing to see us through our troubles.

The patience of foreign central bankers is growing thin. Their fears about future United States gold policy are mounting. Increasingly they hear important leaders in the United States advocate a devaluation of the dollar or an increase in the price of gold. Increasingly they see the administration apply restrictions on investment, request controls on travel, and flirt with the idea of applying restrictions on trade. They are faced with the spectacle of the United States trying to induce them to hold dollars by limiting their usefulness. They see a deadlock in economic policy between the administration and its Congress that can neither produce a tax increase or face up to the need for setting priorities in domestic expenditures in order to reduce the budget deficit. They ask themselves: "How long can we continue to run the risks of American irresponsibility?"

I am very much afraid that the answer to that question may be played out in events of the next few months. Unless this country moves toward fiscal and monetary restraint, with a heavy emphasis on genuine expenditure reform. I think there is little doubt that another run on the dollar will occur. This time we may not be able to count on the degree of cooperation which has been forthcoming in the past. There comes a time when recognition of mutual interests is blunted by a growing sense of one's own self-interest. The international financial community needs dramatic proof that this country can act responsibly to establish spending priorities, stop inflation and restore equilibrium to its balance of payments. They are too sophisticated to demand results overnight. But they do want to see action taken that shows promise of producing results within the reasonably near future.

This does not mean more controls over trade, investment and travel. Controls merely throw out the baby with the bath water. They are self-defeating attempts to save the system by destroying it. What good is the international monetary system unless it provides greater freedom of trade, travel and investment? What good have been our efforts since World War II to construct an open international economy when we insidiously restrict it in the name of its salvation?

The United States is like an international bank. We have built up short-term liabilities to foreigners in return for longer term assets that we hold abroad. This need not be a dangerous process if the operation is conducted wisely and, above all, if confidence in the dollar is maintained. This country is still in a powerful position internationally. Our total foreign assets still far exceed our liabilities. And these assets have been rising much faster than our liabilities to foreigners. The difficulty is that our assets cannot be mobilized easily to meet our foreign liabilities. If confidence in the dollar is lost, foreign dollar holders could act together selling dollars for gold and in the end destroying the basis of the present system. It seems doubtful that we could mobilize our assets quickly enough to counter such an attack on the dollar. And even if we could the process would be costly and destructive of world prosperity.

We have no alternative except to provide foreign dollar holders with confidence that we can balance our international accounts and safeguard the purchasing powers of existing dollars held overseas. It is also essential to make crystal clear that the United States will not unilaterally change the rules of the game by raising the price of gold or by reneging on our commitment to sell gold on demand to foreign central banks. I can think of no way to bring a bank down faster than by calling into question its ability or will to honor its commitments to depositors.

This country must reduce its nonessential spending and set hard and realistic priorities among domestic programs. There are those who approach this task with a fatalistic pessimism, convinced that it simply cannot be done. I think the job can be done and that it need not involve reductions in programs for education, training and urban development. I have identified about $15 billion of possible expenditure reduction in the areas of space, agriculture, public works, research and development and others that I think could be made without impairing essential goals that we have established for ourselves.

Once expenditures are reduced and we have an opportunity to see by how much and where they have been cut, I think the Congress will be in a better position to make a rational and economically sound decision on a tax increase. With a budget deficit for the current year running well over $20 billion and the same in store for next year, I feel that a tax increase will probably be necessary even if spending is cut substantially.

In addition to these necessary domestic actions, we must move forward with steps to strengthen the international monetary system. It has become painfully clear that a system based on gold and key national currencies contains within itself sources of serious instability. I am proud to have taken the lead along with other Republicans on the Joint Economic Committee in 1964 in urging that a program of international monetary reform be undertaken. Efforts were made in that direction during the past several years and a proposal is now before Congress to create a new form of international reserve asset, the so-called Special Drawing Rights, through the International Monetary Fund. This is no final solution to our problems. Nor should it be looked upon as an excuse for the United States to relax its own efforts to restore equilibrium to its balance of payments. But it is a heartening step forward that shows the way towards a

more stable and rational world monetary system, building upon the solid structure of the Bretton Woods Agreement.

These are not easy actions. They have become all the more difficult as we have drifted from year to year on the assumption that somehow things would work themselves out to our advantage. The handwriting has been on the wall for a long time, but we have simply refused to take notice of what it had to say.

This country has a special responsibility—not only to ourselves but to the entire free world—to maintain the unquestioned integrity and strength of the dollar. Our jobs, our prosperity, our domestic growth and development, our international responsibilities—all depend upon our financial soundness.

We must not just be strong, but we must be overwhelmingly strong in order that we have the flexibility and the prestige to withstand the shocks and the special demands that devolve upon a great world power. This is what the debate over domestic and foreign economic policy is all about. On the outcome of that debate hinges all of our hopes for a better America and a stronger and more cohesive free world community.

THE ESSENTIAL TRUTH: A HUNGER EMERGENCY DOES EXIST

HON. GEORGE McGOVERN

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 7, 1968

Mr. McGOVERN. Mr. President, last Friday, 39 Senators joined in the introduction of a resolution intended to find a speedy answer to the hunger emergency in the United States. Two reports, one on the failure of our school lunch program to reach all children in great need, and another on the broad problem of undernutrition and malnutrition, "Hunger, USA" has just been released.

On Sunday, the Washington Star published a splendid editorial entitled "Starvation in Our Prosperous Society."

I like this editorial for a number of reasons, and among them the fact that the editors found—as I did—that there can be some disagreement with some of the content of the report, but not with its final conclusion that starvation, which is intolerable in our affluent society, does exist. The Star editorial concluded:

But "Hunger, USA" put its finger on the essential truth. An emergency, for which there can really be no excuse, does exist in this country. It is an emergency which can and must be dealt with by a determined President, and an alerted Congress and an aroused public. Whatever the problems and whatever the cost, malnutrition, hunger and starvation surely have no place in this abundant society of ours.

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

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

[From the Washington Sunday Star, Apr. 28, 1968]

STARVATION IN OUR PROSPEROUS SOCIETY

One of the least admirable characteristics of the human animal is the desire—and the ability—to gloss over unpleasant facts; to turn aside from the unbearable. And nowhere, perhaps, has this frailty been more clearly displayed than in this country's failure to come to grips with the fact that, in the midst of the most affluent society mankind has yet created, there is widespread malnutrition, there is hunger that cripples the bodies and the minds of millions of children, there is actual starvation.

Americans have had little trouble coming to grips with the idea of hunger in other lands. Extensive studies have been made, at the expense of the government and private foundations, of the food problems in India, in South America, in Asia. Major food producers have invested their capital in the creation of inexpensive and nutritional food supplements adapted to the eating habits and the palates of distant cultures. But at home, for the most part, the government, the press and the well-fed majority have kept their eyes averted from the pockets of degradation and hunger that surround them.

Now the process of self-deception has become more difficult. The lifting of the blinders began in earnest last summer, with a Senate subcommittee investigation into the problems of the poor in Mississippi. At that time, due largely to a team of doctors sent into the state by the Field Foundation, the public learned that poverty in America does not mean merely a lack of luxury, substandard housing, shabby clothing. It means anemia. It means pregnant women who eat clay and laundry starch. It means infant mortality rates double the national average. It means early death. It means babies who weigh less at the end of one year of life than they did at birth. It means children who, every night of their lives, go to bed hungry, and who do not quite understand why they cry.

The shock of that revelation soon began to wear off. That is Mississippi, the rest of America told itself; what a pity that such conditions should exist in one of the states of this affluent union! Mississippi really must do something.

Now a privately financed and researched report, entitled "Hunger, USA," has held a mirror up to the entire country, and the reflection is not pretty. No longer can any of us hide behind the deception that hunger and starvation are the sole problem and concern of one state or of one section of the country.

According to the study, emergency hunger conditions exist in 256 counties in 24 states, ranging as far north as Montana and as far west as Arizona. Serious hunger can be found in all states of the continental United States, save possibly five northeastern states.

The Citizens' Board of Inquiry into Malnutrition and Hunger in the United States, which produced "Hunger, USA," was breaking new ground in the preparation of the study. And this fact is in itself shocking. Abundant literature was available to the researchers on the extent of malnutrition in other countries. But the entire medical literature up to the present on malnutrition in the United States has amounted to 30 studies, most of them limited in scope to one geographic area or to one segment of the population. And yet, on the basis of their studies, their field surveys and their projections, the citizens' board makes the well-documented claim that no less than 10 million Americans suffer from chronic hunger and malnutrition.

The opportunities for this exercise in self-deception were readily at hand. In many Asian countries, for instance, the problem of hunger was inescapable. The nations were unable to produce the food necessary to support the population. They lacked the facilities and the funds for distribution in those years when bumper crops might have made them nutritionally self-supporting.

Here in America there was no such problem. Every year, surpluses were being purchased and stored by the federal government to support farm prices. We had the money and the ability to distribute the food to the needy. Extensive food programs were in fact already in operation. The Commodity Distribution Program, the Food Stamp Program, the School Lunch Program, plus welfare and innumerable local and private food distribution plans. It was easy enough to assume that no one in this land of plenty could possibly be suffering seriously from hunger. Certainly no one was starving to death.

The authors of "Hunger, USA" contend that the fact falls tragically short of the supposition. The programs, as they stand, simply do not provide the minimum food needs of those who participate in them. This tragedy, they say, is compounded by the fact that the two major food plans, added together, reach only a small number of those in need.

The government statistics show 29,900,000 persons living at a level officially recognized as impoverished. Of these, a total of 5.4 million—or 18 percent—are enrolled in the Commodity Distribution Program and the Food Stamp Program. Approximately 6 million children from impoverished families attended school in 1967. Two million of these—one-third of the total—received free lunches. And the statistics of hunger, the study claims, are getting worse, not better, with the passage of the years.

The study, in essence, claims that the commodities program and the school lunch program have strangled on bureaucratic red tape, on the restrictive and burdensome eligibility requirements of the states and counties that administer the programs at the local levels. The food stamp program, which makes food available at reduced prices, has failed because the poor, with irregular incomes, are required to buy a month's supply of stamps at a time, which many of those most sorely in need are simply unable to do. And so, under the false veneer of corrective action, the malignant problem has grown.

The report is not, to be sure, without its flaws. It has singled out, as its particular devil, the Department of Agriculture, which has been saddled with the bureaucratic responsibility for the basic food distribution plans. And it makes much of the expenditure of funds by the department to support the food producers, as compared to the funds spent on food assistance programs for the hungry. This comparison of apples and oranges is invalid. Nor does the fault lie only with the Agriculture Department. A succession of administrations, the Congress, and all of us who could not or would not see, must share the blame.

But "Hunger, USA" put its finger on the essential truth. An emergency, for which there can really be no excuse, does exist in this country. It is an emergency which can and must be dealt with by a determined President, and an alerted Congress and an aroused public. Whatever the problems and whatever the cost, malnutrition, hunger and starvation surely have no place in this abundant society of ours.

THE "PUEBLO"—HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. SCHERLE. Mr. Speaker, this is the 106th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

POWERPLANT SITING STUDY NEEDED

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 7, 1968

Mr. METCALF. Mr. President, on April 17, the distinguished junior Senator from Massachusetts [Mr. KENNEDY] introduced, with the junior Senator from North Dakota [Mr. BURDICK], the junior Senator from Utah [Mr. Moss], and myself as cosponsors, a bill to provide for a national powerplant siting study and national powerplant siting plan. The bill, S. 3330, would amend the Federal Power Act and direct the Federal Power Commission to conduct the study, with advice and aid from appropriate Federal agencies and non-Federal public and private groups.

I daresay that siting of nuclear powerplants will be at least as controversial in the future as siting of hydroelectric plants has been in the past. Congress, the utilities, the public need the kind of information which the FPC and its associates would obtain through this study. I hope the Commerce Committee will consider the bill at an early date.

Mr. President, a recent series of articles in the Watertown, N.Y., Daily News illustrates the need for passage of S. 3330. It appeared for a while, early this year, that a nuclear-power siting study would be led by the trade association of one segment of the power industry, Edison Electric Institute. The broad approach suggested by Senator KENNEDY in S. 3330 will, in my opinion, provide much better guidelines than one conducted by Edison Electric Institute, which has a long history of misleading and using public agencies and the public for the special advantage of its members.

Mr. President, I ask unanimous consent that the articles in the Watertown Daily News, written by its Washington correspondent, Alan Emory, be printed at this point in the RECORD.

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

[From the Watertown (N.Y.) Daily News, Feb. 28, 1968]

JOHNSON ADMINISTRATION OPENS DOOR FOR BIG POWER STRUGGLE

(By Alan Emory)

WASHINGTON.—The Johnson administration is promoting a plan that could give private utility companies a multi-billion-dollar windfall and the biggest bonanza since the days before federal utility regulation.

The plan, which will probably touch off a political explosion of nuclear proportion, surfaced when the Atomic Energy commission asked congress to approve a study of nuclear plant sites "headed up" by the trade association of private utility companies, the Edison Electric Institute.

The result could be huge profits for the utilities, especially if the study commission recommended site land already owned by, or under option to, the companies.

Under the plan presented to the joint congressional committee on atomic energy by Milton Shaw, A.E.C. director of reactor development and technology, other participants in the survey "probably will be" the Federal Power commission, the Departments of Interior, Commerce and Health, Education, and Welfare, the American Public Power association and allied groups—but only "as required."

Warnings are already being sounded privately that the power companies may be in a position to tie up choice sites and prevent acquisition by competitors and that the utility firms will have available inside information on what sites the A.E.C. considers suitable.

One observer said the plan amounted to a literal "cash contribution to the private companies."

Only a limited number of sites exist that would be suitable for big atomic power plants.

The plan says nothing about federal ownership or purchase of plant sites, safeguards against speculation or prevention of windfall profits.

Edison Electric institute members have vigorously opposed proposals to share ownership of large atomic power stations.

Dr. J. A. Mithursky, chairman of the University of Maryland's department of environmental research, has said, "The power utilities should not be permitted to operate independently in site selection."

The survey idea stemmed from a comment by F.P.C. Commissioner Charles R. Ross last May that "the scarcity of sites for nuclear plants on the scale on the drawing boards requires an immediate national inventory of them."

Then, in October, 1967, Atomic Energy Commissioner James T. Ramey told a Washington audience his panel had started discussions with the E.E.I. on a nation-wide approach to the problem. Ramey, however, suggested a federal interdepartmental committee on electric power plant siting headed by the Federal Power commission and including E.E.I. and the American Public Power association.

The A.P.P.A. has never been contacted about taking part in the survey. At least one member of the A.E.C. did not even know that Shaw was recommending it to Congress with the Utility association at the helm.

The A.E.C. became the center of heated controversy 14 years ago in the Dixon-Yates case when it recommended construction of a private power plant in competition with the Tennessee Valley authority. Conflict-of-interest charges led to cancellation of the plan and eventual senate rejection of A.E.C. Chairman Lewis L. Strauss as secretary of commerce.

The commission, while backing the E.E.I. to head the study, disclaims jurisdiction itself to safeguard consumers of nuclear-powered electricity.

According to a San Francisco speech by A.E.C. Chairman Glenn T. Seaborg on Feb. 7, the present nuclear generating capacity in the United States is 2,800,000 kilowatts, a figure that will rise to 150,000,000 by 1980 and more than 700,000,000 by 2000.

Experts estimate the utility industry will build the equivalent of 700 nuclear power units of a million kilowatts each over the next 30 years.

Major atomic power plants need lots of land. A survey for the Bonneville Power administration estimates the minimum area needed for a million-kilowatt plant adjacent to a large body of water at 350 acres, with 600 acres for a 1,500,000 kilowatt plant and 900 acres for one of two million.

A. C. Monteith, senior vice president of Westinghouse Electric corporation, says that in 32 years about 200 news plant sites will have been developed in this country, some 10,000,000 kilowatts or more in size. Monteith noted that only five rivers in the U.S. had enough water flow to support the coiling requirements for a plant that big.

Most of the plant would then be located near oceans and along the Great Lakes, with extra-high voltage lines used to move power inland.

However, potential discharge of heated water could rule out some location near certain bodies of water.

Sen. Edmund S. Muskie, D., Me., said on Feb. 6, that the demand for cooling water was rising rapidly and by the end of the next decade about one-sixth of the total fresh water runoff in the U.S. "will be required for cooling and condensing purposes because nuclear energy generation requires as much as 40 per cent more cooling water than conventional fossil fuel generation."

Other problems about plant location include public concern over placing a reactor in a populated area and agitation about esthetics of equipment and the limited transportability of pressure vessels because of size and weight, which has restricted large reactors to sites accessible to navigable waterways.

Additional factors include health and safety, geology, seismology, hydrology, meteorology, and population density.

Safety considerations could force future atomic power plants underground or to man-made islands off the coast, some experts feel. The A.E.C. says the annual production of high-level liquid radioactive waste is expected to increase 100 times or more between 1970 and 2000, mainly because of nuclear power activity.

Water shortages have prompted combined desalting and power plants fueled by fission, producing water, power, fertilizers, aluminum and magnesium. These would be located near major sources of salt or brackish water.

However, the sports fishing institute has complained "power stations are invading the estuaries at an accelerated rate," with potential danger to land, water and trees. Those worried about the A.E.C. plan maintain that direct participation in nuclear power plants by all utilities in a region discourage concentration of control over generation and transmission cutting down on the number of smaller fossil-fuel burning facilities used to produce power—and also on air pollution.

Shaw told congress Feb. 21 the utility trade group should undertake the survey of the overall power situation because "the tremendous commitments in this country to electric power from now until the year 2000 are such that it is essential we get these factors understood."

Those familiar with the plan, however, point to the controversies in several parts of the country between local public power systems and private utility companies about construction and operation of atomic power plants.

Under those circumstances, they are saying privately, it may not be appropriate to give private firms responsibility or the power plant study while relegating public power systems to a secondary role.

Questions raised about the administration plan include what voice public power will have in developing "comprehensive guides for the assessment, selection and allocation of sites" for the plants, and whether shared ownership will be considered.

A.P.P.A. General Manager Alex Radin has asked A.E.C. Chairman Seaborg why public power is involved "only as required" when local public power systems serve 14 per cent of the nation's electric users and own 14.3 per cent of the generating capacity, while rural electric cooperatives serve 84 per cent of electric users.

Radin warned that "the companies may be given a unique opportunity to maximize their own investment in land at the expense of others."

[From the Watertown (N.Y.) Daily Times, Feb. 29, 1968]

ATOMIC ENERGY UNIT DEFENDS PLAN FOR NUCLEAR SITE SURVEY

(By Alan Emory)

WASHINGTON.—An Atomic Energy commission spokesman today defended the plan to place the Electric Utility Trade association in charge of a nationwide nuclear power plant site survey as congressional critics demanded an explanation from commission Chairman Glenn T. Seaborg.

Sen. George D. Aiken, R., Vt., who will soon begin hearings on his bill to block a nationwide nuclear power monopoly, said he had asked the A.E.C. to justify the plan.

Milton Shaw, director of the A.E.C. reactor development division, who presented the plan to congress, said he was "shocked" and "floored" by the criticism being expressed by public power groups.

He said the critics were creating a "tremendous flap on the basis of premature assumptions."

Shaw explained that the Edison Electric institute, the private power company trade group, had had committees in existence for some time on the whole idea of plant sites and allied questions.

He said that at a meeting on reactor plant fuel he had discussed the E.E.I. officials matters of general industry concern, including location of future large atomic power plants and the need for a broad-scale survey.

Studies along this line have been advocated by members of both the Federal Power and Atomic Energy commissions, but in October A.E.C. Commissioner James T. Ramey said the survey should be made by an interdepartmental committee headed by the Federal Power commission with interested groups like E.E.I. and the American Public Power association included.

When the A.E.C. made its pitch to congress last week, however, the public power groups were not notified, nor was the F.P.C.

Shaw said the E.E.I. had expressed an interest in the study and would check the membership on participation. The trade association then informed Shaw it would like to take on the job.

The A.E.C. official that said that, in contrast with the utility companies, the American Public Power association had not said anything to the commission about getting into the survey, even after Ramey's speech urging its launching.

"I didn't realize they were so sensitive about not being contacted formally," Shaw said, "but I have had general discussions with Public Power leaders."

Shaw said the A.P.P.A. had been the prime mover in a 1966 survey of small power plants, but the E.E.I. "did not scream about that."

F.P.C. Chairman Lee C. White declined to get into the controversy and create a possible policy split within the Johnson administration.

F.P.C. experts pointed out, however, that certain issues contained in the power plant site survey were already involved in the electricity reliability legislation the commission is pushing in congress.

The program brings in regional planning councils to meet power needs, including specific outlines of the types of generation, where plants should be located and transmission in areas where the power is required.

The F.P.C. wants the planning "open and early," a spokesman declared.

"We are in a new era," he continued "where you cannot stick a power plant just anywhere."

One Johnson administration official, who declined to be quoted by name, called the A.E.C. presentation "a blunder in a highly sensitive industry."

Public power groups have insisted that allowing E.E.I. to head the survey would give private firms the inside track on huge windfall profits from advance knowledge of choice power plant sites.

Shaw, on the other hand, compared the survey with a search for a better automobile in which a series of brand name manufacturers might be consulted, makers of tires as well as engines. The goal, regardless of who was consulted, he said, was a better product.

Opponents of the A.E.C. plan note that it calls only for participation by the F.P.C., Interior, Commerce and Health and Welfare departments and the A.P.P.A. "as required."

They say this gives only a secondary role to those agencies public and private whose mission is to safeguard the overall public interest.

[From the Watertown (N.Y.) Daily Times Mar. 1, 1968]

ADMINISTRATION MOVE DUE TO TAKE HEAT OFF POWER PLAN

(By Alan Emory)

WASHINGTON.—The Johnson administration will tell congress in a few days that its controversial atomic power plant site survey will not be turned over to a private utility trade association, but will, instead, be led by a government agency, probably the federal power commission.

The move is expected to take the heat off the Atomic Energy Commission, which raised eyebrows, criticism and anger with a proposal that the Edison Electric Institute head up the site survey.

This could have led to a fabulous windfall for the utility companies. The A.E.C. had told congress other federal agencies and public power groups would be brought in "as required."

Administration assurances will maintain the presentation to congress was badly drawn and never really showed the intent of the government at all.

According to Atomic Energy Commissioner James T. Ramey, whose October proposal for the site survey started the whole plan, the utility group was only consulted to kick off a preliminary move on whether a full-fledged study should be undertaken.

The intention always was to have "a coordinated approach under broader government leadership," he declared in an interview. Ramey's original plan called for an interdepartmental committee headed by the federal power commission.

Informed sources predicted today this would be the final plan, with both private and public power groups participating, but neither in control.

Ramey said other A.E.C. officials had incorrectly indicated "numerous meetings" had been held with private company executives on the survey, and he insisted the commission had tried to "deal equitably" with the situation.

"We started talking to the bigger guys who were around more," he explained. "This was never intended as any effort at freezing anybody out."

The original plan has already produced sharp inquiries from Sens. George D. Aiken, R., Vt., and Lee Metcalf, D., Mont.

One A.E.C. explanation is that Milton Shaw, director of the Reactor Development division, who made the presentation to the joint congressional committee on atomic energy, had only a few minutes to flash a chart on the screen and no time to explain the situation fully.

Shaw and Ramey both say no committee members asked any questions.

The explanation, while not denied on Capitol Hill, has produced privately skeptical comments.

Some Johnson Administration officials are satisfied there was no "evil plot" to provide a bonanza for private power companies. One key agency executive said he felt this was the case but added, "I can't be sure, though."

Shaw said, in an interview, it was "unfortunate" there had not been more discussion on the survey with the lawmakers, because that would have made clear there was no surrender to the utilities.

"We did not go to many people because we were slow," he declared. "Last fall, when the issue came up, we were working on the new budget and matters before congress were pretty hectic."

Shaw said the work directed by E.E.I. had been strictly exploratory, a technical discussion and nothing close to policy issues."

"I don't care whether the plants are public power or private power," Shaw said. The important thing, he stressed, was the availability of locations for the plants. He said the A.E.C. had worked with both public and private power groups in the past and would again in the future.

Both will be participants in the survey "to varying degrees and according to their ability and responsibilities," Shaw added.

In some quarters the ieda of giving E.E.I. the leadership of the survey was interpreted as an administration bid to drain some campaign contribution dollars from the Republicans, who usually get the bulk of utility executive support in an election.

Public power Republicans, however, had indicated an eagerness to use the issue against the administration this year.

[From the Watertown (N.Y.) Daily Times, Mar. 7, 1968]

PRIVATE MONOPOLY OF NUCLEAR POWER PROTESTED BY SENATOR

WASHINGTON.—Sen. George D. Aiken, R., Vt., today warned that anything leading to private power monopoly of the nuclear field should be stopped."

"The Atomic Energy Commission doesn't understand the important role of the publicly-owned utilities and rural cooperatives in providing electricity for the public," the White-haired New Englander said in a statement.

Aiken, a member of the joint congressional committee on atomic energy, said the commission should not undertake any broad studies of nuclear power generation and distribution without "the full partnership of other federal agencies and associations representing the publicly-owned systems as well as the private utility companies."

The A.E.C. has kicked up a controversy by proposing a country-wide nuclear power plant site survey headed by the utility trade association, the Edison Electric Institute.

It failed to consult the federal power commission, the American Public Power association or the National Rural Electric Cooperative Association.

Informed sources say the A.E.C. will revamp its plan to have the F.P.C. head the survey.

Aiken, who has sponsored a plan to prevent a private nuclear power monopoly in the country, called on the A.E.C. to explain why it wanted to analyze thermal and atmospheric pollution as part of the study when it claimed it had no jurisdiction over these problems as related to new atomic power plants.

He also demanded an explanation for excluding the public power entities from the plant site survey.

"For an undertaking of this magnitude," he said, "it would seem a broad inter-agency study would be more in the public interest," than is the plan of atomic energy Commissioner James T. Ramey, a former Aiken associate.

Aiken, in a letter to A.E.C. Chairman Glenn T. Seaborg said he wanted to know how the A.E.C. had reached the conclusion the survey should include issues over which the commission "has repeatedly stated it lacks jurisdiction."

The commission now licenses nuclear plans as medical therapy and research projects, and the securities and exchange commission rules on their commercial feasibility

and whether stock should be sold to the public.

As research projects, private utility plants can exclude public group from the benefit of atomic power, Aiken noted.

ATOMIC ENERGY UNIT WARNED ABOUT UTILITY TRADE GROUP

[From the Watertown (N.Y.) Daily Times, Mar. 8, 1968]

WASHINGTON.—Sen. Lee Metcalf today warned the Atomic Energy commission that the private utility trade association was taking it "down the primrose path."

The Montana Democrat told A.E.C. Chairman Glen T. Seaborg that the Edison Electric institute—which the A.E.C. has proposed to head a nationwide survey of atomic power plant sites—"is notorious for misleading and using public officials in order to increase the advantage and profit of its segment of the industry."

The A.E.C. has come under increasing fire because of its proposal and its failure to provide an equal role for public power groups and the government.

Informed sources say the commission will shift its stand in a few days and call for the Federal Power commission to head the survey.

Metcalf told Seaborg he should familiarize himself with E.E.I.'s qualifications to head up any public policy study.

He said he had a "deep interest in making the tremendous benefits of nuclear power available to all Americans on equitable terms."

Metcalf said the F.P.C. showed, in its conduct of the national power survey, how it could marshal all segments of the power industry and government while retaining responsibility.

Available facts, the senator added, indicated to him the A.E.C. did not have that capability.

Metcalf said he had been "deeply disturbed" by the original A.E.C. plan. He noted the E.E.I. was neither a public body nor did it represent the whole electric power indus-

As of the end of February, he continued, no one on the A.E.C. had consulted with F.P.C. or public power groups about participating in the nuclear power plant site survey.

[From the Watertown (N.Y.) Daily News, Mar. 15, 1968]

NUCLEAR POWER SITE SURVEY NOT PRIVATE INTEREST SHOW

(By Alan Emory)

WASHINGTON.—Atomic Energy commission Chairman Glenn T. Seaborg today promised not to turn over the government's atomic power plant site survey to the private utility companies' trade association.

He said the A.E.C. had "no intention" of pursuing such a plan. Seaborg also conceded the A.E.C. would have done better to explore the problem with more organizations than just the Edison Electric institute.

The chairman indicated the end result would probably be an interdepartmental study along the lines suggested in October by A.E.C. Commissioner James T. Ramey. Ramey favored having the Federal Power commission run the show, but Seaborg said it might be headed by a newly-formed energy policy staff.

An A.E.C. proposal to allow the E.E.I. to head the study and have other federal agencies and public power groups participate "as required" drew fire in and out of congress.

Seaborg said discussions with other organizations were designed to focus industry attention on the subject of power plant sites. Discussions with E.E.I., he said, were "only a part of the overall study plans" and part of that was "still in the formative stage."

The early talks are aimed mainly at identifying factors to be considered, he added, and "no definitive arrangements have been consummated regarding the conduct of such studies."

In a letter to American Public Power association General Manager Alex Radin, Seaborg, said A.E.C. officials had referred to the future involvement of the F.P.C. and Radin's association.

The A.E.C., said the chairman, "does not plan to commission others, such as the E.E.I. to conduct such comprehensive siting studies for nuclear plants except as would be part of an interdepartmental or similar effort."

Early talks were held with the private industry group, he said, because E.E.I. comprised "by far the largest segment of the industry and E.E.I. expressed a willingness to participate in such efforts."

"We have not delegated any responsibility to E.E.I., he added, "and A.E.C. has no intention of doing so."

Seaborg hinted again the A.E.C. did not have jurisdiction over the consumer aspects of power operations, and the consumer angle reinforced the need for an interdepartmental group to conduct the survey. The A.E.C. endorses this "more strongly than ever," he declared.

"In retrospect," Seaborg told Radin, "a broader exploration of the problem with more organizations would have been in order."

CONGRESSIONAL SCHOLARS PROGRAM

HON. JOHN R. DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. DELLENBACK. Mr. Speaker, in an effort to make our National Government come alive to our young people, last year Mrs. Dellenback and I instituted a program which we called our congressional scholars program.

When we began the program, we asked the school authorities of Oregon's Fourth Congressional District to select students who would be particularly able to learn and profit from a week in the Nation's Capital and who would be willing and able to pass along to their fellow students in their respective counties what they learned here.

The transportation expenses were taken care of through arrangements made by the education districts involved. While in Washington, the students were the guests of the Dellenback family.

The eight students who visited us last year did a marvelous job of reporting their experiences upon their return to Oregon. Our young guests' stay with us was so successful that we decided to continue the program this year and to expand the number of congressional scholars to 12.

From more than 100 applicants, 12 outstanding young people were selected by a committee of educators to be our guests this year. Mrs. Dellenback, the children, and I were pleased to have living in our home during this year's program:

Bill Ankeny, Myrtle Creek; Steve Greenwood, Eugene; John Heinz, Coos Bay; Robert Pete, Phoenix; Gary Cully, Eugene; John Fisher, Eugene; Kris Keil, Ashland; Teri Schwarz, Gold Beach; Ronald Blanton, Eugene; Cynthia Buhl, Myrtle Creek; John Craig, Springfield; Celia Duboraw, Grants Pass.

While they were with us, we sought to give these scholars an opportunity to meet some of the people and observe as many as possible of the procedures and structures through which and in which our National Government lives and performs its functions. It was a most encouraging and stimulating experience for us to note the concerned and responsible manner in which these outstanding young people observed, thought about, and discussed the representatives and operations of their Government first hand.

I mention this program today with the thought that some of my colleagues might be interested in this kind of program and adapt it for scholars in their respective districts. I know that involvement in such a program has been a most satisfying experience for the Dellenbacks.

EAST-WEST TRADE

HON. WAYNE MORSE

OF OREGON

IN THE SENATE OF THE UNITED STATES

Tuesday, May 7, 1968

Mr. MORSE. Mr. President, the American Management Association performed a singular service to our economic community when, early in March, it hosted an orientation and briefing conference in New York City on the subject of East-West trade. I was among those privileged to address this important session. My remarks on that occasion were placed into the RECORD, on April 29.

The conference agenda included important remarks by a number of distinguished businessmen, scholars, and diplomats. I know that several of the addresses delivered contained particularly significant commentary on the East-West trade structure that will be of interest to my colleagues and to the public.

I ask unanimous consent that a selection of addresses by various conference participants be printed in the Extensions of Remarks.

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

OPPORTUNITIES FOR TRADE WITH THE EAST: LOST AND FOUND

(By Tino Perutz, Managing Director, Omni Division, C. Tennant, Sons & Co., of New York)

The topic of my talk is Opportunities for Trade With the East: Lost and Found. My remarks are personal, and not necessarily the views of my company.

Ever since Caesar, on his way to the Forum, was warned by the soothsayer to beware the Ides of March, this has been a month of important events.

Fifty years ago yesterday the new Bolshevik government, which assumed power in Russia on November 7, 1917, signed the peace treaty of Brest-Litovsk with the central powers. A year later, in March 1919, the third International (Comintern) was founded with the ultimate aim of bringing about world revolution. (Comintern was dissolved—as Cominform—in 1956.) On the Ides of March 1921 Lenin introduced N.E.P., the New Eco-

nomic Policy, by saying "let's take one step backward in order to take two steps forward." A year later Stalin became Secretary-General of the Party.

In March 1953 Stalin died, and three years later at the twentieth Party Congress, was denounced for megalomania and repressions. After de-Stalinization the Soviet Union went on to scientific, technological achievements, among them the launching of the first astronaut into space. The standard of living of the Russian people was greatly improved, and on the political scene, collective leadership was established.

With the publication in 1962 of Professor Evzel Liberman's economic theories, a new economic concept was proposed, substituting profitability for Stakhanovism, and market demand for rigid central planning.

Fifty years ago in the United States the income tax ranged from one to six percent—the Gross National Product reached 40 billion dollars, and Congress was about to determine that we should disengage ourselves from international involvements. A Rip van Winkle, who had fallen asleep at that time, would hardly comprehend the changes that have made America the world's leading industrial and political power. And had he been interested in our economy at the time he feel asleep, he would now undoubtedly cry: "Socialism".

If, similarly, the hero of Mayakowski's "Bedbug" would have been frozen for the same period, and would now thaw into a new Russia, he might well mutter: "Capitalism".

I had the privilege of addressing the East-West seminar last year, and would like to compare today's outlook and opportunities in East-West trade with those of last year. Last year some of us expected that hearings on the East-West Trade Bill would be scheduled in 1967. This bill was added to the legislative junkheap in May 1966, as Senator Mansfield announced upon introducing the bill. Now we have all given up hope that this bill will be salvaged in the course of this year.

President Johnson authorized the Eximbank in October 1966 to extend its export guarantee program to sales of U.S. goods to five East European countries. Under this authorization medium term guarantees would have enabled U.S. companies to obtain nonrecourse financing through U.S. banks or through Eurodollar sources, thereby allowing U.S. exporters to compete with European sellers. When the Senate passed the Eximbank extension bill in August 1967, this presidential authorization was specifically repudiated. The House passed this restrictive bill on February 7, 1968. This is a serious setback compared to last year.

The omission of reference to East-West trade in the President's State of the Union message this year indicates that the bridge-building concept of 1967 has been abandoned, at least temporarily.

The over-all feeling in Congress toward trade with Eastern Europe has changed in the last twelve months from a more or less passive unfriendliness to active hostility. This change in sentiment was naturally caused by the escalation in Vietnam.

Last year we expected some easing of export controls; essentially they have remained as rigid as they were. Tomorrow we will hear the Department of Commerce discuss export controls. I know it will be a comprehensive presentation. Nevertheless, I would like to submit an exporter's assessment of these controls.

The Export Control Act was enacted in February 1949 as a temporary measure and was renewed every two or three years. The Export Control Act establishes vague and undefinable criteria of control. The administrators of the Act, in their day to day decisions, must weigh the approval of a license against possible damage to our national security and welfare or to possible benefit to the recipient country's military or economic potential. Thus the administration of regulations in a changing political atmosphere becomes a major act of bureaucratic statesmanship.

At last year's seminar Rep. Lipscomb of California, ranking minority member of the Defense Subcommittee and constant critic of the tolerance of export controls, declared that export licenses for fertilizers should be denied because of the strategic character of this product.

The Office of Export Control is advised in its functions by an interdepartmental committee composed of Defense, State and Treasury departments, and by the so-called "amorphous body of the intelligence community". It seems to me that such divided interpretation leads to diffusion of responsibilities.

Originally our export controls were to be applied equally by all nations having defense commitments with the USA. In the course of years, however, our defense partners liberalized their exports to Eastern Europe, whereas U.S. controls remained inflexible. This self imposed restraint, for restraint's sake, is depriving us of our share of this trade.

As a member of the N.Y. Regional Export Expansion Council, I am, of course, much concerned with the general expansion of U.S. exports, as we all are, and I would welcome an executive order expressly stating that export licenses shall *not* be denied if such denial would diminish the U.S. trade surplus. While such an order would obviously increase dramatically the uncertainties of licensing, it would at least help to point up the paradox.

The perennial deficit in our balance of payments, which reached a figure of almost four billion dollars in 1967, was the theme of the President's message to the nation on January first of this year. Several measures are proposed in this message which—if enacted—will obviously reduce our imbalance of payments.

In his message, the President states that: quote "to the average citizen the imbalance of payments, the strength of the dollar . . . are meaningless phrases. They seem to have little relevance to our daily lives. Yet their consequences touch us all." unquote.

Yet, the government expects that these meaningless phrases will make an average citizen accept the proposed limitations, including the limitations on travel abroad. The government is apparently unable to persuade the average (uninformed) citizen that freer and larger exports to Eastern Europe would conceivably decrease our deficit within the next few years by the several hundred million dollars.

Every average Englishman or Swiss or Austrian has accepted some variation of the slogan "To export or die". In the USA a general apathy towards exports seems to exist. Exports to Eastern Europe in particular are regarded as a contract with the devil, and trade with the devil would compromise our lofty moral principles. Our giant automobile industry did not even compete for the Russian business of setting up a passenger car industry. It yielded to Fiat of Italy to supply plant installations and services in the value of some 400 million dollars. Perhaps our American cars are too sophisticated. If so, our automobile industry could have competed for this business through their European affiliates in England or Germany where the smaller cars are being manufactured.

We understand very well that sale of equipment and know-how to Russia would result in stigmatizing the company in the USA. The resulting loss of domestic business would be an unacceptable risk. We are quite cognizant of this dilemma.

But is this an unalterable fact? Must it remain unalterable in the light of the President's message, in the light of a serious monetary crisis?

When will our political leaders assume the responsibilities inherent in their leadership so that the dangers to our economy, to the health and well-being of this nation will become meaningful phrases?

Are we to assume that the average Italian understands better the relevance of trade to his daily life, or should we assume simply that every Fiat owner in Italy and abroad is a communist sympathizer at heart?

The Fiat automobile plant in the USSR will build hundreds of thousands of passenger cars and thereby fulfill the dream of travel to many Russians. This new plant will oblige the Soviet Union to divert a qualified labor force to the automotive industry, to the improvement of road systems, to the building of service stations and motels.

Is it contrary to our national interest to expect within a few years traffic tie-ups on Gorky Street in Moscow similar to the snail's pace on Madison Avenue—with its daily loss of tens of thousands of "executive" man-hours?

Trade between the western countries and Eastern Europe has reached the impressive figure of 16 billion dollars in 1967, a 20% increase over the preceding year, which again exceeded 1965 by 20%. The Common Market's trade with Eastern Europe in 1967 was in excess of five billion dollars (more than 80% increase in the last five years).

The U.S. trade figure for 1967 for all exports to and imports from Eastern Europe was 372 million dollars, which is less than 0.7% of our total worldwide trade. Our exports to Eastern Europe were 195 million dollars, which is 0.6% of our total exports.

I will not dwell on figures. The fact that we are barely participating in existing East-West trade is well established.

Obviously these trade relations between the industrial nations of the west and Eastern Europe have resulted in much improved personal contacts; in acceptance of western technical standards, such as DIN and BSS, and reliance on western spare parts. Western service personnel and engineers travel widely in the east, and their field reports are a constant source of information. Certain negotiating patterns and basic contract conditions have evolved and have normalized business relations. It will be difficult for U.S. sellers to displace such well entrenched competitors.

These contacts have also enabled the west to observe closely and to take advantage of the new economic concepts which are gradually being introduced in Eastern Europe. I am referring to the so-called "economist's revolt" which I would prefer to call more appropriately a "renaissance" of some old and proven principles of economics. When some of the Comecon nations encountered increasing difficulties to compete in western markets, they recognized the shortcomings of rigidly and centrally directed economies. This recognition accompanied the growing desire for greater national assertion, particularly among the more industrialized former satellite countries. In Czechoslovakia, for example, only seven years after the Communist takeover, a group of outstanding economists, headed by Prof. Ota Sik, started to explore new economic orientation.

The theories of Prof. Sik are, I believe, similar to those being promulgated in other Eastern European countries. Therefore, a brief review of Czech economic development, as presented by Sik in a recent talk in Stockholm, will be illuminating.

Shortly after the Communist takeover in Czechoslovakia in 1948 industry and trade were nationalized; from the smallest machine shop to the Skoda Works, from the Bata Shoe empire to the cobbler's bench. Strict centralized planning and direction were introduced, in emulation of the USSR, the only country which, until then, had been practicing this system.

No past experiences, no other theories, were acceptable because rigid centralized control was regarded as the only possible form a socialist economy could take. Any

deviation from this rigidity, in thought or in practice, was considered heresy.

The central bureaucracy established five-year programs for the entire industry, determined the production volume of each factory—in pieces or tonnage—and fixed sales prices for some one and a half millions items.

The postwar boom had obscured some weaknesses of the economy until 1956–57 when Czech foreign trade started to experience major difficulties. Even though industrial production, by its emphasis on manufacture of capital goods, had increased by four hundred percent, exports to the west declined because of rapidly increasing production costs and a lag in technical development. At the same time, agricultural output remained at prewar levels, thus making necessary the import of additional foodstuffs. Farm workers had been diverted to industry, and therefore the average age of agricultural workers rose to about 50 years. These older people could not be trained to accept new techniques, which would have improved agricultural output.

The Czech government decided to experiment with some of Prof. Sik's recommendations, which gave managers more freedom of action and introduced incentives. However, further economic decline in the next few years brought on a complete reversal, and even more rigid centralism was adopted. Despite frequent violent attacks from within, the Sik theories were finally accepted by the government in 1967. Yet even today opposition is strong from those party members who claim that the new economic system will deprive workers of their privileges.

I am describing these conflicting trends because the final outcome will determine decisively Czechoslovakia's success in international trade and, by analogy, the international trading position of most other Eastern European countries.

The broad aims of this new economic system are, in Prof. Sik's words:— . . . . "to establish an entirely new relationship between planning and the mechanics of the market within a socialist economy"; . . . . to establish profit as the only valid and measurable indicator for the success of an industrial operation, and . . . . "to introduce incentives which (as under capitalism) will improve efficiency."

In the period of transition from old to new system, decentralization will first affect individual factories (all of which are part of larger trusts). These factories will establish their own short term (one year) planning. This phase is referred to as micro-economy.

Top management of the trusts will issue medium (five year) and long term (15 to 20 year) plans which will have the character of economic forecasts rather than of inflexible directives. The Central State authority will issue macro-economic guidelines for the entire industry.

The factories (producing for profit) will pay three types of taxes:

1. a tax on invested capital (6%)
2. a tax on gross income, i.e., gross sales, less raw material, less amortization (18%)
3. a wage tax computed both on a per capita basis and a total payroll basis, so that reduction in the number of workers will result in a more favorable tax rate even though the individual wage level might be increased.

The domestic price structure will be determined by fixed government prices for essential raw materials and services, by ceiling prices for many consumer items, and by completely free prices for less essential goods.

Strong emphasis will be placed on the training of new managers. According to Prof. Sik: . . . . "entirely new management personnel will be required" . . . . I would assume that this displacement will cause some discontent among older, faithful party bureaucrats.

I would suggest that this association consider making available its experience in managerial training to the management training centers in Prague and Warsaw, Moscow and Budapest.

Similiar changes toward a "freer enterprise" within a socialist economy are taking place in all other Eastern countries except Poland. (Poland's centralism is somewhat lessened by Polish individualism and ingenuity.) In Hungary a new economic system establishing the independence and responsibility of industrial managers has become law on January first of this year. Incentives for managers may reach 80% of their basic salary. Laborer's wages can be increased by 20%. East Germany, Rumania and Bulgaria have introduced to varying degrees some form of new economic theories. In the USSR, where the three leading economists, Liberman, Kantorovich and Novozhilov, were awarded the Lenin Prize in 1965 (the Soviet Union's highest honor), all industry is to be on a new profit-oriented decentralized system by the end of this year. However, some reports indicate that these economic reforms are being eroded by conservative elements, both at central and local levels. Nevertheless, I am convinced that once it has been recognized that efficiency, individual responsibility and incentive are organically interrelated, the economic reformers in the Soviet Union will succeed with their program.

I am equally convinced that the prospects for future U.S. exports to Eastern Europe will be much improved by the liberalization of economies. Profit-minded managers will want to adopt American manufacturing methods and will want to purchase American technology, machinery and equipment. The prestige of American technology is probably highest in Eastern Europe. In no other part of the world have I met so much genuine admiration for our technical and industrial accomplishments, for the achievements of our research and development. (U.S. expenditures for research and development of three and a half percent of our Gross National Product are about twice as high as the expenditures by the European Common Market nations.)

After having been buried by Khrushchev, we have now been resurrected by Servant-Schreiber in his book LE DEFI AMERICAN—"The American Challenge"—which sold 150,000 copies in France in the first year of publication. Servant-Schreiber evaluates American economic presence in Western Europe as the world's third economic power.

This form of economic penetration will obviously be impossible in Socialist countries. Therefore the question arises whether and to what degree these countries will be able to pay for major imports from America. It is felt by many who favor greater trade between this country and Eastern Europe that such trade must remain at low levels. It is claimed that no historical trade pattern exists between the USA and Russia, or Poland or the Balkan States, and that, in the absence of such reciprocal opportunities, trading volume will be quite limited.

I do not concur with these views. Poland, the only Eastern nation which enjoys Most Favored Nations tariff, was able to reach a trade volume with the U.S. of 150 million dollars in 1967, which represents more than 40% of our total trade with Eastern Europe and exceeds our trade with the Soviet Union by 50 million dollars. The removal of present discriminatory U.S. tariffs by granting MFN treatment to the other Eastern countries, will certainly increase the trade volume.

I also do not concur with the advocates of balanced reciprocal trade because such link between exports and imports leads to bilateralism. I suspect that existing bilateral agreements between west and east might have been forced upon Eastern Europe by such considerations and by the apprehension that cheap Eastern products could inundate home markets. Let us not be entrapped in bilateral systems, thereby reducing our own opportunities.

These opportunities far exceed the normal pattern of buying and selling. The gradual introduction of new economic systems, that we spoke about, the eventual and conceivable separation of party and economics, open up great possibilities for U.S. industry. I can visualize major co-production ventures, particularly with the USSR, involving the supply of American technology and machinery, which will be paid for by the product of such joint venture. The vast natural resources of the Soviet Union in ores, metals, rare metals, industrial diamonds and precious stones, timber, will be the means of payment to the co-production partner.

This is the vision I see on the horizon, an answer to *the* important question. If this is not the answer, we will have to re-examine the ominous question.

REMARKS OF THEODORE C. SORENSEN AT THE INTERNATIONAL MANAGEMENT BRIEFING SESSION ON "EAST-WEST TRADE" OF THE AMERICAN MANAGEMENT ASSOCIATION, HOTEL PIERRE, MAR. 4, 1968

Clearly there is no early end to the Vietnam War in sight. Clearly there is no easy solution. Neither side will give up or get out; neither side can obtain a final military victory; and neither side is willing to enter upon serious negotiations leading to a settlement that meets the other side's minimum conditions. Thus we are in all probability in for a long siege in Vietnam unless and until there is a change in the international atmosphere. In my opinion, a substantial increase in trade in non-strategic goods between the United States and the nations of Eastern Europe—including the Soviet Union—can help create the kind of atmosphere in which a reasonable Vietnamese settlement can be achieved.

First, it is in our interest to prevent the war from spreading beyond the borders of Vietnam. We do not want any present or future American action or provocation to induce the Soviet Union to enter fully and formally into the Vietnamese War. Trade is one way of deterring such a drastic decision in Moscow—by improving Soviet-American relations and by making less desirable and more difficult the severing of relations which open warfare would require . . .

Second, it is in our interest to persuade the North Vietnamese that it is not our ambition to eradicate Communism from the face of the earth. By engaging in trade with the Soviet Union and Eastern Europe, we can demonstrate that there is some hope for peaceful coexistence, that Communist states can make progress in the community of nations by methods other than aggression, and that the United States is willing to deal with nations of a different social, economic and political system.

Third, it is in our interest to improve communications and reduce tensions with all nations supporting Hanoi. This is a dangerous period, during which every effort must be made to increase understanding and minimize misunderstanding, to increase contacts and make new friends in Communist governments, to obtain new experiences in working together and talking together on subjects other than cold war threats and deterrents. To place further restrictions on our trade with Eastern Europe can only force the Communist nations back into a hard and fast bloc which obviously no longer exists.

Fourth, and finally, it is in our interest, while fighting a war of attrition, to engage in those transactions which would develop the American economy and divert Soviet and Eastern European resources away from military efforts. To the extent that increased exposure to our goods and competition can lead gradually to an erosion in their dogma or an evolution in their system, the atmos-

phere for a Vietnamese settlement would be thereby improved.

. . . I do not suggest the sale of strategic goods to those who are supplying our enemies; nor do I suggest that trade can solve or prevent the conflicts of interest and ideology that necessarily divide us from the Communists. But inasmuch as it is clear that the Soviets and Eastern Europeans can obtain elsewhere all the goods we refuse to sell to them, I am suggesting that this country's policy of excluding itself from the growing network of East-West economic relations is harming only our own business prospects and as well as our foreign policy interests.

THE ROLE OF THE DEPARTMENT OF COMMERCE IN EAST-WEST TRADE

(Speech by Sherman R. Abrahamson delivered in New York City March 5, 1968, at the American Management Association's briefing session on East-West Trade)

I am very pleased to be here today to discuss with you the role of the Department of Commerce in East-West trade and our policies and procedures related thereto. To begin my discussion, I should like to refer to those parts of the Export Control Act that bear directly on East-West trade.

THE EXPORT CONTROL ACT

Section 2 of the Export Control Act contains the following policy statements:

"The Congress hereby declares that it is the policy of the United States to use export controls to the extent necessary . . . (b) to further the foreign policy of the United States and to aid in fulfilling its international responsibilities; and (c) to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States." "The Congress further declares that it is the policy of the United States to formulate . . . a unified commercial and trade policy to be observed by the non-Communist-dominated nations for areas in their dealings with the Communist-dominated nations."

Section 3 of the Act authorized the President to effectuate these policies. In so doing, however, it permitted him to "delegate the power, authority, and discretion conferred upon him by the Act as he may deem appropriate."

He has delegated this authority, by means of an Executive Order, to the Secretary of Commerce.

Congress realized that the regulation of U.S. exports affects the responsibilities and interests of a number of departments and agencies. In Section 4 of the Act, therefore, Congress stipulated the following:

"In determining what shall be controlled hereunder, and in determining the extent to which exports shall be limited, any department, agency, or official making these determinations shall seek information and advice from the several executive departments and independent agencies concerned with aspects of our domestic and foreign policies and operations having an important bearing on exports."

These then, are the principal authorizing and policy provisions of the Export Control Act that relate directly to East-West Trade. Of interest, also is the fact that the Act applies to about 90 percent of all the goods exported from the United States.

THE COMMERCE DEPARTMENT'S EAST-WEST TRADE POLICY

The Congress also has passed a Trade Expansion Act, and the Department of Commerce has been given important responsibilities in expanding trade as well. It has developed several new programs designed to stimulate sales of U.S. goods in foreign countries. The Department's policy, therefore, can be stated quite simply: It is to regulate U.S. exports in consonance with the laws passed by Congress.

Stating the policy is easy. But carrying it out is quite a different matter. Not everyone in Congress is of one mind as to what constitutes an export that would be adverse to our national security. There are those who believe that we should not trade at all with Communist countries. Others believe that avenues of trade should be widened to the fullest extent. Attitudes in the Congress on East West trade range over the entire spectrum.

By and large, there is little, if any, difference among the Executive Branch Departments and agencies involved in export control matters. The reason is that President Johnson, and each of his three predecessors, as heads of the Executive Branch, have declared that our pursuit of opportunities to maximize our trade in peaceful goods with Communist nations of Eastern Europe can influence them to develop along paths that are favorable to world peace.

BARRIERS TO EAST-WEST TRADE EXPANSION

Expanding trade with Eastern Europe is not so easy, however. Factors on both sides inhibit it. On the U.S. side, there is a lack of interest by many American firms, stemming at least partly from a lack of knowledge of East European import needs and export products, as well as how to do business with their trading organizations. Credit is more difficult to obtain than for exports to Western Europe. Our imports from most Communist countries are subject to tariff and other barriers that do not apply to imports from Western Europe.

On the Eastern European side, there is a shortage of gold and hard currency, and they have rather few products of interest to U.S. buyers. In general, the Eastern Europeans do not know the design and marketing techniques essential for selling in the United States. The trading organizations, which control all trade in the Communist countries, prefer to manage trade on a bilateral, instead of a multilateral, basis, which is preferred by the United States. These factors interfere with buying and selling on strictly rational economic grounds.

U.S. EXPORTS TO EASTERN EUROPE IN 1967

Notwithstanding these impediments, we do carry on some trade with Eastern Europe. In goods alone, our exports amounted to nearly $200 million last year, and exports of technology, if we could value them properly, probably added some tens of millions to this figure. Those firms that do export to Eastern European countries, generally have found their trade to be profitable. And in their zeal to expand their trade, some U.S. businessmen have visited our offices and petitioned us to authorize for Eastern Europe export transactions that are pretty self-evident of strategic significance. Also, there are firms that refuse to conduct any trade with Eastern Europe, in any goods at any price.

OBTAINING INFORMATION AND ADVICE AS REQUIRED BY THE ACT

How can the Office of Export Control—the Secretary of Commerce's principal instrument for administering the Export Control Act—satisfy both the proponents and critics of the President's bridge-building policy and a wide variety of business interests in the regulation of U.S. exports? The answer is: We can't. But we try.

You will remember that the Congress, in the language of the Export Control Act, instructed the administrator of Export Control to seek "information and advice." To carry out this instruction on a regular basis, the Advisory Committee on Export Policy was established: Its chairman is Commerce's Assistant Secretary for Domestic and International Business. Members are the Departments of State, Defense, Treasury, Agriculture, and Interior, the Atomic Energy Commission, Federal Aviation Agency, and the National Aeronautics and Space Administration. The Office of Emergency Planning is an observer and the Central Intelligence Agency is an advisor. The Advisory Committee, or ACEP for short, is convened only when difficult policy issues arise or when an especially troublesome export license application is received that raises policy problems. Clearing away the bulk of the work is the ACEP's subgroup, the Operating Committee. Its membership is the same as that for ACEP, but at the senior staff level. The Operating Committee, or OC for short, deals both with policy issues and exceptional export applications. Its recommendations are made to the Chairman of ACEP. As a result of the information, advice, and recommendations thus presented, the Commerce Department determines the broad policies to be applied by the Office of Export Control to commodities, destinations, and types of transactions, as well as licensing actions to be taken on unusual applications.

THE RULE OF UNANIMITY

The interdepartmental advisory procedure I have just sketched is of enormous importance in the policy planning for, and the administration of, our export controls. Fundamentally, decisions reached through this procedure govern the content and scope of our export control regulations and the content of our Commodity Control List. Of special significance, however, is the fact that both the OC and the ACEP follow the rule of unanimity. Although the Secretary of Commerce has the authority to make export control decisions, in practice he follows the rule of unanimity. If it cannot be achieved in the OC, the dissenting agency appeals the case to ACEP. If ACEP cannot achieve unanimity, the issue is referred to the Export Control Review Board. Its Chairman is the Secretary of Commerce. The only other members are the Secretaries of Defense and State. As you may suspect, the Export Control Review Board does not meet often. Recommendations reached by the OC and the ACEP form the basis for the board licensing policies followed by the Office of Export Control, and make unnecessary the referral to the OC and ACEP each of the thousands of cases received each year by the Department. The ramification of the tradition or practice of unanimity is that any export legitimately made to Eastern Europe under either a General License or a Validated License, or to any other destination, at least theoretically, has the approval of all of the departments and agencies in the Executive Branch of the Federal Government that have an interest in export control policies.

GENERAL AND VALIDATED EXPORT LICENSES

I have just used two terms that may be new to some of you. They are General License and Validated License. Knowledge of them is essential to an understanding of our procedures.

A General License is a broad authorization that permits exports of certain commodities to certain destinations with a minimum amount of paper work. For example, the only requirement we place on an exporter who wants to ship unlimited quantities of cleansing tissue to the USSR is that he file an export declaration with Customs at the port of shipment. A Validated License is a formal document issued to an exporter who has submitted a signed application to our office. It authorizes the export of only the commodities specified on the license under the conditions and terms therein specified. The Commodity Control List identifies for each listed commodity the destinations for which a Validated Export License is required.

When the Export Control Act was first passed, a Validated License was required for nearly all exports to Eastern Europe. You may remember that in June 1948 the USSR blocked all rail, water, and highway routes through East Germany to West Berlin. The U.S. responded first with a massive airlift, and in February 1949 Congress passed the

Export Control Act. During the blockade, trade between the United States and Eastern Europe was negligible. There were no General Licenses for such trade, and applications for Validated Licenses were not approved.

REMOVAL OF VALIDATED LICENSE REQUIREMENTS

Since that time U.S. relations with Eastern European countries have improved gradually, but the curve has indeed had its ups-and-downs. Keeping pace with the improvement in relations has been a sort of progressive removal of the Validated License requirement for a wide range of both producer and consumer goods.

The removal process is a continuing one. Each commodity listing is scrutinized and tested against various strategic criteria. In this process the Department of Commerce plays a leading role. Deeply involved with trade expansion as well as with trade control, the Department believes that the U.S. national interest is best served by encouraging trade in peaceful goods with Eastern Europe. We contend that removing the Validated License requirement over a commodity listing is a positive step in that direction.

The removal process moves slowly, however. Validated License requirements are not removed until each commodity is carefully considered by the ACEP structure and found no longer to meet any of the strategic criteria. You can appreciate that when a Validated License is no longer required for a commodity to be exported to an Eastern European destination, the item can be shipped without any special authorization from the Office of Export Control. Our basic position, therefore, is this: If a certain commodity is believed to be incapable of making a contribution to any Eastern European country that would be so significant as to be detrimental to our security and welfare (for example, cleansing tissue, tobacco products, sugar, etc.), it is considered nonstrategic and removed from validated license control to all Communist countries except Far Eastern Communist countries and Cuba.

EXTENDING VALIDATED LICENSE REQUIREMENTS

Although broadening the range of goods that can be exported to Eastern Europe has been the trend, stricter licensing controls have also had to be imposed on certain commodities. During the last year or so, stricter controls have been placed, for example, on ablative materials. These permit re-entry of space vehicles at high temperatures. Tighter controls have also been placed on structural sandwich construction materials, which because of their heat resistance and high strength-weight ratios are especially useful in military aircraft and missile applications. Also subjected to tighter controls are isostatic presses, which are used in the manufacture of nuclear weapons. These items were under Validated License requirements to Eastern Europe before controls were tightened. The underlying purposes of stricter controls are to minimize the risks of unauthorized diversion and to impose special controls over the export of the technology to manufacture them. The tightening of controls also requires unanimity in ACEP.

"GRAY AREA" CASES

Our recent reports to Congress show that some types of commodities and technology are being approved for Eastern European countries that we were not approving to any of them a few years ago. This does not mean that we have ceased to regard these items as strategic, and that we are ready to remove them from Validated License control. They are still "gray area" items, meaning items that can have both peaceful and strategic uses. We are, however, able to approve *some items* in the gray area because analysis has shown that they will most probably be used in the particular instance for peaceful purposes. Where this probability cannot be established to our satisfaction, the transactions are not approved. Still other items have such strategic potentiality that we would not license them under any conditions to any of the Eastern European countries.

CRITERIA FOR DETERMINING WHETHER A COMMODITY IS STRATEGIC

For commodities not so clearly nonstrategic we review each commodity in all applications to determine whether, in that transaction and for that stated end use, it is strategic. Entering into this decision are such considerations as

1. Is the commodity designed, intended, or capable of being used for military purposes?
2. Does it contain unique or advanced technology that is extractable?
3. Would it contribute significantly to the military-industrial base of the country of destination?
4. Would it contribute to the economy of the Communist countries to the detriment of our own security?
5. Are there adequate substitutes available elsewhere that would make export denial by us futile?
6. Are the quantities and types of equipment appropriate for the proposed use?
7. Is the equipment an integral part of a larger package and, therefore, unlikely to be used for other than the stated civilian purposes?

Our East-West trade policy and our regulation of exports pursuant to the Export Control Act present a controversial area in which men of good will admittedly can and sometimes do see things differently. We interpret the Act to call for *denial* of export licenses when the proposed export obviously would affect adversely our national security and foreign policy objectives, and for *approval* when those national interests would benefit thereby.

THE RECENT COURSE OF EAST-WEST TRADE

(By Leon M. Herman, Senior Specialist in Soviet Economics, February 8, 1968)

1. OVERALL PROPORTIONS

In terms of its aggregate volume, commodity trade between East and West now looms larger than ever before. Expressed in dollars, the value of exports from the entire "West" to the whole of the "East", as these shorthand terms are usually defined, reached a figure of 8.5 billion dollars in 1966 (the latest calendar year for which such figures are at present available). The import side of this trade, in keeping with recent trends, came to a somewhat larger value in the same year, namely 9.0 billion dollars.

In recent years, as shown by the record, this segment of international commerce has expanded at a somewhat faster pace than world trade in general. As a result, trade with the communist areas of Europe and Asia came to account for 4.7 percent of all foreign trade transactions of the non-communist countries by 1966. This represents a measurable improvement over 1960, when the share of the East in the total trade of the West amounted to 3.8 percent.

In general, therefore, the growth of East-West trade during the current decade has been rather impressive. In the case of both exports and imports, the annual dollar figures approximately doubled between 1960 and 1966, which reflects a yearly growth rate of 12 percent. In dollar terms, exports to the East increased from $4,425 million to $8,509 million; imports rose from $4,462 million to $9,047 million.

2. MAJOR PARTICIPATION AREAS

The largest single trading nation in the East, throughout the recent past, has been the USSR, which in 1966 absorbed $2.8 billion worth of merchandise originating in the West. This comes out to somewhat more than 30 percent of all commodities moving from West to East in that year. As has been the case right along, the six small countries of Eastern Europe, as a group, did far better. They accounted in the same year for $4.2 billion worth of Western exports, or 52 percent of all goods sold to the East. Sales to Mainland China in 1966 came to a figure of 1.4 billion dollars, representing 17.5 percent of all exports from West to East. As might be expected, the import side of the commodity flow showed the same percentage distribution among the three major geographic areas making up the East.

As far as the West is concerned, the main component areas have also remained unchanged in recent years. Western Europe continues to be the most active participant in East-West trade, reflecting the fact that this region has been traditionally a natural market for the major export commodities of Eastern Europe and, at the same time, a readily accessible source of industrial products of the kind regularly imported by the East. In 1966, specifically, Western Europe contributed some 55 percent to the total value of the exchange of commodities between East and West. All the industrially developed countries, taken together, i.e., the nations making up the O.E.C.D. group, have emerged in recent years as the principal factor in this two-way trade, accounting for 70 percent of the entire trade turnover between East and West. This leaves 30 percent for the share of the less developed nations as participants in East-West trade.

3. COMMODITY COMPETITION OF EAST-WEST TRADE

A. Trade Between East and West in Europe.—The historic pattern of trade between the countries of Western and Eastern Europe has not changed materially in recent years. As in the past, the Western group of nations continue to import from the Eastern half of the continent primarily raw materials and foodstuffs, while exporting, in turn, finished products of metal and other materials.

On the import side, the group of foodstuffs imported into West Europe for example, accounted for, respectively, 21.3 and 22.9 percent of all goods purchased from the East in 1964 and 1965. Included among these were: meat and dairy products, cereals, fruits, vegetables, and sugar.

Next, the broad group of crude materials, which includes fuels and base metals, represented 49.7 and 58.2 percent respectively, of all goods moving from East to West in Europe. The most prominent, clearly identifiable commodities in this group were: petroleum, coal, coke, timber products, and base metals.

Finished products makes up the third, and least important, broad group of import commodities of Eastern origin that have been finding their way into Western Europe in recent years. This group as a whole accounted for 17.0 and 16.8 percent, respectively, of all such imports into Western Europe during 1964 and 1965. More specifically, it was represented by such commodities as chemicals, transport equipment, and industrial machinery. The dollar value of the machinery category of imports, it may be noted, added up to only 5 percent of the value of all merchandise imported from the Eastern half of Europe.

To sum up, four commodity categories stand out most prominently in the range of imports from Eastern Europe. These are: meat and dairy products (10.7 percent of all imports in 1965); timber products (16.5 percent), mineral fuels (20.0 percent), and base metals (9.2 percent). Added together, foodstuffs, crude materials, fuels, and base metals, added up to 81 percent of all Western Europe's imports in this trade, with "manufactures" and "miscellaneous" making up the remainder.

On the export side of this exchange, i.e., the movement from West Europe to the Eastern half of the continent, the product mix has been quite different. Here, finished

goods as a broad group, accounted for the largest share of the commodity flow, namely 59.6 and 58.0 during 1964 and 1965. The three principle components of this group have been: industrial equipment, ships, and chemicals.

The second group of importance among West Europe's exports to the East has been that of crude materials. The share of this group came to 24.6 percent of all exports to the East for both years under review. Most prominent among the commodities in this group were: base metals and such industrial raw materials as synthetic rubber and fibers. By way of contrast, exports of mineral fuels from West to East in Europe account for less than 0.5 percent of all recorded shipments.

Foodstuffs, as a group, have been of least importance in the composition of West Europe's exports to its trade partners in the East. During the two years under review, the major commodity categories in this group were grains, meat, fruits and vegetables.

B. General Economic Character of Trade With the East.—As illustrated briefly above, by means of the commodity content of East-West trade in Europe, the trade pattern of the communist countries, both on the export and import side of the exchanges, is that of an industrially underdeveloped group of economies. Basically, they tend to exchange crude materials and farm products for manufactured goods in general and machinery in particular. In this regard, the most characteristic feature of the exchange is illustrated by the fact that some 30 percent of West Europe's exports to the East consists of productive machinery, whereas the commodity flow in the reverse direction contains only 5 percent of industrial equipment.

One significant development of the past few years has been the decline in the momentum of machinery imports into the Soviet Union from the West in general. After a steady rise through the early sixties, Soviet purchases in this category of goods began to level off, with the result that machinery imports were only marginally (6 percent) larger in 1966 than they were in 1962, as may be seen in the figures below:

[In millions of dollars]

	1961	1962	1963	1964	1965	1966
Amount	474.4	601.3	588.1	620.4	505.2	638.0

The recent decline in Soviet imports of industrial equipment from the West is assumed to have been caused by a tightness in the supply of hard currency, and in particular by the urgent need on several recent occasions to maintain a trade surplus with the countries of the Industrial West in order to pay for the wheat purchases. The smaller countries of Eastern Europe, on the other hand, have continued to expand their procurement of machinery in the West. In Western Europe alone, for example, they purchased $442 million in 1964, followed by an import value of $535 million in 1965. From the West as a whole, imports of machinery into the smaller countries of East Europe rose from $549 million to $687 million during the two years in question.

4. THE OUTLOOK

The economic evidence at hand tends to support a forecast of continued steady growth of the present volume of trade between the East and West. There are a number of evidently strong economic incentives at work on both sides of the exchange to expand both direct commodity trade and other, newer forms of industrial cooperation between private firms in the West and the state enterprises of East Europe.

For the industrially developed countries of the West the pull of the East at present appears to be of a long-term character. The economies of the Western nations will, without a doubt, continue to be substantially dependent upon the world market as a means for supplementing their own resources with substantial quantities of imported commodities of a wide variety. As far ahead as we can see, therefore, the industrialized countries will continue to seek abroad the kind of fuels and mineral materials that are normally exported by the East. If the latter countries should, moreover, improve their surplus position in some categories of foodstuffs, these too could presumably be absorbed by the expanding economies of the West in larger quantities than at present. The plain fact is, moreover, that the Western countries as a group have a substantial and continuing interest in helping the East to market more of their commodities and thereby improve their hard currency resources as potential importers of Western goods.

As traditional producers of industrial surpluses, the Western trading nations, furthermore, cannot afford to ignore a market having the kind of characteristics that Eastern Europe has displayed during the past two decades. According to the recent record, some two-thirds of all the goods imported by Eastern Europe from the O.E.C.D. countries have consisted of finished industrial goods. Given the present disparities in the levels of industrial technology in several branches of production between the two regions, the tendency for more advanced types of equipment, products, as well as synthetic materials to flow from West to East may be expected to continue for the foreseeable future. The hard fact is, after all, that the industrial labor force of the developed countries of the West, and presumably the scale of industrial activity in general, are at least twice as large as in Eastern Europe.

If we add to this the fact that a number of the major trading nations of the West are now extending long-term credits to the East and, on a substantial scale at that, we may reasonably conclude that (a) financing facilities for the expansion of imports into the East are likely to be better than in the past; (b) the current foreign exchange earnings of the East should improve steadily in the near term.

The economic forces at work in the East also appear to be operating in favor of expanding the volume of trade with the industrially developed market economies. To the extent that the centrally planned economies are gradually discarding the purely ideological approach to trade and economic development in general, they have come to recognize the nature of the conditions under which technical progress is generated in the world today. They are aware, for example, that the main theatre of operations and research in industry is located in Western Europe, North America, and Japan. By their own reckoning, in fact, the countries of East Europe today account for only some 30 percent of the global output of industry, while the bulk of the world's industrial output, including its research and development, is to be found among the nations that make up the O.E.C.D. grouping.

In addition, it needs to be borne in mind that economic ideas of an operational character have begun to take strong root in East Europe within the past few years. These practical ideas have come to be widely accepted in the region as a result of a steadily growing interest in ways and means to develop a more effective system of domestic production and external trade. Thus, for example, there is now wide acceptance in the area of the view that only large scale production, based on the best tested technology, can achieve the universally desired objective of quality production at steadily lower average real costs.

There is also now fairly general acceptance in East Europe of such propositions, to cite just a few, as the following: (a) that comparative costs are the most important factor in calculating the rationality of a country's participation in international trade; (b) that international trade decisions based on the physical ability to produce the commodities in question rather than their cost and utility tends to reduce the total output and income that could be derived from the finite supply of resources available within a national economy; and (c) that autarchy, whether national or regional, is nothing more than a potential source of waste in the use of national resources; that it imposes an unnecessary diffusion of national skills and capacities, and, hence, leads to low productivity and economic weakness rather than strength.

While we can expect the countries of Eastern Europe to continue to expand, and to refine, the present pattern of their intra-regional trade, there is nonetheless good reason to believe that in the course of this process of refinement they will also earnestly seek ways and means to introduce certain practical modifications in the established commodity composition of this trade. These modifications are, of course, likely to take a variety of forms. But they may be reasonably expected to include the gradual elimination from the range of goods exchanged with other trade partners in Eastern Europe such materials and finished goods, including machinery, that are produced either under less than optimal economic conditions or according to specifications of quality and utility that are perceptibly below existing world standards. If this process of adjustment is guided largely by considerations of economic effectiveness, as they are very likely to be, the outlook would seem to be favorable for a steadily expanding exchange of goods with an ever wider range of industrialized trade partners, based on a more rigorous calculus of real costs of production both at home and abroad.

RELATIVE IMPORTANCE OF EAST-WEST TRADE TO THE PARTICIPATING AREAS

Year	Industrially developed countries						Year	Eastern Europe					
	Imports			Exports				Imports			Exports		
	Total	From Eastern Europe	Percent	Total	To Eastern Europe	Percent		Total	From developing countries	Percent	Total	To developing countries	Percent
1964	113,279	3,048	2.7	108,984	3,210	2.9	1964	19,500	3,210	16.5	18,680	3,048	16.3
1965	124,633	3,588	2.9	119,990	3,195	2.7	1965	20,600	3,195	15.5	20,000	3,588	17.9
1966	138,453	4,048	2.9	132,720	3,853	2.9	1966	21,700	3,853	17.8	21,210	4,048	19.1

[TRADE OF INDUSTRIAL WEST [1] WITH EAST EUROPE]

[In millions of U.S. dollars]

	Imports			Exports		
	1964	1965	1966	1964	1965	1966
Food and live animals	576	724	805	924	628	760
Beverages and tobacco	30	31	36	40	47	56
Crude materials, inedible except fuel	775	893	973	290	330	432
Mineral fuels, lubricants, and related materials	645	650	735	15	13	11
Animal and vegetable oils and fats	31	46	54	40	56	36
Chemicals	147	171	202	325	411	467
Manufactured goods	549	719	831	531	664	763
Machinery and transport equipment	147	180	208	939	918	1,239
Miscellaneous manufactured articles	138	155	183	67	102	155
Commodities and transactions not classified	10	18	21	38	26	25
Total	3,048	3,588	4,048	3,210	3,195	3,853

[1] All members of OECD.

Source: "Commodity Trade," series B, January–December 1966, vol. 6, OECD, Paris, pp. 6–7.

GEOGRAPHIC DISTRIBUTION OF EAST-WEST TRADE—VIEWED FROM THE WEST

[In millions of dollars]

	Exports from the West			Imports into the West		
	All Communist areas	Communist areas in Europe	U.S.S.R.	All Communist areas	Communist areas in Europe	U.S.S.R.
Total West:						
1965	7,668	6,296	2,749	8,098	6,539	2,949
1966	8,509	6,967	2,769	9,047	7,166	3,175
Developed countries:						
1965	4,998	4,262	1,536	5,190	4,573	1,891
1966	5,995	4,995	1,674	6,000	5,210	2,150
Western Europe, NATO:						
1965	2,677	2,347	592	3,163	2,857	1,086
1966	3,265	2,824	578	3,577	3,206	1,204
Developed countries—Con.						
Western Europe, other:						
1965	1,324	1,280	548	1,307	1,264	513
1966	1,396	1,334	544	1,484	1,427	585
Developing countries:						
1965	2,559	1,958	1,160	2,666	1,740	936
1966	2,514	1,972	1,095	3,047	1,956	1,026

Source: U.S. Department of Commerce.

DOLLAR VALUE AND PERCENTAGE OF EAST-WEST TRADE

[In millions of dollars]

Year	Exports from the West			Imports into the West		
	Total exports	Exports to Communist areas	Percent	Total imports	Imports from Communist areas	Percent
1960	113,700	4,425.1	3.9	119,600	4,462.1	3.7
1961	118,800	4,966.6	4.2	124,800	4,987.1	4.0
1962	124,900	5,172.2	4.1	132,800	5,517.8	4.2
1963	136,100	5,622.1	4.1	144,000	6,240.6	4.3
1964	153,300	6,814.9	4.4	161,800	7,072.3	4.4
1965	166,200	7,667.7	4.6	176,100	8,097.6	4.5
1966	182,000	8,508.7	4.7	193,400	9,047.1	4.7

Source: U.S. Department of Commerce.

EAST-WEST TRADE AND THE UNITED STATES

(By Jerome Gilbert, trade economist, New York Port Authority, New York, N.Y.)

Surface evidence suggests, or perhaps the surface evidence makes it easy to convince one's self that the self-exclusion of the United States from the East European markets represents a substantial and growing loss to both the United States community and the United States economy.

For example, there is the spectacular increase in the trade of the Communist countries with the industrialized countries of the West, primarily Western Europe and Japan, an increase that has been growing at a large rate—approximately 15% per annum.

Then there is the matter of the astronomical figures thrown about by the communist leaders. Khrushchev's talent for expansiveness was, for example, never more evident than when he was holding out the lure of massive Soviet orders for western products, including especially products from the United States. Thus, in his "shopping list" letter to President Eisenhower in 1958, he proposed a trade between the USSR and the United States "of several billion dollars . . . over the next several years," and he went into great detail as to the specific categories of goods the Soviet Union would want to buy. And this was but one of a number of Soviet avowals of a willingness, even a strong desire, to transform trade relations with the United States from a state of abysmal paucity to overflowing plenty.

While doubtless subject to some discount by nearly all observers, these glowingly depicted prospects of vast new trade opportunities have quite evidently had a substantial impact on wide circles in the United States. It is thus not surprising that serious groups of business leaders have come to talk of a level of trade between the United States and Eastern Europe equal to that of the West European countries, something that would mean a two-way turnover of some $6 billion a year, compared with an actual turnover that averages about $300 million.

Quite obviously, trade possibilities of this magnitude, if they should be real, would be of great moment to a variety of particular American interests and to the nation as a whole. To continue to close the door on such an opportunity through a deliberate policy of trade denial would quite obviously involve serious sacrifices or costs for the United States. To be sure, few Americans would complain of the costs if it were clear that substantial results were being achieved in the way of furthering the nation's foreign policy objectives against the communists. If, however, the resulting gains for the United States should be only marginal, complaints of a "bad bargain" for the United States would be both understandable and justified. "If the cold war is to continue," a sensible person might well be expected to say under this circumstance, "let it continue, but let us fight it in ways and with means that hurt the adversary more than we are hurt. Where we, rather than the communists are suffering the greater damage, as in the case of this trade denial policy, let us back up and start over again."

What are the facts about the importance of trade between the United States and the communist bloc? They are revealing. The level of trade between the United States and Eastern Europe has always been extremely low, both in relative and absolute terms. Except for the two world war periods, the volume of exchange has been but a fraction of that of Western Europe. Even during the desperate first five-year plan drive of the Soviet Union for machinery and technology from abroad, most Soviet orders went to Western Europe and not to the United States. And since the wind-up of Lend-Lease and UNRRA transactions, trade between the United States and the European bloc has been all but negligible.

While this in part has been due to deliberate policies of the governments on each side, the major cause has without question been the fact that the United States and Eastern European economies do not complement each other. Only where United States aid efforts shore up trade transactions, as in the case of Yugoslavia and Poland, do exchanges between the United States and individual communist countries equal a level worthy of statistical note within the overall accounting of United States foreign trade. Except for this one factor, the total of United States trade with Eastern Europe is about at the level of the turnover within a major United States shopping center in one of the larger American cities.

Should there be a change in United States trade policy toward the communist countries to bring it into line with the West

European, a substantial increase in trade would almost certainly take place. Percentagewise and over the short term, the improvement could be expected to be quite great. There would doubtless be a flurry of backlog orders for United States products embodying technology superior to that available in Europe or Japan, or offering some other distinct advantage. But the total of all such products would be small indeed when compared with the volume of purchases from other industrial countries. And much of the buying would be non-recurring. Similarly, the extension of most-favored-nation treatment to the communist countries—which would necessarily have to be part of the United States decision to relax restrictions if the relaxation were to have meaning—would yield some increase in United States exports. But again the quantities in both absolute and comparative terms would not be sufficient to raise substantially the general level of trade.

To put the matter in more concrete terms, the following points can be used as a basis for a reasonably realistic calculation of the possible amount of United States trade with the communist countries in 1970, based on the assumption that all special United States obstacles to such trade (legislative, administrative and psychological) are removed: Let us factually measure the size of the market, based on the following steps:

1. With regard to *demand*, United States exporters under the assumed conditions could reasonably expect to secure a share of the East European market. Their participation would be based exclusively on their competitive position as suppliers. This is a truism.

2. A measure of what the competitive position of United States exporters would be is how well they do in the West European market, since their competitors in this market are the same as they would face in the eastern market.

3. In other words, the United States share of the East European demand for particular categories of goods should be roughly equal to its share of the West European market.

4. Three-fourths of East European imports from the industrial West consist of (a) machinery and equipment, and (b) metals and metal manufactures.

5. The United States supplies approximately 15% of Western European imports of machinery and equipment and about 4% of its imports of metals and metal manufactures.

6. It is usually assumed that imports of the East European countries from the industrial West will increase in the years ahead by a rate at least equal to the rate of growth of the gross national product of these countries.

7. United States exports to the East European countries of commodities other than metals and equipment and metals and metal manufactures consist primarily of agricultural Public Law 480 shipments and other special arrangements. Since no determination can be made of what the United States will do about the continuation of subsidized exports to Poland and Yugoslavia, it is impossible to estimate with any degree of exactness what United States exports of goods in this other category will be by 1970. It should equal about 25% of the machinery and metals category.

8. Putting all these steps together would result in total imports from the United States in 1970 of approximately $350 to 400 million, to Eastern Europe. This represents about a 150 percent increase over existing levels, but it falls far short of $6 billion, assuming imports of the East European countries continue to increase at the rate of 5% per annum.

The foregoing quite obviously represents a very rough calculative process. Yet it probably furnishes as sound a basis as any for a realistic estimate of the size of possible East European demand for American goods, if the United States brings its restrictive system into harmony with that of the countries of Western Europe. Certainly this process, crude as it may seem, is far more dependable than one that involves projections based upon planned programs of industrial and agricultural expansion, for the semantic wish fulfillment of political soothsayers, Gross National Product, rates of growth, or claims and lures put out by communist leaders.

Yet, however attractive United States goods may be for buyers in the Eastern market, there will always be the problem of payment. While communist resources are adequate to sustain a low minimal level of imports or to cover a one-shot splurge of orders—even though scrounging is often required in these cases—the matter of financing is a very serious one for any sustained build-up of communist imports from the United States. It is so serious, in fact, that it serves as a built-in ceiling on the expansion that can be effected in trade between the communists and the United States. To be specific, United States exports to the communist bloc at the range given above, that is at a $350 to $400 million level, would be extremely difficult for the communists to take care of. Several points need to be noted in this connection.

1. Exports of the European communist countries to the United States in 1967 are estimated to be approximately something in excess of $150 million. About 70% came from Eastern Europe and 30% from the Soviet Union.

2. The low level of these imports was due in part to factors rising from United States policies and attitudes. These factors include: the application of discriminatory tariff duties, reflecting the denial of most-favored-nation treatment; certain United States import restrictions; and consumer bias against products from the communist countries. However, the low level was due more importantly to the inability of the East European countries to produce substantial quantities of goods marketable in the United States.

3. The elimination of the United States restrictive system, including the granting of most-favored-nation treatment, would by itself enable an appreciable increase in the United States take from the communist countries, with, however, more of the benefit going to the satellites than to the Soviet Union. Also, with the increased motivation that would follow from the greater opportunities to buy in the United States, some improvement in the quality and variety of goods offered for the United States market might well take place. However, given the production pattern in the communist countries, particularly within the Soviet Union, such an improvement would necessarily be marginal. Here, it is important to note, the situation with regard to the United States and Western Europe is entirely different, at least up to a point. The West European countries can readily take the foodstuffs, crude materials, and petroleum which make up the great mass of the exports of the Soviet Union and Eastern Europe. These products can only be sold on a small scale in the United States.

4. At this juncture, I would like to quote Harry Schwartz of the *New York Times* about the role of credits. He said: "Without substantial western credits, it may be all but impossible for Eastern Europe to build its economy and sell sizeable amounts of anything but its traditional agricultural and semi-finished products to the West. In other words, the problem of the communist regimes is how to pay for the goods they want from the west.

Many American businessmen are increasingly reluctant to indulge in the kind of barter deals that are all but mandatory in trading with Western Europe. What's more, President Johnson has urged a clamp-down on dollar investments abroad, which significantly includes Eastern Europe on the banned developed nation list. It is significant that West Germany remains the most promising source of credit, if only because the Bonn government is willing to pay for diplomatic recognition.

If I may continue quoting Mr. Schwartz, he said: "Rumania succumbed a year ago and Poland and Yugoslavia may be expected to recognize Bonn in return for the same handsome dowry accorded Rumania. Until recently, the other huge source of credit was Great Britain. Its needs to export requires no elaboration.

5. The hope exists in some quarters that an answer can be found to the payments problem in Soviet gold shipments or in a triangulation process through which Western Europe would pay for communist exports in convertible currency and the communists would pay for United States exports with the currency thus earned. However, such hope appears to be ill founded.

It is necessary to analyze what prospects lie in expanding trade through increased production of gold upon the part of the Eastern Europeans. It is estimated that the annual gold production of the communist bloc runs between $200 and $250 millions per year.

And in the period since 1957—that is, during the time when the Soviet Union and the satellites have so strongly increased their imports from the industrial West—gold sales have greatly exceeded production; for example, by more than two and a half times in 1963 and 1964, and by more than two times in two other years. Gold reserves have consequently fallen to a very low figure, though they are now in the process of being built up. Theoretically, gold shipments within the limits set by current production and the precarious reserve, could be diverted from the other industrialized countries to the United States. However, this possibility is limited not only by the needs of the communist countries to continue to procure goods from Western Europe, including many items requiring a long lead time for manufacture that have already been placed on order, but also by the need for gold to finance chronic deficits on service accounts. Some increase in gold production is possible and even likely over the next several years. But the quantities involved will not be sufficient to alleviate more than very moderately the payments pinch.

Each of the other industrial countries carries on its trade with individual countries of the communist bloc, mainly under a bilateral agreement. Import surpluses are accepted in the short run, but remedial action is taken if they persist. Also, the communist countries of Eastern Europe are more than $1 billion in debt to Western Europe, most of it in the form of medium-term credits, and the debt is growing. Communist countries need, therefore, to build up export surpluses with their Western European trade partners merely to take care of servicing these debts. For these reasons, the United States can hardly expect hard currencies to be available in any substantial quantities for the financing of communist purchases in the United States.

The communist leaders, and here reference is primarily to the leaders of the Soviet Union, have made clear they would hope, and expect, to finance expanded imports from the United States by means of extensive credits. In fact, on many occasions when the Soviets have spoken of the need for the United States to change its trade policies, they have by implication equated granting credits with the elimination of "discriminatory" measures. Ordinary commercial credits, even if government guaranteed and liberally interpreted so as to run for a longish "short-term" (e.g. up to five years), would not solve,

but only postpone the problem. Credits, if they are to serve as a basis for substantially expanded United States trade with either the Soviet Union or the other communist countries, must be long-term, that is, of the fifteen-to-twenty-five-year variety.

It is such long-term credits, government-to-government in nature, the communist have in mind. But even if the United States did fall in with communist wishes for a long-time postponement of the day of reckoning through such credits, it is difficult to see how repayment could be made when it came due.

So long as the communist countries continue to concentrate their resources and energies on the development of their basic industries and otherwise expanding their power base, they will be unable to find means to meet their current needs, much less to service long-term debts.

Thus, even long-term credits would only serve to postpone and eventually to complicate the basic problem of payments. The communist leaders doubtlessly recognize this, but persist in their demands and hopes, evidently on the basis of their hallowed belief that the United States is so beset, or will become so beset, by the problem of surpluses that it is only a matter of time before it will be forced to resort to almost any extreme in order to get relief, including the extreme of going along with a subterfuge in order to virtually give goods away.

Assuming the United States will avoid any such slippery credit slope as the communists would have to get on, the only situation for the payments problem—the only way in which the Eastern European countries can finance substantially increased imports from the United States—is for them to develop export industries capable of producing products that could find a ready market in the United States. This, however, would require the diversion of enormous resources and energies from cherished developmental goods. It would, in effect, require a major shift in the long-set direction in which the communist economies have been moving. And it would risk a chain reaction that would have far-reaching repercussions on the very system that makes communist countries communist.

We can be sure, therefore, that as long as the ruling regimes have freedom of choice, they will avoid such a dangerous course. And we can be equally sure that if the regimes do in fact stay away from export industries, their ability to pay for goods in the American market will be so constrained as to place a limit of some $350 million annual imports from the United States.

These economic conclusions can be paraphrased in terms of a modern American overseas businessman. That is, "modern management is looking for more than the opportunity to sell on price. Modern management is more interested in developing markets and supplying them than in selling its production plants or its technical and industrial processes."

If one temporarily puts aside the United States temporary ban on the export of capital, there is need to examine the joint-venture projects that seemingly could provide an alternative method of trade between East and this country.

The first and simplest joint-venture is exemplified by the Simmons-Skoda deal. Skoda became a sub-contractor for Simmons in the production of vertical and horizontal boring mills and other machine tools. There does not appear to have been any significant capital investment in Skoda on the part of Simmons. The parts were simply made by Skoda in Pilsen according to Simmons specifications and then marketed by Simmons, largely in the Western hemisphere, with the product bearing the trade mark of Simmons-Skoda.

The second type of partnership or joint venture goes one step further. The communist partner becomes, in effect, a subsidiary. This means significant investment on the part of the western partner. Krupp, with partnerships of one kind or another with working partnerships in Poland, Hungary, Rumania and Bulgaria, has made some notable agreements of this kind. One has been in operation since it was made in 1964 between Krupp and a Polish trade enterprise, Cekop, engaged in manufacturing and exporting complete sugar refineries and other industrial equipment to development countries in Africa and Latin America.

One of Sweden's largest factories, Ikea, sends various raw materials to its Polish subsidiary, where, with Swedish machinery and design and meeting Swedish standards, semi-finished furniture is manufactured. It is then shipped back to Sweden for finishing and marketing by Ikea.

In all of the joint ventures, the bloc countries make it clear that there is no question of western ownership. The western firm makes a capital investment and provides technology in return for which it is paid with products for which it has marketing rights outside of the bloc countries. The profits are shared.

To summarize, if the United States is to engage successfully in competition with Western Europe for a substantial part of East-West trade, it must do more than end its "discriminatory practices," and more than bring to bear the competitive skills of American traders. The simple fact is that the West Europeans enjoy a decisive advantage in trading with the East; they are able and willing to accept in payment for their goods the products available in those countries for export. The United States, on the other hand, is not. The only way in which the situation can be substantially changed is for the United States, or individual United States traders, to offer concessions to the communists adequate to offset the advantages enjoyed by the West Europeans.

Moreover, there must be a willingness to outdo the West Europeans in this subsidization game, which they are already playing to a certain extent among themselves, and which they would surely step up against the United States.

The issue, however, is not whether the United States can outdo the Europeans in this type of contest. The issue is whether it would be economically beneficial for the United States to enter into the contest in the first place.

Indeed, if the United States removed all trade restrictions against the East, trade would not sharply balloon upward unless the government were to throw its immense resources into the struggle. I contend that that is a slim possibility in the days ahead. (What many members of the American business community is seeking in pursuing the Eastern markets is a mirage.) Trade will not develop in a large volume without government aid.

Some Trends in Soviet Trade With Western Countries

(By Leonid V. Sabelnikov, First Secretary, Embassy of the Union of Soviet Socialist Republics, Washington, D.C.; and Igor Dokuchaev, Vice Chairman, Amtorg Trading Corp., New York, N.Y.)

The Soviet Union is not only an advocate but an active partner in East-West trade. In 1967 our turnover with 84 non-socialist countries amounted to more than $6 billion. Since 1960 this section of USSR foreign trade has increased to 60%. Only in the past three years our turnover has gone up by $200 million with Great Britain and Japan, by $150 million with France and by $100 million with Finland. It proves that the differences in social systems cannot be considered as obstacles for the broad economic exchange between nations. In the next couple of years our turnover with some western developed countries, we expect, may come close to $1 billion.

The statistical data represent the final results of trade. It looks like the upper part of an iceberg visible to everybody. Let me take a look now at the lower part of it and show you how we came to these results. If we do this we will find many new trends in the Soviet foreign trade: in goods, structure, in terms of trade and in management.

Traditionally the Soviet Union exports a large quantity of industrial raw materials to the developed western countries because vast natural resources are available in our country. But each year many new manufactured commodities, foremost machinery and equipment, are becoming our export items, as the USSR is the largest producer of these commodities in Europe and ranks second in the world.

We now sell abroad, for instance, the biggest civil helicopter, holder of 14 world records, and the most portable x-ray apparatus; we export 5,000 types and sizes of machine tools to 50 countries, including Great Britain, France and Japan; we also export 5 million watches to 70 countries, even to Switzerland. We started to produce and export giant turbine-generators long before the USA made a decision to reconstruct Grand Coulee Dam. Last year the Soviet Union put into operation 500 thousand kilowatt generators (in the United States the largest generator in service now has 204 thousand kilowatts). But today our plant in Leningrad is creating even more powerful generators—the biggest in the world. All these facts help to explain why our shipments of machinery and equipment to the western advanced countries are developing faster than the export as a whole.

Our import assortment from western countries has also become wider in the last years owing to many items of consumer goods such as clothing, footwear, drugs and home appliances.

More than 10 years ago the Soviet Union began to sign inter-government long term trade agreements with western countries, fixing the legal rules, the terms of trade and the volume of shipments. These agreements made for stability and perspective in trade with many of them. Recently we have taken some new steps in this direction.

During the last 3 years some Soviet Ministries, State Committee for Science and Technology, Academy of Science and other organizations signed many international agreements or protocols on economic, scientific and technical cooperation. The agreements were concluded as with similar establishments in Great Britain, France, Italy and Japan as with their research institutions and large industrial firms, like "Imperial Chemical Industry," "Plessey Co.," "Renaute," "Ron Pulennc," "FIAT." According to the agreements, for instance, 39 Soviet research institutions cooperate now with 35 similar institutions only in Great Britain and solely in the sphere of agriculture.

Such cooperation brings not only lower production cost, but infinite possibilities for additional contracts. The best example of that kind is the agreement between FIAT and the Soviet State Committee for Science and Technology, signed in July 1965. It gave our specialists a chance to take a better view of FIAT experience in the car production and convinced them in a year to place the well known order with Italy for construction of a car plant—an order which the foreign press called the largest transaction of this kind in the international trade practice. In short, this trend for wide cooperation opens a new era in East-West trade relations, signifying a further step on the way from separate commercial transactions to the establishment of long term collaboration.

Another similar step is the agreements setting permanent inter-government commissions, which were concluded with Italy

and France in 1966 and with Finland in 1967. These joint commissions are studying the practical questions of extension of economical ties and are especially obliged to take care of the future development of commercial exchange. The latest such commission discussed in 1967 such questions as participation of Finnish workers in building operations on Soviet territory, construction of a nuclear plant in Finland and a subway in Helsinki.

A new form of cooperation was established in our trade with Japan. A couple of years ago the U.S.S.R. Chamber of Commerce and the Japanese Chamber of Trade and Industry decided to hold joint meetings of their representatives periodically for studying principal ideas of extension of economic exchange. At the first such meeting in Tokyo in 1966 the Soviet Union released some long range projects of cooperation in the development of Siberian resources. Most of the projects found great interest in Japan and were accepted at the second meeting in Moscow in 1967, for instance, the project of exploration of copper mines, development of timber industry, construction of oil pipe, as well as the modernization of our ports in the Far East.

Unfortunately, I have no time to speak in detail about the establishment of some new mixed Chambers of Commerce, such as the Soviet-Italian and the Soviet-French, which study mutual trade requirements, make easier business contracts and improve the advertising of the goods. All these and many other similar actions we consider as East-West trade in motion.

Credits in the foreign trade are very old instruments, as old as trade itself, but in this sphere we can also find some new trends today. You are, obviously, familiar with the U.S. restrictive legislation concerning the granting of long term credits to the USSR. But I should like to remind you of some figures, showing that such credits have already become the usual practice in our trade relations with other large western countries. From 1964 to 1966 our Bank of Foreign Trade received 16 credits from British, French and Italian banks amounting approximately to $1 billion for 10 to 15 years. This big sum is used for buying various industrial equipment: chemical, electrical, car plant, refining, food, clothing, etc.

Long-term credits allow us considerably to increase the number of orders placed in these countries and, on the other hand, give our trade partners guaranteed big markets for many years to come. In short, it is a deal of mutual benefit.

Many western and eastern cities became well known as traditional places for international fairs and exhibitions: Vienna, Leipzig, Prague. Now you may add Moscow to the list of similar centers. The periodical international exhibitions recently started in our capital are not only a display of most modern goods but also a convenient place for the concluding of commercial contracts between participants. Last year, for example, the following exhibitions took place: "Equipment for food industry," "Mining Equipment," first of its kind in the world, and a "Clothing exhibition," where, in general, contracts were concluded for approximately $300 million.

In the near future we plan to organize many new similar exhibitions, for instance, in May and July 1968, "Public service and home appliances" and "Machinery for catching and processing fish and sea products." In 1969 "Equipment for the automation of production processes" and "Printing Machinery," in 1970 "Equipment for light industry," and "Chemistry exhibition."

It is up to the U.S. firms to decide now "to be or not to be" present at these exhibitions in Moscow.

At least, we can find some new trends in the management of our trade operation. From time to time we hear complaints that absence of permanent representations of foreign firms in our country create difficulties for them. Now this problem has also found a positive solution. I wish to inform you that in 1968 two Japanese companies, the largest traders with the Soviet Union, were permitted to open permanent offices in Moscow. Other big foreign companies which have close relations with our trade organizations will receive similar privileges in the near future.

On the other hand we decided to organize abroad new mixed sales firms to satisfy the growing demand for our manufactured consumer goods. One of them was the Soviet-British "Technical and Optical Equipment" opened in London in 1967. This is experimental, but if it is successful, and we hope it will be, our trade organizations plan to establish similar companies, as for example, in Italy or Holland, where our movie and photo equipment in large quantities is exported.

What conclusions can we draw from all these facts? East-West trade is developing rather fast between some countries, but it is not automatic. This trend is developing successfully only where and when both sides make strong efforts to exclude discrimination and to promote the trade, not in words, but in deeds.

Mr. Chairman, Ladies and Gentlemen, I appreciate the opportunity extended to me by the American Management Association to present you some aspects of the trade between the USSR foreign trade corporations and companies of this country.

Amtorg Trading Corporation, which I represent, is a stock company, the main goal of which is to carry out business by representing in the USA most of the USSR foreign trade corporations.

Although the subject of today's discussions proposed by AMA is what the American businessman can expect to buy and sell in Eastern European countries, among them in the USSR, it would be more fruitful to consider this problem in the aspect of what both the Soviet and the American businessmen can expect to buy from each other and to sell each other. This is not the first time we discussed the opportunities of extending our trade. I am not inclined to repeat here again what was presented last year and I will only try to draw a pattern of business relations for the period of time since our last meeting. The turnover of trade between the USSR and U.S. amounted last year to a little more than $100 million.

[In percent]

	1966	1967
The structure of the U.S.S.R. exports (some items):		
Machines and equipment	0.03	2.5
Metals, ores, and chemical products	47.20	39.1
Furs	12.40	11.0
Industrial commodities of mass consumption	11.20	23.7
The structure of the U.S.S.R. imports:		
Machines and equipment	9.70	15.0
Chemical products	15.10	10.6
Raw materials of vegetable and animal origin, including	70.80	66.4
Hides and skins	45.70	43.9

Not only the volume of trade but the varieties of items are very limited, especially when it refers to machines and equipment. The complicated system of the US export and import control in respect to the USSR is the reason for that.

The highlights of this system are: prohibition to export from the USA the so-called "strategic" goods and "know-how"; prohibition to import from the USSR 7 varieties of Russian furs; a barricade of practically prohibitive customs tariffs, which are 2, 3, and even 4 times higher than those for the non-socialist countries; the prohibitive system of foreign assets control, as well as other limited and discriminatory rules and regulations. "Kennedy round" agreement will also effect negatively the trade because the agreed privileges will not be enjoyed by the USSR foreign trade corporations.

These are some examples which will show you the direct influence of the above discriminatory regulations on the trade:

(1) The Soviet corporation V/K "Techsnabexport", have placed an order for delivery to the USSR Single Crystal Diffractometer. Amtorg applied to the Department of Commerce for a validated license early in October, 1967. The license is still pending in this Department. It also took about 5 months for this Department to issue a validated license for the purchased professional "movie camera".

(2) Last year, our principals, V/O "Medexport", agreed to sell to the U.S. market 4 kg. of wild Ginzeng root of Russian origin of total value app. $17,000, which as you know, is a very precious product used in medicine. However, the foreign assets control office did not issue a license and prohibited import of this product in the USA on the basis that this root could be of a Chinese origin. Of course, this commodity was easily sold by V/O "Medexport" in the European market.

(3) The same office on the same basis prohibited admission to this country two samples of Russian jade, semi-precious stones-130 and 110 grams each of the total value equal to $1.92.

(4) For the last 2–3 years the Bureau of Customs initiated "dumping" investigations concerning Soviet window glass, seafoods, titanium sponge and pig iron.

One of the results of these investigations was the decision of the Soviet corporation, "Promsirjoimport" to stop shipment of pig iron to this country.

It is self-understood that the trade between the USSR foreign trade corporations and the American business companies is limited to those goods and commodities which are off the above restrictions and prohibitions. These are so-called "non-strategic goods" and also commodities on which relatively low import duties are imposed.

So, the Soviet exports to this country are limited to a relatively small number of items among which can be cited: chrome ore, precious metals, cut diamonds, sheet glass, some varieties of furs, animal hair, watch movements, hydrofoils, and some other products.

The American exports include, in particular: hides and skins, cattle for breeding, some machine tools and instruments, woodpulp, chemicals, etc.

It is easy to imagine what an increase in trade would mean to the mutual benefit of both sides and how a better relationship could bring the abolishing of the prohibitive system of US export and import control.

The Soviet foreign trading corporations, could now offer for sale to this market various equipment, including complete installations for different branches of industry as well as licences for example:

I. FOR METALLURGICAL INDUSTRY

1. Mills for cold-rolling of seamless thin-walled tubes with diameters from 8 to 120 mm.
2. Ribbed tubes rolling mills.
3. Three-roll mills for rolling round varying profiles.
4. Ball-rolling mills.
5. Complete installations for continuous casting of steel.

II. FOR MACHINE-TOOL INDUSTRY

1. Heavy-duty engine lathes.
2. Double-column vertical boring and turning mills.
3. Four-spindle planer mills.

4. Hydraulic stamping presses, capacity from 3,000 to 70,000 tons.
5. Hydraulic forging presses.
6. Horizontal Hydraulic tube and bar extrusion presses.

III. FOR MINING INDUSTRY

1. Different types of powerful heading machines for coal mining.
2. Electric and turbo drills.
3. Mechanized shields for tunneling, diameter 3.6—5.5 m.
4. Equipment for turbine jet drilling.
5. Equipment for peat-extraction.

IV. FOR TEXTILE INDUSTRY

1. A new machine which won a gold medal at the exhibition in Czechoslovakia for producing twisted yarn on a combined spinning and twisting frame.
2. Semi-automatic sewing machines.
3. Automatic looms.

V. FOR ELECTRONICS INDUSTRY

1. Electrical measuring instruments.
2. Communication equipment.
3. Radio and TV Sets, electrical computors, etc.

LICENSES FOR

1. The largest in the world blast furnaces, capacity 2,000 cu. m.
2. Method to obtain ferrochrome of special purity with carbon content less than 0.20%.
3. A new method for production of hydrogen peroxide.
4. Detergent for cleaning tanker ships from remains of oil products or fats.
5. Various licenses for welding equipment.
6. Method of production of medical preparations for treatment T.B., anti-cancerous preparations, for eye diseases, etc.
7. Continuous-flow champagnization of wine.

The Soviet corporations would be prepared to consider offers from American companies for purchasing equipment in the USA:

(1) for production of bearing rings by means of stamping with further rolling on automatic lines;

(2) for production of bimetallic roll with antifriction alloys;

(3) compressors and turbo-compressors.

Besides that, our principals would be ready to consider offers for purchasing licenses:

(1) for a technological process for chrome plating of piston rings;

(2) for the manufacturing of strand-type continuous furnaces for annealing nonferrous products;

(3) for different types of gas-pumping installations.

I did not mention the long list of Soviet traditional and new raw materials and manufactured goods available for selling to this country like manganese ore, fish meal, newsprint, plywood, rare earth metals and materials, fertilizers, chemicals, etc. On the other hand, on the Soviet purchasing list you find: woodpulp, alumina, certain grades of chemicals, musical instruments, etc.

Of course, the list of the above products is not comprehensive and those who are willing to discuss business with our company or with our principals will find a welcome in our office.

Thank you!

STATEMENT BY MR. J. CHOWANIEC, COMMERCIAL ATTACHÉ, EMBASSY OF THE POLISH PEOPLE'S REPUBLIC IN WASHINGTON, D.C., MADE ON MARCH 5, 1968 BEFORE THE AMA BRIEFING SESSION ON EAST-WEST TRADE

Mr. Chairman, it is my great pleasure and indeed honor to participate again in your Briefing Session on East-West Trade. I find it always rewarding to speak to the American business community on our trade problems with the United States not only because we can discuss those problems in a friendly and constructive atmosphere, but also because we can usually learn something from each other.

This time I have been asked by the organizers to be very brief and to limit my opening remarks to showing only the real new developments which have occurred in our trade relations with this country since our last Session a year ago.

Frankly speaking this does not make my situation much easier, not because there were no new developments, but rather because those developments were not so new, and—to put it plainly—not so inspiring.

It is true that on the whole we have not only survived several significant difficulties and uncertainties, but we have also registered perhaps modest but nevertheless important progress in both our export and import trade with this country.

Mr. Chairman, those of us who attended the last year's Session certainly remember many encouraging and promising statements and real hopes expressed from this rostrum as to the nearest perspectives of American trade with the countries of Eastern Europe. I don't think that those statements were insincere at that time. I would even say that there was some well founded evidence for hope and encouragement.

However, most of you if not all will probably agree with me that the real performance of American-East European trade in 1967 falls short of our expectations and forecasts made a year ago, and certainly much short of what should and could have been achieved under more normal circumstances.

Also by saying that the new developments were perhaps not so new I mean that 1967 was not the first year in which the U.S. Congress wanted to deprive Poland the M.F.N. treatment in this country nor was it the first time when we lost the Eximbank's credit facilities. Most of you are fully aware that we had experienced similar difficulties also in earlier years. Nevertheless, what is sad about our 1967 experience is that it confirmed once again the fact of instability of our trade relations with the United States. I would be ready to admit that some of the negative developments which we have registered in our trade relations with this country over the last year ran even contrary to the intentions and wishes of the U.S. Government. But this does not change the basic fact that such developments have taken place, and, what is more, that they deeply affected both the size and the pattern of our mutual trade.

Mr. Chairman, I certainly have the reason to be proud that despite all those difficulties and setbacks which we have experienced, Poland was able to increase her exports to the United States from $82.9 mln. in 1966 to almost $91 mln. in 1967, that is by 11 percent. At the same time Polish imports from the United States increased from $53 mln. in 1966 to $60.8 mln. in 1967, or by 11.5 percent. I should like to add, however, that our credit repayments to the United States in 1967 amounted $28.3 mln., of which $22.2 was repaid in hard currency and $6.0 mln. in Polish currency. Though the rate of growth in our exports to this country has slowed down a little as compared with earlier years, it was still well above the average increase of U.S. merchandise imports in that year. This indicates beyond any doubt that we have not slowed down our efforts to increase trade with the United States and that if the general situation had been more normal and stable, the rate of growth would have been higher.

However, I cannot miss this opportunity to stress that if the United States does not improve its competitive position as a trading partner in the sense of offering competitive credit facilities for imports of machinery, industry equipment as well as other goods to the countries of Eastern Europe, I have no doubt that in the years to come it is going to lose a substantial volume of its export-trade to this area. In this context the recent congressional decision to bar Eximbank credits and guaranties for export to socialist countries is most regrettable. The Eximbank credits or guaranties cannot be looked upon as a form of economic aid to socialist countries. They have to be treated as a purely commercial and indispensable factor in any normal trade. Nobody is going to buy machinery and industrial equipment for cash in the United States when he can obtain them on convenient and generally applicable credit terms from other sources.

I can only hope, that the American business community can influence in many ways, including through such meetings as the present one, the formulation of future U.S. trade policies with regard to our countries in a constructive spirit and bring more sense to them. Only in this way can we hope to achieve a much needed improvement in our mutual trade relations and inject into them a measure of stability so necessary for any healthy growth of trade.

(By Philip Ishbekov, Commercial Counselor, Office of the Commercial Counselor to the Bulgarian Embassy, New York, N.Y.)

Mr. Chairman, Ladies and Gentlemen, First I would like to thank our hosts, the American Management Association for the noble efforts to organize this Briefing Session and for giving me the possibility to take part in it.

The development of East-West economic relations is a very noble imperative of the international relations today and a reliable basis of the peaceful coexistence. I believe this idea is shared by all, who are on the front lines in East-West trade, and who helped very much to scatter, through partly the dark clouds which covered the sky of international commerce.

The economic and commercial relations between the countries with different social and economic systems have shown a considerable growth for the last several years. For example the trade between the European socialist countries and the industrial western countries totaled about 10 billion dollars in 1966 which is twice as much as the 1960 figure.

There are some other peculiarities, which characterize East-West trade lately. By now an average figure of 20% of the foreign trade of the European socialist countries goes to western countries. But if we study the structure of these 20% we will discover that 80% of the whole volume is allotted to the European capitalist countries, 10% to Japan, about 5% to Canada (mainly cereals) and less than 4% to the United States.

If we take the composition of the export of the western countries we will observe that the overwhelming part of over 80% goes to the manufactured industrial goods. The plans for accelerated growth of the industry in the European socialist countries are of great importance to the current of goods to and from. This has a double influence: the purchase orders of the socialist countries grow, and at that they grow mainly at the expense of the complete plants and equipment. On the other hand the export potential of the socialist countries augments. This is a reliable basis for a steadily expanding and mutually profitable cooperation.

All this is good but it is far under the existing possibilities. Unfortunately the dark clouds in the trade relations with the United States are numerous. There is an English proverb which runs like this: "Every Dark Cloud Has a Silver Lining." This is a very sage proverb, but it cannot reassure much, because the dark clouds are numerous and the sincerity requires to be mentioned that they are being dispersed very slowly.

Creation of the best conditions for the expansion and the development of trade between the countries of different social systems has always been the basic principle in the policy of foreign economic relations of the People's Republic of Bulgaria. Discrimination is unknown instrument, never used by our country. Also, we must point out that, where material possibilities have pre-

vailed and our partners have been responsive, good results have always occured. The last decade witnessed a manyfold increase of the trade between Bulgarian and West European countries.

A vivid example of that is the trade between Bulgaria and Western Germany, which is greater in volume than the foreign trade of Bulgaria with all countries before World War II.

In contrast to the commerce with Western Europe our trade with the United States shows a low percentage of growth and in general a low achieved level. But the economic possibilities for the development of the trade are really great. The American market can take a number of goods of the Bulgarian export list, which includes more than 650 groups of items from all branches of the economy of a country which is both industrial and agricultural.

The figures of the foreign trade of Bulgaria show that the two way traffic of goods has passed the three billion dollars mark but United States account for less than 0.2% of the total.

The plans for the expansion of our industry provide for an yearly increase in the industrial production on an average over 10%. This draws huge investment primarily in machine building, chemical, metallurgical and power industry. That means a considerable volume of imports of complete plants, machines, equipment, and know how. Part of these goods Bulgaria can order with the U.S. companies.

These are the possibilities but the reality at present has a different image. The regular commercial relations between the U.S.A. and Bulgaria date back to before the turn of the century. The twenties and the thirties witnessed the rapid growth and comparatively high level of exchange of goods. The war severed all commercial ties, which were resumed to a certain extent immediately after the war but enjoyed success only about two years and were wrecked by the unilateral imposition of the embargo by the United States.

The trade between the two countries was reborn about a decade ago and started on a small and limited scale. The last two or three years were the most successful and the two way volume is somewhere in the vicinity of the four million. The Bulgarian exports to the United States consist mainly of foodstuff, commodities and some manufactured goods. Two conclusions may be drawn from the statistics: the variety of the goods is limited, not exceeding a dozen of items and the volume of each is unsatisfactorily small.

What are the reasons for this? It is clear that the economic possibilities for the expansion of the trade between the two countries do exist, and if we add also the fact that in the business circles there is a desire for a break through in the commerce, the only place where we can find the reasons is in the area of the commercial policy, e.g. in the discrimination which has been imposed on the trade with Bulgaria for more than two decades.

A long list of Bulgarian goods can profit from the vast American market if let in, and a boom of Bulgarian exports to the U.S.A. will not surprise the business community. The goods which can enjoy an immediate success are metal-working machines, forklift truck hoists, motorcycles, a whole range of chemical products, canned fruits and vegetables, foodstuffs, wines, textiles, ready made garments, tobacco and products of tobacco and many other commodities and finished products.

We can also specify many other goods that can find good market in this country after the trade policies and practices are improved. The high tariff and especially the high degree of discrimination and non tariff obstruction discourage the American companies and force them to abstain from purchases in Bulgaria.

One example can prove this and that is the one of tobacco. Bulgaria is a leading country producer and exporter of the best oriental tobacco in the world. U.S. tobacco industry will have no difficulties in taking great quantities of this commodity, but for the last twenty-five years not a pinch of Bulgarian tobacco, if we do not include the great many samples has crossed the border of this country, and the Bulgarian exporters are not to blame for that, because they did and do their best. Only for information, we should mention that before the war Bulgaria was an important supplier of tobacco to the U.S.A.

Bulgaria appears on the world market as a big buyer of machines and equipment. At the present moment we can buy from the U.S.A. complete plants, equipment, machines and a number of other goods totaling high above the present symbolic amount. All this is good, but there are two obstacles on the part of the U.S.A.: the severe terms of credit and the unfavorable treatment of the Bulgarian goods which reduces our purchasing abilities.

All this can be removed only by employing measures which can remove the discrimination. Such action will serve the best interests of both countries.

This conference has noble aims. It is a pleasant fact that the necessity of expansion of the relations on the basis of equality and reciprocal advantage is being more and more clearly realized. Yet we must be optimistic and work daily and incessantly for the expansion of East-West trade. That is the reason why we are here.

Thank you.

(By Jaroslav Mercl, Commercial Attaché, Office of the Czechoslovak Commercial Attaché, Washington, D.C.)

Mr. Chairman, Gentlemen: When I received the invitation for today's meeting I was at a loss whether to accept or not. It has been already my third participation on the seminar of East-West Trade here in New York, and one has to ask himself what we have achieved so far, whether there have been some results from these meetings at all. We are talking here, examining what are our mutual possibilities for extending trade and how to understand better of each other. I do not want to say that nothing has been accomplished from these meetings but it is true that we are still at the beginning if I consider our trade with the United States only. We know, all of us, that there are problems and obstacles which can not be removed easily and that these obstacles and difficulties are of political reasons mainly. But they are the ones which actually break our relationship and hold our trade in a very low level.

In my consideration to come to this meeting or not I stuck to my belief that trade is a very good tool we have for improving our relationship generally and thus helping to improve and influence trade among us. Therefore I decided to come again and offer my humble help in the fight of extending our trade with the United States. It will give me the biggest satisfaction if my participation can really help in this way.

I have prepared for today's meeting only a very brief statement about the situation in our national economy and our foreign trade during the last year, as well as few numbers about our trade with the United States.

Czechoslovakia's economy continued to grow throughout the whole year. Social product rose approximately by 8% and agriculture production by 3.5%. Industrial production registered a 7.1% increase. The Engineering production rose 10.4%; production of Chemical Industry 10.2%, etc. The structure of industrial production continued to register a tendency toward higher growth in the manufacturing section as compared with the raw material section.

The number of workers in industry averaged 2.6 million during the first half of 1967 which was an increase of about 1.6% over the same period of 1966. However, compared with recent years, the rise in the number of workers was substantially lower. Productivity of labor per worker in industry rose 6% and it was more than our economy counted for. There is no doubt that these favorable results we gained last year were influenced by the new system of management which we have applied in our economy at the beginning of 1967. In this respect I have to say that so far we have gained very good experience and results from the application of that new system of management. Not everything of course was in order, and we have to correct and adjust such decisions and conclusions where our calculation appeared insufficient. It is a question of time and we believe we are on the right way.

The qualitative changes at present taking place in Czechoslovakia economy are reflected in the process of dynamic economic balance. Great emphasis is laid on foreign trade as an active factor of economic growth realizing the savings of social work. The principal course of further development of our economy is, and will continue to be, the utilization of scientific and technical revolution under given conditions, optimum participation of Czechoslovakia economy in the international division of labor which in turn means a greater and intensified share of Czechoslovakia in international trade. Foreign trade is of course also an important factor of balance between sources and needs, this playing an important role in Czechoslovakia consideration as well.

The turnover of foreign trade during 1967 registered a favorable balance of about $330 million. Export and import totalled $5.7 billion which was about 2% more over 1966. Total export was little more than 3 billion dollars and import $2.7 billion.

Exchange of goods with socialist countries rose 3.6% and reached the total of $4.0 billion, while our trade with western countries remained practically on the 1966 level, which means about $816 million in export and about $800 million in import. The pattern of foreign trade did not register conspicuous changes in the last year. Import of machinery and equipment from western countries showed a further growth. To meet the requirements of national economy, Czechoslovakia imported above all crude oil, sulphur, fertilizers, crude rubber, wood pulp, tobacco, wheat, etc. Increase in export was accounted for by metal working machines, tractors, papers, glassware, shoes, etc.

Our trade with the United States last year was actually below level of 1966, by 31%. It was mainly because we did not buy so many agricultural products. The total turnover last year was $45.4 million of which export to the USA was $26.2 million and our import was $19.2 million (according to the USA statistics).

There was no change in the structure in our export to the United States last year. Our item No. 1 was machinery, mainly heavy machines tools, as well as typewriters, and other machines. Further it was shoes, glassware, custom jewelry, ham, bicycles, etc. In our purchases in the United States we were limited mostly to agricultural products again. There are, as all of you know quite well, obstacles in extending commercial credit to socialist countries and on that condition it is very difficult to provide purchases of engineering items. We are afraid that this policy will continue and that there will be

no chance for any relaxation in the foreseeable future.

In my conclusion I would like to stress that Czechoslovakia has been interested in developing and expanding its economic relation and cooperation with western countries. We have certain tradition in these relations and we shall try to develop our production in this course. In the recent past we have started close industrial cooperation with companies in Great Britain, France, Italy, West Germany and Sweden. Allow me to quote a few remarks of our Economic Digest published last December. I quote: "Negotiations concerning licensed production of Renault-Saviem trucks at the automobile works of Avie, Letnany, came to an end last October. It is one of the major licenses purchased by Czechoslovakia recently. Czechoslovakia will pay about $8 million for both the license and the mechanical equipment. Under the license, Avie will manufacture trucks of 1.5 up to 3 tons payload. At the first stage, Avie will assemble trucks using imported parts. In the meantime the factory will prepare its own production under the license granted, in order to be able to turn out 12,000 trucks annually as soon as possible. At the same time contracts have been fixed under which Czechoslovak factories will supply to the French automobile works some parts for their trucks. Moreover Messrs. Renault-Saviem will buy machine tools in Czechoslovakia. Life of the license will be ten years."

The same periodical of October announced, and I quote: "Cost of the licenses obtained and royalties paid for their use in Czechoslovakia registered a more than three fold increase in 1966. Czechoslovakia obtained a total of 62 licenses. One of the most important contracts is the license of float glass process obtained from Great Britain, railway diesel engines and production of quartz tubes from France. Another hundred licenses agreements on the use of foreign patents were negotiated in 1967. The number of licenses granted has also been rising, though not as fast as that of the licenses obtained."

These reports, I think do not need any further explanation.

Thank you very much.

MAKE HUMAN RENEWAL A NATIONWIDE INDUSTRY

HON. CHARLES E. GOODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. GOODELL. Mr. Speaker, our very distinguished minority leader, Representative GERALD R. FORD, of Michigan, recenty addressed the Allied Educational Foundation, Local 815, IBT, in New York City.

He made what I felt to be an incisive observation on how the Nation can take steps to halt the violence and the civil disorders that have swept the country. He has identified and cited the dangers of inflation that haunt this country.

And he has suggested means to meet these problems in an effective way without throwing the country into further chaos.

Although the speech of the gentleman from Michigan takes note of our problems, as all reasonable men must, it is an optimistic speech and I commend it to the attention of the membership of the House and to the public.

I am pleased, therefore, to insert his comments before the Allied Educational Foundation, Local 815 IBT, in New York City, May 2, 1968, at this point in the RECORD:

SPEECH BY REPRESENTATIVE GERALD R. FORD, MICHIGAN, HOUSE REPUBLICAN LEADER, BEFORE THE ALLIED EDUCATIONAL FOUNDATION, LOCAL 815, IBT, MAY 2, 1968, NEW YORK CITY

There are those whose idea of an agreeable person is someone who agrees with them.

I want you to know that I find it not only agreeable but a distinct pleasure to be here with you—and that does not presuppose that you will agree with everything I say, or even with anything I say.

But this is an Educational Foundation, and I hope to do a little educating today. Perhaps when I am finished I will find that many of you who are agreeable people but do not presently share my views will wind up agreeing with me.

I welcome this opportunity to speak to you because I feel sure you are people with open minds. This is a refreshing change for me after engaging in debate in the House of Representatives.

To be serious, since this is a labor group I would like to begin with this quotation:

"Labor is prior to, and independent of, capital. Capital is only the fruit of labor, and could never have existed if labor had not first existed. Labor is the superior of capital, and deserves much higher consideration. (However) Capital has its rights, which are as worthy of protection as any other rights."

Who made that statement? Eugene Debs? Samuel Gompers? Franklin D. Roosevelt?

Not any of these. Those words were spoken by a great Republican president, Abraham Lincoln, during his first annual message to Congress on December 3, 1861.

I began with this quote from Lincoln because it points up a political truth which needs telling until it is etched in the mind of every working man in America: The Republican Party is dedicated to the welfare of all the working people of this great land of ours. This was true of the Republican Party led by Abraham Lincoln and it is true of the Republican Party of today.

There is no kind of honest labor that demeans a man. The best service a man can do for himself and his country is to do well whatever job he is called upon to do.

The working man in America today also would do himself and his country a great service if he would become deeply involved in politics. Not in terms of blindly affiliating himself with one political party or the other but in sharply analyzing the records and the philosophies of the two major political parties and then making an intelligent choice.

As an election approaches most American voters at least subconsciously make a choice of some kind. Often this is simply an intuitive reaction to a particular candidate and ignores the issues.

Today I appeal to the American people—especially to the working men and women of America—to examine the issues carefully before making a choice next November 5.

To quote a man who recently placed himself above politics I am saying, "Come. Let us reason together."

America today is a country in crisis. We must meet and resolve the challenges which confront us, if our Nation is to survive.

I shall not speak about Vietnam except to say that I applaud the President's decision to limit the bombing of North Vietnam as the basis for initiating peace talks and to gradually shift the burden of the fighting from U.S. troops to the South Vietnamese. Incidentally, it may interest you to know that the bombing limitation plan used by Lyndon Johnson as a basis for peace talks was urged upon the President privately—and later made public—by a group of nine House Republicans a year ago.

Other crises now are thrusting themselves upon us with greater urgency than the Vietnam conflict.

We recently saw parts of more than 100 American cities burned and looted in a kind of re-run of last year's civil disorders. This is the crisis of the cities.

We have also seen the Johnson-Humphrey Administration and Democratic-controlled Congress spend us into accumulated deficits totalling $70 billion while inflation puffed up the economy and cheapened the dollar. This has reached the point where Europeans have lost confidence in the American dollar, our record-low gold stock is slipping away from us, the dollar is in question as a world currency, a paralysis of world trade threatens and a recession may await us.

It is difficult for white Americans to see the burning and the looting without some reacting as the mayor of Chicago did when he said police should shoot to kill arsonists and shoot to maim looters. But I don't think this is the answer.

Wherever possible, overwhelming manpower—not firepower—should be used to quell riots.

Neither do I think it helpful for a high public official to encourage rioting by speaking as though slum conditions justify widespread civil disorders.

I refer to the statement made by Vice-President Humphrey on July 18, 1966, before the National Association of Counties at New Orleans when he said: "If I were in those conditions—if that should happen to have been my situation, I think you would have had a little more trouble than you have had already, because I have enough spark left in me to lead a mighty good revolt under those conditions."

Well, we have had more trouble—a lot more.

I agree with those who believe we should deal firmly with rioters, and I want as much as any other public official in America to wipe out slum conditions. But I submit that both the mayor of Chicago and the Vice-President err on the side of extremism.

The best way to handle riots is to prevent them. If that proves impossible, then experience indicates we should smother them with police and military manpower and wholesale arrests. After some delay and possibly some indecision, this worked well in the recent Washington, D.C., riot. The problem there was that the military wasn't moved in fast enough.

The miserable conditions of the slums are well known. There is no excuse for such conditions and we should move to eradicate them as quickly as possible. But neither is there any excuse for rioting—even under the conditions the Vice-President spoke of.

Abraham Lincoln once said: "There is no grievance that is a fit object of redress by mob law." That is also my credo, and I commend it to all of the American people including the 24 million Negroes in this Nation.

If Negroes would revolutionize to right the wrongs done them, let them use the ballot and not the bullet, the soap box and not the torch.

As for the 177 million white Americans, let them all begin living the truth that the Declaration of Independence held to be self-evident—that all men are created equal.

How should we go about preventing riots? The National Advisory Commission on Civil Disorders has laid out a blueprint for us. While I do not agree with some of the recommendations, I find much good in the report.

Where do we go from here? Let's start with the fact that nearly one-third of job-age nonwhite youths in the 20 largest metropolitan areas are unemployed. Most of these youths are Negroes.

Do we spend billions of dollars to make work for these youths? Or should we induce

industry to train and hire them for decent, good-paying jobs despite their past records?

I think the only way to lick urban poverty and prevent riots is to rebuild not only the central cities but the people in them.

The best hope for achieving this is to bring industry into the people-rebuilding process through a system of income tax credits offered to industry as an incentive—tax credits to pay the extraordinarily high costs involved in on-the-job training for the poorly motivated hard-core unemployed and the underemployed.

I am completely convinced you will see a return for all of the American people in this kind of government investment—an investment in people and the free enterprise system, an investment in domestic tranquillity which will make taxpayers out of tax eaters and potential rioters.

What have the billions poured into the War on Poverty accomplished? From what I have seen the results have been meager in terms of the funds spent. The War on Poverty has produced some tangible results—but at extravagant cost.

The Republican approach is to help the poor and disadvantaged help themselves up the economic and social ladder—not to rely on Federal tax dollars to solve all the problems of poverty. Educational programs, on-the-job training, tax incentives and equal opportunities—these are the means by which poverty can be eliminated.

The Federal Government cannot solve the problems of the cities. That task requires the talent, resources and creativity of private enterprise. Business already is responding—in the field of housing as well as job training and recruitment for jobs. It is the Federal Government's responsibility to identify the problems and to provide the incentive for business to make human renewal a nationwide industry.

There are limits—particularly in this time of federal financial crisis—to federal funding of solutions to the urban crisis. I personally feel that tax credits to trigger a nationwide program of low-income home construction and on-the-job training by industry is the only realistic course both in terms of what is possible and what is most beneficial.

The Democratic Party would like the working men and women of America to believe that all the do-gooder dollars spent by Democratic Administrations come out of the pockets of the rich. This, of course, is sheer nonsense.

I am not surprised that there is a Poor People's March on Washington. This is an indication of just how far the War on Poverty has fallen short. Perhaps there should also be a Taxpayers March on Washington to ask where all the billions went that have pushed this country's national debt past the $350 billion mark so that we now pay interest on the debt of nearly $15 billion a year. Think of what that $15 billion annually could do for our poor! Instead it is going into the pockets of investors rich enough to buy high-interest-paying government securities.

The Democratic Party is largely identified with labor. Yet Democratic Party policies in recent years have been damaging to labor and have hurt the working man.

The American worker thinks he has made strong wage gains in the past two years. But the U.S. Labor Department has flatly stated that inflation has wiped out those supposed wage advances.

It used to be said that a fool and his money were soon parted. Now it happens to all of us—because of the mistaken fiscal and monetary policies pursued by the Democratic Party in recent years.

To invite inflation is to invite disaster, and that is just what the Democratic Party has done. When President Johnson says "you never had it so good" he is equating inflation with prosperity. He is saying inflation is prosperity. I say he is dead wrong.

It is not prosperity for the American worker to be placed on a treadmill where he keeps running hard but never gets anywhere. Inflation is a delusion. The worker doesn't get ahead with cheap dollars that keep dropping in value—even if he accumulates more of them.

Consider the fact that the 1957–59 dollar now is worth just 83 cents in purchasing power. Ponder the fact that the cost of living has gone up nearly 20 per cent since the 1957–59 period. And then let the President tell you the American worker never had it so good.

Let the Democratic Party also explain why total federal spending has gone up 80 per cent between 1960 and 1967 while the population increased only 11 per cent . . . and why the number of federal employes has increased 25 per cent and the cost of the federal civilian payroll has jumped 75 per cent during that same period.

Is Vietnam responsible for the sharp jump in spending? Between 1960 and 1967, defense spending rose 68 per cent while nondefense spending increased by 97 per cent.

The whole nation is in trouble because the Democratic Party has overcommitted America both at home and abroad, and because the Democratic Party believes only in federal solutions, federally financed and federally administered.

I am sure some Administration officials privately blame our inflationary spiral on labor and industry. This is nonsense. The truth is that the Johnson-Humphrey Administration could have halted the present inflation in its beginning stages two years ago with a hold-down in federal spending. Instead the Administration kept right on stimulating an already overheated economy. In desperation, the Federal Reserve Board tightened up on the money supply. The result was sharply rising prices despite record-high interest rates and a virtual depression in home construction.

Early in 1967 we had a mini-recession, and then the inflationary spiral took hold again as the Johnson-Humphrey Administration led us toward the first $20 billion deficit since World War II.

In 1967 work stoppages were the highest since 1959. U.S. Labor Department estimates for the first nine months of 1967 show 3,756 stoppages involving 2.5 million workers, with 28.3 million man-days lost.

The unions clearly were trying to catch up with Johnson-Humphrey inflation.

But what happened? When wages are adjusted for consumer price increases and for social security and income taxes, we find that weekly earnings of the average worker in non-agricultural private employment were actually a trifle lower in 1966 than in 1965 and again a trifle lower in 1967 than in 1966.

You can't win in a race with inflation. The American worker needs real progress—real wage gains achieved through a restoration of price stability.

Now Johnson-Humphrey Administration spending likely will result in an income tax increase. Where will that leave the American worker?

I plead today for common sense in government. I am here to tell you that Molly and the babies want and need and deserve more than food in the belly and a drive in the family car on Sunday.

The American worker wants to advance. Throughout history, our workers have always stood out because they have stood on their own two feet. They have helped to make America great. They deserve to enjoy their just share of the fruits of the American economy—not have it taken from them by inflation and high taxes.

I would like to close by again quoting a great Democratic President whose wise words are being ignored by his party today.

In his first inaugural address, On March 4, 1801, Thomas Jefferson said:

"Still one thing more, fellow citizens—a wise and frugal government, which shall restrain men from injuring one another, which shall leave them free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close our circle of felicities."

THE LACK OF FINANCING CHOKES NEGRO BUSINESS—ARTICLE BY WILLIAM RASPBERRY

HON. JOSEPH D. TYDINGS

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Tuesday, May 7, 1968

Mr. TYDINGS. Mr. President, as chairman of the Subcommittee on Business and Commerce of the Committee on the District of Columbia, I am particularly interested in the commercial life of the Nation's Capital and the problems of local businessmen. I find that many persons are unaware of the unique problems of establishing a business in a so-called high risk, inner city neighborhood. It is difficult, if not impossible, to get insurance, and if financing is available it may be on prohibitive terms.

That these problems may be compounded if the businessman is Negro was explained recently in a column by William Raspberry, published in the Washington Post. I commend Mr. Raspberry's illuminating article to the Senate, and ask unanimous consent that it be printed in the RECORD.

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

LACK OF FINANCING CHOKING NEGRO BUSINESS

(By William Raspberry)

A glance at the Red Carpet Lounge, one of the city's newest and most popular clubs, would tell you that the owner, Cornelius C. Pitts, is well on the road to fulfilling the American dream of success and wealth.

It would be a most deceiving glance.

It is true that the lounge, occupying much of the Pitts Motor Hotel at 1451 Belmont st. nw., is doing a booming business, that it has become one of the favorite night spots for Washington's Negro middle class.

Negroes who don't even remember the Pitts Hotel when it was a mere 12-room guest house feel a special kind of pride to see one of their own running a first-class 50-room motel and posh supper club.

What they don't know is that Cornelius Pitts is perilously close to losing the whole works.

His is a problem that has long plagued Negro businessmen: financing.

Pitts, who holds a degree in business administration from Howard University, bought a building at 1451 Belmont st. in 1950 and opened the guest house that he ambitiously called a "hotel." Nine years later, he bought a property three doors away, at 1457 Belmont st. as part of his long-range plan to open a modern motor inn.

In late 1964, he decided to make his move. His first step was the acquisition of three other properties: 1443, 1445 and 1447 Belmont st. And that's where his financial troubles started.

"Two of the properties were rooming houses," he recalls, "and the third was a

shack that was ready to be condemned. I went to several building-and-loans to see how much of a loan I could secure on these three places. Most weren't interested at all; the others agreed they could go maybe $7000 or $8000 apiece.

"Since my offer had to be based on what I could get in the way of financing. I offered $15,000 on each. The owners were asking between $17,000 and $22,000.

"Well, while we were negotiating, a white speculator came in and bought all three . . . then less than six months later sold them to me for a total of $85,000." (Pitts assumed the speculator's mortgages.)

Pitts knew it wasn't an attractive deal, but he needed the properties.

That isn't an unusual arrangement, those in the business point out. A Negro will go after a property and find that he can't get financing. Then a white speculator comes in, gets the property and sells it to the Negro at an inflated price, with the Negro taking over the mortgage. There is no risk to the lending institution, because the speculator remains liable.

Even after Pitts acquired the properties, however, he was still a long way from opening his motel-lounge. Again he found it impossible to get decent financing for his construction costs and wound up borrowing $250,000 in short-term notes repayable in one to five years.

His plan had been to complete construction, then consolidate his whole indebtedness in a single loan with a first-class business as security.

"Normally, if you buy a piece of property and improve it, you expect to be able to go back to the lender and increase your mortgage," Pitts said "Well, I've got a booming business here, and I haven't been able to raise my mortgage by so much as a single dime."

And that, he said, is his trouble now. "I'm doing plenty of business—at least $1000 a day—but I'm strapped with all these short-term obligations.

"My white counterparts get 15 to 20 years to pay the same amount, while I'm forced to repay five or six times as fast. As a result, my monthly obligations are killing me."

He pointed out that residential loans, for example, are usually for at least 18 years. If Pitts could consolidate his obligations with a $350,000 loan for even as much as 12 years, he'd be paying about $3500 a month and could handle it comfortably.

Instead, he's stuck with a stack of short-term loans that are costing him $14,000 a month. And so what appears to be a robust business enterprise is slowly choking to death.

JIM CARDINALE—CHRISTIAN, CORPSMAN

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. WALDIE. Mr. Speaker, Contra Costa County in California has given many of its best young men to Vietnam.

In that group of young heroes was Navy Corpsman James Cardinale, of Danville, Calif., who was killed in action while serving as a corpsman with the Marines.

Excerpts from letters written by this remarkable young man have been included in a most sensitive article of his life printed in the Catholic Voice.

I include this article along with my remarks:

JIM CARDINALE—CHRISTIAN, CORPSMAN

(By Joan Johnson)

"I believe in Christ. I trust Him. I will die for Him if I must and I pray God, if I must, that I may die as a corpsman with the sick and infirm I've grown to love."

JIM CARDINALE,
Letter to Lay Franciscans, April, 1968.

* * * * *

When you try to "tell it the way it really is," you keep from using words like "hero," or "saint," although these words occur to you. You tell what you know or you let others tell it—the way it really is to them.

Jim Cardinale of Danville was 19 when he died April 5 in Vietnam. He was a Naval medical corpsman with the Marines.

He was the son of Mr. and Mrs. Anthony Cardinale of St. Isidore's parish, Danville, and a graduate of San Ramon Valley high school. He was engaged to be married.

A few weeks ago, he spent his last leave in Mexicali, Mexico, working to build a dispensary for the sick and poor that was part of the LAMP program there, a program that his home parish in Danville supports.

LAY FRANCISCAN

He was a lay Franciscan. As Father Brendan Mitchell, who heads the lay Franciscan movement, tells it:

"While attending high school in Danville, Jim became interested in the Franciscan movement through contact with Brother Joachim Grant, the cook at San Damiano retreat, Danville.

"Knowing he was due for service, draft or otherwise, he enlisted as a Navy medical corpsman, solving a conscientious problem of service to his country versus opposition to taking human life or contributing to human suffering."

"He was at the Naval Training Station, San Diego, attending the Hospital Corps School, when he started his instruction by correspondence to become a member of the Third Order of St. Francis. On June 22, 1967, he was received into the Lay Franciscan Order by Father Ronald Burke at Santa Teresita, Mexicali, Mexico, where he had begun to spend his free time assisting the poor."

JOYFUL, GENEROUS

Father Burke of the LAMP mission tells it this way: "Jim helped us to get construction started on the dispensary in Palaco. He helped Irma, the girl with the skin disease. He got all kinds of medicines donated for our dispensary here.

"He was always thinking of other people. Good humored, joyful, generous Jim."

Jim Cardinale made possible the hospitalization of a small child in Mexicali, then found himself responsible for the hospital bill. Through other lay Franciscans in the Bay Area the bill was paid and $1000 raised for the work Jim was part of in Mexicali.

"I'm not going down there out of pity," he explained. "People who 'pity' their fellow man slight his dignity. People who have *compassion* for their fellow man put themselves on a plane of equality with him. I want to help these people help themselves."

Meantime, he continued his formation as a lay Franciscan by mail. In February he was sent overseas.

BAPTISM

Jim himself tells it this way in two letters to Lay Franciscans in San Francisco:

"Yesterday was St. Patrick's Day in Vietnam (no one had any trouble finding green to wear). We watched an air assault on VC 150 yards away from us. Our platoon is still without casualties.

"A child died yesterday while I watched. I couldn't do a thing. I did wet my thumb and make the sign of the cross, saying the words of baptism. I couldn't think of anything else to do. I hope God accepted that baptism . . .

"Children here are in abundance. The war has treated them cruelly. Half the populace is starving and the other half suffers from disease. Add to this pestilence the ever-menacing armies (both ours and the Viet Cong) and this is the saddest picture I've ever witnessed."

Whatever was said in praise of Jim Cardinale, he felt differently, describing himself as a "headstrong, conceited young man who is wet behind the ears in many things" and who warned about being quoted ("it boosts an all too ever-aspiring ego"). "But," he added, "if anything that comes out of my hand is worthwhile, then it isn't mine anyway."

The girl he had chosen to marry—Mandy Lewis of Walnut Creek—"is in every way a wonderful and faithful Christian. We are in love not only with each other, but with God who made us . . ."

The war, which he considered unjust, bothered him and in his last letter he said:

"I came to Vietnam as a somewhat uncertain, insecure, 19-year-old boy, hoping that the overpowering job that mine could be would push me towards a 'greater self.'

"When I say that, I mean that all my life I've never been willing to give my best, never felt that I could; I always stopped half-way and when I did make what I call my best, I always felt compelled to 'tell the world.'

"Here is what my life has turned to today: First of all, my stand in the job I'm doing: These boys and men are Marines; their job is to kill and they are bitter.

"I am a Franciscan aspirant. I do not believe in what they believe in. I've told them and incurred much dislike for doing so. I have never hurt or injured one person since I have been in the field.

"One of my friends is dead; seven of them are injured—a few of them for life. I do not hate the Vietnamese people. I have never drawn my weapon to hurt, kill or maim a fellow human being. When we had a hour-and-half fire fight with the enemy, I did not even carry my weapon. My allegiance was to the men who are now in mortal danger. I ran up and down the lines, passing ammo, re-assuring and (this, I have decided not to do unless my men will die), shot a mortar three times.

"These men have ideals and a conscience. They believe in what they are called on to do. How can I refuse to respect their belief? It has been under hard and heavy toil and mental pain. If I was working on a man I would have to defend *his* life and it would be necessary to hurt another human being. Could I make or superimpose my beliefs on that man? I could not."

"I MUST STAY"

"Tonight I'm going to volunteer for CAC (Combined Action Civic). The word has it our 2/27 is leaving Vietnam. I must stay.

CAC serves the Vietnamese people with medical care, building, etc. It also fights the Vietcong on their level. I will not be called upon to fight, merely to care for the people. This is rightly my station. Eight CAC is notorious for the rate they kill VC and the rate they are overrun and likewise are killed.

"I know my calling. I pray God I may follow the Franciscan way as one in His special path. Perhaps because I'm 19 I have not grasped my mistakes or my failings, but if this is true, wasn't Blessed Francis himself more aware of this world at over 20?

"I know I need not ask for your prayers but please remember me and those I fight with . . . "

James Anthony Cardinale was wounded April 4. He died the following day in a hospital near Da Nang.

That he lived his own words—with the same good-natured humor and love of people—is testified to in the letters his family has received, among them those from fel-

low corpsmen in Vietnam. Jim's "calling cards"—the Peace Prayer of St. Francis is being sent to members of his company.

"CHAPEL"

"The body is the chapel that God lends for the soul," he told a friend. He was buried with the Franciscan habit over his uniform following a Requiem Mass in St. Isidore's Church last Tuesday (April 16.)

It was concelebrated by Father Burke, Father Julius Bensen, his pastor; his second cousin, Father Leonard Williams of St. Patrick's Seminary, and Father Brendan. A hymn for peace that Jim had written was sung at the funeral.

This Sunday at St. Isidore's Danville, the parish of Jim Cardinale will join in a 12:15 Mariachi Mass with a fiesta afterwards. The proceeds will go toward the Cristo Rey mission in Palaco as will memorial gifts directed to Father Julius Bensen or Father Ronald Burke, P. O. Box 58, Calexico, Calif.

The dispensary in Palaco will be named El Dispensario Cardinale.

ADULT DELINQUENCY

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 7, 1968

Mr. THURMOND. Mr. President, much attention has been focused lately on the protesting students on college campuses.

People are asking: "What in Heaven's name is the matter with our youth?" The State newspaper, of Columbia, S.C., on April 27, 1968, pointed out in an editorial entitled "Adult Delinquency," that perhaps this is a fair question, but there is an even larger one: "What in Heaven's name is the matter with our adults?"

Mr. President, the insanity of having college officials "imprisoned" by students and having college classes interrupted indefinitely will continue as long as the Nation's universities allow it.

The News and Courier, of Charleston, S.C., on April 27, 1968, agreed with this position in an editorial entitled "The New Terror," saying:

Unless university authorities teach the campus terrorists a stern lesson, expelling them for lawless activities, fierce reaction is likely. France's Terror was ended by Napoleon, who said he could have beaten the French Revolution with "a whiff of grapeshot." No one wants to see a new Napoleon emerge as the answer to anarchist revolution. The way to prevent a massive authoritarian reaction is to exercise lawful authority on the campuses now.

Mr. President, no society, organization, or institution can exist without laws and, more important, the enforcement of these laws. If these students continue to be catered to, pampered, and allowed to take over the reins of universities, then it is little wonder that their demands are increasing. Peaceful demonstrations which do not infringe on the rights of others are one of the gifts of this democracy; however, destroying property, kidnaping officials, and prohibiting others from receiving an education cannot and should not be tolerated. Officials must act, and act now, to stop these flagrant disregards for the law, or they too must share the blame.

The editorial in the State concludes:

Blame the irresponsibility of the young, if you must, but do not overlook the far more reprehensible conduct of their elders. It is to teachers and administrators that society has entrusted higher education, and it is in their direction that the accusing finger points.

Mr. President, I ask unanimous consent that these two editorials be printed in the Extensions of Remarks.

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

[From the Columbia (S.C.) State, Apr. 27, 1968]

ADULT DELINQUENCY

Protesting students at Columbia University in New York took pity this week and released from bondage the three school officials they had held captive for 24 hours. But not before their fellow rebels, over at the office of University President Grayson Kirk, had wrecked the place.

What in Heaven's name, it will be asked, is the matter with our youth? Perhaps it is a fair question, but there is a larger one: What in Heaven's name is the matter with our adults?

This is not the first serious breach of order on the Columbia campus. Three years ago, a group of campus leftists, clearly a minority, tied the university administration into knots while the minority decided whether to allow graduation ceremonies for the local ROTC unit. One attempt to stop the proceedings ended in a wild scene that led to the collaring of several students by the campus cops.

The university's response was to enter into a dialogue with the offenders, as if the matter of student discipline were a fitting subject for debate. In the end, if memory serves, the radical scholars permitted the ROTC cadets to be graduated, and the charges against the rioters were reduced to nothing.

The current row involves a matter over which the student body has an equal, which is to say nonexistent, veto right. The university proposes to build a gymnasium in part of what is now Morningside Park, which borders on Harlem. The plan is being attacked as an attempt to deprive slum children of a sylvan glade in which to romp and play.

The protest is a thoroughgoing sham. As every Columbia University student knows, Morningside Park is not for children. It is for muggers and addicts, and the first instruction the student receives on matriculation at Columbia is to stay out of Morningside Park, day and night.

This mock display of humanitarian concern actually appears to be on all fours with the standard campus yowl over U.S. involvement in Vietnam. In this connection, it is significant perhaps that the students who ripped apart the president's office were not members of Snick or CORE, but of Students for a Democratic Society, perhaps the most radical of all peace groups.

The insanity will continue, one supposes, as long as the nation's universities allow it. Classes will be disrupted, serious study made impossible and school officials imprisoned in their offices until they show a willingness to "negotiate"—and each of these offenses will be committed in the name of "freedom."

Blame the irresponsibility of the young, if you must, but do not overlook the far more reprehensible conduct of their elders. It is to teachers and administrators that society has entrusted higher education, and it is in their direction that the accusing finger points.

[From the Charleston (S.C.) News and Courier, Apr. 27, 1968]

THE NEW TERROR

Transformation of universities from places of learning into hothouses for revolution is a phenomenon apparent from Berkeley to Berlin. It behooves all thoughtful citizens to understand what is going on and what could happen if campus terror is not controlled.

In Italy, for example, 23 out of 27 universities have been occupied by rebel students. These "students" have shouted praise of Ho Chi Minh and Mao Tse-tung. They have wrecked academic halls and pinned up Viet Cong flags.

In the United States, campus rebellions have disrupted studies and interfered with business policies. Columbia University authorities suspended classes and made other concessions to a mob which seized the president's office and invited Mau Mau chief Charles Kenyatta to invade university property.

The campus revolutionaries aren't authentic spokesmen for youth. They are a tiny minority on campus. Nevertheless, because of the "no-win" attitude of university administrators, they are able to paralyze entire institutions.

Claire Sterling, writing in The Reporter Magazine, explains what is happening in Italy:

"Even though they may represent less than five per cent of the national student population, the activists have been carrying tens of thousands more with them in a headlong race to the left ending far out in limbo."

The goal of the campus revolutionaries is to place all power in student assemblies. They want to make decisions on university policy from wages paid to employes to the contents of examinations.

These campus revolutionaries profess to want a new society based on direct democracy. They take their ideas and their methods from 19th Century Marxist and anarchist movements.

Few of these students, whether in the United States, West Germany or Italy, may be orthodox communists. They have imbibed the teachings of anarchism that emerged in Russia long ago. Soviet-style communism, after all, is only one version of the basic revolutionary fallacy about society. Student terrorists at the Free University of Berlin, the University of Rome or Columbia University also have their ideological roots in the Terror that existed after the French Revolution. The young Robespierres of that day also believed in "direct democracy". They sought to promote it by sending solid citizens to the guillotine.

The rebellious atmosphere is ugly in a moral sense. Barbarism has been turned loose as it was in Nazi Germany. Nihilist methods and disrespect for decency are provoking justifiable anger among respectable citizens.

Unless university authorities teach the campus terrorists a stern lesson, expelling them and bringing charges against them for lawless activities, fierce reaction is likely. France's Terror was ended by Napoleon, who said he could have beaten the French Revolution with "a whiff of grapeshot." No one wants to see a new Napoleon emerge as the answer to anarchist revolution. The way to prevent a massive authoritarian reaction is to exercise lawful authority on the campuses now.

WHO IS TO BLAME?

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. ZWACH. Mr. Speaker, I am inserting an editorial by Rev. John J. McRaith, of St. Leo, Minn. Reverend McRaith is the rural life director of the New Ulm, Minn., diocese.

The editorial was printed in the Canby News last week. The reverend's

article makes an urgent appeal to seek out and then remedy those conditions which brought about recent farmer action of destroying livestock.

I commend this reading by the many people who have read only the headlines and are interested in knowing more of the causes behind the hog-shoots:

WHO IS TO BLAME?

As far as I know the shooting of hogs by the National Farmers Organization has come to a stop. However, there seems to be a great deal of concern over this action. The concern stems all the way from those who have truly tried to help the family farmer to those who seem much more concerned over the death of an animal than over the injustice to human beings.

In understanding this action, I would like to make a few remarks. First of all, we all agree that to destroy food while poor people starve is indeed a real anti-christian act. Yet, it seems to me that the wrong people are often blamed for this act. First of all on behalf of the farmer—let me say that when one is in trouble sometimes it is sufficient to speak up and help will come. At other times one has to speak very loud before help will be forthcoming and still other times a real annoying scream will not bring the necessary help—but only unreasonable criticism for disturbing the peaceful sleep of those around. It would seem the family farmer is screaming pretty loudly when he will destroy the very product he has worked so hard to produce. Further it seems so far these screams have fallen upon ears that are more interested in stopping the screaming than finding the cause of the anguish that produces such irritating sounds.

It seems to me also that those who are the cause of the injustice served to the farmer are surprisingly free from condemnation by the public or from scathing editorials or from emotionally sickening letters to the editor. While it seems to be very obvious that those who handle the production after the farmer, have learned to hold this production and even in some cases allow it to spoil rather than sell or give it away, but for the farmer to do this even in desperation constitutes a serious crime. While I am aware that two evils do not make a good—it would seem to be reasonable to start with those who are habitual offenders rather than those who do this once in a life time.

It is true that CROP would take the condemned hogs and get them to the starving of the world. However, the farmers—so far—must put the number of hogs to cover the cost of processing and what is left will reach the overseas poor. Now again—charity must be done—the poor must be fed—but must the farmer do it alone or could we find some people in this land that would be willing to practice Christian principles as well as talk about them? Couldn't CROP collect money from others to pay for the processing. Could not the packer cut his price for processing? Could the laboring man give of his time? Or is it only the family farmer that must practice this kind of charity? I would like to once again make a plea to the American people—Rural and City—to do all in your power to solve the problem of the farmer before it is too late. I think the results of the loss of the family farmer will have adverse effects on all of America. It is easy to criticize and to point out the shortcomings of any farm group but how many of us have really tried to help these people, that we might keep agriculture in the hands of the family farmer and keep the land out of the hands of a few people. Cooperation farming is coming closer than many would guess. The results of a victory by this type of forming could easily cause great suffering in this nation. I would like to see this problem solved so that we could seriously take up the task of feeding the starving of the world—starting with the 10,000,000 in this country. If we could only unite and work together in Christian charity and justice—we would then attempt to eliminate some of the suffering of this world by feeding starving people. The road we are on now will never do the job. I would say it would make more sense to provide a system of agriculture for the family farmer whereby he could raise all he could and feed as many as possible—but that all people who have the things of this would help feed the poor and not just a few. We are a Christian nation—so they say—so let's all start acting that way and then, maybe, the family farmer won't have to scream so loud and maybe, the screams will fall on willing and understanding ears.

Help—by understanding—if not justifying—the actions of others. There are reasons, believe me. We have but to look for them.

Rev. JOHN J. MCRAITH,
Rural Life Director, Diocese of New Ulm.
ST. LEO, MINN.

TEACHER EXPECTATION FOR THE DISADVANTAGED

HON. WAYNE MORSE

OF OREGON

IN THE SENATE OF THE UNITED STATES

Tuesday, May 7, 1968

Mr. MORSE. Mr. President, the April 1968 issue of the Scientific American contains an article written by Robert Rosenthal and Lenore F. Jacobson, entitled "Teacher Expectation for the Disadvantaged."

The article describes research which underlines the importance of the attitude of the teacher in determining the learning of the pupil. It is, in my judgment, a most significant article and one which I feel can be helpful to my colleagues in our consideration of legislation in the teacher training area.

I commend the article to my colleagues and to the institutions of higher education which are engaged in the preparation of the schoolteachers of tomorrow and I commend it to the research funding components of the Office of Education as an example of the kind of basic examination of problems which I hope will continue to receive support.

Mr. President, I ask unanimous consent that the article to which I have alluded be printed in the Extensions of Remarks.

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

TEACHER EXPECTATIONS FOR THE DISDVANTAGED

(By Robert Rosenthal and Lenore F. Jacobson)

One of the central problems of American society lies in the fact that certain children suffer a handicap in their education which then persists throughout life. The "disadvantaged" child is a Negro American, a Mexican American, a Puerto Rican or any other child who lives in conditions of poverty. He is a lower-class child who performs poorly in an educational system that is staffed almost entirely by middle-class teachers.

The reason usually given for the poor performance of the disadvantaged child is simply that the child is a member of a disadvantaged group. There may well be another reason. It is that the child does poorly in school because that is what is expected of him. In other words, his shortcomings may originate not in his different ethnic, cultural and economic background but in his teachers response to that background.

If there is any substance to this hypothesis, educators are confronted with some major questions. Have these children, who account for most of the academic failures in the U.S. shaped the expectations that their teachers have for them? Have the schools failed the children by anticipating their poor performance and thus in effect teaching them to fail? Are the massive public programs of educational assistance to such children reinforcing the assumption that they are likely to fail? Would the children do appreciably better if their teachers could be induced to expect more of them?

We have explored the effect of teacher expectations with experiments in which teachers were led to believe at the beginning of a school year that certain of their pupils could be expected to show considerable academic improvement during the year. The teachers thought the predictions were based on tests that had been administered to the student body toward the end of the preceding school year. In actuality the children designated as potential "spurters" had been chosen at random and not on the basis of testing. Nonetheless, intelligence tests given after the experiment had been in progress for several months indicated that on the whole the randomly chosen children had improved more than the rest.

The central concept behind our investigation was that of the "self-fulfilling prophecy." The essence of this concept is that one person's prediction of another person's behavior somehow comes to be realized. The prediction may, of course, be realized only in the perception of the predictor. It is also possible, however, that the predictor's expectation is communicated to the other person, perhaps in quite subtle and unintended ways, and so has an influence on his actual behavior.

An experimenter cannot be sure that he is dealing with a self-fulfilling prophecy until he has taken steps to make certain that a prediction is not based on behavior that has already been observed. If schoolchildren who perform poorly are those expected by their teachers to perform poorly, one cannot say in the normal school situation whether the teacher's expectation was the cause of the performance or whether she simply made an accurate prognosis based on her knowledge of past performance by the particular children involved. To test for the existence of self-fulfilling prophecy the experimenter must establish conditions in which an expectation is uncontaminated by the past behavior of the subject whose performance is being predicted.

It is easy to establish such conditions in the psychological laboratory by presenting an experimenter with a group of laboratory animals and telling him what kind of behavior he can expect from them. One of us (Rosenthal) has carried out a number of experiments along this line using rats that were said to be eitheir bright or dull. In one experiment 12 students in psychology were each given five laboratory rats of the same strain. Six of the students were told that their rats had been bred for brightness in running a maze; the other six students were told that their rats could be expected for genetic reasons to be poor at running a maze. The assignment given the students was to teach the rats to run the maze.

From the outset the rats believed to have the higher potential proved to be the better performers. The rats thought to be dull made poor progress and sometimes would not even budge from the starting position in the maze. A questionnaire given after the experiment showed that the students with the allegedly brighter rats ranked their subjects as brighter, more pleasant and more likeable than did the students who had the allegedly duller

rats. Asked about their methods of dealing with the rats, the students with the "bright" group turned out to have been friendlier, more enthusiastic and less talkative with the animals than the students with the "dull" group had been. The students with the "bright" rats also said they handled their animals more, as well as more gently, than the students expecting poor performances did.

Our task was to establish similar conditions in a classroom situation. We wanted to create expectations that were based only on what teachers had been told, so that we could produce the possibility of judgments based on previous observations of the children involved. It was with this objective that we set up our experiment in what we shall call Oak School, an elementary school in the South San Francisco Unified School District. To avoid the dangers of letting it be thought that some children could be expected to perform poorly we established only the expectation that certain pupils might show superior performance. Our experiments had the financial support of the National Science Foundation and the cooperation of Paul Nielsen, the superintendent of the school district.

Oak School is in an established and somewhat run-down section of a middle-sized city. The school draws some students from middle-class families but more from lower-class families. Included in the latter category are children from families receiving welfare payments, from low-income families and from Mexican-American families. The school has six grades, each organized into three classes—one for children performing at above-average levels of scholastic achievement, one for average children and one for those who are below average. There is also a kindergarten.

At the beginning of the experiment in 1964 we told the teachers that further validation was needed for a new kind of test designed to predict academic blooming or intellectual gain in children. In actuality we used the Flanagan Tests of General Ability, a standard intelligence test that was fairly new and therefore unfamiliar to the teachers. It consists of two relatively independent subtests, one focusing more on verbal ability and the other more on reasoning ability. An example of a verbal item in the version of the test designed for children in kindergarten and first grade presents drawings of an article of clothing, a flower, an envelope, an apple and a glass of water; the children are asked to mark with a crayon "the thing that you can eat." In the reasoning subtest a typical item consists of drawings of five abstractions, such as four squares and a circle; the pupils are asked to cross out the one that differs from the others.

We had special covers printed for the test; they bore the high-sounding title "Test of Inflected Acquisition." The teachers were told that the testing was part of an undertaking being carried out by investigators from Harvard University and that the test would be given several times in the future. The tests were to be sent to Harvard for scoring and for addition to the data being compiled for validation. In May, 1964, the teachers administered the test to all the children then in kindergarten and grades one through five. The children in sixth grade were not tested because they would be in junior high school the next year.

Before Oak School opened the following September about 20 percent of the children were designated as potential academic spurters. There were about five such children in each classroom. The manner of conveying their names to the teachers was deliberately made rather casual: the subject was brought up at the end of the first staff meeting with the remark, "By the way, in case you're interested in who did what in those tests we're doing for Harvard. . . ."

The names of the "spurters" had been chosen by means of a table of random numbers. The experimental treatment of the children involved nothing more than giving their names to their new teachers as children who could be expected to show unusual intellectual gains in the year ahead. The difference, then, between these children and the undesignated children who constituted a control group was entirely in the minds of the teachers.

All the children were given the same test again four months after school had started, at the end of that school year and finally in May of the following year. As the children progressed through the grades they were given tests of the appropriate level. The tests were designed for three grade levels: kindergarten and first grade, second and third grades and fourth through sixth grades.

The results indicated strongly that children from whom teachers expected greater intellectual gains showed such gains. The gains, however, were not uniform across the grades. The tests given at the end of the first year showed the largest gains among children in the first and second grades. In the second year the greatest gains were among the children who had been in the fifth grade when the "spurters" were designated and who by the time of the final test were completing sixth grade.

At the end of the academic year 1964–1965 the teachers were asked to describe the classroom behavior of their pupils. The children from whom intellectual growth was expected were described as having a better chance of being successful in later life and as being happier, more curious and more interesting than the other children. There was also a tendency for the designated children to be seen as more appealing, better adusted and more affectionate, and as less in need of social approval. In short, the children for whom intellectual growth was expected became more alive and autonomous intellectually, or at least were so perceived by their teachers. These findings were particularly striking among the children in the first grade.

An interesting contrast became apparent when teachers were asked to rate the undesignated children. Many of these children had also gained in I.Q. during the year. The more they gained, the less favorably they were rated.

From these results it seems evident that when children who are expected to gain intellectually do gain, they may be benefited in other ways. As "personalities" they go up in the estimation of their teachers. The opposite is true of children who gain intellectually when improvement is not expected of them. They are looked on as showing undesirable behavior. It would seem that there are hazards in unpredicted intellectual growth.

A closer examination revealed that the most unfavorable ratings were given to the children in low-ability classrooms who gained the most intellectually. When these "slow track" children were in the control group, where little intellectual gain was expected of them, they were rated more unfavorably by their teachers if they did show gains in I.Q. The more they gained, the more unfavorably they were rated. Even when the slow-track children were in the experimental group, where greater intellectual gains were expected of them, they were not rated as favorably with respect to their control-group peers as were the children of the high track and the medium track. Evidently it is likely to be difficult for a slow-track child, even if his I.Q. is rising, to be seen by his teacher as well adjusted and as a potentially successful student.

How is one to account for the fact that the children who were expected to gain did gain? The first answer that comes to mind is that the teachers must have spent more time with them than with the children of whom nothing was said. This hypothesis seems to be wrong, judging not only from some questions we asked the teachers about the time they spent with their pupils but also from the fact that in a given classroom the more the "spurters" gained in I.Q., the more the other children gained.

Another bit of evidence that the hypothesis is wrong appears in the pattern of the test results. If teachers had talked to the designated children more, which would be the most likely way of investing more time in work with them, one might expect to see the largest gains in verbal intelligence. In actuality the largest gains were in reasoning intelligence.

It would seem that the explanation we are seeking lies in a subtler feature of the interaction of the teacher and her pupils. Her tone of voice, facial expression, touch and posture may be the means by which—probably quite unwittingly—she communicates her expectations to the pupils. Such communication might help the child by changing his conception of himself, his anticipation of his own behavior, his motivation or his cognitive skills. This is an area in which further research is clearly needed.

Why was the effect of teacher expectations most pronounced in the lower grades? It is difficult to be sure, but several hypotheses can be advanced. Younger children may be easier to change than older ones are. They are likely to have less well-established reputations in the school. It may be that they are more sensitive to the processes by which teaches communicate their expectations to pupils.

It is also difficult to be certain why the older children showed the best performance in the follow-up year. Perhaps the younger children, who by then had different teachers, needed continued contact with the teachers who had influenced them in order to maintain their improved performance. The older children, who were harder to influence at first, may have been better able to maintain an improved performance autonomously once they had achieved it.

In considering our results, particularly the substantial gains shown by the children in the control group, one must take into account the possibility that what is called the Hawthorne effect might have been involved. The name comes from the Western Electric Company's Hawthorne Works in Chicago. In the 1920's the plant was the scene of an intensive series of experiments designed to determine what effect various changes in working conditions would have on the performance of female workers. Some of the experiments, for example, involved changes in lighting. It soon became evident that the significant thing was not whether the worker had more or less light but merely that she was the subject of attention. Any changes that involved her, and even actions that she only thought were changes, were likely to improve her performance.

In the Oak School experiment the fact that university researchers, supported by Federal funds, were interested in the school may have led to a general improvement of morale and effort on the part of the teachers. In any case, the possibility of a Hawthorne effect cannot be ruled out either in this experiment or in other studies of educational practices. Whenever a new educational practice is undertaken in a school, it cannot be demonstrated to have an intrinsic effect unless it shows some excess of gain over what Hawthorne effects alone would yield. In our case a Hawthorne effect might account for the gains shown by the children in the control group, but it would not account for the greater gains made by the children in the experimental group.

Our results suggest that yet another base line must be introduced when the intrinsic value of an educational innovation is being assessed. The question will be whether the

venture is more effective (and cheaper) than the simple expedient of trying to change the expectations of the teacher. Most educational innovations will be found to cost more in both time and money than inducing teachers to expect more of "disadvantaged" children.

For almost three years the nation's schools have had access to substantial Federal funds under the Elementary and Secondary Education Act, which President Johnson signed in April, 1965. Title I of the act is particularly directed at disadvantaged children. Most of the programs devised for using Title I funds focus on overcoming educational handicaps by acting on the child—through remedial instruction, cultural enrichment and the like. The premise seems to be that the deficiencies are all in the child and in the environment from which he comes.

Our experiment rested on the premise that at least some of the deficiencies—and therefore at least some of the remedies—might be in the schools, and particularly in the attitudes of teachers toward disadvantaged children. In our experiment nothing was done directly for the child. There was no crash program to improve his reading ability, no extra time for tutoring, no program of trips to museums and art galleries. The only people affected directly were the teachers; the effect on the children was indirect.

It is interesting to note that one "total push" program of the kind devised under Title I led in three years to a 10-point gain in I.Q. by 38 percent of the children and a 20-point gain by 12 percent. The gains were dramatic, but they did not even match the ones achieved by the control-group children in the first and second grades of Oak School. They were far smaller than the gains made by the children in our experimental group.

Perhaps, then, more attention in educational research should be focused on the teacher. If it could be learned how she is able to bring about dramatic improvement in the performance of her pupils without formal changes in her method of teaching, other teachers could be taught to do the same. If further research showed that it is possible to find teachers whose untrained educational style does for their pupils what our teachers did for the special children, the prospect would arise that a combination of sophisticated selection of teachers and suitable training of teachers would give all children a boost toward getting as much as they possibly can out of their schooling.

WHERE ARE THEY NOW?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. SCHERLE. Mr. Speaker, Americans and American newspapers are not the only ones concerned over the apparent writeoff of the intelligence ship U.S.S. *Pueblo* and her crew.

The Freeport News of Grand Bahama Island in its April 27 issue editorially questions what has become of the Members of Congress who pledged forceful action by the United States "within a reasonable length of time" after the seizure of the *Pueblo* by North Korea.

The editorial points out that this is the fourth month since the capture of the *Pueblo* and says that a "reasonable length of time" has long since passed.

North Korea's propaganda telecast of the *Pueblo*'s captain "being forced to both humiliate himself and his country" is poignantly contrasted with a telecast that would be possible if America had taken firm, forceful action to get the *Pueblo* back.

I commend the editorial to my colleagues:

WHERE ARE THEY NOW?

Ah yes—and where are they now? Where are those congressmen who urged such positive action the first few days after the Pueblo was captured by North Korea.

We can still hear them now, "And if after a reasonable period of time the crew and the ship are not returned then we should go in there and get them."

What do you mean by a reasonable length of time, we asked one congressman.

"After all diplomatic measures are exhausted," he evaded the question artfully.

Well, do you think within a month the crew should be released, we plunged on.

"Oh, yes, definitely within a month this should either be resolved or we should go in there and get them."

That is twice you have used that phrase "go in there and get them" Congressman, we pushed on. Just exactly what do you mean? Should the U.S. use force to remove the crew and the ship?

"Why yes, that's exactly what I mean," he replied. "We should steam right into the harbor and demand the release of the crew."

And use force if necessary?

"Yes, and use force if necessary."

It is now quickly approaching the first of May. The Pueblo was pirated from the high seas during early January.

And we can now see its captain on the 6 p.m. news. But he is not speaking before American cameras telling the country how great it is to be back.

Instead he is speaking from North Korea, being forced to both humiliate himself and his country. This is not happening one week or one month after his capture.

It is taking place after almost four months of captivity. A captivity which should never have taken place, should never have been tolerated for one day after it happened and should never have been allowed to exist this long under any circumstances.

Where are they now?

THE OBJECTIVITY OF THE MEDICAL PRESS

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 7, 1968

Mr. METCALF. Mr. President, the Washington Post on Sunday, March 31, 1968, carried a very interesting article discussing the objectivity of the articles in the unsolicited nonsubscription medical publications which most practicing physicians receive.

It is important to know at the outset that these highly attractive and sophisticated publications are sent free of charge to the Nation's doctors. They are expensive, as any casual observer can tell, with many containing much useful information.

But they have one essential thing in common. They all carry large amounts of advertising touting the prescription drug products of the major drug manufacturers.

A quick count in the March 25, 1968, issue of Modern Medicine shows that 145 of the 230 pages in the issue carries ads for major drug companies.

Over 200,000 of the Nation's practicing physicians received free copies of Modern Medicine periodically.

It is elementary to conclude that the doctors of this country cannot get an objective reporting of the hearings the Monopoly Subcommittee is conducting on high prescription drug prices from this kind of publication.

The fact is that the drug companies do not want the doctors to read a balanced reporting of the hearings, and this limitation is imposed on them by the financial influence of the drug companies in the professional magazines.

The writer of the Washington Post article refers to slanted writings and planted articles by Pharmaceutical Manufacturers Association writers in these magazines.

Modern Medicine on March 25, 1968, carried an article titled "Washington Newsletter: Chloramphenicol in the Limelight."

In the entire anonymous two column article, giving the impression that the writer is a medical man, not a word is devoted to the testimony of five committee witnesses, experts in blood diseases and disorders all of whom agreed that chloramphenicol is overprescribed and misprescribed in 90 to 99 percent of the patients on the drug.

Dr. James Goddard, Commissioner of the Food and Drug Administration, acknowledged that all warnings to the contrary, the drug was widely overprescribed, that FDA's warnings were a "colossal failure" and that he was at his "wits ends" as to how to control the drug more effectively.

The writer says at the outset that "nothing really new has developed" concerning chloramphenicol, utterly disregarding the crucial fact that, as the result of the hearings, the Food and Drug Administration has agreed to impose new rules on the advertising of chloramphenicol; that FDA will warn each doctor in the country by letter of the newly uncovered facts that the incidence of fatal side effects is ten times greater than was previously known; that it should be prescribed in hospitals whenever possible where adequate blood tests can be done; that leukemia is a possible side effect; that it must never be prescribed in minor infections; and that all ads for chloramphenicol must carry warnings of the possible dangerous side effects. FDA will also change the package insert of information and continually review the drug's usage.

The article completely disregards the fact brought out in the hearings that 3.5 million people needlessly are prescribed the drug—subjecting them to unwarranted risk.

These are not my opinions. They are the statements of practicing medical doctors, specialists in their field.

The magazine and the writer are doing a disservice to the people of this country. And they are doing a questionable service for the drug companies. For the writer is George Connery, full-time editor of the Pharmaceutical Manufacturers Association Newsletter; hardly an objective observer or unbiased newsletter.

This Modern Medicine editorial is a

deliberate attempt to plant biased and dangerous misinformation, designed to protect the financial interests of the drug manufacturers. And the publisher of the magazine, protecting his advertising revenues, is as guilty of misinformation as the writer.

I ask unanimous consent that the Washington Post article and the Washington Newsletter of Modern Medicine be inserted in the RECORD in full at this point in my remarks.

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

MEDICAL PRESS SIFTS NEWS FOR PHYSICIANS

(By Morton Mintz)

Last January, at the request of the pharmaceutical firm of Chas. Pfizer & Co., Roper Research Associates sampled public opinion in the New York City area. Of the sample polled, 97 per cent were critical of the drug industry in response to one or more of six questions on profits and pricing practices.

But except when a threat of regulation is involved, it is not the layman's view but the doctor's that really counts with makers of prescription drugs. The reason is that these medicines find a market only when physicians prescribe them. And so it is the doctor who must be "sold" on this or that drug product; the patient's role is merely to pay the bill.

Drug firms begin to cultivate a doctor before he is a doctor, while he is still a medical student. He is given black bags, expense-paid trips, scholarships. His school may get donations to the building fund and research grants.

Once entered upon the practice of medicine, the physician is the target of drug advertising and promotional efforts costing about $3000 a year, according to Dr. James L. Goddard, Commissioner of the Food and Drug Administration. The total advertising and promotion expenditure was calculated by Dr. Goddard at between $600 million and $800 million a year—between a quarter and a third of the industry's gross.

A large share of that sum is spent on advertising in dozens of publications generally seen only by physicians. These publications are sometimes distinguished by comprehensive and reliable reporting. But news that touches on a sensitive nerve in the drug industry can receive some unusual handling.

Last November, for example, a big chunk of a Senate hearing on drug prices concerned an eight-page advertising supplement bought by the Pharmaceutical Manufacturers Association in the Reader's Digest. The PMA called the ad a "magazine within a magazine" and a "public service." Sen. Gaylord Nelson (D-Wis.) called it a "calculated deception."

The Digest insertion and the furor about it dominated the stories written by reporters for newspapers and wire services. But the Digest flap was ignored by Medical Tribune, a twice-a-week newspaper supported almost entirely by drug advertising and distributed free to physicians.

Nor was this curious example of news judgment unique. In December, Chas. Pfizer and two other drug manufacturers were convicted of a criminal conspiracy to rig the prices of "wonder" antibiotics and to monopolize their sale. Half of Medical Tribune's account was turned over to company proclamations of intent to appeal, to a complaint by Pfizer that it had been done wrong by a jury which had relied upon "unjustified inference and suspicion," to a suggestion by Bristol-Myers Co. that the jury might have been influenced by inordinate publicity, and to an expression of surprise and regret by American Cyanamid Co.

Not a line in the Medical Tribune story dealt with the guts of the successful prosecution case—the specifics of production costs, prices and profits. Thus were physician-readers anesthetized against the shock of the evidence that tetracycline which cost as little as $1.52 to produce was sold to druggists for $30.62 and to consumers for $51, and that manufacturers' pretax profits on investment in antibiotics was sometimes in the 70 per cent range.

TWO CATEGORIES

For-profit, advertising-supported publications distributed free to physicians, such as the 168,000-circulation Medical Tribune, constitute one of the two principal categories of the medical press. Other examples of this group are Medical World News (circulation 230,000) and Modern Medicine (circulation 200,000).

The other major category is the journal or paper published by a professional organization. Examples are the Journal of the American Medical Association, an organization which gets about half of its income from advertising, most of it pharmaceutical; Psychiatric News, official newspaper of the American Psychiatric Association, and GP, monthly journal of the American Academy of General Practice.

OPPOSE TOUGHER RULES

Publishers in both categories are united in their opposition to proposals by the FDA to toughen its regulations against deceptive, false and unbalanced advertising of prescription drugs. And the ways in which both categories treat the news can also be quite similar.

The January issue of Psychiatric News—over a third of which was devoted to advertising of drugs used to treat mental illness and anxiety—is a case in point. That issue carried a story headlined "'Generic Equivalency' Called Myth by Drug Producers." It began:

"Pharmaceutical manufacturers, after enduring seven months of virulent criticism from consumer organizations in testimony before the Senate Small Business Subcommittee, launched a double-barreled counter-attack late in November."

About 20 per cent of the story was devoted to a pro-industry statement by Alfred Gilman, a pharmacologist who had not testified. Another 20 per cent was given over to two more nonwitnesses. One's defense of Dr. Gilman was quoted from Hospital Tribune (a sister publication of Medical Tribune). The other was reported "as agreeing with Dr. Gilman's statement." Something over 10 per cent of the story was accorded to actual testimony—by the president of the Pharmaceutical Manufacturers Association. That left about half of the story for a summary of the hearings, and two-thirds of it consisted of material favorable to the drug industry.

In an interview, associate editor Herbert M. Gant was asked about the unattributed statement that drug makers had been "enduring seven months of virulent criticism." Gant acknowledged that his paper had done no first-hand reporting. Instead, he said, the official newspaper of the American Psychiatric Association had relied on "secondary sources," specifically including the AMA News and "press releases from the Pharmaceutical Manufacturers Association."

"Let me assure you we are not kowtowing to the manufacturers on those hearings," Gant said.

REPRINTS STATEMENT

Another case in point is the handling of an Oct. 13 hearing by the general practitioners' journal, GP. The witness was Richard M. Furlaud, president of E. R. Squibb & Sons. He came before Nelson's Subcommittee with a lengthy prepared statement defending the system of dual prices under which a medicine prescribed by brand name can be very expensive but prescribed under its generic, or chemical, name can be quite inexpensive.

An editorial in the New York Times found Furlaud's case "unpersuasive." But GP was so impressed that it turned over 4½ glossy pages in the February, 1968, issue to excerpts from Furlaud's text.

GP did not, however, tell its 30,000 doctor-readers of a development at the Nelson hearing that was not in Squibb's script. This was the Subcommittee's introduction of documents which the FDA had prepared in recommending criminal prosecution of Squibb. They recited "a long history of mix-ups, recalls and warnings" that indicated, in the agency's view, that the firm had "failed to understand its responsibilities as a drug manufacturer." In March, 1967, Squibb pleaded no contest to the charges in that case, although it has sweepingly rejected the FDA allegations aired at the Nelson hearing.

FDA POLICY CRITICIZED

This same issue of GP carried an editorial condemning the FDA's "new get-tough policy, as it relates to advertising pages in medical publications . . ." There were 145 pages of drug ads in that 280-page issue of GP. Nine of them were for drugs made by E. R. Squibb.

"I didn't know that," said Mac F. Cahal, publisher of GP. The Squibb ads, he said in a phone interview, had "no bearing" on the publication of the testimony by Squibb's president. As to the FDA documents recommending a prosecution, Cahal said, he had not been aware of it.

GP is aware of the importance of advertising, however. To lure ads it has prepared a brochure of reprints of Cahal's "Newsletters" and editorials from GP and American Family Physician, another Academy publication. Captioned "News and Views," the brochure is substituted ". . . of interest to the pharmaceutical industry."

All of the reprints attack prescribing drugs by generic name and defend prescribing by brand names, such as those that fill the ad pages of both publications. Proponents of generic prescriptions were ridiculed in one editorial as people who "don't know an aspirin tablet from a jelly bean."

BEHIND THE NEWS

Among the commercial publications, McGraw-Hill's Medical World News, a glossy-paper biweekly, is the circulation leader. Its editor is Dr. Morris Fishbein, former editor of the Journal of the AMA. The consulting editor is Dr. Howard A. Rusk. During the past two years, Dr. Rusk has been second on the masthead and has written the "Behind the News" column.

While being paid for his work at Medical World News, Dr. Rusk has continued to contribute a column every Sunday to the New York Times. There he has found occasion to praise to readers of the times the performance of the industry that is almost the single source of support for Medical World News.

On Oct. 2, 1966, for example, Dr. Rusk's column in the Times commended the prescription-drug manufacturers as a bastion against inflation. With permission from the Times, the Pharmaceutical Manufacturers Association distributed reproductions of the column.

An Associated Press story of Dec. 20, 1966, carried in the Times, called attention to Dr. Rusk's compassionate spirit, although not necessarily to his repertorial detachment. The item said that "a million-dollar gift of Salk polio vaccine for 600,000 South Korean children has arrived from the United States. The vaccine was donated by the maker, Eli Lilly of Indianapolis, at the request of Dr. Howard A. Rusk, chairman of the American-Korean Foundation."

ANONYMOUS AUTHOR

Another eminent physician, heart specialist Irvine H. Page of the Cleveland Clinic Foundation, is editor of Modern Medicine.

But the approximately 200,000 physicians who receive Modern Medicine have not been told who writes its "Washington Newsletter." It is George Connery, whose full-time job is editing and reporting for the PMA's Newsletter. Connery, who says he never has written "an intentional line of public relations or propaganda," gave this advice to Modern Medicine's readers in a "Newsletter" last July about Nelson's drug-price hearings:

"Thus, it might be as late as mid-September before the PMA will have the chance to present its broad, balanced picture of what the industry contributes to health, how it goes about doing so, and why its profit level has to be higher . . ."

INDEPENDENT NEWSPAPER

The Medical Tribune, whose treatment of the criminal price-rigging trial occupied our attention earlier, calls itself "The Only Independent Medical Newspaper in the U.S." But it leaves unanswered the question what it is independent of.

Medical Tribune has extraordinarily close links with William Douglas McAdams, Inc., an advertising agency which claims to be the leader in the field of medical advertising. The American Association of Advertising Agencies forbids ownership of news media by ad agencies, in order to preclude conflicts of interest. But the McAdams agency is not a member of the Association.

The agency's clients, particularly the Roche Laboratories division of Hoffmann-La Roche, Inc., are the dominant advertisers in Medical Tribune.

In the 40-page issue of last Feb. 22, for example, 22 of approximately 27 pages of advertising were for drugs produced by McAdams' clients—Roche Laboratories (14 pages), Warner-Chilcott Laboratories (5), Upjohn Co. (2) and CIBA Pharmaceutical Co. (1).

In the last two years, the publication has undertaken critical, prolonged campaigns against certain drugs, including one for arthritis and one for influenza. But the manufacturers are rarely if ever among those that advertise in Medical Tribune.

The executive editor of the Tribune is Dr. Joseph Gennis, who is simultaneously executive vice president of the McAdams ad agency.

Dr. Arthur M. Sackler, a founder of Medical Tribune, recently retired as board chairman of the McAdams firm, which he joined in 1941.

For many years the relationship between the McAdams agency, Medical Tribune and related Sackler enterprises including the World Wide Medical News Service has been clubby. Employes have shared, at 130 East 59th st. in New York City, office space, a library, other facilities, a single personnel director (James Braunworth), a single employe director (the one dated Dec. 7, 1965, for example, lists about 280 names) and medical advisers.

There have been joint Christmas parties and social functions at which informal financial reports were given by Drs. Sackler and Gennis on how well "the company"—singular—was doing.

Last year, after the FDA announced proposals to tighten its regulations to assure honesty and balance in ads for prescription drugs, 96 written objections (and zero endorsements) were filed. Drug makers filed 30, medical ad agencies 46, publishers 14, trade groups 4 and individuals 2. For McAdams, Dr. DeForest Ely, president of the ad agency, protested that the regulations would "jeopardize freedom of the press."

THE AUTOMATON SYNDROME

During a hearing held by his Subcommittee, Nelson remarked that if he went to any meeting of a local medical society and asked, "What do you think about the drug industry?" he could predict what doctors would tell him: That the industry "has to have high profits because they do a lot of research and it is a very risky business." Doctors who say this, Nelson said, "sound like automatons."

The Senator, who is himself the son of a physician, went on to recall an occasion in Wisconsin when four doctors took him on about his investigation into drug prices.

"I said I will tell you what I will do," Nelson related. "Just let one of the doctors step aside and I will tell him what you are going to tell me and we come back together. And I did, in some detail; he was outraged."

But the doctor should not have been surprised. The Senator, too, sees the medical press.

[From Modern Medicine, Mar. 25, 1968]

CHLORAMPHENICOL IN THE LIMELIGHT

For a variety of reasons, the chloramphenicol problem is getting a great deal of national attention. For physicians who read the medical literature, nothing really new has developed. But at Senate hearings the risks of the drug—as well as its value—are being widely discussed, and the testimony is being widely publicized.

The sequence of events which brought chloramphenicol into the limelight began early in 1967, when hearings were started by a Senate Small Business subcommittee headed by Sen. Gaylord Nelson (D., Wis.). His appointment as chairman had been arranged by his predecessor, Sen. Russell Long (D. La.), because Sen. Nelson was willing to launch a full-scale investigation of the drug industry. Sen. Long would have done this but was too busy as chairman of the Finance Committee and as party whip.

The hearings followed the usual course. At first the only witnesses were those critical of the drug industry. Reacting, industry spokesmen charged Chairman Nelson with improper conduct of the hearings and demanded that the drug makers have a chance to make their case before the record became loaded with one-sided testimony. In late summer, several companies were allowed to testify. Addressing these witnesses, Sen. Nelson repeatedly asked them to produce scientific evidence that trade name and generic name drugs are not necessarily therapeutically equivalent.

Parke, Davis and Company accepted the challenge on chloramphenicol, a drug which it had developed and patented as Chloromycetin in 1948. The patent has expired early in 1967 and generic chloramphenicols had come onto the market. With the approval of the Food and Drug Administration, Parke, Davis conducted clinical tests on Chloromycetin and four of its generic competitors. When the results were in hand, Leslie M. Lueck of Parke, Davis testified before Sen. Nelson. He said the generics definitely were found to be therapeutically ineffective, when compared with Chloromycetin, and that one of them was so far off as to be a danger to public health.

Sen. Nelson naturally wasn't too pleased with this testimony. He was even less enchanted when FDA shortly afterward ruled all generics except one off the market, giving Parke, Davis about the same position it had when its patent was still effective. Later, even this one generic was taken off the market. It is uncertain how many of the generic manufacturers will go to the expense of conducting the clinical tests FDA is demanding.

The next move was up to Sen. Nelson. He called in five physicians to discuss chloramphenicol. All were recognized as skilled in hematology. Later he ran a repeat of this performance, with other specialists as witnesses. Out of all this came no information that medical scientists haven't known for at least fifteen years.

Sen. Nelson, who has an apparently difficult reelection coming up in Wisconsin this year, probably is not through with chloramphenicol. Because reports on the hearings are being published in the lay press, the message of this drug's dangers should reach even those doctors who don't read medical journals.

MR. MURPHY, WHERE IS SAFETY?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. RARICK. Mr. Speaker, this morning's Washington Post carried a full-page advertisement which expressed the concern and outright fear of the citizens of our Nation's Capital over the continued murder, looting, burning, and violence.

It becomes apparent that those in leadership lack courage to fulfill the duties of their office. An aroused citizen must speak out—take action or resign.

Mr. Speaker, under unanimous consent I include the ad in the RECORD:

BEN BROWN IS DEAD: IS LAW ENFORCEMENT ALSO DEAD?

Brown, Benjamin: On Tuesday, April 30, 1968, Benjamin Brown of 1900 Lyttonsville rd., Silver Spring, Md., beloved husband of Freda Brown; devoted father of Miss Barbara Brown of Silver Spring, Md. Also survived by two sisters, Mrs. Faye Blanken and Mrs. Mollie Cohen, both of Silver Spring, Md. Services at the C. D. Goldberg & Son Funeral Home, 4217 9th st. nw., on Thursday, May 2, at 2 p.m. Interment B'nai Israel Cemetery. In mourning at 1900 Lyttonsville rd., Silver Spring, Md., Apt. 1106. Family suggests in lieu of flowers contributions be made to the Steven Jay Brown Memorial at the Jewish Foundation for Retarded Children, 6200 2d st. nw.

Mr. Brown was shot while defending his property.

Should anarchy prevail because a small segment of the population takes the law into its own hands? Should bands of hoodlums be allowed to continue preying on law-abiding citizens, Negro and white?

When hoodlums—regardless of age, sex or color—are undeterred by the prospect of effective law-enforcement, no one is safe. If criminals can loot, burn and kill in the Inner City without fear of consequences, it is only a question of time before you, your family and your business can feel the effect. It makes no difference where you live, work or play: When law enforcement ceases, disrespect for the law is encouraged.

When you walk or drive through many areas of Washington, do you feel safe—or scared? Do you encourage your friends and relatives to visit the Nation's Capital at this time?

Is the battle over? Not for the citizens whose lives are threatened. Not for the businessmen who cannot rebuild because they cannot get insurance. Not for the few who have surmounted the obstacles of arson and looting, and have reopened only to face new threats of extortion and worse. Not for the people who are out of jobs. Not for the people who were burned out of their homes.

Who is at fault? Certainly not the majority of citizens, white or Negro. Certainly not the majority of the poor, Negro or

white. Certainly not the policeman on the beat, who must obey orders.

This is no revolt of youth against older generations. This is no revolt of the poor against the wealthy. This is no part of the Civil Rights movement whose real leaders know that Utopia doesn't have to be built on ashes.

It is an open attack by a few criminals against a community that lacks firm leadership and the courage to demand that its leaders exercise their authority—or resign.

We believe that law enforcement suffers when the police are handcuffed instead of the criminals. We believe that citizens are entitled to protection and safety.

Where is the safety, Mr. Murphy? Where is the protection, Mr. Murphy? Where will tragedy strike next? Today, the Inner City. Tomorrow, the residential areas, the suburbs. Today, Ben Brown. Tomorrow???

Published because some of us have lost our lives, many of us have lost our property, and all of us want to preserve law and order for all residents of the Washington area and for the United States we love.

WASHINGTON, D.C., RETAIL LIQUOR DEALERS ASSOCIATION, INC.

HOG KILLINGS

HON. GEORGE McGOVERN

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 7, 1968

Mr. McGOVERN. Mr. President, articles protesting the slaughter of hogs and cattle by members of the National Farmers Organization have been placed in the RECORD, and in fairness to that organization I think the RECORD should should also reflect a little of the other side. A good many newspapers in rural areas, aware of the desperate economic situation of farmers, have described the meat animal killings as distasteful to them, but understandable.

Glenn Kreuscher, farm editor of the Lincoln, Nebr., Star recently wrote a Farm Roundup column in his newspaper which underscores comment I have seen by editors in several Midwest newspapers, including Michigan, Minnesota, Iowa, Missouri, and Indiana. The tenor is invariably that waste of food in a hungry country is shocking, but that the plight of farmers has caused them to use desperate and dramatic methods to bring their situation to the attention of the public.

I ask unanimous consent that Mr. Kreuscher's Farm Roundup column be printed in the RECORD.

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

THE FARM ROUNDUP

(By Glenn Kreuscher)

"What do you think about all the hogs being killed by the NFO?"

I have had this question put to me by many people from different walks of life but I will use the answer I gave a gentleman from Minneapolis, Minn., who stopped at the office and asked the question.

My answer was, "I never heard you voice concern about farmers or ranchers, their families or the many businessmen in small communities that depend upon agriculture for their living.

"There are going to be some fathers' daughters that will not get a new hat for Easter, new shoes and many other purchases this spring. I haven't seen you give this much concern—that agriculture is furnishing a lack of income for people to live on a par with the rest of society.

"You mean to tell me you are more concerned about pigs than you are the welfare of humans. Of families that have their backs to the wall trying to provide you, the consumer, with the highest quality food and fiber in the world.

"Did you ever think that pulling that trigger on a rifle is a distasteful job for the farmer? Do you have any idea of the pangs of worry, concern and frustration that brought conditions to the place where a farmer who loves livestock has to kill his animals to bring attention to his plight?

"Did you notice that where one group of farmers did donate the pigs they were going to kill to the unfortunate, they barely rated mention in the news?

"I am glad you asked the question, what do I think about the hog killing. Personally, I don't like it but it does point up the fact that people must be shaken before they take notice or care about a problem."

About this time I let up because my visitor was beginning to wipe his eyes as he said, "Is the agricultural income problem this serious?"

In the next few minutes a very intelligent man who has been a tremendous success in his business took a new viewpoint on agriculture.

"This is terrible—that many farmers need an investment of more than $200,000 and are not making the wages accepted as average in the city. Why hasn't something been done about this? Why hasn't some one rewarded the farmer and rancher for producing good food?" asked my visitor as he let loose with a number of fundamental observations that have been going the rounds in agriculture for some time.

"Now you wouldn't have gotten so excited if it hadn't been for the nationwide news on hog slaughter and burial, would you?" I asked.

"This puts quite a bit different viewpoint of hog killings. But if the shock of the NFO thing so shocking and revealing to wake us up," said the visitor.

After getting my point across that the American public hasnt been too ready to say thank you to agriculture and there are problems that must be faced, I then told my friend that I too had not enjoyed the news of hog killings. But if the shock of the NFO actions woke someone up as completely as it did him, I could take the unpleasant part of the matter and just hope someone came up with some answers before the day when our hard working farmers and ranchers are replaced by a system that figures a profit before the consumer gets his food.

That equation could be tougher than parity and I am not going to have much compassion for those who wish for the good old days of "farmers and ranchers."

A LETTER FROM A CHILD

HON. JOE D. WAGGONNER, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. WAGGONNER. Mr. Speaker, what I have to say was better said in the Bible several times. Once with the words, "Out of the mouth of babes," and, in another instance, "a little child shall lead them."

From out of the sound and fury of those who today would belittle, humble, or deny our country in these testing days of trial, I have received a letter from a young girl, who, though she is neither a babe nor a child, is nevertheless qualified to be listed in that general category. She is a sixth grade student at Westwood School in Shreveport, La.

Her brief letter should be made required reading every morning before breakfast by every Member of this and the other body and by everyone at the other end of Pennsylvania Avenue. It says in less than 100 words what many of us have been trying to say in volumes for years. Maybe we can take some lessons in clarity from this youngster. She writes:

SHREVEPORT, LA.,
March 11, 1968.

Hon. JOE D. WAGGONNER,
House Office Building,
Washington, D.C.

DEAR SIR: I am a sixth grader at Westwood School in Shreveport. We are now involved in the study of ancient history.

As we study the reasons for the fall of Rome we compare them with the problems of our country. We see the necessity to act now to keep America a free, Christian nation.

I would like you to know that there are still young Americans who strive for a free country and back you one hundred percent in Vietnam.

Very truly yours,

HELEN WHITSON.

NEW YORK LAWYER GROUPS ISSUE REPORTS ON WIRETAPPING

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, May 7, 1968

Mr. JAVITS. Mr. President, I invite attention to two magnificent reports by distinguished lawyers in the State of New York on wiretapping, the subject of legislation which is now pending before the Senate. One statement is from the New York County Lawyers' Association Committees on Civil Rights and Federal Legislation and the other is the Committee on Federal Legislation and Civil Rights of the Association of the Bar of the City of New York.

When I was attorney general for the State of New York I administered the wiretapping statute. I fully endorse the finding of the reports to which I have referred. We do have court-controlled wiretapping in New York and I believe there is much in these reports which can instruct Senators on how to deal with the pending bill which they will find useful, which is based on many years of experience, including my experience as attorney general of New York.

New York State has had for many years a statute which permitted wiretapping on court order, by certain law enforcement authorities. The New York law has recently been found inadequate by the Supreme Court, and revision is necessary to provide certain additional safeguards—such as notice and short expiration period of the court order. The

State legislature is now considering a new law submitted by Governor Rockefeller, but, pending action by the Congress on S. 917, it is unlikely that final action will be taken.

The recent Supreme Court decisions also prompted a thorough review of the entire subject by two prestigious bar groups—the New York County Lawyer's Association Committees on Civil Rights and on Federal Legislation, and the Committees on Federal Legislation and Civil Rights of the Association of the Bar of the City of New York. While neither report considers the specifics of title III of this bill, as reported, both focus on the so-called Blakey bill, which was the origin of the measure we are considering.

Because the views of these distinguished lawyers are so very revelant to the pending business, I ask unanimous consent that the text of both reports be printed in the Extensions of Remarks.

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

PROPOSED LEGISLATION ON WIRETAPPING AND EAVESDROPPING AFTER BERGER *v.* NEW YORK AND KATZ *v.* UNITED STATES

(By the Committees on Federal Legislation and Civil Rights of the Association of the Bar of the City of New York)

INTRODUCTION

The vexing subject of wiretapping and eavesdropping has been under review by Congress for years and has been the subject of numerous reports and studies by many groups, including Committees of this Association. The serious consideration currently being given by the Congress to various legislative proposals, together with the new constitutional guidelines laid down in the recent United States Supreme Court decisions in *Berger* v. *New York*, 388 U.S. 41 (1967) and *Katz* v. *United States*, 389 U.S. 347 (1967), require a fresh appraisal both of the problem and of possible solutions.

In 1962, when an Administration bill that provided for limited wiretapping was before Congress, two committees of this Association issued reports, one approving and the other disapproving the bill, because of a difference of opinion as to whether any wiretapping by law enforcement officials should be permitted. (See Reports of Committees of the Association of the Bar Concerned with Federal Legislation, Vol. I, Bulletin No. 3, July 1962, pp. 93 and 126.) There was also a division of opinion in the recent landmark report by the President's Commission on Law Enforcement and the Administration of Justice (the "President's Commission"), which said: [1]

"A majority of the members of the Commission believe that legislation should be enacted granting carefully circumscribed authority for electronic surveillance to law enforcement officers to the extent it may be consistent with the decision of the Supreme Court in *People* v. *Berger*, and, further, that the availability of such specific authority would significantly reduce the incentive for, and the incidence of, improper electronic surveillance.

"The other members of the Commission have serious doubts about the desirability of such authority and believe that without the kind of searching inquiry that would result from further congressional consideration of electronic surveillance, particularly of the problems of bugging, there is insufficient basis to strike this balance against the interests of privacy."

In view of the variety of legislative options which have been proposed in recent months, and the new constitutional climate in which these choices must now be considered, the Committees on Federal Legislation and Civil Rights have deemed it appropriate to mount a joint effort to consider these problems, in which they have a common interest. Accordingly, a joint subcommittee was created and charged with the task of detailed study. The subcommittee, whose members, like those of the full Committees, came from widely differing professional backgrounds and initially held widely divergent views, ultimately reached agreement on many issues. Similarly, the two full Committees, after extensive and vigorous discussion, have themselves achieved substantial consensus.

Three basic areas of agreements have emerged:

1. All of us agree that wiretapping and eavesdropping are highly dangerous practices presenting an extraordinary threat to individual liberties.

2. All of us agree that the chaotic conditions presently existing in this field serve neither the interests of individual liberty nor the legitimate needs of law enforcement, and can no longer be tolerated. These conditions include: a federal wiretap law which, although on its face strictly prohibitive, is unenforced and unenforceable; wholesale violations of existing law by individuals and law enforcement agencies throughout the country; virtual absence of any regulation of eavesdropping, despite its increasing prevalence and the exploding technology in the area; and a confusing hodgepodge of standards under existing state laws.

3. Most of us agree that, in the light of the foregoing, new legislation is required under which wiretapping and eavesdropping would be narrowly confined and strictly controlled, under uniform federal standards and in precisely defined circumstances.[2]

Starting from these premises, we have examined three principal measures [3] currently pending before Congress, embodying substantially differing approaches to the problem, and have also considered certain proposals advanced by Committee members and others. No one of the three bills has been found fully satisfactory. Each, however, contains elements which, when combined with certain other provisions discussed below, we believe could provide a realistic, constructive and viable basis for new federal legislation, on an experimental basis.

Summary and Recommendations

Part I of this Report deals with the Constitutional requirements under the Fourth and Fourteenth Amendments which have been laid down by recent Supreme Court decisions. Part II describes the three legislative proposals which were considered by our Committees. Part III proceeds to analyze the issues presented by the Blakey Bill, out of which evolve many of the recommendations of this Report. In Part IV the Report deals with the problem of consent wiretapping and eavesdropping. Part V discusses federal power under the Constitution to control wiretapping and eavesdropping and the manufacture and distribution of devices for such use. Part VI considers prohibitions on the manufacture and distribution of eavesdropping devices.

Our principal recommendations are as follows:

1. All third-party wiretapping and eavesdropping by private parties should be prohibited and private eavesdropping with consent of one of the parties should be sharply curtailed.

2. Wiretapping and eavesdropping by governmental officials, both federal and state, should in general be prohibited except for (a) cases involving murder, kidnapping or espionage, and the foreign intelligence activities of the United States government and (b) on an experimental basis, a very small quota, nationally administered, of taps and bugs to obtain evidence of all other crimes.

3. In addition, all permitted wiretapping and eavesdropping, whether federal or state, should require specific authorization by prior federal court order, except that in certain narrowly defined exigencies involving non-quota interceptions, the validating order could be sought promptly thereafter.

4. The legislation should prescribe a carefully drawn system of limitations as to the circumstances in which such orders may be granted, including the requirement that moving papers specify with particularity the probable cause, the conversations sought and the necessity for use of the requested means of interception, as well as restrictions and prohibitions relating to permitted times and places of interception and the nature of the conversations which may be intercepted.

5. Except in certain narrowly defined circumstances, disclosure of taps and bugs should be made within a reasonable time after expiration of the authorizing order to persons who are the subject of wiretapping and eavesdropping orders.

6. The manufacture and distribution of devices for wiretapping and eavesdropping should be regulated, preferably by an administrative body with broad authority to prohibit or license.

7. In addition to the exclusionary rule, criminal penalties and tort remedies, including liquidated damages, should be provided for unauthorized taps or bugs.

It must be emphasized that the foregoing recommendations comprise the principal features of a single legislative package of interrelated controls which should be defined in any bill with great particularity. The integrity of this suggested system is indispensable to the approval by these Committees of any permissive legislation in the field; indeed, were any major element to be omitted, most of us would oppose enactment of the remainder.

PART I. THE BERGER AND KATZ CASES

Minimum constitutional requirements for wire interception and eavesdropping

In two recent decisions, *Berger* v. *New York* and *Katz* v. *United States*, the Supreme Court laid down constitutional principles relating to wiretapping and eavesdropping which fundamentally altered the requirements which had hitherto been thought applicable. In *Katz*, the Supreme Court explicitly overruled *Olmstead* v. *United States*, 277 U.S. 438 (1928), which held wiretapping to be outside the ambit of the Fourth Amendment, and *Goldman* v. *United States*, 316 U.S. 129 (1942), which held that the Constitution does not protect against electronic eavesdropping unless it is accomplished by a trespass. While *Berger* and *Katz* make it clear that wiretapping and eavesdropping are permitted by the Constitution (at least when

[1] President's Commission, "The Challenge of Crime in a Free Society" (1967), p. 203.

[2] Some members feel that wiretapping and eavesdropping are totally repugnant to personal liberties and would prefer no permissive legislation whatsoever, or permissive legislation only in the area of national security. Some others, on the other hand, would favor legislation authorizing broader governmental wiretapping and eavesdropping than most members would support.

[3] S. 675, introduced by Sen. McClellan (the McClellan Bill); S. 928, introduced by Sen. Edward V. Long in the last session of Congress and supported by the Administration (the Long Bill); and H.R. 13482, drafted by Professor Blakey of Notre Dame Law School at the request of the President's Commission, introduced in the last session of Congress by Rep. McCulloch and the current session by Rep. McDade (the Blakey Bill). This report was completed before, and hence does not deal specifically with, an amended version of the Blakey Bill recently introduced as Title III of the "Safe Streets' bill. See page 9, *infra*.

engaged in pursuant to court orders under carefully drawn statutes) they make it equally clear that at least most law enforcement use of electronic devices that does not meet the standards set out will be impermissible, and that evidence obtained by unconstitutional use will be excluded. Though much is settled by the opinions, some important constitutional questions are left open.

In *Berger*, law enforcement authorities in New York County had obtained a court order under New York's eavesdropping statute, as a result of which eavesdropping equipment was installed in two private offices in New York City. The evidence obtained was conceded to be essential to Berger's conviction. The court, in reversing 5–4, said that the New York statute failed to assure adequate protection for Fourth and Fourteenth Amendment rights. Protection of these rights requires that "a neutral and detached authority be interposed between the police and the public," that orders be issued only upon probable cause, and that they describe with particularity the offense that has been or is being committed, the place at which the electronic device is to be used, and the conversations expected to be overheard. The court stated that New York's statute satisfied the first criterion, the neutral authority. It found it unnecessary to determine whether in fact the probable cause standard had been complied with because the statute was deficient on its face when measured against the requirement of particularization. In describing the inadequacies of the statute, the court said:

"First, as we have mentioned, eavesdropping is authorized without requiring belief that any particular offense has been or is being committed; nor that the 'property' sought, the conversations, be particularly described. The purpose of the probable-cause requirement of the Fourth Amendment to keep the state out of constitutionally protected area until it has reason to believe that a specific crime has been or is being committed is thereby wholly aborted. Likewise the statute's failure to describe with particularity the conversations sought gives the officer a roving commission to 'seize' any and all conversations. It is true that the statute requires the naming of 'the person or persons whose communications, conversations or discussions are to be overheard or recorded. . . .' But this does no more than identify the person whose constitutionally protected area is to be invaded rather than 'particularly describing' the communications, conversations, or discussions to be seized. As with general warrants, this leaves too much to the discretion of the officer executing the order. Secondly, authorization of eavesdropping for a two-month period is the equivalent of a series of intrusions, searches, and seizures pursuant to a single showing of probable cause. Prompt execution is also avoided. During such a long and continuous (24 hours a day) period the conversations of any and all persons coming into the area covered by the device will be seized indiscriminately and without regard to their connection to the crime under investigation. Moreover, the statute permits, and there were authorized here, extensions of the original two-month period—presumably for two months each—on a mere showing that such extension is in the public interest. Apparently the original grounds on which the eavesdrop order was initially issued also form the basis of the renewal. This we believe insufficient without a showing of present probable cause for the continuance of the eavesdrop. Third, the statute places no termination date on the eavesdrop once the conversation sought is seized. This is left entirely in the discretion of the officer. Finally, the statute's procedure, necessarily because its success depends on secrecy, has no requirement for notice as do conventional warrants, nor does it overcome this defect by requiring some showing of special facts. On the contrary, it permits unconsented entry without any showing of exigent circumstances. Such a showing of exigency, in order to avoid notice, would appear more important in eavesdropping, with its inherent dangers, than that required when conventional procedures of search and seizure are utilized. Nor does the statute provide for a return on the warrant thereby leaving full discretion in the officer as to the use of seized conversations of innocent as well as guilty parties. In short, the statute's blanket grant of permission to eavesdrop is without adequate judicial supervision or protective procedure." [4]

Although the demise of *Olmstead* and *Goldman* was intimated in *Berger*, that case involved a physical trespass and the court did not reach the question of whether the standards it laid down were also applicable to non-trespassing electronic invasions. In *Katz*, F.B.I. agents had used electronic equipment on the outside of a public telephone booth to overhear what petitioner had said inside the booth. In an opinion which seven members of the court joined, Justice Marshall not sitting and Justice Black dissenting, the court extended the principles of *Berger* to cover the facts in *Katz*. It emphasized the importance "of advance authorization by a magistrate upon a showing of probable cause". By overruling *Olmstead*, *Katz* vitiates to a large extent the significance of the traditional Justice Department interpretation of Section 605 of the Federal Communications Act. The Department has maintained that interception of telephone conversations without divulgence is allowed by the statute. Under *Katz*, such interception, if unsanctioned by court order, would be unconstitutional. Apart from confirming the broad implications of *Berger*, *Katz* is important in at least two respects. Relying in part on the reasoning of *Warden* v. *Hayden*, 387 U.S. 294 (1967), which discarded the "mere evidence" rule, the court stressed that the purpose of the Fourth Amendment is the protection of privacy, and held that whether or not the Amendment applies does not turn on whether the site of the intrusion is a "constitutionally protected area". What a person "seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected. . . . No less than an individual in a business office, in a friend's apartment, or in a taxicab, a person in a telephone booth may rely upon the protection of the Fourth Amendment". *Katz* is also significant because it appears to eliminate a point of confusion generated by *Berger*. *Berger* suggested that eavesdropping without notice could be justified only in "exigent circumstances", but left it uncertain what "exigent circumstances" means in this context. The plain implication in a footnote to Justice Stewart's majority opinion in *Katz* is that whenever the other constitutional requirements are met, an electronic search can be engaged in without prior notice, since such notice would destroy the usefulness of the search.

Although the broad outlines of an acceptable court order system are laid out in *Berger* and *Katz*, the answers to a number of specific questions await further decisions. Some, but by no means all, of the most important are raised here.

A. Is an Authorizing Statute Required?

In *Berger*, the court invalidated the eavesdropping in that case because of the defective statute without deciding whether the actual orders issued complied with constitutional requirements. If acceptable orders issued under an unacceptable statute are invalid, so, it might be argued, must be acceptable orders issued without any specific statutory authorization. In *Katz*, however, although the point is not specifically considered, the implication is that valid orders can be sought and issued without express authorization. In both *Berger* and *Katz*, the court relied heavily on *Osborn* v. *United States*, 385 U.S. 323 (1966), a case sustaining use of a recorder by a participant in a conversation pursuant to court order, although there was no statute authorizing court orders. Whether or not a statute is required is, as a consequence, now unclear, though the desirability of a carefully drawn statutory system is plain.

B. When, If Ever, Are Exceptions to the Prior Court Order Justified?

It has been argued that the requirement of a prior court order is unjustified either in certain classes of cases or when there is a pressing need for immediate use of electronic devices. The first contention is most persuasively advanced in regard to national security cases. It is said that in matters demanding the utmost secrecy a court order system is unworkable. Whatever the merits of this contention, the court gives no indication in *Berger* or *Katz* that these cases fall into a special class. If scrutiny by a "neutral" authority is deemed required, it is conceivable that the court would accept authorization by an executive officer in some cases, but there is no suggestion of this in the opinions. In regard to the "pressing use" argument, the court does state in *Katz* that "it is difficult to imagine how any of these exceptions [for searches conducted outside the judicial process] could ever apply to the sort of search and seizure involved in the case". But it may well be that the court would reconsider this dictum if presented with an appealing fact situation in which the emergency use of electronic devices was followed closely by a submission of the grounds for use to a neutral magistrate.

C. Are Court Orders Required When One Party Consents To Use of a Device?

Until recently, the court has considered situations in which a party to a conversation records or transmits what the other party says differently from situations in which a third person overhears a conversation. In *Lopez* v. *United States*, 373 U.S. 427 (1963), the court held that a revenue agent could, in the absence of a court order, surreptitiously record the incriminating words of someone attempting to bribe him. In *Osborn* v. *United States*, 385 U.S. 323 (1966), a recording was made of incriminating words with prior judicial approval. The court found it unnecessary to re-examine the holding in *Lopez* because in the case before it the circumstances met the "'requirement of particularity', which the dissenting opinion in *Lopez* found necessary". In both *Berger* and *Katz*, *Osborn* is cited as the exemplar of a proper authorization for electronic devices, with no suggestion that consent situations are to be treated differently from third party overhearing. The apparent implication in the language of the majority opinions is that *Osborn* would have come out differently had it not been for the prior court approval. On the other hand, both opinions were joined by Justices who also were in the *Lopez* majority and Justice White in his concurring opinion in *Katz* indicates that surreptitious use of electronic devices by parties to a conversation is constitutional whether or not a court order has been issued. It is probably fair to conclude that *Osborn* was used in *Berger* and *Katz* to make the point that seemed important in those cases, and that the court has not resolved the question of the continued viability of *Lopez* and of another pre-*Osborn* decision. *On Lee* v. *United States*, 343 U.S. 747 (1952). If the court should extend the court order requirement to consent situations, it is unclear whether it would hold statutory authorizations to be a constitu-

[4] 388 U.S. at 58–59.

tional prerequisite. Such a conclusion would fly in the face of the result in *Osborn*.

PART II. THE LEGISLATIVE PROPOSALS

As noted above we have reviewed three bills currently before Congress:

1. The McClellan bill

The 1962 Department of Justice Bill has been expanded and reintroduced by Senator McClellan as S. 675. The expansions are material. They provide for wiretap orders in state courts with respect to *any* crime as to which wiretaps are authorized by *state* law, whereas the Department of Justice Bill had enumerated the crimes, both State and Federal, with respect to which wiretaps could be authorized. Thus the Bill undermined the uniform federal standards which its own legislative findings had called for and which we believe to be essential. Principally for this reason the McClellan Bill was disapproved by the Federal Legislation Committee in its 1966 report. "Proposed Legislation on Control of Organized Crime," Reports of Committees of the Association of the Bar Concerned with Federal Legislation, Vol. 5, Bulletin No. 2, June 1966, pp. 31, 35–37. Since that time, the Bill has been approved by the Judicial Conference of the United States. In deference to the expertise of that latter body we have again reviewed the Bill. We have concluded however, that we should adhere to the position taken in the 1966 report, for the reasons there stated. In addition, we find the Blakey Bill, as modified by the recommendations below, to be significantly preferable to the scheme embodied in the McClellan Bill. Indeed Senator McClellan seems to have adopted this position himself, since he was the proposer of the Blakey bill as an amendment to current Administration legislative proposals.

For these reasons, the McClellan Bill will not be discussed further in this Report.

2. The Long bill (administration bill)

The Administration has supported S. 928, which was introduced by Senator Edward V. Long in the last session of Congress. (H.R. 5386 was an identical version.) That Bill would ban all wiretapping and eavesdropping except for purposes of national security, or where it is done with the consent of one of the parties to the communication. The Long Bill also would bar the manufacture and interstate shipment of wire interception and eavesdropping devices, a provision which is also contained in Professor Blakey's Bill.

The Administration has taken a restrictive position since at least June 30, 1965, when the President issued a directive to the entire federal establishment confining the use of listening devices to intelligence affecting the national security. In all other cases specific authorization by the Attorney General was required. This was followed in July of 1967 by a similar memorandum from Attorney General Ramsey Clark to the Department of Justice.

The issues raised by the Long Bill are discussed in Parts IV–VI of the Report. Part IV deals with wiretapping and eavesdropping by private persons, which we believe should be banned. In that Part, we have also opened discussion of "consent" to taps and bugs. We find "consent unsatisfactory as a basis for excluding taps and bugs from regulation, and we recommend that Congress not draw the line on this basis, as the Long Bill would have it do. Other problems of "consent" may perhaps be better dealt with in the courts. Part V deals with the relatively novel question of constitutional power to regulate private electronic eavesdropping. We have concluded that it is proper and desirable that Congress should do so.

As to the exemption for national security, we reiterate our previous position that such interceptions should be subject to judicial control. We believe that federal judges as well as executive officials can be trusted with the nation's security.

3. The Blakey bill

The President's Commission had commissioned Professor Robert Blakey of Notre Dame Law School to draft a report on legislative problems in this area and also to prepare a draft statute. Professor Blakey's report and Bill provided for limited and controlled wiretapping and bugging by law enforcement officials, to aid in the flight against organized crime. This Bill was introduced in the last session of Congress by Rep. McCulloch and in the current session by Rep. McDade. A revised version has recently been reported to the Senate as an amendment to the Administration's proposed "Safe Streets" legislation (S. 917). No test has been made available as yet, but preliminary reports indicate that important changes have been made, at least some of which we would find very seriously objectionable. Comments hereinafter concerning the Blakey Bill relate to the bill as introduced by Representative McDade (H.R. 13482) and not to any further changes included in S. 917.

The Blakey Bill contains many novel provisions. It also deals somewhat systematically with important aspects of the problem which had not been treated by previous studies or proposed bills. Because of the foregoing and because the Blakey Bill appears to be under serious consideration in the current session, it will be considered intensively in Part III below. In general, we accept the Bill's statement of the problems but we sharply disagree with many of its legislative solutions. In Part III we have set forth what we believe is sound in the Bill, together with the alternative solutions which we recommend.

PART III. THE ISSUES RAISED BY THE BLAKEY BILL

A. Background and underlying philosophy

The President's Commission, in the section of its report relating to organized crime, stated as follows the case for some wiretapping and eavesdropping by law enforcement officials:

"The great majority of law enforcement officials believe that the evidence necessary to bring criminal sanctions to bear consistently on the higher echelons of organized crime will not be obtained without the aid of electronic surveillance techniques. . . .

"Members of the underworld, who have legitimate reason to fear that their meetings might be bugged or their telephones tapped, have continued to meet and to make relatively free use of the telephone—for communication is essential to the operation of any business enterprise. In legitimate business this is accomplished with written and oral exchanges. In organized crime enterprises, however, the possibility of loss or seizure of an incriminating document demands a minimum of written communication. Because of the varied character of organized criminal enterprises, the large numbers of persons employed in them, and frequently the distances separating elements of the organization, the telephone remains an essential vehicle for communication. While discussions of business matters are held on a face-to-face basis whenever possible, they are never conducted in the presence of strangers. Thus, the content of these conversations, including the planning of new illegal activity, and transmission of policy decisions or operating instructions for existing enterprises, cannot be detected. The extreme scrutiny to which potential members are subjected and the necessity for them to engage in criminal activity have precluded law enforcement infiltration of organized crime groups." [5]

The Commission went on to say, however:

"In a democratic society privacy of communication is essential if citizens are to think and act creatively and constructively. Fear or suspicion that one's speech is being monitored by a stranger, even without the reality of such activity, can have a seriously inhibiting effect upon the willingness to voice critical and constructive ideas. . . .

"It is presently impossible to estimate with any accuracy the volume of electronic surveillance conducted today. The Commission is impressed, however, with the opinions of knowledgeable persons that the incidence of electronic surveillance is already substantial and increasing at a rapid rate." [6]

It concluded:

"All members of the Commission believe that if authority to employ these techniques is granted it must be granted only with stringent limitations. One form of detailed regulatory statute that has been suggested to the Commission is outlined in the appendix to the Commission's organized crime task force volume [the Blakey Bill]. All private use of electronic surveillance should be placed under rigid control, or it should be outlawed." [7]

The detailed regulatory statute referred to by the Commission is the Blakey Bill.[8] The Commission did not adopt it but treated it as a useful example which might be discussed. We also find it useful for this purpose—perhaps the most useful bill to date as a springboard for discussion—but as noted above we accept only parts of the bill and suggest many revisions and additions.

B. Procedures for judicial control

Central to *Berger* and *Katz* is the concept, derived from Fourth Amendment cases relating to searches and seizures, that wiretapping and eavesdropping should be under the control of a judge or magistrate. The Blakey Bill, as it must, sets forth procedures for such judicial control. No less fundamental, in our view, are the principles that judicial approval should be governed by uniform standards, and that in this new and untested area we should proceed with great caution, resolving doubts generally in favor of restriction and privacy unless a strong case is made to the contrary. The Blakey Bill makes much less satisfactory provision for these latter principles.

Which Court

Under the Blakey Bill, Federal law enforcement officials may apply to a Federal court for an order permitting wiretapping or eavesdropping, and State officials may apply to a State court. The bill provides that where the order is obtained from a Federal court it shall be obtained from the Chief Judge of the United States District Court or such judge as the Chief Judge shall designate and from a limited number of other judges.[9] This presumably is to restrict judge-shopping, on the sound theory that one applying for an order would otherwise go to the judge most sympathetic to granting such orders. As to the State court, however, the bill provides that a judge of any court of general criminal jurisdiction in the State who is authorized by a statute of that State to grant such orders may do so.

We recommend that not only Federal but also State officials should be required to go through Federal courts, which should have exclusive jurisdiction to issue wiretapping

[5] President's Commission, "The Challenge of Crime in a Free Society'" (1967), p. 201; see also "Task Force Report: Organized Crime", pp. 17–19.

[6] *Id.*, at p. 202. See also Westin, "Science, Privacy and Freedom: Issues and Proposals for the 1970's", 66 Col. L. Rev. 1003 (1966).

[7] *Id.*, at p. 203.

[8] As noted above, references hereafter to the Blakey Bill are to its designation, H.R. 13482, introduced by Rep. McDade; this report does not deal with changes made in the bill as added to the "Safe Streets" bill, S. 917.

[9] The Chief Judge of a United States Court of Appeals or such judge as he shall designate or the Chief Justice of the United States or such justice or judge as he shall designate.

and eavesdropping orders. Reliance on over 50 judicial systems militates against uniform standards for the granting of orders. It makes virtually impossible a workable system of quantitative controls on orders. It promotes judge-shopping and makes impossible central designation of judges, which the Bill provides only for Federal courts. State jurisdiction has little to commend it. The federalist concept of using States as laboratories would seem to have little application here, where the aim is uniform and tightly restricted control. We see no constructional barrier to exclusive federal jurisdiction and no substantial arguments for concurrent jurisdiction.

Who May Apply

The Blakey Bill provides that applications for wiretapping or eavesdropping orders may be made by only a limited number of persons. At the Federal level these are the Attorney General of the United States or an Assistant Attorney General and at the State level they are the State Attorney General or the principal prosecuting attorney of a political subdivision (such as a county or city District Attorney).

We agree that responsibility should be focused on those public officials who will be principally accountable to the courts and the public for their actions. Police and investigative agencies should not have the power to make such applications on their own. On the other hand, it seems anomalous to permit only very high Federal officials to apply, excluding such officials as United States Attorneys for entire State, or Districts like the Southern District of New York, while permitting county district attorneys with substantially less responsibility to make applications. It appears essential, nevertheless, to permit county district attorneys to initiate applications with respect to matters which are their constitutional responsibility, and though this could lead to some abuses the answer is not to deny the power to initiate. This point underscores, however, the need for centralized and uniform judicial control, that is, exclusive federal jurisdiction.

We also would seek to reduce the anomaly referred to above by providing that the Attorney General may delegate to United States Attorneys the power to initiate applications.

Emergency Taps or Bugs Without Orders

The Blakey Bill provides for so-called "emergency" wiretapping and eavesdropping without an order, by "any investigator or law enforcement officer", subject to ratification by the courts within 48 hours. If ratification is denied, the electronic surveillance would have to be disclosed to the subject. Presumably the analogy is to emergency searches and seizures, such as those with respect to moving vehicles, or those made incident to an arrest.

We regard this provision as dangerous and believe that it requires stringent limitation. In the first place, we believe that an emergency tap or bug without an order should be permitted only when first specifically authorized by an officer who would have the authority to initiate an application for an order in non-emergency circumstances. Secondly, we believe that emergency taps and bugs should be limited to those cases in which the quota system, described below, is inapplicable since the exigent circumstances exception could be used to frustrate the quantitative control sought to be obtained by that quota system. Thirdly, we would require that the papers upon the application for a ratifying order state with particularity the emergency circumstances relied upon and the identity of the certifying officer who authorized the tap without a prior order, and we would require further that the court, as part of its ratifying order, make specific findings with respect to the existence of justifying emergency circumstances which findings would be subject to appropriate appellate review. In addition, the Blakey Bill would seem to permit use of evidence obtained by the interception as a basis for the issuance of a subsequent court order. We strongly disapprove any such "boot-strap" provision; probable cause should be required to be established on the basis of evidence available prior to the interception. Finally, in the event the showing of emergency circumstances is found insufficient either by the Court from which ratification is sought or upon subsequent appellate review, all evidence obtained by such interceptions and all the fruits thereof should be excluded from evidence, and the tap or bug should be treated in all other respects as an unlawful interception subject, upon a showing of bad faith, to the civil and criminal consequences of such a wrongful interception proposed elsewhere in this Report.

Taps and Bugs for Gathering Intelligence Only

The Blakey Bill states that none of its provisions shall be deemed to limit the power of the President to "obtain information by such means as he deems necessary to protect the United States from actual or potential attack by, or other hostile acts of, a foreign power or to protect military, or other national security information against foreign intelligence activities." This provision exists independently of those providing for court orders to obtain evidence of such crimes as espionage. As stated above, and as stated by us in the past, we believe that all taps and bugs in the United States, including those of the C.I.A., should be brought under judicial control, with appropriate safeguards to protect security.

The suggestion has been made that taps and bugs without court order should be permitted for surveillance in the national security area and possibly also in the organized crime area, on the condition that the fruits may not be used in court. Most of us believe that such an argument misconceives the purpose behind the exclusionary rule, which is directed principally at providing a sanction against government overreaching and only secondarily at purifying court procedures, and would disapprove such a provision. Some of us believe however that such evidence should be excluded but there should be no other consequences.

The Papers for the Application

The final aspect of this procedural discussion relates to the showing which the applying official must make in order to obtain an order. The Blakey Bill's requirements state only very general requirements. For example, the affidavit must contain "a full and complete statement of the facts and circumstances relied upon by the applicant".

In *Berger*, the Supreme Court referred to the failure of the New York statute which was there in issue to require that the papers "describe with particularly the conversations sought". 388 U.S. at 59. The court said that this failure "gives the officer a roving commission to 'seize' any and all conversations. . . . As with general warrants this leaves too much to the discretion of the officer executing the order". *Ibid.* The proposed bill should be modified accordingly.

The Bill further requires a showing that "normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous". We agree with the thought underlying this requirement, that is, that wiretapping and eavesdropping should not be used unless absolutely necessary. The Bill should not, however, leave open the possibility of satisfying this requirement by a boilerplate recital of the statutory language. It should provide for a description with particulars of the efforts that have been made to obtain evidence without wiretapping or eavesdropping and a reasoned justification of the need for using wiretapping and eavesdropping methods. The Bill should, on the other hand, contain a provision authorizing the district judge who is granting the wiretapping or eavesdropping order to seal so much of the supporting papers as makes disclosures that would endanger the lives of witnesses or seriously prejudice law enforcement. The seal would remain even through trial, so long as this situation remains, subject to appropriate subsequent review.

C. Limitations on the amount of wiretapping and eavesdropping

No less fundamental to all discussions in this area is the notion that a balance must be struck between the needs of privacy and law enforcement which will minimize invasions of privacy and obtain maximum value for law enforcement from those limited invasions. Difficulties in striking that balance seem to have dominated debate. We are not satisfied with the methods which have been suggested for this purpose, nor with the new test suggested by Professor Blakey. We do believe, however, that a workable system can be devised, which is a compound of two proposed methods: a list of serious crimes and quantitative controls.

Lists of crimes

Since at least the 1962 Department of Justice bill, draftsmen of wiretapping legislation have attempted principally to limit the frequency of wiretapping and eavesdropping interceptions by proscribing them except when used to obtain evidence of serious crimes, which were listed in the bills. The list contained in the 1962 bill included cases involving certain felonies affecting the national security—espionage, sabotage, treason, sedition, subversive activities and unauthorized disclosure of atomic energy information—and also cases of murder, kidnapping, extortion, bribery, transmission of gambling information, travel or transportation in aid of racketeering enterprises, any federal narcotics offenses, and conspiracy to commit any of the enumerated crimes. A similar list, plus counterfeiting, is contained in the McClellan Bill, and a similar list, plus several additions, such as bankruptcy fraud and obstruction of justice, is contained in the Blakey Bill.

A list of crimes, however, necessarily overgeneralizes, that is, not all instances of a given kind of crime are of equal seriousness. Indeed, the same rubric may cover events of major public concern and events which are relatively trivial. A case can be made, for example, that tapping should be permitted to obtain evidence of gambling, since the funds from gambling may be the life-blood of organized crime. It does not follow that tapping should be permitted for all gambling, including the corner bookie. Organized crime is increasingly involved in fraudulent bankruptcies, yet suspicion that a marginal businessman may be secreting assets would not impress most of us as creating an occasion which is sufficiently serious to warrant wiretapping or eavesdropping. The same excessive breadth appears to apply to such crimes as obstruction of justice and counterfeiting, which are on the list in the Blakey Bill. In addition, as the activities of organized crime have proliferated, the lists of crimes in proposed legislation have also tended to lengthen. Each addition to the list makes more acute the problems of over-generalization and excessively broad invasion of privacy.

In short, a list of crimes is at the same time too broad and too inflexible a technique when used alone. Any proposed list will inevitably lump together the important and the trivial, and fail to cover some unforeseen contingency which may be of high importance.

Blakey's New Test—Status of the Subject

Professor Blakey has attempted to define another test which is more explicitly directed at organized crime. This test can be described roughly as an attempt to define a person en-

gaged in organized crime. A showing of such status would be enough to justify the issuance of a court order for wiretapping or bugging against that subject.

The proposed definition includes a showing that the subject is engaged in one of the crimes on the list summarized above, as part of a continuing criminal activity, and has two or more close associates who are doing the same thing. In an earlier draft of the Bill, Professor Blakey also required a showing that the subject had been convicted of a felony involving moral turpitude. This latter has now been dropped. For orders based on proof of such a status the Bill also provides for a quota system, which would limit the number of orders against such persons and facilities used by them, though the number of orders allowed under Professor Blakey's quotas would be substantial.

The Blakey Bill also contains as an alternative, in which no quota is involved, a list of crimes, like the 1962 Department of Justice Bill. An order may issue on a showing that there is probable cause to believe that the subject is committing, has committed or is about to commit such a crime. The papers under either alternative must also make the showing previously referred to.

The most obvious problem posed by this scheme is that so long as an order can issue under the alternative method, on a showing that the subject is involved in a listed crime, few law enforcement officials will try to invoke a definition which includes this showing in its entirety plus much more.

In addition, the notion of guilt by association is repugnant, as is the notion that one should suffer special disabilities because of a prior conviction. Reliance on defining status, moreover, is a questionable method of law enforcement, even if a satisfactory definition could be drafted. We believe that law enforcement should be directed against unlawful acts, not against classes of persons. The quota system, finally, must be much more restrictive if it is to strike an appropriate balance.

Recommendation—The Compound of a List and Quantitative Controls

The germ of a genuine alternative lies in Professor Blakey's suggestion of quotas for the number of official wire taps or bugs which can be outstanding at any one time. In the context of the Blakey Bill this provision seems to be of minimal assistance in restricting the number of orders, partly because it is to be applicable only as part of what we have called a redundant provision, and therefore not likely to be invoked, and partly because the quotas suggested seem to be too large.

We propose, however, the following twofold system. For certain very serious crimes—murder, kidnapping and espionage—and for the foreign intelligence activities of our government described in the Blakey Bill, an unlimited number of taps and bugs would be permitted, subject to judicial review and the other safeguards under the Bill.

We regard it as imperative, in this connection, that the list be limited to a few activities of very serious importance. Otherwise we believe a long "laundry list" of crimes would inevitably develop which would be so broad as to permit wholesale tapping and bugging. This we regard as simply incompatible with individual rights.

In order to afford law enforcement officers the flexibility to deal, in particular instances, with crimes other than those enumerated above, we recommend that, in addition, a very small quota[10] of taps and bugs would be permitted, on a national basis, and under control of the Attorney General, for use in obtaining evidence of any other crime. The number of such interception orders permitted to be outstanding at any one time should be so small as to be confined to use for selected and highly important cases. Selection of the occasions would then be up to the Attorney General and his advisers who are familiar with the legitimate needs of law enforcement, subject to the court order requirement. Local authorities would have to obtain the agreement of the Attorney General in order to make application for a tap or bug in this second category. A certificate from the Attorney General showing compliance with this provision should be required as part of the papers in any application for an authorizing order. Thus a nationwide system of priorities could be established by the professionals, and interception for a minor cause would tend to be ruled out by the greater needs of organized crime cases.

The proposed system is concededly experimental but it appeals to us as a more direct method of striking the desired balance than any which has been suggested by the bills under review. In any event, we think the experimental nature of the legislation requires that it be subject to prescribed periodic review in its entirety and should have a specified term.[11]

D. Privileged communications

The Blakey Bill for the first time confronts the problem of privileged communications which are intercepted by legal wiretapping or eavesdropping. Here the invasion of privacy, between attorney and client, physician and patient, priest and penitent, carries with it the potential for serious disruption of professional relationships. The uncertainty created by the possibility of unknown interception could be far-reaching.

The Blakey Bill bars orders where the subject is a lawyer, physician or a priest. This protection is more apparent than real, however, for it permits taps and bugs directed against confidential professional communications where the subject named is not the professional person, but his client, patient or penitent. The Bill also provides that taps or bugs may be granted for use in a lawyer's office, a physician's office or a confessional, on the theory, according to Professor Blakey, that such places should not be permitted to become sanctuaries for criminal activity. The evidence that such places pose genuine threats as potential headquarters for mobsters is somewhat less than compelling.

The Bill does provide that in situations where such places are to be bugged or tapped a showing of "special need" must be made to the judge and that interceptions must be conducted so as to "minimize or eliminate" the interception of privileged communications. The Bill fails to define "special need", however, or to specify sanctions for failure to "minimize or eliminate" such interference with privileged communications. Given such ambiguity these protections appear to lack substance.

It must be emphasized that sound professional relationships, such as those between attorneys and clients, require a widespread public belief that confidences will be kept secret. Once the risk grows that secrets may be intercepted by outsiders this public belief in confidentiality may well become attenuated. As a result, communications could become guarded; professional persons could be seriously hampered in analyzing clients' problems and the damage to professional institutions could be considerable. The social price of such disruption is too high. This new legislation is experimental. We believe, therefore, that unless and until experience is gained which would substantiate the conclusions assumed by Professor Blakey as to professional sanctuaries, no tapping or bugging of such places should be allowed. Even if such proof is shown there may be other and preferable ways to deal with the problem as, for example, by professional discipline. We strongly disapprove any legislation which would permit interception of privileged communications.

Where applications for orders indicate that privileged communications may be intercepted, the court should direct the agents not to make such interceptions, when at all possible; in other cases provision should be made to erase those portions of any tapes which contain interceptions of privileged communications. Orders should not be granted for use in a lawyer's or doctor's office, or on their telephones, or for a confessional. On the other hand, we see no reason to bar orders with respect to premises listed in, say, a lawyer's name, where the court can be shown that it is not a place used as a professional office.

E. Other limitations on time and place

Time

In *Berger* the Supreme Court emphasized the necessity of limiting the time during which an order for electronic surveillance (and renewals thereof) would be valid. The Court analogized an order valid for long periods of time to the constitutionally proscribed general warrant, under which an unlimited search and seizure could be made.

In *Berger* the statute which was condemned had permitted orders valid for two months, which would be renewable, presumably for periods of two months each. This time period was held to be too long. The Blakey Bill provides for 30 day orders, renewable for periods of 30 days. The limitations on time must be viewed together with the provisions for limiting interceptions to those communications which can be described with particularity. The Blakey Bill's provision would still seem to be too long under *Berger*, possibly unconstitutional, and in any event undesirable. The initial period of validity should be quite short, perhaps a week at most. Extensions, of similar duration, should be granted only upon a renewed showing of probable cause, on new motion papers. It would also seem that papers for a renewal order should set forth some evidence beyond that contained in the original papers, particularly since the anticipated conversations to be intercepted should be described with particularity. On the other hand, given the practical exigencies in obtaining renewal orders from busy judges, and the problem that is presented in the necessity to remove a bug or tap when the order has not been renewed, we would not object to renewals on oral application, within the court's discretion, to be followed within 48 hours by the filing of proper supporting papers. The Blakey Bill does not limit the number of extension orders which may be obtained. We would favor some limitation as to the maximum duration of a single court approved tap or bug.

The Home

The Blakey Bill draws no distinction between homes and other places, so far as wiretapping and bugging are concerned. We do not agree.

There is of course a possibility that homes will be used for illegal activities, such as gambling activities, and it may be noted that the famous Apalachin meeting took place in

[10] We regard it as imperative to keep the number very low in order to avoid a broad invasion of privacy. Any number, of course, must to some extent be arbitrary; the range most of us have in mind, however, is 100 or fewer taps of bugs to be outstanding at any one time throughout the nation.

[11] *E.g.*, the Blakely Bill provides for an independent study of its operations within one year prior to its termination, and for automatic prospective termination of the Bill's provisions eight years after enactment. The Bill also provides for detailed yearly reports by judges and prosecutors to the Administrative Office of the United States and complete reports on such data by the Administrative Office to Congress. We believe that these provisions are highly desirable, particularly in view of the experimental nature of this legislation.

a home. We are prepared to accept the idea of wiretaps on home telephones. Bugs in homes go too far, however. There must be some sanctuary where one can think and speak without fear. We would ban all electronic bugging in homes.

Public Telephones

Taps and bugs on public phones, as in the *Katz* case, are permitted under the Blakey Bill provided that agents avoid unnecessary overhearing of other parties' conversations and show a "special need". The latter concept, as indicated above, appears to be meaningless and we would prefer instead to rely on the requirement that orders be limited precisely to conventions of named persons and only to those. Thus automatic monitoring equipment would seem to be ruled out for public phones.[12] Beyond this, public phones would not seem to be different from other public places.

F. Disclosure

A large part of the problem involves the question of defining the extent of permissible disclosure of the intercepted communication, to whom, under what circumstances and for what purpose. The issues may be discussed in three parts:

1. The inventory, or disclosure to subjects that wiretapping or eavesdropping has taken place.
2. Disclosure within the government.
3. Disclosure to the defense before trial.

1. The Inventory, or Disclosure to Subjects that Wiretapping or Eavesdropping Has Taken Place

The Blakey Bill provides that within ninety days after termination of the wiretapping or eavesdropping order the subject must be told that such an order has been entered, the times it was in effect, and whether or not any communications were intercepted. This is referred to in the Bill as service of the inventory. The Bill further provides that such service may be postponed by the judge on a showing of good cause.

This provision, though unique in this area, may be derived from an analogous procedure in the area of searches and seizures, where the inventory functions as a receipt for what was taken. The principal significance of the inventory in this area, however, is that it lifts the secrecy from the tap or bug. Presumably the intention is thus to reduce the uncertainty which one might have as to whether or not he has been subjected to electronic surveillance.

We approve of this provision, and believe it should be a part of the legislative scheme recommended by this Report, except in the case of foreign intelligence activities of our government where the need for continued secrecy seems overriding.

The Bill stops short of requiring service on the subject of the underlying papers which supported the application for an order. Under another provision of the Bill these papers are to be sealed, and thus the subject would seem to be left without access to them, unless they are to be used against him in a criminal proceeding.

The Bill provides elsewhere substantial civil remedies for persons who are subjected wrongfully to wiretapping or electronic eavesdropping, though good faith reliance on an order is a defense. It is hard to see how these remedies can be invoked in the generality of cases when the subject cannot see the papers relied on for the order. The papers might contain false affidavits, for example, yet the subject would have no way of testing this. While perhaps he could obtain the papers by starting a lawsuit and moving for discovery of the papers submitted to the court, it seems undesirable to compel subjects to start perhaps groundless suits for this purpose. At the same time it is hard to see how the subject's lawyer could counsel him to take on faith the correctness of the papers submitted to the court.

If the underlying papers are disclosed to subjects within 90 days, nevertheless, such disclosure may destroy an entire investigation prematurely, since the papers may expose too much too soon, such as the identity and activities of informants, the extent of official information, surveillance activities and the like. While service of the inventory, as proposed, might tend to have the same effect, there the disclosure would reveal fewer particulars.

We believe that the compromise struck by the Blakey Bill serves the needs neither of privacy nor of law enforcement. We would prefer an explicit provision that the underlying papers be served with the inventory except that, upon a showing by law enforcement officials that service of either the inventory or the underlying papers will prematurely terminate an investigation, the court may postpone service of either the inventory for a period not to exceed six months and the underlying papers for a period not to exceed one year. Some of us are of the opinion that the tapes or transcripts of intercepted communications should also be served with the inventory.

Another problem with the proposed bill is that the inventory is to be served only on persons who are subjects of the order. If A, under an order, talks with B, only A is told about the interception. B's rights may have been violated but he lacks redress. B should probably also be served with the inventory. On the other hand, if for example, A, a businessman, talks with his customers, and the latter are served with papers showing that A is being bugged, the damage to confidence in A and to A's reputation in general may damage A unjustly. In this case it would seem that the customers should not be served with the inventory.

No solution seems wholly satisfactory, but we believe that the courts should have discretion to require service of the inventory on persons other than the subject of the initial order. Determinations as to who should be served would be best made on a case by case basis.

2. Disclosure Within the Government

Broad disclosure of intercepted communications within the government runs against the policy of keeping the invasion of privacy to a minimum and also against the policy of using such interceptions for highly important purposes. Despite these basic considerations, the Blakey Bill permits such broad disclosure. We trongly disapprove these provisions of the Bill.

Professor Blakey, in his original paper for the Presidents Commission, stated that intercepted material should not be disclosed in Congressional hearings. His original draft further limited disclosure within the government by providing that the intercepting official "may disclose such contents *to another investigative or law enforcement officer* to the extent that such disclosure is appropriate to the proper performance of the official duties of the officers *making and receiving the disclosure.*" (Emphasis added.)

The present draft opens very large holes in this formula and makes it possible to broadcast widely the results of bugs or taps. It permits disclosure *"to any person* to the extent that such disclosure is appropriate to the proper performance of the official duties of the officers *making such disclosure"*. (Emphasis added.) The change introduced by the italicized sections turns a restrictive policy, perhaps itself too loose, into an open door. We strongly disapprove this change.

Some find the original formula also unsatisfactory. They believe that disclosure should be confined to persons officially engaged in investigating the offense for which the original order was issued and, where relevant, as part of judicial proceedings, with perhaps an exception for official need upon explicit judicial approval on a new application.

3. Disclosure Before Trial

The Bill provides that the contents of a communication intercepted by a court approved wiretap or bug or the fruits thereof may not be used in evidence at a trial unless, at a time not less than ten days before the trial, the defendant receives a copy of the court order and the underlying papers. He can then move to suppress. We are generally in agreement with this procedure.

Perhaps a defendant can also move to discover the contents of the intercepted communications, under Rule 16 of the Federal Rules of Criminal Procedure. This Rule gives the courts discretion to disclose to a defendant his statements which are in the possession of the government. Tapped or bugged statements may be within the purview of this Rule. Some of us would make disclosure of tapped or bugged statements mandatory if such legislation as that discussed above is enacted. In view of the possible applicability of Rule 16 or some equivalent, disclosing the interception only 10 days before trial would seem to leave the defendant too little time to move thereunder and use the results of his motion. In general the defendant should have time to make motions other than suppression motions resulting from disclosure, and he should also have time to check out the facts and use the results of discovery to prepare properly for trial.

G. Certain other provisions of the Blakey bill

Other provisions of this Bill raise general problems of constitutional power and the like which will be discussed in detail below. Certain others, including relatively novel ones, require less extensive treatment.

Thus, we are in agreement with the Bill's provision for civil remedies, including liquidated damages, punitive damages and counsel fees, in favor of persons whose communications are intercepted, disclosed or used in violation of the Bill's requirements. The Bill provides that good faith reliance on a court order shall be a complete defense and this we also approve, to the end that law enforcement officials should not be harassed or intimidated.

If an intercepted communication is suppressed, the Bill gives the Government the right to appeal at that time. This would seem necessary to avoid destruction of proper prosecutions by an error in law at the trial court level, and it is not likely to interfere significantly with countervailing policies against interlocutory appeals.

The Bill provides furthermore that immunity may be given to witnesses who are to give evidence of violations of the laws relating to electronic eavesdropping and wiretapping. Such offenses are serious and we approve this provision, which would expedite enforcement of the criminal penalties under the Bill.

PART IV. WIRETAPPING AND EAVESDROPPING BY PRIVATE PERSONS AND WITH THE CONSENT OF A PARTY

Consent taps and bugs by law-enforcement officials

Under both the Blakey Bill and the Long Bill, no bar is placed on wiretapping or eavesdropping when one party to the communication consents.[13] This is true whether the

[12] Indeed, the judicial requirement for particularizing the conversation sought would seem to rule out automatic monitoring equipment generally.

[13] "The term 'intercept' means the aural acquisition of the contents of any wire or oral communication through the use of any intercepting device by any person other than the sender or receiver of such communication or a person given prior authority by the sender or receiver to intercept such communication."

consenting party be a law enforcement official or a private party.

We recommend, however, that consent eavesdropping and wiretapping by law enforcement officials should be brought within the framework of the court order system, with certain exceptions. We have proposed above that official interceptions, where consent is absent, be permitted in unlimited number in connection with certain very serious crimes as well as in the foreign intelligence activities of the United States Government and in very limited number for use in obtaining evidence of any other crime, with the express approval of the Attorney General. We propose that where law enforcement officials seek court approval to wiretap or eavesdrop with the consent of a party there be no limitation as to the nature of the crime being investigated or the number of such orders which may issue. Some of us also think that no limitations should be imposed on the place of consent interceptions. The only requirement would be the authorization of the appropriate Federal or State law enforcement official and the issuance of a Federal court order.

In addition, some of us think that if consent interceptions are brought within the framework of the court order system, provision should be made for the emergency where consent is present but the exigencies of the situation are such that delay in seeking a court order would make the interception useless. In such an "emergency" situation they would not object to the consent interception so long as within 48 hours thereafter a court order is obtained approving the interception as if it had been applied for in the normal manner. Finally, some of us also think that in the consent situation service of the inventory upon the subject of the order be eliminated. However, should a trial ensue, the pretrial disclosure provisions would be applicable.

This proposal recognizes that an individual's privacy is invaded even when the party to whom he speaks has consented to the recording, and it sanctions such an interception only when a neutral magistrate determines that the invasion is necessary. It tends to eliminate the constitutional uncertainties surrounding the consent interceptions area, which have been discussed above, without sacrificing the effectiveness of this legitimate investigative tool for law enforcement.

Tapping and bugging by private parties

The Blakey Bill, as well as the Long Bill, imposes a blanket ban on all wiretapping and eavesdropping by private parties except those interceptions made with the consent of one of the parties to the communication. Violations are punishable by criminal sanctions. If, as we suggest, it is proper to include official wiretapping and eavesdropping upon consent under the court order system, then there is little to be said for a statute which permits unrestricted consent interceptions in the private sector. There the social need is attenuated and the potential invasion of privacy great.

The usual justification for recording of conversations by a private party is that each party takes the risk that the other will repeat what has been said and hence should also take the risk that the other party will possess the means to repeat it accurately, either in court or to another private person. The contrary position is that the essence of privacy is the power to limit the extent of one's communications and that the risk of recording or transmittal is not one we should ask persons to bear in a free society. The first theory treats the risk of party monitoring like the risks that are inherent in any non-privileged conversation; the latter theory treats that risk like the risk of monitoring by outsiders.

The argument against consent eavesdropping has been put persuasively by Professor Westin, who assumes for this argument that eavesdropping would otherwise be limited to obtaining evidence of serious offenses on authorization from the courts.

"This [exception] has been the basic charter for private detective taps and bugs . . . and for much free-lance police eavesdropping. Allowing eavesdropping with the consent of one party would destroy the statutory plan of limiting the offenses for which eavesdropping by device can be used and insisting upon a court order process. And as technology enables every man to carry his micro-miniaturized recorder everywhere he goes and allows every room to be monitored surreptitiously by built-in equipment, permitting eavesdropping with the consent of one party would be to sanction a means of reproducing conversation that could choke off much vital social exchange." [14]

It is significant that the Federal Communications Commission has rejected the consent exception for its rule banning eavesdropping by use of radio devices. The F.C.C. reversed its original position after receiving a memorandum from the Special Committee on Science and Law of this Association. The Commission said:

"9. Objection was made by the Association to that provision of the proposed rules which would make the prohibition against eavesdropping inapplicable where the use of the device is authorized by one or more of the parties engaging in the conversation. It was contended that this approach fails to recognize a distinction between the risk that a party to a conversation may divulge what he remembers from the conversation and may be believed by others, and the risk that a party to a conversation will use a radio device to overhear and record the conversation verbatim, or authorize another to so overhear or record it. Doubt was expressed as to whether most persons assume, or should assume, the risk that their conversations are being overheard or recorded by the use of such devices. The Association also expressed the view that the real significance of this provision of the proposed rules would be to enlarge the area of permitted eavesdropping beyond that likely to be condoned by the public or by the courts.

"10. Our proposal was based upon the tentative view, set forth in paragraph 6 of the Notice of Proposed Rule Making, that anyone who engages in conversation with others must assume the risk that anything he says may be divulged without his knowledge by any other party to the conversation. However, upon further consideration we have decided that the objections to this view are well founded and that we should not sanction the unannounced use of listening or recording devices merely because one party to any otherwise private conversation is aware that the conversation is in fact no longer private.

"11. The right of privacy is precious and should not be sacrificed to the eavesdropper's needs without compelling reason. We cannot find such reason here, subject to the single exception made in paragraph 13, *infra*, for law enforcement officers operating under lawful authority. *We agree that the ordinary risk of being overheard is converted into another risk entirely when the electronic device is made the instrument of the intruder. Coupled to a recording device, this new eavesdropping tool puts upon the speaker a risk he has not deliberately assumed, and goes far toward making private conversation impossible. We do not believe the assumption of such a risk should be made the basis of our rules.* We are commanded by the Communications Act to 'encourage the larger and more effective use of radio in the public interest,' Section 303(g). Upon reflection, we do not believe it to be consistent with the public interest to permit this new product of man's ingenuity to destroy our traditional right to privacy." (Emphasis added.)

For these cogent reasons, we disapprove the blanket consent exception in the private sector. We see no social justification for consent wire-tapping by private parties. However, we do recognize that there is a question whether there may not be some classes of conversation which one of the parties should be permitted to record secretly, and there is also a question as to the sanctions which are appropriate in this area. One thinks of the businessman who tells his secretary to listen to his conversation on an extension phone in order to have a witness to what is said. One also thinks of the situation of a criminal defendant faced with a shakedown attempt by one he knows to be a prospective witness against him, who requires self-protection. Though a full discussion of this area is beyond the scope of this report, a number of factors may be relevant in specifying more limited exceptions. These would include (1) the social importance of the recording or eavesdropping, (2) the relationship between the parties, (3) the circumstances under which the recording or eavesdropping is to take place, and (4) the collateral problems arising from promotion of the kind of eavesdropping in question. See Greenawalt, *supra*, at pp. 221–239. Our suggestion is that the sanction against private consent recording or eavesdropping be confined to tort remedies and exclusion of the use of information so obtained in any judicial proceeding by the procurer of the recording. The statutory standard could then be rather generally phrased so as to permit development by the courts on a case-by-case basis.

We fully approve as a general principle the provisions in both the Blakey Bill and the Long Bill that preclude all third-party wiretapping and eavesdropping in the private sector. Its all too common use as a means of gathering evidence in divorce proceedings and in obtaining information in competitive commercial situations should be condemned. While we believe that the procurer of such an interception should be subject to the criminal as well as the civil sanctions proposed in the Blakey Bill, we hesitate to treat as severely a person who "uses" information knowing it to have been obtained by means of an illegal interception. As against the knowing user, we would suggest that the aggrieved party be confined to a tort remedy. There may be some few instances in which third-party interceptions serve a socially useful purpose, such as in the case of a social scientist seeking empirical data, but we do not think it is feasible to carve out an exception to cover these limited situations. Finally, no information obtained as a result of a third-party interception should be admitted in evidence in any court proceeding except in the case of a prosecution or civil suit based upon a violation of the laws relating to wiretapping and eavesdropping.

PART V. FEDERAL POWER TO CONTROL WIRETAPPING, EAVESDROPPING AND DEVICES FOR SUCH USE

Though Congress undoubtedly has power to control wiretapping under the commerce power, the extent of Federal power over eavesdropping is less settled. *Berger* and *Katz*, dealing as they do with the requirements of the Fourth and Fourteenth Amendments, have nothing to say directly about this question.

There has not been doubt that legislative power to control exists in the area of wiretapping, under the commerce clause. Indeed, it is hard to see how there could be an intrastate wire communication which in no way "affected commerce". See *Weiss* v. *United States* (Cite). As to eavesdropping, the Blakey Bill forbids interception of oral communications without regard to whether they

[14] Westin, *Science, Privacy and Freedom: Issues and Proposals for the 1970's*, 66 Col. L. Rev. 1205, 1226 (November 1966). See also, Greenawalt, *The Consent Problem in Wiretapping and Eavesdropping: Surreptitious Monitoring With the Consent of a Participant in a Conversation*, 68 Col. L. Rev. 189 (1968).

are commerce-related. Possession of devices primarily useful for interception (see Part VI, infra) is forbidden, however, only if the devices or components have travelled in commerce, and manufacture and distribution are also reached only when there is a commerce connection.

Both the commerce power and the enforcement clause of the Fourteenth Amendment as interpreted by the Supreme Court indicate that Congress may reach "local" manufacturing, sale, and use. Given the easy transportability of most wiretapping and eavesdropping devices and the impossibility of preventing someone from carrying them across state lines, a prohibition on transportation across state lines would be greatly enhanced by a prohibition of manufacturing and sale for local purposes. Insofar as use is concerned, both convenience of enforcement against commerce-connected uses and equal treatment of persons engaging in virtually identical activities would be promoted by reaching local use. Perhaps even more important, any general local use of devices might affect the ways in which persons carry on interstate business, since both those overheard and those doing the overhearing may have difficulty grasping the subtle distinctions between covered and uncovered uses.

The Supreme Court has been remarkably permissive in the last thirty years in sustaining Congressional exercises of power claimed to rest on the commerce clause. Among the more relevant cases are *Wickard* v. *Filburn*, 317 U.S. 111 (1942) and *Katzenbach* v. *McClung*, 379 U.S. 294 (1964). They establish that the particular action reached need not itself affect commerce so long as the cumulative impact of that and similar actions would produce an effect on commerce. It is true that the suggested exercise of the commerce power with regard to eavesdropping is analytically distinguishable, since it rests upon the need to achieve effective enforcement in regard to admittedly commerce-related situations and/or upon effects on commerce that are more speculative than those involved in *Wickard* and *McClung*, but it is difficult to believe that these differences would lead to a contrary result. Given the Supreme Court's general hesitancy to strike down any Congressional legislation on grounds of Federalism, the obvious national interest in meaningful eavesdropping rules, and the recognized desirability of legislative action (deriving both from the Court's difficulty in drawing appropriate constitutional lines and the patent inadequacy of the exclusionary rule as a deterrent of private activity), it is almost certain that any Congressional attempt to deal comprehensively with the eavesdropping problem would be sustained against a claim that the limits of federal power had been exceeded.

Analysis of the Supreme Court's interpretation of Section 5 of the Fourteenth Amendment suggests the same conclusion under that Constitutional provision.

The Voting Rights Act of 1965 prohibited states from requiring literacy in English, as a condition for voting, of persons educated in an American flag school. *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), sustained that exercise of Congressional power. It did so without reaching the question whether the New York English literacy requirement violated the equal protection clause of the Fourteenth Amendment. The opinion conceded considerable discretion to Congress to determine the bounds of the equal protection clause. Congress might have determined that the New York constitutional provision resulted largely from prejudice or that the state interest asserted to support its existence did not justify denial of a right as precious as the right to vote. The Court's role was merely to "perceive a basis upon which Congress might predicate a judgment" that the New York requirement was "an invidious discrimination in violation of the equal protection clause". In an alternative rationale, the Court held that Congress could forbid a perfectly constitutional state requirement (English literacy for voting) if it determined that this requirement led to other constitutional violations (inequality of government services for residents not speaking English). In *United States* v. *Guest*, 383 U.S. 745 (1966), six members of the Court made clear their willingness to sustain federal statutes reaching private action that interferes with Fourteenth Amendment rights.

Morgan's relevance to eavesdropping is that reasonable men could conclude that Congressional action is needed to protect against instances of bugging that violate the Fourth Amendment. The Court can "perceive a basis" on which Congress might make that judgment and thus would sustain a prohibition of eavesdropping by law enforcement officers. The notion that the Court would strike down a law against eavesdropping by State law enforcement officers as an impermissible extension of Federal power is highly implausible.

The argument that the Fourteenth Amendment supports prohibition of local private use is less obvious. No one is prevented from using a State facility on an equal basis or enjoying other benefits from the State. A theory can be advanced that Congress has the power to legislate against private interference with freedom of expression or a "right to privacy". The prohibition may also be supportable as a Congressional exercise of power, under Section 5 of the Fourteenth Amendment, to give particular content to the national citizenship conferred by the first sentence of that Amendment.[15]

In any event, it seems clear that local manufacture and sale to private persons and private use make more likely prohibited law enforcement use. If devices are generally available and used, police officers will be more likely to use them. The police may also, in ways not easily discerned, arrange for private detectives and others to spy for them, thus avoiding the mandate against police use. Thus as an aspect of effective enforcement of the general prohibition on official use under the Fourteenth Amendment, Congress can reach actions with regard to eavesdropping devices that do not involve State authorities.

If, as has been suggested, Congress has the power to pass comprehensive legislation in regard to eavesdropping, and need not limit itself to "commerce-related" situations, it would follow that it can decide to permit eavesdropping only upon the issuance of a federal court order.

PART VI. PROHIBITIONS ON MANUFACTURE AND DISTRIBUTION OF EAVESDROPPING DEVICES

Both the Blakey Bill and the Long Bill prohibit persons from sending or carrying in interstate or foreign commerce or sending in the mail "any electronic, mechanical or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of wire interception or eavesdropping". It also forbids manufacturing or assembling such devices if they or their components "ha[ve] or will be" sent through the mails or in commerce. A similar prohibition is placed on advertisements to be sent in commerce of such devices, as well as on advertisements of other devices designed to promote their use for wire interception or eavesdropping.

There are several problems with these provisions. The standard of "primarily useful" seems too vague for a criminal statute. The inherent vagueness of the phrase is intensified by the fact that discovery of new uses for existing devices may shift them in or out of that category. This vagueness is not cured by the requirements that the sender "know or have reason to know" the nature of the device; "having reason to know" is itself a rather vague criterion.

It is doubtful, moreover, if "primarily useful" is even a standard that sensibly balances competing social demands. The object is, of course, to preserve the availability of devices with legitimate uses and to restrict the availability of those used for anti-social purposes. But to make a sensible judgment, one needs to know how easily the legitimate uses can be filled by other devices. Contrast the following two hypothetical devices: Device A is useful primarily for eavesdropping; it has one legitimate but limited use of great social value that cannot be filled by any other device. Device B is primarily useful for legitimate uses but can also be used for eavesdropping; other devices at the same price can perform all B's socially useful functions, but cannot be used for eavesdropping. Society has a greater interest in preserving the availability of Device A than Device B, although Device A is useful primarily for eavesdropping and Device B is not. Plainly, no devices are likely to fit such simple analysis, but this example does indicate that the social judgment involved is more complicated than that implied by the "primarily useful" formula.

Added to this is the fact that these prohibitions on manufacture work at cross purposes with the proposed provisions for limited and regulated electronic eavesdropping. If some eavesdropping is to be permitted, it makes little sense to compel intrastate manufacture and distribution of the necessary devices.

We do not believe a shorthand formula that adequately balances competing social

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[15] "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." U.S. Const., amend. XIV, §1. As noted by the Court in the *Slaughter-House Cases*, 83 U.S. (16 Wall.) 36, 72–73 (1873), this declaration of citizenship was intended specifically to overturn the *Dred Scott* decision, which had held that a person of African descent, whether or not a slave, was not a citizen of a state or of the United States, as well to reverse the view, theretofore widely adhered to, that United States citizenship arose, if at all, only by reason of state citizenship.

It seems not to have been questioned that, whatever the incidents of national citizenship may be, they are a proper subject of legislation under Section 5, whether directed against private individuals or states. See *United States* v. *Cruikshank*, 92 U.S. 542, 552–53 (1876) (dictum that right to discuss public affairs or petition for redress of grievances is incident of national citizenship which Congress can protect against private interference). A restrictive view was taken by the Court of the scope of the privileges and immunities of national citizenship in the *Slaughter-House Cases*, 83 U.S. (16 Wall.) 36 (1872), at least in the absence of Congressional legislation, but certain more recent cases suggest a somewhat broader view of the content of national citizenship. See the concurring opinions of Justices Douglas and Jackson (representing the views of four members of the Court) in *Edwards* v. *California*, 314 U.S. 160, 177, 181 (1941), and *United States* v. *Guest*, 383 U.S. 745, 757–59 (1966); see also the Department of Justice Memorandum submitted to Congress in 1967 suggesting this approach as one of the bases of Fourteenth Amendment support for open housing legislation: ". . . it is arguable that the right to be free of racial discrimination in the purchase and rental of residential property—partially grounded as it is in the Thirteenth Amendment—is one of those privileges of national citizenship which Congress may protect against wholly private action. See *Slaughter-House Cases, supra*, 16 Wall. at 80; *Civil Rights Cases, supra*, 109 U.S. at 20, 23; *Clyett* v. *United States*, 197 U.S. 207, 216–218." 112 Cong. Rec. at 16073.

interests can be framed in the context of a criminal statute. Certainly the bill as written does not contain one. One alternative would be to drop restrictions on manufacture, sale and advertising and attack only improper use. If improper uses were easy to detect and one could be sanguine about vigorous law enforcement in this area, that solution would make sense; but we fear that improper use is an inevitable consequence of widespread availability of eavesdropping devices. Some regulation on manufacture and sale is called for as a supplement to use prohibitions.

An administrative body, such as the F.C.C. or the F.T.C., would be far better suited than Congress to catalogue existing devices and assess the extent to which they fill legitimate social needs. It would be flexible enough to reexamine devices as new uses are discovered and to assess new devices as they are developed. Without meaning to prejudge the determinations of such a body, we would suggest that devices would fall into three broad categories. Some would be almost solely of use for wire interception or eavesdropping; the manufacture and sale of these would be prohibited except under arrangement with law enforcement agencies authorized to use devices for that purpose, if any agencies are so authorized. Some would be so commonly used for legitimate purposes that they would be generally available; only improper advertising and use would be proscribed. Some would be highly useful for eavesdropping and of limited but significant usefulness for legitimate purposes. These could be manufactured and distributed to private persons under some sort of licensing scheme and upon a showing of need for the device.

CONCLUSION

Difficult as are the problems in reaching agreement on legislation, legislation must be enacted. Such legislation should direct itself to the complexities of the subject and should avoid overly simple formulas. We disapprove the Long Bill and the McClellan Bill as legislative proposals which do not meet these requirements.

The draft statute prepared by Professor Blakey for the President's Commission, which after initial revision was introduced in the current session of Congress by Rep. McDade as H.R. 13482, raises the issues better than other proposals now before Congress, but many of its solutions are unacceptable to us.

Accordingly, we have detailed above our recommendations, summarized at pages 3 and 4 of this Report, as to the major features of a bill which, while containing elements of all of the major proposals, would create, on an experimental basis, a system quite different from any thus far proposed. We believe that a bill—which we reiterate must be regarded embodying such a system as integral parts of a single legislative scheme—is greatly preferable to the present chaotic situation. We urge that such a statute be drafted and enacted into law.

APRIL 24, 1968.

Respectfully submitted.

Committee on Federal Legislation: Eastman Birkett, Chairman; Thomas L. Bryan; John F. Cannon; [16] Robert L. Carter; Sheldon H. Elsen; James T. Harris; Louis Henkin; [16] Edwin M. Jones; Geoffrey M. Kalmus; Robert M. Kaufman; Robert E. Kushner; Kenneth J. Kwit; Arthur Liman; Gerald M. Levin; Jerome M. Lewine; Jerome Lipper; Louis Lowenstein; John Lowenthal; [16] Edward A. Miller; Gerald M. Oscar; Alan Palwick; Myra Schubin; Jerome G. Shapiro; E. Deane Turner; Leon H. Tykulsker.

Committee on Civil Rights: Louis A. Craco, Chairman; Edward Brodsky; Milton M. Carrow; [16] Ambrose Doskow; James F. Downey III; Michael Seth Fawer; Patricia Garfinkel; Peter J. Gartland; R. Kent Greenawalt; Richard A. Givens; Arthur M. Handler; Conrad K. Harper; Peter H. Morrison; Judson A. Parsons, Jr.; [16] Leon B. Polsky; Norman Redlich; [16] Leonard B. Sand; J. Kenneth Townsend, Jr.; William J. Williams, Jr.

[16] Messrs. Cannon, Carrow and Parsons dissent on the ground, among others, that broader authority for governmental wiretapping and eavesdropping should be granted than is recommended by this report. Messrs. Henkin and Lowenthal dissent because, in their view, the recommended legislation would not eliminate illegal wiretapping and bugging; its advantages for law enforcement would not be worth the price in loss of privacy and personal liberty; and its sponsorship by the Committee might enhance the prospect of more intrusive legislation. Mr. Redlich abstains.

REPORT OF COMMITTEES ON CIVIL RIGHTS AND FEDERAL LEGISLATION ON PROPOSED FEDERAL LEGISLATION ON WIRETAPPING AND EAVESDROPPING, NEW YORK COUNTY LAWYERS' ASSOCIATION

(S. 675, S. 928, H.R. 10037)

On January 25, 1967, Senator McClellan introduced S. 675 and on February 8, 1967, Senator Long introduced S. 928 in the United States Senate. On May 16, 1967, Representative McCulloch introduced H.R. 10037 in the House of Representatives. Similar bills have been introduced in both Houses of Congress by other members relating to the problem of wire tapping and eavesdropping. On June 12, 1967, the Supreme Court decided *Berger* v. *New York*, 388 U.S. 41 (1967) declaring the New York eavesdropping statute, Code of Criminal Procedure, Section 813–a, unconstitutional as written. We take this opportunity to review the entire subject of wire tapping and eavesdropping in light of these recent developments and in light of our prior report on the subject, dated April 13, 1962.

We have not reviewed other proposals submitted to the Congress after the decision in *Berger* v. *New York*, 388 U.S. 41 (1967), but our consideration of the effect of that opinion applies with equal force to all such other proposals.

The chaotic condition of the present State and Federal law makes clear the need for Congressional legislation in the area of electronic invasion of privacy. Only, however, through a review of the legal background can the specific deficiencies and merits in the proposed bills be revealed. This report will briefly summarize the legal and factual background in the wire tapping and eavesdropping field and then will offer specific suggestions for improvements in the bills.

CONCLUSIONS

1. We are convinced that Federal legislation in the wire tapping and eavesdropping field is needed to create a uniform national policy and to eliminate current conflict and confusion in State and Federal law, particularly with respect to section 605 of the Federal Communications Act of 1934. Legislation is preferable to sweeping constitutional rulings by the Supreme Court.

2. We feel that wire tapping, though not covered by the *Berger* decision, is no less offensive an invasion of privacy than eavesdropping. It should be subject to the same restrictions. Despite our inherent dislike of wire tapping and eavesdropping, we reaffirm the view of our earlier Report that a bar on all wire tapping and eavesdropping by law enforcement officers exceeds the requirements of the Constitution, and would be unwise and undesirable at this time.

3. We favor enactment of legislation substantially in the form of H.R. 10037 (the McCulloch Bill), providing the changes recommended herein are made. H.R. 10037 combines the best features of the Long and McClellan proposals and improvements contained in neither. H.R. 10037 also eliminates current confusion in the law, and would, if changed as recommended herein, strike a fair balance between the rights of the individual as preserved under the Fourth Amendment, and the right of society to be protected against criminal activity.

DISCUSSION

Summary of Current Law

Constitutional Theory—Under the United States Constitution, there appears to be no bar to wire tapping or eavesdropping, unless there is a physical trespass or intrusion into a constitutionally protected area.[1] (As used in this report, eavesdropping means using devices to overhear conversations that do not take place on the telephone). In 1928, the Supreme Court ruled that wire tapping, which

*Certain Members of both Committees have dissented from this report.

[1] On December 18, 1967, subsequent to the preparation of this Report, the U.S. Supreme Court decided *Katz* v. *U.S.* — *U.S.* —. As a result of *Katz*, this statement is no longer law. *Katz* overrules *Olmstead* and *Goldman*. However, the *Olmstead* and *Goldman* decisions and the theory that a physical trespass is needed before the Fourth Amendment applies to a wiretap or an eavesdrop is fundamental to an understanding of the development of constitutional law in this area. Accordingly, this summary of the law before *Katz* was decided remains useful.

In *Katz*, distinctions between eavesdropping with or without a physical trespass are swept away. The Court reversed a gambling conviction based on eavesdropping evidence obtained from a microphone placed on top of a telephone booth used by petitioner but without any physical intrusion of the microphone into the booth. The Court said the fact that the electronic device employed did not happen to penetrate the wall of the booth had no constitutional significance. The Fourth Amendment was held applicable here, because petitioner justifiably relied on privacy from being overheard when making telephone calls from this public booth. The Court then found that the particular eavesdropping employed here failed to satisfy the Fourth Amendment standards set forth in *Berger* v. *New York*, 388 U.S. 41 (1967).

We view *Katz* significant for three reasons:

(1) It establishes, as concluded in this Report, that wiretapping and eavesdropping is constitutional if conducted in accordance with the Fourth Amendment standards of reasonableness set forth in *Berger*. Particularly relevant is footnote 16 of the majority opinion in *Katz*. It shows that the requirement of notice mentioned in *Berger* does not necessarily mean notice prior to the installation of the wiretap, thus defeating its purpose. Just what sort of notice will suffice is left unclear in both *Katz* and *Berger*. (Some of our members feel that notice given after the wiretap or eavesdrop takes place renders futile any notice at all, since the injury has already occurred. Other members, however, feel that subsequent notice preserves the usefulness of the wiretap or eavesdrop for law enforcement purposes, while also preserving the right of the injured party to sue civilly for damages. See McCulloch bill, Section 2520, as to Civil actions by injured parties for damages.)

(2) *Katz* is also significant in that it makes a single standard applicable to all wiretapping and eavesdropping, as recommended in this Report. See discussion, p. 4, *infra*.

(3) Finally, *Katz*, in footnote 23 of the majority opinion and in the concurring opinions of Justices Douglas and Brennan raises serious questions concerning the constitutionality of eavesdropping or wiretapping without court order by the President in national security cases. We have not considered that question in this Report.

involves no physical intrusion, is not a "search" within the meaning of the Fourth Amendment. *Olmstead v. United States*, 277 U.S. 438, 466 (1928). Later, in *Goldman v. United States*, 316 U.S. 129 (1942), the Supreme Court held that as to eavesdropping where no physical trespass or penetration takes place, the Fourth Amendment is also inapplicable. Contrast *Silverman v. United States*, 365 U.S. 505 (1961), where penetration of a spike microphone into a wall was held a sufficient physical invasion to bring that eavesdropping within the constitutional prohibition against unreasonable searches. In the recent Supreme Court decision of *Berger v. New York*, 388 U.S. 41 (1967), the Court declared that the holding of *Olmstead*, which dealt with wire tapping, had been "negated by our sub. cases." *Id.* at 51. However, *Berger* does not expressly overrule *Olmstead*, and, apparently deals only with the eavesdropping issue before it. *Berger* holds that "conversation" is within the Fourth Amendment's protections and that the use of electronic devices to capture conversation is a "search" within the meaning of the Fourth Amendment, if accompanied by an "intrusion" into a "constitutionally protected area." 388 U.S. at 51–52. Despite a lengthy review of prior decisions, just what constitutes an "intrusion" is left unclear, for in *Berger* there was a clear *physical* trespass or invasion into the attorney's office to plant the bugging device. Thus, there was no need to reconsider whether a lesser "intrusion" i.e., mere interception of a conversation alone, would be sufficient to fall within the ban of the Fourth Amendment.

By discussing with approval the use of an eavesdropping device pursuant to Court order in *Osborn* v. *United States*, 385 U.S. 323 (1966), the Court in *Berger* makes clear that eavesdropping by law enforcement officials is constitutional, if conducted under Fourth Amendment standards of reasonableness. According to *Berger*, these constitutional standards are as follows: First, a statute authorizing eavesdropping must interpose a neutral and detached authority between police and public. 388 U.S. at 54. Second, the statute must require the belief that a particular offense has been or is being committed; and must require particular description of conversations sought to be intercepted. *Id.* at 58. Third, two months is too long a period to authorize eavesdropping, since that amounts to a series of intrusions or searches pursuant to a single showing of probable cause. (The Court does not say what period would be consititutional). Any extensions of an eavesdropping order should be based on an entirely new application showing present probable cause. *Id.* at 59. Fourth, the statute must require termination of the eavesdrop once the conversation sought is intercepted. *Id.* at 59–60. Fifth, the statute should require some notice to the person whose conversations have been overheard.[2] There should also be a "return on the warrant," as with traditional search warrants, in which the Judge is apprised of the results of the interception. *Id.* at 60.

Whatever may be the constitutional theory, and whatever may be the implications of the *Berger* case, we believe that a result which bars the use of an eavesdropping microphone if it penetrates the wall, but permits use of a microphone that does not, is unfortunate. Both microphones are equally available to modern science and both constitute an equally offensive invasion of privacy of persons whose conservations are overheard. Moreover, we believe wiretapping is no less offensive than eavesdropping. Both eavesdropping and wiretapping involve an equally objectionable invasion of privacy and both should be subject to the same safeguards against abuse.[3] However, statutory remedies would, in our view, be preferable to an inflexible and sweeping constitutional ruling by the Supreme Court.

Federal Statue—Section 605 of the Federal Communications Act of 1934, 47 USCA § 605, is the only Federal statute in the wire tapping and eavesdropping field, but does not regulate eavesdropping at all. The key language of Section 605 provides that "no person" not authorized by the sender "shall intercept any communication and divulge" its contents to "any person." One major weakness of Section 605, is its inapplicability to eavesdropping activity on the grounds that no "interception" is involved. *Goldman* v. *United States*, 316 U.S. 129 (1942). Thus, only constitutional principles presently govern eavesdropping. And, as we have seen, the Constitution provides scant, if any practical control, and no criminal sanctions for wrongful use of eavesdropping devices by anyone.

A second weakness of Section 605 is its apparent inapplicability to wire tapping until both "interception" and "divulgence" have occurred. The Department of Justice for many years has taken the view that if "interception" occurs without subsequent "divulgence" there is no violation of Section 605. Hon. Nicholas deB. Katzenbach, then Deputy Attorney General of the United States, "An Approach to the Problems of Wiretapping," 32 F.R.D. 107 (1963). The Supreme Court has specifically left this question open. *Benanti* v. *United States*, 355 U.S. 96, 100 n.5 (1957); *Rathbun* v. *United States*, 355 U.S. 107, 108 n.3 (1957). The Department of Justice has also taken the position that internal disclosure to personnel within the Department, does not constitute "divulgence" within the meaning of Section 605. No Federal statute appears to prevent wire tapping by the F.B.I. and others, as long as the information obtained never is "divulged." We understand that a similar interpretation of internal disclosure under Section 605 has been taken by the District Attorney of New York County and other law enforcement officials. By regulation, Attorney General Ramsey Clark has recently prohibited wire tapping and eavesdropping by Federal agencies, except with the consent of the parties, or with the written consent of the Attorney General. (*N.Y. Times*, p. 16, July 7, 1967). Nevertheless, the new Federal regulations have no application to State law enforcement officials nor do they contain any sanctions for violation of their provisions by Federal officers.

Compounding the confusion, it is unclear what constitutes "divulgence" under Section 605 outside of the Agency involved. It would seem that testimony by State or Federal law enforcement officers in a criminal trial is prohibited "divulgence" of wire tap communications under Section 605. *Nardone* v. *United States*, 302 U.S. 379 (1937); *Benanti* v. *United States*, 355 U.S. 96 (1957). Similarly, leads derived from illegal interceptions are inadmissible in Federal Courts under the "fruit of the poisonous tree" doctrine. *Nardone* v. *United States*, 308 U.S. 338, 341 (1939).

Yet, no injunction will be issued to prevent such testimony in State Courts before it is given. *Pugach* v. *Dollinger*, 277 F. 2d 739 (2nd Cir. 1960), *aff'd.*, 365 U.S. 458 (1961). No injunction would be needed, of course, if such evidence were excluded from use in State Courts by rule, as it is in Federal Courts. *Nardone* v. *United States*, 302 U.S. 379 (1937); *Benanti* v. *United States*, 355 U.S. 96 (1957). However, no such exclusionary rule is applicable to the States. *Schwartz* v. *Texas*, 344 U.S. 199 (1952). Nor does it appear that *Mapp* v. *Ohio*, 367 U.S 643 (1961), has overruled *Schwartz*. See, *Williams* v. *Ball*, 294 F. 2d 94, 96, (2nd Cir. 1961), *cert. denied*, 368 U.S. 990 (1962). The confusion over what constitutes violation of Section 605, is such that some Judges in New York have refused to sign orders permitting State law enforcement officers to wire tap under New York procedure, N.Y. Code of Criminal Procedure, Section 813-a on the ground that doing so would be a Federal crime under Section 605. *Matter of Interception of Telephone Communications*, 23 Misc. 2d 543 (Court of Gen. Sess. N.Y. Co. 1960). Yet, the New York Court of Appeals has permitted use of evidence obtained from such wire taps in State criminal proceedings, even though the divulgence was apparently a Federal crime. *People* v. *Dinan*, 11 N.Y. 2d 350, 229 N.Y.S. 2d 406, *cert. denied* 371 U.S. 877 (1962).

We consider it anomalous that wire tap evidence, and its fruits, should be admissible in State Courts, but not in Federal Courts. We believe that *Schwartz* v. *Texas*, 344 U.S. 199 (1952) should be overruled by legislation, and that an exclusionary rule should be enacted to prevent admission of illegally obtained wire tap and eavesdrop evidence in State as well as in Federal proceedings. Also needed in this area, is statutory definition of what constitutes "divulgence" under Section 605.

The third weakness of Section 605 is the narrow remedy provided for persons aggrieved by a violation of its terms. The Supreme Court has held that the protection under Section 605 is personal to the participants in a telephone conversation, and only they have standing to object to the introduction of evidence obtained by wrongful interception. *Goldstein* v. *United States*, 316 U.S. 114 (1942). In *Goldstein*, co-conspirators of a witness sought unsuccessfully to prevent admission into evidence of conversations between the witness and third parties illegally intercepted by the government. There is, however, precedent under State law for a civil remedy for damages to victims of wrongful interception. See, *e.g.* Illinois Ann. Stat. § 14.6.

The fourth weakness of Section 605, similar to the first weakness mentioned above, is the apparent inapplicability of Section 605 to the manufacture, advertising, distribution, possession and use of new electronic and other snooping devices which may affect the privacy of citizens. For instance, Section 605 appears to have no regulatory effect over the use of closed circuit television, infra red light for photography or secret observation at night, one way mirrors, truth serum and other drugs. A partial approach at regulation has been made recently by the Federal Communications Commission in Docket No. 15262, released February 28, 1966, where the Commission adopted rules prohibiting the use of radio devices for eavesdropping, except with permission of all parties engaged in the conversation, with exception granted to the operations of law enforcement officers, conducted under lawful authority. 31 Fed. Reg. 3397.

State Law—The Federal law summarized above is superimposed upon a patchwork of related but frequently conflicting State laws. In approximately 11 States, wire tapping is permitted with or without Court Order, when practiced by law enforcement officials. See *Laws Relating to Wire Tapping and Eavesdropping, Senate Committee on the Judiciary*, 89 Cong. 2nd Sess. (1966). In approximately 31 States, all wire tapping and eavesdropping is prohibited, including that by law enforcement officers, *ibid.* In eight States, there appears to be no statutory law on this subject, *ibid.* Among other restrictions, Maryland statutes require registration of eavesdrop and wire tap devices with the Superintendent of State Police by those possessing, selling or manufacturing them. Failure to register is a crime. Article 27 Maryland Code Ann. § 125D. Obviously, the enforceability of this effort at regulation stops at Maryland's borders. A copy of § 125D is annexed as Appendix B. In New York, authority to wire tap pursuant to Court Order is granted in the State Constitution itself. N.Y.

[2] See *Katz* v. *United States* — U.S. —(Dec. 18, 1967) n. 16 and discussion in footnote 1, *supra*, p. 2–3.

[3] This has been accomplished by the Supreme Court in *Katz* v. *United States* — U.S. — (December 18, 1967). See footnote 1, *supra*, p. 2–3.

Const. Art. I, Sec. 12. The New York Code of Criminal Procedure, Sec. 813-a, provides detailed procedures on intercepting telephone conversations. Yet the New York Court of Appeals has refused to prevent divulgence of such intercepted conversations as evidence in State proceedings, even though the divulgence was apparently a Federal crime under Section 605, as discussed above. *People* v. *Dinan*, 11 N.Y. 2d 350, 229 N.Y.S. 2d 706 *cert. denied* 371 U.S. 877 (1962).

Against this legal background of conflicting and confusing Federal and State law, Congressional clarification and codification is essential. A summary of three of the legislative proposals before the Congress during the the preparation of this Report is annexed hereto as Appendix A.

SPECIFIC COMMENTS ON THE BILLS

1. The Long Bill, S. 928, is deficient because it goes beyond constitutional requirements, as defined in *Berger* v. *New York*, 388 U.S. 41 (1967), and bans all wire tapping and eavesdropping, even if necessary to carry out legitimate law enforcement objectives and if carried out under proper safeguards. We see no reason at this time to pass legislation more stringent than the Constitution requires. In addition, the Bill contains no provision excluding from State Courts evidence obtained in violation of its terms. One principle objective of Federal legislation in this area should be the overruling of *Schwartz* v. *Texas*, 344 U.S. 199 (1952), which is not accomplished by the Long proposal.

2. The McClellan Bill, S. 675, deals only with wire taps, and not eavesdropping. We think both practices should be subject to a uniform national standard established in any Act adopted by the Congress.

3. Section 8(d) of the McClellan Bill and Section 2818(e) of H.R. 10037, the McCulloch Bill, should be amended to require that the interception Order describe with particularity the conversation sought. In addition, both Sections should require termination of the interception as soon as the conversations sought are heard. These changes are required by the Constitution, at least as far as eavesdropping is concerned. *Berger* v. *New York*, 388 U.S. 41, 59–60 (1967).[4] Furthermore, the period of 45 days, with 20-day extensions for interception Orders, should be substantially shortened in both Bills. *Ibid.*

4. The McClellan Bill lacks a provision for notice to persons whose conversations have been intercepted except in cases where the evidence obtained is to be used in a trial. See Section 8(f). We prefer Section 2518(i) of H.R. 10037 which requires notice by the issuing Judge to all persons named in an interception Order within one year of its expiration, whether or not evidence has been obtained, and whether or not the evidence is to be used in a trial.

5. We recommend clarification of Section 8(f) of the McClellan Bill and Section 2518 (j) of H.R. 10037, both of which require notice to defendants of an interception Order ten days before any trial where evidence obtained from the interception is to be used. These sections should provide that a copy of the application, all supporting papers and the interception Order itself must be furnished to the defendant. Presently, these sections require production of the Order only. Without the application, the defendant cannot determine intelligently whether a motion to suppress evidence under Section 2518 (k) of H.R. 10037 would be appropriate.

6. Neither the McClellan Bill nor H.R. 10037 requires registration by persons possessing, selling, or manufacturing wire tap and eavesdropping devices. Failure alone to so register is a misdemeanor under Maryland law. Article 27 Maryland Code Ann. § 125D. See also the new Regulations on Limiting Wire Tap and Electronic Eavesdropping by Federal Agent, Paragraph II (4) and (5). *N.Y. Times*, July 7, 1967, p. 16. We think a national registration requirement would greatly simplify practical enforcement of prohibitions against unauthorized possession, transfer and use of wire tapping and electronic devices, and would supply valuable controls on their availability.

7. The McClellan Bill contains no requirement of a "return on the warrant" as mentioned in the *Berger* case. 388 U.S. at 60. We approve the procedure contained in Section 2518(h) of H.R. 10037, which requires that all tapes and recordings be made available to the Judge issuing the Order and sealed under his directions "immediately" upon expiration of the Order.

8. We particularly approve Section 5 of H.R. 10037 which provides for expiration of the Act eight years after its enactment. This self-contained expiration will force a re-evaluation of the entire subject of wire tapping and eavesdropping at that time. The reporting requirements in Section 2519 concerning the number, result, and other details of interception Orders will enable Congress to make an informed and intelligent re-evaluation of this problem by then. Such definite information is not available now.

Respectfully submitted.

ROBERT M. KAUFMAN,
Chairman, Committee on Civil Rights.
VINCENT L. BRODERICK,
*Chairman, Committee on Federal Legislation.**

DECEMBER, 1967.

APPENDIX A

SUMMARY OF THE LONG BILL—S. 928

The Long bill sidesteps most of the constitutional and evidentiary problems raised by Section 605 through an outright ban of all wire taps and eavesdrops, with no exceptions granted for law enforcement officials.

Section 2 contains Congressional findings.

Section 3 of the bill imposes criminal penalties for persons acting under color of law or otherwise who wilfully intercept communications or use electronic devices without consent of one of the parties to the conversation. Exceptions are granted for operators of switchboards; communication of company employees; and officers and employees of the Federal Communications Commission. The only other exception is the President, who may "take such measures as he deems necessary" to protect national security. In addition, Section 3 makes it a crime to distribute, mail, manufacture or advertise devices "primarily used" for wire interception or eavesdropping. Such devices may be confiscated.

Section 4 amends the Table of Contents, Title 18 U.S. Code.

Section 5 appropriately amends Section 605 of the Communications Act of 1934.

Section 6 is a separability clause.

SUMMARY OF THE M'CLELLAN BILL—S. 675

Section 2 contains Congressional findings.

Section 3 makes it a crime to intercept or disclose wire communications, with exceptions granted for operators of switchboards, communication company employees and officers and employees of the Federal Communications Commission. A further exception is granted to the President to protect national security, and for law enforcement, as provided subsequently in the Act. No mention is made here or elsewhere in the Act of eavesdropping.

Section 4 excludes evidence obtained by unauthorized interception of wire communications in Federal and State courts, grand juries, departments, agencies, regulatory bodies, legislative committees, or any other governmental authority.

Section 5 permits the Attorney General, or any Assistant Attorney General of the Department of Justice, specially designated by the Attorney General, to apply to a Federal Judge for authority to intercept wire communications which may provide evidence of (1) certain offenses relating to espionage, sabotage, treason, or the Atomic Energy Act of 1954; (2) any Federal offense involving murder, kidnapping or extortion; (3) certain offenses relating to bribery, gambling, and racketeering; (4) certain counterfeiting offenses; (5) certain narcotics offenses; and (6) conspiracy to commit any of the foregoing.

Section 5 also permits the Attorney General of any state or principal prosecuting attorney for any political subdivision thereof, to make a similar application to a State court judge of competent jurisdiction who may, after making certain findings, grant leave to intercept wire communications when such action may provide evidence of crimes as to which the interception of wire communications is authorized by the law of that State.

Section 6 defines circumstances under which wire communications may be divulged by law enforcement officers in the course of their investigative work.

Section 7 contains technical amendments and penalties for violation of the Act, including a $10,000 fine, imprisonment for two years, or both.

Section 8(a) specifies the facts upon which an application to wire tap by court order must be based. Section 8(b) authorizes the Judge to require additional testimony for documentary evidence from the applicant, if necessary. Section 8(c) outlines findings that must be made by the Judge. Under Section 8(d) the Order authorizing the interception of wire communications must specify the nature and location of the communications facilities as to which leave to intercept is granted; each offense as to which information is to be sought; the identity of the Agency authorized to intercept communications; and the period of time during which such interception is authorized. Section 8(e) provides that no Order shall grant leave to intercept wire communications for a period exceeding 45 days. Extensions of the Order for periods not exceeding 20 days may be made, based on a further application and upon new findings by the Judge. Section 8(f) provides for Notice of the Order to the defendants ten days before trial as a prerequisite to admission of the wire tap evidence obtained, or its fruits. Section 8(g) states procedure for a Motion to Suppress Evidence obtained by a wrongful interception. Section 8(h) provides that applications for Orders shall be sealed by the Court and not made public.

Section 9 provides a detailed reporting procedure to Congress concerning wire tap Orders granted under the Act.

Section 10 contains definitions.

Section 11 provides for appropriate amendment of Section 605, the Communications Act of 1934.

Section 12 is a separability clause.

SUMMARY OF THE M'CULLOCH BILL—H.R. 10037

Section 2 contains Congressional Findings.

Section 3 adds a new Chapter 119 to Title 18 of the U.S. Code, and the following new sections:

§ 2510 contains definitions of "wire communications" "oral communications" and other terms.

§ 2511 makes it a crime wilfully to intercept or disclose or use wire or oral communications with exceptions for operators of switchboards, communication company employees, and officers and employees of the Federal Communications Commission. A further exception is granted to the President in order to protect national security, and for law enforcement, as provided elsewhere in the Act.

§ 2512 makes it a crime wilfully to mail, manufacture or advertise devices "primarily

[4] Wiretapping and eavesdropping without a trespass are now equally subject to the *Berger* standards as a result of *Katz* v. *United States*, — U.S. — (December 18, 1967). See footnote 1, *supra*, p. 2–3.

used" to intercept wire or oral communications.

§ 2513 authorizes confiscation of wire or oral communication intercepting devices used or distributed in violation of §§ 2511 or 2512.

§ 2514 authorizes the U.S. Attorney General to grant immunity to witnesses in order to prosecute violations of this Chapter.

§ 2515 prohibits use as evidence of any intercepted wire or oral communications before any State or Federal court, grand jury, department, officer, agency, regulatory body, legislative committee or other State or Federal authority if such disclosure would violate this Chapter.

§ 2516 (a) allows the Attorney General, or any Assistant Attorney General of the Department of Justice specially designated by the Attorney General, to authorize an application to a federal judge, who after making required findings, may authorize the F.B.I. or other responsible Federal Agency, to intercept wire or oral communications when such interception may produce evidence of:

1. Certain offenses relating to enforcement of the Atomic Energy Act, espionage, sabotage and treason;
2. Murder, kidnapping or extortion;
3. Bribery, sports bribery, transmission of gambling information, obstruction of justice, injury to the President, racketeering, welfare fund bribery;
4. Counterfeiting;
5. Bankruptcy fraud; certain dealings in narcotics; or
6. Conspiracy to commit any of the foregoing acts.

§ 2516 (b), provided State law so authorizes, permits the Attorney General of any State or the principal prosecuting attorney of any political subdivision thereof, to apply to a State Judge for an order authorizing interception of wire or oral communications to provide evidence of violation of State laws concerning murder, kidnapping, gambling (if punishable as a felony), bribery, extortion, or dealings in narcotics, or any conspiracy involving the foregoing.

§ 2517 authorizes investigative or enforcement officers in circumstances where interception has been authorized, to disclose the contents or fruits of wire or oral communication in criminal proceedings in State or Federal courts, or before grand juries; in proper discharge of their duties; or, in any other case, upon a showing of good cause before a Judge of competent jurisdiction.

§ 2518 establishes a procedure for interception of wire or oral communications. Each application must be written and specify under oath, (1) the identity of the person authorizing the application; (2) a "full and complete" statement of facts; (3) nature and location of the wire communications facilities involved, or place where oral communications are to be intercepted; (4) a full statement of facts concerning previous applications to any judge for an order, known to the applicant involving the same place or facilities, or involving any person named in the application, and the action taken; and (5) information in certain cases concerning other orders already outstanding.

§ 2518 (b) allows the Judge to demand additional documentary evidence or testimony if necessary.

§ 2518 (c) authorizes the Judge to issue an ex parte order approving the interception of wire or oral communications within the court's territorial jurisdiction if the Judge finds probable cause to believe:

1. an individual commonly uses or leases the communications facilities involved; such individual has previously been convicted of an offense involving moral turpitude punishable as a felony, including murder, arson, bribery, perjury, tax evasion, gambling, narcotic offenses, etc.; such individual has two or more close associates each with a similar prior conviction, and all are presently engaged in one of the offenses enumerated in § 2516; or

2. an offense enumerated in § 2516 is being, has been, or is about to be committed, facts concerning the offense may be obtained through wire or oral interception; normal investigative procedures have been tried and have failed, or reasonably appear unlikely to succeed if tried; and the communications facilities involved are commonly used by or leased to the person committing or about to commit the offense.

§ 2518 (d) establishes a ceiling on the number of Orders that may be outstanding at any one time under § 2518 (c) (1) as follows: Federal officers are limited to two Orders for every one million persons in the U.S.; State officers are limited to five Orders for every one million persons in the State; prosecutors of State sub-divisions are limited to ten Orders for every one million persons in the political sub-division of the State. There is no ceiling on the number of outstanding Orders pursuant to § 2518 (c) (2).

§ 2518(d) also requires that no interception Order shall be issued for public communications facilities unless steps are prescribed in the Order to minimize or eliminate the number of interceptions not otherwise subject to interception. § 2518(d) also requires a showing of special need to authorize interception of wire communications over such public facilities. Similar limitations apply to interception on facilities used by or leased to physicians, practicing clergymen, lawyers, or are premises used primarily for habitation by husband and wife.

§ 2518(e) Each interception Order must specify the nature and location of the communications facilities involved; each offense as to which information is sought; the identity of the agency authorized to intercept the communications; and the period of time during which such interception is authorized.

§ 2518(f) limits the duration of interception Orders for 45 days with extensions of 20 days each, except that a new application and new findings must be made for each extension.

§ 2518(g) provides for emergency interception of wire and oral communications prior to submission of an application to a judge under special circumstances. In the event the subsequent application is denied, use of any evidence or the information obtained thereby is prohibited; and disclosure of the application to the persons named therein is required.

§ 2518(h) requires that the interceptions be recorded on tape or wire, and that the tapes or wires, Order and supporting papers, be sealed under direction of the Judge issuing the Order immediately upon expiration thereof. They shall not be destroyed, except an Order of the issuing or denying Judge, and in any event shall be kept for ten years. Duplicate tapes and wires may be made for investigation purposes. Presence of the seal on the tape or wire is a prerequisite to disclosure of the interceptions in evidence.

§ 2518 (i) provides that within a reasonable time, but not later than one year after the termination of the period of the Order as extended, the issuing judge shall cause to be served on the person named in the order an inventory giving notice of the Order, date of its entry, period of interception, and whether communications were recorded. On ex parte showing of good cause, a Judge can postpone serving this inventory.

§ 2518 (j) prohibits use of intercepted wire or oral communications or their fruits as evidence in Federal or State criminal proceedings, unless disclosure of the interception Order is made to each defendant ten days before trial.

§ 2518 (k) provides procedure for a motion to suppress evidence obtained by an interception by persons who are aggrieved thereby, specifying various grounds for the motion, including illegality of the interception, or insufficiency of the Order.

§ 2519 (a, b) establishes a detailed procedure for reporting interception Orders to the Administrative Office of the U.S. Courts, including the number and type of Orders entered, the number of arrests resulting from each interception; the offenses for which the arrests were made; the number of trials resulting; the number of motions to suppress made, and the results; and the number of convictions obtained, and for what offense.

§ 2519 (c) requires an annual report to Congress by the Administrative Office of the U.S. Courts summarizing the data reported from the field pursuant to § 2519 (a) and (b).

§ 2520 establishes a civil right of action in favor of any person whose communications are wrongfully intercepted and allows recovery of actual damages, punitive damages, a reasonable attorney's fee and litigation costs.

Section 3* of H.R. 10037, provides that the Attorney General, one year before expiration of the Act, shall cause a study of the operation of the bill to be conducted by competent social scientists. This study is to be reviewed by a "Council of Advisers" appointed by the Attorney General, composed of fifteen persons from all segments of U.S. life (including lawyers, teachers, artists, businessmen, newspaper men, jurists, policemen, and community leaders) who will be compensated for their time. The results of this review will then be reported to the President, together with the views and recommendations of the Council and the Attorney General.

Section 4 makes appropriate amendments to § 605 of the Communications Act of 1934.

Section 5 provides that the Act shall expire eight years after enactment, with various exceptions and provisos to phase out the effect of the Act on matters then pending.

Section 6 contains a separability clause.

Appendix B

Article 27, Maryland Annotated Code

§ 125D. Registration of eavesdropping or wiretapping devices.

(a) *Required of possessor.*—Every person possessing any eavesdropping and or wiretapping device shall register such device with the Superintendent of State Police or with a person designated by the Superintendent. Information to be furnished with such registration shall include the name, address, identifying characteristics, and occupation of the possessor of such device, and of the owner or owners if different persons from the possessor, and an identifying description of each such device possessed, and such further information as the Superintendent may require.

(b) *Required of manufacturer, seller, etc.*—From and after June 1, 1965, it shall be unlawful for any person to manufacture or make any eavesdropping and/or wiretapping devices unless he registers such device in accordance with subsection (a), before or immediately upon the completion of such device. From and after June 1, 1965, it shall be unlawful for any person to sell, loan, give, or otherwise transfer any such device, unless such device has been registered and the information required by subsection (a) furnished with respect both to the transferor and prospective transferee. From and after January 1, 1966, it shall be unlawful for any person to possess such a device which has not been registered in accordance with subsection (a).

(c) *Penalty.*—Violation of any provision of subsection (b) shall constitute a misdemeanor, punishable upon conviction thereof by a fine of not more than five hundred dollars ($500.00) or imprisonment for not more than one year or both. Any such device may be seized upon court order or under a warrant; and upon conviction of a violation of subsection (b), the device with respect to

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* The bill contains two "section 3's," apparently a misnumbering of this and all subsequent sections.

which such violation was committed shall be forfeited to the State of Maryland, the same to be delivered to the State Police.

(d) *Definitions.*—As used in this section, the terms "wiretapping and/or eavesdropping device" and "device" include every device, instrument, apparatus, or equipment, which is designated or especially redesignated to be adapted or actually adapted for the purpose of (1) secretly overhearing or reporting any part of the conversation or words spoken to or by any person in private conversation without the knowledge or consent, expressed or implied, of that person, (2) intercepting or obtaining or attempting to obtain the whole or any part of a telephonic or telegraphic communication without the knowledge and consent of the participants thereto. As used in the preceding subsections of this section "person" includes any firm, association, or corporation; provided, however, that nothing in this section shall be construed or applied to affect (1) a public law enforcement officer of this State in the duly authorized performance of his duties, or (2) an employee of a telephone or telegraph company, as defined in Article 78 of this Code, while in the regular course of his employment by such company and engaged in company business. (1965 ch. 201.)

A DISSENTING REPORT RE WIRETAPPING AND EAVESDROPPING OF THE NEW YORK COUNTY LAWYER'S ASSOCIATION, COMMITTEE ON CIVIL RIGHTS

Although many bills have recently been introduced in the Congress with regards to subjects of eavesdropping and wiretapping and related subjects, the Committee on Civil Rights has chosen to report favorably on H.R. 10037, the McCulloch Bill. Numerous other bills which were introduced were S. 675, S. 928, S. 1333, H.R. 602, H.R. 607, H.R. 907 etc. The administration position opposes H.R. 10037, and favors the so-called Long bill (S. 928) which we feel is a more worthwhile bill.

The McCulloch bill makes it a crime willfully to intercept or disclose wire or oral communications or willfully to mail, manufacture or advertise devices used primarily to intercept wire or oral communications except for certain specific employees, and prohibits the use of such communications in evidence, except the Attorney General or his assistants may make application to a Federal Judge and the latter may authorize, and in the case of the States the State Attorney General or the Prosecuting or District Attorney may make application to a State Judge and the latter may authorize the interception of wire and oral communications in a listed number of cases. The orders are ex parte, and there are limitations of the orders. To use the fruits of the orders as evidence in a trial, disclosure must be made to the defendant before trial. There are other provisions discussed in the Subcommittee report.

In view of *Berger* v. *New York*, which found a New York eavesdropping statute unconstitutional under the Fourth Amendment, which decision concluded that there was a trespassory intrusion of a constitutionally protected area and also violated the Fourteenth Amendment, the report of the Committee attempts to prove the constitutional validity of the McCulloch bill.[1]

We have read the opinion of Justice Clark and the concurring opinions of Justices Douglas and Stewart in the *Berger* case and we are not at all as certain as is the Committee that eavesdropping can be made constitutionally valid. Justice Douglas would also find it invalid as a violation of the Fifth Amendment. And Justice Black who dissented in *Berger* said ". . . makes it completely impossible for the State or Federal Government *ever* to have a valid eavesdropping statute". (Emphasis added). All such evidence obtained would seem to be illegal and we agree with Justice Holmes who in dissent in *Olmstead* v. *United States*, 277 U.S. 438, said:

"I think government ought not to use evidence obtained and only obtainable by criminal act . . . it is desirable that criminals should be detected and that to that end all available evidence should be used. It is also desirable that government should not itself foster and pay for other crimes when they are means by which evidence is to be obtained . . . for my part I think it is a less evil that some criminals should escape than that a government should play an ignoble part".

We agree also with Justice Holmes when he points out that the ends should not justify the means. In the same *Olmstead*, Justice Brandeis said in dissent: "The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning but without understanding."

Realizing that liberty and free action were the fiber of a free society, and as a result of *Olmstead*, Congress in 1934 passed the Federal Communications Act of 1934 and 47 USC 605 made it illegal to intercept and divulge any communications by wire, radio or television which communication was not authorized by the sender. The report finds fault with 605 because there have been numbers of violations by the authorities, which speaks more about the authorities than the law. Section 605 remains the law, as to wiretapping. We believe it should remain so.

The Committee indicates (after a review of the current federal and state laws and regulations, court decisions and other data) that there is a "chaotic condition present" with regards to wiretapping and eavesdropping which requires a need for Congressional legislation. 36 states prohibit wiretapping and Illinois prohibits all manner of eavesdropping. These cannot be any chaos about these states. Section 605 affects all prosecutions by the Federal government as to wiretapping and the Solicitor General has indicated to the Court that eavesdropping evidence will not be used in the Federal courts. There cannot be any chaos as to the Federal Government. But the report cites *Schwartz* v. *Texas*, 344 U.S. 199, a 1952 case which permitted illegally obtained wiretap evidence to be admitted in state courts as evidence of chaos, though the report concludes that this is bad law. We agree. Further under 605, we believe it is an obvious divulgence. Most legal scholars seem to agree. If eavesdropping is not covered by 605, as the report points out, we find no difficulty in effecting a statute covering it. But again we point to Mr. Justice Black, who appears to believe that any statute permitting eavesdropping would be violative of the Fourth Amendment in light of *Berger*. Mr. Justice Douglas in *Berger* points out that no matter what limitations a legislature puts on eavesdropping orders by courts, the orders must by the very nature of eavesdropping authorize a *general* search, as it is impossible to *limit* the search.

Nor do we find any difficulty with "divulgence". Though the subcommittee cites illustrations of difficulty of interpretation of this word, it seems most clear to us. We hardly find this a cogent argument against 605.

But the argument is made that "organized crime" must be destroyed at all cost, that the tools for this are wiretapping and eavesdropping orders, and that such destruction serves a useful end. No doubt leaders of "organized crime" have been convicted through the use of these tools. Mr. Hogan has said so many times. But equally most leaders have not. We have always had "organized crime," and no doubt the nature of man will insure that this problem will be with us forever. But crime will be with us forever also, organized or unorganized, and as lawyers we find no reason to set up one set of rules for "organized crime" and another set for unorganized crime. We should apply the law equally to all the accused and defendants. We also find it difficult to accept the rationale that since crime is a "dirty" business, we should employ "dirty" tools to combat it.

The claim is made that the McCulloch bill actually "tightens" and limits the present use of wiretapping and eavesdropping. We are not convinced, even if we felt this were a valid argument. It would extend orders tremendously under Federal law and run directly contra General Clark's regulations of 1967. It would certainly not limit orders in those states which presently permit no orders. It would allow orders by Federal Judges in 18 categories! (Atomic Energy Act matters, espionage, sabotage, treason, murder, kidnapping, extortion, bribery, sports bribery, transmission of gambling information, obstruction of justice, injury to the President, racketeering, welfare fund bribery, counterfeiting, bankruptcy fraud, narcotics, and conspiracy to commit any of the above acts). What it leaves out is hard to imagine!

And under State law, it would allow orders in 6 categories. (Murder, kidnapping, felony, gambling, bribery, extortion and narcotics).

Thus we are told that although under Federal and State law the bill would permit wiretapping and eavesdropping orders in 24 categories of crime, there would be a limitation. We can only vision extensions, not limitations.

But we are informed that there is a definite "tightening" under the McCulloch bill, in that a notice of the Order is served upon the person named in the Order not later than one year after the termination of the period of the Order. We cannot imagine any more Kafka type legislation. What actual good this will do the person is hard to imagine, but the harm to him is most apparent. For most it would mean a constant fear of government.

The argument is then made that presently search warrants permit extensive searching of books, records, premises etc. and that therefore there is a similarity to any wiretapping orders and eavesdropping orders. This of course is hardly so. Eavesdropping and wiretapping orders must be general searches, because they must involve *everything* that the subject of the order says, whether related to the subject of the order or not, and it must involve private conversations of other persons, wholly without the scope of the order, and it must involve situations when no permanent record is desired, and therefore it does invade all sorts of privacies of all sorts of peoples. This is the very

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[1] Obviously *Katz* v. *United States* U.S. (December 18, 1967) has clarified some questions posed by *Berger* v. *New York*, decided at the last term of the Court. It has decided some of the questions then posed by Justice Black.

Basically, the position taken by the minority of our Committee, has not been altered by the *Katz* decision. What we said in C–2 to C–5 still remains as our opinion as to the relative pieces of legislation of the 90th Congress, (with the exception of the last line on C–2.) As to our statement on C–1 that we are not certain that eavesdropping can be made constitutionally valid, in light of *Katz*, this would appear to be wrong.

The majority report of course now, in view of *Katz*, contains many incorrect statements of current law, commencing on page 2. But it appears that the requirements for a proper law enunciated on page 3, are correct.

Katz also says that a person's general right to privacy—to be left alone—is left largely to the law of the individual States, quoting cases in support. This the majority report fails to emphasize.

Though *Katz* indicates that there are times when search without warrant is reasonable, it makes no universal rule regarding such conditions. It does appear to have once and for all time overruled *Olmstead* and *Goldman*.

reason we have "an inherent dislike" for wiretapping and eavesdropping, as the report concludes and why it is so "offensive" and "objectionable". Weighing all considerations we find and conclude there is a material blow to liberty.

As to another argument for the McCulloch bill—that it has a self-terminating clause (8 years); and that there is a requirement of measuring the effects by review of social scientists (not lawyers), we find them completely unpersuasive. Incalculable harm can be done in much less than 8 years, and we fail to see any value to be obtained by a dissertation on this review by a group of handpicked "social scientists".

The Attorney General has indicated (see his regulations) that there is: " * * * support for the view that any electronic eavesdropping on conversations in constitutionally protected areas is a violation of the Fourth Amendment even if such surveillance is accomplished without physical trespass or entry".

The Attorney General has indicated that homes, private offices, hotel rooms and automobiles are clear examples of constitutionally protected areas but that there may also be other locations. Neither he nor the President is sympathetic or requires a bill such as the McCulloch bill, and the General has reaffirmed that 605 applies to all persons under his jurisdiction. We applaud the Attorney General.

The cry for more tools and aids for police and prosecutors is an old one. When they are proper, we encourage the authorities. When they are not (as in this case) we should discourage them. We as lawyers should uphold the traditions of liberty, decency and fair play, and have a greater burden to do so than any other class of citizens. We certainly have the burden as do the Courts of upholding and reaffirming our constitutionally defined rights. These are paramount. We then have a duty to uphold moral and legal principles, and we shall exercise that duty.

We find no hard evidence that our society is in such peril that we must give up the right of privacy which is really what makes life worth living. We are not so naive as to believe that with all the sophisticated electronic tools now available to the police and the authorities, they will not use them, even without our legislative blessing, but we know many will not, as they also cherish our tradition and law.

We find the need for the wiretapping tools and the eavesdropping tools has not been demonstrated, that there are other methods available to accomplish the desirable social end. We do hold that the right of privacy is also a desirable social end and that the McCulloch bill and all bills permitting eavesdropping and wiretapping defeat that end and we oppose them.

SAUL C. DOWNES,
ARTHUR Q. FUNN,
JULIUS L. GOLDSTEIN,
SOL RABKIN.[2]

[2] In addition to the members signing the dissenting report, other members of both Committees also voted against the Report approved by the majority.

COLLECTIVE BARGAINING

HON. CHARLES E. GOODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. GOODELL. Mr. Speaker, I am today introducing legislation on a matter I consider to be extremely important. I hope that my comments will serve to demonstrate that importance.

The world of American industrial relations is obviously an important one. But it is also a delicate and sensitive one. Every week, across the country, employers and unions are working out their codes of relationship—a code which in each case is represented by a collective bargaining agreement.

And the negotiations which produce those agreements rest upon a complex of understandings and assumptions which, although they do not enter into the agreements, very considerably affect the nature of the agreements entered into.

Obviously, any serious intervention with these basic, underlying guideposts will necessarily shake, and maybe even shatter, the sensitive framework of relationships built into the collective agreement.

A 1960 trio of decisions of the U.S. Supreme Court relating to labor arbitration represents just that kind of dangerous—and unjustified—interference with the collective bargaining process.

Known as the Warrior & Gulf trilogy—*Warrior & Gulf Navigation Co.* v. *USW*, 363 U.S. 574; *USW* v. *American Mfg. Co.*, 363 U.S. 564; and *USW* v. *Enterprise Wheel & Car Corp.*, 363 U.S. 593—from the lead case in the group, the decisions upset and reverse the standard rule of arbitrability. This standard rule, recognizing that arbitration is a deliberately chosen alternative to judicial litigation, permits judicial enforcement of a demand to arbitrate only where the duty to arbitrate the particular demand is clear.

In the trilogy decisions, the Court held that arbitration demands, under collective bargaining agreements, must be enforced by the courts unless the demands are specifically excluded from arbitration by language in the agreement.

Despite the strong protests against the Warrior and Gulf doctrine which immediately arose from lawyers, labor relations experts, and even arbitrators—Levitt, "The Supreme Court and Arbitration," New York University 14th annual conference on labor, 1961, page 217 and the following, Hays, "The Supreme Court and Labor Law," 60 Columbia Law Review, 901, November 1960, note 46, Cornell Law Quarterly Review, page 336 and the following, winter, 1961; Wallen, "Recent Supreme Court Decisions on Arbitration—An Arbitrator's View," 63 West Virginia Law Review, 295, 1961; Kagel, "Recent Supreme Court Decisions and the Arbitration Process," Proceedings of the 14th annual meeting, National Academy of Arbitrators, 1961, page 1. See also, the report at pages A2 to A4 of BNA's Daily Labor Report, reporting the February 8, 1963, meeting of the National Academy of Arbitrators—the Supreme Court has continued to apply, and even expand, this radical new rule. For instance, in March of this year, the Court in *Wiley & Sons* v. *Livingston*, 376 U.S. 543, ruled that even the procedural preconditions to arbitration, such as contractual time limits, must be decided by the arbitrator, and not the Court.

The labor law section of the American Bar Association has labeled this strange new doctrine "turnstile arbitration," and has formally recommended that Congress reverse it by enactment of a modification to section 301 of the Labor-Management Relations Act of 1947.

I fully agree with the concern of the American Bar Association that these revolutionary decisions must be reversed. Accordingly, I am today introducing a bill to accomplish that purpose. This legislation will serve the public interest for the following reasons:

First, the Court's decisions represent an unfair reversal of one of the basic principles upon which existing and future collective agreements are reached—the rule that the arbitration clause in a contract will be subject to normal careful, judicial construction.

Hundreds, if not thousands, of collective agreements across the land—with arbitration clauses negotiated under the umbrella of that rule—were substantially modified by the Warrior and Gulf decision. The parties to those agreements awoke one day to find themselves party to an arbitration agreement of a kind they had never intended to make.

The sensitive balancing of rights and duties included in those collective agreements was summarily unbalanced by the Court's action. No one will ever know the degree of damage to union-management relations which will flow from this upset. I believe that it is highly desirable for Congress to undo that damage now.

Second, I believe that the Warrior and Gulf rule represents a basic misconstruction and distortion of congressional intent and constitutes a prime example of judicial legislation.

The keystone of the questionable arch of logic by which the Court imputes congressional intent to create an "automatic" rule of arbitrability in labor disputes is the Court's prior decision in the Lincoln Mills trilogy, 353 U.S. 448 (1957). In that earlier trilogy, the Court held that section 301(a) of the Taft-Hartley Act authorizes as follows:

> Federal courts to fashion a body of Federal law for the enforcement of * * * collective-bargaining agreements and includes within that Federal law specific performances of promises to arbitrate grievances under collective-bargaining agreements.
>
> * * * * *
>
> We conclude that the substantive law to apply in suits under section 301(a) is Federal law which the courts must fashion from the policy of our national labor laws. (Justice Frankfurter's dissent after cogently demonstrating that Congress had not the slightest intent to assign this legislative function to the Court, sharply questions the constitutional right of the Court to assume such a function. The questionable right of the Court to create a "labor-contract code" underscores the importance of constant congressional overseeing of the code's development.)

Justice Frankfurter sharply chided his colleagues for this decision, which, he said, attributed to Congress "an occult intent." And law school professor and labor law expert Charles Gregory said of the decision:

> It is enough to make the legal profession hold onto their hats.

In the Warrior cases, the Court fashioned its arbitrability rule by determining that:

The present Federal policy is to promote industrial stabilization through the collective bargaining agreement. A major factor in achieving industrial peace is the inclusion of a provision for arbitration of grievances in the collective bargaining agreement.

Complete effectuation of the Federal policy is achieved when the agreement contains both an arbitration provision for all unresolved grievances and an absolute prohibition of strikes, the arbitration agreement being the "quid pro quo" for the agreement not to strike.

Neither in Lincoln Mills nor in the Warrior cases does the Court submit any proof of the intent of Congress to "favor" grievance arbitration other than (a) this vague statement in Lincoln Mills:

To be sure, there is a great medley of ideas reflected in the hearings, reports, and debates on the act. Yet, to repeat, the entire tenor of the history indicates that the agreement to arbitrate grievance disputes was considered as quid pro quo of a no-strike agreement.[1]

And (b) the following statement in the majority opinion in the American Manufacturing Co.:

Section 203(d) of the Labor Management Relations Act, 1947, 61 Stat. 154, 29 U.S.C. 173(d) states: "Final adjustments by a method agreed upon by the parties is hereby declared to be the desirable method for settlement of grievance disputes arising over the application or interpretation of an existing collective-bargaining agreement * * *." That policy can be effectuated only if the means chosen by the parties for settlement of their differences under a collective-bargaining agreement is given full play.

Statement (a) is not supported by the legislative history of the Taft-Hartley Act—an exhaustive legislative history of section 301 relating to this subject is devastatingly appended to Justice Frankfurter's dissent in Lincoln Mills. In any event, statements (a) and (b) even if valid, do not in any way lend support to the Court's creation of this startling new doctrine of "automatic arbitrability" upon the alleged ground that it reflects congressional intent. Indeed, the language of section 203(d), quoted above, could more logically be construed as reflecting congressional intent that the courts should carefully scrutinize "the method of final adjustment agreed upon by the parties," in order not to misapply their agreement. Such an interpretation would appear to be confirmed by the following quotation from a House conference report which is importantly highlighted by Justice Douglas in Lincoln Mills:

Once parties have made a collective-bargaining contract, the enforcement of that contract should be left to the usual processes of the law.

Perhaps in recognition of the meager and "clairvoyant" nature of this estimate of congressional intent, the Court's opinion sought to justify this "entirely new and strange doctrine" by a discursive, internally inconsistent discussion of the nature of labor arbitration, leading to the highly debatable conclusion that that nature warrants a hands-off approach on the part of the courts.

Professor, now court of appeals judge, Paul Hays cogently noted the lack of logic and correctness in the trilogy, saying:

It is with the reasoning of the opinions and with their aura that one takes issue. Perhaps it would be fair to say that the Court's view of labor arbitration, as expressed in these opinions, is romantic rather than realistic and rational. The picture given of the arbitration process sounds more like the praise of arbitration one might hear in the speeches at a dinner in honor of some popular arbitrator, or at a public function of an arbitration group. It suggests only a vague resemblance to the hard, practical, day-to-day processes of hearing and determining grievances (60 Columbia Law Review at 930).

Third, the decisions contain within themselves the seeds of labor-management conflict. As contracts terminate, or otherwise become open for bargaining, management will inevitably seek to remove the arbitration clauses whose nature has been so abruptly changed by the courts. Unions, attempting to hold onto their newly found turnstile arbitration, will resist. The result: a harsh and totally unnecessary cause of strikes, picketing, and all the animosity and ill will thereby engendered.

My conclusion that these decisions will lead to industrial strife is supported by many commentators. For example:

The Court's opinion is motivated by the professed intention to promote industrial peace. The instant decision, however, compels management, when existing contracts come up for renegotiation, to specifically exclude from arbitration those practices considered to be legitimate managerial rights. Should this meet with bitter union opposition, the result may be just the open industrial warfare the Court is seeking to avoid. (Vol. 46, Cornell Law Quarterly at p. 346.)

What are the practical implications of the Supreme Court's decisions for collective bargaining? Those in management who panic may rush in to insist on tightening the so-called standard arbitration clauses to sharply delimit arbitration. They are bound to meet with sharp resistance from union negotiators, especially when they get into the supremely sensitive areas such as subcontracting and the like. (Wallen 63, W. Va. Law Review at p. 299.)

The newly announced Douglas doctrine shatters precedent. Arbitration has received the alchemist's transmutation. Except for matters expressly excluded, all arbitration is now open end regardless of union-management intent; and the right of judicial review, for all practical purposes, is a thing of the past. These decisions are so weighted in labor's favor that two results appear inevitable: (1) Attempts to modify long-existing contract language to avoid the dangers posed will cause considerable labor-management strife; (2) a spate of judicial opinions distinguishing the instant cases will follow in an effort to restore a semblance of reality to the arbitral process. (Cornell L. Rev., vol. 46 at p. 349.)

I think no one has better expressed the recent strange convolutions of the Supreme Court in this area of the collective agreement than Prof. Clyde Summers, of Yale Law School. In his report to the American Bar Association Labor Law Section in 1962, Professor Summers said:

The Court's main concern this term has been with exploring the wonderland of section 301. Following the white rabbit of legislative intent, the Justices have peeked through the doorway of State court jurisdiction, nearly drowned in their own tears over Norris-La Guardia; and like an Alice, the Court, in this wonderland, has first closed up and then opened up, like a telescope, scarcely knowing how to become the correct size, or what the correct size should be.

In Lincoln-Mills the Court shot up like a giant, now capable of fashioning a body of Federal law for the enforcement of collective bargaining agreements. But in the Steelworkers' cases the Court nearly disappeared entirely when it tasted an arbitration clause. It protested it was too unschooled to interpret an agreement, and too shy to ask the arbitrator for an explanation of his decision.

This year the Court in March was wise and strong enough to write into an agreement a no-strike clause, but in June was helpless to require that ones written by the parties be obeyed.

The ability to change sides can, as Alice discovered, be quite useful if the Court knows why and when it needs to perform different functions and has path or purpose. But in the cases this year, the Court seemed to wander through random doors to new adventures.

In the light of all the above, I think it is time for Congress to step into this wonderland through which the Court has been wandering and to seek now to restore sanity and order.

Early enactment of the bill which I am introducing today represents a highly appropriate first step in this endeavor.

[1] The "quid pro quo" concept attributed by the majority opinion to Congress is actually the Court's own invention. Most Congressmen are sufficiently familiar with collective bargaining to know that the only consideration flowing to an employee in the usual collective bargaining agreement is the no-strike clause. It is simply a distortion of fact to narrow the employer's quid, from the entire basket of promises he makes, to the meager confines of the arbitration clause—a clause which many labor contracts do not contain. The distortion thus accomplished is tantamount to a holding that the monthly cash rental for a nine-room house is the quid pro quo for the use of the dining room.

EARNING POWER EDUCATION

HON. WAYNE MORSE

OF OREGON

IN THE SENATE OF THE UNITED STATES

Tuesday, May 7, 1968

Mr. MORSE. Mr. President, the February 1968 issue of American County Government carries a story of such excellence on a successful effort by the Cook County, Ill., Department of Public Aid to convert welfare recipients into proved wage earners that I want to call special attention to it. I ask unanimous consent that it be printed at the conclusion of my remarks.

Cook County created a 16-week course in the fine art of wood finishing—a skill where job openings exist. It was open to people with at least a fifth-grade education.

Two things here are significant. Wood

finishing is a skilled job and one in demand. It is a job which does not require a full formal education. It does, however, demand initiative, conscientiousness, and meticulous care.

The next major point is the concentrated brevity of the course. Sixteen weeks of school—4 months—480 hours of intense instruction created apprentice wood finishers.

A fourth point is that the 150 men who have gone through this program received their relief payments while in school. The result is that for an expenditure of $75,000 for the school or $500 per student plus 16 weeks of welfare payments that would have been made anyway, the taxpayers have been saved $500,000 in welfare costs. But even more, Cook County has given these people a chance—one they deserve—to be productive citizens.

Significant was the cooperation of the business community and labor in a joint effort to provide well-trained apprentices where there is a shortage of skilled workers.

In my judgment much can be done at a real savings in tax-supported welfare dollars if in other counties the public welfare people, educators, business and labor will make this type of cooperative effort to train skilled craftsmen.

I think it is evident that this success did not just happen. I trust this example will serve as encouragement to counties all over the country to demonstrate that there are realistic and permanent ways to cut welfare rolls.

It is my earnest hope that all State public welfare agencies and county commissioners will renew their efforts and will join together with business and labor in similar programs to provide job skills in areas where there are job opportunities.

Mr. President, I ask unanimous consent that this article be printed in the Extensions of Remarks.

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

SUCCESS STORY IN WOOD AND WELFARE

(By Stanley D. Banash)

"I want to congratulate the trainees who are graduating this morning. . . ."

With these words, a sense of pride, of confidence, and of accomplishment crosses the faces of the graduates as they receive their diplomas. For them as for past trainees, it means a second-chance, a new life—a life of self-respect and dignity—and a bright future in a steady well-paying job.

The event marks 16 weeks of thorough theoretical and practical class instruction in the fine art of wood finishing. Each graduate carries proudly a feeling of attainment as he and members of his family participate in the solemn occasion. Representatives of labor unions, furniture stores, and industrial management are in attendance. One guest speaking before the graduates emphasized that "the fundamental and practical training that you have received here is the finest and best that you can receive in any school that exists today anywhere." To help assure the success of each graduate, the school provides, in addition to his diploma, a finishing kit and tools valued at $60.

Since the program was organized on Wednesday, March 24, 1965, more than 150 male public aid recipients have availed themselves of its training. Under the direction of the Cook County, Ill., Department of Public Aid, classes are conducted in a renovated brick building on Chicago's near south side. On December 1, 1967, the jurisdiction of the school was transferred to the Superintendent of Schools.

"If you had been in this building three years ago, you would have turned and walked out," explains Supervisor Ivan Bianchi as he looks with pride around his workshop. Pointing across one of two large classrooms, he shows where "partitions were placed between offices and lecture rooms, floors tiled, walls painted, and electricity installed. I even had to write my own curriculum for the courses," he added, "since there is no school like this in the United States or in Europe."

Qualifications for admission to the program are not rigid. A man must be between the ages of 21 and 40, must have at least a fifth grade education, must have good eyesight and possess general good health with no evidence of lung or skin diseases.

The department's Welfare Rehabilitation Service thoroughly screens and tests each applicant prior to a personal interview with Supervisor Bianchi.

Trainees more than meet the standards set for the program. Nevertheless, social problems do arise. Assisting as the school's on-the-spot caseworker is Kazimierz Serwas, a former school teacher. "A frequent problem," Serwas said, "is one in which a student wants to leave the program because he is offered a good wage elsewhere. I try to explain to him that a different job requiring no skill may be temporary. Without a skill, what can he do? As the work load decreases, he will be one of the first to lose his job. Here, if he stays in school and completes the program, he will know a trade—a trade that is in demand, that pays a good wage, and that offers respect and prestige through union membership. Many of them see the point," he added, "and elect to remain with our program." In addition to Serwas, Ivan Bianchi has two other class instructors, Victor Bianchi, his brother, and Henry Donner.

Operating Monday through Friday from 9 a.m. to 4:30 p.m., the school conducts two classes limited to twenty students each. The 480 hours of instruction in the 4 month course accomplish two primary aims: 1) the teaching of the principles and techniques of wood finishing; and 2) the educating of a welfare recipient to prepare him for his readjustment to the work force.

Following enrollment, the students are given the utmost in training, practical experience, and group instruction. Students devote 18 hours to learning the various kinds of wood; 12 hours to staining and toning; 12 hours to wash coating; 12 hours to applying first and second coats of lacquer; 12 hours to varnish removing; 6 hours to spray painting equipment including the spray booth, air compressors, air transformers, condenser spray guns, and the pressure feed tank; 24 hours to spray gun motion; 30 hours to rubbing the top coat; 180 hours to the burning-in process for indentation, French patching, and brush, touch-up and color matching; 30 hours to repairing and regluing broken furniture; 90 hours to refinishing and object; 30 hours to review and graduation; and 12 hours to orientation to the work force.

Through the co-sponsorship of the wood training program by the Department of Public Aid, the Chicago Retail Furniture Association, and the Upholsterers and Wood Finishers Union, Local 18, AFL–CIO, a strong rapport is being built between industry and the County Welfare Department. Bianchi's long association with the wood finishing industry makes it possible for him to obtain an ample supply of unfinished material from area manufacturers. Admiral Corporation has contributed 800 television cabinets valued at $10,000, Gulbranson Corporation contributed flat stock, and the Hammond Organ Company sent organ side panels. Bianchi remarked that "their response to my appeal was beyond all my expectations."

Industry's cooperation is seen as an investment in the future. The Chicago area, through the wood finishing program, is furnished with about 25 percent of its industrial manpower requirement. Wood craftsmen admit that the trade requires a vast amount of skill. Although graduates receive thorough instruction and are classified as apprentice wood-finishers upon graduation, many years of learning, practice, and experience are needed before they become masters of their trade.

MORE SCHOOLS NEEDED

The school prides itself as being the only one of its kind in the nation. Unfortunately, it cannot meet the national demand which, by 1975, will have increased threefold. Bianchi explained that "it is too bad we don't have schools like this in New York, California, and in the Southern states where many of the furniture factories are located. In some factories they instruct the worker in only one phase of the trade, but this does not make him a skilled worker. Specialization will not reduce the national shortage as these men will continue to remain unskilled. Companies must be willing to organize a program at their plant to train men in all phases of this work. Only when manufacturers in other areas of the country show enough vigorous support for a program such as was developed in Illinois will the national need be fulfilled.

"A program like this, organized in cooperation with the welfare departments in cities like New York, Detroit, Los Angeles, and Birmingham, can take many public aid recipients off relief and put them in skilled jobs. It can teach them good working habits, put them on an even keel in the economy, and help them to become self-sufficient," said Bianchi.

Since the school's organization, Cook County taxpayers have realized a saving of nearly $500,000. Each trainee upon graduating is immediately employed in the wood finishing industry and, therefore, is no longer dependent upon public assistance. Bianchi estimates that operating expenses, including training, workshop needs, salaries, and tool kits, have amounted to approximately $75,000.

Capable instructors and limited class-size are positive forces inducing strong class participation. Students show interest and willingness to learn. Training sessions feature give-and-take with students voicing questions whenever doubts arise.

CONFIDENCE AND ADVANCEMENT

Students in their training acquire a feeling of confidence and advancement, although some still recall the unskilled back-breaking work, in manual labor, before going on public assistance. With the addition of modern machinery at the mills, unskilled laborers were the first to be replaced. One student, formerly a chipper and grinder at the mill, remarked appreciatively that "I'd have to pay if this was a private school. I couldn't afford that." Another student, pleased that he was learning a skill added that "I'd never do this on my own. These programs cost money. Working during the day and going to school at night isn't for me." Students continue to receive their relief checks while learning the trade. This enables them to continue training without insurmountable financial difficulty.

Accounts of relief recipients moving from public assistance to steady jobs, in most cases, are publicly unknown. Such is not the case with graduates and trainees of the Cook County Wood Finishing Program as the following personal experiences will show.

"I enrolled in one of the first classes," said Gale D. "That was about two years ago. Yea, I was on public aid, and it was a real struggle. Tryin' to support a wife and five kids on $300 a month ain't no picnic. I had to

learn a trade or somethin' that would give me a steady job. I heard about the wood trainin' program and thought to give it a try. I had to put everything I had into it. My back was against the wall. I started out at $2.00 an hour after finishing the school. Now I'm makin' $3.25 an hour and looking for another raise soon. This sure is good money. The wife is happy and I hope I never see a relief check again."

"Listen, ya ever try to raise three kids on $230 a month?" said Duel H. "It was darn rough. The wife kept after me to get a better job. Then I heard about this wood workin' class. It wasn't what I wanted, but I needed a trade. Beside the school puts you in a job when you finish the course. I wanted to be an auto mechanic, but they didn't have a course like that available. Well, I completed this wood workin' course, and I'm makin' $2.04 an hour now. At least the trade I have can't be taken from me."

A BOOK OF MATCHES

"I was in and out of jobs," said John A. "Dockworker, order filler at a warehouse, I tried them all. No security or benefits. Finally I got sick and could not work and ended up on relief. Oh boy, I can tell you . . . five kids and a wife at home on what . . . $225 a month public aid. How do you support a family on that? Hospital bills were climbing. I had to learn a trade—something that would give me security and some benefits for my family. When I attended the wood working school, I still received public aid. They even paid my car fare to work. It was the best chance I had to better myself. I wanted to work, but I was unskilled and people just didn't give me a chance. The Public Aid Department had other programs, but this one appealed to me. Since finishing the course a year ago, I've been earning $2.25 an hour at a furniture store in the Chicago area. It was the first job where they asked me to come in right away. With some overtime, I'm making more than $100 a week. I never made that much money before in my life. I learned a lot in the course. I remember Mr. Bianchi telling us one day—Don't expect to set the world on fire. At least he gave me a book of matches."

Ivan Bianchi, master wood finisher and supervisor of the program, must assume the responsibility for each graduate's success. His background in wood finishing spans many years. In reminiscing, the 52-year-old father of three recalled working at "15 cents an hour when my dad was doing this at Hammond Organ Company in Chicago." Bianchi, who grew up in the environment of an Italian family engrossed in wood working, went on to receive his B.S. degree in organic chemistry from DePaul University in Chicago. For the next five years, he worked at Hammond Organ, later switching to an aircraft plant. As he began diversifying and gaining knowledge, Bianchi became a salesman for a varnish company, moved to a position as technical advisor on industrial coatings, and later became a finish consulting engineer before joining the Cook County Department of Public Aid.

"Taking unskilled people and teaching them a trade is very gratifying," says Bianchi. "Graduates are now earning a minimum of $100 a week in the wood finishing industry. This amounts to nearly $150 per month more than what they received while on relief. Learning a trade that can pay as much as $8,000 yearly is enough to inspire most."

A STORY OF SUCCESS

One leading furniture finishing manufacturer succinctly described the program as teaching displaced people a new skill where a future is assured, doing something concrete to alleviate long-term relief expenses, and restoring confidence and integrity to citizens who greatly need it.

There is a future for each of these graduates. And each graduate can relate a story—a story of success that has led him from a life of degradation to one of respect and dignity. Since many of them already have families, one cannot deny that there will be strains on their financial needs. But they now have a chance to improve themselves, to progress, and to bring home a decent wage to provide their families with their basic necessities.

RAILROAD SAFETY BILL

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. McCARTHY. Mr. Speaker, I have today introduced a comprehensive railroad safety bill to replace the present piecemeal safety legislation which is outdated.

The bill would empower the Secretary of Transportation to set safety standards for railroad equipment, facilities, and operations. It would also place safety regulation of the railroad industry on the same footing as the aviation and auto industries.

After a ruptured and derailed railroad car leaked the chemical styrene into the local sewer system in Sloan, N.Y., on February 18, forcing many area residents to flee their homes, I began to investigate the problem of railroad safety and found many gaps.

I soon discovered that our present railroad safety legislation was written from 50 to 75 years ago for another era in our history.

At the present time, the Department of Transportation has no jurisdiction over the design, construction, inspection, or maintenance of track, roadway, or bridges. Derailment is one of the most frequent railroad accidents and is often caused by faulty wheels, axles, or track conditions over which the Federal Government has no authority.

I feel that current railroad safety legislation is not responsive to today's fast pace. Lethal materials and noxious chemicals that did not exist 50 years ago are constantly being transported through the Nation's communities at the rapid speeds of modern rail transportation in cars and on tracks that are not subject to Government inspection.

According to a preliminary accident report from the Department of Transportation, in 1 month alone, January 1968, approximately 762 train accidents occurred, involving 2,556 injuries and 185 deaths.

This bill would give the Secretary of Transportation the broad authority needed to prescribe standards for construction, use design and performance of trackage, locomotives, rolling stock, and facilities and to prescribe the manner and frequency with which testing and inspection for compliance is to be performed.

It would also provide penalties for those who did not comply with safety regulations of not less than $250 nor more than $1,000 for each violation incurred. The time would continue for each day the violation occurred.

I feel this bill will prevent occurrences such as the one that happened in Sloan and in addition, will provide the broad safety regulations necessary to protect railroad workers and the lives and property of the general public from the results of unnecessary railroad accidents.

AGRICULTURAL PROGRESS IN INDIA

HON. GEORGE McGOVERN

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 7, 1968

Mr. McGOVERN. Mr. President, the senior editor of Look magazine, Mr. Ernest Dunbar, has written a thoughtful and most encouraging report on the progress of Indian economic development, with special reference to the agricultural progress of this very important country.

I ask unanimous consent that the article be printed in the RECORD.

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

INDIA

(By Ernest Dunbar)

The magnitude of India's problems is enough to shake the staunchest believer in man's ability to control his destiny. In that congested Asian subcontinent, a third the size of the United States, more than half a billion people jostle for survival. Increasing at the rate of more than a million mouths a month, India's peoples have long been assaulted by poverty. The most recent catastrophe, two successive years of record drought, brought a proud race to the vertiginous edge of famine. Now, spurred by the specter of megadeaths, India has begun an agricultural upheaval that may take this populous nation out of the shadow of starvation and, ultimately, through a technological breakthrough, to an adequate diet for all its people.

India's food miracle began with a sign no bigger than a grain of rice, the food that is the staple diet for a majority of its people. Though India contains a third of the world's area under rice production and produces 31 percent of the global rice output, its average yield per acre is among the lowest. Its 600 pounds per acre compare dismally with Spain's 3,230 pounds, Japan's 2,250 pounds or the 3,100 pounds per acre output of Italy. Primitive farming methods (like sun-drying rice on roads), an unpredictable climate and a shortage of arable land kept food bowls low and anxieties high. While the U.S. could be looked to for wheat aid, it does not grow enough rice to spare. With population figures relentlessly bouncing upward, Indian authorities had to somehow shock the nation's rice production out of its doldrums or face disaster.

In the first blush of independence from Britain 21 years ago, India's economic planners had slighted agriculture, deciding instead to devote a major portion of their nation's energies and limited financial resources to industrial expansion. After several crop failures and the widening of the gap between produce and people, the New Delhi government decided that success on the farm had to take priority over building more steel mills.

The situation India faced was this: Most of its 50 million farmers have very small holdings (92 percent of them own less than two acres each), are largely illiterate and have the traditional rural suspicion of newfangled seed and farming methods. They are often in parts of the country serviced by poor

roads and are thus difficult for government extension workers to reach and persuade. Money for chemical fertilizers was not something they had lying around, and grain prices were too low to warrant going into hock with the local moneylender in order to finance fertilizer or pesticide purchases. Like his hard-bitten Yankee counterpart of the past, the Indian farmer was going to have to be convinced if food production was to be accelerated. And, moreover, grain prices would have to rise.

In 1960, the Indian Government, with the help of Ford Foundation specialists, began its "package district" program. The package-district idea was simple: The only way to encourage the kind of dramatic agricultural advances India's circumstances demanded was to funnel all of the services, seed and expertise called for into seven wheat- and rice-growing areas carefully selected because of their favorable climatic conditions and energetic cultivators. The aim was to provide these farmers with everything they needed for a major advance. Low-interest loans were given to enable farmers to buy equipment, pesticides, fertilizers and seed, which were shoveled into cooperatives within ox-cart reach of most farms. A battalion of technical advisers biked and bused over the countryside, providing answers for those who needed them and running checks on the progress of the program.

"We felt that if farmers in nearby districts could actually see the kind of payoff these advanced methods could bring, they'd come around quickly enough," said one Delhi cabinet minister.

But the timing proved premature. Too little was known about the soil conditions, and the kind of seed initially furnished did not produce markedly improved yields. More important, though the government set up price supports for grain, they were still not attractive enough to stimulate the extra effort needed from farmers.

Then came a series of events that may touch off a new era in Indian agriculture. Because of severe droughts in 1965 and 1966, grain prices rose, inducing even the most conservative cultivators to search for better ways of growing more food. At the end of 1965, a resolute Indian Government announced that it had set 1971 as the target for "self-sufficiency" in food, and significantly increased its investment in agricultural projects. Another major lift came from India's own experimental agricultural institutes, which raced to develop new strains of high-yield seed that would mature in less time (thus allowing two, possibly even three, crops a year) and would be disease-resistant.

One result of these experiments was a hybrid rice seed called ADT–27 that delighted farmers and officials alike last fall by enabling growers in one package district, Tanjore, to triple the size of their *rabi* (spring) crop. The elements of that success story are a combination of determination, hard work—and a magnificent assist by the weather.

Tanjore is a Puerto Rico-sized district located near the southern tip of India in Madras State, long known as the "rice bowl of India." Situated in the steamy Cauvery River delta, the district is a vast sea of rippling green rice shoots. Much of Tanjore is watered by an extensive irrigation system, parts of which are as much as 900 years old. There are as many acres of rice under cultivation in the district (1½ million) as in all of the United States; and Madras State, of which it is a part, normally grows enough rice (almost 4 million tons) to take care of Madrasi needs, with a portion left over for shipment to other regions. Though Tanjore had been a package district since 1960, it was the decision to try ADT–27 there that catapulted the area into Indian agricultural history. The hybrid seed, a cross between a local variety and a Japanese strain, was the product of 11 years of research at Madras's Aduthurai experimental station (from which it got the designation ADT).

The new seed, which grows well even under poor conditions, matures in about 105 days, in contrast to the 180 days required by the seed traditionally used by Tanjore farmers. It does not need as much fertilizer or technical know-how as some other varieties in order to thrive, and its taste, often a sticking point in India, is acceptable to local consumers. Equally important, the yield from ADT-27 is up to four times as great as that obtained from the old variety. Tanjore had another asset: a gritty, determined project director named Mooliyil Mukundan. Backstopped by Ford Foundation consultants, Mukundan and a staff of 750 "village workers" trained in a short crash program fanned out in the district to persuade, cajole, entreat a portion of the district's farmers to try the new seed. Mukundan and his assistants tried to make the risks minimal. "We studied weather conditions for the last 16 years," he said. "We did the same for humidity, maximum and minimum temperatures, hours of sunshine and volume of rainfall."

In 1965, the new seed was demonstrated on 5,000 acres. In 1966, the area was increased to 200,000 acres; and in 1967, it jumped to 600,000.

Last year, moving ahead, Mukundan encouraged Tanjore's farmers to make a change in their centuries-old cropping pattern. He asked them to risk sowing ADT–27 on a double-cropping basis. "By now, the cultivators have faith in us," he says, "and we never make people feel we're pushing them into anything." Over the course of four months, farmers were brought together in batches for two-day training sessions. A farm program planned for each man told him how much seed he would need, the amount and proportion of fertilizer, pesticides, with credit arranged so that he could buy them. In those four months, 200,000 farmers were trained. At times breaking through copious bureaucratic snarls, Mukundan and his fellow workers got the material to the places where it was needed.

The result, with that big assist from last fall's excellent monsoon rains, was a threefold rise in the area under ADT–27 cultivation and, with the double-cropping, a sharp net increase in rice yield of some 450,000 tons, the equivalent of five percent of India's total food-grain gap in 1966–67.

Mukandan scoffs at the idea that Tanjore's farmers are resisting change. "Tradition does not stand in our way here," he argues. "The difficulty now is providing enough seed and fertilizer for all the farmers who want it."

While the prospect of a bumper crop was still a gleam in the eyes of local farmers, national and state government officials realized that the huge harvest would present unprecedented problems. Paddy (as unmilled rice is termed) must be dried within a short time after harvesting, or it germinates and becomes undesirable for human consumption. The traditional Tanjore practice of placing paddy on the roads to sun-dry would have been inadequate because of the enormous yield—three times the usual crop—and because the grain was to be harvested during the monsoon rains. With only about 40 percent of the crop to be consumed locally, government officials at all levels realized they'd have to pool their resources if the paddy was to be dried, stored and shipped out fast enough. In what became a remarkable example of Indian intergovernmental teamwork, trucks and railroad cars were marshaled from various parts of the country and funneled into the Tanjore district to carry away the marketable surplus. Even more spectacularly, in four months, the government rushed through the construction of some 20 mechanical drying centers to cut paddy spoilage to a minimum.

Tanjore's success with its "miracle seed" and its double-cropping innovation is not the only advance in the Indian food struggle. Still more impressive wheat-crop yields have been scored in the Punjab, northern India's wheat-producing region. In Punjab's Ludhiana (like Tanjore, a package district receiving a variety of special agricultural services), a new seed, bred by crossing a local strain with a Mexican variety, has resulted in a dwarf wheat that can absorb generous amounts of fertilizer without "lodging" (falling over), as did the area's traditional wheat.

The new high-yielding strain has enabled Punjabi farmers to reap crops more than double those of only four years ago. The changeover has been dramatic. In Ludhiana alone, farmers who planted 20,000 acres in the new wheat last year will plant 200,000 acres in 1968.

The two successive droughts of 1965 and 1966 masked the beginnings of the Indian agricultural transformation. But with the highly favorable rains of last year, the evidence of the nation's food effort is now becoming visible.

The recent bumper grain crop, according to estimates, totals more than 100 million tons. India's previous high had been 89 million tons in 1964. (The 1966–67 drought-affected harvest was only 75 million tons.) Government officials now hope to be able to stockpile at least three million tons to build up a reserve. But while such a reserve would help ease India's chronic shortages, it would only be about five percent of the country's annual grain consumption, and could easily be wiped out by another drought. So the U.S., which last year furnished India with 6.1 million of the 10 million tons of grain that had to be imported, has already pledged to send 3.5 million tons in 1968 to help build up stocks. (The U.S. also had a bumper grain crop.)

While the *quantity* of food available to India's millions is increasing, the *quality* of it is something else again. The Indians' diet, basically rice or wheat, is woefully deficient in protein. Some vegetables are consumed, but such protein-rich foods as meat, poultry, eggs, fish and milk are not part of the average Indian's meal. The lack of protein shows up in a high infant-mortality rate, in chronic illnesses and in a general lack of physical well-being.

Chidambara Subramaniam, an ex-food minister, now an official of India's ruling Congress party, has lamented: "The most tragic aspect of protein hunger is that it strikes at the most vulnerable sector of the population—the children. On the basis of my own state of Madras, where I was minister of education, it has been estimated that between 35 and 40 percent of the children of India have suffered permanent brain damage by the time they reach school age because of protein deficiency. This means we are, in effect, producing subhuman beings at the rate of 35 million a year."

As the peoples of India move vigorously to solve their hunger problem by growing more food, they are hobbled by their propensity for growing people. Between 1950 and 1965, when the country's grain-production rate rose nearly 3 percent (about the same as that of the U.S. then), the annual population increase was 2.5 percent. The two-year drought erased even that slight edge.

India's masses multiply at the rate of 55,000 mouths a day, and the annual increase is more than the total population of Australia. Under Prime Minister Indira Gandhi, the nation's lagging population-control program has moved ahead in the last year with new determination and a healthy step-up in government funds. The man who directs the drive is spirited, chain-smoking Dr. Sripati Chandrasekhar, a U.S.-educated demographer. The official goal is to cut the country's birthrate from its present 41 per thousand to 25 by 1975. (Dr. Chandrasekhar vows he'll make it 20.)

"We are using what I call 'a cafeteria ap-

proach' to family planning," he says, "offering the 'loop,' or intrauterine device, the pill, condoms, vasectomies [male sterilization surgery] and tubectomies [the female sterilization operation]."

To get the word into every corner of India's 500,000 villages, where 80 percent of the people live, the health ministry has fielded a formidable array of persuaders. The red triangle, symbol of family planning, is seen everywhere. Slogans urging birth control are pasted on walls, threaded into radio programs, shouted from loudspeakers atop propaganda trucks, insistently pushed in rural dispensaries. At first, the emphasis was on the "loop," but in the wake of complications that slowed down the acceptance of this device by women, the stress has now shifted to male sterilization.

After a vasectomy, which is performed in about 15 minutes, the patient walks away and can usually return to work after a day's rest. The female operation, more complicated, requires up to ten days' hospitalization. So far, about 90 percent of the operations have been performed on men. In most Indian states, those who undergo these operations get time off and a payment of 20 rupees—$2.60—which means a lot in a country where a peasant's workday brings about 26 cents.

The Indian Government has budgeted ten times as much money for its family-planning program in the next five years as it spent in the previous five, but a Himalayan-sized task remains. Though 2,600,000 persons have been sterilized so far (the goal in 1968 is 1,500,000), there are about 100 million Indian couples of reproductive age.

The U.S. Government and foundations are providing money, materials and research to help the Indian Government in its desperate struggle against human inundation. India must somehow match its farming revolution with a successful effort to brake its runaway birthrate. If it can, its triumph will be without parallel in man's history.

TEXTILE IMPORTS MUSHROOM

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. DORN. Mr. Speaker, the following figures indicate the fantastic increase in textile imports which threaten this great industry and its more than 2 million employees.

This release is from the American Textile Manufacturers Institute and the table from the Department of Commerce:

WASHINGTON, May 2.—Textile imports during the first quarter of 1968 were a record 780.7 million square yards, according to figures released by the U.S. Department of Commerce.

The import level was the highest first quarter on record.

The first quarter total was 77.8 million square yards or 12½ percent higher than the first quarter of 1967. All major fiber categories—cotton, wool and man-made fibers—were up from the comparable period in 1967.

The largest gains were in man-made fiber imports which were up 55.6 million square yards or 22 percent from the first three months of 1967. Man-made fiber imports were 305.5 million square yards.

Cotton textile imports increased by 15.7 million square yards over the first three months of 1967 and wool imports were up 6.5 million square yards.

U.S. GENERAL IMPORTS OF COTTON, WOOL, AND MANMADE FIBER TEXTILES—CALENDAR YEARS 1964-68, BY MONTH

[Total in million square yards]

	Cotton					Wool					Manmade fiber					Total				
	1964	1965	1966	1967	1968	1964	1965	1966	1967	1968	1964	1965	1966	1967	1968	1964	1965	1966	1967	1968
January	110.2	52.3	155.3	160.3	160.1	7.9	5.2	13.7	9.9	12.0	24.8	27.9	64.0	79.6	119.1	142.9	85.4	233.0	249.8	291.2
February	74.9	108.7	132.0	116.4	143.6	6.5	9.2	12.0	7.7	11.6	16.1	42.2	45.9	86.9	85.2	97.4	160.1	189.9	211.0	240.4
Cumulative	185.1	161.0	287.3	276.7	303.6	14.4	14.4	25.7	17.6	23.7	40.9	70.2	109.9	166.5	204.3	240.4	245.6	422.9	460.8	531.6
March	86.1	150.7	147.1	146.6	135.4	8.5	13.2	14.4	12.1	12.6	22.6	44.1	53.6	83.4	101.2	117.2	208.0	215.2	242.1	249.2
Cumulative	271.1	311.7	434.4	423.3	439.0	22.9	27.6	40.1	29.7	36.2	63.5	114.2	163.5	249.9	305.5	357.5	453.6	638.1	702.9	780.7

Source: Office of Textiles, U.S. Department of Commerce.

THE PUBLIC AND THE PUBLIC SCHOOLS: THE NEED TO BUILD A NEW SENSE OF COMMUNITY

HON. WAYNE MORSE

OF OREGON

IN THE SENATE OF THE UNITED STATES

Tuesday, May 7, 1968

Mr. MORSE. Mr. President, Mr. Jack D. Gordon, of Miami Beach, Fla., who in addition to his business responsibilities, has long taken a keen interest in public education and who has served with distinction on the school board of his community, recently called to my attention an article written by William A. Harrison, Jr., entitled, "The Public and the Public Schools: The Need To Build a New Sense of Community," which appeared in a March 1968 special report of the National Committee for Support of the Public Schools.

The article sets forth, in my view, succinctly and ably many of the problems which beset our school systems throughout the country and I would certainly agree with the concept of the author that there is no substitute for enlightened public debate leading to solution at the local level of problems. It is in this area, as in so many others, that the renewal of a dedication on the part of the parent and the citizen to meeting his civic responsibilities offers the best hope for resolution of difficulties.

Because this article will, I think, be helpful to many of my colleagues, Mr. President, I ask unanimous consent that it be printed in the Extensions of Remarks.

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

THE PUBLIC AND THE PUBLIC SCHOOLS: THE NEED TO BUILD A NEW SENSE OF COMMUNITY

(By William A. Harrison, Jr.)

As Americans ponder the deepening public disaffection with their public schools, it will be tempting for many to explain away the troubles in terms of venal motives by the parties at variance with current school practices. Many will find it easiest to blame the ineptitude of elected and appointed policymakers. And many will conveniently focus their frustration on blundering bureaucracies of willful power structures.

But this kind of reasoning will not rescue the system. The causes are more complex, and the depth of discontent compels consideration of the painful prospect that something in our system is changed and something in the way we are doing things is awry. The search for solutions must begin with facing one over-riding question: Does the trouble lie with school policy or with flaws in the institutions which produce it?

THE ROOTS OF DISCONTENT

Highly centralized and bureaucratic, insulated from the public, growing in lower-class and non-white population, and unable to adjust their programs and institutions to changing needs, many of our big city school districts could hardly have worse relations with the communities they serve. It is difficult to exaggerate the urgency of the problems or their significance, not only for the cities but for other places as well. The failing relations between schools and their communities are occurring in a context of three major elements.

URBAN UNFULFILLMENT

First, public school policies have given little recognition of the changing nature of the American population. From the immediate post-war concern with providing more classrooms and teachers for the same style of education, a reform spirit gradually shaped a new emphasis on "excellence," on improving the quality of school offerings. Recently the concern for quality extended to equality of opportunity. Put another way, the concern at the forefront changed from "democracy" (uniform public education for all), to "excellence" (quality education), to "opportunity" (equality of opportunity in education). Each of these movements assumed a type of school population little changed from the era before.

Yet the environment in which Americans live has changed most drastically and with profound importance for the schools. This nation of immigrants has undergone a tremendous internal migration. In 1910, less than half the population lived in urban areas of 2,500 people or more. Today 80 per cent of Americans live in the great city complexes. In 1910, 81 per cent of all black Americans lived in the rural areas of the South; in 1960, 73 per cent lived in the cities, mostly in the North. Black people made up 17 percent of the population in the core cities of the North in 1960, and two-thirds of the adults in this group had been born in the South. The population movement continues, and even if

poverty and discrimination were not involved, it would by itself raise tremendous problems.

Unfortunately, poverty and discrimination are not apart from the rush to the cities. The new city-dwellers seeking to grasp the American dream find few urban institutions to help them. And too often, finding themselves alone, lacking the education, training, job habits, and other social skills for urban life, they separate themselves from the American dream and drop out of the mainstream patterns we associate with "American life." It now appears that the 1960 census missed—*simply failed to find*—some 5,700,000 persons who did not live in the manner customarily recognized by census takers. Denied participation in the American dream, they move hopelessly and permanently away from aspirations of self-fulfillment and into what James N. Gavin and Arthur Hadley have termed the underculture of poverty. Overwhelmingly, those who make it into the mainstream of urban life are white, and those who fail are black.[1]

FRICTION IN THE TECHNOLOGICAL REVOLUTION

Second, the population movements in the cities are only part of a broader change to what Zbigniew Brzezinski has called the technetronic age. Unlike other revolutionary eras which experienced alterations in the distribution of power and property within society, ours experiences the impact of science and technology in ways which affect the essence of individual and social existence.

We live in a system which is undergoing fundamental and very rapid change. It is an age of intense communication, of transition to an extraordinarily interconnected society, and of growing capacity to assert social and political control. Also it is a time of unprecedented need for education and fierce demands to meet that need. We really know very little about it. Science and technology enable us to alter the very environment in which we live. But when we alter the environment, we alter total system in ways we do not understand and therefore do not anticipate. Well intended actions defy us with unanticipated consequences, teasing us into crash actions to correct the unforeseen problems, which then spiral into successions of further problems and crash reactions.

In order to manage the spiral of crisis, we put a premium on planning, on information, and on centralized decision-making—activities which tend to exclude all but a small elite from decision-making. And thus we exclude the ghetto dweller even further from any personal choice of goals and therefore from a sense of personal involvement in the society. At once, we risk both excessive control and social fragmentation. For the poor, the disparity between our rhetoric and our action makes the whole society seem a fraud.

BUREAUCRATIC RIGOR MORTIS

Third, where the needs for education are most crucial—in the big cities—the schools are least equipped to provide what is needed. The ills of the big-city schools are various, but almost invariably they involve a rigid school bureaucracy which fails to raise and use resources in a manner responsive to the needs and aspirations of the community.

Indicators of how well schools serve the needs of their communities do not stand out in bold type in school budgets, and only rarely can they be found in the usual statistics on the progress of school programs. But they are unmistakeable to the first-hand observer: in a teacher's condescending manner, in all white or all black color of the student population, in the inappropriateness of books and curriculum, in the silence of the classroom and the chaos of the corridors, in the drafts from cracks and broken windows, in the long wait for audience with a reluctant administrator. The communities' verdict on their schools is devastatingly clear in such expressions as broken windows and the organization of protest.

What causes the bureaucratic rigor mortis which afflicts so many of our big-city schools? The classic explanation is that it usually occurs when adherence to the rules of the organization, usually conceived as a means, becomes transformed into an end-in-itself. The goals of the organization become displaced. "Discipline, readily interpreted as conformance with regulations, whatever the situation, is seen not as a measure designed for specific purposes but becomes an immediate value in the life-organization of the bureaucrat."[2] In terms of the big-city schools, this usually means that rules and organization developed for one set of pupil needs remain unchanged even though the types of pupils and their needs do change.

Bureaucratic hardening of the arteries also occurs when—through ignorance or through the desire for central control and bureaucratic security—inadequate performance measures are used to evaluate teachers and administrators. A large city district which bases advancement on longevity and written test scores penalizes innovation and rewards ability to take written tests—hardly the qualities needed to be effective in reaching the students. When school personnel have to pride themselves on their ability to beat the system in order to serve their students—which is the case in many central-city schools—the conditions cannot be conducive to serving the needs of the communities.

Bigness alone does not produce bureaucratization, but it does appear that size of the city is an important determinant in the degree to which internal bureaucratic control is sought and the influence of the public and public officials avoided. Such bureaucratic goals usually come at the expense of communications, initiative, and problem-solving ability in the organization. Therefore they come ultimately at the expense of such educational goals as equal educational opportunity and quality education.

New York City illustrates the type of bureaucratic rigidity and weak school board control that can be found in many of our big cities. There, many separate practices have conspired to help the school bureaucracy maintain tight control, including a screening process for selecting school board members, a lack of staff and therefore independent expertise for school board members, a general absence of organized clientele of the schools, and sketchy newspaper inquiry into local school operations. "One could accurately describe the situation in New York City over the past two decades," Marilyn Gittell has written, "as the abandonment of public education by key forces of potential power within the city. . . . The end result is narrow or closed participation in large areas of nonvisible decision-making, in which effective influence is restricted to an inside core of top supervisory personnel in the headquarters staff of the Board of Education."[3]

POLITICAL OBSTACLES TO EDUCATIONAL SOLUTIONS

If the current troubles in the schools were the product of a single person or even a small group, the solution would be relatively simple. It would be either to persuade the policy-makers to change their minds or to dismiss them.

But it is not so simple. Authority for school policy is greatly fragmented among diverse governing bodies and insulated and overlapping layers of school bureaucracy. Budgetary formulas and administrative restrictions hem in the would be innovator. Credential requirements, contract stipulations, and the prescriptions of professional organizations trip up the reformer. The frustrations of many well-meaning and resourceful school board members are mirrored in Martin Mayer's reflections on serving on a community school board in New York City:

"So far as I am concerned, the battle is over, and I lost. Five years on a school board is, of course, enough. You get to know too much, especially about what 'can't be done,' and you come to 'understand' too well the problems of the staff."[4]

Attempts to solve our present troubles also run afoul of the dashed hopes of our past failures. Man's growing ability to alter his environment gives us all increasing confidence that we can have a hand in determining our own fate. The aspirations of people who have suffered oppression especially so are when they begin to see the chance for a better life, only to turn sour when our institutions change at the same old glacial speed.

It is time we faced the fact that no fundamental changes in the school systems of most of our big cities have been made to meet the vast changes in the city populations. Nor do they appear likely under current arrangements. Our institutions for public school government may not be equal to the size of their tasks. We usually think of decentralized policy-making as a way to avoid the inflexibilities of centralized government and forget that local governments also can suffer from bureaucracy. We also tend to forget the sheer magnitude of some of our so-called local entities—that the population of New York, for instance, is the same size as that of Sweden or Chile, that Chicago's matches Norway's, that Los Angeles contains as many people as New Zealand.

In the past, when political controversy flared around the public schools most commonly in matters such as textbook selection or teacher morals, schoolmen tended either to ignore political issues or to consider that they concerned schools alone. Now we cannot afford to take this view. The problems of education in the cities are intimately mixed up with most of our other social problems. To begin solving them, we must recognize this fact, and also the fact that they are not likely to be solved without examination and cooperative effort across many fields of private and public service.

PUBLIC PARTICIPATION

The essential tasks in rescuing our city schools require knowing that the kind of action we take can effect solutions and then taking that action in sufficiently massive amounts to solve the problems. The tasks are to (1) break up the bureaucracies and involve the local communities, (2) bring enough sympathetic and competently trained people into the classrooms, and (3) marshall all the talents we have to the problems at hand.

Of these, the first task is by far the most crucial, because with adequate governmental and community response to local needs we can marshall our resources of talent to school problems and obtain the means to put more adequately prepared personnel into the schools.

How do we get better public participation to make the schools more responsive? First, we have to face a fact that we have known for a long time—we have *never* had much public participation in public school policy-making. Turnout in school board and school bond elections is notoriously low in this

[1] See the Report of the National Advisory Commission on Urban Disorders, paperbound, Bantam.

[2] Robert K. Merton, *Social Theory and Social Structure*, 2d ed., (Glencoe, Ill.: The Free Press, 1957), p. 199.

[3] Marilyn Gittell, *Participants and Participation; A Study of School Policy in New York City*, (New York: Center for Urban Education, 1967), p. 46.

[4] Martin Mayer, "What's Wrong With Our Big-City Schools." *Saturday Evening Post*, Sept. 9, 1967, p. 68.

country, and the electoral process is about the only extent of any real public participation. What participation we have had on school boards has come, as George S. Counts pointed out some forty years ago, from one type of person: from the predominantly middle-class, White-Anglo-Saxon-protestant, business-oriented strata of the community.[5] Such homogeneous boards may serve the needs more adequately where the population and schoolmen are of a kind. But it is a myth that the city schools have a unitary set of interests (which such homogeneous school boards serve), as new interests (Negroes, the poor, middle-class intellectuals, and teachers) are now making evident through their political protests.

Second, we must recognize the costs and benefits of public participation in influencing either the public decisions directly or the officials who make them. Participation takes time, money, and effort—resources in terrifically short supply in the problem areas of our cities. The only way to begin relieving the problems of the schools is to make more of these resources available to the inhabitants of the ghettoes.

The people most familiar with conditions in the big-city schools are those who live in the communities they serve. To insure that the policy-making process involves the best knowledge, talent, and judgment available, their ideas are essential. They should formulate their needs as they see them and in their own terms. They should draw up the specifications for the professionals to translate into programs and then help mobilize community support to make the programs go. The developing of such common goals is the beginning of community development. They must have access to leadership positions and offices of legitimate authority in which to pursue the goals. The skills of political communication and constructive governance come best through experience. When successful, they are self-reinforcing. But they become meaningful involvement only when they can be directed toward personal and visible choice of goals.

Experience in local communities has taught us that it does not take long for participatory skills to develop when people have the opportunity to try. Incentives for local participation can come from the local, state, and federal levels. Participation can be channeled through public agencies or private. But the essential involvement of the poor and minorities must come where they can participate most easily and most effectively—at the local level and in affairs of direct relevance to the environment in which they live.

Third, we must recognize that new school interests not served by the policy-making process are *already* participating politically to change the schools (mostly outside the conventional policy processes, of necessity). They will continue to do so as long as they feel their needs are not met. And the forms of protest currently happening in the cities we can expect to take place wherever aspirations are raised without appropriate response.

Modes of public participation can be precise or blunt. The vote, in the aggregate, is powerful but conveys little information, and as an individual act it is blunt and weak. So where persons who have been oppressed see little or no effect from their efforts, they are likely to turn to more precise targets for their demands. The protestors among the poor and minorities of our big cities are specific about their demands: Feeling their educational needs unmet, and unlikely ever to be met, they now vie for complete control of their own schools. Institutional means must be available to resolve these conflicts, or else they will spill out into virtual destruction of the public school system.

Fourth, we must recognize the obstacles and incentives to participation by minorities and the urban poor. The proposals most frequently advanced for channeling public participation are to decentralize big city school systems and to establish community schools. One is aimed at involving residents of the community in the governing structure of the schools; the other, to involve them in the schools themselves. These programs are good ones, but it should be realized that they are means—not necessarily the only ones possible—to more important ends. The essential goal is excellence in education, and it requires divesting authority from those with vested interests in the status quo and putting it into those hands which will be knowledgeable and responsive to the needs and aspirations of the communities. Power will have to be marshalled—by members of the conventional city power structures and by the new interests themselves—to persuade those who customarily vie for representation in school governing bodies to give up their monopoly.

The big stumbling block to building a new sense of community in our great cities is our failure to insure that the services of the city match the diverse and urgent needs of its citizens. Alliances of concerned persons from all parts of society can, if they are willing to exert the effort and absorb the criticism, build such participant communities and a culture worthy of the American dream. But if we choose not to work with the new interests in the cities in transforming their protests into programs, even at the expense of some control, we can only expect increasing numbers of persons to decide that the empty promises of our troubled society are not for them.

[5] George S. Counts, "The Social Composition of Boards of Education: A Study in the Social Control of Public Education," *Supplementary Educational Mono-Graphs*, Vol. XXX (July, 1927), p. 83.

VIETNAM: AN INFORMED VIEW

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. CHARLES H. WILSON. Mr. Speaker, with the permission of the House, I include the second part in the series of articles on Vietnam by Mr. Edwin W. Dean, Jr., publisher of the Inglewood Daily News.

VIETNAM: AN INFORMED VIEW

FLYING AN AIR STRIKE IN A–37'S

Three U.S. Air Force pilots, dressed in light grey flying suits, sat around a small table in a tiny briefing room. The flight leader, a deceptively young looking, blond crewcut major was explaining the air strike they would fly that afternoon.

As he talked in a quiet voice, the other pilots listened, made notes on their flight data cards, and asked an occasional question. They appeared easy and relaxed, but there was a slight feeling of tension in the air.

As the briefing drew to a close, the flight leader gave his last instructions. "We'll regroup over the target at 20,000 feet and check for damage. Number three will move up and check over one and two. Number two, you check number three as he checks me. Because of the distance to the target we'll shut down one engine coming home, on my order. We'll restart the engine for landing, also on my order. Any questions?"

No one had any questions and the three rose and walked out of the tiny cubicle through a haze of cigarette smoke. Crossing the larger operations room, they went through an entryway into the equipment room.

Each man went to his own locker and began to don his flight gear. First an inflatable vest to keep them afloat in case they had to ditch in the South China Sea. Then they put on survival vests, filled with a vast assortment of tiny items designed to keep them alive on the ground. Pistols, a parachute, gloves, a helmet and oxygen mask completed it and they were ready.

Carrying their helmets they walked outside and climbed into a waiting blue Air Force panel truck, with benches built along the sides. The flight leader gave a few instructions to the truck driver and they drove off, wending their way in and out across the massive air base. Orderly, brisk activity was going on everywhere as other aircraft were being prepared for other missions.

Ten minutes of twisting and turning brought them to the parking area of their squadron. And they drove down the taxiway between the double row of revetments, stopping to drop each pilot at his plane. The planes were A–37s, tiny two-place converted jet trainers. Tiny, but mighty, each A–37 carried a bomb load almost half the size of the one carried by the World War II B–17 heavy bombers.

Each pilot walked over and dropped his helmet into the cockpit of his plane, no ladders needed for this little aircraft. An average size man can look right into the cockpit. Moving around the plane they checked everything on the outside. The short, straight wings with tip tanks were hung with bombs and fuel tanks from one end to the other.

Climbing into the cockpit, the pilots checked their instruments, switches, and ejection seats. In case they had to abandon the aircraft, one pull on the firing mechanism of the seat would blow off the canopy of the plane and then an explosive charge would hurl the pilot and the seat out of the aircraft. Seconds later the seat and the pilot would be separated and the pilot's parachute opened, all automatically.

Satisfied, the pilots looked up at their crew chiefs, who were standing in front of the planes, to insure the jet engine air intake covers had been removed. Engines were started and run up to check their performance. A thumbs up to the crew chief indicated everything was OK, and the chief began giving hand signals to the pilot to test the control surfaces. As the chief gave each signal the pilot tried that control and the chief indicated they were responding correctly.

The blocks were pulled away from the wheels and the crew chief guided the plane onto the taxiway. As the leader passed, each of the other A–37s moved into line behind him. Like a line of waddling ducks, the little planes rolled slowly toward the main taxiway, which paralleled the runway. Turning onto the main taxiway they picked up speed to about 30 miles per hour for the long run to the end of the airstrip.

At the end of the taxiway they turned into the arming area, stopped and put their hands on top of the canopy windshield to show ground crewmen that all firing switches were in a safe condition. The ground crew worked their way around the planes pulling out all the safety pins with their long red flags.

When all the weapons were armed the flight leader waved to the number two man, indicating he should lead the flight onto the runway. Number two gave a thumbs up and taxied out of the arming area past a flight of Vietnamese Air Force F–5s that had just pulled into the area. He moved into position on the right side of the runway and the leader moved past him to a spot just ahead and to his left.

Throttles were pushed forward, brakes released and the first two little planes roared down the long runway in an echelon right. Heavily loaded, the tiny A-37s were reluctant to fly and thundered almost all the way down the runway before the pilots

eased back on the control sticks and lifted them into the air.

One and two climbed to 20,000 feet in a steep left hand turn. As they climbed, ground control radioed the flight leader a new target, in support of U.S. troops in contact with the Viet Cong. Two and three acknowledged the message, and at 20,000 feet one and two turned onto a course to the new target.

Number three aircraft was down on power a little and was having trouble joining up. The leader reduced power and about half way to the target area number three came into sight in the rear view mirror and moved into position in the formation.

The target was solid jungle. The jets went into a left hand orbit, circling while coordination was made with the FAC (Forward Air Controller).

The leader asked to have the friendly troops marked and on the ground a cloud of yellow smoke wafted up through the jungle. When smoke is thrown to mark a friendly position the color is never mentioned in advance because the VC will throw the same color to confuse the situation. The men in the aircraft ask for smoke to be thrown and then announce the color they see. The friendly troops tell the aircraft whether or not that is the color they have thrown.

The FAC, in his little single engined Bird Dog, dived at the target and fired a white smoke rocket into it to mark it for the jets. This FAC was new on the job and missed the target with his rocket. To make sure of the target area the leader, who was considerably annoyed, made a pass over it without dropping any bombs. As he pulled out of his steep dive, the FAC told him he had it right on the nose.

The A–37s began bombing in a "cloverleaf" pattern. Each plane made a sharp roll to the left and dived at the jungle. Releasing their bombs and pulling out of the dive they made steep climbing turns to the left, rolling over on their sides to watch the fall of their bombs.

Flying around 90 degrees of an arc they made their next bomb run at a right angle to the previous one. One plane was at the bottom of its dive as the next started his, and the third was flying around into position. Four runs by each A–37 and they had dropped all their bombs.

Climbing to 20,000 feet they again went into a left orbit over the target and checked each other for damage. None of the planes had taken any hits. The FAC had dropped down low over the target to do his BDA (bomb damage assessment), and came up on the radio to give his report. "One-hundred per cent of bombs on target, 40 per cent target destruction, unable to determine damage because of smoke."

The jets headed for home, flying so close together a man could have stepped from the wing of one plane to the wing of the next, if they had been on the ground. As soon as they were settled on course, the leader wiggled his wings and the formation loosened up for the flight back.

It wasn't necessary to shut down one engine because they had not come as far as the original mission would have taken them. As they approached the air field they tightened up the formation again and then switched into a straight line, one plane following another.

They flew straight down the runway at 2,500 feet to let the control tower get them in sight. About half way down the runway, they began making hard left turns at one second intervals and flying back down the side of the air base in the direction from which they had come. Dropping down continuously they made another half circle turn beyond the end of the runway and came in to land.

At the far end of the runway they stopped to have safety pins put into the firing systems, opened the canopies and took off their oxygen masks. Then they taxied to the other end of the field to the arming area. Getting out of the planes they turned them over to the ground crews, gave some instructions for maintenance of the planes, and climbed into the waiting blue panel truck to go to debriefing. Another routine mission was almost over.

THE STEEL HELMET SHOULD BE REPLACED

The steel helmet is the cherished status symbol of modern armies. And it is completely unsuited to most of the fighting in Vietnam.

The metal helmet has been the mark of a modern army for centuries. Originally designed to protect the wearer from slashing swords and falling missiles, such as arrows and stones, it has waxed and waned in popularity as methods of warfare have changed. And yet it always seems to emerge again triumphant.

With the advent of modern war and weapons, about the time of the American Civil War, it disappeared from general use, except for a few continental cavalry units. Increased fire power had driven the sword almost entirely from the battlefield. Infantry had abandoned it even earlier, when the use of muskets became general. In tight massed formations they relied on the fire of their muskets to defeat the sword wielding cavalry before the horsemen could come to close quarters.

Armies marched into World War I wearing a variety of soft caps. However, when the war bogged down into trench line fighting ferocious artillery barrages became commonplace and steel helmets were adopted for protection from fragments. This made good sense in World War I, as it did in World War II and Korea where fixed positions subject to intense bombardment were relatively common.

Such is not the case in Vietnam. The Viet Cong has only an insignificant artillery capability. They generally use mortars and rockets in hit and run attacks, firing a relatively small number of rounds quickly and fleeing before we can retaliate in full force.

These attacks are usually directed against our semi-permanent base camps and field night defensive positions. Soft caps are worn now in base camps, although each man is issued a helmet to wear in attacks. Helmets are worn to the field by regular units.

For troops moving about on operations in the hot climate and rugged terrain of Vietnam, the helmet is more of a hindrance than a help. It is heavy, hard to keep on the head, adding to the difficulty of movement, and gives limited protection against the direct fire from rifles and machine guns usually encountered.

It makes it harder to see and hear, presents a larger target with a distinctive shape (in spite of the use of camouflage covers for it), and is noisy, when struck by branches and equipment. The best uses for the helmet in the field are as a wash basin and as a seat on wet ground. It can also be used for pounding, cooking (seldom), and carrying a number of small objects a short distance.

It will protect the wearer, which is what it is supposed to do, only against small fragments, such as some from a grenade, or against a glancing, grazing, or spent bullet. It will not stop a large fragment near the point of explosion or a bullet which hits it directly.

The familiar picture of a soldier holding his helmet with a hole in it, is published very infrequently in the many military newspapers issued regularly in Vietnam. It is probably printed about as often as it happens. Indeed, a close examination of these photos will show that many of the bullets would probably have missed if a helmet had not been worn.

It is not possible to show how many soldiers have been hit because they were tired from the burden of the helmet, or because it hindered their movements under fire, or blocked their view, or gave away their position. But, it is a far larger number than have been saved by it.

A soft hat, with a wide but not extreme brim, should be issued to troops in Vietnam for use in the field. It should be made of water repellent material and have a large crown. The crown should be shaped to allow the use of the hat as a wash basin. The brim should be semi-flexible to allow it to be adjusted to give maximum visibility and rain protection, as desired.

Helmets should continue to be issued for use in bases and in special situations which may develop such as the fighting South of the Demilitarized Zone (DMZ). Troops can continue to wear helmets in night defensive positions by bringing them with them and leaving them in the position when they go out on search and destroy operations.

To best protect the soldier the equipment must be appropriate to the job. A change is needed in the military headgear in use in Vietnam.

JUNGLE IS BIG ENEMY IN VIETNAM

The jungle is the big enemy in Vietnam. Without the jungle to hide in, the Viet Cong would be defeated quickly and easily. It conceals VC forces, bases, and supplies, allows them to advance and retreat unobserved, makes ambushes possible, and provides them protection against bullets and explosives.

Often our troops can see only ten feet or less in the dense growth and must slowly cut their way through it to move at all. Clearings where our helicopters can land troops and supplies and evacuate wounded are few and far between. Jungle covers a large part of Vietnam and because of the difficulties of operating in it for our forces the VC enjoys the advantage of huge safe areas.

Two programs are being used to combat the jungle in Vietnam. One is defoliation and the other is jungle clearing. Neither one is as effective as it might be if it were handled differently. A third program that would give tremendous tactical advantages to our forces is not being used for political reasons. Until we conquer the jungle in Vietnam we will not conquer the Viet Cong.

The defoliation program began in November 1961 when six C–123 twin-engined transport aircraft were equipped with aerial spray apparatus. The defoliant chemical sprayed by these airplanes is the commercial type used in the United States in gardens and along railroads and highways. Dispensed at the height of the growing season under optimum conditions (no rain to wash it away), it causes foliage to change color on the same day or next day. Grass dies within three or four days. In six weeks leaves wrinkle and drop off. The landscape assumes the appearance of the Northern United States in late autumn.

The chemical does not sterilize the soil or trees. It is harmless to human and animal life. Because it does not kill, foliage will return during the next complete growing cycle, if the area is not resprayed. Three planes can spray an area 900 feet wide and ten miles long in less than five minutes.

There are two major problems with the present defoliation program. One is the failure to recognize the existence of double and triple canopy jungle. In these areas there are two or three levels of growth in the jungle. A single defoliation run will not, usually, reach all of them. Thus, the upper level is bared, but not the lower. Visibility into the jungle may not be improved at all.

A defoliation assessment mission needs to be flown after the spraying mission to determine the result, much in the same manner as a bomb damage assessment (BDA) is flown after an air strike. When all of the canopies have not been stripped away a second or third spraying mission should be flown.

The second problem is the failure to use a permanent defoliant selectivity. The jungle is undeveloped land, worthless except for erosion control and some small lumbering operations. Only the Viet Cong benefit from it at present. In the future development of Vietnam much of the jungle should be cleared and made productive.

A good road net will be needed to help to do this. With this road net, basic and simple water control measures, and the introduction of some new crops, the cleared jungle of Vietnam could be used to feed much of Asia, while providing a sound economic basis for the country.

This road net should be planned now and permanently defoliated. In many instances, it will closely follow major VC supply routes, since they have a good eye for terrain. This would aid our operations and hinder the VC by providing a permanent, logical system of clear observation zones crisscrossing the jungle. And it would end the necessity of respraying key areas over again.

Generally speaking, little jungle has ever been cleared in Asia. Agriculture has been carried on for centuries in areas naturally clear of dense jungle. This has resulted in patches of jungle, some of large size, remaining in the major food growing areas, which also contain much of the population.

These patches of jungle have been the bases from which the VC has controlled the surrounding countryside. The object of U.S. jungle clearing operations is to destroy these centers of Viet Cong activity by physically removing them.

This is done by teams of huge D–8 Caterpillar bulldozers equipped with the newly developed "Rome K/G Blade" designed to cut down trees. Known as "Rome Plows" these machines start on the outside edge of a patch of jungle and work their way into the center until it is leveled. Several work together on each patch, moving in echelon, each bulldozer just behind and to the right of the preceding one. They work around the constantly receding outside edge until the jungle is no more.

Protection for the "plows" is normally provided by a mechanized force of tanks and/or armored personnel carriers. A field position is established in the area for supply and night protection and maintained until the work is completed. Viet Cong opposition is usually light. Some grenades and armor piercing rockets are encountered, but losses are light.

Two problems also exist with this jungle clearing program. Too few "Rome plows" are being used, and no effort is being made to develop the land once it has been cleared.

With only nine or ten "plows" operating in each division area, progress is slow. Many more "plows" could be used in a given area without greatly increasing the number of troops needed to protect them. More "plows" would also permit their use as a major part of large operations, forcing the VC to fight to preserve his jungle sanctuary.

Once major jungle areas are cleared they should be settled and developed by refugees. About ten percent of the population are refugees. Giving them land to till would win their loyalty to the government and increase the productivity of the country while lessening the burden of their maintenance for us and for Saigon.

By training and equipping them to fight, housing them in a well fortified village, and supplying a garrison of regular government troops the security of the area would be increased. Villages should be square, surrounded by a wall, ditch or moat, barbed wire, and mines. A square fort should be built at each corner of the village, with a large bunker in each one. The village noncombatants would go into these bunkers in an attack. The perimeter defenses would give them the warning and time to do this, and only the forts would actually be defended. Regular troops should man one, or at most two, of the forts with the villagers defending the others under the leadership of small detachments of government soldiers. This would lessen the government troop requirement, once the villagers were trained. It would also increase the morale and pride of the villagers.

The third program, which should be instituted but has not been, involves the use of tactical nuclear weapons to create helicopter landing zones in the jungle. Political fear of world opinion is the main block to this program. Because of the nature of past military use of atomic bombs, and in spite of the vast amount of discussion about the use of safe nuclear explosions for peaceful construction projects, a large part of the world remains hyper-sensitive on this subject.

A great deal of the opposition, of course, is carefully designed to narrow the military gap between the "have" and "have not" atomic powers. As such it opposes the use of any sort of nuclear weapon. And a great deal too is concerned with the fear of escalation in the use of "nukes" leading to an atomic holocaust. To prevent such an escalation from occurring, any use of nuclear weapons would have to be strictly limited and fully explained to the rest of the world.

From a military standpoint nuclear weapons have several advantages. They can be delivered in small packages and, as a single blast, clear an area of jungle better than anything else. Every other possible method of clearing jungle to provide the vitally needed landing zones has been tried, bombs, burning, shells, and cutting teams. None have succeeded.

Small tactical nuclear weapons could do the job. Advances in technology have made these weapons so "clean" there is little or no atomic radiational residue from their explosion. Troops can be put into the ground zero area within a very short time after detonation.

To deny the Viet Cong their sanctuary, the jungles of Vietnam should be strategically patterned with a system of nuclear created helicopter landing zones. These LZs should be located on high, well drained ground so they can be used during the rainy season. In the present pattern of the war, the VC have retreated into the jungle during the wet season to rebuild their strength after the dry season battles. We have been unable to follow and have been forced to fight the same battles with the same VC units again during the next dry season.

Such a pattern of landing zones could be made in a few weeks in perfect safety to everyone, except the Viet Cong. Constant monitoring would prevent dangerous radiation levels from developing, although there is little danger of this with the type of weapons which would be used. As the pattern developed, air assaults into the LZs could begin to destroy VC units and installations. Subsequent and concurrent nuclear explosions in the pattern could be used as diversions to confuse the Viet Cong as to our intentions. This would allow us to trap VC forces, something we have seldom been able to do.

Such programs would help us to conquer the jungle, and the Viet Cong. Combined with other actions not yet taken (which will be discussed in future articles) they are the means of achieving victory, in a reasonable period of time. If the war continues in its present course it could well last another ten or 20 years. If you feel inclined to believe the official statements of a short path to victory with the troops home in two years, please remember the same sort of thing was said more emphatically several years ago. It is not politically expedient for advocates of the war to predict it will last a long time.

The longer the war goes on the greater the loss of prestige for the United States, regardless of the eventual settlement. And the greater the suffering for the Vietnamese.

VC PLAN ATTACKS AND TERROR WELL

A lot of garbage has been written about how the Viet Cong operate in Vietnam. They don't win the hearts of the people; they kill the opposition. Like any authoritarian regime, the VC principles are expediency, intolerance, deceit, and violence. Law and morality have no meaning for them as they follow the communist dictum that "the end justifies the means."

With this philosophy and an oriental background, human life has little value to them and much of its meaning is found in death. Life is short in Asia, and early death from disease and predatory military forces or outlaws has been common for a thousand years. Death is memorialized in the ancestor worship which is still prevalent in Vietnam and influences much Asian thinking.

Thus, the Viet Cong are able to kill civilians, women and children, often with almost incredible brutality. They shoot our wounded, helpless on the battlefield, as well as their own when they cannot carry them off. All of these things are done by order of VC commanders, and not by a few sadistic individuals. They are communist policy, not inevitable accidents of war.

Just as the orders to execute Viet Cong wounded, to prevent them falling into allied hands and giving intelligence information, must come from, at least, a VC battalion commander, the orders to crucify a child to intimidate a village must come from a high ranking communist political cadreman.

The Viet Cong have a duplicate government for every political area in Vietnam. These shadow governments exist at every level, from the smallest hamlets to the country as a whole. When the VC are able to gain control of an area their governments rule there. When they are not able to gain control their hidden governments supply intelligence and try to undermine the efforts of the legal government.

They secretly tax the people, recruit them into the Viet Cong, force them to spy for the VC, and terrorize the peasants into ignoring or obstructing government and U.S. sponsored self-help programs. The VC ability to do all these things is based on force and terrorism. Special "terror" squads and regular VC military forces supply this whip for the shadow government.

Vietnamese who are loyal to Saigon, or who simply resist being pushed around by either side, are marked for killing. This is usually done in some horrifying manner, to intimidate others, and is often extended to include the victim's family. Even small children are butchered. The mutilated bodies are left in a public spot to increase the impact on the villagers. If possible the assassinations are done in public. A propaganda lecture is given or leaflets left at the scene telling the peasants this is what happens to those who oppose the VC.

Saigon, of course, tries to prevent this from happening. But the problem is like the one faced everywhere in the world of trying to prevent crime. It is impossible to be everywhere, all the time, in sufficient force. The VC may strike almost anywhere. Saigon seldoms knows where they will strike next.

Small forts are established to guard the villages. These are manned by local popular forces or regional forces (RF/PF), poorly trained and equipped. With little radio equipment and often without artillery support, these forces are in a dangerous position. They guard and patrol around the villages, but are no match for regular VC troops.

Since the arrival of U.S. helicopters, fighter-bombers, and "Dragon ships" (DC–3s equipped with flares and "mini-guns" firing 6,000 rounds a minute) the situation of these little forts has improved. Each is now provided with an arrow which can be lighted at night, when most attacks occur, and

moved to point to the direction of the assault. This allows the supporting aircraft to find the target quickly.

When one of these local forces does a good job of suppressing the local guerrillas, who supply the immediate force for the shadow government, the VC call for help. Their aim is to eliminate the local force. Depending on its size and quality the VC ask for either a VC district company or a provincial or main force battalion.

Viet Cong military forces are either territorial or main force. Territorial forces are local guerrilla squads, district (county) companies, and provincial (state) battalions. These generally operate within the boundaries of the political areas they support, and are under the control of the VC government of those areas.

Main force units operate in larger nonpolitical areas under the control of the Central Office for South Vietnam (COSVIN). COSVIN runs the war and political action for the Communists in the Southern half of South Vietnam. In the Northern half it is run directly from Hanoi.

The VC bureaucracy rivals our own and its paperwork is voluminous (captured VC documents are measured by the pound). If an attack is approved, a unit is selected, given its orders and a period of time in which to accomplish them. This time period is usually generous. They are slow, thorough, and careful.

The local guerrillas and agents supply intelligence. This usually includes a precise plan of the fort and village, the number of allied troops, weapons and equipment, and local government supporters. They also supply guides to show the way over the terrain giving the best cover (protection from fire) and concealment.

A VC agent may also have been planted among the troops manning the fort. His job will be to destroy the radio, open a gate, blow up a weapon or the signal arrow, or kill a sentry or officer. What he does depends on the particular situation and the attack plan.

If a battalion is to be used in the attack the district company will assist them. The job of this company will be to prepare positions and a base for the battalion, supply guides through the district, and provide covering forces for areas of possible danger during the attack.

Planning is very complete. A sand table model of the attack is always used to show the VC troops what to do. And often, deep in the jungle, full sized models of key parts of the defense will be built and each soldier shown exactly where he is to go and what he is to do.

When everything is ready the attack is made, in bad weather or on a moonless night to hamper air support if possible. Often the loyal local forces fight bravely, with far fewer resources than U.S. troops enjoy. They have successfully defended many forts or taken heavy casualties before they were defeated. Sometimes, having a background of 20 years of defeats in this kind of fight, they run away.

If they lose, a "reign of terror" follows in the village until a government force arrives to "restore the situation." But even if the government force regains military control it cannot repair the damage done. The VC have demonstrated the government cannot protect its own troops or the villages. When the villagers feel Saigon can't protect them they will not give their loyalty to the government there.

This does not mean the villagers will give their loyalty to the Viet Cong. They don't; nobody likes killers. They just continue to wish the war would end and everyone would go away and leave them alone.

QUALITY VARIES IN VIETNAMESE ARMY

The Army of the Republic of Vietnam (ARVN) is the subject of many different opinions and statements. "It can't fight." "It can fight." "It won't fight." "Its officers are corrupt." "It is inefficient." "It will assume a major share of the fight in the next two years."

All of these are true to some extent. The quality of all armies varies from unit to unit and a description of one unit is not the description of another or of the army as a whole. The basic efficiency of an army, disregarding size as a criterion, is determined by the competence of its cadre, the officers and non-commissioned officers (NCOs) who lead it. And by the quality and scope of its equipment and the effectiveness of its logistics, its supply system.

Any people on earth can be made into good soldiers, but they must be led well to fight well. Physical size is no barrier to a good military performance and large size is not a guarantee of good performance. The Viet Cong are small and fight well. The Gurkhas of Nepal are small and are one of the most famous forces in the British Army, especially honored for their ability in close combat fighting with knives.

Grenadiers, selected for their large size, are famous fighters in many armies. But the biggest of them all, the seven foot tall giant Potsdam Grenadiers of Fredrick the Great, were a poor combat unit.

The quality level of the ARVN cadre is low, for a number of reasons. The rapid expansion in the size of the army has diluted the experienced cadre who have been fighting so long. Combat losses reduced their number in the series of defeats just before we entered the war. And all too often the really good cadre were killed trying to salvage a desperate situation while their less competent peers survived.

It takes training and experience to develop good cadre, and these take time. Fifteen years ago Korean army units were not highly regarded. Today the two Korean divisions fighting in Vietnam are as good as any troops available to us, and everyone acknowledges it. Years of training, coupled with their war experience, have made them into fine army.

Training and experience must be of the right kinds. U.S. advisory teams have demonstrated they have the ability to provide the training. Experience is gained in service with troop units and in combat. Combat experience must include successes before a really good cadre is developed. Defeat teaches the hard facts of war, but victory is needed to learn how to win and keep on winning.

ARVN troop units should be committed to operations in which they have a reasonably good chance of achieving victory. They have a history of defeat that needs to be overcome before they can become effective. A program similar to the Korean Army Troops in the U.S. Army (KATUSA) program also needs to be set up to help provide the needed cadre experience and overcome the onus of a history of defeat.

A KATUSA type program involves bringing soldiers of another army into ours on an individual basis. They function as regular members of the units they are in, eat the same food, and use the same equipment. A modified program of this sort is being used on a small scale. Units, usually company size, rather than individuals are inserted into the U.S. organization, ARVN units in this program have performed well, but many more need to be involved. The program also needs to be expanded to include individual Vietnamese in U.S. units.

Corruption, as well as incompetence, does exist in the Vietnamese army. It consists of everything from diverting supplies to personal use to using troops to enforce the sale of "business" licenses. In between it hits vice and blackmarket operations. All of this needs to be cleaned up.

But the biggest offense, in terms of reducing military efficiency, is not having a strict merit system for promotions. All too often good officers are denied promotion for political reasons or as a result of family feuds. And political favoritism or family connections are responsible for the promotion of many military incompetents.

The Vietnamese are not equipped as well as U.S. units. They are just beginning to receive the M–16 rifle. Their vehicles (except for some M–113 armored personnel carriers), helicopters, and many of their weapons are older models. We supply them with support from our units to make up for some of these deficiencies, but until they are furnished equipment as good as ours they will not have the efficiency or initiative of our units.

Helicopters which are the key to effective fighting in Vietnam, are in short supply. The United States is not able to furnish enough "choppers" or pilots to take care of its own units at present. This shortage has prevented the creation of a second airmobile division. This problem, especially the pilot shortage, will probably not be solved for several years. And even then pilots will be returning to Vietnam every second or third year. The solution of the problem for the ARVN will take even longer.

The Vietnamese are short of both the materiel of war and the means to move it. Items as basic as artillery rounds are limited by a supply rate of seven or eight a day in many cases. Enough is on hand to fight a major battle, but they do not have enough to use it as freely as we do. This lack often limits their employment to defensive or position operations.

A significant aerial resupply capability is lacking in the ARVN organization. This is a necessity for conducting fast moving offensive operations. To a large extent, it is dependent on helicopters, which means the Vietnamese will not have it for several years.

Equipment we have given the ARVN units seems to be well maintained, in general. Maintenance, of course, is dependent on the scope and quality of leadership and training. And as we give them more complex equipment these requirements will increase.

Until the ARVN is equipped, supplied, trained, and led as well as our troops are they will not perform well. Until they reach this level it is senseless to expect them to take over the main burden of fighting the Viet Cong main force. The switch will not be made overnight. One unit at a time will become ready and will be used. All of the things needed are functions of time, to a certain extent. And the way it looks now, it will be a long time, by the standards of a restless, impatient America.

COMMEMMORATING 20TH ANNIVERSARY OF STATE OF ISRAEL

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1968

Mr. LUKENS. Mr. Speaker, I believe it is entirely fitting that today we take time to acclaim one of the truly genuine international miracles of this century. I refer, of course, to the progress made by the people of Israel in carving a dynamic and prosperous nation out of the Middle Eastern wilderness.

Today, May 2, is the 20th anniversary of the founding of Israel and as one who within the past few months had occasion to tour Israel and see it in one of its times of greatest trial, I want to join in wishing this infant nation a very happy birthday.

The lot of the Israeli Nation, has not been an easy one. Despite all its progress

and all of its contributions to the world, its existence even today is not sincerely and honestly acknowledged by its Arab neighbors. Its enemies continue to receive a steady flow of war materiel from the Soviet Union. And the United Nations Security Council even wanted it to forgo a parade in Jerusalem in celebration of its 20th anniversary.

Mr. Speaker, I believe the United States can and should do a great deal more to assist Israel in its continuous confrontation by Soviet arms. But having visited that country in the immediate aftermath of the June war, I would hazard a guess that the Israelis will continue to flourish and to make a place for themselves in the world community with or without the assistance of the U.S. Government and the United Nations Security Council.

DON'T FORGET THEM

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. MIZE. Mr. Speaker, in view of the fact that a good many members of the 69th Infantry Brigade recently activated for duty are from the Second District of Kansas, I found the editorial broadcast by radio station KCMO, Kansas City, Mo., to be particularly apropos. The thrust of these editorial remarks by Jim Monroe, director of public affairs at KCMO, is that we should keep in mind the sacrifices these men and their families are making. Most of them are well established in jobs and good many have their own farming operations which they must either sell or turn over to someone else. We have an obligation to these servicemen in making it as easy as possible for them to get their personal affairs in order before they answer the call to duty, and then we must remember the admonition, "Don't Forget Them," and make it just as easy for them to get their jobs back and pick up their careers where they left off.

The editorial is pertinent, and its points well taken. Under leave to extend my remarks, I place it in the Extensions of Remarks:

DON'T FORGET THEM

A reminder is in order for employers in Kansas on behalf of re-activated National Guardsmen. About 4,500 men of the 69th Brigade of the Kansas National Guard are preparing for active duty under a recent call-up by the Defense Department. For the most part, these men will be leaving jobs and families behind, and their home communities should remember certain guarantees provided for the men.

President Jay B. Dillingham of the Kansas City, Kansas Chamber of Commerce reminds employers they must assure the servicemen of their jobs when the emergency is over and the troops return home. For those leaving families and financial obligations behind, there is help through government channels and laws giving them privileges not accorded civilians. Chamber President Dillingham urges employers and community organizations to provide all assistance possible to the families.

Kansas was one of just a few states bearing a relatively heavy manpower callup. The Kansas City Chamber of Commerce was quick to foresee the need for attention on the home front due the men of the 69th. President Dillingham's message, now distributed to all chambers of commerce in Kansas, puts the situation in clear, simple terms: "These well-trained, combat-ready men are called on to make great sacrifices now." "Most of them have families who will . . . have the immediate problem of getting along on reduced budgets." Reason enough to extend help in all ways possible.

This has been a KCMO editorial.

BEN BROWN IS DEAD

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. BROYHILL of Virginia. Mr. Speaker, on Tuesday, April 30, Benjamin Brown, who owned and operated the Service Liquor Store at 1100 9th Street NW., in Washington, was shot and killed in his store after warning a large group of teenage boys not to remove bottles from his shelves. Mr. Brown's store had been looted repeatedly during the recent riots in Washington, and he had just reopened for business at the time he was killed.

The man who, according to witnesses, shot Mr. Brown, is an employee of Pride, Inc., a make-work program for teenagers in Washington totally funded by the Department of Labor.

This morning an advertisement sponsored by the Washington, D.C., Retail Liquor Dealers Association, Inc., appeared in the Washington Post. It expresses far more eloquently than I might, the fears and concerns of businessmen in the District of Columbia over the absence of law and order in the Nation's Capital. I commend it not only to my colleagues, but to all Americans whose Capital city is being laid waste because of a lack of responsible leadership:

BEN BROWN IS DEAD: IS LAW ENFORCEMENT ALSO DEAD?

Brown, Benjamin: On Tuesday, April 30, 1968, Benjamin Brown of 1900 Lyttonsville rd., Silver Spring, Md., beloved husband of Freda Brown; devoted father of Miss Barbara Brown of Silver Spring, Md. Also survived by two sisters, Mrs. Faye Blanken and Mrs. Mollie Cohen, both of Silver Spring, Md. Services at the C. D. Goldberg & Son Funeral Home, 5217 9th st. nw., on Thursday, May 2, at 2 p.m. Interment B'nai Israel Cemetery. In mourning at 1900 Lyttonsville rd., Silver Spring, Md., Apt. 1106. Family suggests in lieu of flowers contributions be made to the Steven Jay Brown Memorial at the Jewish Foundation for Retarded Children, 6200 2d st. nw.

Mr. Brown was shot while defending his property.

Should anarchy prevail because a small segment of the population takes the law into its own hands? Should bands of hoodlums be allowed to continue preying on law-abiding citizens, Negro and white?

When hoodlums—regardless of age, sex or color—are undeterred by the prospect of effective law-enforcement, no one is safe. If criminals can loot, burn and kill in the Inner City without fear of consequences, it is only a question of time before you, your family and your business can feel the effect. It makes no difference where you live, work or play: When law enforcement ceases, disrespect for the law is encouraged.

When you walk or drive through many areas of Washington, do you feel safe—or scared? Do you encourage your friends and relatives visit the Nation's Capital at this time?

Is the battle over? Not for the citizens whose lives are threatened. Not for the businessmen who cannot rebuild because they cannot get insurance. Not for the few who have surmounted the obstacles of arson and looting, and have reopened only to face new threats of extortion and worse. Not for the people who are out of jobs. Not for the people who were burned out of their homes.

Who is at fault? Certainly not the majority of citizens, white or Negro. Certainly not the majority of the poor, Negro or white. Certainly not the policeman on the beat, who must obey orders.

This is no revolt of youth against older generations. This is no revolt of the poor against the wealthy. This is no part of the Civil Rights movement whose real leaders know that Utopia doesn't have to be built on ashes.

It is an open attack by a few criminals against a community that lacks firm leadership and the courage to demand that its leaders exercise their authority—or resign.

We believe that law enforcement suffers when the police are handcuffed instead of the criminals. We believe that citizens are entitled to protection and safety.

Where is the safety, Mr. Murphy? Where is the protection, Mr. Murphy? Where will tragedy strike next? Today, the Inner City. Tomorrow, the residential areas, the suburbs.

Today, Ben Brown. Tomorrow???

Published because some of us have lost our lives, many of us have lost our property, and all of us want to preserve law and order for all residents of the Washington area and for the United States we love.

LIFE IN WASHINGTON: DAILY VIOLENCE AS USUAL

HON. JOE D. WAGGONNER, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. WAGGONNER. Mr. Speaker, I am sure most Members enjoy the daily column of Bill Gold in the Washington Post as I do. I think Mr. Gold capsuled a good portrait of life in Washington in his column this morning with a ho-hum item he called, "So What Else Is New These Days?" In case anyone missed it, I insert it here in the RECORD:

SO WHAT ELSE IS NEW THESE DAYS?

There may have been unrest and violence elsewhere in the world, but here at home it was a routine weekend.

A Georgia Avenue drug store that had been burned during last month's riot was finished off completely this time. Four bus drivers were held up at gunpoint and in one instance the robbers fired three shots into the bus as it drove away. Near 14th and Park Road, a woman was shot dead and a man suffered gun wounds. An Arlington man was seriously wounded in a shooting at a party.

On Monroe Street ne., a gang of 20 teenagers threw rocks and bottles through the windows of a motel, tried to force their way into a room, upset a soft drink machine and broke plumbing connections, thereby causing water to flood through several rooms.

Then the gang went out on the street, beat up a lone pedestrian, cut him with a knife,

nit him on the head with a soft drink bottle, and took $74 from his pocket.

If it hadn't been for the shocking news from D.C. Stadium where the Baltimore Orioles did violence to our beloved Nats, we might have considered this a placid, routine and thoroughly enjoyable weekend.

But we must face reality, and waste no time on "ifs." Remedial action is urgently needed. Facts are facts. The Nats need more hitting—and quickly.

THE OUTLOOK FOR SPACE EXPLORATION

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. MILLER of California. Mr. Speaker, Dr. Wernher von Braun, who has done such an outstanding job in the exploration of space, spoke at the Dr. Robert H. Goddard memorial dinner, sponsored by the National Space Club, on March 5, 1968.

His topic was "The Outlook for Space Exploration," and I commend the reading of his speech to all my colleagues:

THE OUTLOOK FOR SPACE EXPLORATION

(Speech by Dr. Wernher von Braun)

Dr. Robert H. Goddard, the man in whose honor this dinner is held, literally lighted the fires of rocketry which ushered in our Twentieth Century Space Age.

Dr. Goddard's earliest experiments reflected his vision of the destiny of rocket propulsion when he demonstrated that rockets work in a vacuum.

Dr. Goddard was also a pioneer in another respect: he was probably the first victim of a credibility gap with the public. When his classic book, A Method of Reaching High Altitudes, was published by the Smithsonian in 1919, it created an international sensation overnight. Dr. Goddard's careful mathematical calculations and experimental data were understood only by his scientific colleagues. But the public was electrified by that part of the Smithsonian's publicity release that noted that Dr. Goddard's multiple stage rocket raised the "possibility of sending to the surface of the dark part of the moon a sufficient amount of the most brilliant powder, which, being ignited on impact, would be plainly visible in a powerful telescope."

Editorial writers for such newspapers as the staid and authoritative New York Times ridiculed the shy professor for imitating Jules Verne and writing an "adventure novel." Horrified by the publicity and lack of understanding of his real purposes, Dr. Goddard withdrew into secrecy, restricting information about his further progress to his sponsors.

The lack of public support for the expansion of his research was the price Dr. Goddard had to pay for his seclusion. Today, we in NASA who work in the goldfish bowl of endless publicity, are sometimes envious of Dr. Goddard's isolation. We can fully understand why he preferred to work without fanfare. A goldfish bowl has its problems, too.

Although the public did not comprehend the depth of Dr. Goddard's research, it followed closely, in a superficial way, the activities of the "moon rocket man." News writers, who may lack the omniscience sometimes attributed to editorial writers, are at least gifted with omnipresence. They recognized a good news story in Dr. Goddard, and their articles were usually carried on the front page. The remoteness of his desert launch site in New Mexico and his attempts at secrecy only stimulated their queries and quickened their speculations.

For almost forty years Dr. Goddard persistently followed the quest of his Holy Grail, establishing milestones all along his trail. In addition to his proof that rockets work well in a vacuum, and his analysis that multistage rockets can reach the moon, he conducted the first static tests and first test flight of a liquid-fuel rocket, and the first successful flight of a gyroscopically-controlled rocket, to mention only a few.

The depth and wide range of Dr. Goddard's restless inquiries into rocketry and space exploration were finally revealed, not in the numerous newspaper articles, but in the 200 or more patents which he obtained, most of which were classified "Secret." These patents, covering the entire spectrum of rocketry, were quite a revelation to me and others who saw them for the first time after World War II.

Dr. Goddard's papers, edited by his widow, Mrs. Esther Goddard, will rest permanently in the new Goddard Memorial Library at Clark University. There on the campus where he first taught physics and began his experiments, his writings will constitute a lasting monument to the memory of America's first pioneer in rocketry, whose incisive search for truth went largely unrecognized and unsung during his lifetime.

The public's knowledge and understanding of space exploration have been broadened by the remarkable achievements of the first decade of the space age, but a great many people in the space program are deeply concerned about an apparent decline in popular support of space activities.

America's achievements in space have been well publicized. The public has seen the Ranger, Lunar Orbiter, and Surveyor photographs of the moon, the striking Mariner photographs of Mars, and it knows the Mercury and Gemini astronauts who have orbited the earth on a first-name basis. But the capability that made these feats possible, the underlying science and technology, the inherent value of delving deeper into the mysteries of the atmosphere and space, and the mechanism by which increased scientific knowledge enhances economic and social progress are apparently little understood or appreciated on a wide basis.

Just as in Dr. Goddard's early days, public enthusiasm has been generated largely by the great adventurous appeal of going into space. The prospects of leaving earth to explore the unknown, the excitement of important scientific discoveries, the boldness and audacity of attempting such an undertaking. the huge size of the effort and the harnessed fury of launch vehicles attracted widespread human interest and awe.

But now that a large number of firsts have been established in space, and as flights have become more routine and success more common, much of the public's enthusiasm has subsided. And with the loss of enthusiasm there has come a decline in popular support and consequently. reductions in funding for space. There was no loud public outcry last year when the budget proposed for NASA was reduced by the Congress to a level that forced the cancellation of several follow-on programs that were necessary to continue our forward progress. This quietness was in sharp contrast to the public clamor ten years ago for an all-out effort to re-establish this nation's technological leadership after Sputniks I and II.

Of course, the public that was so noticeably quiet last year is the same public that foots the bill for space expenditures. But it is also the very same public that will benefit so broadly from practical applications of space science and technology in the years to come.

Another annual space budget, for Fiscal Year 1969, is now before Congress. It is undoubtedly the most crucial budget for the *future* of space that a President has submitted since this nation made the decision to become a spacefaring nation. I hope that the hearings before the Committees of Congress will spark a great public debate that will delve into the basic questions of what we can and should do in space research, and the true worth of this technological undertaking, for science and society.

Any evaluation of the worth of the space program must naturally consider the status of the program today. For the purpose of putting the subject into neat categories, we might say that any exploration falls into three general phases—reconnaissance, exploration, and exploitation.

The great task of NASA, at present, is in the second phase—the exploration category. Numerous unmanned reconnaissance activities are matters of historical record. The Explorer, the Pioneer, Ranger, Surveyor, Lunar Orbiter, and the Mariner lunar and planetary spacecraft have all made significant contributions to our understanding of the world, the moon, and our sister planets. Many more similar missions are needed to yield more detailed knowledge of our solar system.

However, in order to bring to bear the most powerful tool known in the universe, the mind of man, into a direct confrontation with the space frontier, a man must, in many cases, *go to* the objects to be studied. As an example, we can gain much useful information about the Antarctic region by aerial flights and by operation of parachute-dropped automatic environmental sensing and data transmission packages. But, it has been found that there is no substitute for mounting a powerful expedition of men to go to that continent. Operation Deep Freeze illustrated the value and potential of digging into the secrets of that vast unknown wasteland *in person*.

In manned space exploration we have already completed the preliminary phase of our endeavor—the reconnaissance flights. Mercury and Gemini took us into earth orbit and showed us that man can function and fly his spacecraft there for extended periods of time. And now, in Project Apollo, we are on the verge of proving, beyond a shadow of a doubt, that we can mount expeditions to land on extraterrestrial surfaces.

In the paralleling program of Apollo Applications we shall demonstrate vividly that, once man has been transported into space and provided the proper tools, equipment, and living environment, he can spend really long periods of time there doing useful tasks.

In manned space flight, we are beginning the exploration phase, and laying the groundwork to assure our ability to exploit the newly explored regions of space in a fashion useful to all mankind.

Some NASA, programs, of course, have already entered the third or exploitation phase of space exploration. Examples of this are in the communications and meteorological fields. But the NASA program is many faceted The scope and breadth of the U.S. program is unsurpassed. It considers all aspects of space activities. The earth itself and its complete atmospheric blanket are studied. The sun, moon, the planets, and interplanetary space itself are objects of intense observation and research. And we have gained a new respect for the interrelationships of the earth, its atmosphere and the solar system.

Now we are on the threshold of expanding opportunities and increasing applications. Up to now we have had to devote our full energies to working on the means by which we reach into space. Now that the pipelines are filling with space hardware, more and more of our preoccupation is turning toward the question of what can be done to assure that the people who have supported our program—the people of the enire country—

receive the full range of benefits which can be derived from space exploitation.

In this transition period, we have drawn inspiration, guidance, and concrete assistance from all areas of our national community—government, academic, and industrial. With this assistance we have been bringing more sharply into focus the nature of NASA's complete role in space. The role is one of service—service to the community of science and technology, the community of industry, and to the entire community of individual citizens whose personal investment of faith and resources makes the space program possible and worthwhile.

Now, let's go back briefly about ten years and review the charter given NASA when this civilian space agency was formed in 1958. Its objectives were: the expansion of human knowledge; improvement of aeronautical and space vehicles; development and operation of space vehicles; long-range studies for peaceful and scientific use of aeronautics and space; U.S. leadership in aeronautics and space; and the transfer of aeronautics and space information between civilian and military agencies.

These remain our objectives today, as we enter the second decade of the Space Age, proving the wisdom of those who first charted our course in space. The experiences of the past ten years, however, have placed us in a much more advantageous position to attain these objectives.

Building primarily on the technology base of the Department of Defense in rocketry, and relying heavily on the military services for launch vehicles, launch sites, tracking, recovery forces, and other aid, NASA and its contractors have traveled very far and very rapidly in both manned and unmanned programs.

There are several possible reasons for the public's matter-of-fact attitude toward space today—the slowdown in Russian space activities, the Vietnam War, social concerns, and the sobering effect of the Apollo 204 tragedy, among others. But basically, I feel that we have failed to present a good case for space research and its potential payoffs. We may be given a second chance to do so during the next two years with the resumption of manned space flights. Because of the human interest ingredient of the first truly extraterrestrial manned exploration, public enthusiasm for space should be revived. During this time we should make a sustained effort to create the proper climate for continuing in space on a less emotional and more logical basis.

The Mercury and Gemini Projects were the foundation for the manned space flight capability which is now being expanded in Project Apollo. To achieve the goal of a manned lunar landing, the most difficult journey ever planned by men, we have designed, built, and tested some highly sophisticated launch vehicles and spacecraft.

With the flight of the lunar module on January 22, every piece of the Apollo/Saturn space vehicle has now been successfully flight tested. We are so pleased with the results of these research and development flights that we hope for an acceleration in the Apollo flight schedule announced for the next two years. If all goes well, we shall land on the moon within the next twenty-two months, as planned in 1961—if we are not held up by having to pass through Russian customs.

The next major step in the continuing development of a national manned space flight capability will be taken in the Apollo Applications Program, which will permit flights up to one year in duration. AAP will make maximum use of present knowledge, hardware, and organizations, and will provide a great deal of data on man's ability to perform useful work in space.

The journey will last about ten days.

NASA has become convinced, by virtue of studies and experience, that a manned, earth-orbiting space station is the next logical, practical, and necessary step in the continuing development of manned space flight. Our first missions in the Apollo Applications Program, preparations for which are now underway, will be interim steps toward the ultimate attainment of this goal.

In these early AAP missions, our attention will be focused on our own earth, and toward the sun. And later, perhaps, toward the stars.

When we first sent instruments and men into earth orbit, we realized that we had reached a platform that was not only valuable for looking outward toward the universe, but one that also gave us a new perspective of earth. As our home, it is the most interesting planet in the solar system. NASA's experience in aeronautical and space research during the past decade has also given us a renewed appreciation for the interrelationships of the earth, its atmosphere, and the sun.

Platforms in earth orbit are proving useful for global communications systems, for navigational aids for ships and planes, for studying global weather patterns, and for mapping purposes. In the Apollo Applications Program we shall continue to study the earth. We shall expand the photographic coverage of the earth begun by the astronauts in the Gemini flights. We are also deeply interested in infrared and other remote sensing techniques for the observation of earth's natural resources from orbit.

And in the Apollo Applications Program we shall have the first opportunity to raise a telescope and other instruments above the filtering blanket of the earth's atmosphere for direct observation of the sun, the source of energy that sustains life on earth.

The Apollo Applications missions will make use of both the Saturn IB and Saturn V launch vehicles, and most of the modules of the Apollo spacecraft developed in Project Apollo. In addition, the S–IVB rocket stage, which is used as the second stage of the Saturn IB and the third stage of the Saturn V, will be converted into living quarters and laboratory for the astronauts.

Other items of hardware and instrumentation will be added to make the Workshop a semi-permanent base of operations for astronomical and other scientific observations, biomedical research, technological developments, and earth resources studies.

The Saturn I Workshop is essentially a rocket stage that has been used for propulsion during a regular mission. After it has placed its payload into orbit, and thereby gone into orbit itself, the excess propellants from the 10,000-cubic foot hydrogen tank are vented into space and the tank is pressurized with a breathable atmosphere to allow astronauts to live safely inside. The Workshop will provide a crew station with almost fifty times the interior space available to the astronauts in the Apollo spacecraft.

Added to the S–IVB stage before launch is an airlock that provides oxygen, power control, and life support for the astronauts entering the tank. Several items, such as a combination floor and ceiling, the framework for crew quarters, and handholds are preinstalled in the stage during its manufacture. A multiple docking adapter attached to the airlock permits the astronauts in the command/service module of the Apollo spacecraft, launched after the Workshop is in orbit, to dock with it. Their first visit will last up to 28 days. After placing the Workshop into storage, they will return to earth in the command/service module, jettisoning the service module before reentry.

The Saturn I Workshop will be revisited by a crew of astronauts the following year. An additional Saturn IB launch will place the lunar module/Apollo Telescope Mount into orbit, and it will be joined with the Workshop. The Apollo Telescope Mount consists of five experiments with nine different instruments that will track and observe various segments of the solar disk and specific items of interest on the sun. The second mission will be continued up to 56 days. The Workshop may be revisited from one to three times. The Saturn I Workshop will be an interim step toward a proposed Saturn V Workshop. In this proposal the S–IVB stage would be completely outfitted on the ground for its role as living quarters and laboratory. Even the Apollo Telescope Mount would be positioned before launch. When placed into orbit by the first two stages of the Saturn V, this greatly improved workshop would be there, ready and waiting for occupancy by the expected space travelers, like a big motel in the sky.

We could even contact the Gideon Society International to see if it would like to place a Bible in each room for the astronauts.

The Workshops will also give us an opportunity for further study and development of techniques for the observation of earth's natural resources from orbit. This is an area in which international cooperation in space can be increased, and one which holds immense potential for benefiting mankind. More than 80 nations are already cooperating with the United States in such fields as communications, meteorology, and tracking of manned space flights and instrumented deep spaceprobes. Now the first cooperative international research program in the earth resources area has been agreed upon by the United States, Brazil, and Mexico. The signing of this agreement was widely hailed as the opening of an entirely new area for exploration and exploitation.

More than 25 scientists from Mexico and Brazil began a four-month study course at the Manned Spacecraft Center in Houston in February to learn more about using remote sensors to make better use of their nations' natural resources. Experts in such fields as agriculture, forestry, geography, hydrology, and oceanography are brought together for the study. It is hoped that selected remote sensing techniques can be carried out on selected sites by planes. Later, it may be possible to extend these principles to continuous observations from satellites in earth orbit. Data obtained by satellite may help international agencies to match earth's dwindling resources with the everyday needs of a growing population.

The President has submitted a bare-bones budget for NASA this year. The authorization request is $700 million below the amount requested last year, and one-third less than NASA's peak budget in Fiscal Year 1966.

This year's request certainly does not meet all the nation's needs in aeronautics and space. To operate within its framework, NASA is having to cancel some projects, stretch out others, sharply curtail its plans for future activities, and, more significantly, reduce personnel.

I sincerely believe that the space program will suffer immediate and irreparable damage if substantial amounts are cut from the request now before Congress. If you cut deeply into the space program, you are not eliminating hardware, but people. NASA does not buy a lot of hardware. Most of our money goes into salaries and administrative support for the thousands of individuals in Government, science, and industry who conceive the plans for space projects, who design, fabricate, test, and launch the sophisticated space vehicles.

When funding is reduced, these teams of skilled individuals must be dispersed. The tremendous asset that you have paid for is gone with their departure, scattered to the winds. To attempt to reconstitute such a team after a lapse of two or three years would be outrageously expensive. Many former members of the team would not be available, and their knowledge and experience would be

lost with them. To recruit and train replacements would be time-consuming.

To disband a team like the one at the Jet Propulsion Laboratory that performed the Ranger, Surveyor, and Mariner exploits in lunar and planetary exploration until more funds become available for further projects, would be much worse than disbanding a first-class, winning football team, and sending them home for a couple of years. If you suddenly called them back one fall, and told them to dress out in their uniforms for the opening game of the season, you would have a disaster on your hands.

During World War II, many schools stopped playing football. When they resumed their schedules after the end of the war, it was several years before they could have a respectable winning streak again.

There are places other than the space program where cuts can be made without such a traumatic experience. The Federal highway program, for instance, could survive a temporary setback with much less disruption. You can pour concrete freeway up to a certain point, stop your construction for two or three years, and then come back to the same point and begin pouring concrete again with minimum preparation. If you temporarily reduce your highway construction program, you do not destroy a unique organizational capability. You deprive the economy of a certain number of miles of improved roads for a time, but you do not lose your ability to resume the project quickly, without having to go through a learning process, when funds again become available.

Numerous studies, books, papers, and articles have been written and published for several years now on the worth of the space program. The authors include scientists, economists, businessmen, legislators, and philosophers. The values and benefits of space research are grouped into scientific, political, military, educational, economic, and social categories.

Speculation on the potential benefits from space made only a few years ago were vague and indefinite. Today they are far more visible, credible, and attractive to potential users. And yet even now, while we are largely within the exploration phase of space exploration, and still looking forward to the exploitation phase, it is impossible to make predictions with certainty and finality. History teaches us that the greatest payoffs, the ones which will be the most revolutionary, the most significant, and have the widest application, may well come from some unforeseen aspect of the program, or from discoveries yet to come.

An article in the current *Science* magazine reminds us of this point. Nobel Laureate Charles H. Townes presents a good case for basic scientific research. Ten years ago, Dr. Townes points out, few areas of physics seem as unpromising from the practical viewpoint as investigations of interactions between microwaves and gas molecules. Since practical applications could not be clearly foreseen to enter on the balance side of the ledger against expenditures for research, industrial laboratories neglected the field, leaving it primarily to university researchers. To the amazement of everyone, this "impractical" basic research quickly produced the laser and maser, which are revolutionizing many branches of technology and creating an entirely new and fast-growing industry.

If researchers had set out deliberately to achieve three-dimensional photography, improved measurements of distances, long distance space communications, a new surgical instrument for the eye, and other goals which the laser and maser make possible, it is extremely doubtful that such indirectly related goals could have been reached.

This is the difficulty in trying to test proposed space expenditures on a balance sheet with potential benefits. Goals would be limited and the upper reaches of curiosity and intellect would be curbed. Vision as well as dollars must be considered in deciding the space program of the future.

President Johnson recognized the less tangible but more rewarding and more durable aspects of the national space program when he visited the Manned Spacecraft Center at Houston on Friday of last week.

The nation "must stay on its course" in its plan to land a man on the moon. "We are reaching for the stars," the President said.

"We will not surrender our station. We will not abandon our dream. We will never evacuate the frontiers of space to any other nation.

"Future generations, looking back at our incredible decade," will be "unanimous in their belief that the treasure we have dedicated to sending man to explore the stars was the most significant investment ever made by any people."

As the President said, NASA is not building rockets and spacecraft simply to fly the American flag into space, or to plant it on the surface of the moon. We firmly believe that the ultimate benefits of space exploration, though not foreseeable in their entirety at this time, will enrich the lives of all mankind.

COLUMBIA DAM PROJECT

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. FULTON of Tennessee. Mr. Speaker, there are few Federal programs which have had such a favorable impact on a once depressed area of our Nation as has the Tennessee Valley Authority.

An entire region, once plagued by floods, a lack of navigable rivers, inadequate power supplies, a shortage of industry, and crippling unemployment, has, thanks to the full development of the Tennessee Valley Authority, controlled its rivers, harnessed their power, attracted industry, and created employment.

The entire Nation has benefited from the development and economic prosperity brought about by TVA.

The Tennessee Valley Authority must continue to develop, and it is now seeking appropriations to develop a water grid system for this part of the Nation. A vital link in this system is the proposed Columbia Dam project, and I have submitted testimony before the House Appropriations Committee urging that favorable consideration be made that funds for this project be included in the TVA budget.

At this time, I insert the following testimony, given before the House Appropriations Committee, in the RECORD:

STATEMENT BY THE HONORABLE RICHARD FULTON

Mr. Chairman and Members of the Committee:

My home state of Tennessee is the heartland of the Tennessee Valley Authority.

The TVA system has brought to an entire region of our Nation economic progress, and has been the example for similar projects in other parts of the United States and in many foreign nations.

At this time, the Tennessee Valley Authority is carrying out a major water grid system, and some $2.5 millions have already been invested in the development of this system.

The proposed Columbia Dam Project is an integral part of this system, and will serve as a raw water source for this project.

Extensive studies have been made on the economic feasibility and the technical possibility of construction of the Columbia Dam Project. Last year the Tennessee Valley Authority reported affirmatively on both the economic feasibility and the technical possibility of this project.

Mr. E. S. Bartlett, the City Manager of the City of Columbia, recently wrote me on this matter, and at this point I would like to insert in my statement the following comment from his letter:

"An adequate water supply in this area is vital to National defense. The water using industries located here are the largest producers of elemental phosphorus in the country. Expanded or increased production from these plants in time of need for our National defense would be seriously curtailed, if not prevented, by the lack of an adequate supply of water. This benefit is an overriding factor above all of the other benefits which would accrue from the construction of this project."

Unfortunately, in my view, the Tennessee Valley Authority did not include funds for the Columbia Dam Project in their budget requests for fiscal 1968–69. I well understand the problems faced by the Tennessee Valley Authority in this time of tight budgets and economy in federal spending, however, priorities must be given, and it is my feeling that the Columbia Dam Project warrants and is justified the highest priority.

It is my hope, Mr. Chairman, that you and the members of this Committee will give your favorable consideration to appropriating funds for this most vital project.

FARM PARITY SLIDES DOWNWARD

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. ZWACH. Mr. Speaker, once again the ratio of farm income compared to other segments of the U.S. economy slid down for the month of April to 73 percent.

This is not only 1 point lower than it was in March, it is also only 1 percent above the alltime low for the post-depression years—72 percent recorded in April 1967.

Farm prices for cotton, wheat, rice, corn, butterfat, milk, wool, barley, flax, oats, sorghum grain, and soybeans all edged upward. Prices received from all livestock, according to the Department of Agriculture, also moved upward—but because of higher costs, the parity went down for wheat, butterfat, barley, flax, sorghum grain, chickens, eggs, and hogs.

The cause of this parity decline was laid at the door of higher costs that have to be assumed by farmers. This increase amounted to 3 points, of three-fourths of a percent, and reflects higher wage rates, taxes, and interest. The index for farm costs is 4 percent higher than a year ago.

As a matter of record, sweet potatoes, fresh apples, lemons, and limes are the only farm commodities over 100 percent for the month of April.

Parity ratio for April

	Percent
Cotton	44
Wheat	52
Corn	65
Butterfat	76
Milk	87
Wool	45
Barley	71
Flax	73
Oats	78
Sorghum	70
Soybeans	76
Beef cattle	80
Chickens	65
Eggs	61
Hogs	75
Turkeys	59

FEDERAL CROP INSURANCE

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. NICHOLS. Mr. Speaker, what happened last year in Alabama, when disaster struck the entire cotton crop and severely damaged other crops, is a good illustration, I think, of the great value to farmers of Federal crop insurance.

Early drought, followed by almost unprecedented cool, wet weather—topped off by a hard freeze and more weeks of hopelessly cold, damp days—ruined practically every cotton crop in Alabama, and was almost as destructive to the cotton in large portions of other adjoining States.

In the last two decades, the Federal Crop Insurance Corporation, an agency of the U.S. Department of Agriculture, increased its business among Alabama farmers steadily, with annual premiums paid in by the insured farmers increasing from about $62,000 in 1948 to more than $527,000 in 1967.

As more and more farmers participated, the scope of the program grew in Alabama until last year some 6,000 farmers in 29 counties were carrying well over $9 million in protection on their crops of cotton, peanuts, soybeans, and peaches. More than 5,000 of the 6,000 farms insured were planted to cotton; more than 800 to peanuts; nearly 400 were in soybeans; and less than 100 in peaches.

Until 1967, the previous 19 years included only 2 years when the total of loss payments by the Federal Crop Insurance Corporation in Alabama exceeded $1 million. These years were 1950, when payments totalled $1,480,000, and 1966, when they totalled $1,388,000.

But then came the disastrous year of 1967, and virtually every one of the State's 5,000 insured cotton farmers suffered almost total loss of their cotton crops. FCIC paid them a total of nearly $4,300,000.

It was a bad year for Alabama peanuts and soybeans, too, but unfortunately only a third of the insured growers qualified for an FCIC loss payment, nearly 400 peanut farmers received about $157,000 and 100 soybean farmers were paid $60,000.

For a sizable proportion of the hapless cotton growers, their FCIC loss payment was the only ray of hope in a major disaster which, had it not been for Federal crop insurance, could have put many farmers out of business.

Federal crop insurance is designed to come to the rescue when unpredictable disaster ruins or severely damages crops. Alabama farmers, because of the 1967 crop disaster, have received more than the total of the premiums they have paid. Nationally over the last 20 years, however, FCIC has paid about 95 cents in loss payments for every $1 paid in by insured farmers. Today, after doubling its scope over the last 6 years, the Federal Crops Insurance Corporation has a third of a million policyholders in 39 States who carry more than $750 million in protection of 25 separate crops.

MAY 3: POLISH CONSTITUTION DAY

HON. FRANCES P. BOLTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1968

Mrs. BOLTON. Mr. Speaker, this spring the international press has reported numerous instances of the Soviet satellite countries seeking to move forward into a new era of freedom and responsible citizenship. One of those countries is Poland, which has experienced recurrent religious persecution and cultural setbacks in 1968.

One need not expect the Communist regime controlling Poland to permit the observance of Polish Constitution Day, May 3, but many people of Polish descent living in free world countries do remember and will observe this anniversary.

The Polish Constitution was adopted in 1791, 177 years ago. Europe was still ruled by kings, princes, dictators, and assorted other tyrants. Freedom was not considered a universal right. Without violence and bloodshed Poland achieved public reform by adoption of this Constitution. It guaranteed individual liberty to even the lowliest peasants in Poland and asserted:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

In the 20th century, Poland was selected for destruction several times and today is under Soviet captivity. The indomitable spirit of the Polish people still shows itself, however, as brave citizens obey the dictates of conscience over the dictates of the Communist overlords. Free Poles in other countries anticipate that Poland again will regain independence and draw strength from the uplifting principles embodied in the Polish Constitution of 1791. Citizens of Polish descent in our own country continue to live by those principles and thus have contributed greatly to the progress of the United States. In gratitude we join them in observance of this national day and support them in the hope that Poland will soon again be free and independent.

SGT. KENNETH A. SIEGEL AWARDED THE SILVER STAR

HON. THEODORE R. KUPFERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. KUPFERMAN. Mr. Speaker, my friend and colleague, Representative HERBERT TENZER, and I have a mutual admiration for the gallant efforts of Sgt. Kenneth A. Siegel, a resident of my 17th Congressional District and a personal friend of Congressman TENZER.

Sergeant Siegel recently was awarded the Silver Star for gallantry in action in Vietnam. I know my colleagues will want to join with Mr. TENZER and myself in saluting this outstanding young American.

Congressman TENZER's letter and an account of Sergeant Siegel's bravery under combat conditions, as prepared by the Department of the Army, follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 3, 1968.

HON. THEODORE KUPFERMAN,
Longworth House Office Building,
Washington, D.C.

DEAR TED: Kenneth Siegel, one or your constituents and the son of Mr. and Mrs. Fred Siegel dear friends of mine, was recently awarded the Silver Star for gallantry in action in Vietnam.

Sergeant Siegel's bravery under combat conditions is outlined in the attached orders from the Department of the Army, Headquarters 1st Infantry Division.

I know you will share my admiration for Sergeant Siegel's fine record and outstanding contribution to his country.

Sincerely,

HERBERT TENZER,
Member of Congress.

[From the Department of the Army, Mar. 8, 1968]

AWARD OF THE SILVER STAR

Siegel, Kenneth A. [redacted] (SSAN [redacted]) Sergeant E5 United States Army Headquarters and Headquarters Company 1st Infantry Division.

Awarded: Silver Star.

Date of Action: November 14, 1967.

Theater: Republic of Vietnam.

Reason: For gallantry in action against a hostile force: On this date, during Operation Shenandoah II, Sergeant Siegel was leading a long range reconnaissance patrol on a mission to investigate Viet Cong troop concentrations and supply routes in a densely jungled area northeast of Lai Khe. Shortly after moving out from the drop zone, the team observed a force of 10 to 20 Viet Cong moving down a trail. While proceeding forward to better observe the hostile force, Sergeant Siegel and his point man were detected by an insurgent security element posted off to the side of the trail. They immediately engaged the enemy, and Sergeant Siegel killed one with a burst of automatic weapons fire. Then, in order to create more confusion and allow his team to break contact, he jumped out into the middle of the trail and fired at the column of insurgents, inflicting several casualties. As soon as initial

contact had been broken, he established radio communications with higher headquarters and requested aerial extraction. On the way to the designated pickup zone, he sprung a hasty ambush on the insurgents, killing several more and giving the patrol additional time to be extracted. As the helicopters arrived. Sergeant Siegel, with complete disregard for his personal safety, remained at the edge of the clearing to hold off the pursuing Viet Cong. He was the last man to board the ship and continued to fire until the aircraft lifted off, killing one Viet Cong next to the tail rotor. His courage under fire and aggressive leadership enabled the patrol to be evacuated with no casualties. Sergeant Siegel's unquestionable valor in close combat with numerically superior hostile forces is in keeping with the finest traditions of the military service and reflects great credit upon himself, the 1st Infantry Division, and the United States Army.

Authority: by direction of the President, as established by an Act of Congress, July 9, 1918, and USARV Message 16695, dated July 1, 1966.

MORE SUPPORT FOR RIOT REINSURANCE LEGISLATION

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. MOORHEAD. Mr. Speaker, in a supplement inserted in its May 3, 1968, legislative bulletin, called "Congressional Action," the Chamber of Commerce of the United States cogently explained and strongly endorsed the riot reinsurance legislation recently reported by the Housing Subcommittee of your Committee on Banking and Currency.

So that my colleagues can both familiarize themselves with contents of the bill, H.R. 17003, and understand the compelling reasons for its prompt enactment, I insert the "Congressional Action" supplement at this point in the RECORD:

FINANCING UNDECIDED: RIOT REINSURANCE PROGRAM EXPECTED TO BE ENACTED SOON

Congress is expected to enact soon a joint insurance industry-State-Federal riot reinsurance program to meet the needs of inner city property owners and insurance companies themselves.

Pressure for a national reinsurance program has grown considerably in the wake of riot damage and destruction to inner city property following the murder of Dr. Martin Luther King, Jr.

Business and residential property owners in core areas of cities face cancellation or nonrenewal of their insurance—or stiff hikes in their premiums to retain basic fire and extended coverage protection. Even prior to the April riots and those of last summer, availability of property insurance for homeowners and businessmen in inner cities was restricted or granted at higher rates.

Furthermore, insurance companies across the Nation face an estimated $50 million in losses from the April riots, and this on the heels of $75 million in insured losses last summer. Uncertainty about what this summer will bring has resulted in industry spokesmen declaring that without some form of Federal Government reinsurance, their companies cannot continue to provide property insurance in the vulnerable core areas of U.S. cities. Or if they do, their rates must go up to the extent that property owners will not be able to afford protection.

Furthermore, the restriction or absence of basic property insurance in the inner cities would result in the reduction or complete curtailment of credit and investment activity to the extent that business would dry up, and the deterioration and collapse of urban core areas would result.

And those companies, such as Lloyd's of London, which write large volumes of reinsurance, have warned the American industry that they must raise their rates and restrict the terms of reinsurance policies in the aftermath of riots in our cities.

Thus, the principal argument for the reinsurance legislation is fourfold:

To provide business and residential property owners in our inner city ghettos equal and full access, without discrimination because of their neighborhoods, to basic property insurance at standard rates on the sole basis of individual property inspection and approval:

To eliminate for our insurance industry the uncertainty of potentially catastrophic losses as a result of future riots across the Nation;

To assure for our banks, savings and loan associations, and other lending institutions that a stable economic and insurance climate will be maintained for our inner cities so that they can continue to operate successfully; and

To reduce the losses of private reinsurance companies, which, thus far, have not written into their premium structures, any possibility of the riot peril, and to permit them to write this reinsurance at reasonable rates.

Recent disturbances have reinforced already existing pressures for enactment of the legislation, and an authorization bill seems assured of passage this year. But effective implementation of the national program could be stymied by disagreement over financing provisions, just as in the case of the pending flood insurance program. There, the Administration, supported by such powerful forces as House Majority Whip Hale Boggs (D.-La.), is seeking Treasury Department borrowing authority to finance the Federal share of the program, but House Appropriations Chairman George Mahon (D.-Texas), backed by the action of the House last November, is adamantly opposed to so-called "backdoor" financing and is demanding that annual congressional appropriations be provided as voted by the House. Earlier, the Senate had approved Treasury borrowing authority for the flood insurance program. The insurance industry does not wish to depend on the sometimes unpredictable appropriations process for its backing in this program.

Mahon has not yet budged in his position on financing the flood insurance program. However, a new end-around play is in the making to secure final approval of the program with Treasury financing. Last week, the Senate Banking and Currency Committee incorporated into its omnibus housing bill (S. 3029) the Senate-passed version (S. 1985) of the flood insurance bill, which provides Treasury borrowing for the program. Qualified sources say that Congressman Boggs is promoting this maneuver as a means to break the House-Senate logjam on the bill and give the House another opportunity to approve the flood legislation with "backdoor" financing.

Despite visits by White House representatives and various Congressmen, Mahon has remained essentially noncommital as to his views on financing riot reinsurance. It is probable that he will oppose Treasury borrowing, but he may agree to provide a decent appropriation to launch the new program.

Administration forces want to include in their bill specific approval for the HUD Secretary to enter into contracts for reinsurance immediately, while waiting on appropriations, if this method of financing is adopted. They cite Congressional precedence for this in the Price-Anderson Act, which established the Nuclear Damage Corporation and gave the Atomic Energy Commission Chairman approval to enter into contracts in advance of appropriations. The creation of the Federal Deposit Insurance Corporation (FDIC) is another example of this precedent.

Both the Senate and House Subcommittees on Housing will report favorably riot reinsurance legislation as part of the pending omnibus housing bills. In the Senate subcommittee, the bill, including the principal recommendations of the President's National Advisory Panel on Insurance in Riot-Affected Areas, closely follows the Administration's proposals in S. 3028. In the House, the legislation to be reported will combine the essential features of the Administration bill, H.R. 15625, and some provisions of H.R. 14263, sponsored by Rep. William Moorhead (D.-Pa.).

Congressman Moorhead, who has made a continuing, thorough study of the riot reinsurance need, introduced his comprehensive bill last fall prior to the report of the President's National Advisory Panel, chaired by New Jersey Governor Richard J. Hughes. He is considered the Congressional expert in the field, and will have a leading role in shaping the final form of the legislation.

In fact, even though the insurance industry needs the reinsurance protection, the industry still has the major and initial financial responsibility under the Administration bill when riots occur. To use football parlance, the industry occupies the position of the line and the linebackers; the States' role is that of the secondary, and the Federal Government is the safety man. In other words, the industry will pay twice before the States, and last the Federal Government, pick up part of the tab.

Here's how the Administration proposal would work:

Established within the Department of Housing and Urban Development would be a Federal corporate entity—the National Insurance Development Corporation—under the supervision of the HUD Secretary but administered by a fulltime executive director. The director would be assisted by a 19-member Advisory Board, also named by the President, including representatives of the industry, of State insurance departments, Federal offices and the public.

The Corporation, NIDC, would encourage the property insurance industry to work with State insurance departments to develop statewide FAIR (Fair Access to Insurance Requirements) plans so that inner city property owners would have equal opportunity, at standard rates, to secure basic fire and extended coverage (which includes riots and other civil commotion), as well as coverage for vandalism and malicious mischief, and possibly theft and burglary. These FAIR plans in participating States would be reviewed by State insurance departments and reported on as to their effectiveness.

Individual property inspection would be the sole criterion for determining eligibility for coverage, and time would be given to property owners to make the necessary repairs before coverage was granted. The risk of writing insurance on core area properties would be spread among the insurance companies operating in the separate States; if the number of "high risk" properties were too large, then a pool of companies could be formed to spread the risk more equitably and effectively.

For reinsurance provided by the Federal Corporation, companies would pay premiums directly to the NIDC, and rates for the different States would be negotiated annually to ascertain whether they should be raised or lowered.

In the event of a riot in any State, the lines of financial responsibility for participating insurance companies, the State (or States) involved, and the Federal Government would be as follows:

The insurance companies would retain a certain agreed-on percentage, or an aggregate dollar figure loss from the beginning

based on the terms of their reinsurance contracts with HUD;

—Further, the companies within a State would then absorb additional losses above the initial retention losses, to be paid from premiums given to the Federal reinsurance fund; these losses would be based on a percentage of the premium volume generated by the reinsured lines in the particular State or States involved;

—When premium funds from a State's companies in the reinsurance fund are depleted, then the State steps in and absorbs the next layer of losses up to maximum of five per cent of the aggregate insurance premiums earned in that State in the previous calendar year on the lines reinsured by the Federal Corporation;

—Then, additional losses would be paid from premiums in the reinsurance fund from participating companies in all the other States; and

—If necessary to absorb further losses after the Federal premium fund is depleted, the Secretary of HUD would borrow money from the Treasury, to be replaced later by new reinsurance premiums.

Thus, involvement of the Federal tax dollar is remote for the riot reinsurance program as proposed by the Administration. Congressman Moorhead has pointed out, in comparing the flood insurance program with the riot reinsurance plan, that the former involves the Federal dollar immediately in the form of Federal subsidies on homeowners' premiums whereas the latter delays any Federal contribution or responsibility until an estimated $250 million in insured losses has been sustained by the companies and the State or States involved.

Moorhead also noted that under the flood insurance plan, there is no comparable possibility of recapturing the dollars borrowed from the Treasury, such as in the proposed riot reinsurance program. In short, the Federal Government is both a co-insurer and a reinsurer for the flood protection, and thus is a percentage participant with the insurance industry in all losses. In the riot program, the Government is solely a catastrophe-loss reinsurer at a third-layer, contingent liability which may never be called upon.

Moorhead is confident that the House Housing Subcommittee will accept two or three principal features of his bill, H.R. 14263, before reporting the measure within the next week. These provisions, which are not in the Administration bill, include one providing for control of the reinsurance program entirely in the hands of the HUD Secretary, and not through a Federal Corporation within the Department. This would be more helpful for the HUD Secretary in engaging in Treasury borrowing, as he does under existing FHA loan programs, Moorhead believes.

The Pittsburgh Congressman's bill also seeks approval of rehabilitation loans and grants for inner city property owners so that they will have a ready avenue of credit for making the required repairs to qualify for standard insurance coverage.

He is also hopeful that this provision for reinsurance to cover 90 per cent, rather than 100 per cent, of all losses sustained after the companies and the States have contributed their shares will be adopted.

ON THE DEATH OF ALABAMA GOV. LURLEEN WALLACE

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. BRINKLEY. Mr. Speaker, I weep at her death and our flag should be flown at half-mast to express the sorrow and loss that words cannot.

SPACE RACE HAS BIG STAKES

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. MILLER of California. Mr. Speaker, I wish to commend the Oakland Tribune, published by former Senator William F. Knowland, in Oakland, Calif., for an excellent editorial which appeared on May 1, entitled "Space Race Has Big Stakes."

This is one of the best editorials that I have seen pertaining to the space program, and I particularly direct your attention to the last two paragraphs of the editorial.

I have continuously said on the floor of this House that we are not in a space race and that going to the moon is not a stunt but a serious, scientific effort to teach us how we can send men into space and bring them back and develop the techniques by which they can live in space. As chairman of the Committee on Science and Astronautics, I want to say, "Thank you, Senator Knowland."

The editorial follows:

SPACE RACE HAS BIG STAKES

In a United States preoccupied by fiscal problems, Vietnam and domestic racial difficulties, the nation's space program has been getting progressively less public attention and less development money.

The excitement and the challenge of the cosmic frontier has faded as the nation tries to grapple with more immediate problems that confront us on earth, in the next city, in the next block. The solving of more prosaic problems has gradually downgraded the priority that space has claimed in the U.S. list of national goals.

Despite these urgent commitments, Congress would do well to carefully reconsider whether the United States can afford to neglect the Soviet challenge in space.

There can be no doubt that the Soviets are pushing forward as swiftly as possible with their own space program. The past month has been the most intense period of activity for the Russians since they launched the space race in 1957. New vehicle launchings by the Soviets have averaged almost one every two days, including several which are presumed to be tests of the orbital bomb system the Russians are reported to be developing.

James B. Webb, head of the National Aeronautics and Space Administration, also notes that while budget cuts have threatened long-range U.S. projects, the Soviets are devoting more than twice as much of their national resources to space as the United States.

No one who has followed the pragmatic economic history of the Soviets could possibly conclude that the Russians are spending that much simply for a showy space spectacular or national prestige. Their scientists obviously expect space to be the new frontier of military weapons. So do many of ours.

The orbital bomb is one chilling example of the potential military threat posed by the Soviet space program. Yet, so far, the only officially announced U.S. reaction to this threat has been reports of plans for an over-the-horizon radar to lengthen the warning time against orbital devices and missiles.

It would be more reassuring to the nation if the Pentagon were given the authority to devote whatever resources it requires to counter the orbital bomb threat, not simply with defensive measures but with an offensive military space capability of our own.

While it is true that the U.S. space program (80 per cent devoted to peaceful projects) has generated considerable scientific knowledge useful on earth, it is in the area of military space weaponry that we face the most crucial challenge from the Soviet Union.

That is one area of the space race that we must not neglect.

If the ultimate goal of the U.S. space program were merely national prestige or propaganda, it would not be worth the additional investment it may require to insure U.S. supremacy. But prestige and propaganda benefits are not the major stakes. The ultimate prize in the space race may be national survival.

That is why the United States cannot afford to fall behind the Soviets, even if it requires devoting resources that otherwise might be used to help solve some of our immediate domestic problems.

CONSUMER PROTECTION AT THE LOCAL LEVEL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. WOLFF. Mr. Speaker, Nassau County, a large part of which I am proud to represent, has had for approximately a year an office of consumer affairs. This is the first such office at a local level and the success of the effort is evidenced by the awareness and use of the service by the county residents.

I am pleased that such an important effort is getting the national attention it deserves. I commend to my colleagues' attention an article in the current issue of Changing Times about the office of consumer affairs in Nassau County and, under leave to extend my remarks, wish to include the article in the RECORD at this point:

THIS COUNTY STICKS UP FOR ITS SHOPPERS—A NOVEL NASSAU COUNTY, N.Y., PROGRAM GOES WAY BEYOND THE OLD "WEIGHTS AND MEASURES" IDEA

Not long ago a Long Island service station was caught mixing regular with high-test gasoline and charging premium prices for the mix. County inspectors hauled the culprits into court and each was fined $200, the first such conviction under a state law that had been on the books for 30 years.

The same county office recently got a call from a man who had signed a $2,769 contract for a new car. Now the dealer was demanding $50 more, the caller complained, for the radio his salesman had "overlooked." County officials went to work and got the dealer to release the car. And when it was delivered with dirty upholstery and no radio, they cracked down again, successfully.

These episodes illustrate the work of the Office of Consumer Affairs of Nassau County, N.Y., the nation's first county-level consumer-services and quality-control program. Consumer departments exist in eight states, usually at the state capitals, and about half the states have fraud bureaus. But the Nassau County office is the first to place such services close enough to home so people can get quick advice even if they are not facing full-blown frauds.

FAT MEAT, LEAN GAS

Nassau is a large county of about 1,500,000 people, embracing the Long Island cities of Long Beach and Glen Cove and the towns of Hempstead, Oyster Bay and North Hempstead. It is governed by a Board of Super-

visors and an elected county executive who has no vote but can propose laws and regulations.

The new Office of Consumer Affairs was proposed last year by the present county executive, Eugene H. Nickerson, a Democrat, after a study by a nine-member advisory panel. The Republican-dominated Board of Supervisors approved, and the office opened in June with John A. Occhiogrosso, a 38-year-old lawyer, as its first commissioner.

The existing weights and measures division, previously limited to checking scales, meters and gasoline pumps and seeing that commercial containers held as much as their labels said they did, became the nucleus of the new unit.

Now the office can launch investigations of consumer frauds, subpoena those accused of selling shoddy goods and services or otherwise dealing unfairly, issue public reports, support consumer legislation and stop the sale of underweight packages or products for which misleading claims are made. The office itself levies no fines, but its investigators can assemble evidence for prosecutions by the district attorney's office or other law-enforcement agencies.

Special testing devices have been provided to make the new office's inspection services more effective. That conviction of the service station operators, for example, was made possible by use of a single color-matching kit. The inspector takes a few ounces of gas from the pump and compares its color with samples in his kits, arranged according to the dyes that major refiners put into their fuels. If the colors don't match, the inspector knows something is wrong. Then a specimen can be sent to a laboratory for chemical analysis of its octane rating.

Another gadget tests the fat content of ground meat. By cooking up doughnut-shaped patties and funneling their juices into a graduated gauge, inspectors can read off the ratio of fat to lean.

Often the office is called on in disputes between consumers and tradesmen. A woman complained that a kitchen remodeler had dented her refrigerator. Though he had agreed in writing to pay for the damage, no money was forthcoming. Besides, he was threatening to sue her for partial payment on the still-unfinished kitchen job. After hearing both sides, the consumer office advised the housewife on the procedure for bringing her case before the Small Claims Court.

A GOOD START

These are some of the activities in which the office has been effective:

Stopped overcharges on gasoline after investigation showed that 173 of the county's 1,215 stations were nicking some customers by rounding off the sales tax to the next full cent instead of charging the proper fraction of a cent per gallon. This practice had been costing motorists as much as nine-tenths of a cent a gallon and an estimated total of $100,000 a year.

Helped steer through a regulation curbing expansion of home fuel oil by a few distributors who were preheating it above the standard 60° F. so that customers thought they were getting more fuel than actually was being delivered to them.

Advised supermarkets to stop wrapping meat in cellophane with narrow red lines designed to make it look leaner than it was and warned one store to quit shoving inverted paper trays underneath cuts of meat to make them look thicker.

Backed legislation to license radio, TV and auto repair shops and home-improvement contractors, and to remove inconsistencies from licensing procedures for electricians and plumbers.

During its first year, the Office of Consumer Affairs has recorded more than 600 complaints, plus carrying out its regular business of seeing that commercial products are properly packed, weighed and measured. When the office's 17 inspectors are not spot-checking pumps, scales and food containers, they read written complaints and listen to gripes over a recently installed consumer "hot line." At night the office gives educational talks to fraternal groups, senior citizens' clubs, poverty organizations and adult education classes.

All this, of course, is merely a promising start. How well the program will be accepted by the public and by businessmen remains to be seen. Already there are indications that the enthusiasm of the office's most ardent proponents is not yet general.

When the budget for the newly created office first came up for consideration, the same Board of Supervisors that had originally approved the office provided for only two more people than were in the old weights and measures division, plus a bit more money for printing and investigations.

In February, after a review of the office's activities, the Board of Supervisors decided to grant money for three more positions including those of research assistant and consumer affairs investigator. This gives the new office a total annual budget of $268,577, an increase of $57,396, but still less than was sought.

Nevertheless, Nickerson and Occhiogrosso remain confident that the value of the office will be proved both to consumers and to the reputable, fair-dealing elements of the Nassau County business community.

NEUBERGER FUNERAL SET

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. LONG of Maryland. Mr. Speaker, Thomas P. Neuberger, a Baltimore County attorney and a registered professional engineer, died recently in Baltimore. Mr. Neuberger was a dedicated civic leader well known in the Baltimore area. I wish to honor his memory by including the following article in the RECORD:

NEUBERGER FUNERAL SET—COUNTY LAWYER, ENGINEER, DEMOCRAT DIED AT 51

Funeral services for Thomas P. Neuberger, Baltimore county lawyer and registered professional engineer, will be held at 1 p.m. tomorrow at the Witzke funeral establishment, 4101 Edmondson avenue.

Mr. Neuberger, who is 51, died at his home Saturday after a brief illness. He lived at 1414 Woodcliff avenue, Catonsville.

A native of Baltimore, he was the son of the late Andrew J. and Margaret Neuberger.

He was a graduate of the Mount Vernon Law School and studied engineering at the Johns Hopkins University.

As an engineer, Mr. Neuberger had worked as an engineering consultant to several businesses and was currently serving as a consultant to the Washington Technological Laboratories, Rockville, Md.

He had long been active in the Democratic party in Baltimore county. In 1966, he was a candidate for the County Council from the Second Legislative district.

He was active in the West Baltimore County Democratic Club, the Northwest Baltimore County Democratic Club, the Woodlawn Democratic Club, and the Ridgeway Democratic Club.

He was a member and past president of the Catonsville Community Club.

Survivors include his wife, Mrs. Maria Brown Neuberger; seven daughters, Mrs. Barbara DeSimone, Mrs. Marjorie Klein, Mrs. Patricia Ritz, Miss Margaret Neuberger, Miss Susan Neuberger, Miss Janet Neuberger and Miss Paula Neuberger, and two sons, Thomas Neuberger and Edward Neuberger. All live in the Baltimore area.

UNITED STATES HEADS TOWARD NEW WAR

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. WATSON. Mr. Speaker, courageous newspaper editors throughout the United States have exposed the unjust policies and double standard that the United Nations applies to peaceful Rhodesia. The imposition of mandatory economic sanctions against Rhodesia has obviously failed to attain its objective to strangle the economy of that nation. But, now a more sinister plot is being hatched against Rhodesia with the full blessing of the United Nations; namely, a concerted effort by Communists to overrun all of southern Africa.

In a very timely editorial, which appeared in the Columbia Record, Columbia, S.C., editor John A. Montgomery describes the Communist technique for destroying Western influence in southern Africa by promoting so-called wars of liberation. In my belief that this outstanding editorial will be of interest to the Congress, I include it as a part of my remarks.

Mr. Montgomery's editorial follows:

[From the Columbia (S.C.) Record, Apr. 26, 1968]

UNITED STATES HEADS TOWARD NEW WAR

WASHINGTON.—While seeking peace in Southeast Asia, the United States government is on a collision course for another war 10,000 miles away. It is taking the initiative in a plan to overthrow the friendly white minority governments of southern Africa.

It is already in the bloodless phases that include arms embargoes against the Portuguese provinces of Angola and Mozambique and against the Republic of South Africa, and selective economic sanctions against independent Rhodesia.

Along with the Afro-Asians, the United States was a partner in preparing Britain's formal proposal before the United Nations this week for a total economic boycott of Rhodesia. The purpose is strangulation of the former British colony in order to oust the regime of Prime Minister Ian Smith and turn the country over to its black majority.

The United States was also a party to the UN resolution to wrest control of South West Africa. This mostly barren land was taken from the Germans by South African conquest in World War I and was mandated to South Africa by the League of Nations. The Republic of South Africa claims the territory as an integral part of the nation and gives it parliamentary representation.

Afro-Asian and Communist countries favored seizure of South West by the UN by military force, but the United States, taking the position that it had too much war on its hands now, advocated trying persuasion before launching a military attack. South Africa says it will fight before it gives up the territory.

The Afro-Asian bloc has presented a UN resolution calling on Britain to use force, if necessary, to crush the Rhodesian government. This harsh action also has been promoted by influential elements of the British press. Britain has stated repeatedly, however, that it is not prepared to use force against inland Rhodesia.

A major consideration in Britain's decision, which is backed by the United States, is that an attack against Rhodesia almost certainly would bring adjoining South Africa into the conflict. Britain and the United States are economically dependent on mineral products of South Africa.

Military action against the southern Africa states has already begun. It is being sponsored by the Communist countries in their bellicose policy of wars of liberation. The Congo, Tanzania and Zambia (formerly Northern Rhodesia) are the bases for the guerrilla activities. Moscow and Peking supply the arms. Cuba, Algeria and East European satellites share in the training.

Communist-directed forces operating out of Tanganyika have been waging an unpublicized war against Mozambique for many months, tying down a force of 40,000 Portuguese troops. Congo-based attacks against Angola have been well advertised. Forays have been made against South West. Terrorist attacks from Zambia, more than sanctions by the United Nations, are a threat to Rhodesia's survival as a nation.

Announced United States foreign policy cautiously avoids military involvement with the so-called liberation forces. There is no palpable evidence to substantiate Rhodesia's suspicions that America is giving secret support to the guerrillas and terrorists. But an acknowledgment by a State Department spokesman in a conference here was ominous.

He said the United States was helping to educate and train the liberation forces so that they would be prepared to take over and run the southern African states when and if the present white-ruled governments are overthrown.

He admitted close American cooperation with the militant African organizations that are trying to expel white influence from the continent.

When asked how he could be certain that NATO arms supplied to Portugal were not used to defend its provinces in Africa, he revealed a close U.S. relationship with the guerrillas.

He said that when guerrillas captured American-made weapons or ammunition from the Portuguese Army, U.S. authorities were immediately notified so that they could make an inspection. They had discovered no use of American-supplied arms, but had found second-hand American ammunition that had been sold to Portugal by other European nations.

Unless there is a change in American policy, this country will be in direct military confrontation with southern African countries in a United Nations war sooner or later. Developments in the UN will be a tipoff on the proximity of United States military involvement. The State Department has our nation headed toward war unless public or congressional pressures are brought to bear to reverse the trend. J.A.M.

CONSUMER AFFAIRS DEPARTMENT

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. DULSKI. Mr. Speaker, I am happy to join today in sponsoring legislation to create a Department of Consumer Affairs in the President's Cabinet.

There has been increasing awareness in recent years of the need for a consumer's voice in the top levels of Government as well as a consolidation in one department of the administration of laws dealing with consumer problems.

During the past half century, Congress has enacted a broad pattern of legislation—much of it in the last couple of years—designed to protect the consumer.

A recent study shows that these laws are now administered by some 33 departments or agencies. Despite sincere efforts at coordination, it is difficult to accomplish since the departments and agencies have other prime interests and responsibilities.

President Kennedy and President Johnson sought to deal with the coordination problem by naming a Special Assistant for Consumer Affairs.

Miss Betty Furness is handling this role very capably for President Johnson, as did her predecessor, Mrs. Esther Peterson. But in today's world, the authority of Miss Furness is too limited to do the job that needs to be done for consumers.

There is broad support in Congress for creating a Department of Consumer Affairs, and I hope the appropriate committee will give early consideration to this proposal.

THE FIGHT AGAINST CRIME

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. PODELL. Mr. Speaker, just over a year ago, in February 1967, the President's Commission on Law Enforcement and Administration of Justice made public a challenging report, appropriately entitled "The Challenge of Crime in a Free Society."

This report perceptively analyzed the causes of crime, police techniques employed in the prevention of crime and in the apprehension of offenders, the nature of the judicial process, and rehabilitative programs and accomplishments in our penal institutions.

The report also proposed far-reaching recommendations for reducing crime, for improving police effectiveness, for streamlining the judicial process, and for more creative and productive rehabilitative programs in our penal institutions.

Rising crime rates since publication of that report underline our failure to measure up to its challenge. In New York City, in February 1968, crime rates were up 32 percent above the rates in February 1967. The statistical tables are frightening: Homicide increased 72 percent; burglary increased 22 percent; larceny 31 percent; and auto theft 30 percent.

During the month of March 1968, major crimes in New York City increased 25 percent over the comparable month in 1967. The total number of major crimes reported in New York City during the first 3 months of 1968 amounted to 105,368, an increase of more than 18,000 over the 87,195 committed in the 3 months ending March 31, 1967.

Nor do the gruesome crime statistics in New York City reflect a particular isolated phenomenon of an urban enclave. Reports of the Federal Bureau of Investigation disclose a 13-percent increase in crime in 1967 in the Nation's rural areas over 1966. Rural areas throughout the State of New York showed a crime increase of 12.5 percent during the comparable period.

Indeed, the statistical record does nothing more than document what the people already know and fear. In my own district, as throughout the Nation, fear grips at the hearts of our people. Attendance at PTA meetings is sparse, because women are afraid to walk our streets at night; we worry about the safety of our children on their way to and from school. Narcotics are sold openly and blatantly in our neighborhood streets, particularly streets near our schools. Business people in our community are worried and concerned about keeping their establishments open during the nighttime hours. Our parklands have been preempted by the lawless, so that they are barely available for innocent play and recreation. Orderly society is in full retreat before the rising tide of criminal activity, threatening the very knit of our social fabric.

Under the circumstances, it is tragic indeed that we have not yet taken final congressional action, urgently needed to start on recommendations made by the President's Commission on Law Enforcement and Administration of Justice and particularly recommended to the Congress by President Johnson. So urgent has the necessity to maintain law and order become that no matter of legislative urgency can hold a higher priority.

During the year since publication of the report of the President's Commission, we have, in fact, lost, rather than gained, ground in the fight against crime. While in New York City the crime rate increased 32 percent this past February, the arrest rate increased only 16 percent. This is not the fault of the policeman on the beat. The fault resides in the fact that our police force has not grown with its needs. If our police force had grown at a rate consistent with the increase in crime, we would have added 9,000 additional policemen to our uniformed forces.

In fact if we added only 5,000 additional policemen, the crime rate would not have so sharply increased. There is no greater deterrent to crime than a uniformed policeman visible on the street, no greater deterrent to crime than the prompt and speedy arrest of the offender. Unfortunately for our city, our police forces are so thinly spread, that the police uniform is not visible on our streets and those who engage in criminal activity are but little deterred by fear of detection.

Moreover, the tensions within our society add immeasurably to the complexity of the police burden. For example, on Friday, April 26, much of our police power was on a standby alert because of strikes and demonstrations called at our high schools and colleges in protest against the Vietnam war. The following day, Saturday, we had the traditional Loyalty Day parade, an antiwar demonstration in Central Park, and a third unlicensed parade of those who could stomach neither the loyalists nor the peace demonstrators in Central Park, but felt

a call to indulge their own sloganeering. Again, the police were burdened with the necessity for maintaining law and order under tense and unusual circumstances, for diverting traffic from parade routes, and handling the myriad of other details, which makes the policeman's lot not a happy one.

Just a few days later, a task of 1,000 policemen and other police resources were mobilized in connection with student demonstrations and sit-ins. Over 700 persons were arrested during those early morning hours, which reflects only in part the delicate and complex responsibility under which that task force operated.

Nor is the immediate future any brighter for concentration of New York City's resources on the routines of crime prevention and control and criminal apprehension. We are threatened with a summer of racial violence, a summer of peace demonstrations, a summer of campus conflict over military recruitment, and a summer of Presidential candidates coming and going; all of these will bear heavily upon police energies, police manpower, and police resources.

The clear and rational answer to the threat of rising criminal violence is more policemen. If we are to give to our people and to this community a sense of security, a sense of safety, then we must add promptly 5,000 policemen to our uniformed forces.

We have got to strengthen the police forces of the New York City Transit Authority and the police forces of the New York City Housing Authority, to bring a greater degree of security to our subway and bus riders and to residents of housing authority developments. We must improve our street lighting, to eliminate the dark areas and shadows that serve as a cover and shield for the criminal offender. We must escalate our war against the narcotics pusher and improve our programs for rehabilitation of narcotics addicts. We must improve police training, equipment, and technology. We must have effective laws, and enforce them, governing the sale and distribution of guns. These are areas in which the Congress can play a vital role, in providing financial resources to financially hard-pressed municipalities, in providing for more effective police coordination, and for making more effective our laws against interstate criminal activity, against narcotics shipments, against interstate traffic in guns, and against organized crime.

Unfortunately, Mayor Lindsay's answer to increasing our police forces and to other programs to prevent crime is to reduce and consolidate police precincts, to rely upon electronics and communications to substitute for the policeman on the street.

There can be no mechanical substitute for the policeman on the beat, and this is a fact known to Mayor Lindsay. The mayor has been one of the Nation's most persuasive proponents of the recommendations of the President's Commission on Civil Disorders. The mayor signed a report which says:

Nothing is more fundamental to the quality of life in any area than the sense of personal security of its residents, and nothing affects this more than crime.

Further in its report, the President's Advisory Commission asserted:

Motorization of police is another aspect of patrol that has affected law enforcement. . . . The patrolman comes to see the city through a windshield and hear about it over a police radio.

Mayor Lindsay signed that statement. We subscribe to that statement. Yet in the face of his own recommendation, Mayor Lindsay proposes to motorize our police force to a greater extent than it is now, to build more windshields to separate the policeman more seriously from the people in the community to put more policemen on scooters, who must concentrate so fully on safety on the road that they cannot even see the people in the community.

Now is the time for Mayor Lindsay to put into practice in our city the same principles which he exhorts other cities to embrace. We do not want police protection by computer, by windshield, or by scooter. What we want, what we need, and what we demand is protection of our people, by people, by a policeman on the beat who knows this community.

This city cannot afford to economize at the cost of community safety and security. This false economy is paid for by our people in terms of lives lost, personal injuries, property thefts, increased insurance costs, and by fears which destroy the fabric of our community life.

We here in Congress, the State Governors and legislatures, and the city halls in our land must move forward in a common effort to rid our Nation of the criminal scourge and to restore the conditions which make for a creative community life.

AMERICAN SPIRIT AWARD

HON. DONALD D. CLANCY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. CLANCY. Mr. Speaker, I would like to extend my wholehearted congratulations to a young man from my district. Henry H. Gilmore, the son of Mr. and Mrs. Frank E. Gilmore, of Cincinnati, has recently been presented the American Spirit Award. Henry, a graduate of Lewis College in Lockeport, Ill., joined the Army in February of 1968 and became a member of the 10th Battalion, 2d Training Brigade, at Fort Benning, Ga.

This high honor is bestowed upon the young man with the most outstanding performance during basic combat training. It is indeed a pleasure to represent in Congress such a fine example of our youth.

The citation received by Private Gilmore, reads as follows:

Private Henry Herbert Gilmore, U.S-51802221, is awarded the American Spirit Medal as the outstanding trainee of the 10th battalion.

Throughout his eight weeks of basic combat training, Private Gilmore has displayed all the requisite qualities required to become a recipient of this significant award. Private Gilmore has demonstrated the honor, loyalty, and patriotism which has not only earned him the privilege of receiving this award, but also the respect and admiration of his superiors and fellow soldiers.

Private Gilmore has distinguished himself as a true American patriot and his spirit, devotion to duty and attention to detail will serve as an excellent example for other trainees to follow.

TOM HAMMOND GETS NOD FOR SENIOR CITIZEN AWARDS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. OTTINGER. Mr. Speaker, the past few years have seen a growing concern for older Americans manifest at all levels of government and within the private sector of our economy. No longer are senior citizens the forgotten Americans.

But we must never overlook the fact that the role of government has distinct limitations. At the heart of every movement for social progress in the United States has been the selfless concern, the untiring dedication of individual men and women.

Typifying the volunteer spirit is Mr. Thomas F. Hammond of Yonkers, N.Y., whose efforts in behalf of the senior citizens of Yonkers date back to 1961 when he was an organizer of the first senior citizens' group in the city. His many contributions are being suitably recognized through nominations for the Westchester County Outstanding Citizen Award and a Lane Bryant Award for outstanding volunteer work in 1967.

With the highest respect for a man who symbolizes citizenship in its fullest sense, I present for inclusion in the RECORD a news article appearing in the Yonkers Home News and Times:

TOM HAMMOND GETS NOD FOR SENIOR CITIZEN AWARDS

Thomas F. Hammond, one of Yonkers' outstanding volunteer workers, has been nominated for a national and county senior citizen award.

Mr. Hammond, who resides at 46 Western Avenue, was nominated for the 19th annual Lane Bryant Award presented for outstanding volunteer work performed during 1967. This award will be presented in December. The winner will be presented $5,000, as well as a plaque commemorating his achievements.

Mr. Hammond's name was placed in nomination for this award by Mayor James F. X. O'Rourke, Abraham Stadlen, district manager of the Yonkers Social Security office, the Rev. David E. McGuire his pastor at the First Westminister Presbyterian Church and the Western Golden Age Club. The Western Avenue Club, which Mr. Hammond heads, also nominated him for the Westchester County Outstanding Citizen Award.

During 1967, Mr. Hammond served in a number of volunteer positions. He was named by Gov. Nelson Rockefeller to the advisory Board to the Office of the Aging, appointed as chairman of the Mayor's Senior Citizen's Committee of the City of Yonkers; appointed by the Hudson River Presbytery to the Commission on Aging.

Mr. Hammond was also appointed during the past year to the Advisory Committee for the Referral and Information Project at White Plains under the office for the Aging. This is sponsored by the Westchester County Social Service Agencies. He also served on the Executive Board of the Senior Volunteer Service of the City of Yonkers.

Mr. Hammond was reappointed recently as

chairman of the City of Yonkers Graves Decoration Committee for Memorial Day for the 37th Successive year.

He was elected as president of Western Golden Age Club for the second time after having served as treasurer, secretary and president in previous years.

Mr. Hammond was also appointed historian for the Yonkers Council of Churches.

He was born in Kiddermaster, England. He came to the United States in 1913 and settled in Yonkers.

Mr. Hammond was among those who organized the first Yonkers Senior Citizens group in 1961 and served as first vice president and president for two and one-half years of Group One. This group meets at the Senior Citizen Center on Cedar Place and is sponsored by the Department of Parks, Recreation and Conservation.

DEPARTMENT OF CONSUMER AFFAIRS BILL

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. GALLAGHER. Mr. Speaker, I am proud to join today our distinguished colleague and advocate of the American consumer, Congressman BEN ROSENTHAL, in introducing legislation to create within the Federal Government a Cabinet-level department devoted to protecting the consuming public of this country—the people.

In recent years, the sad situation of the consumer has finally come to the forefront of national concern. There is little doubt that this 90th Congress will be marked as the best "consumer Congress" in history. We have for the first time confronted many of the discriminations, injustices, frauds, chicaneries, neglects, and hardships that have been foisted upon the American consuming public for many years.

I have been privileged to serve with BEN ROSENTHAL on a special inquiry on consumer representation within the Federal Government. This vital series of investigations—begun, sponsored, and fostered by our most able and respected chairman of the Government Operations Committee, Congressman WILLIAM DAWSON—has turned up innumerable instances of the interest of the consumer taking a back seat to private industry, and, of even more serious consequences, with relations of the Federal Government. Our special inquiry on consumer affairs has, I feel, contributed heavily to the advances in promoting the interest of the consumer in his dealings with his Government and others. I look forward to continuing this vital work.

Mr. Speaker, we now have 12 Cabinet-level departments which recognize, promote, and protect particular interests in this country. In addition, there are many, well financed and organized lobbys at all levels of government with the specific purpose of promoting a broad spectrum of interests. Yet, the greatest interest group in America—the consumers—really have been spectacularly unsuccessful in developing an interest lobby or governmental department, outside of the Congress, to watch out and protect their interest. The bill I am introducing today would bring to the Cabinet an effective and responsible position with the sole duty of protecting and promoting the interests of the American consuming public.

The real issue, it seems to me, is whether or not the time has come to give the American consumer attention, recognition, protection, and representation within the Federal Government. I think that time has come and, indeed, is long overdue.

What I think this Department of Consumer Affairs can help to do is to put back into the marketplace equation an element that has been limited and squeezed out by advancing technology and sophistication—the wants and desires of the average consumer. Today, the buyer and seller are no longer dealing on even close to equal terms. The law and the complexity of the world have worked together to substantially reduce the bargaining power and position of the buyer. The deliberate frauds and misrepresentations of some sellers have lowered the consumer element to near zero. This new Department can only act as a booster for the consumer in his dealings with big business, the merchant, the store salesman to return to the consumer a power to affect the price, the quality, and safety of the goods he buys.

The amorphous mass of consumers are inevitably amateurs—but amateurs whose job includes the broad range of expenditures. This great mass has been unable in the past, for obvious reasons, to effectively organize in order to open a way for themselves into the center of political power, either as lay organizations or through an appropriate governmental agency. That these consumers be allowed to have access to political power is vital for the consumer viewpoint largely reflects the objectives of a democratic society. Intelligent consumer functioning both at the marketplace and through political processes is necessary for attainment of a rising level of living and an increasing level of satisfaction. The Department of Consumer Affairs, in which various agencies and functions presently scattered throughout the Federal apparatus would be brought together administratively for more effective service, would in all probability result in an actual saving to the Government. The Cabinet status would insure that the consumer voice would be heard at the highest levels for policy formulation purposes and would, additionally, insure appropriate recognition of consumer representatives in appearing before regulatory agencies and courts. One of the great complaints of consumers is that they do not know where to go, who to see, or what to do when they have a complaint or a problem. The apathy that many see is simply a feeling among consumers that they have to accept something they cannot do anything about. This is not a very desirable situation in a democracy where we strive for maximum participation of all of the people in governing their affairs.

The low-income consumer is, perhaps, most in need of the protection that could come from this new department. Everything that can be said about the average consumer is even more shocking when the poor consumer is involved. Many of us have suffered in one way or another from our inability to be properly informed or represented in our transactions as consumers. But without question, it is the poor who suffer most and most frequently, and their suffering does not result in mere inconvenience or chagrin, but rather in very real economic hardship. When you realize that the low income family, earning $3,000 or less a year, pays one-third of its income for food and other large proportions on clothing and other consumer products, the reality of the suffering that consumer frauds, lack of sophistication, and dearth of representation is bleakly apparent.

Another group of consumers who need a special degree of protection are the millions of elderly consumers, those over 65. Since many senior citizens live on a fixed income, a pension or annuity, every penny that is wasted or spent foolishly is especially harmful to this important group of consumers. The Department of Consumer Affairs can have a real effect in protecting this particularly vulnerable segment.

Mr. Speaker, the technological revolution taking place within our economy has benefited us greatly, but, at the same time, it has bred unusual complexity. The array of mechanical devices, new fabrics, electrical appliances, new "wonder" chemicals, and services of all kinds offered to the consumer today has made it all but impossible for even the highly educated to choose properly and evaluate and act intelligently.

There have been admirable advances made on many local fronts to educate, warn, and insulate the consumer. For example, in Jersey City, N.J., the Consumer Protection Committee of the Mayor's Citizens Advisory Council recently sponsored a valuable consumer protection forum. I was happy to have contributed to that meeting for I think it showed that people listening to experts with a free and open discussion on the problems can do a great deal to bring about an awareness of the problems that consumers are faced with every day. I am hopeful that these local, grassroots efforts will continue and I would hope that the Department of Consumer Affairs would encourage and assist.

The strong support this bill is receiving today hopefully means that we can look forward to some early action. As President Johnson said in his consumer interest message this year:

> A new and progressive program is needed, if we are to protect the consumers' rights in the marketplace, his right to be informed, to choose, to be protected from unsafe products and to be heard in the councils of government . . . I recommend that the Congress enact comprehensive measures to protect these rights.

As the President so well states, the Federal Government must act as the protector and defender of the unorganized consumer. The measure I have introduced today will secure the effective and comprehensive representation of the economic interest of the consumer at the highest levels of our Government. We can do no less, for we are acting to protect every individual and family in this great Nation. As President Kennedy said in the

first consumer message ever sent to the Congress, "Consumers, by definition, include all of us."

ISRAEL INDEPENDENCE DAY

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. DANIELS. Mr. Speaker, during the uncertain days of World War I, while most of the nations of the world were still grappling with the concept of total war and the implications of the great changes that were taking place in a confused Europe, one people, not yet a nation, had before them a clear and well-defined goal for their political future. A handful of persons had gathered in Switzerland in 1897 to formulate the plans for the creation, or re-creation, of their state. Then, during the war years, opportunities presented themselves whereby the leaders of this group saw the chance to see the fulfillment of their dream through international backing for the establishment of their state. Allies grateful for the assistance rendered during the war approved, in the Balfour Declaration of 1917, the proposal for the rebirth of the State of Israel.

At the termination of the hostilities, the newly formed League of Nations reaffirmed the concept of Israel in the mandate awarded to the United Kingdom in 1922, which said that the international organization would work for the establishment in Palestine of the Jewish state. Through the years of the mandate, the leaders of the Jewish nation built a foundation for the statehood that was to come by organizing a provisional government, establishing labor unions, starting the farms and settlements that were to become the basis of the economy, founding cities such as Tel Aviv and issuing the call to "return" to those Jews who had been living in the "diaspora" without citizenship or state.

Many trials were faced in those years, Arab terrorists began the repeated attacks on the Jewish settlements that were finally to lead to the warfare of 1948. The British refused to allow immigration into the Jewish state because the mandate officials were afraid of creating a population imbalance in the country of Palestine. The land available to the Jewish settlers was the wasteland that no others wanted and was expensive to reclaim, both in money and in terms of the back-breaking labor necessary to turn those swamps and deserts into productive farms. Since the settlers came from many countries, speaking many languages and following different customs, the early founders of Israel revived the ancient Hebrew language and began to forge a new culture and a new civilization that would encompass all the Jews returning to the homeland.

Despite the hardships, the problems and the dangers, the Jews built their nation. The rise of nazism in Germany caused the Jews of Israel to accelerate their program of creating a state because the Jews who had lived in Europe were suddenly denied the few rights which they had enjoyed. But, as the noose of nazism tightened around the neck of Europe's Jews, the mandate officials still refused to grant free immigration to Palestine. At the end of World War II, when the world realized what had happened to the Jews of Europe under the Nazis, it was too late to save the 6 million who had died in the ovens, gas chambers, and concentration camps, and amid the rubble of their destroyed homes. Again, the Jews appealed for freedom to migrate to their homeland, but again they were refused. In order to save the few remaining Jews then languishing in the displaced persons camps of Europe, the Jews of Israel began to smuggle people into their nation.

The United Kingdom announced in 1947 that it would no longer retain the mandate over the Palestine area and asked the United Nations to accept the problem and find a solution. The Arab States had already indicated their choice of action—the campaign of terror that had been underway against the Jews of Israel for many years was intensified. Jewish settlements became armed camps as the Israelis tried to defend themselves from the Arab raiders. The first of many Arab refusals to compromise and negotiate a settlement of the Palestine issue came in November 1947 when the Arab States rejected the United Nations resolution calling for a partition of the region into two states, one for the Arabs and one for the Jews.

On the afternoon of May 14, 1948, Mr. David Ben-Gurion read the proclamation of statehood for the State of Israel. At midnight, May 14–15, the British mandate ended and the State of Israel again became a reality. The Arab neighbors of the new state immediately launched an attack on the Jewish settlements, villages, and farms and began their attempts to annihilate the Jewish people. In those dark days of April and May 1948, the many friends of Israel feared for the life of the young state. But the fears proved to be groundless as the Jews dispelled the long-held myth that they were unable to fight. Against overwhelming odds and fanatical attacks, the Israelis not only held their ground but were able to advance their front and to occup territories that had been promised to them in the Balfour Declaration.

When the Arab States finally admitted defeat and agreed to attend a conference on the Island of Rhodes, the superiority of the Israeli fighters was clearly evident. At the conference table, the Israelis refused to return to the partition plan that the Arabs had rejected the year before but had since decided would be a good idea after their defeat at the hands of the Israelis. The state that emerged from those negotiations was a gerrymander of international diplomacy and unkept promises. Now Isreal again faces the difficulty of trying to establish permanent borders with the surrounding states even though those states will not agree to direct discussions of their mutual problems.

Among theorists in the international relations field, there has long been a criterion for the designation of state as a recognized sovereign entity: the ability to conduct foreign relations with other states, the capability of defense or the establishment of agreed boundaries, recognition by other states, an established government, internation commerce, to name but a few. In every respect, the Nation of Israel meets every requirement for statehood, but the Arab States continue to insist that Israel does not exist. The results of the three aggressions launched against the State of Israel in the 20 years since the rebirth should be enough to convince even the most hardheaded Arab leader, but the myth remains in the capitals of the Arab countries.

The Israel of 1948 held many hopes, little promise and a multitude of apparently insolvable problems. In the intervening years, the Israelis have realized many of their hopes and dreams through dedication and hard work. Using the limited resources available to them to the best advantage, the Israelis have created a modern state that is viable and stable. Of the many problems facing the young nation 20 years ago, few remain because the determination, initiative and ambition of the Israelis conquered what appeared to many to be impossible tasks. Though the recent events have left new difficulties for the Israelis, they and many suporters are confident that the nation in the Promised Land will be able to meet any challenge and find reasonable solutions for even the thorniest of problems.

On the occasion of the 20th anniversary of the independence of the modern State of Israel, we offer our heartiest congratulations and the reaffirmed conviction that this oasis in a desert of darkness shall prevail over the enemies that surround her. To our friends in Israel, we say well done, and may you enjoy many more anniversaries of independence.

POLISH CONSTITUTION DAY

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1968

Mr. WINN. Mr. Speaker, each year we in the Congress join with Polish-Americans throughout this country in commemorating the anniversary of Poland's Constitution of 1791. May 3 marked the 177th anniversary of that constitution, whose traditions sustain the Polish people even under Communist rule. But there is much to celebrate in addition to the anniversary of the constitution.

In the face of Communist tyranny now ruling their homeland, the Poles strengthen and renew their national fervor on this anniversary. Their courage is increased by the memory of the strong years before. The Poles ask that once again their land be made free and independent.

As we reflect on this momentous historic event, we are reminded once again, that tyranny cannot coexist with freedom, and that freedom will ultimately prevail. This anniversary also brings to mind the common bond between the American and Polish peoples.

On this occasion let us join the thou-

sands of Polish-Americans who have contributed so magnificently to the growth and security of our country, in reaffirming our hope that the courageous, liberty-loving people of Poland may soon have a government entirely of their own choosing which will permit them to live again in peace and freedom.

THE COURSE OF POLITICS TODAY

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. MILLER of California. Mr. Speaker, the Alameda Times Star, published by Abe Kofman, a distinguished citizen of Alameda County who also publishes the Morning News and a paper in the lower end of Alameda County at Freemont, carried three editorials on April 4 that I believe should be preserved in the CONGRESSIONAL RECORD and made available to all who want to follow the course of politics today.

I, therefore, include in my remarks copies of these editorials for your perusal:

[From the Alameda (Calif.) Times Star, Apr. 6, 1968]

THESE TRYING TIMES

These are trying times for political analysts, editorial writers and columnists of all kinds.

Things are happening at such a rapid pace that the column written today for publication tomorrow is obsolete before the printers can get it into type.

A lot of us have been caught with egg on our face by the sudden and completely unexpected turns of events in recent weeks.

The only thing we've been able to depend on, it seems, was Richard Nixon's candidacy for the presidency.

Romney caught many writers flat-footed by his sudden—although not totally unexpected—withdrawal; Rockefeller confounded a few more with the announcement he valued party unity more than the presidency; and Robert Kennedy dropped a small bomb by jumping into the fray against President Johnson.

Then came the President's multi-megaton announcement that he would neither seek, nor accept, his party's nomination—that he felt he should devote all of his time and energy to the duties of his office.

Before the ink was even dry on editorials and columns reacting to that earth-shaker, Hanoi announced it would meet a representative of the U.S. for peace talks.

And before a fast-typing columnist could get finished with that one, President Johnson bared plans to be the flagship of the peace-talk task force.

There just isn't anything about this political year that could be called ho-hum or hum-drum. It's an in-again, out-again, on-again, off-again madhouse and right now we wouldn't hazard a prediction that Barry Goldwater will not make a second try for the highest office in the land.

The way things have been going we'd probably wake up in the morning to find out he had tossed his hat in the ring in the middle of the press run.

Will he, or won't he? Not even his campaign manager knows for sure.

Which is why we won't, although we've toyed with the idea, congratulate Governor Reagan for sticking to his guns in a continuing denial that he is not a candidate.

There's too much chance we'd find we spoke too soon.

And that's a chance we'd rather not take.

[From the Alameda (Calif.) Times Star, Apr. 4, 1968]

L. B. J.'s BOMBSHELL

The true measure of the total unexpectedness of President Johnson's announcement that he's about had it with the Presidency is in the fact that hardly anyone we've discussed it with claims to have predicted LBJ'd decline to run in '68.

Oh, there is one guy in the office who recalled as how he'd prognosticated such more than a year ago. He's the same guy who'd said (he says) when Mike McCormick was sent down to the minors that he'd be a Cy Young Award winner eventually, probably in 1967.

The rest of us were rocked back on our heels, and nobody more so than the press wire services. UPI had just finished sending a story on the President's bombing cutback, as culled from an advance copy of his Sunday night speech, when the teletype stuttered, stammered and stalled, then bulletined the news of his other "bomb."

That even the politicos high in the Democratic Party were completely unaware of the impending decision is borne out by a package which reached our desk Monday—the day after the declaration. It came from the Democratic National Committee in Washington, D.C., the accompanying letter read:

"Recognizing that you may have use for these materials in the ensuing months, I am enclosing a packet of six 8 x 10 glossies of President Johnson.

"You will note that one of these is a new photo in color.

"If we can supply any other materials which will be helpful to you and your staff, please feel free to call on us at any time."

It was signed by Bill McSweeney, Director of Public Affairs.

Or maybe Mr. McSweeney did know something. One of the photos shows Mr. Johnson in deep conversation with one Harry S. Truman. Mr. Truman, you may recall, dropped a similar type of bomb just before 16 years ago, when he informed a dinner gathering that he didn't plan to run again in 1952.

And another picture shows LBJ seated at his desk in the White House. There is no one else in the picture.

He looks very much alone in that one . . .

[From the Alameda (Calif.) Times Star, Apr. 4, 1968]

UNSELFISH DEVOTION

If anyone ever doubted that Lyndon B. Johnson has had the best interests of his country at heart, that doubt should have been removed for all time by the President's announcement that he would not seek re-election.

His decision was probably one of the best kept secrets in the history of the White House.

And when he stood before the television cameras and said ". . . I shall not seek and I will not accept the nomination of my party for President of the United States" there were few to whom his words did not come as a complete and stunning surprise.

There may be some who will question the President's motives. There may be some who will read into his words a subtle political device designed to bring about a "Draft Johnson" movement at the Democratic National Convention.

But we believe Mr. Johnson spoke in utter sincerity when he said ". . . I do not believe that I should devote an hour of my time to any personal partisan causes or to any duties other than the awesome duties of this office."

Perhaps if, as the result of his efforts, peace could quickly be secured in Vietnam, he might reconsider, but he certainly gave no indication he would when, on the following day, he termed his decision "irrevocable."

We cannot believe the President had any reasons other than those he gave for withdrawing from the race.

The candidacies of Senators Eugene McCarthy and Robert Kennedy did not appear to be a serious threat to his continuance in office.

Nor did it appear that the Republicans would be able to oust him at the polls.

If it had, Mr. Johnson would probably have fought all the harder, for the man is a fighter. He has never, to our knowledge, backed off from a fight or an unpopular position.

The war in Vietnam and the War on Poverty are two examples. Both have made him the target of intense criticism from many quarters but never once did he waver in his pursuit of victory in both wars and an honorable peace in their wake.

No, we believe Mr. Johnson's decision was one of unselfish devotion to his duty and to his country.

We believe by his action he has increased his stature immensely.

And we believe that, even if his decision is "irrevocable" this nation will be better off for having had him as its President.

SMALL NEGRO BUSINESSMEN MAKE GOOD

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. FRASER. Mr. Speaker, four of my constituents in Minneapolis, operators of Negro businesses, recently received over $120,000 in economic opportunity loans from the Small Business Administration. This loan program affords a wonderful opportunity for people who normally would not have the chance to be successful businessmen, but who have the ability. Mr. A. C. Brown, who was born and raised in Little Rock, Ark., and has lived in Minneapolis since 1959 provides an excellent example of how helpful an economic opportunity loan can be. His case is presented in greater detail in the Twin City Observer of April 25, as follows:

SBA MAKES LOANS

Of 30 Small Business Admin. loans approved in March in Minnesota and western Wisconsin, four were to Minneapolis Negro businesses under the Economic Opportunity Loans.

Nate Battle of Nate's Shell Service, Emerson and Plymouth Ave. N.; Mrs. Ruth Lewis, of New Deal Cleaners, 1512 E. Franklin, Mrs. Curry, of Curry's Coin Laundromat, Chicago and Lake Ave., and Korner Grocery, 38th and 3rd, are recipients of $121,000 in loans.

All 30 recipients anticipate 125 new jobs will be added as a result of the new loans, many of which are being used for expansion purposes.

The Economic Opportunity loans provide business loans and management assistance for low income persons living in poverty, and for persons lacking equal opportunity who are above the poverty level but who cannot qualify for SMA's regular loan program, In this way SBA is helping to create business opportunities for people who have the ability but not the chance to be successful businessmen.

One such similar case is that of Mr. A. C. Brown, born and raised in Little Rock, Arkansas. During World War II, with only a ninth grade education he worked at an arsenal and served in the army until he was 18.

But Brown, realizing the need for a high school diploma for employment, returned to graduate and under the GI Bill of Rights, trained as an automotive mechanic at Dunbar Junior College in Little Rock.

In 1959 Brown came to Minnesota, married and had six children, went to Dunwoody Institute to become a transmission expert. After training through General Motors United Delco School, he started the A. C. Brown Service Garage Co. on 27th St., but was required to move two years later due to an urban renewal project.

Through the help of the Small Business Administration, Brown received a loan of $15,000 to purchase a garage at 3101 E. 25th St. His sons, Charles and Anthony, have helped their father in his now successful business.

"Without the loan from SBA, I could not have purchased the business I now own," he remarked. "Working with the people at SBA in handling my loan application could not have been better."

GEORGE BALL CHALLENGED ON TESTIMONY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. ASHBROOK. Mr. Speaker, on May 2, I inserted in the CONGRESSIONAL RECORD on page 11631 an article from the Government Employees Exchange which, along with my remarks was entitled "Will the State Department Be Protected at Any Price?" This article dealt with the monitoring of phone conversations at State not only of employees but of journalists and newspaper correspondents. The article charged that Mr. George Ball, former Under Secretary of State, had authorized the monitoring of the phone conversations.

Last Friday, May 3, Mr. Ball appeared before the Senate Foreign Relations Committee to testify concerning his appointment as Ambassador to the United Nations to succeed Ambassador Arthur Goldberg. Chairman FULBRIGHT in questioning Mr. Ball made reference to the article in the Government Employees Exchange and asked Mr. Ball if there existed a facility at State for monitoring phone conversations. The exchange reads as follows:

The CHAIRMAN. There has come to my attention, Mr. Ball, a matter which is not directly related to your new appointment but it does relate to your previous employment, I mean your previous position, in the Department of State. I think it might be helpful for the record since I don't think I will have an opportunity to inquire of anyone else, at least it ought to be straightened out, if it can be.

There is an article in the May 1st publication of the Government Employees Exchange. It describes a facility in the Department of State, and this would relate to your previous employment.

Mr. BALL. That is right.

The CHAIRMAN. And previous position. It says, it describes a facility in the Department of State as an electronics room, a bugging room, an electronics laboratory, these are the words that are used. The story suggests rather strongly that this facility can be and is used to monitor and record conversations unbeknownst to the telephone participants. The article also suggests that you were at one time in a position to authorize its use. Is there such a facility in the Department of State?

Mr. BALL. I am unaware of it.

The CHAIRMAN. You are not aware of it?

Mr. BALL. No, sir.

The CHAIRMAN. Well, to the best of your belief is that equivalent to that you do not believe it is correct?

Mr. BALL. This is a device for monitoring telephone conversations of people in the State Department?

The CHAIRMAN. That is correct, that is what the article says.

Mr. BALL. I think that is totally erroneous.

The CHAIRMAN. I think you ought to say so.

Mr. BALL. I certainly would have been aware of it had there been such a room, had there been such a device and there was none. There is none.

The CHAIRMAN. Well, I think it ought to be clarified. It alleges in this that this is used to pick up incoming conversations and telephone conversations also of the employees, the members of the Department, to outgoing particularly, particularly it has reference to conversations between members of the staff and reporters.

Mr. BALL. I am totally unaware of that, Mr. Chairman, and I am sure it is erroneous.

The CHAIRMAN. And they also allege that tapes, records are made of conversations between Senators and members of the State Department.

Mr. BALL. I am certain that that is wrong.

The CHAIRMAN. So you can say positively that that is not so?

Mr. BALL. Yes.

The CHAIRMAN. I think it ought to be knocked down. It is a very current story, and a front page story of this publication, which is natural, if it were true would be very disturbing to the Committee.

Mr. BALL. Certainly in my experience in the Department this is totally untrue.

As can be seen from the foregoing testimony, which was not given under oath, Mr. Ball was not aware of a facility, a room, or a device for monitoring and recording conversations unbeknownst to the telephone participants.

To further clarify its article of May 1, the Government Employee Exchange has supplied the following memorandum concerning the facility which was accompanied by a floor plan of the third floor of the New State Department Building housing the facility. A second attachment which accompanied the memorandum is a State Department memo of December 15, 1961, outlining the regulations for monitoring telephone calls. In the light of Otto Otepka's subsequent experience with bugged phones, this State memo should provide a chuckle or two. The material supplied by the Government Employees Exchange, with the exception of the floor plan, reads as follows:

HISTORY AND LOCATION OF "ESPIONAGE" OR "ELECTRONIC LABORATORY" FACILITIES AT THE DEPARTMENT OF STATE

I. GEOGRAPHIC LOCATION OF THE FACILITY

During the tenure of George Wildman Ball as Under Secretary of State, the "secret electronics espionage laboratory" at the Department of State was located in four rooms in the New State Department Building numbered and identified as follows: 3805, 3808, 3809, and 3810.

Altogether, the four rooms of the facility occupied 1315 square feet of floor space; an additional 125 square feet of closets and interconnecting corridors also belonged to the facility for a total floor space of 1440 square feet.

A "lecture and demonstration" room adjoined the "laboratory". Its number was Room 3803. It occupied 515 square feet, plus two interconnecting doorway sections of 55 square feet each, for a total floor space of 625 square feet.

The four rooms and the lecture room collectively comprised an "island" in a "moat of corridors" completely surrounding the facility. The total floor space of the "island" was 2065 square feet.

Besides the protection of its "moat", the facility was further protected by a "drawbridge" which consisted of a locked door sealing it off entirely from the so-called Corridor 8 of the third floor. The attached diagram, which is listed as Attachment 1, identifies the facility.

No one could enter over the "drawbridge" without a special pass issued only on instructions of the Deputy Assistant Secretary of State for Security, John W. Reilly.

Access to the "island" of the "espionage laboratory" was even more rigidly controlled. Even security officers could not enter it. The laboratory was under the personal jurisdiction of John Reilly, the Deputy Assistant Secretary of State for Security, and of Elmer Dewey Hill, his principal "electronics" expert. Mr. Hill's official title was Chief, Division of Technical Services (Acting).

Besides Messrs. Reilly and Hill, another person who had "normal" access to the "espionage laboratory" was Clarence Jerome Schneider.

Mr. Schneider was identified, in testimony before the Senate Internal Security Subcommittee, as the person who "bugged" Otto F. Otepka's room, recorded telephone and room conversations, delivered the tapes of the recordings to an unidentified person and, allegedly, subsequently "erased" the tape. No testimony has been taken directly from Mr. Schneider to date regarding his role. In early 1968, Mr. Schneider was given a "medical retirement" by the Department of State.

Both Mr. Reilly and Mr. Hill resigned from the State Department in late 1963 when Senators on the floor of the Senate charged the possibility of "perjury". Their "clarification letters" to the Senate Internal Security Subcommittee were drafted in the office of Under Secretary of State George Wildman Ball.

II. HISTORY OF THE FACILITY

The facility of the "electronics espionage laboratory" was constructed in 1960 as part of the New State Department structure. The telephone and electrical wiring in the entire building was installed in a way to make possible easy monitoring of any telephone in the building by the laboratory.

Until the "Thanksgiving Day Massacre" in the State Department in 1961, the electronic espionage facility was under the supervision of the Division of Physical Security. Up until then, its use was controlled almost entirely by career State Department security officers, some of whom had worked previously with the FBI.

Following the "Thanksgiving Day Massacre", when George Wildman Ball emerged as Under Secretary of State, the facility was developed largely by "imported security officers", coming from CIA and NSA.

In anticipation of the change of control over the facility, the Department of State on December 15, 1961, shortly after the "Thanksgiving Day Massacre", issued a memorandum entitled: "Subject: Monitoring of Telephone Calls". (See attachment No. 1.)

The memorandum was intended to withdraw all other "monitoring" activities from persons and offices previously authorized to carry them out. In addition, it was intended to be a "cover" by suggesting no monitoring would be carried out elsewhere.

The December 15, 1961 memorandum appears as Attachment 2 hereto.

Effective January 15, 1962, a *new* Division of Technical Services was created by the Department. This Division obtained exclusive control over the espionage facility. Its first chief was John Iams, secretly a long-time CIA officer publicly carried on the State Department rolls as a Foreign Service officer.

In early 1962, Mr. Iams "recruited" Elmer Dewey Hill, who was placed in charge of a so-called Research and Development Branch of the Division of Technical Services. Actually, Mr. Hill had been previously secretly on the CIA payroll.

In mid-summer 1962, Mr. Iams was "assigned" to the National War College and Mr. Hill then assumed full control of the Division of Technical Services.

In late evening and early morning hours, Mr. Hill allowed CIA officers to enter the "island". In late 1962 and in 1963, the White House and the Office of the Attorney General requested the facility to carry out certain operations they did not wish the FBI to monitor. Mr. Ball was fully informed of the reasons for the White House decision and he understood the use being made of the facility.

One, but only one, of the reasons for the secret use of the facility has already been reported in the May 1, 1968 issue of the Government Employees Exchange. This concerned the repercussions of the so-called Philippe Thyraud de Vosjoli case.

Other uses of the facility can be ascertained easily from George Wildman Ball, John Reilly, Elmer Dewey Hill and Clarence Jerome Schneider.

ATTACHMENT 1

DEPARTMENT OF STATE MEMORANDUM TO ALL EXECUTIVE AND ADMINISTRATIVE OFFICERS, DECEMBER 15, 1961

SUBJECT: MONITORING OF TELEPHONE CALLS

Effective immediately, monitoring of telephone calls will be held to a minimum. When it is necessary to monitor telephone calls, the following practices will be observed.

a. Telephone conversations shall not be recorded by recording devices unless advance notice is given to the other party and the device is connected in accordance with the Federal Communications Commission regulations.

b. Advance notice must be given whenever a secretary or any other person is placed on the line for any purpose whatsoever.

Regardless of whether Mr. Ball was aware of any facility or device the pertinent questions still remain unanswered:

First. Did Mr. Ball authorize, direct, or approve, electronic security people to monitor or listen in on telephone conversations of certain State Department employees, or journalists?

Second. Did he ever receive any reports from electronic security people or the director of security of the Department of State concerning any monitored conversations of any State Department employees or journalists?

DRAFT REFORM

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. MORSE of Massachusetts. Mr. Speaker, I want to strongly commend five of my colleagues, the Messrs. STAFFORD, HORTON, SCHWEIKER, SHRIVER, and WHALEN, for keeping alive interest in the draft reform. As they have pointed out, the basic inequities and discrepancies in the present draft system have been recognized by the administration and congressional critics throughout the Vietnam war, but there are still no coherent uniform national standards regarding such basic issues as student deferments and critical skills.

I enthusiastically hail the initiative of these five Members, who have expressed their disappointment with the administration's failure to institute constructive amendments, in recommending definite steps to correct some of the more blatant deficiencies of the existing law. They have proposed these in the Draft Reform Act of 1968 which has been introduced today. I strongly support their efforts and have introduced an identical bill.

THE BALTIC STATES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. DERWINSKI. Mr. Speaker, I insert into the RECORD a pamphlet prepared by the Americans for Congressional Action to Free the Baltic States, compiled and edited by Voldemars Korsts and Dr. Laimonis Streips, two outstanding leaders of the Baltic peoples. A practical reason for inserting this pamphlet into the RECORD is the fact that Lithuania, Estonia, and Latvia, having been enslaved by the Soviet Union since the early days of World War II, are all but unknown to the students of this generation. Certainly, these brave people should not be forgotten.

The pamphlet follows:

THE BALTIC STATES

"All peoples have the right to determine the form of their national existence."—Dean Rusk, Secretary of State.

The Lithuanians, Latvians and Estonians have inhabited their territories on the eastern shore of the Baltic Sea for thousands of years. They have developed distinctive cultures and languages, and have always aspired to govern themselves. Self-determination has not been easy, however, since geographically these states are caught between the expansionism of Germany and the imperialism of Russia.

Although the Baltic states had been occupied by foreigh powers for centuries, their desire for freedom still lived on, finally bursting forth in a 19th century nationalistic renaissance. From the chaos of World War I through Wilson's principles of self-determination for all peoples, many new nations emerged in Europe. Among them, the three ancient peoples of the Baltic formed three newly independent states.

After the declarations of independence in 1918, Russians invaded (to "save" these countries from Germans and other reactionaries, they said), and Germans invaded (to "rescue" these countries from Bolsheviks); but the Baltic peoples managed to save themselves from both invaders, and embarked on a brilliant era of independence, progress and prosperity. In their first two decades, these nations proved their ability to govern themselves and to be responsible members of the community of nations. Former President Hoover noted that the Baltic states had reached a level of stability and well-being that put them in the forefront of European nations.[1]

Brilliant that era was, but brief. Nonaggression pacts had been signed with the Soviet Union, but these were to be honored only so long as breaking faith was more uncomfortable than keeping it. Through a series of shameful pacts between Nazi Germany and Communist Russia (the Hitler-Stalin and Ribbentrop-Molotov agreements), with honor on neither side, several dozen solemn agreements with the Baltic states were broken one by one, and the Baltic states were occupied by the Soviet Union in 1940.

[1] Hearing before the Select Committee to Investigate the Incorporation of the Baltic States into the USSR, House of Representatives, 83rd Congress, 1st Session.

It is interesting to note that as early as December 25, 1918, *Izvestia* stated that "Estonia, Latvia and Lithuania are directly on the road from Russia to Western Europe and therefore a hindrance to our revolution. . . . This separating wall has to be destroyed."

The Soviets used techniques in taking over the Baltic states that had been perfected while subverting and subduing the nations that were to form the USSR of 1939. In those cases, however, the Soviet government had used the flimsy excuse that they had moved against this or that bordering nation to "pacify rebellious elements." The Baltic states were a different matter, and world opinions had to be reckoned with. The Ribbentrop-Molotov agreement was of excellent help.

Within a year, the Baltic states had been occupied under duress, incorporated into the Soviet Union by request of a puppet parliament, elected from a single list, and a large percentage of Balts—especially but not exclusively those that could be described as leaders of their communities or their nations—had been deported to slave labor camps, or simply executed by Soviet secret police.

The present Soviet government is no less cynical than that of the 1920's, only perhaps more polished. The Baltic states are still forcibly a part of the Soviet Union, a state of affairs which violates not only the United Nations Charter but, ironically, the Soviet Constitution as well. It is unfortunate that even now so many statesmen refuse to acknowledge the fact that a lasting peace will be possible only when all nations have had the opportunity to choose their own form of national existence. As long as some peoples are still held in oppressive occupation, there will still be smoldering causes for war; as long as some nations still seek to expand and dominate others—which wish to be free—peace will still be out of reach.

The Baltic states tried, for their own protection, to maintain neutrality in Europe; however, they firmly believed in and practiced principles of democracy. It is tragic to note that the fate of the Baltic peoples was sealed well before the end of World War II in Teheran and Yalta. Although the public pronouncements from the Yalta Conference in 1945 gave declarations of self-determination for peoples, the secret protocols left the three Baltic states in Soviet hands. This happened under stress of war and Soviet pressure, without the will of the American people; let us hope that America now may return to the aid of these abandoned nations.

In the rest of the world, in Africa and Asia, new nations emerge constantly. Any nation—in those areas—still under foreign rules brings its case to the United Nations. Sanctions have been voted against dominating powers who have not freed the subject peoples. No action whatsoever is taken on behalf of the European nations occupied by the Soviet Union. Without question, the Baltic states, as well as the Ukraine and many other nations—some within the Soviet Union and others nominally free as satellites—deserve the same considerations of national self-determination that are now offered to peoples in Africa and Asia.

It is therefore noteworthy that the 89th Congress of the United States, with all that this implies, unanimously adopted the following resolution:

"Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

"Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious developments; and

"Whereas the Baltic peoples of Estonia,

Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

"Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the population of the Baltic States; and

"Whereas it has been the firm and consistent policy of the Government of the United States to support aspirations of Baltic peoples for self-determination and national independence; and

"Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

"Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

"(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

"(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples."

House Concurrent Resolution 416 was adopted by the House of Representatives by a record vote of 298 yeas to no nays on June 21, 1965, and unanimously passed by the United States Senate on October 22, 1966.

Who are these Baltic peoples? It may be helpful to present a slightly more complete description:

The name, *Lithuania*, was first mentioned in the year 1009, when it comprised a dozen independent principalities. In the 13th century it became united under a king. It was officially proclaimed a Christian state in 1387. Through improved spiritual and cultural ties, Lithuania became an integral part of the West-European community.

Gradually increasing powers and pressures of Muscovy resulted in complete domination. There were five distinct major revolts during the 120 years of Russian rule. German armies occupied the country from 1915 to the end of the war. In December 1918, Bolshevik troops arrived at the borders with members of a Soviet Lithuanian Government. The invaders pretended to be supporting a Soviet Lithuania, so that the war would have the appearance of a civil war, and not an act of aggression. A newly constituted Lithuanian army drove the invaders out, Moscow signed a treaty which "forever renounces all sovereign rights possessed by Russia." This was followed by a mutual non-aggression pact in 1926, and with "an expression of our constant termless policy of peace," the pact was extended in 1934 to 1945.

Estonians have lived on the shores of the Baltic Sea some three thousand years. Enjoying national freedom until the 13th century, a succession of foreign rulers followed, with Imperial Russia coming to power in 1710. Nevertheless, Estonian nationalist movements grew. Reforms, started in 1849, created conditions for economic progress and a basis on which a national "awakening" could progress and flourish.

Having repelled the Bolshevik invaders following World War I, by 1922 Estonia had achieved *de jure* recognition by the nations of the world as an independent sovereign state.

Latvia's geographical position and cultural associations resulted in close ties with the Western world, which were not changed by the czarist conquest. They preserved fully their national spirit, their traditions, and their language. By the time of World War II, independent Latvia had achieved such a state of development that the number of university graduates in the population was proportionately one of the highest in the world.

The fundamental principle of Latvian foreign policy was strict neutrality as a member of the League of Nations. The Baltic policy of the USSR, while outwardly friendly, tended toward isolating the Baltic states one from another, from their neighbors, and from the League.

The United States Congress and the majority of Americans are serious in their demand that the independence of the Baltic states—and of all oppressed nations—must be restored. Yet, even though there is an element of sympathy in the attitude of most Western nations toward the Baltic states, and even though a number of them have refused to recognize the occupation governments, only lip-service is offered. There is a curious double standard applied: colonialism, genocide, fomenting of revolts and other transgressions are decried everywhere except in the territories and dealings of the Soviet Union. Indeed, there are some who rather hope that the Soviet Russification attempts will succeed, and that the Soviets will manage to get rid of the unpleasant Baltic problem through genocide. Particularly damaging is the theory that the Soviet Union must not be blamed for what it is or does, but should be wooed back into respectability through friendship and appeasement.

The demands for self-determination of the Baltic peoples are in no way contrary to the interests of the United States, Canada, or any other nation of the free world; it is only in opposition to the interests of world communism, and those who seek a lasting peace on the terms of the world communist movement. (When the Baltic states tried to keep peace on the Soviets' terms, during the 1920's and 1930's neutrality policies, they lost their freedom as a price for that very tenuous and impermanent peace.)

Finally, it should be reiterated that the government of the United States, as of several other nations, has not recognized the Soviet occupation of the Baltic region. Every President of the United States from Roosevelt through Johnson has reaffirmed this position. Nothing has been done of any practical value however; there comes a time when comforting declarations of moral support and righteous indignation are too empty to sustain. What is needed is (in the words of the Select Committee of the House of Representatives, 83rd Congress, to investigate the Incorporation of the Baltic States into the USSR) that ". . . the Communist danger should be abolished and stopped during this generation, since the only hope of avoiding a new world war lies in a bold, positive political offensive by the United States and the entire free world."

Although such an approach has been conspicuously lacking in the foreign policy of the United States, as of many other free nations, this may well be the *only* way ultimately to prevent the Communist takeover of more and more nations. Only by maintaining the rights of others can we maintain our own.

It is appropriate to close this with the reminder which thousands of letters from behind the Iron Curtain have sent to the free world: "There are sorrows more bitter than the grave, and death is not the worst that can befall a man or nation."

This year, as the Baltic nations are commemorating their fiftieth anniversaries, let us dedicate ourselves and our governments not to rest until all nations are free to choose their own way of life, "until such time as freedom and independence shall have been achieved for all the captive nations of the world."—Public Law No. 86-90, 86th Congress, 1959.

But the hopes and aspirations of the future, yes, even the fate of the entire civilization may be expressed in the words of Dr. Frederick Brown Harris, Chaplain of the U.S. Senate:

"Our Father God, Author of Liberty, Grateful for our own freedom we lift our prayer for the millions of Thy children, who look up to Thee crying, "How long, O Lord, how long?" even as they are bound with cords of a temporary tyranny.

"Strengthen us in Thy name to challenge all evil forces which deal in fetters of the body and mind, and which seek to degrade human personality.

"Without ceasing we would remember the Captive Nations in their cruel bondage—proud peoples with their precious traditions stamped into the dust while alien Caesars exercise their ruthless sway.

"May we play our full part in the restoration of human rights everywhere. May no denial of human freedom by those who would crush the liberties of others contaminate our souls with the blight of expediency. Strengthen us with Thy might that the arrogant boasts of entrenched tyranny may but put steel into our purpose to break their grip upon the governments and lives they now enslave.

"We ask for it in the Name of the Redeemer. Amen."

THREE MARYLANDERS DIE IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. LONG of Maryland. Mr. Speaker, Pfc. John P. Holcomb, Pfc. Edward A. Gaffney, and Lance Cpl. Lawrence Williams, three fine young men from Maryland, were killed recently in Vietnam. I wish to commend their bravery and honor their memories by including the following article in the RECORD:

THREE MARYLANDERS DIE IN VIETNAM—TWO LISTED FROM BALTIMORE, ONE FROM ANNE ARUNDEL

Two Baltimore servicemen were among three Marylanders listed by the Defense Department yesterday as killed in Vietnam war action recently.

The Baltimore men were identified as Army Pfc. John P. Holcomb, son of Mr. and Mrs. Morris F. Holcomb, of 1015 Rolandvue road, Ruxton, and Army Pfc. Edward A. Gaffney, husband of Mrs. Linda L. Gaffney, of the 1900 block West Lemmon street.

The Defense Department identified the third man as Marine Lance Cpl. Lawrence Williams, son of Mr. and Mrs. Richard E. Cook, of Bealle drive, Davidsonville, Anne Arundel county.

WITH OBSERVATION TEAM

Pfc. Holcomb, 21, died Tuesday in combat in the Cu Chi area west of Saigon, according to his father.

Mr. Holcomb said that his son had been serving as the artillery representative in a three-man forward-observation team attached to an infantry unit.

The young soldier had been in combat "off and on" since his arrival in Vietnam last December 20, Mr. Holcomb said.

He added that his son's last letter home was received Sunday and informed the family that he had recently participated in a five-day combat sweep in the Cu Chi sector.

A June, 1967, graduate of the Searing School in Somers, N.Y., Pfc. Holcomb was drafted into the Army last July and received training at Fort Bragg, N.C., and Fort Sill, Okla.

BORN IN KENTUCKY

He was born in Lexington, Ky., and moved to Baltimore with his family in 1962.

Besides his mother and father, metropolitan-Baltimore general manager for Sears, Roebuck and Company, he is survived by a sister, Morrigene, of Washington; a brother, Robert; a paternal grandmother, Mrs. J. B.

Holcomb, of Warsaw, Ky., and maternal grandparents, Mr. and Mrs. R. E. Palmore, of Horse Cave, Ky.

EFFECTS OF 1965 IMMIGRATION LAW

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. OTTINGER. Mr. Speaker, few areas in our laws more urgently demanded reform than the archaic and unfair system of choosing those immigrants we would allow to enter the United States. Thus, the Congress passed Public Law 89–236 in 1965, one of the most welcome effects of which was the abolition of the outdated and inequitable national origins quota system. This measure was aimed at returning our country to an immigration policy which both serves the national interest and continues our traditional ideals. While further reforms in our immigration laws are certainly required, I believe the 1965 act was an important milestone and that long-standing improvements were finally implemented.

The abolition of the national origins quota system was to be accomplished over a 3-year period. Thus, on July 1 of this year, the 1965 law will become fully effective. Obviously, this will have important and far-reaching repercussions—both in terms of the flow of immigration into the United States as well as the increased demands which will be placed on our consular officials overseas.

Earlier this year, Miss Barbara M. Watson, acting administrator of the State Department's Bureau of Security and Consular Affairs, delivered an address in New York City in which she discussed some of the more important aspects and ramifications of the 1965 act. I read Miss Watson's speech with great interest and found it to be most helpful in my understanding of what the situation will be after July 1. With the thought that our colleagues will find these remarks to be of interest as well, I insert them herewith, for inclusion in the RECORD:

ADDRESS OF MISS BARBARA M. WATSON, ACTING ADMINISTRATOR, BUREAU OF SECURITY AND CONSULAR AFFAIRS, DEPARTMENT OF STATE, TO THE AMERICAN IMMIGRATION AND CITIZENSHIP CONFERENCE, MARCH 29, 1968

The topic assigned to me today is "The Impact of the New Law on the Consular Services". You will understand, of course, that whatever effect the new law will have on consular services will be the direct result of the law's impact on the flow of emigrants to these shores. Changes, that is, increases or reductions, are already taking place in the staffing of various consular units as we prepare for the July 1 date. More changes will no doubt be required later on as we know better than we can at present anticipate what the actual workloads are to be.

As you know, we have made certain predictions as to the type and source of immigration we can expect in Fiscal Year 1969 and thereafter. As I'm sure you also realize, our estimates are necessarily tentative, in that they are based on reports which are, in turn, affected by staffing and workload factors at the individual posts, as I just indicated.

Some of our predictions have caused a certain amount of consternation. I should like to try, therefore, to put them in an historical perspective, taking into account both the human equation and the national interest factors that are involved.

The Act that President Johnson signed on October 3, 1965, was designed to accomplish three things in particular:

(a) to remove from our laws the racial discrimination that had, for almost a half-century, inhibited immigration from much of the world;

(b) to foster family reunification; and

(c) to protect American labor by selecting among prospective workers those we need.

The revisions of the law, in short, were designed to meet both the emotional and the practical needs of our people.

I need not elaborate with this group on the drawbacks of the national origins system. Most of you deal daily with persons from oversubscribed quota areas and you are more than familiar with the impracticality, as well as the possible inequity, associated with giving most of the numbers to countries which do not use them when there are other countries whose nationals beg unavailingly to come to the United States.

Let us look then, to the numerical restrictions which set the outside limits within which the second and third factors—family reunification and selection of needed skills—must operate and see what has happened and what is likely to happen if our predictions are as accurate as we think.

In broad general terms, the statutory provisions which will come into effect on July 1, 1968, are:

(a) the last vestiges of the national origins system will be abolished, in lieu of which there will be an overall limit of 170,000 immigrants born in the Eastern Hemisphere;

(b) not more than 20,000 persons born in any single foreign state may receive visa numbers in any fiscal year;

(c) there will be an overall limitation of 120,000 on Western Hemisphere immigration although there will be no individual country ceiling; and

(d) the only significant class of immigrants entering outside numerical limits will be the immediate relatives—that is, parents, spouses and children—of United States citizens.

Under prior law, married sons and daughters and brothers and sisters of United States citizens could obtain visas only if the entire quota were not used by persons with a higher preference. Under the revised law, there are numbers available specifically for these as well as other relatives. The enactment of such provisions led immediately to a tremendous upsurge in the rate at which preference petitions were being filed. New petitions continue to be approved at the rate of about 100,000 per annum which, with the inclusion of family members entitled to preference derivatively, represent a yearly increase of approximately 185,000. Not all of these are relatives, of course; many are third or sixth preference. But no matter what preference it is, in sum these new preference applicants total more than the allowable numbers. I cannot help but feel concerned, as I'm sure you do, that there will probably be few, if any, numbers for such nonpreference applicants as grandparents, fiancees, and investors, which is to say aliens who do not intend to work in the United States and cannot, therefore, qualify for preference either as a relative or as a professional, skilled, or unskilled worker.

Nonpreference is not the only category that will be affected by this overall oversubscription of course. Last year over 29,000 professionals, technicians, and kindred workers were admitted from the Eastern Hemisphere; this is almost double the number admitted in 1965. This was possible because we issued nonpreference visas to such immigrants when they were from undersubscribed countries, in addition to using immigration pool numbers for third preference immigrants from oversubscribed areas. Next year, however, we estimate that the maximum number of professionals will be only about 9,000 even allowing for some spill-over for professionals from third to sixth preference, although there may be a few others who enter in a relative-preference status. The remaining numbers of the 17,000 authorized for third preference will be issued to spouses and children of those professionals.

In addition to the fact that this narrow limit might prevent our admitting as many persons with these talents as we may need, it will also cause a sharp cut-back in immigration from such previously undersubscribed countries as the United Kingdom, Germany, the Scandinavian countries, and others. These nations have, of course, no backlogs of preference applicants at present. Future applicants from these countries will have to obtain preference status and take their place at the end of the line of those already waiting and qualified to receive a visa number.

The amount of numbers that will be available to these now undersubscribed countries is related, of course, to the type of alien who immigrates from those areas. The historic pattern of the immigration from those areas would suggest that a relatively small percentage comes because of a relationship to someone in the United States; most immigrants from those areas come independently, as skilled or unskilled workers, to make a new life for themselves here. Unless the pattern of immigration changes, therefore, nationals from those countries will not constitute a heavy demand in the preference classes contingent on relationhsip to persons in the United States, but will fall in the third and sixth preferences. Let us use, as an example, the United Kingdom which has, heretofore, led the list of countries of origin of the immigrants coming into the United States. It appears that next year visas for persons born in Britain will probably be reduced to about a tenth of the total number issued in previous years. We estimate, on the basis of experience, that such persons will be able to qualify for no more than about 2,800 numbers and that there will be a total immigration by British of no more than approximately 6,500 including immediate relatives and special immigrants.

This is one of the results of the new legislation which has caused some concern, but I feel that much of this is due to a misunderstanding. One hears, all too frequently, "the British will have to wait longer"—or the Scandinavians or the French or the Swiss or whatever nationality group in Western Europe is the focus of attention—and this is, of course, not really true. They will not wait any longer. The Englishman, the Portuguese, and the Chinese for whom petitions are filed on July 1, 1968, or any other date, will wait exactly the same length of time since they will have the same priority date and will be offered the opportunity to apply for visas at the same time. The British and other Western Europeans are, however, starting to wait considerably later than the Portuguese, the Chinese, and the others who have been forced, for so very long, to become accustomed to waiting. Putting it another way, the pendulum which has traditionally been so far over on the side of those with large quotas has swung temporarily to the opposite side. Those who have been waiting for many years for the opportunity to come here are now first in line for the numbers. Although it will take time, possibly two or three years, for the pendulum to settle in the center, the day when all men will compete equally for the privilege of immigrating here can already be seen on the horizon. The

longer range problem which underlies this temporary one—that is, the restrictive limit on professionals and skilled workers—may, of course, require legislative adjustment.

The sixth preference, as you know, is similarly restricted as to total numbers and in addition is the lowest of the preference classes for visa purposes. This latter factor adds another dimension to our projections with respect to sixth preference usage. Beginning July 1, we will not have the flexibility provided by the immigration pool during the transition period in the issuance of visas within the preference categories. Since the pool was available only to preference applicants and since the legislative history showed that the Congress intended that the refugee numbers should not be charged to appropriate national quotas but should be allocated entirely from the immigration pool, the Visa Office considered that it was justified in issuing—indeed, that it was incumbent upon it to issue—both sixth and seventh preference numbers regardless of the foreign state to which the persons concerned were chargeable. However, insofar as the permanent provisions of the law are concerned, the statutory language is clear that consideration must be given to preference applicants in the order of the preference classes. This means that for countries like Italy, which registered demand in the first five preferences far in excess of the 20,000 foreign state limitation, sixth preference numbers will not be available. Several subquota areas, each of which will have only 200 numbers available annually after July 1, will be similarly affected and in Hong Kong, in which there is an unusually large volume of higher preference demand, only first and second preference visas can be issued.

One can not speak, or even think, of the sixth preference without at least a passing reference to the effect of the labor certification requirement of the 1965 legislation. This has, as we all know, affected both sixth preference and nonpreference workers. It is unfortunate, perhaps, but true that in twentieth century America we no longer need—nor, indeed, can we afford—the typical nineteenth century immigrant. We are not, today, a nation needing to import unskilled brawn. To the contrary, we need to train and hire our own unemployed, especially the youth of the country. Workers from abroad who could be competing for the available unskilled and semi-skilled jobs here are, therefore, finding it difficult to obtain the labor certification they need in order to get a visa. This has had the effect of curtailing immigration by such traditionally good friends of ours as the Irish, the Polish, and others.

Let us now look at the third objective of the legislation: family reunification. As you know, relatives who have been waiting for quota numbers for many years in countries with small quotas are now getting visas. Those countries which have waiting lists of long duration will come to the fore to claim the lion's share of the 170,000 overall limitation after July 1 of this year. Because of large backlogs still existing, we expect Italy, Greece, China, Portugal, and the Philippines, in that order, to qualify for at least fifty percent of the 170,000 numbers.

This is about the same percentage of the Eastern Hemisphere numbers which will be used by brothers and sisters of United States citizens and their spouses and children.

Now let's take a look at our neighbors. What is going to happen in the Western Hemisphere when the numerical limitation of 120,000 comes into effect? Unlike the Eastern Hemisphere, no country limitation is set by law nor have preference categories been established. Only those persons who qualify as immediate relatives or as non-"Western Hemisphere" special immigrants (returning residents, certain former United States citizens, ministers, and certain long-term United States Government employees) will be exempt from the ceiling.

The most striking aspect of Western Hemisphere immigration during Fiscal Year 1967 was the large number (more that 71,000) of visas issued to relatives of United States citizens and resident aliens. Approximately 5,000 visas were issued to members of the professions who qualified under the Labor Department's Schedule A. Another 20,000 entered with individual labor certifications.

The Department is still hopeful that some provision will be made to exclude the Cuban parolees from the overall limitation of 120,000 when they adjust to immigrant status. If they are not, we estimate that they will lead the competition for Western Hemisphere numbers from a conservatively-anticipated usage of 40,000 numbers in this coming year. The fact that the Department of Labor has provided a blanket waiver of labor certifications for Cuban parolees in the United States, because they are already within our labor market, facilitates the adjustment procedure for these refugees. If the anticipated usage of more than 40,000 numbers is required for Cubans, only 80,000 numbers will remain for use by the rest of the Hemisphere. We must face the fact that, if this is the case, our nearest neighbors will be most immediately and drastically affected. Last year Mexico led the number of immigrants with just over 40,000, and Canada had approximately 25,000. But just how will Mexico and Canada fit into the immigration picture this coming year if the numbers are so sharply reduced?

Although the role of the labor certification requirement will, in a sense, be diminished in the Eastern Hemisphere, after the strict limitations of sixth preference and the approximately nonavailability of nonpreference numbers comes into effect after July 1, it will continue to be of great significance in the Western Hemisphere. Our friends in the Department of Labor have done a magnificent job of administering this provision which, incidentally, came to them as something of a surprise. The initial impact of the amended section 212(a)(14) almost brought immigration of nonrelatives to a complete halt for a while, since it required, in effect, an individual ruling in each case of an immgrant intending to work here—and these rulings had to deal not only with the question of availability of qualified workers in the United States but also with the possible adverse effect on wages and working conditions in this country that might be caused by the employment of the alien concerned. The Labor Department, however, overcame this hurdle to a certain extent by making some rapid studies of occupational categories. First it published its Schedule A, a list of occupations in which there is a national shortage, and another list (Schedule B) of occupations in which workers were in surplus in this country. Later it was able to provide yet another list (Schedule C), this time of occupations in which there is an acute shortage in certain areas and, therefore, an individual job offer is not required.

Persons whose occupation is not on any list must, of course, obtain an employment offer and the employer must apply for an individual labor certification for the alien he hopes to employ. The effect of Schedule C will be mooted after July 1 for Eastern Hemisphere immigrants, since, in order to qualify for sixth preference which will now be needed, a petition must be filed in the immigrant's behalf by a United States employer. It is, of course, difficult for aliens in foreign countries to make employment arrangements from abroad. There is the further problem that, at the present time, there is a waiting period of approximately a half year for sixth preference numbers. This waiting time will increase as Western Europeans begin to compete for the 17,000 numbers available for sixth preference immigrants. It is, therefore, possible that in the future United States employers will turn to the Western Hemisphere rather than to Western Europe when they find it necessary to recruit workers from abroad. This will not really solve their problem, of course, since it will only aggravate the backlog we expect to develop in the Western Hemisphere also.

Much of this discussion has centered on numbers. I cannot leave without mentioning that we are acutely aware, as you are, that in immigration matters we are dealing primarily not with numbers but with human beings. The factors which influence the vitally important decision of whether to uproot themselves and immigrate to this country cannot be statistically evaluated. The desire to immigrate is strongly affected, for or against, by economic conditions in the immigrant's own country and by the current state of the economy in the United States. Political and military involvements also affect directly the amount and character of our immigration. For example, many families with sons of draft age are postponing their immigration plans and foreign doctors, who now may be called to military service up to age 35, are more inclined to enter as exchange visitors than as immigrants. On the other hand, natural calamities abroad stimulate the demand for immigration. However, no matter how aware of them we are, these intangibles are largely beyond our control which is, of course, why I have concentrated on the "tangibles."

I do thank you, most sincerely and most seriously, for giving me the time in which to outline the effects we have encountered and expect to encounter as a result of the 1965 Act, and the degree to which these effects correlate with the intent of the Congress and the Administration in enacting this legislation. On a more personal level, I particularly thank you for the courteous and thoughtful attention you have given to these remarks.

ERRONEOUS INFORMATION BEING CIRCULATED ABOUT SOCIAL SECURITY SYSTEM

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. GILBERT. Mr. Speaker, in recent weeks I have received many letters from my district expressing concern over "an alleged bill before Congress which would change our present social security formula so that benefits would be determined on the basis of need."

These letters direct my attention to an anonymous leaflet that calls such a bill H.R. 5710 and states it passed the House and is now pending in the Senate. The leaflet states that the bill "would destroy the Social Security Act and channel the money you have paid and will pay in the future into welfare programs with the Administrator empowered to determine what retirement benefit, if any, you should receive, based on his determination of your need. If in his opinion you did not need it, he would reduce the amount or deny you entirely."

Mr. Speaker, I want to correct the misconception conveyed in that circular and set the facts straight on the administration of the social security system. There is, of course, no measure known as H.R. 5710 now pending before either the House or the Senate, and the leaflet is not only irresponsible, but totally erroneous. H.R. 5710 was the number of the original bill introduced in 1967, which went through several changes and, in its revised form became Public Law 90–248.

The legislation which became law last

year—Public Law 90–248—increased social security benefits and made other improvements in our social security laws. It contained no provision even remotely resembling the allegations contained in the leaflet being circulated.

I would not support any such change in the social security system, nor do I believe any responsible Member of the Congress would sponsor or support such a proposal. It distresses me very much to think that some individual or group of individuals would peddle such erroneous information. Whoever does, in my view, renders a disservice to the country and to all those who believe, as I do, in the social security system.

WHAT THE VOTER WANTS: A LAZIER PRESIDENT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. MICHEL. Mr. Speaker, ever since the New Frontier burst upon the national scene in 1960 our friends on the other side of the aisle and some of their supporters around the country have tended to confuse a lot of full blown rhetoric and some fancy wheel spinning by calling it progress. Now there are indications that the American public is weary of these tactics now that we have had 5 years of the Great Society following the so-called New Frontier.

An editorial in the May 10 issue of Life magazine portrays this mood in a rather graphic fashion. In addition, an article by Joseph Kraft in the May 5 edition of the Washington Post relates this mood to the presidential campaign and, under unanimous consent, I place the two articles at this point in the RECORD:

WHAT THE VOTER WANTS: A LAZIER PRESIDENT

They used to call Abraham Lincoln lazy because he spent so much time thinking and so little time talking. All of a sudden today there is a detectable yearning in the nation to get a little of that Lincolnesque laziness back in the White House.

A resident political seer in Washington finds a growing "anti-noise" factor in the campaign. People are getting tired of all the clamor—wars, riots, men squabbling and preaching—and seem to be longing for a man who offers a calm, steady, sensible voice. The problems which bring wars and riots are still there and need attention, but the last eight years have worn people thin.

There is an old half-serious political maxim that intelligent, energetic men—with what Talleyrand called an "excess of zeal"—are sometimes almost as bad in the leadership as dumb, lazy men. The ideal is a man slightly smart and slightly lazy. H. L. Mencken made a case for Calvin Coolidge, who presided over calmer times, because he "slept more than any other President, whether by day or night. There were no thrills while he reigned but neither were there any headaches." Author Fletcher Knebel, when he learned of Lyndon Johnson's ability to get in two eight-hour work days every 24 hours through the use of a nap and a massage, wryly observed, "That means twice as much trouble for the country."

Virtually every candidate now loose in the land has taken note of the anti-noise factor. Bob Kennedy is trying to live down his frentic opening week when his followers were urged to trample and shriek and his oratory was like a blowtorch. Then some of Kennedy's brain-trusters decided that the country was tired of supermen, and Kennedy has been stressing his law-abiding nature, quiet witticisms and respectable haircuts. There have been fewer photographs of him being undressed on the streets by his crazed admirers.

One reason for Eugene McCarthy's remarkable early showings in the campaign was that he was refreshingly serene. His voice was muted, his sell was soft and he moved from place to place without a lot of stir. Things have not gone so well for him since his strident call, even though casually stated, to retire FBI head J. Edgar Hoover and fire Secretary of State Dean Rusk and draft director General Lewis Hershey.

Vice President Hubert Humphrey, who has been a political hyperthyroid all his natural life, now casts himself as the candidate of happiness and maturity, hoping to project the image of a man at peace with himself and the world. Convinced that the nation has been nearly overwhelmed by doomsayers, he will key his campaign to four or five issues, spell them out very simply and devote himself largely to rebuilding national self-confidence.

Some of President Johnson's own troubles can be traced to his style of governing. He never gave up the politics of turmoil which he learned in Texas. For five years he kept this nation nervous with his secret policy-making, surprise announcements and erratic travels. The uncertainty of his life crept into the government departments. His "herky-jerky" diplomacy had a disquieting effect in the capitals of other countries. Lyndon Johnson promised everything and tried to do even more. In some ways he was quite successful, but it was all just too much. He might have made everybody feel better if, like Coolidge, he had slept a little more.

There is the mellower mood these days in the White House and, indeed, in the whole government. There is something reassuring about seeing the President of the United States grab the ankles of his grandson and tug him across the carpet. The other day he went to the Hill to talk to some young Democrats in the same room in which he started his remarkable Washington leadership career 35 years ago. With no self-aggrandizement, he delivered some avuncular reminiscences that proved one of the most moving reviews of his achievements that he has ever given.

Washington is already seeing some by-products of the lazier Lyndon. A few days ago, the President decided to fly to Pikeville, Ky. to dedicate a dam. Instead of dropping in with a few hours notice, he gave the citizens of that hamlet a full day's warning of his intentions so they could brace themselves. Unfortunately, the trip was called off, but the incident could prove a happy precedent for the next few months. In the more relaxed atmosphere, Congressman Wilbur Mills, who can make or break Johnson's tax bill, is back in contact with the President and the dialogue is low-key and sensible. A fortnight ago, the President's press secretary, George Christian, came down with a terrible cold. The normal White House drill would be for him to pump himself full of antibiotics and carry raggedly on. But this time Christian did an unheard-of thing—took two days off.

[From the Washington (D.C.) Post, May 5, 1968]

A TOUGH ELECTORATE: OLD TRICKS DON'T SWAY CROWDS, WHO LEAN TOWARD A COMFORTABLE CANDIDATE

(By Joseph Kraft)

Moving around the country in the wake of the primary campaigns drives home one overwhelming impression: The candidates this year face a truly tought electorate.

The voters know that something has gone wrong and serious concern is written in faces and expressed in questions. But even more than concern, there is reserve, skepticism and a determination not to be gulled by the cute tricks of the politicos.

Even localism, that chord of folk vanity that as a last resort all candidates touch, has gone flat. Thus Gov. John Volpe of Massachusetts tried to run as a favorite son in the Republican primary last Tuesday.

But the ordinary people of Massachusetts in their simplicity turned out to be smarter than their elected representative in the fullness of his wisdom. They knew that John Volpe was not going to be President of this country. They wanted to be where the action was. And so, without much prodding, they turned out by the thousands to write in the names of Nelson Rockefeller and Richard Nixon.

Pie in the sky also seems to have lost its charms. At his appearance here in Washington before a group of editors, Gov. Rockefeller laid out with lots of rhetoric the figures in new jobs, new houses, new money, that have now been made classic in a dozen different reports on the urban crisis.

He didn't say how he would build the houses, get the jobs or raise the money. And he got the kind of reception that might have been given by the Chase Manhattan bank to a loan request from, say, a committee of hippies backing Mayor John Lindsay of New York for President.

When Sen. Eugene McCarthy came out for a guaranteed annual wage the other day, nobody much cheered. And Indiana didn't bat an eye when Sen. Robert Kennedy called for a massive rise in social security benefits—a rise the more massive because the Senator, by a slip of the tongue, inadvertently made what would have been the monthly stipend into a weekly payment.

Neither does glamor or high office impress very much. The Kennedy crowds, except for minority groups and youngsters, have been restrained. Probably the thinnest crowd of the year was the hundred or so office-holders who turned out to meet the Vice President in Serb Hall in Milwaukee—normally a stronghold of the regular Democratic organization.

Another old stand-by, anti-Communist politics, has been practically discredited. The voters responded negatively in New Hampshire when Gov. John King, standing in as a favorite son for the President, questioned the loyalty of Sen. McCarthy because of his stand on Vietnam.

A film making similar charge against Sen. Kennedy has apparently been withdrawn by the group backing Gov. Roger Branigin in the Indiana primary. And Nixon, the old champ of anti-Communist politics, has been outspokenly defending the loyalty of those who have criticized Vietnam policies.

Even gags tend not to work, because the voters won't take matters lightly. Vice President Nixon, for instance, has been using a line that parodies the President's announcement of his decision not to seek reelection. Nixon says: "I shall not seek, and I shall not accept, the office of Vice President."

But in Montana the other day, the line drew no laughs. And one local reporter used it seriously as the lead sentence of his dispatch.

What all this sobriety portends is not easy to divine. But I do not believe it validates the thesis of those who have been proclaiming that the withdrawal of the President and the entry of Rockefeller, Kennedy and Humphrey means that the system has, suddenly in some magic way, begun to work beautifully.

On the contrary, my impression is that the events of the past year in Vietnam and

the cities have left the country in a state of confusion and apprehension. There is a disposition not to make waves or buy new troubles.

Leadership of the positive, vibrant sort is at a discount, and the sophisticated ideas that are required to shape American foreign, social and economic policy are held in contempt. I think, accordingly, that it is going to be very hard to get the country to do what it needs to do to meet the race problem, sustain prosperity and organize the peace.

As to particular candidates, my impression is that the country is looking for a comfortable man. And at this point anyhow the candidate who best fits that bill, the candidate who, if he keeps his cool, does not have to do any tricks, is Richard Nixon.

AFL–CIO SUPPORTS GUARANTEED EMPLOYMENT BILL

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. O'HARA of Michigan. Mr. Speaker, the Select Subcommittee on Labor today began what may be the most important series of hearings we have undertaken in this eventful year.

Unemployment, Mr. Speaker, is not a threat. It is not a theory. It is a fact. Total unemployment—adjusted to take into consideration the serious undercount in the census figures—is well over 4 percent, and among nonwhite teenagers, the rate runs as high as 26 percent.

H.R. 12280 and its companion bills, H.R. 12281, H.R. 12394, H.R. 12485, H.R. 12504, H.R. 12542, H.R. 13452, and H.R. 13874, which are together sponsored by 80 Members of this House, seek to provide Federal grants to assist in the creation of 1 million new jobs every year, in areas of public service

This bill, as I said when I introduced it, is based on the premise that there is more work to be done than there are hands to do it. Our task—and it is a task on which the saving of the very fabric of our society may depend, is to get those hands and that work together.

Today's hearing included testimony by Mr. George Meany, president of the AFL–CIO. Tomorrow we will hear from Mr. Bayard Rustin, executive director of the A. Phillip Randolph Institute; Father John McCarthy, U.S. Catholic Conference; Rabbi Richard Hirsch, Union of American Hebrew Congregations; and Dr. Grover Bagby, National Council of Churches. May 9 we will hear from the Honorable John Lindsay, mayor of New York City; and Mr. Ron Linton who will be representing Mr. John Gardner, chairman, Urban Coalition.

The rest of this week's witnesses will have a tough act to follow. Mr. Meany spoke eloquently and forcefully in expressing labor's continued concern over unemployment and its very serious effects on our Nation. Under unanimous consent I place Mr. Meany's testimony and the attachments thereto at this point in the RECORD:

STATEMENT BY GEORGE MEANY, PRESIDENT, AFL–CIO, BEFORE THE SELECT SUBCOMMITTEE ON LABOR

My name is George Meany and I appear here today on behalf of the American Federation of Labor and Congress of Industrial Organizations.

At the outset, Mr. Chairman, let me say that I have come before the Congress on many occasions to testify on behalf of pending legislation. I can recall no single occasion when I felt so wholeheartedly in support of a piece of legislation. H.R. 12280 and its companion bills are of paramount importance.

Congratulations are due to you, Mr. O'Hara and to all the members of the House who joined in sponsoring this legislation, for having introduced a sound, commonsense, realistic, achievable piece of legislation. I intend to discuss it in detail in a moment, and describe why we think it is so badly needed. Before I do, I want to deal with what, I am sure, will be the main objections that will be raised by opponents.

Some will say: "America can't afford it." Others will say: "It will cost too much."

Let me answer in this manner:

First I am in basic disagreement with those attempts to sell America short.

I am convinced that this nation can do every single thing that is necessary to solve the problems of America.

The defeatists in our midst, the cynics who only look at the price tag on an idea and never its worth, undervalue this nation. They undervalue its material and its moral strength. I do not.

Any nation with a Gross National Product of over $800 billion a year can afford the expenditures proposed in this bill and in all the other measures we support that will solve Americas problems.

Let me make it quite clear that I don't consider these are just the problems of the cities. I think the urban crisis of America is the problem of all America. No matter how great his personal wealth, no matter how elaborate his personal holdings, no matter how secure he considers his investments—if our cities fail—every American fails.

Let me deal for a moment with the reaction of those who talk only about the cost.

They are the ones who never discuss how costly it is to do nothing. They are the ones who fail to realize that a jobless man is a liability to this nation while an employed man is an asset. There is an even greater cost—the decay of this nation's moral fiber.

Most of the members of this subcommittee voted recently for the Civil Rights Act of 1968—a vote to right ancient and grievous wrongs, including discrimination in housing. We in the AFL–CIO applaud this action. We supported you all the way in that fight.

But now we must turn our attention to the next task—the task of translating civil rights legislation into economic reality. Let me read to you from a statement of the AFL-CIO Executive Council in August 1964, shortly after the first memorable Civil Rights Act was passed. This is a quotation from that statement.

"It cannot be said too often that for equal rights and equal opportunity to be meaningful, there must be full opportunity as well; full employment, full educational opportunities and all the rest. The right to be hired is empty indeed when there are no jobs to be had; the right to be served in a restaurant or hotel has no meaning for those with no money to spend.

"In that sense the fight to create jobs for all, and to abolish poverty in America, are themselves civil rights campaigns, indispensable to the success of the law which bears that title. The AFL-CIO will press for these goals as vigorously as we campaigned for the Civil Rights Act itself."

That was the simple truth then; it is the simple truth now, nearly four years later.

Let me make it quite clear that I have complete and utter confidence in the ability of our democratic process to solve all our problems, including the problem of unemployment. If I didn't I wouldn't be here today.

The American trade union movement has complete confidence that this country can do the job that is necessary to solve our great domestic problems. It seems to me the time has long since passed when the Congress can afford just to study, debate, discuss, deplore—and do nothing.

Against that background, Mr. Chairman, I would like to turn my attention to this bill, which I consider an absolute must if we are to solve the American urban crisis.

In our work-oriented society, the major solution to unemployment, underemployment and most poverty is the opportunity for a regular job at decent wages. For the unemployed and the under-employed, as well as for the children of all impoverished families, there is no more realistic route out of poverty than gainful employment.

H.R. 12280 gets directly to the heart of this issue. It authorizes $4 billion of federal grants to federal, state and local government agencies and private non-private organizations, in the first year of operation, for the creation of up to one million public service jobs for the unemployed and under-employed. Moreover, the services that would be provided by this program are badly needed, socially useful work that would not otherwise be done.

The bill proposes—with utter simplicity—that America meet two of its pressing national problems—unemployment and a backlog of unmet public service needs. It does this through a program that would put one million unemployed and under-employed people to work, at not less than the federal minimum wage, or the prevailing wage, whichever is the higher, in performing badly needed services in parks, schools, hospitals, playgrounds, libraries, public buildings and similar institutions in the government and private, nonprofit sectors of the economy.

In advocating the idea of a public service employment program, in February 1966, the tri-partite National Commission on Technology, Automation and Economic Progress declared that:

"Employing the unemployed is, in an important sense, almost costless. The unemployed consume; they do not produce. To provide them meaningful jobs increases not only their income but that of society. Much of the work that needs doing calls only for limited skills and minor amounts of training. . . .

"The public service employment program should be coupled with basic education, training and counseling to raise the productivity of the employes and assist them to move on to better jobs. With this assistance, the opportunity for higher incomes would provide the necessary incentive to seek other jobs. Since the jobs would provide services for which society has growing needs, no element of make-work would be involved."

Early enactment of H.R. 12280 would get such program under way. It would provide the keystone for the government's numerous anti-poverty efforts among people of working age, as well as the various private programs to provide jobs for some of the hard-core unemployed. It would be a resounding act of federal government commitment to help the unemployed and under-employed lift themselves and their families out of poverty.

Unfortunately, large-scale pockets of unemployment and under-employment in our urban centers and depressed rural areas have become a social cancer, despite the general economic improvements of the past seven years. The rise of sales and production of the 1960s has not provided enough job opportunities for the most disadvantaged, unskilled, inexperienced job seekers—particularly Negroes and teenagers—in a period of

spreading automation and rapid growth of the labor force.

In 1967, according to the official reports of the Labor Department there were 3 million unemployed or 3.8% of the civilian labor force. Among Negroes in the labor force, 7.4% were reported to be unemployed. Among teenagers, 12.9% were unemployed and Negro teenagers the percentage was 26.3%.

However, the government's report of 3 million unemployed in 1967 is an economic statistic—an average for the year-as-a-whole. Such an economic statistic, however, does not adequately measure how great an impact unemployment has on people. The situation—in human terms—is much greater and more serious.

In 1966, when reported unemployment was about the same as last year, the government's survey of the work-experience of the population shows that 11.4 million people were unemployed some time during the course of the year; 3.4 million had two or more periods of joblessness; 2.4 million were unemployed 15 weeks or more during the year and 1.5 million of these long-term unemployed were men; 2.2 million Negroes were unemployed during the course of 1966 and one-third of them were jobless for 15 weeks and more. A similar situation existed in 1967, as the government's report will indicate when it is published.

Revealing as these reported figures are on the extent of unemployment, it is now widely recognized that they are an understatement.

This understatement is due to the fact that the 1960 decennial census did not accurately count the population. This was particularly true in urban slums and depressed rural areas. It is also due to the fact that people who have given up seeking jobs are not counted as unemployed. The greatest social problems are among those who are not counted—those who are so cut off from the mainstream of American society that they are not included in the officially-reported, regular statistics.

Estimates of the unemployment undercount vary—some go as high as 3 million or more. The estimate of the AFL–CIO Research Department is that the understatement is in the neighborhood of 1½ million, possibly more.

This would mean that there were approximately 4½ million unemployed, on the average, in 1967. It would mean that about 18 million people were unemployed during the course of the year and about 3½ million to 4 million were unemployed 15 weeks and more.

In addition, we have the Labor Department's reports on under-employment. In 1967, there were 2.2 million people who were reported to have been compelled to work part-time, because full-time jobs were not available.

In recent years, therefore, there have been about 3 million to 5 million people who have been unemployed for long periods of time or have been seriously under-employed.

This situation is even more serious than it looks on the surface, because it is not evenly distributed throughout the country and across the entire population. It is concentrated—with dire social implications—in the slum districts of our urban centers and in depressed rural areas.

In a special survey of 10 urban slum areas in November 1966, the Labor Department found that approximately one-third of the population of working age had serious job and income problems—unemployed, underemployment and very low yearly incomes. This would mean that about 10% to 15% of the adult men and about 40% to 50% of out-of-school teenagers—including those not usually counted—were unemployed in the slum districts of our major cities in November, 1966. The situation in urban slum areas is not much better at present.

As for rural areas, the Commission on Rural Poverty estimated that approximately 18% of adults in such areas are under-employed. A measure of the problem in less-populated areas of the country can be seen in the Labor Department's report, for March 1968, that there was substantial or persistent unemployment in 487 small rural communities—about the same as two years before.

In terms of human beings, families and communities, therefore, the problem of unemployment and under-employment is far more serious than official reports usually indicate. And this problem is highly concentrated in urban slum districts and depressed rural areas—particularly among Negroes, Mexican-Americans, Puerto Ricans and Indians.

Moreover, many of these unemployed and under-employed people have very little, if any, education, vocational training or regular work-experience. Many of them, too, are rural migrants from the southern states into the cities of the North and West, or the children of such migrants. Ill-equipped to compete in the regular labor market, they are unemployed or part-time occasional workers—frequently people who have drifted outside the government's usual statistical reports.

So a key answer to this problem is jobs, now—not next year or the year after.

And public institutions, in both urban and rural areas, have an urgent need for the services that these people can perform.

Let us put these two needs together constructively—as H.R. 12280 does—and get this program on the road, now.

Such employment, at the wage floors provided in H.R. 12280, should include provisions for assistance to help these people move up the job and income ladder to better-paying and more-skilled jobs in public and private employment. The immediate need is regular employment, linked with literacy training, guidance, counseling and training in skills.

Moreover, the program envisioned in this bill does not preclude the importance of private business efforts to hire some of the hard-core unemployed. But the process of business hiring—depending on general economic expansion and the opening of unskilled, entry jobs in private business—can hardly be expected to meet the needs of the large numbers of disadvantaged unemployed and underemployed rapidly enough.

Let me, at this point, make a comment on the proposals, to "let private business take care of the problem."

The fact is the private sector just cannot do the job alone. I think it is time the Congress faces up to this fact and stops trying to pass the buck to private employers.

We think the National Alliance of Businessmen is a good idea and we are doing our best to be helpful. But even if its program is a 100% success, it will only make a dent in the problem. As a matter of fact, the *Wall Street Journal* carried an excellent article on this subject recently and I am so impressed with it I have brought along a copy which I ask be put in the record at the end of my statement.

So it follows, Mr. Chairman, that we do not support H.R. 16303. I have prepared a detailed comment on this measure, which I also ask be included in the record at the conclusion of my remarks.

Suffice it to say here, that we are pleased to see Republican proposals for meeting this problem but we are not impressed by this measure. It would benefit all-too-few workers and it places major reliance on tax gimmicks, which we oppose. We support, as I've said before, the concept and the approach of the O'Hara bill.

When we look ahead, Mr. Chairman, we find that America's labor force is growing rapidly—about 1½ million a year in the next 10 years. And the spread of automation is reducing labor requirements in some industries, increasing the educational- and skill-requirements of many jobs and moving industry location from cities to the suburbs and countryside.

The American economy must expand rapidly, merely to prevent the present level of unemployment from rising—to provide jobs for new entrants into the labor force and for those displaced by automation. Unless immediate action is taken to provide a million public service jobs now, large-scale pockets of unemployed and under-employed disadvantaged people will persist, as a spreading danger to the fabric of American society, even if the economy continues to expand normally.

A halt to general economic expansion or a recession, of course, would mean rising unemployment and under-employment—a potentially explosive situation. But even the present size of the problem has serious social consequences.

Federal action to create one million public service jobs must be the keystone of any realistic national effort to employ the long-term unemployed and seriously under-employed. The government must be the employer of last resort and the time for such action is now!

At this point, someone may say: "Fine, but is it feasible?"

There is ample evidence to prove that such program is as workable as it is necessary.

Two studies, in the past several years, report a public service employment potential of between some 4 million and over 5 million jobs. (4.3 million according to a study by Greenleigh Associates and 5.3 million reported by a study for the Automation Commission.)

This need in urban and rural public services and private, non-profit institutions can rapidly be translated into one million jobs within a year, if the funds are made available.

Dr. John W. Gardner, Chairman of the Urban Coalition, recently reported:

"To find out how many socially useful jobs could be made available immediately, The Urban Coalition asked Dr. Harold Sheppard of the Upjohn Institute to survey a sample of major cities. Based upon a preliminary analysis of this survey, Dr. Sheppard has concluded that at least 141,000 persons could be employed almost overnight in the 130 cities with population over 100,000. These would be jobs in regular city departments where supervisors are already available and work tasks are clearly defined. If this sample were expanded to small cities, to county and state governments, and to jobs with private, non-profit organizations, it is likely that enough jobs could be found to put 500,000 persons to work within six months. By further planning, the number might be expanded to a million or more within a year.

"A public service employment program would not only enable unemployed to earn their own way, it would benefit the general public by the many necessary and useful tasks which would be performed."

I agree completely with Dr. Gardner. Let me now conclude with a few words.

Mr. Chairman, we in the AFL–CIO have been warning about unemployment and the social ills it breeds, for the last dozen years. Eight years ago, it was the major burden of our testimony to the platform committees of both parties.

We've said it repeatedly in every conceivable forum and we've been greeted with indifference by the Congress.

Now the Congress can no longer delay. Now the Congress can no longer pretend unemployment will disappear if no one notices it. Now the Congress is hearing the voices of the people all over this land.

Now the Congress must act.

NATIONAL MANPOWER ACT OF 1968 H.R. 16303, 16304, 16305

While we are pleased to see this effort on the part of many Republicans to deal with the job and training needs of the unem-

ployed, the underemployed, the poor, and members of minority groups, we are of the view that the proposal does not come to grips effectively with the problems confronting us.

The total number of jobs in the first year is estimated at 300,000, including 220,000 in the private sector and 80,000 public service jobs through Community Service Employment programs. In the second year, the number of public service jobs authorized would increase to 100,000, but no estimate has been made with respect to the private sector beyond the first year, because of the inability to predict what effect the proposed tax credit could have.

In terms of actual job creation, this program leaves much to be desired. The tax credit would create few if any additional jobs, but rather would influence the filling of jobs already available. Thus, in the main, new jobs which would be created by the National Manpower Act of 1968 would be those connected with the Community Service Employment programs—80,000 in 1969 and 100,000 in 1970—and these are far too few in number to meet our urgent need for jobs or to assist in a meaningful way in providing manpower for the nation's needed public services.

There are, however, other weaknesses from which the proposed tax credit for private business enterprises suffers. It should be noted, first, that the summary which describes the content and purposes of the National Manpower Act of 1968 contains a proviso—"that no existing employees are dismissed in order to hire green-card people"—which is not included in the language of the proposed statute. But even if it were included, the fact is that a program of tax credits can lead to a game of musical chairs—with the unemployed workers, given the advantage of such subsidy to the business and thus made more attractive to the employer, displacing employed workers. This would merely reshuffle unemployment among unskilled workers.

Moreover, it would be impossible to assure that such tax credits were not being given to employers for doing what they would have done anyway—that is, to hire workers to meet the employers' normal needs. Consequently, the proposed program of tax credits could represent a windfall to employers without necessarily accomplishing the purpose for which the credit is proposed.

So far as the proposed program of Community Service Employment is concerned, we see the need for a substantially greater number of jobs. We also have reservations about the extent to which priority is given in the National Manpower Act of 1968 to the creation of small service companies as the mechanism through which the jobs are to be created. There is a place for such service organizations, but we believe priority should be given to public service jobs in regular government and non-profit agencies, where there would be greater opportunity for the workers to move up the job ladder to greater skills and incomes.

Another major feature of the National Manpower Act of 1968 which we would question is the proposed Economic Opportunity Corporation.

We are not sure that we understand its purpose. It would appear to duplicate activities already being carried on by existing bodies, both public and private, especially with regard to providing information and technical assistance, and the conduct of research. And, so far as mobilizing the private sector is concerned, we are not convinced that such a formalized arrangement is necessarily more desirable than the present approach which is embodied in activities of groups such as the Urban Coalition and the National Alliance of Businessmen. It seems to us that the kind of representational activity which the proposal advocates as a means of expediting private-sector involvement could be accomplished through advisory bodies, assuming there is in existence the legislative authority for carrying out the programs for which such involvement is sought.

In summary, HR 16303 indicates concern for the problems of the unemployed and seriously underemployed. However, the total number of jobs involved in this proposal is altogether too small—even if fully achieved, 300,000 jobs would hardly make a dent in the problem.

Moreover, the major emphasis of this bill is on a tax subsidy to private business for hiring unemployed and seriously underemployed workers—which employers normally do, when entry-level jobs open up. There is little, if any, new job creation involved in this major part of the bill.

The clear-cut job-creation proposal in this bill is 80,000 public service jobs in the first year and 100,000 in the second year—a very long way from providing a keystone for meeting the urgent needs of about 3 million to 5 million people who are long-term unemployed or seriously underemployed.

[From the Wall Street Journal, Apr. 26, 1968]

How Many Jobs?

(By Alan L. Otten)

WASHINGTON.—One reason President Johnson isn't seeking big new urban-help programs in the wake of the recent rioting is his belief that Congress wouldn't approve them; he doesn't want to raise excessive hopes among the poor by asking for help he knows they won't get, the White House explains.

Richard Nixon says he won't join those who promise billions of Federal dollars to rebuild America's cities, because the budget bind makes such promises "dishonest and a cruel delusion."

This concern about raising excessive hopes has become a favorite bipartisan explanation (critics might call it a rationalization) among those opposing any dramatic new Government moves. Yet this same over-optimism may be the tragic flaw in the politicians' favorite alternative answer to the problems of the urban poor: Massive involvement of private enterprise.

Consider the Administration's three-year program, now being launched with great fanfare, for Federally subsidizing business to hire and train some 500,000 men and women chronically unable to find work or out of work for a long time; the goal is to hire 100,000 of these hard-core unemployed in the next year. A 65-member National Alliance of Businessmen will spearhead the 50-city campaign, acronymically entitled Job Opportunities in the Business Sector.

It's a laudable effort, by dedicated citizens giving unselfishly of time and energy, and they seem to be going about it in a highly professional way. There are local orientation meetings, quotas for each city, hiring-pledges from individual enterprises, magazine ads urging businessmen to join up.

Maybe this campaign can indeed accomplish what earlier ones have not. But the problems are enormous, and certainly the previous efforts have been a disappointment. Business response was sluggish. Administrators often reported far more success at putting hard-core unemployed in school or in public work than in private jobs. Dropout rates were high, both during training and afterward.

One knotty question facing JOBS recruiters: How far down into the pool will they dip? Their target is "poor persons . . . who are either school dropouts, under 22 years of age, 45 years of age or over, handicapped, or subject to special obstacles to employment." That core sounds hard enough, but chances are a lot of recruits will be people who lost their jobs not so long ago and probably would soon have found new ones anyhow. Business is still out to make money, after all, and it's still easier to recruit and train people with some motivation and job experience than those with little or none.

The Administration's three-years target of 500,000 jobs is the official estimate of hard-core unemployment in the 50 cities, averaging out to a little over 3,000 in each city each year. But many experts believe the real number is two to six times the 500,000, counting such groups as those who have simply given up the search for work. In the District of Columbia, for instance, where the first-year JOBS quota is 2,000, even the official estimate of hard-core joblessness is 8,000 to 12,000, and "for every hard-core unemployed person we go out to recruit, we find several more," says Fred Hetzel, the local U.S. Employment Service director. "How many are out there?"

As fast as some hard-core unemployed find jobs, other low-skilled workers are losing theirs to automation and other factors. The very success of the newly employed persons may draw into the labor market friends and relatives who haven't been looking for work, or attract to the big cities still more poor families from rural areas. Even if the 500,000 goal is fully achieved, says manpower specialist Garth Mangum of George Washington University, "we will never notice the difference."

That may be the basic drawback of the JOBS campaign. The openings it seeks to fill already exist; it is not creating additional jobs. Moreover, present Government economic policy may even be reducing industry's manpower need; Federal spending plans are being trimmed, to quiet some of the boom in the economy, and invariably the least-skilled workers are fired first as the economy cools.

So other routes may have to be explored, too. Some specialists urge a harder sell to persuade employers permanently to lower hiring standards and unions to lower membership requirements. Others think the Government must subsidize business not only to train less-skilled, less-productive workers but also to keep them employed. And still other experts believe that along with all this there must be an extensive program of Government employment for those willing to work but unable to find it in private industry.

A series of high-level commissions—most recently the President's "riot commission"—has proposed that the Government not only spur private hiring but also itself become an "employer of last resort." So has the prestigious Urban Coalition, with its considerable business membership. Most of these recommendations talk of a million or more "meaningful" public service jobs—working for the Federal Government and also, with Federal financial help, for state and local governments and non-profit institutions.

To dismiss such involvement as mere leaf-raking is to write off the roads and bridges, parks and playgrounds, paintings and plays created during the depression by the Civilian Conservation Corps, National Youth Administration and Works Progress Administration. Today's counterparts could be cleaning up slum neighborhoods, helping professional staffers in schools and hospitals and parks and libraries, baby-sitting for working mothers, providing extra mail deliveries for business. Most of the proposals envisage schooling and counseling along with the make-work, to help the men and women eventually move up to better positions.

The JOBS program and other Federal efforts to induce business to hire more hard-core unemployed are eminently worthwhile, and by all means must go forward. But their accomplishments may at best make a small dent in the problem, and perhaps a more open-minded attitude toward expanded Government employment is also in order. No one here is sure how much it would ease the slum tensions that so deeply worry the politicians

and everyone else. What people do say, however, is that there's no bigger or more expensive make-work program than rebuilding burned-down cities.

THE POLISH IN CHICAGO

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. PUCINSKI. Mr. Speaker, Chicago's Sunday American has prepared an excellent report on the Polish people in Chicago.

Mr. Bob Terpstra, author of this excellent article, quite properly captured the Polish spirit when he said "among no other ethnic group is the 'I will' spirit of Chicago better exemplified."

The Chicago American has performed a notable public service in bringing to the attention of all Chicagoans this exciting description of a significant segment of their neighbors, and I should like today to place this inspiring article in the CONGRESSIONAL RECORD.

This article is one in a series of articles that Chicago's Sunday American has been writing about the various ethnic groups in Chicago.

This series has captured the real spirit of many of the people whom I represent here in Congress. I believe Chicago's Sunday American is performing an extremely important service in helping all of us better understand the rich culture which our forefathers have brought to this United States and to place into proper perspective how all of these cultures have helped make Chicago and the United States the finest community in the world.

Mr. Terpstra's article follows:

THE POLISH IN CHICAGO

(By Bob Terpstra)

With a Polish-American population of 750,000, Chicago has more Poles than any other city in the world except Warsaw, and the Poles vie with the Irish for honors as the city's largest ethnic group.

Chicago has more Polish-language radio programs than any other U.S. city and is the only American city with two Polish-language newspapers. It also boasts the only Polish-language TV program in the nation.

Three of the city's nine representatives in Congress are Polish-Americans. One alone, Roman C. Pucinski, represents one-quarter of the city's land area. Together, the three represent about half the city's territory. In terms of population, they represent close to 40 per cent of the city's residents.

Eight of the city's aldermen are Polish-Americans. Four of the 15 Cook county commissioners are Poles. The city clerk is a Pole, as is the county treasurer.

Chicago is the home of the four major Polish fraternal organizations in America which serve to keep the Poles closely knit together. The ethnic organizations also provide savings and loan, scholarship, insurance, and welfare services for members, and sponsor patriotic and cultural activities including the social highlights of the year—their two debutante balls. There are few Chicago Poles who don't belong to at least one of the organizations.

First to spring up was the Polish Roman Catholic union, founded in 1873 and now numbering about 136,000 members. The largest, the Polish National alliance, was established in 1880 and now has 336,000 members. Before the turn of the century, the Polish Alma Mater and the Polish Women's alliance also were flourishing.

About 10,000 Polish-Americans will take part in today's annual Constitution day parade starting at the Polish National alliance headquarters at 1520 W. Division and ending at Humboldt park. More than 100,000 Chicagoans, most of them Polish-Americans, are expected to attend the parade.

The festivities celebrate the short-lived Polish constitution of 1791 which was patterned after the American and French constitutions.

The first Poles in America arrived a decade before the Mayflower. In 1608, a group of Polish artisans helped Captain John Smith save Jamestown, America's first colony, from starvation. They stayed to form the nucleus from which America's present Polish population—estimated at between 7 and 10 million—would spring.

The Poles have distinguished themselves in every American war. About 100 fought with the colonists in the Revolutionary war. Two of them, Generals Casimir Pulaski [who lost his life leading Washington's cavalry and after whom Pulaski road is named] and Tadeusz Kosciuszko became national heroes.

Kosciuszko is credited by historians with having chosen the successful Saratoga defense position which changed the course of the war.

The first Poles to arrive in Chicago came in 1834, when 235 Polish officers in exile in the United States sent a party of emissaries to Chicago to obtain land for a Polish township. Altho Congress voted to give them the land, red tape intervened and the grant never came thru.

But the officers came anyway. By the time of the Civil war, there were 500 Poles in Chicago and 30,000 in the nation. Five thousand [200 from Illinois] leaped to the call of arms, 4,000 aligning themselves with the Union army and 1,000 with the Confederate forces.

World War I found the Poles just as willing to fight for their adopted country—and for the liberation of Poland. The first Chicagoan killed in the war was a Pole. And two Poles, one from Chicago, captured the first German prisoner taken by American forces in France.

Pianist-composer Ignace Jan Paderewski wrote after the war, "the Polish boys were the first and most numerous to respond when the call to arms was sounded. Their willingness to enlist and fight under the American flag won repeated praise from the highest military authorities.

"There is not one casualty list that does not contain some names of American soldiers of Polish birth who paid the supreme sacrifice on the battlefields of France.

"The average number killed exceeded 12 per cent. And as there are not quite 4 per cent of Polish people among the population of the United States this fact indicates that the Poles in that war were doing more than three times their share, that they were not 100 but 300 per cent American."

On the political front, the Poles were slower to assimilate. The Irish had set up their special brand of politics in the city and at first had the political arena almost to themselves. The Italians later took to the Democratic ward politics of the city like ducks to water. But for the Poles, the leap into politics was not so quick.

"The Irish were here first," said Congressman Edward J. Derwinski. There wasn't as much room in politics when the Poles came. The Irish had already established their control.

"My father (himself a politician) used to complain that the Irish held all the top political positions and held out lower posts to the Polish Americans to keep their loyalty."

But even by the senior Derwinski's time, the Irish solidarity had already begun to give way. It started to weaken when a young Pole by the name of Peter Kiolbassa showed he could compete in politics with the most political of Irishmen. Fiercely honest, Kiolbassa had nevertheless been canny enough to have fought on both sides in the Civil War ending up on the winning side. After the war he was elected to the Illinois legislature. In 1891, he was elected city treasurer and became the first person in that post to return the interest on city funds instead of keeping it for his private use.

Kiolbassa's constituents apparently weren't impressed with his show of honesty—they turned him out of office at the next election. But at least one person took note—John F. Smulski. When Smulski was elected state treasurer in 1903 after a stint as city attorney, he too spurned common practice and returned the interest money to the public coffers.

Only two Poles had voted in the city's first mayoral election in 1837. By 1873 official statistics listed 20,000 Poles in the city. In 1890 there were 52,756, and by 1918 the Poles had arrived in force, with 383,000 in the city.

Most came to Chicago for dual reasons: to escape political oppression and to find their fortunes. The first wave came over after the abortive uprising against Russia in 1830–31. Many thousands were sent to Siberia first and immigrated when released. These political refugees often worked in Pennsylvania coal mines for a time before pushing westward to Chicago where they became for the most part factory and steel mill workers or small merchants.

Other waves followed the economic crisis of 1850 and a second unsuccessful rebellion against Russia in 1863–64. By the 1890s there was a steady flow of immigrants and the last big wave came over after World War II when they emerged from allied armies and from concentration camps and refused to return to a Poland under Russian administration.

John F. Krawiec, editor-in-chief of the Polish Daily Zgoda, 1201 N. Milwaukee av., is typical of the post-World War II political refugee. He joined the Polish army in 1939, spent two years in Auschwitz and Buchenwald [his left arm still bears the number tattooed on it in Auschwitz] in 1943–45.

When liberated by the allied troops, he decided to forsake his mother country: "I didn't want to trade the German concentration camps for a concentration camp in Russia," he said. "I wanted to get as far away as possible."

So he came to Chicago and worked for 10 years as a garage mechanic while learning English and attending night school. It took him nine years to get a B.A. in political science from Loyola. Then, with the language and education problems out of the way, he was in a position to make it—and did.

The first Poles to come to Chicago settled wherever they found work—the largest number of them in the Division street-Milwaukee avenue area [still called Little Poland, or Polonia] where the first Polish parish was established in 1867. Other early pockets of Polish settlement in the city were the Hegewisch, Roseland, and Town of Lake neighborhoods on the far south side and, closer in, the Back of the Yards neighborhood.

In more recent years, several suburbs have drawn substantial Polish populations. They include Posen, Harvey, and Phoenix on the south side; Le Mont on the west; and Evanston and North Chicago on the north.

There is no longer any solidly Polish neighborhood in the city, but the Division-Ashland area has strong representation, as have the areas further northwest, including the Logan Square area, Jefferson Park, Portage Park, and Cragin along Fullerton avenue and Division street.

But despite the shift in population to the west and northwest and to the suburbs, Little Poland remains the social center of

Polish activity because the fraternal organizations are still located there.

A prominent trait among the first generation Poles was their intense desire to own their own homes and property. This desire sprang partly from their natural desire to show something for their hard work and was partly a status symbol demonstrating their ability to succeed in their adopted country.

"The first thing a Pole did when he got a job was to start saving for a down payment on a home," said Aloysius Mazewski, president of the Polish National alliance.

"Most of them were small farmers in Poland and had a deep attachment to the land, something tangible to show for their efforts. They would work day and night to make the down payment and then continue on with two or three jobs while mama stayed at home and took care of the kids. As a result of their hard work, Polish-Americans now own more property in Chicago than any other ethnic group," says Mazewski.

Deeply religious and fiercely independent, the Poles scrimped and saved to build their own churches and parish schools. Since most of them had no special skills and in addition could speak little English, they had to accept menial work. But they wanted better opportunities for their children and worked hard to give them the education which would enable them to get ahead.

Often not only parents but brothers and sisters would combine their resources to put one of the children thru college, as in the case of Circuit Court Judge Casimir Vincent Cwiklinski. His father and three sisters pooled their money for the seven years it took him to get his B.A. and law degrees.

After his father died, Congressman Derwinski, as the oldest child, ran the family business with his mother to help put his sister and three brothers thru college.

Derwinski, who represents 32 suburbs south of Chicago, several of which have substantial Polish populations, still occasionally speaks Polish in campaign speeches.

As a Republican and a suburbanite, Derwinski is the odd-man-out among the area's Polish politicians. He typifies the third-generation Pole who loses some of his distinctively Polish traits as he assimilates into the American mainstream.

As did so many Poles who came to Chicago in the 1890s, his grandparents became railroad and factory employes. They settled in Polish parishes on the south side where they worked [one grandfather for Illinois Central at 95th and Cottage Grove, the other at the Harvester company at 120th and Peoria street.]

Derwinski's father moved a bit farther up the economic and social ladder, starting as a bank teller, then managing a small savings and loan company.

"Everybody in my family was Democratic. But by the time my father passed away in 1947, he was disillusioned with F. D. R.," the congressman said. Because of this and various other reasons, Derwinski switched to the Republican party.

And thus the transformation from Democratic urban factory worker to assimilated American citizen in three generations. Derwinski typifies about 30 per cent of the city's Poles. Aloysius Mazewski, Polish National alliance president, estimates that about 70 per cent of Chicago's Poles are Democrats, compared to 90 per cent two decades ago.

City Clerk John Marcin, himself the son of Polish immigrants who set up a restaurant-inn business in Niles in the 1890s, is an expert on the voting patterns of ethnic groups.

As chairman of the Polish-American division of the Democratic National committee in 1964, he found that unlike their counterparts in other parts of the country, Chicago's Poles "still vote as a block. Elsewhere in the nation they have been assimilated into the general population and vote as such, but in the midwest they retain the traditional Polish voting pattern."

The Polish block voting pattern is strongest in those districts with Polish congressmen. U.S. Representatives Pucinski, Daniel D. Rostenkowski, and John C. Kluczynski count on the block vote to stay in office.

"As with any ethnic group, there has been a tendency for Polish political alliances to break down a bit, but the Poles can be counted on to respond to their own people," Marcin says. "They respect the men who represent their nationality. Their pride in Poles who have succeeded is very intense."

The Poles in Chicago have made their greatest strides in recent years. There is not a business, labor, or professional field in the city in which Poles have not succeeded.

Going beyond the city and county politics, John A. Troike is chairman of the Illinois youth commission; Francis S. Lorenz is director of the Illinois public works department; Thomas Kluczynski, brother of the congressman, is an Illinois Supreme Court justice.

In labor, Bernard Puchalski is president of the Iron Workers union and vice president of the state branch of the AFL–CIO.

In business, Frank Bobrytzke is chairman of the board of Manufacturers National bank; Dennis Voss is president of the Parkway bank; Ted Szywala, son of a grocer, is the developer of the 15-million-dollar O'Hare Space center going up at Mannheim road and Lawrence avenue; and Leonard Slotkowski is president of one of the biggest sausage factories in the nation.

Felix Sadowski is one of the country's most sought after choreographers, and Sig Sakowicz, Chicago's peripatetic Pole, is a radio personality, organizer of troupes which entertain American fighting men in Viet Nam, and chief crusader against "Polak" jokes.

It took the Poles a long time to make it big in Chicago, but now they have "arrived."

Among no other ethnic group is the "I Will" spirit of Chicago better exemplified.

ARE PASSENGER-TRAIN-SERVICE DEFICITS OVERSTATED?

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. MOSS. Mr. Speaker, Paul J. Tierney, Chairman of the Interstate Commission, is quoted in the May 5 issue of the New York Times article by Edward C. Burks as saying:

Too much weight has been given to quoting "official passenger deficits" as a barometer of the cost of providing public rail transportation. They do not represent a valid yardstick.

I commend this encouraging article to the attention of my colleagues:

RAILROAD RIDERS GET OFFICIAL AID: ICC CHIEF CALLS DEFICIT FIGURES 'NOT VALID'

(By EDWARD C. BURKS)

Advocates of long-haul first-class passenger trains have received some strong official support for their contention that railroads grossly overstate passenger service deficits.

Paul J. Tierney, chairman of the Interstate Commerce Commission, said in a recent speech:

"Too much weight has been given to quoting 'official passenger deficits' as a barometer of the cost of providing public rail transportation. They do not represent a valid yardstick."

Mr. Tierney was referring to a so-called official formula for computing deficits drawn up by the I.C.C. itself many years ago, when passenger service accounted for a high percentage of total railroad operations.

ABOUT 625 INTERCITY TRAINS

Today intercity passenger service has shrunk to about 625 trains, compared with 20,000 in 1929.

The I.C.C., which rules on petitions by the railroads to discontinue interstate trains, reports that "during the past six months more requests have been received [to abandon trains] than in any year from 1958 to 1966."

These petitions invariably include a statement of losses based on the old I.C.C. formula.

In a recent case, an I.C.C. examiner, John S. Messer, estimated that the Southern Pacific had not lost $4,156,900 as claimed during 1966 on operating its Sunset Limited between Los Angeles and New Orleans, but $2,046,000.

PASSENGERS FIGHT CHANGES

The National Association of Railroad Passengers, an energetic, nonprofit group of 1,700 riders battling to save passenger trains, argues that the I.C.C. therefore should be much tougher in deciding abandonment petitions.

The organization is headed by Anthony Haswell, a lawyer, and is based at 333 North Michigan Avenue, Chicago. It has produced a 50-page report that challenges deficit claims made by the Southern Pacific, which has a policy of abandoning all long-haul passenger service.

Summarizing twelve Southern Pacific requests for train discontinuance filed before the I.C.C. in recent years, the passenger organization's report showed that I.C.C. examiners found actual losses to be only 27.5 per cent of the amount claimed by the railroad.

Despite this, the trains were discontinued.

Mr. Haswell, in a telephone interview recently disputed Mr. Tierney's contention that the I.C.C. has only limited powers in requiring maintenance of passenger service. "The I.C.C. has no business being timid about asserting powers in the public interest," he said. "If there's an ambiguity in I.C.C. regulations it's up to the courts to decide."

RECOMMENDATION PRAISED

Mr. Messer's recommendation late last month in the Southern Pacific's Sunset Limited case was hailed by Mr. Haswell, as "truly a Magna Carta for the long-suffering rail passenger."

Mr. Messer not only called for the road to restore Pullman and diner service to the train (they are presently unavailable between El Paso and New Orleans) but he also urged the commission to set minimum standards for passenger service all over the country. These would include diner service on all trains operating more than 250 miles and sleeping cars on overnight trains.

So far the full commission has not acted on Mr. Messer's recommendation. But Mr. Tierney, in a policy speech made last month in Centerville, Iowa, made clear his support of passenger service. "I believe Federal financial aid should be extended to help the railroads build an adequate passenger system," he said.

RAILROADS CHALLENGE FORMULA

Some railroads contend that the I.C.C.'s deficit formula, far from overstating passenger losses, actually understates them. Under the formula passenger-service deficits throughout the country amounted to $600-million in the nineteen-fifties and, with less trains running, to $400-million in 1966, the last year on which a complete report is available.

But Mr. Tierney commented: "These deficits include costs for facilities used jointly by both passenger and freight service, such as roadbed maintenance. But the elimination of passenger service would not remove certain portions of these joint costs now allocated to passenger service; for example,

about the same level of track maintenance will still be required."

In summary he said that passenger losses are "nowhere near the $400-million" figure.

The passenger's group says that a more realistic way to figure passenger service costs is to determine what costs could be avoided if the trains were discontinued.

Under the "avoidable costs" method, the $400-million deficit would shrink to about $100-million, according to the passengers' organization. While the Southern Pacific reported a $16-million loss on passenger service in 1966, Mr. Haswell contends that it is doubtful that the line could have saved more than $5-million had it abandoned all long-haul service.

"Shareholders have no valid complaint against absorbing a $5-million loss," he said, "in view of the $102-million profit they already made" on other Southern Pacific operations.

Mr. Haswell's group makes this argument: new equipment, vigorous promotion, modernization of existing expensive work-rules, and consolidation of various passenger services and facilities would reduce passenger deficits to an acceptable minimum that should "rightfully be absorbed by the railroads" as part of their obligation to the public.

With tougher controls over train discontinuations and the formation of a quasi-public corporation to take over, rehabilitate and maintain a pool of passenger cars for use on designated essential passenger routes, the group believes the long-haul passenger train can be saved. It also urges a reduced tax burden for railroads.

EARLY ACTION NEEDED ON H.R. 8176 TO ENFRANCHISE AMERICANS ABROAD

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. BRADEMAS. Mr. Speaker, on April 6, 1967, I introduced H.R. 8176, to amend the Federal Voting Assistance Act of 1955. This bill recommends to the States—and I stress the word "recommend," Mr. Speaker—that they extend to their citizens temporarily residing abroad the right to register and vote absentee.

The method suggested is the simple, uniform, virtually fraud-proof Federal Post Card Application procedure which has proved highly successful in practice for members of the Armed Forces, the Merchant Marine, civilians employed abroad by the Federal Government, and their families—to most of whom the FPCA procedure is now available.

H.R. 8176 is designed to remedy the virtual disenfranchisement of many of our fellow citizens temporarily residing abroad. With the tremendous expansion overseas of American business, cultural and other interests, their number has multiplied since 1955, when the Federal Voting Assistance Act was enacted.

At present, the number of American citizens temporarily living abroad is variously estimated to be between a minimum of 750,000 and a maximum of 3,000,000.

Mr. Speaker, a great many of these American citizens are engaged in activities important to our national interests—our foreign commerce, our balance of payments, our relations with other peoples. They are often engaged in interpreting America to the people of the countries where they reside. Consequently, they are, by and large, vitally interested in our politics and policies.

All too often, however, these persons find themselves disenfranchised by distance in election years, especially in those 21 States and the District of Columbia which require registration in person. By recommending to the several States that these citizens be permitted to register and to vote absentee by the FPCA procedure, H.R. 8176 would remedy a situation which, in the light of 13 years' experience, now appears to have been a serious oversight when the Federal Voting Assistance Act was enacted.

Mr. Speaker, 11 of my colleagues on both sides of the aisle and from every section of the country have joined in cosponsoring identical bills. More recently, on January 29, 1968, the same bill was introduced in the Senate as S. 2884 by Senator HOWARD W. CANNON of Nevada, chairman of the Senate Subcommittee on Privileges and Elections.

After two Senate subcommittee hearings on this legislation, S. 2884 was favorably reported by the Senate Committee on Rules and Administration. The Senate passed the bill on April 8, 1968.

The House Elections Subcommittee, under the able chairmanship of our distinguished colleague from South Carolina [Mr. ASHMORE] held a hearing on H.R. 8176 and identical companion bills and reported this legislation favorably to the full Committee on House Administration. I am informed that H.R. 8176 is on the agenda for the next scheduled meeting of the committee this coming Thursday, May 9, 1968.

Mr. Speaker, Assistant Attorney General Fred M. Vinson, Jr., speaking for the administration when he testified before the Senate Elections Subcommittee, referred to H.R. 8176 and the companion bills and testified that they "deserve favorable consideration." Moreover, the American Civil Liberties Union endorsed H.R. 8176 as "logical, desirable, and completely noncontroversial."

Now that the Senate has acted, and with the present session of the Congress already well along, the time has come for the House to act on this "logical, desirable, and completely noncontroversial" legislation if we are to do our part to help enfranchise the many thousands of our fellow citizens who are temporarily residing abroad. By action now on H.R. 8176, we will go far to extend to them the most basic right in our democracy—the right to vote. Mr. Speaker, we must not tarry longer.

WELLESLEY STUDENTS MOURN LOSS OF FIGARO THE GOLDFISH

HON. DONALD J. IRWIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. IRWIN. Mr. Speaker, for those Members who did not read the New York Times as thoroughly today as they might have wished, I am enclosing a small item which probably was missed. In the following, the world's great newspaper pays tribute to a goldfish:

WELLESLEY STUDENTS MOURN LOSS OF FIGARO THE GOLDFISH

WELLESLEY, MASS.—Figaro Demosthenes Newton died at the age of 7 in a women's dormitory at Wellesley College here.

He spent two years in the dormitory. He also spent some time in the office of the president of Wellesley College. Part of his vacation time was spent with a member of the Harvard crew team and with the president of the Tech Community Association of the Massachusetts Institute of Technology.

When he died of old age, there was great sorrow at the college and he was eulogized in the Wellesley College News.

THE PRESIDENT'S DECISION

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. REES. Mr. Speaker, I would like to have included in the RECORD an editorial by Mr. David Weissman of the Reporter newspaper in my district. The reasons why President Johnson chose not to seek renomination and the questions arising from that decision are, I believe, very well explained in this editorial.

The editorial follows:

[From the Los Angeles (Calif.) Reporter, 8300 W. Third Street, Los Angeles, Calif. 90048]

EDITOR'S COLUMN: PRESIDENT JOHNSON SAYS "NO"

(David Weissman, contributing editor)

Political pundits, either in serious thought or in sarcasm, based on their personal opinions of President Johnson's legerdemain in a political pinch, predicted that he'll pull some rabbit out of his hat when the time comes to smash any opposition to his candidacy for renomination.

Well, the night before April Fool's Day, Lyndon Baines Johnson not only pulled a rabbit out of the hat, but pulled his hat out of the ring.

He also pulled the rug out from under the political pundits of the nation, utterly confused the radio and TV commentators and gave the editorials of the Monday morning papers a few hours to gather their wits for an answer to the question, "What now?" Or to ask and answer "What's Lyndon got up his sleeve this time?"

In our opinion, and it is an humble one, we have witnessed a self-inflicted political immolation, as solemn, as self-sacrificing as that of the non-political Buddhist monks in their quest for peace in Vietnam.

President Johnson sees the danger of a divided America, and senses a potential violent conflict which would only be exacerbated by the President's entrance into a domestic political campaign. Hence his unequivocable statement:

"I have concluded that I should not permit the Presidency to become involved in the partisan divisions that are developing in this political year . . . I shall not seek and I will not accept the nomination of my party for a second term as your President."

The implications of this renunciation are deep, the impact on the people stunning. We never heard TV commentators hemming and hawing, stumbling as though they had just received a severe mental shock, immediately after President Johnson closed his speech. No one could put his finger on the "What next?" spot.

Would Bobby Kennedy, relieved of the

Johnson target, now turn fully on McCarthy and vice versa? Would Hubert Humphrey intrude in the Democratic melee? Would Johnson get behind his Vice President in a race against Kennedy and McCarthy, or even now as a potential private citizen employ his evident political astuteness in Humphrey's candidacy?

And let us not forget the subject of President Johnson's Sunday night speech which was overshadowed by his renunciation of the nomination. Let us not forget the Vietnam problem, the new line to be followed by the United States—the promise of de-escalation of bombing in North Vietnam.

Will Ho Chi Minh treat this sincere gesture towards negotiation for peace the same as our other numerous gestures, and actual de-escalations? Will he wait until after the 1968 election to see with whom he might have to deal? Or will he willingly agree to a lessening of the slaughter of his own young men, and agree to talk?

And out of the Monday morning babble of comment and opinion, we choose as the most contemptible the barnyard statement of our great local "statesman," Mayor Sam Yorty, who is reported to have said that President Johnson "chickened out"!

FORETHOUGHT ON BALANCE OF PAYMENTS

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. CAREY. Mr. Speaker, an outstanding leader in United States and multinational industry, Mr. John J. Powers, Jr., recently made a cogent observation on our partial cure for our imbalance of payments through curtailing foreign investment.

Mr. Powers' family have been constituents of mine over many years and I have learned to respect his judgment, especially with regard to the complicated field of international business affairs.

His statement, made at the annual meeting of the Chas. Pfizer Co., appeared in the "Notable and Quotable" column in the Wall Street Journal on Tuesday, May 7, 1968, and I insert it in the RECORD, as worthy of the notice of my colleagues:

STATEMENT OF JOHN J. POWERS, JR., PRESIDENT AND CHIEF EXECUTIVE OFFICER, CHAS. PFIZER & CO., INC., AT THE COMPANY'S ANNUAL MEETING IN NEW YORK

About Government efforts to improve our international balance of payments by curbing direct investment abroad, particularly in Western Europe. . . . I think it important to be clear that under the mandatory control program of January 1968, we are not dealing simply with a requirement that outflows of money from the U.S. be curtained or even prohibited, as in the case of Western Europe, but also that a high percentage of foreign business earnings be brought back to the U.S., with Western Europe once again representing the extreme position.

Many companies will be obliged to borrow solely because of the requirement to remit a proportion of earnings, in many cases over 90%, from European countries. And some will probably have to borrow again to repay the loan. The justification for this highly artificial situation, we are told, is that there will be a short-term benefit to the U.S. balance of payments by curtailing investment overseas and the ultimate harm to our payments position, which surely follow in the long run, simply must be borne. This is like a farmer saving money by not planting seed in the spring. But what will he do at harvest time? The program, it seems to me, destroys the very end it seeks to accomplish. . . .

American industry abroad is one of the great assets of our country. Let's not begin ourselves to tear it down.

VISTA

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. O'NEILL of Massachusetts. Mr. Speaker, in the coming weeks, we in the Congress and all citizens of the United States, will be forcibly reminded of the poverty that exists among many of our fellow citizens. We have enacted numerous programs that were intended to relieve the excrutiating conditions of these citizens. Many of these programs, while they have helped in some areas, have not been as effective as was originally hoped and promised. We must all continue to endorse these programs by continuing and raising appropriations.

One program has proven to be particularly effective. VISTA, the domestic Peace Corps, binds Americans of all classes and races together through mutual interest in community programs and family and individual problems.

The experiences of Mr. John Shively, a Volunteer in Service to America, in Fairbanks, Alaska, as described in an article by Mr. William Holland in the Boston Sunday Herald Traveler of March 31, demonstrates the effectiveness of this program. Mr. Speaker, I would now like to submit this article for the benefit of all the Members of the House:

(By William Holland)

The temperature was a moderate 34 below zero in Fairbanks, and John Shively didn't seem to mind that the weather on his route would be twice as cold as that. "I'm almost used to it by now," he said with a chuckle.

Shively, who hails from Beverly, has been in Alaska since the first groups of VISTAs (Volunteers in Service to America) arrived in July, 1965. A year later, he re-enrolled, as 23 per cent of the VISTAs do. At the end of his second year, he was asked by the national office to extend his service by acting as a Volunteer Leader (an experienced VISTA who because of his knowledge of his area can serve as an adviser to other VISTAs and as a liaison between Volunteers, their sponsors, and prospective sponsors).

"I travel around quite a bit these days, going from village to village. I might confer with one VISTA about the problems he is having in getting funds for a Headstart program; later the same day I'll talk with a village council about the possibility of getting VISTAs for their community," he said.

Eskimo villagers did not always actively seek out VISTA to request Volunteers. "Two years ago, there just weren't any outsiders who would come to live and work in a hinterland village without running water, electricity and plumbing," Shively said. "Maybe the schoolteachers and missionaries and an occasional technician were present, but they always lived in separate, you know, nice housing. That's not a putdown, either; but there definitely was a cultural wall. They did their job and then went back to their building."

Shively feels that the very fact the VISTA is a neighbor and not a "professional" has helped the Volunteers make inroads into the community. "Look, if I was a professional engineer, let's say, I'd come into the village, erect my telephone poles or assemble my generator, or whatever, and that would be that. I wouldn't know how to deal with such everyday exigencies as telling a mother where she can send her child for eye care, or how she could arrange it. I wouldn't be able to advise a village leader where he might apply for the funds to construct a community center. A VISTA can do these things, and that's why he can be important to a community, he knows something about a lot of things."

What exactly did he do during his service? Shively is used to the question, and he backs up first to describe poverty in Alaska.

"Native Alaskans are the poorest Americans. In the Western part of the state: 90 per cent of the native families have incomes under the poverty level. The TB rate is highest in the nation. The death rate is around 35 years of age. Infant mortality is five times the national average. Housing is the worst in the nation. There is little sanitary water, few sewer systems. Twenty-one per cent of Alaskan Indians have no schooling. Only one in ten ever graduates from high school." He paused, "Now against that, I really can't say I've done too much."

The extreme gravity of the poverty situation in Alaska often threatens to overwhelm those working against it. But Shively, like many others, has made a commitment to do as much as he can do.

"I hadn't really thought too much about joining VISTA when I was at school at The University of North Carolina at Chapel Hill," he said. "But a VISTA staff member came to campus and talked about a VISTA program in Alaska, and I signed up because it seemed worthwhile." He was invited to a six-week training program at the University of Alaska, two of which were spent in field training in a small village called Beaver.

In July he was assigned along with two other Volunteers to work in Bethel, a community of 1700 people, of whom 85 percent were Eskimos. The average income of a Bethel native is $500, and the average education level is below fifth grade. During the winter months, the unemployment rate among the Eskimos rises to more than 80 per cent.

"The ones who suffer the most are the young people," Shively said. "There was a complete lack of facilities for the teenagers. In time, we were able to help some of them organize a Teen Club, and worked with them to get the City Council to take over the costs of heating and lighting the old Quonset gym. Eventually, the building was open week nights for general recreation. The teens also helped start an Eskimo dance program. Besides that, I was also driving dump trucks to help construct a wall along the river front to combat the terrific erosion. I also worked with the local magistrate counseling young people in trouble with the law—helping them get jobs or vocational training."

In January of 1966, Shively was transferred to the small Indian village of Yakutat, located at the top of the Alaska panhandle. A VISTA had been requested by the mayor to help reorganize the almost nonfunctional village government. "I guess I was sent to help him on the strength of my BA in political science!" he quipped.

The problems the mayor—who at 22 was the local leader because he had attended two years of college—faced in Yakutat would stagger any scholar. The power plant was in need of extensive repairs: almost all city equipment was inoperable; there was no garbage collection system; the water system was leaking badly; and the city school was much inferior to the state school located right outside the city limits. "I walked into a town where there had never been a budget in its 20-year history and no organized bookkeeping. As well as the social ills, we had to work on the city's financial and administrative problems," he said.

"Within the next year, I worked with the mayor in setting up a new bookkeeping sys-

tem, initiating water rights, bringing tax files up to date and preparing the first budget. Also, in order to combat the lack of community initiative because of the lack of employment and the heavy welfare aid, we asked the Bureau of Indian Affairs to let the city administer the Yakutat funds instead, in a work-welfare program. The mayor pushed so hard we eventually received a $25,000 grant, which gave the city the funds to renovate the community center, the health clinic and clean up the trash around town—and give people work."

The city school in Yakutat was composed almost entirely of Eskimos at that time. Outside the city limits, the state school, also for children in grades 1 through 8, was attended almost entirely by whites. "After a lot of discussion locally and a fairly bitter fight with the State Department of Education, the town finally arranged to have the two schools consolidated for the 1968–69 school year," Shively said.

Probably the most important individual project Shively helped with was an application by the city to the Economic Development Administration for a grant and loan to cover the construction costs of a heavy-duty dock and a cold storage fish freezing plant.

"The local fishermen will be able to work at least ten months in the year," he pointed out "and the local timber resources will now be used because the dock will provide a means to get lumber out of Yakutat." The project has been funded for $1,300,000; construction should begin this spring.

In his current role as a VISTA Leader, Shively finds there is different response to VISTA than when he first arrived two and a half years ago. "It was hard to have the people believe an outsider would come to live and work alongside of them. Now, I find that much of my work is talking to small, isolated Eskimo communities who have heard of VISTA by word of mouth. They want to have Volunteers because they've heard that they can help get things done," he said.

"It's not just the fact that we can work," he added. "Some of the kids we worked with in a high school for English instruction have themselves been trained by the State Community Action Program and have returned to their villages to teach, for example. Most of the Headstart children are now one or two years ahead of those without it. Some villagers now realize they can solve their own problems. But of course," he added, "it's only the beginning. There's so much to be done."

EXPLORATION OF OUTER SPACE

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. MILLER of California. Mr. Speaker, I see that the Republican coordinating committee has issued a paper which urges cooperation between the United States and the Soviet Union in the exploration of outer space. I have little quarrel with the substance of this recommendation, but I am surprised that it is advanced as something new.

The United States has sought under three Presidents to interest the Soviet Union in cooperating in space. Although our efforts began in the 1950's, it was not until 1962, when the flight of John Glenn demonstrated our capabilities in manned space flight, that the Soviets agreed to technical discussions. At the direction of President Kennedy, Dr. Hugh L. Dryden met with Soviet Academician Anatoly A. Blagonravov and worked out the bilateral space agreement of June 1962, which provided for the exchange of meteorological satellite data, cooperation in magnetic field mapping, and joint communications experiments by means of the U.S. passive satellite Echo II. The Dryden-Blagonravov talks also led to a second agreement of November 1965 for the preparation and publication of a joint United States-U.S.S.R. review of space biology and medicine.

Although they represent the maximum which the Soviets would accept, these agreements call only for coordination of independent efforts. They are far removed in scope and depth from our successful collaboration with our nations. Even in these limited projects, Soviet performance has been disappointing in substance and timeliness. Both President Kennedy and President Johnson repeatedly sought to persuade the Soviets to enter new projects. The Soviets have not accepted our proposals. Again and again NASA Administrator James E. Webb has urged the responsible officials in the Soviet space program to make proposals of their own. The Soviets have not done so. They have never been willing to talk about their plans and to look with us at which we might accomplish together in the future.

The record speaks for itself. I can only conclude that U.S.-U.S.S.R. cooperation in space is limited primarily by political considerations on the Soviet side. We are still trying, but we cannot expect significant cooperation until there are some very substantial changes in Soviet attitudes.

PROBLEM OF THERMAL NUCLEAR POWERPLANTS AND THEIR POLLUTIVE EFFECT ON OUR GREAT INLAND WATERWAYS

HON. WAYNE MORSE

OF OREGON

IN THE SENATE OF THE UNITED STATES

Tuesday, May 7, 1968

Mr. MORSE. Mr. President, it is encouraging to see the growth of a national debate on the problem of thermal nuclear powerplants and their pollutive effect on our great inland waterways.

A significant contribution to this discussion has been made by the Sport Fishing Institute, a nonprofit conservation group headquartered in Washington, D.C.

I ask unanimous consent that the institute's bulletin entitled "Thermal Pollution of Water" be printed in the RECORD under Extensions of Remarks.

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

THERMAL POLLUTION OF WATER

(NOTE.—A preliminary discussion of this subject was presented at the Fourteenth Annual Conservation Conference sponsored by the National Wildlife Federation in Washington, D.C., on December 5, 1967. (Accompanying diagrams of uncontrolled flow-through cooling, open-circuit-cooling with evaporative "cooling towers," and closed-circuit-cooling by forced air-radiation; and photographs of evaporative and radiation cooling units were supplied at request by John E. McLean, Sanitary Engineer, and Leon Weinberger, Ass't. Commissioner—Research & Development; respectively; Federal Water Pollution Control Administration, Washington, D.C.).)

The question when a state of pollution may exist can be greatly simplified if it is tied in with a concept of desired use. In this context, *water pollution is the specific impairment of water quality by agricultural, domestic, or industrial wastes (including thermal and atomic wastes), to a degree that has an adverse effect upon any beneficial use of water yet that does not necessarily create an actual hazard to the public health.* Under this definition, if there is no impairment of desired use by the presence or addition of any factor, there is no pollution. This is an important concept to adopt because: (1) it is easily understood, (2) it is reasonable, and (3) it is potentially enforceable.

The word "pollution" is derived from the Latin word "polluere" which means "to make dirty." In traditional considerations, it has been generally regarded that pollutants comprised only those factors that caused visible unsightliness in our nation's waterways. Of course, during the years following those days when the visibly-harmful ingredients were first recognized in our streams, lakes, estuaries and coastal waters, we must now count a myriad other unnoticed but potent pollutants. One of the more recently recognized and less traditional forms of environmental pollutants occurs as excessive heat, in this context, in the form of heated water—*thermal pollution.*

At the outset, in this connection, it requires emphasis that the term "thermal pollution" should be employed with discrimination. It should be applied only to those situations where excessive thermal loading is inimical to the interests and needs of mankind, including any adverse effects on the waterways—and the associated aquatic life which makes directly possible a diversity of vital recreation. Just as a *little bit* of controlled organic loading (or deliberate fertilization) has been shown to increase the capacity of waterways to produce fish life, so *a little bit* of thermal loading has been shown to enhance associated recreational fishing in certain localized situations. It should be noted, however, that the key to possible benefit lies in *limited or controlled* augmentation of non-toxic environmental factors!

Thermal Pollution Problem Accelerating. The greatest source of thermal pollution is the steam-electric-station (S.E.S.) industry. It is predicted that thermoelectric production in the United States will amount to 2,000 billion kw per hour by 1980. Such production will require 200 billion gallons of water per day, of which 6 per cent would be used in boiler make-up water and 94 per cent for cooling. Most steam plants in the U.S., both fossil- and nuclear-fueled, use a direct take-off of the cooling water from its source in open-circuit-cooling systems, discharging the heated coolant directly back into the water source somewhere below the point of intake. Unfortunately, water must be employed as the coolant; because of its high specific heat, no substitute has been found that equals water for this purpose. This amount of water compares to an annual nationwide runoff totalling 1,200 billion gallons per day. In other words, a quantity of coolant equivalent to one-sixth of the total amount of available fresh water will be necessary for cooling the steam-electric power-producing plants. More ominously, during the two-thirds of the year when flood flows are generally lacking, about half the total freshwater runoff will be required for S.E.S. cooling water purposes at inland locations. On certain heavily populated and industrialized northeastern U.S. watersheds, moreover, 100 per cent of available flows may be passed through the various power-generating stations within the watersheds during low-flow periods!

Recent trends indicate that electrical demand is doubling every 6 to 10 years, depending on geographic location. Thus, using

1960 as the base of comparison, electrical output may be expected to increase correspondingly from a minimum of 30-fold up to as much as 256-fold through the year 2010. As matters stand, without pre-cooling, many S.E.S. discharge temperatures range up to at least 115°F. with resulting river temperatures often above 95°F. as far as five miles downstream from the S.E.S. installations. Individual power plants now require up to one-half million gallons of water (nearly 1½ acre-feet) *per minute* for cooling purposes, predictably far more in later years.

The trend seems to be strong toward use of nuclear fuels rather than conventional fossil fuels in future power-plant construction. Fifty per cent of all new power plants built during 1966 were designed to employ nuclear fuels. Such plants tend to be of much larger capacity in order to compete effectively with the more conventional S.E.S., generally being in the range of at least 1,000 to 3,000 megawatts for the former as compared with 100 to 700 megawatts for the latter. The larger capacity of the nuclear-fueled S.E.S., combined with its lower energy-conversion efficiency, will result in greatly enlarged heat rejection. This, in turn, requires larger water volumes for coolant supply. It should also be noted that power stations are invading the estuaries at an accelerated rate. This is evidenced by the fact that 22 per cent were located there in 1950, whereas some 32 per cent are anticipated to be adjacent to estuaries by 1980.

Heat Factor Controls Aquatic Life. Grossly adverse (short-term) biological effects, principally with respect to the fish and other aquatic life of major concern in these considerations, are often visibly manifest. Many subtle (long-term) effects are much less apparent but may be even more deadly. Artifically-elevated temperatures in an aquatic environment must be regarded as calamitous where and when the utilization of major fractions of the waterway for S.E.S. cooling purposes in uncontrolled open-circuit systems (no pre-cooling of discharge) customarily causes the temperature of the receiving water to rise from 10° F. to 30° F. above normal temperatures.

In recognition of this fact, the National Technical Advisory Committee on Aquatic Life) a selected group of scientists well qualified in the field of aquatic biology), advisory to the Federal Water Pollution Control Administration (FWPCA), sets temperature criteria on inland waters for warmwater fishes, as follows:

"To maintain a well rounded population of warmwater fishes, the following restrictions on temperature increases are recommended: (a) During any month of the year, heat should not be added in excess of that amount that would raise the temperature of the minimum daily flow of record for that month more than 5° F. above the monthly average of the maximum daily water temperatures prevailing in the water or stream section under consideration and before the addition of any artificial heat to the water . . . (b) Because temperatures will be fluctuating naturally above the increased monthly average of maximum daily temperatures, provision should be made to insure that during unusually hot periods, temperatures do not exceed tolerable levels for any extended period. To protect aquatic life, the following upper limits are recommended:

"(1) In northern portions of the country, in cooler lakes and headwater streams, and in streams and lakes in higher elevations in the south and other portions of the country, *peak* water temperatures should fall in the range of 83–86°F., with the naturally cooler streams having the lower peak temperatures. Designated lower peak temperatures within this range *should not prevail for more than six hours in any 24 hour period.*

"(2) In the larger streams, lakes and reservoirs in the central portion of the country, in the large lowland streams in the northern portion, and in areas of moderate elevation in the southern portion, *peak* temperatures should not exceed 86–90°F,, depending on local stream characteristics and biota. Designated local peak temperatures in this range *should not prevail for more than six hours in any 24 hour period.*

"(3) In moderate to large lowland streams and lakes in the southern portion of the country, *peak* temperatures should not exceed 90–96°F., and *should not remain in this critical area for more than six hours in any 24 hour period.*"

The NTAC took particular note of the large number of trout and salmon waters which have already been destroyed or made marginal or non-productive, and stressed a need for rigid protection of remaining trout and salmon waters. With this in mind, it specified:

"Inland trout streams, headwaters of salmon streams, trout and salmon lakes, and the hypolimnion of lakes which contain salmonids should not be warmed by the addition of wastes. No heated wastes should be discharged in the vicinity of spawning areas, and winter temperatures (November through March) of salmonid waters should not be raised above 55° F. Large cold streams used as migratory routes by salmon and inhabited by adult trout should be maintained at temperatures which are favorable for salmonid production."

The NTAC also stressed the great sensitivity of coastal marine (brackish- and saltwater) aquatic organisms which are ordinarily protected in nature from sharp variations in water temperature by the moderating influence both of large water masses involved and the diffuse nature of natural atmospheric temperature changes that affect the marine environments. It made the following recommendations, in view of known requirements for the well-being and production of marine organisms, concerning water temperatures that should prevail (outside of established mixing zones) in bays, estuaries, and other coastal marine waters:

". . . the discharge of any heated waste into any coastal or estuarine waters should not raise the monthly means of the maximum daily temperatures recorded at the site in question and before the addition of any heat of artificial origin by more than 4° F. during the winter months of December, January and February or the spring and fall months of March, April, May, September, October, November, or by more than 1.5° F. during the summer months of June, July, and August, except north of Long Island and in the waters of the Pacific Northwest (north of California) when the summer months shall be July, August and September, the winter months December, January, February, March and April, and the spring and fall months shall be respectively May and June, and October and November. . . . for marine waters the rate of temperature change should not be more than 1° F. per hour and the total overall change in any 24 hour period should not exceed about 7–9° F. at the maximum except when natural phenomena, such as upwellings, or the presence of warm water masses which move into coastal areas cause these limits to be exceeded."

Water temperature clearly exerts a profound influence on quatic life. It would seem readily apparent that uncontrolled high water temperature would act not only in a directly lethal capacity and, perhaps as an actual barrier to necessary movements by river-migrant fishes. It is also evident that continuously high water temperature would prevent production of desirable game fishes and other species and result in their eventual elimination. It must not be overlooked, if we would wish to perpetuate many useful species of aquatic life, that there are specific low-temperature requirements that must be accommodated periodically as part of a natural cyclic phenomenon in order to provide for normal reproduction and continued maintenance of these species—such as bass, walleyes, trout, salmon, stripers, etc.

Semantics cannot protect ecosystems. It would appear, for example, that the Columbia River has been warming steadily, partly attributed by some folk to retention of water by increasing numbers of dams. It is also unquestionably due in some relatively small but significant measure (determinable only very crudely by us because of "security" restrictions), at least, to thermal pollution from the Hanford nuclear reactors. This river-warming, whatever the mix of its source(s), has aided a formerly-rare but deadly bacterial fish disease (columnaris) to flourish in recent years. Extensive mortalities have resulted among the economically-valuable salmon ascending that river toward ancestral spawning grounds. If all further river development (including construction of nuclear power plants) now contemplated in the Columbia River basin should materialize, along with predicted associated rise in water temperature to 85°F., the river would be at least 5°F. above the maximum temperature that can be tolerated even for a few hours by salmon and steelhead. The disastrous consequence would be the complete extirpation of that great river's uniquely-valuable perpetually-renewable anadromous fishery resource! Current information is to the effect that the states of Oregon and Washington may soon agree that the temperature of the Columbia River should not be allowed to rise above a maximum of 68° F. in order to maintain the valuable runs of salmon and steelhead trout that still occur there.

Some folk argue that temperature alterations of the magniude indicated to result from injection into the aquatic environments of huge volumes of heated cooling water does not represent destruction—merely, "change." They suggest that our response should be, simply, to redirect temperature loads into new controlled ecosystems to produce desirable products. Then, rather than allow huge thermal energy loads to go undirected into delicately balanced and complex environments, the task would be to design new ecosystems that would employ surplus calories in biologically useful ways. In the case of uncontrolled thermal loading of the Columbia River, for example, this might mean the replacement of the world's finest quality salmonid stocks with the lesser quality Danube salmon of Central Europe—a fish that tolerates water in the thermal ranges and reduced oxygen content that would prevail!

High water temperatures, of course, make extensive changes in river and lake ecology and, among other things, produce heavier growths of aquatic algae and other vegetation that are often undesirable. There are, however, some definite advantages to the presence of *limited* quantities of warm water in selected localized situations. Good fishing for warmwater game fishes may be beneficially extended into the cooler winter months where the water is locally somewhat warmed by relatively small volumes of thermal discharges into a limited portion of the affected waterway. With a modest rise in water temperature within tolerable limits, too, growth rates of fishes might possibly be improved; feeding and digestion are stimulated by higher water temperatures. Offsetting to some extent, however, is an adverse reduction of the water's capacity to hold oxygen in solution. This is a matter of major concern where organic loading may be naturally or artificially high, and/or potential toxicants may be present near maximum allowances, with disastrous kills likely to follow any slight reduction in oxygen content. Salmonid fishes in particular, it should be noted, have especially rigid temperature requirements in this respect.

The modification of the local marine environment by injection of above-normal-temperature water, and its ecologic impact, is a subject of growing concern not only among biologists. In future years, nuclear-fuel power plants now in the planning stage may discharge volumes of thermal water effluent that greatly exceed any that can

be observed today (currently, at least up to 1½ acre-feet per minute). Large volumes of water of above-normal temperature discharged through offshore outfalls could result in profound environmental changes over extensive areas. The surf-zone discharge method in the case of a large-scale coastal S.E.S. plant may be expected to cause significant alterations in the shore environment for invertebrates and for species of fish that are commonly found within the surf zone. It is conceivable that a large-volume discharge could impede the migration of such fishes as drums and surf-perches. Occasionally on the other hand, just as with some freshwater fishes, localized warmwater discharges are known to attract some marine game species such as bonito and barracuda. However, the cumulative long-term effects of such discharges on the marine biota are not known and research on this subject will be required to determine their effects on these resources.

Closed-Circuit-Cooling Best Solution. How can we handle this huge new factor affecting water quality? One possible method, already mentioned, would be to concede some God-given right to a privileged few to usurp the public water resource to their own private benefit—and to set about reconstructing most of our aquatic ecosystems in the image of the subtropics or the tropics. Such a course might substitute tilapia for bluegills, tucanare (erroneously, "peacock bass") for smallmouth or largemouth bass, Danube salmon for chinooks, tigerfish for striped bass, etc., together with a variety of tropical aquatic insects and other invertebrates as supporting food chains, etc. While this might well be tried out in a few carefully selected areas, for possible use in limited special cases, it does not seem to offer a universally-acceptable or generally-rational solution. A second possible method would be to require either substantial precooling of all thermal discharges to (more probably, to within a few degrees of) source temperature or the complete elimination of thermal discharge by the S.E.S. industry! This last—*closed-circuit-cooling*—would seem to be far more desirable all around as well as being, surprisingly, *more economical of operation* (when all costs are taken into account). . . .

Thus, there are two principal means for protection of receiving waters against substantial increases in temperature due to discharge of cooling water. One method calls for incorporation of evaporative "Cooling Towers" into open-circuit-cooling systems. Use of this method of precooling the discharge results in partial consumptive loss of the coolant, with about 20 per cent of the water volume being lost through evaporation. This is a significant cost factor that must be considered in objective analyses, though it is generally overlooked or ignored. Operation of evaporative "Cooling Towers" may result in additional undesirable side effects. These include fogging or icing of highways within a radius of several miles during winter in the northern latitudes, and possible freezing of the towers, themselves. An alternative approach, more attractive from many viewpoints, is the utilization of *closed-circuit-cooling systems*. This method utilizes air-cooled radiators through which large volumes of air are passed by means of electric-powered fan systems, much as automobile engine coolant is circulated and recooled for continuous reuse. This method of forced-air radiation cooling conserves water and eliminates undesirable local side effects, but consumes significant quantities of electrical energy in its operation. For a nuclear-fuel S.E.S. this would represent consumption of a few thousand kilowatts, out of design production of several thousand megawatts, a comparatively small cost on balance.

Concerted efforts by conservation interests may well bring about a new ruling whereby the Federal Power Commission, under the Federal Power Act, would require that applicants for licenses to construct *hydropower projects* of any size must submit "exhibits" demonstrating possible effects on the fish and wildlife resources. However, this propitious development would evidently *not* be directly applicable, in present circumstances, to S.E.S. construction proposals of the nuclear-fuel type in particular. Moreover, and most unfortunately, it turns out that the Atomic Energy Commission presently denies jurisdiction in the matter of thermal water discharge emanating from nuclear S.E.S. The AEC contends that its authority extends only with regard to radiological effects. Neither, evidently, can or will the FWPCA presently intervene in this matter affecting nuclear power plants. Currently illustrative of this monumental interagency buck-passing snafu is a major problem of such nature developing at Vernon, Vermont, on the Connecticut River.

At this location, the Vermont Yankee Nuclear Power Corporation has already constructed foundation works for a (relatively small) 540-megawatt nuclear S.E.S. Out of a total river flow, averaging about 1,200 cubic feet per second at this vicinity, this particular plant would utilize 780 c.f.s. (⅔ of total flow) and discharge a thermal cooling-water effluent that will be over 20°F higher than the temperature of the intake water. In direct conflict with this projection stands a state-federal pact (Connecticut, Massachusetts, New Hampshire, and Vermont; and U.S. Bureaus of Sport Fisheries and Wildlife, and Commercial Fisheries) to reestablish once-substantial Atlantic salmon and American shad fisheries within the Connecticut River, as well as maintain abundant resident trout populations. Water temperatures in the river already approach marginally-high levels for salmonids during the warm summer months. The uncontrolled addition of thermal water discharge, in this situation, would completely destroy the river's ability to maintain and sustain healthy populations of these economically-valuable species.

Use of evaporative "Cooling Towers" in an open-circuit-cooling system might serve to reduce the discharge water temperature by half (10°F.) to as much as three-fourths (15°F.) of the predicted differential above intake temperature. Even so, it would remain inadequate in this situation as well as causing significant consumptive water losses (20%) during the evaporative cooling procedure. Use of giant fan-forced, air-cooled radiators in a *closed-circuit-cooling* system, however, could serve to entirely eliminate the problem of high-temperature water discharge. In spite of the obvious ecological benefits to be gained by use of a *closed-circuit-cooling* system, Vermont Yankee thus far rejects consideration of such a system because of alleged high operational cost (capital costs of initial construction of either system are comparable).

The company's objection to use of forced-air radiation cooling derives from the fact that a small but significant loss of marketable power (on the order of magnitude of 3% of total production) would result from operation of the huge fans that would be required to cool the water by forced air flow, for continuous reuse, amounting to 16,000 kilowatts. The latter operation might cost the company as much as $500,000 annually in actual loss of otherwise possible power revenues. By comparison, at minimum industrial water costs in the northeast (10 cents per thousand gallons or $32.50 per acre-foot), the dollar-loss in water values from accelerated evaporation during the alternative operation of evaporative "Cooling Towers" would be from three to four times as great, as we calculate it!

Estuarine As Well As Inland Problem. The problem, as mentioned, is not confined to inland situations; it is equally evident along our seacoasts. This is exemplified by the currently-active proposal by the Florida Power and Light Company to double the present size (445 megawatts) of its conventional (fossil-fuel) S.E.S. at Turkey Point on Biscayne Bay, near Miami, and add two 720-megawatt nuclear-fuel S.E.S. units. When completed, it will require greatly increased volumes of cooling water—up to a total of about 1.8 million gallons per minute (some 3,500 acre-feet every 12 hours). In this case, the Florida Air and Water Pollution Control Commission has granted the company an exception to any meaningful restrictions on use of Bay water for S.E.S. cooling purposes. Inquiry of the FWPCA as to possible control procedures revealed that any thermal controls would be in accordance with state water quality standards—already substantially voided in the case of the Turkey Point expansion, by the Commission's action. This could prove tragic because Biscayne Bay is an exceedingly productive and important estuary for economically-valuable marine life forms. Obviously, this new development there, to circulate and heat up 3,500 acre-feet, more or less, of water daily (approximately 1 to 2 per cent of the total volume of water present in Biscayne Bay at any moment), poses a serious threat to the marine life, recreational use, and commercial fisheries of this picturesque area.

For example, a Sport-Fishing-Institute-sponsored graduate study at the University of Miami revealed that about 500,000 angler-days of fishing (15 to 16 per acre) occurred on Biscayne Bay during 1961—no doubt, substantially more now. At that level Bay angling, alone, generated at least $3 million in local business activity yearly, and had a capital value of not less than $75 million (probably much more now). This did not take into account the substantial added economic value of the very extensive bird watching, commercial fishing, etc. Rather obviously, therefore, the total economy of the area would suffer a severe setback if fish breeding, nursery, and feeding areas should become gradually destroyed by thermal pollution (or other alterations of the environment).

Perhaps understandably, if regrettably, AEC has rejected an application for a grant by the Institute of Marine Science of the University of Miami to evaluate the effects on Biscayne Bay biota of temperature changes induced by thermal effluents from the Turkey Point plant. Available evidence, however, suggests that these may prove to be substantially adverse in the absence of adequate control of thermal loading of the waters of Biscayne Bay. Fortunately, the exception granted to the Florida Power and Light Company by the Florida Air and Water Pollution Control Commission is temporary. It was issued subject to later review on the basis of "background" data, presumably now being or soon to be collected by scientists at the University of Miami in fulfillment of the stated conditions of the exception that was granted by the state commission.

Recommended Action Program.[1] In recogni-

[1] The following articles and bibliographies provide a useful series of general source references for the further information of those who may wish to become more fully informed on the vital subject of thermal pollution:

Mihursky, J. A. & V. S. Kennedy. 1967. Water Temperature Criteria to Protect Aquatic Life. In, *A Symposium on Water Quality Criteria to Protect Aquatic Life*. Special Publication No. 4; pages 20–32. American Fisheries Society, Washington, D.C.

Mihursky, J. A. & V. S. Kennedy, 1967. *Bibliography on Effects of Temperature in the Aquatic Environment*. [1,220 entries.] Univ. of Md., Nat. Res. Inst.; Contribution No. 326.

Raney, E. C. & B. W. Menzel. 1967. *A Bibliography: Heated Effluents and Effects on Aquatic Life with Emphasis on Fishes*. [1,217 entries.] Second Edition (Mimeo.). Dr. Edward C. Raney, Fernow Hall, Cornell University, Ithaca, N.Y. (Send 25 cents to Dr. Raney to cover cost of mailing each copy.)

Tarzwell, C. L. (Chmn.), et al. 1967. *Water*

tion of the complex nature of this entire thermal pollution problem area, the Board of Directors of the Sport Fishing Institute has provided a useful summary of the problem, together with a suggested course of action for coming to grips with the matter, in a recent Resolution, as follows:

"THERMAL POLLUTION INVESTIGATIONS AND CONTROL

"Whereas, a currently serious water pollution problem derives from increasing discharges of great quantities of heated cooling water being employed at power-generating steam plants, fueled either by fossil or by nuclear fuels, representing a rapidly expanding situation that is expected to become many-fold more urgent in the immediate future; and,

"Whereas, water temperature is a principal ecological factor governing the presence or absence, distribution, and abundance of aquatic life communities, as well as the capacity of water, itself, to absorb and hold life-giving oxygen in solution for use by aquatic animals and plants, and significantly controls the rate at which chemical and biological reactions occur which involve and affect aquatic life forms; and,

"Whereas, one of the Federal Executive Agencies, the Atomic Energy Commission, has comprehensive statutory authority and responsibility to control the radiological hazards attributable to the activities of its licensees but lacks corresponding authority to regulate non-radiological thermal wastes discharged from nuclear-fuel power-generating steam plants, and does not, indeed, recognize the need to do so; and non-radiological thermal wastes emanating from nuclear-fuel power-generating steam plants are presently outside the regulatory authority of the Federal Water Pollution Control Administration, which is the principal Executive Agency otherwise charged to control water pollution affecting interstate and tributary waters: Now, therefore, be it

"Resolved, That the Directors of the Sport Fishing Institute, assembled in regular Semi-Annual Meeting this 17th day of November, 1967, at New Orleans, Louisiana, do: (1) urge that the President and the Congress of the United States should explore thoroughly all possible ways and means of strengthening federal authority for more adequate regulation of thermal water pollution; and (2) urge that the Secretary of the Interior, through his Federal Water Pollution Control Administration, should undertake a survey of sources, magnitude, and effects on water quality of thermal pollution, and should act to refine and develop adequate means for the amelioration and control of thermal pollution, such that effective application and enforcement of definitive water temperature criteria, enunciated by qualified scientists as necessary to protect and maintain aquatic life in abundance, can be achieved; and, be it further

"Resolved, That the executive staff of the Sport Fishing Institute is herewith instructed to work with the appropriate conservation organizations, agencies, and legislative bodies for the purpose of formulating and effectuating suitable amendments to the Fish and Wildlife Coordination Act (16 U.S.C. 661–666c), that would require the appropriate conduct and consideration of suitable studies by the Secretary of the Interior (i.e., his designated agent), to determine probable effects that might result from any thermal discharge with respect to water quality and the dependent aquatic biota, prior to issuance of licenses or permits for construction of any fossil-fuel or nuclear-fuel power-generating steam plants, or other industrial plant employing any open-circuit design for utilization of water in cooling procedures.

Quality Criteria for Fish, Other Aquatic Life, and Wildlife. In, Interim Report, National Technical Advisory Committee to the Federal Water Pollution Control Administration on Water Quality Criteria. (June 30: Multilithed): 320 pages. U.S. Department of Interior, Washington, D.C.

Trembley, F. J. 1965. Effects of Cooling Water From Steam-Electric Power Plants on Stream Biota. In, *Proceeding of Third Seminar on Biological Problems in Water Pollution* (August, 1962): USPHS Publication No. 999-WP-25: pages 334–345. R. A. Taft San. Eng. Ctr., Cincinnati, Ohio.

FIRST LANDING OF HELLENES IN THE NEW WORLD

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1968

Mr. BRADEMAS. Mr. Speaker, a historic plaque commemorating the first landing of Hellenes in the New World was dedicated during the New Smyrna Bicentennial Celebration at New Smyrna Beach, Fla., on Saturday, May 4, 1968.

The Order of Ahepa, American Hellenic Educational Progressive Association, an international fraternal organization with more than 450 chapters of persons of Greek descent in the United States, Canada, the Bahamas, Australia, and Greece, presented and unveiled the plaque during special ceremonies there. Ahepa Supreme President Andrew Fasseas of Chicago, Ill., represented the fraternity at the official ceremonies. In recognition of the occasion, the New Smyrna Beach City Commission had authorized the Order of Ahepa to erect the plaque in order to commemorate its participation and that of all Hellenes in the bicentennial.

Mayor Robert C. Pattillo, of New Smyrna Beach, has written to Ahepa Supreme Governor James S. Scofield of St. Petersburg, Fla., chairman of the Ahepa Bicentennial Committee:

At a special meeting, the City Commission has authorized the placement of a plaque commemorating the participation of the Greeks in the colonization of New Smyrna, by the Order of Ahepa. A suitable base for this plaque will be provided by the city. The City of New Smyrna Beach is delighted to learn that your organization will participate in our Bicentennial observance. We feel that it will certainly make the occasion a more colorful and more meaningful one, since many of the original citizens of the New Smyrna Colony were Greek.

The Ahepa Plaque was dedicated in memory of the more than 400 Greeks who landed in New Smyrna, Fla., in 1768. The plaque is located in Old Fort Park where the original settlers congregated 200 years ago, and directly across the boulevard from city hall. The plaque is mounted on a base of coquina, mined from a nearby quarry which produces much of the world's finest coquina, a shell rock similar to limestone.

Mr. Speaker, Americans of Greek, Italian, and Minorcan descent will participate in the all-day celebration, in cooperation with the Volusia County Historical Association. The New Smyrna Colony was founded in 1768 by Dr. Andrew Turnbull. It was the largest single colonization ever attempted in America under British rule, outranking even Jamestown and Plymouth Rock. About 400 of the 1,403 colonists who landed in New Smyrna in 1768 were Greeks.

On May 1, I introduced a House concurrent resolution to commemorate the 200th anniversary of the first landing of the Greeks in the New World at New Smyrna, Fla. This bill, House Concurrent Resolution 774, was referred to the Committee on the Judiciary.

Mr. Speaker, I insert that resolution in the RECORD at this point:

By Mr. BRADEMAS (for himself, Mr. GALIFIANAKIS, Mr. HERLONG, Mr. KYROS, and Mr. TENZER):

H. CON. RES. 774

Concurrent resolution to commemorate the 200th anniversary of the first landing of Greeks in the New World

Resolved by the House of Representatives (the Senate concurring),

IN COMMEMORATION OF THE 200TH ANNIVERARY OF THE FIRST LANDING OF GREEKS IN THE NEW WORLD

Whereas, All Americans should honor their obligations to the past and to the future;

Whereas, Our freedoms are the result of the sacrifices, wisdom, perseverance and faith of our forefathers;

Whereas, The more fully we understand and appreciate our history and heritage, the more will we be able to prove ourselves worthy as descendants of those forefathers;

Whereas, Two hundred years ago, Dr. Andrew Turnbull of England founded the New Smyrna Colony at what is now the City of New Smyrna Beach, in the State of Florida;

Whereas, The New Smyrna Colony in the New World was the largest single colonization ever attempted in America under British rule, outranking even Jamestown and Plymouth Rock;

Whereas, About 400 of the 1,403 colonists of the New Smyrna Colony of 1768 were Greeks;

Whereas, All Americans of Greek descent and heritage recognize the New Symrna Colony of 1768 as the first landing of Greeks in the New World;

Whereas, The Order of Ahepa (American Hellenic Educational Progressive Association), the largest organization of Americans of Greek descent, is observing the bicentennial anniversary of the First Landing of Greeks in the New World at New Smyrna Beach, Fla., in 1768, in conjunction with the City of New Smyrna Beach, Fla., and the Volusia County (Florida) Historical Association, by erecting a commemorative plaque in the City of New Smyrna Beach Fla., on May 4, 1968;

"Whereas, The Commemorative Plaque of the Order of Ahepa reads as follows:

To the past, to the present, to the future. Dedicated On This 200th Anniversary In Honor of Those Intrepid Hellenes Who Came To the New World in 1768 As Settlers of the Historic New Smyrna Colony of Florida By Americans Proud of Their Hellenic Heritage Who Cherish Their Participation In the Great Ideals of Democracy and Freedom As embodied In Our American Way of Life So That Generations Yet Unborn May Fulfill the Hopes Engendered by These Priceless Legacies.

Presented by the Order of Ahepa American Hellenic Educational Progressive Association, May 4, 1968.

Therefore, be it resolved: That the United States Senate and the United States House of Representatives extend their greetings and felicitations to the members of the Order of Ahepa, on the occasion of the Two Hundredth Anniversary of the Landing at New Smyrna, Fla., and the United States Senate and House of Representatives further express their appreciation for the distinctive services rendered to the Nation by the Order of Ahepa, and by Americans of Greek descent during these many years.